Provo City Planning Commission

Report of Action

September 27, 2023

*ITEM 7 Development Services requests approval of an Ordinance Text Amendment to adopt an Agritourism Overlay (AT) Zone. Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20230221

The following action was taken by the Planning Commission on the above described item at its regular meeting of October 25, 2023:

CONTINUED

On a vote of 9:0, the Planning Commission continued the above noted application.

Motion By: Lisa Jensen
Second By: Robert Knudsen
Votes in Favor of Motion: Lisa Jensen, Robert Knudsen, Daniel Gonzales, Andrew South, Barbara DeSoto, Jeff Whitlock, Raleen Wahlin, Jonathon Hill, Melissa Kendall
Daniel Gonzales was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.
- New findings stated as basis of action taken by the Planning Commission.

TEXT AMENDMENT
The text of the proposed amendment is attached as Exhibit A.

STAFF PRESENTATION
The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Staff also responded to public comments that the Commission received by email, and justified proposed code regulations.

CITY DEPARTMENTAL ISSUES
- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE
- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT
- This item was City-wide or affected multiple neighborhoods.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC
Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:
- Barry Finch expressed concerns with the proposal, namely security and hours of operation.
- Judy Finch shared concerns with the proposal, specifically hours of operation, security, and distance requirements that could make businesses difficult to succeed.
- Scott Christofferson has concerns about what types of events would be permitted in the overlay zone.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Staff expressed support for the proposed language that would mitigate the concerns that would come with event centers in agricultural and residential areas, and codes that could be administered by staff in a reasonable manner.
- Staff agreed to research distance requirements for events adjacent to animals.
- Staff stated the importance of security on uses granted through a zone change, which is different from a conditional use permit that could be revoked.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Commission asked for clarification of standards in Section 14.08A.100 of the proposal, staff responded that security would need to be on site for the entire event when those conditions exist.
- Commissioner Wahlin expressed concern that the proposal is too restrictive.
- Commissioner Knudsen expressed his support for the language as written.
- Commissioner Jensen confirmed parking standards for the overlay would need to be paved, how the design standards would be verified (through the DRC), how the proposed hours of operation correspond to other rules in the city, and where the distance requirements came from.
- Commissioners discussed possible changes to security requirements, noise levels, and types of events that could be permitted.
- Commissioners discussed options for security, what live music is defined as, and whether alcohol is provided or brought to the premises.
- Commissioner Whitlock suggested more specificity to the design standards in regard to permitted materials, and suggested that gravel parking be permitted in the overlay zone.
- Commissioner Hill suggested removing the time requirement for security and further defining the distance requirement and live music standard.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation:

- That the regulations of the overlay need to be reviewed by staff, specifically in the following areas:
    - Metal Façade definition
    - Distance requirement research and regulations
    - Lessening of security requirements by limiting use allowances and defining noise limits
    - Investigating if gravel can be a parking surface for permitted uses
    - Defining permitted uses and noise levels with uses

Planning Commission Chair

Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to Development Services, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

CHAPTER 14.08A
AT – AGRITOURISM OVERLAY ZONE

14.08A.010 Purpose and Objectives.
14.08A.020 Permitted Uses.
14.08A.030 Development Standards.
14.08A.040 Lot Area.
14.08A.050 Permissible Site Coverage.
14.08A.060 Parking and Access.
14.08A.070 Project Plan Approval/Design Review.
14.08A.080 Design Standards.
14.08A.090 Hours of Operation.
14.08A.100 Event Hall Requirements.
14.08A.110 Other License Requirements.

14.08A.010 Purpose and Objectives.

The Agritourism Overlay Zone (the AT Overlay) is provided to allow limited commercial activities within an agricultural setting to attract visitors to a farm, ranch, or other agricultural business to help preserve existing agricultural land in the city.

14.08A.020 Permitted Uses.

Uses permitted in the AT Overlay are limited to those listed as permitted uses in the A1 Zone, and the following:

(a) Commercial Tours
(b) Educational Classes
(c) Museums
(d) Event Halls (subject to 14.08A.100)

14.08A.030 Development Standards.

The AT Overlay may only be combined with A1 Zones and development within it must adhere to the development standards of the underlying zone unless otherwise specified in this Chapter.

14.08A.040 Lot Area.

Each lot or parcel of land in the AT Overlay must contain a minimum of five (5) acres. The AT Overlay may not be applied to an existing agricultural parcel that does not meet this requirement.

14.08A.050 Permissible Site Coverage.

(1) The maximum area of any permitted use in Section 14.08A.020 is limited to thirty-three percent (33%) of the lot.

(2) Any agritourism building and associated open space or parking for the use will be counted towards permissible site coverage allowed by Section 14.08A.050(1).

14.08A.060 Parking and Access.

(1) Each use in the AT Overlay must have parking sufficient to meet the requirements of Provo City Code Chapter 14.37.

(2) All parking spaces must be designed in accordance with Provo City Code Sections 14.37.100 and 15.20.090.

14.08A.070 Project Plan Approval/Design Review.

All projects must comply with Provo City Code Sections 15.03.300 and 15.03.310 and Chapter 14.04A.

14.08A.080 Design Standards.

(1) Metal is not a permitted building material for agritourism buildings and may only be used as a roofing material.

(2) The design and architecture of buildings must be consistent with the agricultural setting and uses.

14.08A.090 Hours of Operation.

Permitted uses in the AT Overlay must cease operation:

(a) at 10 p.m. on Sunday thru Thursday until 8 a.m. the following day; and
(b) at 11 p.m. on Friday and Saturday until 8 a.m. the following day.

14.08A.100 Event Hall Requirements

(1) *On-Site Security.* Event Halls must provide one (1) privately contracted and licensed, on-site security officer per seventy-five (75) adult patrons when one or more of the following conditions exists:

(a) there is live music at the event;
(b) the event begins or continues past 9 p.m.; or
(c) alcohol is served at the event.

(2) *Distance Requirements.* No structure used for farm animals, feed, or waste may be constructed or maintained within fifty (50) feet of an Event Hall.

14.08A.110 Other License Requirements

An approved project or permit does not relieve the permittee of any other license requirement of the City or of any public agency.