

November 21, 2006

UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION: - Public Hearing
- A. APPLICANT - Utah County Planning Commission
- B. REQUEST - Proposed amendment to the Utah County Land Use Ordinance, Section 3-39, Produce Stands and Farmers' Markets
- C. LOCATION - Unincorporated Utah County Zone Districts in which specific use is allowed
- II. STAFF ANALYSIS:

As the Utah County Land Use Ordinance is reviewed by staff, or specific areas of the ordinance are utilized to make decisions on applications for zoning compliance; areas of the text of the ordinance are suggested for amendment by either staff or an applicant. This amendment is needed to bring it into compliance with the state code for business licensing.

In this proposed amendment, the **shaded** areas indicate deleted portions, and the *italics* indicate new wording.

Section 3-39, Produce Stands and Farmers' Markets, would be proposed to be amended as follows:

3-39: PRODUCE STANDS AND FARMERS' MARKETS

A. INTENT

The intent and purpose of this section is to allow the operation of incidental produce stands and farmers' markets which supply the local market with needed food and farm products without causing a deleterious effect upon the agricultural industry fostered in the zone.

B. CONDITIONS

The Zoning Administrator may grant a permit for a produce stand or farmers' market provided the following conditions are met:

1. Only plants, animals or parts thereof which are products of the subject lot or farm unit shall be offered for sale at a produce stand; farmers' markets may sell plants, animals or parts thereof from any lot or farm unit produced within the boundaries of Utah County.
2. In accord with zoning Section 3-14, at least five (5) off-street parking spaces shall be provided for a produce stand; *five and one-half (5.5)* off-street parking spaces per 1000 square feet of retail floor area shall be provided for a farmers' market, but never less than five (5) off-street parking spaces.
3. Only one sign, a maximum of thirty-two (32) square feet in area, which advertises only

products of the produce stand or farmers' market shall be permitted and shall not extend into the road right-of-way.

4. An annual Utah County business license is obtained to operate the produce stand or a farmers' market.

III. STAFF RECOMMENDATION:

That the Utah County Planning Commission recommend approval of the proposed Utah County Land Use Ordinance text amendments to Section 3-39. Produce Stands and Farmers' Markets, as indicated in the above staff report to the Utah County Commission based on the following findings:

1. That the proposed amendment clarify the wording within the section which makes it easier for both staff and the public to understand.
2. That the proposed amendment brings the section into compliance with the state code for business licensing.

PLANNING COMMISSION MOTION:

The Utah County Planning Commission, at their scheduled agenda meeting held November 21, 2006, recommended to the Utah County Commission approval of the text amendment to Section 3-39, to eliminate the Utah County business license as a requirement for a produce stand, as per the staff report and findings. The motion passed with a unanimous 7-0 vote.

ORDINANCE NO. 2006 - 41

AN ORDINANCE AMENDING SECTION 3-39-B, "PRODUCE STANDS AND FARMERS' MARKETS" [CONDITIONS] OF THE UTAH COUNTY LAND USE ORDINANCE

THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

The Utah County Land Use Ordinance, Section 3-39-B, is hereby amended to read as follows:

3-39: PRODUCE STANDS AND FARMERS' MARKET

B. CONDITIONS

The Zoning Administrator may grant a permit for a produce stand or farmers' market provided the following conditions are met:

1. Only plants, animals or parts thereof which are products of the subject lot or farm unit shall be offered for sale at a produce stand; farmers' markets may sell plants, animals or parts thereof from any lot or farm unit produced within the boundaries of Utah County.
2. In accord with zoning Section 3-14, at least five (5) off-street parking spaces shall be provided for a produce stand; five and one-half (5.5) off-street parking spaces per 1000 square feet of retail floor area shall be provided for a farmers' market, but never less than five (5) off-street parking spaces.
3. Only one sign, a maximum of thirty-two (32) square feet in area, which advertises only products of the produce stand or farmers' market shall be permitted and shall not extend into the road right-of-way.
4. An annual Utah County business license is obtained to operate a farmers' market.

Part II:

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part III:

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part IV:

This ordinance shall become effective fifteen (15) days after its passage, and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 28th day of November, 2006.

UTAH COUNTY COMMISSION

VOTE

Larry A. Bellertson
LARRY A. BELLERTSON, CHAIR

aye

Jerry D. Grover
JERRY D. GROVER, COMMISSIONER

aye

Steve White
STEVE WHITE, COMMISSIONER

aye

ATTEST:
KIM T. JACKSON
County Clerk/Auditor

APPROVED AS TO FORM:
KAY BRYSON
County Attorney

By: *Renice Higgins*
Deputy

X Approved

 Disapproved

By: *David H. Shanks*
Deputy

Date of Publication: Once only, as soon as possible

PROOF OF PUBLICATION

from

The Daily Herald

STATE OF UTAH } SS
Utah County }

I, Paula Stallings , being first duly sworn depose and say that I am the Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the notice attached hereto, #260586-NOTICE NO. 2006-41 , and which is a copy, was published in said newspaper, the first publication having been made on the 2nd day of December, 2006, and the last on the 2nd day of December, 2006; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

NOTICE
ORDINANCE NO. 2006-41 ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, ON NOVEMBER 28, 2006, AMENDING SECTION 3-39-B, "PRODUCE STANDS AND FARMERS' MARKETS" (CONDITIONS) OF THE UTAH COUNTY LAND USE ORDINANCE.

A COMPLETE COPY OF THE ORDINANCE IS AVAILABLE AT THE COUNTY CLERK/AUDITOR'S OFFICE. COMMISSIONER LARRY A. ELLERTSON, COMMISSIONER STEVE WHITE AND COMMISSIONER JERRY D. GROVER VOTED IN FAVOR OF THE ORDINANCE.
Legal Notice 260586 Published in The Daily Herald December 20, 2006

Paula Stallings

Subscribed and sworn before me
this 4th day of December, 2006.

Laren Jordan

Notary Public

Residence: Orem, Utah

My commission expires April, 2010

