

Provo City Planning Commission

Report of Action

October 25, 2023

*ITEM 5 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:

RECOMMENDED APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Robert Knudsen

Second By: Lisa Jensen

Votes in Favor of Motion: Robert Knudsen, Lisa Jensen, Daniel Gonzales, Barbara DeSoto, Andrew South, Jonathon Hill
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.

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.

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:

- Judy and Barry Finch sent an email stating concerns with the distance requirements for animals, security requirements for event halls, hours of operation, and parking requirements.
- Judy Finch addressed the commission and related comments from the previous hearing and referenced concerns in her letter and expressed a desire to move the proposal to the City Council.

APPLICANT RESPONSE

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

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The commission noted that this application has been discussed a lot and the end result is reflective of the good ideas and thoughts of the public, staff, and commissioners.



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 for 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 West Center St, 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) 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.