

OVERVIEW

Development Services is proposing the city adopt the Agritourism Overlay Zone that could be applied to Agricultural Zones in Provo. The purposes of this new overlay zone are to open up additional ways for property owners to keep agricultural lands financially viable, help preserve existing farmlands, and create more human interest in these areas of the community.

The zone language was written by staff to incorporate all the main points brought up by the Planning Commission and City Council when the previous A1 amendments brought forward by the Finch family were discussed in July and August of this year. Staff have also incorporated additional regulations and standards to address any of the concerns raised about allowing event halls on agricultural properties.

During the September Planning Commission hearing commissioners identified a list of changes that could be made and additional research to be done by staff, specifically further analysis on the following (updates provided in the following paragraphs):

1. Metal Façade definition
2. Distance requirement research and regulations
3. Lessening of security requirements by limiting use allowances and defining noise limits
4. Investigating if gravel can be a parking surface for permitted uses, and
5. Defining permitted uses and noise levels with uses

1. Staff have further detailed the design standards to remove confusion from the limits on metal facades.

2. Further research on adjacent city and county regulations identified that the requirements of fifty feet (50') for animal housing is reasonable as Utah County regulates the same distance to a adjacent structure, Provo requires a minimum of one-hundred feet (100') from the closest dwelling, and several Departments of Agriculture around the nation require manure to be a minimum of one-hundred feet (100') away.

3. Staff made changes to the noise and hour limits on event halls, modified the language for noise and removed event times as a standard for providing security on site.

4. After discussing treatments for driveway and parking, several departments determined that allowing gravel access and parking would pose too many issues with tracking and determining parking stalls and access lanes, so staff has continued the reference to Chapter 14.37, which calls for hard surface.

5. Staff feel that the changes made to Section 14.08A.100 will resolve the concerns associated with noise. In addition to changing "live music" to "amplified" in that section, staff added an additional reference to Provo noise level ordinances at the end of the Chapter.

STAFF ANALYSIS

Staff believe that this proposal will help to meet the goals of the city and the objectives listed in the General Plan; and provide a good solution for agricultural landowners to continue using their land for agricultural related industries. To illustrate this, staff have reviewed the proposed

overlay zone against the standards for code amendments in Section 14.02.020, Provo City Code, as follows: **(staff responses in bold)**

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

(a) Public purpose for the amendment in question.

Staff response: The public purposes for the amendment are to help preserve agricultural lands, provide farmers with another means of income, and provide additional venues for the community to use for celebrations.

(b) Confirmation that the public purpose is best served by the amendment in question.

Staff response: Staff believes that the proposed amendment is the best way to address the above public purposes while protecting the city from unintended consequences. Adding a commercial use to be allowed in all agricultural zones would likely bring more issues to the neighborhood than it would benefit. However, creating an overlay zone that can be applied for helps the city to look at each request individually and make sure that there are no negative impacts.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

Staff response: There are many goals that are met with the addition of the proposed overlay zone. The first goal in Chapter Three (Land Use) states the need to “strike a balanced approach in locating land uses”. Staff thinks that allowing more variety in uses on agricultural land may help these areas thrive. The Economic Development chapter (Chapter 5) includes a desire to “employ innovative approaches to promote local business and create community”. The uses permitted in the overlay zone should help to create and strengthen community. Lastly, Chapter Eight (Open Space and Recreation) identifies the value of “conservation of open spaces, scenic areas, and viable agricultural land”. Again, this overlay can be used as a tool to preserve agricultural lands in Provo.

(d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.

Staff response: There are no timing and sequencing issues related to this request.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies.

Staff response: Staff believes that this proposal would not hinder or obstruct General Plan policies.

(f) Adverse impacts on adjacent land owners.

Staff response: The adverse impacts that staff have identified as possibilities to the new uses permitted through the overlay zone are related to the increased vehicular traffic in mostly residential neighborhoods, noise and light complaints in quiet parts of the city, and

an increased need for city services. Staff have tried to mitigate these impacts with the standards of the overlay zone and will further evaluate these as specific plans come in when an owner applies for the overlay zone.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Staff response: Does not apply.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff response: Does not apply.

CONCLUSIONS

Staff have taken this proposed amendment through the Coordinator Review Committee (CRC) and incorporated all the comments received. This report should show that adopting this overlay zone should be a benefit to agricultural landowners, as well as the community as a whole. Staff appreciates the Planning Commissions thought and suggestions that improved the proposal, and believe it is ready to move to Council for a vote.

ATTACHMENTS

1. Proposed Amendment

ATTACHMENT 1 – PROPOSED AMENDMENT

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) Non-architectural metal is not a permitted facade 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 amplified music at the event; or
- (b) alcohol is consumed 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 Requirements

- (1) An approved project or permit does not relieve the permittee of any other license requirement of the city or of any public agency.
- (2) Noise levels for any event shall comply with Section 9.06.030, Provo City Code.