

## **Chapter 14.23. Transit Oriented Development Zone.**

- 14.23.010. Purpose and Objectives.
- 14.23.020 Location of Zone
- 14.23.030. Permitted Uses.
- 14.23.040 Temporary Uses.
- 14.23.050 Residential Mixed-Use Requirements.
- 14.23.060 Prior Created Lots.
- 14.23.070 Lot Standards.
- 14.23.080 Yard Requirements.
- 14.23.090 Building Height.
- 14.23.100 Transitional Development Standards.
- 14.23.110 Minimum Average Residential Unit Size.
- 14.23.120 Minimum Habitable Main Floor Depth.
- 14.23.130 Facade Stepback.
- 14.23.140 Projections.
- 14.23.150 Distance Between Buildings.
- 14.23.160 Project Plan Approval.
- 14.23.170 Parking, Loading, and Access.
- 14.23.180 Landscaping and Recreational Amenities.
- 14.23.190 Design Standards.
- 14.23.200 Signs.
- 14.23.210 Trash Storage and Location.
- 14.23.220 Walls and Fences.
- 14.23.230 Notice of Parking and Occupancy Restrictions.

### **14.23.010. Purpose and Objectives.**

The Transit Oriented Development (TOD) zone is established to provide a pedestrian friendly, mixed-use environment that is complimentary to both existing and proposed public transit facilities. This zone's primary use is for residential and residential/support mixed-use development which is intended to provide housing and business opportunities adjacent to public transit and thereby facilitate increases in the use of public transit and reduce City-wide traffic and congestion elsewhere. The TOD zone is characterized by, clean, well-lighted streets, ample pedestrian ways, and attractive, inviting, and residential uses, well-maintained shops, stores, offices, with a mixed use design. This zone will tend to encourage an architectural theme which will strengthen the continuity of the TOD area and give it an identity with which the citizens of Provo can identify.

### **14.23.020 Location of Zone**

The Transit Oriented Development (TOD) zone shall generally be located adjacent to the intermodal station located south of the historic center of Provo City.

### **14.23.030. Permitted Uses.**

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the TOD zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four digit number in which all digits are whole numbers. Classes or categories of such uses permitted within the zone are identified by a four digit number in which the last one or two digits are zeroes.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the TOD zone, subject to the limitations set forth.

(4) Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in the TOD zone:

Use No.	Use Classification
1130	Multiple family dwellings (three or four dwelling units)
1140	Multiple family dwelling (low rise attached, stand alone or attached to commercial or other nonresidential use as a mixed-use project)
1150	Multiple family dwelling (high rise attached, stand alone or attached to commercial or other nonresidential use as a mixed-use project)
1250	Religious quarters
1291	Residential facility for elderly persons (see Section 14.34.230, Provo City Code)
1292	Residential facility for persons with a disability (see Section 14.34.230, Provo City Code).
4100	Railroad, rapid rail transit and street railway transportation
4210	Bus transportation (except 4214 Bus garaging and equipment maintenance)
4290	Motor vehicle transportation
4700	Communications (unless identified as a conditional use in Section 14.34.420)
4811	Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4815	Electric utility company office
4821	Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4824	Gas pressure control stations
4825	Gas company office
4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4835	Irrigation distribution channels
4836	Water pressure control stations and pumping plants
4837	Water utilities or irrigation company office
4841	Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4844	Sewage pumping stations
4853	Refuse disposal company office
4862	Gas and electric utility company office
4863	Water and electric utility company office
4864	Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4873	Storm drain or right-of-way (predominantly covered pipes or boxes)

Land use categories below are allowed as a permitted use, only if they are 2,500 square feet or less in size (gross square footage). Land use categories below that consist of gross building square footage in excess of 2,500 square feet shall be approved only as a conditional use.

4923 Travel agencies

- 5390 Retail trade - general merchandise
- 5400 Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
- 5600 Apparel and accessories
- 5700 Furniture, home furnishings, and equipment (10,000 square foot maximum building size, no outdoor storage)
- 5810 Eating places (restaurants)
- 5910 Drug and proprietary stores
- 5930 Antiques and second-hand merchandise (except 5935 Secondhand auto parts, 5938 Junk dealers and salvage, and 5939 Secondhand stores)
- 5940 Books, stationery, art, and hobby supplies
- 5950 Sporting goods, bicycles, and toys
- 5969 Garden supplies (entirely within a building only)
- 5970 Jewelry
- 5990 Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
- 6100 Banks, insurance, and real estate (office only) (except 6123 Pawnbrokers, 6124 Bail bonds, and 6129 Other credit services)
- 6200 Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240 Funeral services, 6294 Escort services, and 6295 Tattooing)
- 6300 Business services (office and retail sales only, except 6370 Warehousing and storage, 6380 Auction services, 6394 Equipment rentals, and 6397 Automobile rentals)
- 6500 Professional services (except 6515 Behavior, drug and alcohol treatment and 6518 Blood banks; office only)
- 6800 Educational services
- 6910 Religious activities
- 6919 Other religious activities
- 7100 Cultural activities
- 7398 Video rental shops
- 7399 Other amusements, NEC (bike rental only)

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the TOD zone provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- (a) Accessory buildings such as garages, carports, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the TOD zone.
- (b) Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use be located on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and 30 days thereafter.
- (c) Household pets, provided that no more than two dogs and two cats six months of age or older shall be kept at any residence or commercial establishment at any time. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

(6) Uses Within Buildings. All uses established in the TOD zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning Commission to be customarily and

appropriately conducted in the open, and other uses which are allowed by the Planning Commission to be conducted in the open through the granting of a conditional use permit. Uses customarily deemed to be conducted in the open may include, but are not limited to, outdoor dining, ice skating, and miniature golf.

(7) Sidewalk cafes shall be permitted per the requirements of Section 14.34.480, Provo City Code.

(8) Canopies and marquees shall be permitted per the requirements of Section 14.34.490, Provo City Code.

(9) Conditional Uses. The following uses and structures are permitted in the TOD zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
4600	Automobile parking (except 4603 Long term storage of autos, trucks, boats, vacation trailers, etc.)
4700	Communications (subject to Section 14.34.420, Provo City Code)
4814	Electricity regulating substations
4834	Water storage as part of a utility system (covered including water storage stand pipes)
6397	Automobile rental
6722	Police protection and related activities, branch (office only)
6900	Miscellaneous service organizations
7210	Entertainment and assembly including legitimate theater
7391	Coin-operated amusements
7397	Billiards and pool halls

(7) Change of Use. Any change of use in the TOD zone shall require compliance with all provisions of this Chapter.

#### **14.23.040 Temporary Uses.**

Land use categories not authorized as either permitted, conditional, or accessory uses in the TOD zone may be approved as a temporary use, subject to all requirements of Chapter 14.35.040 through 14.35.080, Provo City Code, and subject to the following:

- (1) the temporary use shall expire annually;
- (2) new construction or other significant property improvements shall not be authorized for the temporary use; and
- (3) no temporary business licenses shall be allowed in the TOD zone after December 31, 2012.

#### **14.23.050 Residential Mixed Use Requirements.**

At least 50 percent of the square footage of any new principal building and 50 percent of a building addition in excess of 5,000 square feet shall be occupied by residential dwelling units. Residential use requirement may be satisfied in the same building or a different property located within the same TOD zone.

#### **14.23.060 Prior Created Lots.**

Lots or parcels of land which were created prior to December 12, 1974, shall not be denied a building permit solely for reason of nonconformance with the lot requirements of this Chapter.

**14.23.070 Lot Standards.**

Lots within the TOD zone shall be developed according to the following:

- (1) Minimum Lot Area: 1 Acre (minimum lot area required for any new principal building)
- (2) Minimum Lot Width: 100 feet
- (3) Minimum Lot Depth: 100 feet
- (4) Minimum Lot Frontage: 100 feet
- (5) Maximum Lot Coverage: No requirement

**14.23.080 Yard Requirements.**

Yards shall be provided according to the following:

<u>Yard</u>	<u>Minimum</u>	<u>Maximum</u>
(1) Front Yard:	0 feet	10 feet
(2) Side Yard:	0 feet	10 feet
(3) Street Side:	0 feet	10 feet
(4) Rear:	0 feet	no requirement
(5) Driveway Access:	16 feet	20 feet on secondary streets only
(6) Clear Vision Area:	See Section 14.34.100- Clear Vision-Corner Lots	
(7) Side Yard Functions:	Side yards on primary streets may only be used for pedestrian access to a building or rear portion of a lot.	
(8) Courtyards:	Front yards may be extended beyond maximum setback limitations for a public space upon recommendation by the Design Review Committee and the City Engineer. In determining the appropriateness of the courtyard, the approving body shall make the following findings in addition to the conditional use permit criteria: <ul style="list-style-type: none"><li>(a) That the proposed courtyard will serve a legitimate public purpose.</li><li>(b) That the design of the courtyard enhances the public realm and will reasonably attract activity throughout each day and not on a limited special event basis.</li><li>(c) That the courtyard is not raised more than two feet above street sidewalk grade.</li><li>(d) That landscaping or other elements do not obscure more than 25% of the the</li></ul>	

street view into the setback.

(e) Minimum habitable floor area required by section 14.21C.090 shall be provided along the increased courtyard.

#### **14.23.090 Building Height**

Building height shall be determined by the following:

- |   |                           |
|---|---------------------------|
| (1) Total Maximum Building Height:              | 100 feet                  |
| (2) Minimum Number of Building Stories:         | 2 stories                 |
| (3) Maximum number of stories:                  | 6 stories                 |
| (4) Maximum First Story Height -Commercial Use: | 20 feet                   |
| (5) Maximum Story Height:                       | 14 feet                   |
| (6) Maximum Parapet/Cornice Height:             | 5 feet                    |
| (7) Main Floor Elevation – Residential:         | 3 feet maximum above curb |
| (8) Main Floor Elevation – Commercial:          | 1 foot maximum above curb |
- (9) Roof mounted mechanical equipment shall be permitted so long as it is completely screened behind an architectural feature of the primary structure.
- (10) Section 14.34.090. Height Limitations-shall be adhered to within the TOD zone.

#### **14.23.100 Transitional Development Standards.**

- (1) The maximum building height for buildings or portions of buildings in the TOD zone located within 100 feet of, or directly across the street from, an RC, R1, R2 or PRO-R zone shall be a maximum of three stories (not to exceed 50 feet) for the first 100 feet of building adjacent to the residential zoned property or the first 100 feet of the building across the street.
- (2) Buildings or portions of buildings in the TOD zone located within 50 feet of a property in an RC, R1, R2, or PRO-R zone or the first 50 feet of buildings or portions of buildings in the TOD zone located directly across the street from an RC, R1, R2, or PRO-R zone, shall be designed with a pitched or gabled roof. A third story of usable floor area may be provided within the pitched/gabled roof.
- (3) Buildings or portions of buildings in the TOD zone located adjacent to interior lot lines of properties in an RC, R1, R2 or PRO-R zone shall be located 20 feet from the nearest property line of a residential zoned property.

#### **14.23.110 Minimum Average Residential Unit Size.**

Each development that includes a residential use shall provide a minimum average unit size of no less than 800 square feet.

#### **14.23.120 Minimum Habitable Main Floor Depth.**

(1) Each structure in the TOD zone situated along a primary street shall have a minimum habitable main floor depth of 40 feet along the entire street frontage yard line other than for permitted side yards and driveway approaches.

(2) Each structure in the TOD zone situated along a secondary street shall have a minimum habitable main floor depth of 30 feet along the entire street frontage yard line other than for permitted side yards and driveway approaches.

(3) If a property is located along a primary street, the rear yard line shall be the property line located opposite of the property line abutting the primary street.

(4) In the case of a corner lot that abuts two primary streets, the minimum habitable floor depth shall be required along both street frontages. Driveway access to the property may be permitted from one of the primary street frontages subject to approval by the City Engineer and the Design Review Committee.

#### **14.23.130. Facade Setback.**

(1) The fifth and sixth story shall be set back 15 feet from the first story building facade elevation adjacent to any street. An architectural expression line, such as a cornice or similar feature, shall be used at the fourth story roof line.

#### **14.23.140 Projections.**

(1) The following structures may be erected on or project into a required yard provided it does not obstruct a required driveway:

(a) Fences and walls in conformance with the Provo City Code;

(b) Landscaping elements including trees, shrubs, and other planting materials;

(c) Necessary appurtenances for utility services with property-impact protection if located adjacent to driveway areas.

(2) Buildings may project over required driveways provided that a minimum of 10 feet of clearance is provided for vehicular access.

(3) Signs may project into a street right-of-way as permitted by Section 14.38.105 - Signs.

(4) Marquees and canopies may project into the street right-of-way under the provisions of Section 14.34.490.

(5) Balconies may project into the street right-of-way a maximum of five feet so long as a minimum of 10 feet of vertical clearance is provided between the sidewalk and the projecting balcony.

#### **14.23.150 Distance Between Buildings.**

No requirement except as regulated by the provisions of the adopted version of the International Building Code.

#### **14.23.160 Project Plan Approval.**

See Sections 15.03.300 and 15.03.310, Provo City Code.

#### **14.23.170 Parking, Loading, and Access.**

- (1) Minimum parking requirements shall be as follows:
  - (a) 50 percent of the parking required for each use as provided in Chapter 14.37, Provo City Code.
  - (b) Parking for residential uses on a fifth and sixth story may be reduced to 25 percent of the parking otherwise required in Chapter 14.37, Provo City Code.
  - (c) Parking shall not be required for the first 2,500 square feet of retail or restaurant uses located in a building that consists of at least 50 residential units.
- (2) Each project shall not provide more parking than that required by Chapter 14.37, Provo City Code.
- (3) All other requirements of Chapter 14.37, Provo City Code shall apply.
- (4) Bicycle Parking. A minimum of one bicycle stall shall be required for every 2000 square feet of gross floor area. Bicycle stalls must be provided in an enclosed area in the primary structure or within a parking structure on the property.

#### **14.23.180. Landscaping and Recreational Amenities.**

- (1) Landscaping meeting the guidelines of Ch. 15.20 – Landscaping shall be required for all yards and open areas not used for vehicular parking or access.
- (2) In any new project consisting of five or more residential units, an area equivalent to 10% of the residential gross floor area shall be developed in recreational amenities, such as a common clubhouse, gym, pool, roof-top garden, or other amenity. Landscaping in front and street side yards, the 15 foot minimum setback, and other required areas (such as distance provisions required by the International Building Code) shall not be calculated towards meeting this provision. Only 50% of the required recreational amenity space may be located outdoors at the ground floor level.

#### **14.23.190 Design Standards.**

- (1) Design standards detailed in Section 14.34.295 – Downtown Development Design Standards, shall apply to the TOD zone.
- (2) The standards set forth in Section 14.34.300 – Transitional Development Standards, shall not apply in the TOD zone.

#### **14.23.200 Signs.**

- (1) Signs shall be regulated by Chapter 14.38.105 – Signs Permitted in the Downtown (DT) zones.

#### **14.23.210 Trash Storage and Location.**

All trash storage areas shall be designed according to the standards of Section 14.34.080 – Trash Storage except the following provisions shall prevail:

- (1) Trash storage container enclosures shall not be located between a building and any primary or secondary street right-of-way. A conditional use permit under the provisions of Section 14.34.080 cannot be issued to allow trash storage within a front or street side yard.
- (2) Trash storage containers shall be located behind a principal building (accessed via a driveway, alley or other internal block right-of-way). If this is not possible due to site constraints, trash storage containers may be enclosed within a required habitable floor area on secondary streets, if:
  - (a) It is completely enclosed within the building;

(b) A 100% opaque lockable garage door or other equivalent, that measures no more than 10 feet in width and eight feet in height is provided.

#### **14.23.220 Walls and Fences.**

The following fence heights are permitted within the TOD zone:

- (1) Front Yard: 3 feet (chain link not permitted)
- (2) Street Side Yard: 3 feet (chain link not permitted)
- (3) Side Yard: 6 feet
- (4) Rear Yard: 6 feet

(5) A decorative masonry wall, at least six feet in height, shall be erected along all property lines which lie adjacent to a R1 or RC zone. In the case where there is mutual agreement between the property owners of the commercial zone and the adjacent residential zone, the masonry wall requirement may be modified to allow other suitable materials. A signed agreement must be submitted to the Planning Commission or its designee, indicating this agreement. In the case where there is not mutual agreement, the masonry wall will be required.

#### **14.23.230 Notice of Parking and Occupancy Restrictions.**

(1) Prior to the issuance of a Certificate of Occupancy for new multiple residential dwelling units a permanent notice must be placed on the electrical box within each unit indicating the maximum allowable occupancy of each unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice must be a six by six inch metal or plastic plate that is permanently attached to the electrical box with minimum one half inch engraved letters.

(2) Upon submission of these documents any violation to the restrictions and regulations noted therein will be considered a misdemeanor offense and will be subject to criminal action as provided in Section 1.03.010, Provo City Code.

---