

**TOWN OF ERIE
PLANNING COMMISSION MEETING
August 4, 2021**

SUBJECT: **Resolution P21-12:**
A Resolution of the Planning Commission of the Town of Erie
Recommending that the Board of Trustees Adopt an Ordinance
Amending Chapters 2, 3, 4 and 11 of Title 10 of the Erie Municipal
Code to Add a New Agricultural Holding (AGH) Zone District

PURPOSE: Unified Development Code amendment to add an AGH – Agricultural
Holding zone district

CODE REVIEW: Erie Municipal Code, Title 10

DEPARTMENT: Planning and Development

PRESENTER: Audem Gonzales, Senior Planner

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission adopt an ordinance amending Chapters 2, 3, 4, and 11 of Title 10 of the Erie Municipal Code to add a new Agricultural Holding (AGH) zone district.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The 2021 Board of Trustees Work Plan includes updating the Unified Development Code as one of the top priorities. Staff has been working on updates to several chapters and key elements such as; Development and Sign Standards, Parks and Open Space, Sign Code, Review Process, etc. As these updates are being worked on by staff, new issues and opportunities have been identified by the Board of Trustees. One of these new opportunities is the creation of a new zone district, AGH – Agricultural Holding to accommodate a streamlined annexation and initial zoning process for agricultural properties within our growth boundary.

The Board of Trustees has expressed great interest in future development proposals that might occur within the Town of Erie’s growth boundary, as identified on the Comprehensive Plan Land Use Plan. Properties not annexed into the Town are not subject to the rules and regulations set forth in the Unified Development Code. The Town would like to extend its influence over these properties, by providing a streamlined process for these rural properties for annexation and initial zoning. The new AGH zone district will generally accommodate the existing agricultural uses found on these rural properties.

Creation of this new AGH zone district allows properties to annex into the Town while continuing with their existing uses. The current UDC zone district regulations do not contain some of the agricultural related uses found on the rural properties within the Town’s growth boundary. Creating this new AGH zone district with these new uses will allow for a more efficient process for annexation and initial zoning.

The Board of Trustees public hearing for these amendments is scheduled for August 10th, 2021.

Proposed Agricultural Holding UDC Amendments

The information below identifies the full UDC Amendment proposal. Items being added are shown in *italics* or in **red** and those being removed are shown as a ~~strike through~~.

- Section 10.2.1.A.1. of the Erie Municipal Code is hereby amended as follows:

1. Zoning Districts Established

The following zoning districts are established:

District Type	Abbreviation	District Name
Residential	RR	Rural Residential
	ER	Estate Residential
	SR	Suburban Residential
	LR	Low-Density Residential
	MR	Medium-Density Residential
	HR	High-Density Residential
	OTR	Old Town Residential
Commercial	CC	Community Commercial
	RC	Regional Commercial
	B	Business
Industrial	LI	Light Industrial
	I	Industrial
	HI	Heavy Industrial
Mixed-Use	DT	Downtown District
	NMU	Neighborhood Mixed-Use
	CMU	Community Mixed-Use
Inactive Districts	RP-1	Rural Preservation 1
	RP-2	Rural Preservation-2
	RP-3	Rural Preservation-3
Other Districts	AG/OS	Agricultural/Open Space
	AGH	Agricultural Holding
	AP	Airport
	PLI	Public Land and Institutions
	PD	Planned Development
Overlay Districts	APO	Airport Overlay
	FPO	Floodplain Overlay
	PUD	Planned Unit Development Overlay

- Section 10.2.5.B. of the Erie Municipal Code is hereby amended as follows:

B. Agricultural Holding (AGH)

1. Purpose

To provide for the continuance of existing agricultural-related uses on large agricultural land parcels annexed to the Town until such time the annexed parcels are redeveloped.

- Section 10.2.7.C.2.b.i. of the Erie Municipal Code is hereby amended as follows:
The prohibition of residential uses from being platted in the floodplain.
- Section 10.3.1.B. (Table 3-1) of the Erie Municipal Code is hereby amended as follows:

TABLE 3-1: TABLE OF PERMITTED USES																						
P = Permitted Use by Right S = Special Review Use Blank Cell = Prohibited																						
USE	CATEGORY	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED USE			OTHER				
		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AGH	AP	PLI	
RESIDENTIAL USES																						
Household Living	Dwelling, Duplex			P	P	P	-	S								P	P					
	Dwelling, Live/Work										S					P	P	P			S	S
	Dwelling, Multi-Family			P	P	P	P	S								P	P	P				
	Dwelling, Single-Family Attached			P	P	P	P	S								P	P					
	Dwelling, Single-Family Detached	P	P	P	P	P	P	P								P	P			P		
	Mobile Home Park					S	S	S														
Group Living	Dormitory								S	S	S	S				S	S	S			S	P
	Group Home, Residential	P	P	P	P	P	P	P								P	P	P				P
	Group Home, Large				S	S	S									S	S					
	Group Home, Small	S	S	S	S	S	S	S								S	S	S				
	Nursing Home or Assisted Living Facility			S	S	P	P	S									P	P				P
PUBLIC / INSTITUTIONAL USES																						
Aviation	Airport and related uses											S									P	
	Heliport											S										P
	Helistop									S	S	S									P	P

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		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AGH	AP	PLI
Cemetery	Cemetery	S	S	S														S			P
Child Care	Child Care Center, Large	S	S	S	P	P	P	P	P	P	P	S			S	S	S		S		S
	Child Care Center Small	P	P	P	P	P	P	P	P	P	P	S			P	P	P		S		P
Community Facilities	Community Center (Public)	S	S	S	S	S	S	S	P	P	P	P			P	P	P	S		S	P
	Correctional Facility																				S
	Governmental Office	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		P	P
	Neighborhood Recreation Center (Indoor/Outdoor)	P	P	P	P	P	P	P	P	P	P	P			P	P	P	S		S	P
	Public Works Facility								S	S	S	P	P	P				S		S	S
	Public Safety Station	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S	S	S		S	S
	Transit Center								P	P	P	P	P	P	S	S	S	S		S	P
Cultural Facilities	Botanical garden	S	S	S	S	S	S	S	P	P	P	P			S	S	S	S		S	P
	Library				S	S	S	S	P	P	S	P			S	S	S	S		S	P
	Museum	S	S	S	S	S	S	S	P	P	P	S			S	S	S	S		S	S
	Zoo								S	S							S				S
Educational Use	College or University								P	P	P	P			S	S	P			S	P

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	Commercial School								P	P	P	S	S	P	P	P	P			S	
	School - Public	P	P	P	P	P	P	P	P		P					P					P
	School - Private	S	S	S	S	S	S	S	S		S					S					P
Human Health Services	Dental or Medical Office, Clinic, Lab								P	P	P	P			P	P	P				
	Hospital								P	P	P	P									S
	Laboratory												P	P			S				S
	Substance Abuse Treatment Facility, Outpatient								P	P	P	P					S				S
	Urgent Care Facility								P	P	P	P			S	S	P				S
Park and Open Space	Athletic Fields and Courts	P	P	P	P	P	P	P	P	P	P	P			P	P	P	S			P
	Community Garden	P	P	P	P	P	P	P									S				P
	Open Space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
	Outdoor Amphitheater, Public							S	S	S	S	S			S	S	S				P
	Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P
Religious Assembly	Religious Assembly	S	S	S	S	S	S	S	P	P	P	S	S	S	S	P	S	S	S	S	P
Wireless Communication	Alternative Tower Structure and	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P			P

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Facilities	Base Station											P								P		
	Towers	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	
Utility Facilities	Utility Facility, Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
	Utility Facility, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Utility, Town-Owned	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL USES																						
Agricultural	Agricultural Cultivation	S	S	S	S	S	S	S	S	S	S	S				S	S	S	P	P	S	P
	Agricultural Event Center																			P		
	Agricultural Grazing	S	S	S	S	S	S	S	S	S	S	S				S	S	S	P	P		S
	Agricultural Breeding																			P		
Animal Sales and Care	Animal Hospital, Large Animals (indoor)	S							S	S	S	P							P	P		
	Animal Hospital, Large Animals (outdoor facilities)	S							S	S	S	S							P	P		
	Animal Hospital, Small Animals (indoor)	S							P	P	P	P			P	P	P	P	P	P		
	Animal Hospital, Small Animals (outdoor facilities)	S							S	S	S	S							P	P		

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		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AGS	AP	PLI	
	Equestrian Arena																			P		
	Horse Stables	S																	P	P		
	Kennel or Animal Day Care (indoor)	S							P	P	P	P				S	S	P	P			
	Kennel or Animal Day Care (outdoor facilities)	S							S	S	S	S						P	P			
Assembly	General Assembly								S	S	S				S	S	S	S		S	S	
	Residential Assembly (HOA)	S	S	S	S	S	S	S							S	S	S					
Financial Institution	Automated teller machine (freestanding)								P	P	P	P			P	P	P			P	S	
	Bank								P	P	P	P			P	P	P					
	Bank, with drive-through service								P	P	P	P					S					
	Check-cashing Facility								P	P	P	P										
	Pawnbroker business																					
Food and Beverage Service	Bar/Tavern								P	P	P	P			P	P	P			P		
	Bar/Tavern (outdoor facilities)								P	P	P	P			P	S	P			P		
	Nightclub								P	P	P	S			P		P			S		
	Restaurant								P	P	P	P			P	P	P			P	S	

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	Restaurant, with drive-through or drive-up service								P	P	P	P						S				
	Restaurant, with outdoor seating area								P	P	P	P			P	S	P					
Office	Office, Business or Professional								P	P	P	P			P	P	P				P	P
	Recording or Broadcasting Studio								P	P	P	P			S	S	P					
Parking	Parking Lot								S	S	S	S	S	S	S	S	S				P	P
	Parking Structure								S	S	S	S	S	S	S	S	S					
Recreation/ Entertainment, Indoor	Commercial Amusement, Indoor								P	P	P	P			P	P	P					
	Sexually-oriented business																				S	
	Shooting Range, Indoor											S	P	P								
Recreation/																						
Entertainment, Outdoor	Campground																	S	S			S
	General Outdoor Recreation, Commercial								S	S	S	S			S	S	S	S			S	S
	Golf Course	P	P	P	P	P	P		P	P	P	P							S			S

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		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AGS	AP	PLI	
	Golf Driving Range								S	S	S	S					S					
	Golf Putting Course	P	P	P	P	P	P		P	P	P	S										S
	Recreational vehicle park																					
	Shooting Range, Outdoor																					
Retail Sales and Service																						
	Funeral Parlor, Mortuary or Crematory								P	P	P	P					P					
	Gas Station								P	P	P	P	P	P			P				P	
	General Retail								P	P	P	P			P	P	P				P	
	Personal Service Establishment								P	P	P	P			P	P	P					
	Pharmacy								P	P	P	P			P	P	P					
	Pharmacy with drive-through service								P	P	P	P					S					
	Repair Shop, Appliances								P	P	P	P	P	P			P					
Vehicles and Equipment	Car Wash								S	S	S	S	P	P			S					
	Outdoor Recreational Vehicle Storage											S										

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	Towing and Storage Facility																				
	Vehicle Sales and Rental								S	S	S	S									
	Vehicle Service and Repair, Heavy										S	P	P								
	Vehicle Service and Repair, Light								P	P	P	P	P	P		S					
Visitor Accommodation	Bed and Breakfast														S	S	S		S		
	Hotel or Motel								P	P	P	P				P					
MANUFACTURING AND LIGHT INDUSTRIAL USES																					
Industrial Service	Building Materials and Lumber Sales								P	P	P	P	P	P		S					
	Contractor's Shop or Storage Yard											S	P	P							
	Heavy Equipment Sales, Service and Rental										P		P	P							
	Industrial, Heavy												S	S							
	Industrial, Light											P	P	P						S	
	Light Equipment Sales, Service and Rental											P	P	P							
	Research and Development Facility								S	S	S	P	P	P						S	
Manufacturing and Production	Heavy Manufacturing												S	S							

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		RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NMU	CMU	AG/OS	AG	AP	PLI
	General																				
	Light Manufacturing, General											P	P							S	
	Mining and Mineral Extraction	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	
	Oil and Gas Operations													I							
Warehouse and Freight Movement	Bus Lot/Maintenance Facility											S	S	P							
	Freight or Truck Yard												S	P							
	Mini-warehouse/Self Storage											P	P								
	Wholesale Distribution Center											S	P	P							
	Recycling Center												S	S							
	Sanitary Landfill																			S	

- Section 10.3.2.C.2. of the Erie Municipal Code is hereby amended as follows:

~~2. Agricultural Cultivation/Grazing~~

~~Agricultural cultivation and grazing shall only be permitted as a special review use on a parcel, tract or lot of at least five (5) acres in size. The raising of hogs, pigs or other livestock fed from silage, garbage or offal, or any confined animal feeding operation, is prohibited.~~

- Section 10.3.3.B. (Table 3-2) of the Erie Municipal Code is hereby amended as follows:

TABLE 3-2: TABLE OF ACCESSORY USES AND STRUCTURES																				
ACCESSORY USE/ STRUCTURE	P=Permitted Use By Right S=Special Review Use Blank=Not Permitted																			
	RESIDENTIAL							COMMERCIAL			INDUSTRIAL			MIXED-USE				OTHER		
	RR	ER	SR	LR	MR	HR	OTR	CC	RC	B	LI	I	HI	DT	NM	CM	AG/ OS	AGH	AP	PLI
Accessory dwelling unit	P	P	P	P	P	P	P							P	P	P		P		
Accessory Structure, General	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Airport Hanger	P																		P	
Backyard Chicken Hens	P	P	P	P	P	P	P								P					
Drive-thru or drive up								P	P	P						S				
Family child care home	P	P	P	P	P	P	P							P	P	P	P	P		
Farm stand																			P	
Home occupations	P	P	P	P	P	P	P							P	P	P	P			
Keeping of Household Pets	P	P	P	P	P	P	P							P	P	P	P	P		
Keeping of Large Animals	S	S															P	P		S
Outdoor display and sales								P	P	P	P			P	P	P				
Outdoor storage								P	P	P	P			P	P	P				P
Pool House	P	P	P	P	P	P	P							P	P		P			
Dwelling unit, caretaker/guard											P	P	P				P	P		P
Residential Guest House	P	P	P	P	P	P	P							P	P		P			
Recycling Collection Point								S	S	S	S					S				S
Swimming Pool/Hot Tub	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P			P

- Section 10.3.3.C.5.a. of the Erie Municipal Code is hereby amended as follows:
 - Airplane hangars, and agricultural structures in the AGH district, shall be exempt.
- Section 10.3.3.D.12. of the Erie Municipal Code is hereby amended as follows:
 - Agricultural structures in the AGH district shall be exempt from the architectural design and character requirements and from the screening requirements.

- Section 10.4.1.A. (Table 4-1) of the Erie Municipal Code is hereby amended as follows:

TABLE 4-3: TABLE OF DIMENSIONAL STANDARDS - OTHER DISTRICTS (Additional Standards May Apply. See Use-Specific Standards in 3.2.)								
District	Min. Lot Size		Max. Lot Coverage (percent)	Minimum Setbacks (ft.)			Maximum Height	
	Net Area ^③ (sq. ft.)	Width (ft.)		Front	Side	Rear	Prin.	Acc.
AG/OS	N/A	N/A		50	50	50	40	40
AGH	5 acres	N/A		25	25	25	N/A	N/A
PLI	N/A	N/A	N/A	Front, side and rear yard setbacks shall be 25 feet when the abutting district is AG/OS, or any residential property. Otherwise, the setbacks shall be equal to the analogous minimum setback in the abutting district.			45 3 stories	25

- Section 10.11.3. of the Erie Municipal Code is hereby amended as follows:

Agricultural

~~The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry; excluding the raising of hogs, pigs or other livestock fed from garbage or offal. Accessory uses may include dwelling units for proprietors and employees, barns, storage of grain, animal raising, feed preparation, and wholesale sales of products produced on-site. Specific use types include, but are not limited to: **Agricultural Cultivation; Agricultural Grazing; or Produce Stand.**~~

Agricultural Breeding

The breeding of cattle, sheep, horses, or other similar animals, limited to an operation of no more than 50 animals.

Agricultural Cultivation

~~The raising of agricultural products for consumption, commercial sale or development of agritainment uses such as corn mazes and orchid houses. Products may include, but are not limited to, including without limitation vegetables, grains, fruits, plants, and other similar products, for consumption or commercial sale.~~

Agricultural Event Center

A facility on agricultural land consisting of structures or premises used to accommodate the assembly of persons for meetings, parties, weddings, wedding receptions, reunions, birthday celebrations, charitable fundraisers, and any other social engagement purposes, or similar such agritainment uses. Such use may include the provision of food, beverages, and entertainment.

Agritainment

A use accessory to an agricultural event center, open to the paying public, and typically including attractions such as amusement rides, corn mazes, haunted houses, petting zoos, and the like. Agritainment may also include live

entertainment such as musical or comedy performances but excludes rodeos and racing events.

Equestrian Arena

An improved area, generally fenced, of at least 30 feet in width or length within which equestrian activities involving horse riding or driving occurs.

Farm Stand

A structure or area devoted to the small scale retail or wholesale sales of agricultural goods or products which have been grown on the same site or property as the stand.

Produce Stand

~~A structure of area devoted to the small scale retail of wholesale sales of agricultural goods or products which have been grown on the same site or property as the stand.~~

Quarters for Caretaker/Guard

An accessory dwelling on a nonresidential property occupied by the person who oversees or guards the operation, or by a person or persons assisting with an agricultural operation, i.e., a bunkhouse.

Approval Criteria

The following are the approval criteria of Section 7.21.C.9, Amendments to the Text of the Code that are to be considered when reviewing the proposed UDC Amendment.

1. The proposed amendment will promote the public health, safety, and general welfare;
2. The proposed amendment is generally consistent with the Town's Comprehensive Master Plan and the stated purposes of this UDC; and
3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

Public Notice:

Public notice is not required for Title 10 UDC amendments before the Planning Commission.