



### Special Events in the Rural Area

#### Background

Recently multiple property owners have contacted the County with an interest in using their property for various special events such as farm tours, educational activities, equestrian events, athletic events, business and corporate events, parties, festivals and weddings. As more inquiries came in, it came to staff's attention that there are already existing businesses in the rural area that offer their properties for rent to host these types of events.

At the June 23<sup>rd</sup> meeting of the Board of County Commissioners, Mr. Ray Holt, one of the property owners that contacted the County, provided public comments and the attached letter to the County Commission requesting that staff review the regulations pertaining to event centers in the rural areas of the County. The Board directed staff to prepare a written brief outlining the issues so the Board can decide whether they would like to bring it back for a public hearing.

#### Comprehensive Plan & Land Development Code Overview

##### Comprehensive Plan

Objective 6.2 of the Future Land Use Element identifies the allowable uses within the Rural/Agriculture future land use category (**bold added for emphasis**):

*Areas identified for Rural/Agriculture on the Future Land Use Map are for agricultural activities including forestry and other agricultural uses, such as cattle grazing, cultivation of field crops, vegetable crops, dairies and those commercial or other uses on a limited scale **servicing or ancillary to agricultural activities**, such as farm equipment and supplies, sales or service, farmers' markets, **agritourism activities**, composting, limited agricultural processing as provided in Policy 6.1.8 above, and agricultural products distribution. Rural residential uses, home-based businesses, **heritage tourism and ecotourism activities**, resource-based recreation and outdoor activity-based recreation are also allowed. Other uses involving animals not normally associated with agricultural activities, which would be suitable in the Rural/Agricultural areas, such as animal sanctuaries, kennels, and commercial animal raising, may be approved by the County Commission. New residential uses at a maximum density of one dwelling unit per five acres shall be permitted subject to the restrictions in Policy 6.2.7, except that the total allowable dwelling units may be increased pursuant to the Planned Development-Transfer of Development Rights program in accordance with 6.2.5.1 or the incentive bonuses for clustering of rural residential subdivisions in accordance with Policies 6.2.9 - 6.2.14.*

This objective does not specifically address special events, but does include reference to agritourism, heritage tourism and ecotourism activities. There are also policies in the Future Land Use Element and Economic Element that support local agricultural pursuits through agritourism and other activities. Policy 6.1.4 of the Future Land Use Element addresses programs that promote the sale of locally produced agricultural goods:

*The County shall support the development of markets and programs that promote the sale of locally produced agricultural goods, including but not limited to farmers markets, community gardens, farm to institution programs, and agritourism opportunities....*



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These activities are also supported in Policy 1.1.6 of the Economic Element:

*Consistent with Future Land Use Element Policy 6.1.4, industries and business sectors that create a market for local agricultural products shall be encouraged to locate or expand existing local business in Alachua County.*

### Unified Land Development Code

The provisions of the Comprehensive Plan identified above are implemented through various sections of the County's Unified Land Development Code (ULDC). These regulations encompass many of the desired uses that property owners have expressed interest in, but as with the Comprehensive Plan, there is no specific provision for offering one's property for rent for events such as weddings, parties, and corporate events.

Section 404.09(a) of the ULDC, adopted in 2012, includes an allowance for agritourism and ecotourism activities as follows:

#### **(a) Agritourism and Ecotourism Activities**

1. *Agritourism and ecotourism activities such as tours, farm meals, classes, wildlife observation, workshops and other educational activities are permitted as accessory to an ongoing agricultural use.*
  - a. *An operation offering such activities must have direct access to a public road meeting county standards for sufficient right-of-way, minimum width, stabilization requirements and maintenance.*
  - b. *Any related site alteration or construction of temporary or permanent structures not otherwise required for the ongoing agricultural operation shall be subject to building permit and development plan approval and all applicable development standards in Chapter 407 of this ULDC for that portion of the site proposed for use as part of the agritourism or ecotourism activity.*
2. *Restaurants and tasting rooms may be allowed as accessory to an ongoing agricultural use subject to the standards of §404.67.5 of this Chapter.*
3. *Bed and breakfast facilities may be allowed as accessory to an ongoing agricultural use subject to the standards of §404.70 of this Chapter.*

The text itself gives examples of what is considered an agritourism or ecotourism activity, and these uses are further defined in Chapter 410, Definitions:

***Agritourism activities:*** *Activities relating to the preserving, processing, packaging or sale of locally grown agricultural products such as farm tours, farm meals, "u-pick" opportunities, cooking classes, agricultural workshops or agricultural education activities.*

***Ecotourism activities:*** *Activities involving travel to areas of natural or ecological interest to observe wildlife and support conservation efforts such as nature tours, birding activities, ecological workshops, canoeing, hiking, biking, and other ecological education activities.*



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The code provides for certain other uses that cover some of the proposed activities through varying approval processes:

1. **Private Agricultural Event Center or Arena:** For property owners interested in hosting more arena style events such as horse shows, livestock shows and rodeos, the ULDC has an option for approval of a Private Agricultural Event Center or Arena by special exception in the Agriculture zoning district under section 404.14.5. This use does not provide for social events such as weddings and parties.
2. **Temporary Use Permits:** Under Article 25 of Chapter 402 in the ULDC, a property owner may apply for an administrative temporary use permit in the Agriculture zoning district under one of two categories for events. Seasonal sales and events may be approved up to two times per year and may run for up to 45 days. This type of use typically involves seasonal product sales, such as pumpkins and Christmas trees, as well as fall carnivals and festivals. The second category is for shorter term special events that last up to three days. This category of permit is issued no more than once every 60 days for the same property and could be used if a property owner was interested in only renting their property out for special events occasionally.
3. **Bed and Breakfast:** Any property with a single family residence in the Agriculture district can go through the development plan approval process to have a bed and breakfast on their property. If a property owner with a bed and breakfast would like to rent the facility out for weddings and other special events, Section 404.70(h) requires them to obtain a special exception from the County Commission:

### (h) Other Functions by Special Exception

A bed and breakfast may obtain a special exception in order to provide facilities such as banquet halls or ballrooms that may be used to host events such as weddings, meetings, dinners, and catered parties.

### Florida Statutes on Agriculture and Agritourism

In recent years, the Florida Legislature has added regulations to Florida Statutes addressing nonresidential farm buildings and agritourism activities which largely preempt local governments from regulating agricultural uses, with minimal exceptions. One such preemption is the exemption from building permit requirements for nonresidential farm buildings found in section 604.50, F.S.

As adopted in 1998, the statute stated that these buildings are exempt from the Florida Building Code *“and any County or municipal building code”*. In 2011, this exemption was expanded to include an exemption from *any* County or municipal code or fee, rather than from local building codes only.

In addition, according to Florida Statutes section 570.85 adopted in 2013, *“Except as otherwise provided for in this section, and notwithstanding any other provisions of law, a local government may not adopt an ordinance, regulation, rule, or policy that prohibits, restricts, regulates, or otherwise limits an agritourism activity on land classified as agricultural land under s. 193.461.”* This statute does not apply to the County’s Comprehensive Plan and ULDC provisions that were adopted in 2012 prior to the July 1, 2013 effective date of this new language in the Statute; however, this language does prevent



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the County from adopting any new regulations or additions to existing policies or regulations that limit agritourism activities.

The statutes go on to define agritourism activity in Section 507.86:

*“Agritourism activity” means any agricultural related activity consistent with a bona fide farm or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, or harvest-your-own activities and attractions. An agritourism activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public. An activity is an agritourism activity regardless of whether the participant paid to participate in the activity.*

It is unclear whether some activities, such as renting of one’s property for weddings, parties, athletic or corporate events, meet the definition of an agritourism activity as defined when located on a bona fide farm property, thereby preempting local governments from adopting new regulations. This issue will require careful consideration and legal review if the Board wishes to proceed with adopting any new policies or regulations. One notable portion of the definition is the statement that an agritourism activity does not include construction of new or additional structures “intended primarily to accommodate members of the public.” Just as the statutory exemption from building and other codes does not apply to residential dwellings, the preemption of new local regulation to agritourism activity does not preempt localities from regulating construction of new or additional structures intended primarily to accommodate the general public.

### **Conclusion**

The policies in the Comprehensive Plan provide a clear framework for allowance of agritourism activities and programs, and also allow for ecotourism, heritage tourism, and home-based businesses. Some of the events and programs requested by property owners fall within one or more of these categories, such as farm tours and educational programs, u-pick activities, and equestrian activities and clinics.

Other activities, such as weddings, festivals, parties, athletic events and corporate events are not specifically provided for in the rural area. The only way these types of events can occur in the rural area under the current ULDC are through obtaining either a temporary use permit or a special exception for hosting special events at a bed and breakfast. If a property owner is already interested in running a bed and breakfast from their home, pursuing a special exception for hosting events is a reasonable approach. However, it was not intended to require property owners to establish a bed and breakfast in order to host special events.

A clearer approach may be to identify special events as a use separate from the context of a bed and breakfast. To do so would first require an amendment to the Comprehensive Plan to clearly allow for such a use in the Rural/Agriculture area. If added as a use in the Comprehensive Plan, the ULDC could then be revised to allow for the use while minimizing impacts to surrounding property owners and addressing any potential public safety concerns. Examples of possible development standards include



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minimum acreage, setbacks from adjacent uses, hours of operation, and parking and access requirements. At minimum, any location for such uses would need to be accessible by a public road built to County standards to accommodate access for emergency vehicles as needed.

In appropriate locations with limiting standards as described in this report, it is staff's opinion that special events could be allowed as a limited use within the Rural/Agriculture area, possibly requiring approval by the County Commission in certain circumstances. Should the Board direct staff to proceed with amending the Comprehensive Plan and ULDC, Growth Management staff will work with the County Attorney's Office, the Fire Marshal, Environmental Protection and Public Works staff to determine the appropriate standards for such uses in the rural area and to address the issues regarding the distinction between agritourism uses and other types of events to ensure compliance with Florida Statutes.