

Ordinance 2023-53

SHORT TITLE:


AN ORDINANCE ENACTING THE AGRITOURISM OVERLAY ZONE.
CITYWIDE APPLICATION. (PLOT20230221)

I
PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	KATRICE MACKAY	✓		
CW 2	DAVID SHIPLEY	✓		
CD 1	BILL FILLMORE	✓		
CD 2	GEORGE HANDLEY		✓	
CD 3	SHANNON ELLSWORTH	✓		
CD 4	TRAVIS HOBAN	✓		
CD 5	RACHEL WHIPPLE		✓	
TOTALS		5	2	

This ordinance was passed by the Municipal Council of Provo City, on the 12th day of December 2023, on a roll call vote as described above. Signed this 2nd day of January 2024.



Chair

II
APPROVAL BY MAYOR

This ordinance is approved by me this 3rd day of January 2024.



Mayor

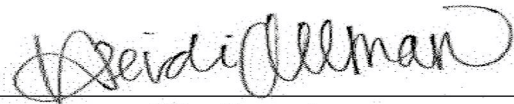
Ordinance 2023-53

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 4th day of January 2024 and was published on the Utah Public Notice Website on the 14th day of December 2023. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2023-53.





City Recorder

ORDINANCE 2023-53.

AN ORDINANCE ENACTING THE AGRITOURISM OVERLAY ZONE.
CITYWIDE APPLICATION. (PLOT20230221)

WHEREAS, it is proposed that Provo City Code Title 14 be amended to adopt Chapter 14.08A (Agritourism Overlay Zone); and

WHEREAS, on October 25, 2023, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 6:0; and

WHEREAS, on November 14, 2023 and December 12, 2023, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the Planning Commission's recommendation and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Provo City Code Chapter 14.08A is hereby enacted as set forth in Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.
- D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

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.120 Definitions

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).

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94 **14.08A.060 Parking and Access.**

95 (1) Each use in the AT Overlay must have parking sufficient to meet the requirements of Provo City Code
96 Chapter 14.37.

97
98 (2) All parking spaces must be designed in accordance with Provo City Code Sections 14.37.100 and
99 15.20.090.

100
101 **14.08A.070 Project Plan Approval/Design Review.**

102 All projects must comply with Provo City Code Sections 15.03.300 and 15.03.310 and Chapter 14.04A.

103
104 **14.08A.080 Design Standards.**

105 (1) Non-architectural metal is not a permitted facade material for agritourism buildings and may only be
106 used as a roofing material.

107
108 (2) The design and architecture of buildings must be consistent with the agricultural setting and uses.

109
110 **14.08A.090 Hours of Operation.**

111 Permitted uses in the AT Overlay must cease operation:

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113 (a) at 10 p.m. on Sunday thru Thursday until 8 a.m. the following day; and
114 (b) at 11 p.m. on Friday and Saturday until 8 a.m. the following day.

115
116 **14.08A.100 Event Hall Requirements**

117 (1) *On-Site Security.* Event Halls must provide one (1) privately contracted and licensed, on-site security
118 officer per seventy-five (75) adult patrons when one or more of the following conditions exists:

- 119
120 (a) there is amplified music at the event; or
121 (b) alcohol is consumed at the event.

122
123 (2) *Distance Requirements.* No structure used for farm animals, feed, or waste may be constructed or
124 maintained within fifty (50) feet of an Event Hall.

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126 **14.08A.110 Other Requirements**

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

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131 **14.08A.120 Definitions**

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133 (1) For the purposes of this Chapter the following definitions shall apply:

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135 **“Non-Architectural Metal”** means a metal that is bare, untreated, or corrugated.