

Chapter 14.31. (PD) - Performance Development Overlay Zone.

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14.31.010. Purpose and Objectives.

(1) The purpose of the Performance Development Overlay Zone is to encourage imaginative and efficient utilization of land, to develop a sense of community, and to insure compatibility with the surrounding neighborhoods and environment. This is accomplished by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces, and the clustering of dwelling units. These provisions are intended to create more attractive and more desirable environments within the residential areas of Provo City.

(2) A Performance Development (PD) is a residential development planned as a whole, single complex. It incorporates a definite development theme which includes the elements of usable open spaces, diversity of lot design or residential use, amenities, a well planned circulation system, and attractive entrances as part of the design. The incorporation of one (1) or two (2) of these elements into a development does not make a PD. The combination of all these elements is necessary for the development of a PD. (Enacted 1993-100, Am 2006-08)

14.31.020. Definitions.

For the purposes of this Chapter, certain words and phrases have the following meanings:

"Alley" means a public or private vehicular street designed to serve as secondary access to the side or rear of properties whose principal frontage is on some other street. See Section 15.03, Provo City Code.

"Base Density" means the maximum number of residential units per developable acre in the PD that could be achieved, without a density bonus, by conventional development of the property in the zone with which the PD is proposed to be applied.

"Bonus Density" means the maximum number of residential units per developable acre in the PD allowed when the project complies with the bonus density design requirements of this Chapter.

"Collective Driveway" means a driveway, at least twelve (12) feet in width, serving not more than two (2) lots, or two (2) residential dwelling units, or twenty (20) feet in width serving not more than two (2) lots and four (4) single residential dwelling units and not exceeding one hundred twenty (120) feet in length. Except that in hillside areas (See 15.08.160(5)(b)) a collective driveway, at least twenty (20) feet in width may extend three hundred fifty (350) feet.

"Developable Land" means land under thirty percent (30%) slopes which is capable of being improved, subject to the provisions Chapter 15.08 of the Provo City Code, with landscaping, recreational facilities, buildings, or parking. Land devoted to street usage (the

right-of-way for public streets and the area from back-of-curb to back-of-curb for private streets) shall not be considered developable land, and must be subtracted out of the total acreage before the density calculation is made. (Access aisles in parking lots and driveways shall not be considered private streets for purposes of this Section.)

"Developed Common Activity Area" means open green space which is designed to provide activity areas for use by all residents such as playgrounds, recreational courts, picnic pavilions, gazebos, and water features. Common developed activity areas shall be held by all residents in common ownership through a homeowners association or shall be available for use by all residents if the PD will be held in single ownership.

"Driveway" means a paved area used for ingress or egress of vehicles, and allowing access from a street to one (1) building, structure, or facility.

"Gross Acreage" means the total amount of land in a PD development.

"Net Acreage" means the total amount of land in a PD development excluding rights-of-way or roads.

"Open Green Space" means a planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership that is unoccupied and unobstructed by buildings and hard surface, such as asphalt or cement, except that such open green spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos, and water features so long as such surfaces do not exceed fifteen percent (15%) of the required open green space.

"Parking Lot" means an open area, other than a street or alley, used for the parking of more than four (4) automobiles whether for free, or for compensation. Parking spaces shall not be provided within a required front yard or side yard adjacent to the street on a corner lot.

"Parking Lot Aisle" means the traveled way by which cars enter and depart parking spaces. Aisle width standards are set forth in 14.37.100. Parking aisles shall not be considered streets for purposes of this Chapter.

"Periphery" means a one hundred (100) foot depth around the perimeter of the project measured inward from the property line. (Rep&ReEn 1993-100, Am 1994-40, Am 1996-64, Am 1997-17, Am 1997-66, Am 2002-17, Am 2006-08)

14.31.030. Use In Combination.

The Performance Development (PD) overlay zone may be used in combination with existing conventional zones as designated herein, and the provisions of the performance development overlay zone shall become supplementary to the provisions of the zone with which it is combined. The PD zone shall not be applied to a land area as an independent zone. Property to which the PD zone has been applied shall be developed only in conformance with an approved project plan. When used in combination with the designated zones, the Performance Development zone designated (PD) shall become a suffix to the designation of the zone with which it is combined and shall be shown in parentheses. When applied to land area, said combined designation shall be shown on the Zone Map of Provo City as set forth in the following example:

Example: If the Performance Development (PD) zone were being combined with the Residential zone (R1), it would be designated on the Zone Map of Provo City as "R1(PD)." (Rep&ReEn 1993-100)

14.31.040. Zones with which the Planned Development Zone may be Combined.

The Performance Development overlay (PD) zone may be combined with the following zones: RA, R1, R2, R3, R4, R5, CBD zones. (Rep&ReEn 1993-100, Am 1995-59)

14.31.050. Permitted Uses.

Uses permitted in the Planned Development overlay (PD) zone shall be limited to those listed as permitted uses by the provisions of the underlying zone with which the PD zone has been combined, except as follows:

(1) In one and two-family zones, dwelling units may be clustered in common-wall construction with a maximum of eight (8) consecutively attached units. Such units may have no more than two (2) walls in common, with no units above other units.

(2) Accessory uses to the PD which are located in a common main building may be permitted. Accessory uses shall include recreational facilities and structures, day care centers, personal services, and RV parking, when approved as part of the final development plan.

(3) When combined with an R5 zone only, the following service and commercial uses may be allowed in conjunction with an apartment development provided said uses are located on the ground floor only, meet all of the off-street parking requirements of Chapter 14.37, Provo City Code and are approved in accordance with all of the standards and procedures of this Chapter.

| Use No. | Use Classification |
|---------|--|
| 4811 | Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity) |
| 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 |
| 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 |
| 4841 | Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity) |
| 4844 | Sewage pumping stations |
| 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) |
| 5410 | Groceries (convenience market, less than five thousand (5,000) square feet) |
| 5814 | Cafeterias, lunch counters, snack bars, etc., (non-auto oriented) |
| 5912 | Prescription pharmacy |
| 5941-42 | Books, magazines, stationery |
| 6111 | Bank branch (non-auto oriented) |
| 6216 | Self-service laundry |
| 6230 | Beauty and barber services |
| 6252 | Laundry and dry cleaning (pick-up station only) |
| 6339 | Stenographic services |
| 6500 | Professional Services (except 6515) |

(Rep&ReEn 1993-100)

14.31.060. Variations to Underlying Zone Permitted.

Upon combining the PD zone with an appropriate existing zone, variations from the development standards of said underlying zone may be permitted provided the variations are specifically adopted as part of the approved project plan or approved supporting documents.

Variations, however, shall not include changes in the permitted uses allowed by the zone with which the PD zone has been combined, except to the extent set forth herein.

(1) Base Density. The maximum number of residential units allowed per developable acre in a PD which meets only the minimum development requirements of this Chapter shall be calculated using the Lot Area Per Dwelling Requirement of the underlying zone:

| ZONE | LOT AREA/DWELLING |
|-------|---|
| RA | 1 unit per 21,780 square feet |
| R1.20 | 1 unit per 20,000 square feet |
| R1.15 | 1 unit per 15,000 square feet |
| R1.10 | 1 unit per 10,000 square feet |
| R1.9 | 1 unit per 9,000 square feet |
| R1.8 | 1 unit per 8,000 square feet |
| R1.7 | 1 unit per 7,000 square feet |
| R1.6 | 1 unit per 6,000 square feet |
| R2 | 2 units per 8,000 square feet |
| R2.5 | 4 units per 16,000 square feet |
| R3 | 8,000 square feet for the first two units, plus 2,700 square feet for each additional dwelling unit |
| R4 | 8,000 square feet for the first two units, plus 1,500 square feet for each additional dwelling unit |
| R5 | 5,000 square feet for the first unit, plus 800 square feet for each additional dwelling unit |
| CBD | 8,500 square feet for the first three (3) units; plus 850 square feet for each of the next thirteen (13) units; plus 350 square feet for each additional dwelling unit. |

(2) Notwithstanding the foregoing provision, in no event shall the maximum number of residential units exceed the number of units per developable acre in the PD that could be achieved, without a density bonus, by conventional development of the property in the zone with which the PD is proposed to be applied. Such maximum number of residential units shall be reasonably determined by the Planning Commission using development criteria and ordinance requirements applicable to the zone with which the PD is proposed to be combined.

(3) In the event an approved project plan is proposed to be amended and a density increase is requested, the Planning Commission may, subject to the requirements of this Chapter, approve such density increase; provided, however, that any density increase shall not exceed by more than ten percent (10%) the density shown on the originally approved project plan. (Rep&ReEn 1993-100, Am 1994-40, Am 1995-59, Am 1995-70, Am 1997-66)

14.31.070. Density Determination.

Density in a PD shall be determined by using the "developable land" of the entire proposed development. Developable land is land under thirty percent (30%) slope which is capable of being improved with landscaping, recreational facilities, buildings, or parking. Land devoted to street usage in PD subdivisions shall not be considered developable acreage and must be subtracted out of the total acreage used to determine density. Refer to Figure 14.31.070 at the end of this Chapter. (Rep&ReEn 1993-100, Am 1994-40, Am 1995-59, Am 1995-70)

14.31.080. Minimum Performance Standards.

A performance development established under the provisions of this Chapter shall conform to the standards and requirements of this Section. Project plans shall be approved or denied on the basis of performance measured against development standards adopted in accordance with this Chapter and on the findings made by the Planning Commission as required by Section 14.31.120(2).

(1) General Standards.

(a) Single Ownership or Control. The area proposed for a performance development shall be in one (1) ownership or control during development to provide for full supervision and control of said development, and to insure conformance with these provisions and all conditions imposed upon the preliminary and final development plans. Mere development agreements between individuals shall not satisfy this requirement. Individual ownership, partnerships, corporations, and other legally recognized entities are acceptable.

(b) Scope of Plan. A plan for the development of a performance development shall cover the entire area proposed for development. Upon approval the development shall be strictly in accordance with the plan. Areas not proposed for development shall be designated as open space and shall conform to minimum landscaping requirements of this Chapter.

(c) Design Team. The final development plans shall be prepared by a design team composed of an architect, a landscape architect, and an engineer or land surveyor, all licensed to practice in the State of Utah.

(d) Minimum Area. The minimum land area for a performance development shall be as follows:

| | |
|----------|--|
| RA zone | 5 acres |
| R1 zone | 2 acres (Exception: No minimum shall be required in the Neighborhood Conservation Area [as defined in Section 14.10.090] if one-family detached residential units are proposed.) |
| R2 zone | 2 acres (Exception: No minimum shall be required in the Neighborhood Conservation Area [as defined in Section 14.10.090] if one-family detached residential units are proposed.) |
| R3 zone | no minimum |
| R4 zone | no minimum |
| R5 zone | no minimum |
| CBD zone | no minimum |

(e) Hazardous Conditions. If located in "sensitive lands", "high water table", and/or "flood plain", the project must comply with all provisions of the Sensitive Lands and/or Flood plain sections of the Provo City Code.

(f) Setbacks. The minimum setback for all buildings (excluding fences) and parking in the periphery of the development shall be the front setback of the zone at those locations where development abuts a street and a minimum twenty (20) foot setback at those locations where development abuts other parcels of land outside the project. Departures from these setbacks must be justified by unique and unusual circumstances related to the site, or for reasons of improved design.

(i) Notwithstanding the above provision, if the development has subdivided one-family lots which abut other parcels of land, the specific zone regulations shall apply for rear and side yard setbacks on the subdivided lots. The required setback area shall be landscaped.

(ii) Structures shall be placed in such a way as not to impair lines-of-sight for pedestrian or vehicular traffic. Placement shall be in accordance with the provisions of Section 14.34.100, Provo City Code, Clear Vision Area - Corner Lots.

(iii) Garages with entrances facing directly on private or public streets, whether in a front or side yard, shall be set back at least twenty (20) feet from the property line, or shall be located within five (5) feet of said property line.

(iv) A minimum ten (10) foot landscaped setback shall be maintained from all interior roadways.

(v) Minimum distance between main buildings in the development shall be fifteen (15) feet for single story buildings, twenty (20) feet for two story buildings, and twenty-five (25) feet for three or more stories. Refer to Figure 14.31.080(a) at the end of this Chapter.

(g) Fence Height. If fencing is proposed adjacent to a public or private street, the maximum fence height shall be three (3) feet for fences located in the required front yard and side yard setback facing a street as determined in the underlying zone. Fence heights located outside of these setbacks shall be limited to a maximum height of six (6) feet. The Planning Commission may vary the height or location if it determines the proposed fence design, materials, and location will not create a safety hazard due to obstructed vision of approaching vehicles or pedestrians and will:

- (i) Not isolate surrounding neighborhoods;
 - (ii) Be consistent with the theme of the development;
- and
- (iii) Be compatible with the neighborhood.

If fencing isolates property between the fence and the public street, the development shall provide means to insure continued maintenance of this area. Refer to Figure 14.31.080(b) at the end of this Chapter.

(h) Natural Features. Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.

(i) Utilities. All utilities shall be placed underground, including telephone, electrical, and television cables. Dwelling units under separate ownership shall have separate utility metering, unless otherwise approved by the Energy and Water Departments.

(j) Phasing. If the project is to be done in phases, no remnant parcels shall be created. Any land not proposed for development shall be designated as open space.

(k) Air Quality. The use of coal or wood burning furnaces, fireplaces or other heating devices which burn coal are prohibited unless especially equipped with devices proven to minimize air pollution.

(l) Water Conservation. Low volume irrigation systems with automatic controllers shall be used. Such an irrigation system includes, but is not limited to, low volume sprinkler heads, drip emitters, and bubbler emitters. A minimum of PVC schedule 40 or equivalent shall be used for main lines and under driveway areas, and a minimum of PVC schedule 200 or equivalent shall be used for lateral lines.

(2) Compatibility Standards.

(a) Neighborhood Compatibility. The processes set forth in the Administrative Guidelines in Section 14.31.170(A), Identifying Impacts on Compatibility, shall be followed. All issues concerning the compatibility of the project with adjacent property and the neighborhood generally shall be resolved or mitigated.

(b) Land Use Conflicts. Land use conflicts that may exist between the proposed performance development and surrounding land uses shall be examined as provided in Section 14.31.170(B), Guidelines Pertaining to Land Use Conflicts.

(c) Curb appeal. The front of the units developed on the periphery of the project shall front onto the public streets. When units abut two (2) parallel streets, the fronts of the units shall face the public street bordering the PD. Units which are on corners may front either street. The Planning Commission may waive this provision due to unusual topographic features or unusual

conditions provided such waiver does not negatively impact the continuity of the existing street scape.

(d) Height. The maximum height of buildings within the performance development shall be the same as that permitted in the underlying zone with which the PD Zone is combined, except that a greater height may be allowed in an R3 (PD), R4 (PD), or R5 (PD) zone by the issuance of a conditional use permit granted by the Planning Commission. Height requirements of the adjacent zone (if more restrictive) shall apply on the periphery of the project.

(e) Building Materials. The type of exterior building material and ratio of surface coverage for the proposed facade for other than one-family dwelling units shall be similar in material and ratio of coverage to fifty one percent (51%) of the existing residential structures adjacent to the development. (e.g. The majority of the existing buildings have the lower 1/3 of the facade in brick on the front and the rest is siding, the new development shall have as a minimum 1/3 of the front in brick and the rest in siding.) This provision shall not limit the use of brick in place of other material.

(f) SIlize of Dwellings and Dwelling Structures. One and two-family dwellings in the PD zone shall meet the minimum floor area requirements of the respective underlying zone, as listed in Section 14.34.310, Provo City Code. In Very Low and Low Density neighborhoods, as designated by the Provo City General Plan, no more than four (4) dwelling units shall be combined in a single multiple family or apartment dwelling structure.

(g) Garages. In R1 and R2 zones, required off-street parking (excluding visitor and RV parking) shall be provided in enclosed garages or carports that are architecturally compatible with the main structures as set forth in Section 14.34.310, Provo City Code. Carports may only be approved in those cases where the applicant demonstrates, to the satisfaction of the Commission, that carports are used predominantly in the surrounding neighborhood, and that the proposed development would still provide a more pleasant and attractive living environment than would be obtained under the conventional residential subdivision standards. When garages are provided for parking purposes within any zone, the size of garage shall be consistent with the requirements set forth in Section 14.37.100, Provo City Code.

(h) Refuse Bins. Refuse bins shall be stored in screened enclosures which are architecturally compatible in style and materials with the character of the development. Bins shall be located so they are not visible from outside circulation routes, and so they do not restrict vehicular movement or parking.

(i) Screened Parking. Parking lots of six (6) or more spaces shall be effectively screened from public streets and adjacent property ownerships.

(j) Glare Reduction. Exterior lighting shall be designed such that the light source will be sufficiently obscured to prevent excessive glare into any residential area.

(3) Design Theme.

(a) Entry Statement. Entrance designs to the development are required. The minimum entrance design to the development shall consist of a monument sign naming the development surrounded by a variety of ground cover, shrubs, and trees.

(b) Viscual Relief. Attached dwelling units shall have visual relief in facade and roof line which adds variety and rhythm to the design and avoids monotonous straight lines. Refer to Figure 14.31.080(c) at the end of this Chapter.

(c) Unified Design. Unifying architectural and landscaping design elements shall be carried throughout the project. Therefore, detailed landscaping plans shall be submitted, along with building elevation views and floor plans. In the case of PD

subdivisions, design guidelines or covenants may be substituted for building plans and individual lot landscaping plans.

(4) Open Space.

(a) Minimum Open Green Space. Minimum percentages of Open Green Space (OGS) for each zone are given in the following table, assuming no density bonus is granted:

| <u>Zone</u> | <u>OGS</u> |
|-------------|------------|
| A1.1 | .80 |
| RA | .80 |
| R1 | .60 |
| R2 | .40 |
| R3 | .40 |
| R4 | .30 |
| R5 | .20 |
| CBD | .20 |

Each phase of development shall provide its proportionate required open green space needed for that phase.

(b) Hardscape. Such open green spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos, and water features so long as such surfaces do not exceed fifteen percent (15%) of the required open green space.

(c) Common Activity Areas. At a minimum, open green space shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.

(i) Subdivided, one-family lots shall provide developed common activity area at a ratio of one thousand (1,000) square feet per lot.

(d) Saving Existing Trees. Developments shall be designed to incorporate existing large trees, clusters of trees or clusters of large shrubs. The Planning Commission, or a designated subcommittee, shall review the appropriateness of removal of portions of these types of vegetation if proposed in the development plan. The Commission may approve removal of some or all vegetation based on a determination of the benefits of the existing plant material and the efforts made to save and incorporate the existing plant material into the design of the project versus the problems the plant materials may create for the project in terms of general construction techniques, impact removal will have to the character of the area, the topography of the site, and harmful conditions the vegetation may create.

(i) As one of the purposes of a PD is to protect natural features, the Planning Commission may deny approval of a PD if it is determined there has been removal of trees or shrubs prior to submittal.

(e) Landscaping Per Unit. A minimum of three (3), one and one-half (1½) inch caliper deciduous trees or four (4) foot tall evergreen trees, and four (4) shrubs shall be planted for each lot in a PD subdivision, as well as building foundation planting of appropriate shrubs, flowers, or ground covers. Landscaping in the park strip in the street right-of-way shall have a unified design theme in PD subdivisions. Multiple family PD's shall provide a minimum of one (1) deciduous or evergreen tree per two (2) units, and two (2) shrubs per unit. The intent is to have a variety of plant materials to give color and texture; to direct traffic; to frame views; and to screen undesirable views.

(i) The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees should be used as wind breaks, screening, and accent plantings.

(f) Water Conservation. The majority of new plant material used for landscaping the development should be water conserving plants. The landscaping design shall locate plant

materials in similar water usage demand zones to insure proper irrigation coverage and reduce wasteful irrigation coverage and reduce wasteful watering.

(i) The use of turf grass shall be limited to areas of high foot traffic, play areas, and other appropriate areas as determined by the Planning Commission. All other areas which are normally planted with lawn, shall be planted with ground covers, shrubs, or trees.

(ii) Drip irrigation systems shall be designed and installed to irrigate all shrub and tree areas as needed.

(5) Streets. The type and arrangement of roadways peripheral to and abutting any development shall be in compliance with the Master Street Plan, the Official Map, and any Local Policy Street Maps for the area of the development. Projects which are located on or next to a collector or arterial street shall be designed and developed so the public street continues through the project in a logical, safe design. Projects which are located at the end of stubbed local public streets may be required to extend the street through the development based on the proposed circulation needs of the area as determined by the Planning Commission. The Planning Commission, upon recommendation of the Planning and Engineering Staff, shall determine if the street should be extended as a through street or as a cul-de-sac during the concept or preliminary approval.

(a) Public Streets. All dedicated public streets shall be constructed to City standards including width, as outlined in Section 15.03.040, Provo City Code.

(b) Private Streets. All streets shall be constructed to City standards including width, as set forth in Section 15.03.040, and Section 15.03.200, Provo City Code. The standards for local residential streets are identical for public and private streets. Refer to Figure 15.03.200 in Title 15. (Enacted 1993-100, Am 1994-40, Am 1995-59, Am 1996-42, Am 1997-34, Am 1997-66, Am 2002-15, Am 2006-40)

14.31.090. Density Bonus.

Density in excess of the base density for the underlying zone may be considered for projects which comply with the bonus density design requirements. The amount of density bonus shall be determined by the type of Bonus Density Design Requirements incorporated in the development proposal. In no case shall the density bonus exceed the maximum density allowed for the zone in which the development occurs according to the following chart:

| Zone | Base Density | Max Density |
|-------|-----------------|------------------|
| RA | 2.17 Units/NDA | 3.04 Units/NDA* |
| R1.20 | 2.17 Units/NDA | 3.04 Units/NDA |
| R1.15 | 2.90 Units/NDA | 4.06 Units/NDA |
| R1.10 | 4.35 Units/NDA | 6.09 Units/NDA |
| R1.9 | 4.84 Units/NDA | 6.77 Units/NDA |
| R1.8 | 5.44 Units/NDA | 7.62 Units/NDA |
| R1.7 | 6.22 Units/NDA | 8.71 Units/NDA |
| R1.6 | 7.26 Units/NDA | 10.16 Units/NDA |
| R2.5 | 10.89 Units/NDA | 15.24 Units/NDA |
| R3 | 15.17 Units/NDA | 21.23 Units/NDA |
| R4 | 25.70 Units/NDA | 35.98 Units/NDA |
| R5 | 44.02 Units/NDA | 61.62 Units/NDA |
| CBD | 84.60 Units/NDA | 118.44 Units/NDA |

*Net Developable Acre (Rep&ReEn 1993-100, Am 1995-59, Am 1995-70)

14.31.100. Density Bonus Calculations.

For applicants requesting a density greater than the base density, the Planning Commission shall determine whether the applicant has complied with the necessary design components as provided in

Section 14.31.110 of this Chapter and shall assign density points as applicable. The additional units per acre allowed above the base density for the PD shall be determined by multiplying the total number of density bonus points by the density coefficient of the underlying zone. This figure is the additional number of units per acre allowed above the base density. This number when added to the base density will determine the total density per acre for the project; provided that the number shall not exceed the maximum density allowed in the zone. (Example: The project is in an R2 zone and the design is awarded 75 bonus points. $75 \times .0435 = 3.26$ additional units per acre. $3.26 + 10.89$ (base density) = 14.15 maximum units per acre for the development.) The density coefficient for each underlying zone and the total amount of points needed for the maximum density are listed below:

| Zone | Density Coefficient | Maximum Density Points |
|-------|---------------------|------------------------|
| RA | .0087 | 100 |
| R1.20 | .0087 | 100 |
| R1.15 | .0116 | 100 |
| R1.10 | .0174 | 100 |
| R1.9 | .0193 | 100 |
| R1.8 | .0218 | 100 |
| R1.7 | .0249 | 100 |
| R1.6 | .0290 | 100 |
| R2 | .0435 | 100 |
| R2.5 | .0435 | 100 |
| R3 | .0600 | 100 |
| R4 | .1000 | 100 |
| R5 | .1760 | 100 |
| CBD | .3384 | 100 |

(Enacted 1993-100, Am 1995-59, Am 1995-70, Am 1997-66)

14.31.110. Density Bonus Design Requirements.

If greater density is requested above the base density, a PD development shall comply with one (1) or more of the following bonus density design requirements depending upon the desired density increase. The Planning Commission shall review and determine if the proposed design complies with the intent of the design requirement before the points are granted. The density bonus points for each individual design component are in parentheses at the end of each requirement. In order to receive the maximum density allowed in the zone, the development shall have received bonus density points from at least one design component in each of the following categories: energy efficiency, building design, design theme, landscaping, and open green space. A design component cannot be used to obtain points in more than one category. The density bonus design requirements are as follows:

(1) Energy Efficiency.

(a) Insulation. All dwellings and main buildings shall have R-19 wall insulation and R-38 ceiling insulation. (Up to 10 points.)

(b) Solar Design. All dwellings are designed with an active or passive solar feature. The solar feature shall be a solar water heater, trombe wall, earth insulation of a majority of the walls, the building designed so that the main exposure faces south and has windows to allow solar access, or other features as approved by the Planning Commission. (Single feature per unit throughout the entire project, up to 20 points. Combination features per unit throughout the entire project, up to 30 points.)

(2) Building Design.

(a) Materials. All facades of each dwelling structure, exclusive of windows or doors, have a minimum coverage of

eighty percent (80%) of the exterior surface in either brick or stone. (Up to 20 points.)

(b) Attached Garage. Required parking for each unit is provided for by an attached garage. (Up to 25 points.)

(c) Carports. All required parking for each unit is covered by carports. (Up to 10 points.)

(d) Roof Materials. All roofs of main buildings are clad with wood shake, tile, or slate shingles. (Up to 15 points.)

(3) Design Theme.

(a) Installed Landscaping. Landscaping is designed and installed along all streets of the development according to a theme which provides units and interest. (Up to 20 points.)

(b) Theme Lighting. Theme lighting is used throughout the development for street lighting, lighting of walkways, parking areas, entrances, and building exteriors. (Up to 15 points.)

(c) Fencing. Perimeter fencing is used throughout the project that matches the building design, i.e., masonry columns or piers using the same brick or stone as the buildings. (Up to 15 points.)

(d) Special Features. Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong theme for the development and are utilized in highly visible locations in the development. (Up to 20 points.)

(4) Parking Areas.

(a) Screening. Parking lots of twenty (20) or more stalls are screened from view by means of berming or landscaping around the perimeter of the parking lot. (Up to 20 points.)

(b) Landscaped Islands. Parking lots of twenty (20) or more stalls or a continuous row of parking over ninety (90) feet in length has a landscaped island(s) which provides landscaping at a ratio of one (1) square foot of landscaping per thirteen (13) square feet of hard surface. (Up to 15 points.) Refer to Figure 14.31.100 at the end of this Chapter.

(c) Shade Trees. Areas with five (5) or more uncovered parking stalls are designed to include minimum two (2) inch caliper trees located in such a manner as to shade fifty percent (50%) of the parking area upon maturation of the trees. (Up to 15 points.)

(5) Recreational Amenities.

(a) Active Recreation. The PD includes a recreational amenity primarily for the use of the residents of the development. Amenities may include swimming pools, sports courts, spas, barbecue and picnic facilities, or other features as approved by the Planning Commission. The Planning Commission may determine the points based on the cost of the amenity, its benefit to the residents of the development, its size and the number of amenities in the development. (Between 5 to 35 points.)

(b) Common Building Facilities. Development of a common building which shall be used for meetings, indoor recreation, day care, or other common uses as approved by the Planning Commission. RV parking facilities may also be considered with this design feature. (Up to 20 points.)

(c) Park Dedication. Dedication of land for public park, public access along a stream, or public access along a planned trail. The City must be willing to accept the proposed dedication before points are awarded. (Public access up to 15 points. Public park up to 40 points.)

(d) Construction of Trail or Park. Construction according to City standards of trail or park which has been dedicated to the City according to item number (c) above. (Trail 15 points, public park 40 points.)

(6) Landscaping.

(a) Extra Trees. Design and planting more than the minimum number of trees, shrubs, and perennials per dwelling unit in the development. (Up to 20 points.)

(b) Soften Fence Appearance. Areas which are to be screened use a solid non-see-through wood or masonry fence and landscaping which acts to soften the appearance of the fence. Landscaping may be vines, shrubs, or trees. (Up to 15 points.)

(7) Open Green Space.

(a) Designed Plan. Open green space is designed (not left over space between buildings) and flows uninterrupted through the entire development linking dwellings and recreation amenities. (Up to 25 points.)

(b) Multiple Use. Storm water detention facilities are designed and used for multiple purposes which blend with the overall theme of the open space design i.e., shape of the area is free flowing, the grading and landscaping are carried out in such a manner that the use as a detention pond is not discernible. (Up to 20 points.)

(8) Public Streets. All streets within the development are dedicated public streets, or at least built to public street standards. (Up to 25 points.) (Enacted 1993-100)

14.31.130. Preliminary Project Plan Approval.

Concurrent with any request to rezone property to the Performance Development Overlay Zone, and prior to final plan approval, a preliminary project plan which meets the requirements of Section 15.03.300, Provo City Code, shall be submitted to the Provo City Planning Commission. (Enacted 1993-100, Am 1997-66, Am 2000-44)

14.31.140. Final Plan Approval.

(1) Prior to the construction of any building or structure in the PD zone, a final project plan shall be submitted and approved. Said plan may be submitted in units or phases, provided each phase can exist as a separate entity capable of independently meeting all of the requirements and standards of this Chapter and of the underlying zone with which the PD zone has been combined. The separate development of said phases shall not be detrimental to the performance development nor to the adjacent properties in the event that the remainder of the project is not completed. Said project plan shall be drawn to scale and, in addition to the information required in Section 14.02.090, Provo City Code, shall contain the following information:

(a) All of those requirements designated for submission with preliminary development plans.

(b) A certified survey of the property showing any survey conflicts with adjoining properties, any discrepancies between the survey descriptions and existing fence lines, and overlaps with adjoining property descriptions.

(c) Tabulations of all dwelling units to be constructed by types and number of bedrooms per unit.

(d) Detailed project plan with completed dimension showing precise locations of all buildings and structures, lot or parcel sizes and locations, designations or common open spaces and special use areas, detailed circulation pattern including proposed ownership and typical cross section of streets.

(e) Final exterior design for all building types, presented as exterior perspectives or exterior elevations.

(f) Detailed landscaping plans showing the types and sizes of all plant materials and their locations, decorative materials, recreation equipment, special effects, and sprinkler or irrigation systems.

(g) Dimensioned parking layout showing location of individual parking stalls and all areas of ingress or egress.

(h) Detailed engineering plans or final subdivision plat showing site grading, street improvements, drainage, and public utility locations, and submission of engineering feasibility studies, if required by the City Engineer.

(i) Fully executed declaration of covenants, conditions, and restrictions, together with open space easements and other bonds, guarantees, or agreements as required herein or as deemed necessary by the Planning Commission and/or the City Attorney to meet the objectives of this Chapter.

(j) A time schedule for the completion of landscaping, parking, street improvements and other improvements and amenities which are guaranteed by bonds or other securities.

(2) Any failure to submit a final project plan within two (2) years of the approval of the preliminary project plan shall terminate all proceedings and render the preliminary project plan null and void. The City may, at such time, initiate proceedings to rezone the property back to the zone classification that existed on the property prior to the PD approval. In the case of multiple phase PD's, failure to submit a project plan within two (2) years of the last previous phase project plan, shall also terminate all proceedings and render the preliminary project plan null and void, as it applies to the remaining balance of the site. The City may then entertain a new application for preliminary plan approval, or it may initiate proceedings to rezone the remaining property.

(a) Under the terms of this section, a project has a "vested right to develop" at the time of rezoning and preliminary project approval. With the exception of Building Codes, no changes in zoning portion of the Provo City Code, or other City ordinances, shall apply to the project, so long as an approved preliminary plan is in force.

(b) If an applicant seeks to revise a preliminary project plan (Except for minor changes described elsewhere in this Title), the new plan shall be subject to all new sections of the Provo City Code and other new City ordinances in effect at that time.

(3) If during preparation and consideration of a Final Plan any sensitive land area is encountered that is not shown on the Concept Plan submitted under Section 14.31.120, no development shall be permitted within such area. Development within such areas that may have been shown on an approved Concept Plan or Preliminary Plan shall not be approved in any Final Plan. (Enacted 1993-100, Am 1997-66)

14.31.150. Guarantees and Covenants.

(1) Adequate guarantees shall be provided for permanent retention and maintenance of all open space areas created within a performance development. The Chief Building Inspector shall not issue a final inspection clearance until all required guarantees have been submitted to and approved by the Planning Commission. Said open space guarantees may include the following:

(a) The City may require the developer to furnish and record protective covenants which will guarantee the retention of the open land area, or the City may require the creation of a corporation granting beneficial rights to the open space to all owners or occupants of land within the development.

(b) The developer shall be required to develop and provide for the maintenance of all open space, unless part of or all of it is contiguous to and is made a part of an existing park, and the City accepts dedication and approves the annexation of the property to said park.

(c) In the case of private reservation, the open space to be reserved shall be protected against building development by conveying to the City as part of the condition of project approval, an open space easement over such open areas, restricting the area against any future building or use, except as approved on the project plan.

(d) The care and maintenance of the area within such open space reservation shall be insured by the developer by establishing a private association or corporation responsible for such maintenance which shall levy the cost thereof as an

assessment on the property owners within the performance development. Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the City and made a part of the conditions of the final plan approval.

(e) Maintenance of open space reservations shall be managed by person, partnership, or corporate entity in which there is adequate expertise and experience in property management to assure that said maintenance is accomplished efficiently and at a high standard of quality.

(f) Minor changes in the location, siting, and height of buildings and structures may be authorized by the Planning Commission without additional public hearings if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this Subsection may cause any of the following:

(i) A change in the use or character of the development;

(ii) An increase in overall coverage of structures;

(iii) An increase in the intensity of use;

(iv) An increase in the problems of traffic circulation and public utilities;

(v) A reduction in approved open space;

(vi) A reduction of off-street parking and loading space;

(vii) A reduction in required pavement widths.

(g) All other changes in use, or rearrangement of lots, blocks, and building tracts, or any changes in the provision of common open spaces and changes other than listed above, must be made by the Municipal Council after report of the planning staff and recommendation by the Planning Commission.

(2) In order to insure that the performance development will be constructed to completion in an acceptable manner, the applicant (owner) shall post a performance bond in compliance with City bonding policy.

(3) The applicant (owner) of any performance development which is being developed as a condominium project under the provisions of the Condominium Ownership Act of Utah, or subsequent amendments thereto, shall, prior to the conveyance of any unit, submit to the Planning Commission a declaration of covenants, conditions, and restrictions relating to the project, which shall become part of the final development plan and shall be recorded to run with the land. Said covenants, conditions, and restrictions shall include management policies which shall set forth the quality of maintenance that will be performed and who is to be responsible for said maintenance within said condominium development. Said document shall, as a minimum, contain the following:

(a) Provisions for the type of occupancy (family or batching singles) as determined by the amount of provided parking and by the underlying zone.

(b) The establishment of a private association or corporation responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the condominium development.

(c) The establishment of a management committee, with provisions setting forth the number of persons constituting the committee, the method of selection, and the powers and duties of said committee; and including the person, partnership, or corporation with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.

(d) The method of calling a meeting of the members of the corporation or association with the members thereof that will constitute a quorum authorized to transact business.

(e) The method for maintenance, repair, and replacement of common areas and facilities, and distribution of costs thereof.

(f) The method for maintenance of all private streets and private utilities and acknowledgment that such maintenance is the responsibility of the homeowners corporation or association.

(g) The manner of collection from unit owners for their share of common expenses, and the method of assessment.

(h) Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair, restore, or sell property in the event of damage or destruction of all part of the project.

(i) The method and procedure by which the declaration may be amended: the declaration required herein, any amendment, and any instrument affecting the property or any unit therein shall be approved by the Planning Commission and recorded with the County Recorder. Neither the declaration nor any amendment thereto shall be valid until approved and recorded. Said declaration and amendments thereto shall be maintained as part of the project plan for the performance development.

(4) In case of failure or neglect to comply with any and all of the conditions and regulations herein established, and as specifically made applicable to a performance development, the building inspector shall not issue a certificate of zoning compliance therefore. Such failure or neglect shall be cause for termination of the approval of the project. Such failure or neglect to comply with the requirements and to maintain the buildings and premises in accordance with the conditions or approval thereafter shall also be deemed to be a violation of this Chapter.

(5) Streets not constructed to City width standards shall be noted in a required covenant. Such streets cannot be dedicated unless brought up to City standards. The Municipal Council may vote to remove the property from the Performance Development Overlay Zone and deny the project plan, if the plan for the property is found to be out of character with the neighborhood; if, in the interest of promoting the general health, safety and welfare, the changed project plan should be denied; or if implementation of the new project plan would hinder or obstruct the attainment of policies established in the General Plan. (Enacted 1993-100)

14.31.160. Fees.

Fees shall be charged to offset a portion of the costs incurred by the City in reviewing and precessing project plans, pertaining to the PD (Performance Development) zone. Those fees shall be as shown on the Consolidated Fee Schedule adopted by the Municipal Council. (Enacted 1993-100, Am 2006-15)

14.31.170. Appendix.

(1) Identifying Impacts on Compatibility. In order to facilitate citizen participation in the development process which would be meaningful to individuals at the neighborhood level, the City of Provo requires informal meetings between citizen groups, and developers on development projects perceived as having significant neighborhood impact. The City of Provo urges citizens to attend and actively participate in these meetings. Within the participation framework provided below, the citizens give direction to the development of their neighborhood by delineating neighborhood values, goals, and objectives; by participating in choosing among alternative project designs; and by participating in the approval and modification of project plans. It is during the conceptual planning stage that the City staff sounds out the neighborhoods on an informal basis before time and effort have been expended by the developer to submit a formal development application. The process for citizen participation in the conceptual planning stage of development shall be as follows:

(a) At the Conceptual Review meeting with City staff, the Planning Director will determine whether the project has significant neighborhood impact.

(b) Within a reasonable period of time following the Conceptual Review meeting, the developer shall attempt to notify the impacted neighborhood of the development proposal by written notice to the neighborhood Chair and owners of property within five hundred (500) feet of the project, and/or notification of applicable homeowners associations.

(c) A meeting will be held with the neighborhood prior to preliminary plan application before the Planning Commission. The developer and/or his/her representative is required to attend this meeting. The meeting will typically be held in the neighborhood, for example, at the nearest public school. A Planning Department staff member will be responsible for setting up and coordinating the neighborhood meeting. The purpose of the meeting is for the developer to interact with the neighborhood, and for the developer to inform and obtain feedback from the neighborhood on a specific development proposal in a relaxed atmosphere.

(d) The developer makes application for preliminary plan approval, and a hearing is scheduled with the Planning Commission.

(e) Planning Department staff prepares a report reviewing the issues and recommendations of the informal public meeting for Planning Commission review.

(2) Land Use Conflicts. The matrix indicates the conflicts that are presumed to exist between land uses. The types of mitigation measures listed in the following Sections are the design tools that may be employed either separately or in combination to mitigate existing or potential land use conflicts. Minimum Performance Standards require that such conflicts be mitigated as a condition for approval of the development plan.

(a) Land Use Conflict Mitigation Measures

(i) Open Space Setbacks. By providing an open space buffer between conflicting land uses conflicts can often be avoided. The width of the buffer required will depend on the extent of landscaping. To work effectively, the ownership, use, and maintenance of the open space buffer must be clearly defined.

(ii) Landscaping and Topographic Changes. As part of an open space buffer or as a treatment of land immediately adjacent to buildings, landscaping can be used to reduce conflicts.

(A) Dense plantings of evergreens can provide a visual buffer.

(B) Sensitive landscaping can soften the sharp visual contrast between two (2) abutting land uses by subduing the differences in architecture and bulk and by providing a gradual transition rather than a harsh edge between uses.

(C) Dense growth of plants can be visually appealing but also can be inhospitable to unwanted travelers. Such natural screen can discourage unwanted and unsafe pedestrian or bicycle access between land uses.

(D) Good landscaping can help other mitigation measures. It can reduce the width of open space buffer required. It can soften the visual conflict created by safety and security fences.

(E) Recontouring of the land can alter views, subdue sounds, change the sense of proximity, and channel pedestrian travel.

(iii) Orientation. The strict spatial proximity between land uses and the apparent or functional proximity can be

very different depending on the orientation of buildings and activities of the two (2) land uses.

(A) The buildings themselves can cause a buffer to be created by effectively turning their backs on each other - orienting views, access and principal activities away from the other land use. Care must be taken, however, that a hazardous and unaesthetic "no-man's land" is not created in the process. Some appropriate use must be given to the intervening space. Alternately, the intervening space can be eliminated altogether if the two (2) buildings share a common back wall. An entire site plan can be oriented so that the activities and functions are aligned hierarchically - placing those least compatible furthest from the common boundary between land uses and those most compatible near that boundary.

(iv) Barriers and Alleviation. It may be appropriate and necessary to use physical barriers to prevent the undesirable attributes of one land use from affecting the people and activities in the adjacent land use. Fences, walls and berms can prevent the passage of people into areas that would be unsafe or insecure. They can also prevent spillage of materials from one (1) site to another. Noise, light, and odor pollution can be reduced at the point of origin by modifying the normal design of the operations causing the pollution. Light and noise can also be mitigated through physical barriers such as fences, walls, berms, screens and landscaping.

(v) Architectural Compatibility. In addition to the architectural considerations involved in mitigation through orientation, the materials, colors, scale, and prominence of buildings in adjacent land uses can be coordinated so there is a gradual transition from one (1) land use to another rather than a sharp and displeasing contrast. Purely aesthetic details that are "tacked" onto a building to cover up land use conflicts, however, will cause more harm than good. The architectural compatibility should rise from a total consideration of the function of each land use and the function of the space between them.

(vi) Circulation. Streets and parking areas can often serve to reduce certain types of land use conflicts. (Enacted 1993-100)

Figure 14.31.070. Density Determination.

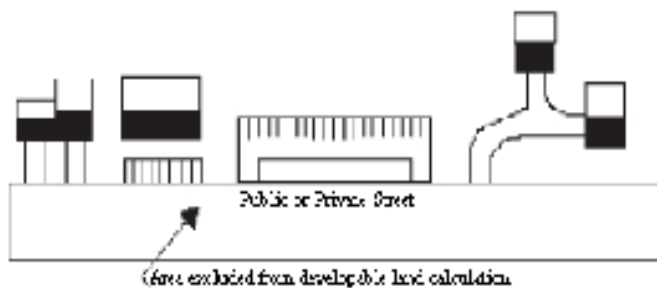


Figure 14.31.080(a). Setbacks.

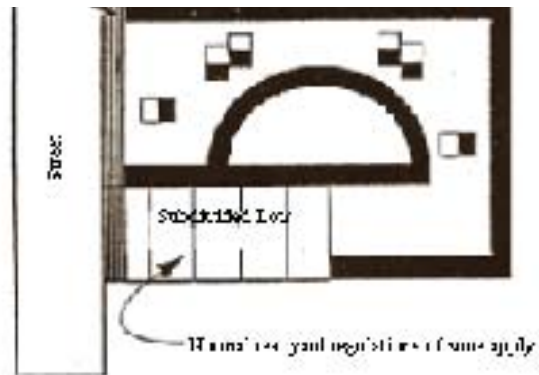


Figure 14.31.080(b). Fence Height.

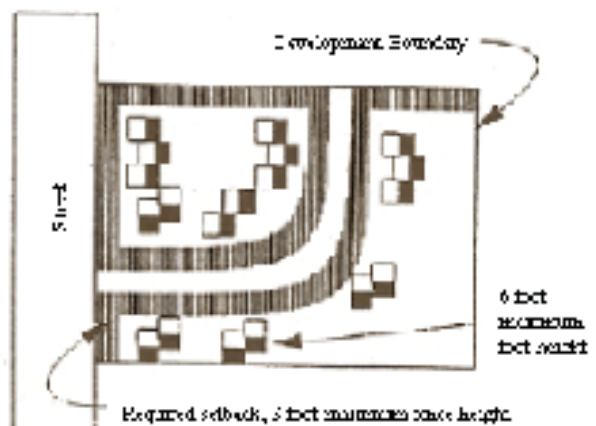
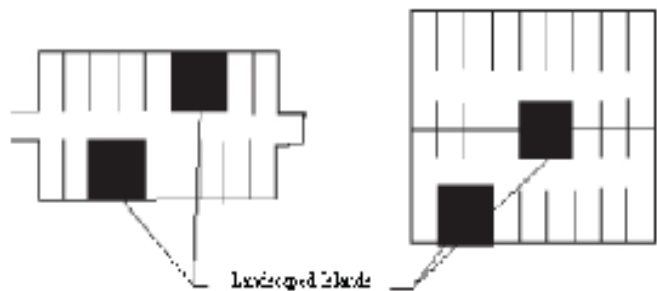


Figure 14.31.080(c). Visual Relief.



Figure 14.31.100. Landscaped Islands.



Chapter 14.32. RC - Residential Conservation Zone

- 14.32.010. Purpose and Objectives.
- 14.32.020. Permitted Uses.
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- 14.32.110. Parking, Loading and Access.
- 14.32.120. Project Plan Approval - Design Review.
- 14.32.130. Notice of Parking and Occupancy Restrictions.
- 14.32.140. Other Requirements.

14.32.010. Purpose and Objectives.

The Residential Conservation (RC) zone is established to encourage conservation of existing housing by limiting the use of a given lot or parcel to the legal use existing on April 2, 2002. Legally existing uses may continue indefinitely and are intended to be treated as conforming uses. Such uses may be replaced as provided in this Chapter. However, if existing residential uses are replaced, new development is to be established at not more than the same density as legally existed on April 2, 2002. (Enacted 2002-03, Am 2002-33, Am 2002-44)

14.32.020. Permitted Uses.

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

(2) All uses listed 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 (4) digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four (4) digit number in which the last one (1) or two (2) digits are zeroes.

(3) All such groupings listed herein, and all specific uses listed within them in the Standard Land Use Code, are allowed in the RC zone subject to the limitations set forth herein.

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

| Use No. | Use Classification |
|---------|---|
| n/a | Any use which on April 2, 2002 was legally existing and allowed as a permitted, accessory or conditional use in the R1, R2, R2.5, R3, R4 and R5 zones, as set forth respectively in Sections 14.10.020, 14.11.020, 14.12.020, 14.12A.020, 14.13.020 and 14.14.020, Provo City Code. |
| 1111 | One-family dwelling - detached (See Section 14.34.310, Provo City Code) |
| 1291 | Residential Facility for Elderly Persons (subject to the standards of Section 14.34.230, Provo City Code) |

| | |
|------|--|
| 1292 | Residential facility for persons with a disability (subject to the standards of Section 14.34.230, Provo City Code) |
| 4811 | Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity) |
| 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 |
| 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 |
| 4841 | Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity) |
| 4844 | Sewage pumping stations |
| 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) |

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the RC 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, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to the standards of Section 14.34.210, Provo City Code;

(c) Vegetable and flower gardens;

(d) Home occupations subject to the regulations of Chapter 14.41, Provo City Code;

(e) Storage of materials used to construct a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter;

(f) Household pets, provided that no more than two (2) dogs and two (2) cats six (6) 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.

(g) Accessory apartment in an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Section 14.46.030, Provo City Code.

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

| Use No. | Use Classification |
|---------|------------------------------------|
| 4700 | Communications |
| 4814 | Electricity regulating substations |
| 4818 | Small Generation |
| 4829 | Other gas utilities, NEC |

| | |
|------|---|
| 4834 | Water storage as part of a utility system (covered including water storage standpipes) |
| 4872 | Debris basin (a dam and basin for intercepting debris) |
| 4874 | Spreading grounds (area for percolating water into underground) |
| 5320 | Mail and phone order Houses (only in historic buildings as defined in this Title) |
| 5391 | Dry goods and general merchandise (yarn, linen, crafts, fabric, etc.) (only in historic buildings as defined in this Title) |
| 5441 | Candy, nut, and confectionery (only in historic buildings as defined in this Title) |
| 5600 | Apparel and accessories (only in historic buildings as defined in this Title) |
| 5670 | Custom tailoring (only in historic buildings as defined in this Title) |
| 5811 | Restaurants (only in historic buildings as defined in this Title) |
| 5900 | Miscellaneous retail trade (except 5920, 5930, 5960, and 5980; only in historic buildings as defined in this Title) |
| 5931 | Antiques (includes furniture, glassware, etc.; only in historic buildings as defined in this Title) |
| 5932 | Second hand clothing, shoes, furniture and books (does not include 5933, flea markets, or 5936, thrift stores; only in historic buildings as defined in this Title) |
| 6220 | Photography studio (only in historic buildings as defined in this Title) |
| 6230 | Beauty and barber shop (only in historic buildings as defined in this Title) |
| 6241 | Mortuary (only in historic buildings as defined in this Title) |
| 6291 | Clothing rental (only in historic buildings as defined in this Title) |
| 6299 | Personal services (wedding chapels and reception centers; only in historic buildings as defined in this Title) |
| 6500 | Professional services (except 6513 to 6518; only in historic buildings as defined in this Title or as permitted by Section 14.32.025, Provo City Code) |

(Enacted 2002-03, Am 2002-33, Am 2002-44, Am 2004-03, Am 2004-40, Am 2005-18, Am 2008-38)

14.32.025 North University and West Center Streets Professional Services Office Use.

(1) A building originally constructed as a one-family or two-family dwelling located on lot or parcel which fronts on University Avenue, between 500 and 920 North Streets, or on Center Street, between 500 West Street and Interstate 15, may be converted to a professional services office use included within Standard Land Use Number 6500 except numbers 6513 to 6518. This Section is intended to encourage preservation of older established homes along North University Avenue and West Center Street that contribute substantially to the character of the adjacent neighborhoods.

(2) The conversion of a building from residential to professional services office use shall be subject to the following:

- (a) One (1) dwelling unit may be located in a building converted to a professional services office use when an office is located in the building. The residential unit shall be located in a basement or second level space and not on the main building level.

(b) Parking standards as required by Chapter 14.37, Provo City Code, for the proposed uses shall be satisfied.

(c) Notwithstanding any other provision of this Title, a rear yard may be covered in its entirety in asphalt or concrete to satisfy parking requirements except as follows:

(i) Each professional services office shall provide perimeter landscaping at a minimum of four (4) feet in width between the parking lot and each abutting property occupied by a residential use.

(ii) A wrought iron or masonry fence shall be provided between the parking lot and each abutting property occupied by a one or two-family residential use. Vertical, hedge forming vegetation and one (1) tree per thirty (30) feet of shall be provided along the entire length of such fence. The Design Review Committee may approve alternative or existing fence material based on a finding that the alternative materials will result in an adequate transition between the professional services offices and abutting residential uses.

(iii) Two-hundred (200) square feet of usable open space shall be provided in the rear yard if a dwelling unit exists in the building. Usable open space may consist of landscaping, a patio or similar amenity for building tenants.

(d) The applicant shall maintain but not change the exterior character of the building while occupied by an office use, unless the exterior modifications are approved by the Design Review Committee. The Committee shall review such modifications for compatibility with the building's original design and materials.

(e) Building expansion or enlargement during the period of office occupancy shall not exceed twenty five (25) percent of the first floor square footage and enlargements shall not include an increase in building height. Any expansion or enlargement shall be approved by the Design Review Committee. The Committee shall review the expansion for compatibility with the building's original design and materials.

(f) Signs for the professional services office use shall be in compliance with sign regulations applicable to the RC zone.

(g) A building permit shall be obtained and building code requirements for the change of use shall be satisfied.

(h) The professional services office use shall be discontinued and all conforming or nonconforming rights shall expire upon demolition of the building.

(g) This Section shall not apply to a building constructed after November 11, 2008. (Enacted 2008-38)

14.32.030. Lot Requirements.

Any lot or parcel which legally existed on April 2, 2002 shall be deemed a conforming lot with regard to area, width, depth, and frontage. No new lots shall be created in the RC zone. (Enacted 2002-03, Am 2002-33 Am 2002-44)

14.32.040. Prior Created Lots.

Lots or parcels of land which were legally created prior to the application of this zone (January 8, 2002) shall not be denied a building permit for a one-family residence solely for reasons of nonconformance with the parcel requirements of this Chapter. (Enacted 2002-03, Am 2002-33, Am 2002-44)

14.32.050. Lot Area Per Dwelling Unit.

On a given lot or parcel, the number of dwelling units (density) shall not be increased beyond the density which legally existed on April 2, 2002 except as provided in this Section.

(a) Legally existing dwelling units may be replaced with an identical or lesser number of units so long as such replacement meets all other applicable requirements of this Title.

(b) Notwithstanding the density limitation of Subsection (a), an accessory apartment which meets the requirements of this Title may be created within a one-family dwelling even if the date of creation is after April 2, 2002. (Enacted 2002-03, Am 2002-33, 2002-44)

14.32.060. Yard Requirements.

The following minimum yard requirements shall apply in the RC zone:

(1) Front Yard. Each lot or parcel in the RC zone shall have a front yard of not less than twenty (20) feet.

(2) Side Yard. Each lot or parcel in the RC zone shall have a side yard of not less than ten (10) feet except that buildings over thirty (30) feet in height shall be set back an additional one (1) foot of side yard setback for every two (2) feet of height above thirty (30) feet. On corner lots or parcels, the side yard contiguous to the street shall not be less than twenty (20) feet in width and shall not be used for vehicle parking except for that portion devoted to a driveway for access to a garage.

(3) Rear Yard. Each lot or parcel shall have a rear yard of not less than twenty (20) feet.

(4) Accessory Buildings Within the Buildable Area. Accessory buildings meeting all setback requirements (within the buildable area) for a main dwelling shall:

(a) Have a building footprint and height less than the main dwelling.

(b) Comply with all lot coverage requirements.

(c) Comply with the latest adopted edition of the Uniform Building code.

(d) Only be used for those accessory uses allowed in the respective zone.

(e) Maintain architecturally similar material and colors with main building.

(5) Accessory Building Outside the Buildable Area. Accessory buildings that do not meet the setback requirements (outside the buildable area) for a main dwelling shall meet the conditions in Subsection (4) above and the following:

(a) Be no closer to the front property line than the main building.

(b) Be no larger than ten percent (10%) of the actual lot area of the property.

(c) Be set back a minimum of three (3) feet from any property line.

(d) Not be located within a recorded public utility easement, unless a release is secured from all public utilities.

(e) Have no portion of the building exceed twelve (12) feet in height within ten (10) feet of a property line.

(f) Not be located within a front or street side yard.

(g) Comply with distance between buildings requirements.

(6) Exceptions for Garages and Carports. If an accessory use is a "garage - private," or a "carport" the rules stated above in this Section shall apply, except that in the rear yard of a residential corner lot, a garage or a carport may be located not closer to the property line (next to the side street) than any residence on the adjoining lot, but in no case closer than thirty (30) feet from the property line, whichever limitation is the more restrictive. (Enacted 2002-03, Am 2002-33, Am 2002-44, Am 2003-14)

14.32.070. Projections into Yards.

(1) The following structures may be erected on or project into any required yard:

(a) Fences and walks in conformance with the Provo City Code.

(b) Landscape elements, including trees, shrubs, agricultural crops, and other plants.

(c) Necessary appurtenances for utility service.

(2) The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet.

(a) Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.

(b) Fireplace structures and bays, provided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part.

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters.

(d) Porte-cochere over a driveway in a side yard, provided that such a structure is not more than one (1) story in height and twenty-four (24) feet in length, and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features. (Enacted 2002-03, Am 2002-33, Am 2002-44)

14.32.080. Building Height.

No building shall exceed a height of thirty-five (35) feet. Chimneys, towers and flagpoles not used for human occupancy shall be excluded in determining height. (Enacted 2002-03, Am 2002-33, Am 2002-44)

14.32.090. Distance Between Buildings.

The minimum distance between main buildings shall not be less than twenty (20) feet. (Enacted 2002-03, Am 2002-33, Am 2002-44)

14.32.100. Permissible Lot Coverage.

(1) All buildings, including accessory buildings and structures, except as otherwise provided in Subsection (2) of this section, shall not cover more than fifty (50) percent of the lot or parcel upon which they are placed. A parking structure which is located below natural grade shall not be included in this calculation. The area covered by an at-grade parking area, whether paved or not, shall be included in the calculation of lot coverage under this section.

(2) Lot coverage for a one-family dwelling or any dwelling originally constructed as a one-family dwelling shall be determined by the yard requirements of Section 14.32.060, Provo City Code. Permissible lot coverage for accessory buildings outside the buildable area for dwellings within this Subsection (2) shall be subject to the limitations of Subsection (3) of this section, whether used for parking or for other purposes.

(3) On any lot or parcel occupied by a one-family dwelling, or occupied by any dwelling originally constructed as a one-family dwelling and converted for two-family ("duplex") or other multiple-family occupancy, and its related accessory structures, any hard-surface paving for the purpose of driveways or vehicle parking, including but not limited to concrete or asphaltic cement and including any covered parking within a detached garage or carport outside the buildable area of the lot or parcel, if such covered parking exists or is newly constructed, shall not cover more than:

(a) twenty-five (25) percent of a front yard,

(b) twenty-five (25) percent of a rear yard, and

(c) no portion of at least one (1) side yard.

(4) Only one (1) side yard of a lot or parcel may be paved for the purpose of a driveway and/or parking. Remaining areas of the lot or parcel shall be maintained in landscaping, as set forth in Section 15.20.040, Provo City Code, and as otherwise provided in Section 15.20.080, Provo City Code, but may include pedestrian walkways, patios, a swimming pool, or similar features, with the exception of

driveways, commonly incorporated into a landscaped yard. (Enacted 2002-03, Am 2002-33, Am 2002-44, Am 2005-32, Am 2006-46)

14.32.110. Parking, Loading and Access.

(1) Each lot or parcel in the RC zone shall have automobile parking sufficient to comply with the requirements of Chapter 14.37, Provo City Code, except as otherwise provided in Subsection (3) of this Section. All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with paved access from a public street.

(2) Parking spaces shall not be provided in a required front yard.

(3) (a) Driveways serving five (5) or fewer parking spaces shall have a minimum width of twelve (12) feet, provided that, subject to the provisions of Subsection (b) of this Subsection (3), the required width of a legally existing driveway may be reduced for a nonconforming one-family detached dwelling or one-family detached dwelling constructed on a nonconforming lot to:

- (i) allow expansion of the dwelling; or
- (ii) establish an accessory apartment.

(b) Reduction in the required width of a driveway may be permitted only if:

(i) the required width of the driveway to be retained, replaced, reconstructed, or expanded cannot be reasonably achieved without substantially disrupting a landscaped yard, the location and design of an existing garage or carport, or other feature associated with a dwelling;

(ii) the reduced driveway width is at least equal to the greater of:

- (A) the standard in effect when the dwelling was constructed, or
- (B) the standard to which the existing driveway is constructed; and
- (iii) the subject property:

(A) is located within the Dixon, Franklin, Joaquin, Maeser, or Timp neighborhood as shown on the official Neighborhood Map referenced in Section 2.29.010(1), Provo City Code; and

(B) is not located in an RA, R1.20, R1.15, or R1.10 zone.

(c) A property owner who is adversely affected by a decision made pursuant to this Subsection (16) may request a variance or appeal the decision to the Board of Adjustment as provided in Chapter 14.05 of this Title.

(d) A reduction in the required width for a new driveway, other than a replacement for an existing driveway as set forth in Subsection (b), shall not be permitted unless a variance is approved by the Board of Adjustment as provided in Chapter 14.05 of this Title.

(4) Driveways serving six (6) or more spaces shall have a minimum width of twelve (12) feet for one (1) way traffic and sixteen (16) feet for two (2) way traffic. (Enacted 2002-03, Am 2002-33, Am 2002-44, Am 2004-05)

14.32.120. Project Plan Approval - Design Review.

Prior to the construction of any one-family, duplex or multiple residential structure in the RC zone, a project plan shall be submitted and approved as provided in Sections 15.03.300 and 15.03.310, Provo City Code. Project plans in the RC zone shall be subject to applicable residential design guidelines set forth in Section 14.34.285, Provo City Code. (Enacted 2002-03, Am 2002-33, Am 2002-44)

14.32.130. Notice of Parking and Occupancy Restrictions.

(1) Prior to issuance of a building permit for any project of two (2) or more dwelling units, a contract shall be entered into between

Provo City and the developer agreeing to a determined occupancy based on a given number of parking spaces. The contract shall be recorded by the Utah County Recorder's office and shall run with the property. A copy of the recorded deed for the property in question shall also be submitted prior to the issuance of a building permit and shall indicate the maximum allowable occupancy as a deed restriction. Attached to the deed shall be a document that separately lists the occupancy according to the Provo City Code, the previously mentioned deed restriction and any other use restrictions pertaining to parking and occupancy such as restrictions of uses as noted in condominium covenants. This document shall be signed, dated and notarized indicating that the owner acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.

(2) Prior to the issuance of a Certificate of Occupancy for new multiple residential dwelling units a permanent notice shall be placed on the electrical box within each unit indicating the maximum allowable occupancy of such unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice shall be located on a six inch by six inch (6" X 6") metal or plastic plate that is permanently attached to the electrical box with a minimum of one-half (1/2) inch engraved letters.

(3) Upon submittal of these documents any violation to the restrictions and regulations noted herein shall be considered a misdemeanor offense and shall be subject to criminal action as provided in this Title. (Enacted 2002-03, Am 2002-33, Am 2002-44)

14.32.140. Other Requirements.

(1) Signs. Unless otherwise prohibited by law, signs of the type and description listed below, and no others, may be placed and maintained in the RC zone:

(a) One (1) unlighted sign or name plate not exceeding twenty (20) square feet placed upon a building or an ornamental masonry wall which identifies the name and/or address of an apartment structure or complex, of a professional office complex, or of a mixed apartment/office complex.

(b) One (1) sign or name plate not exceeding two (2) square feet which identifies the name and/or address of the occupant of each one-family dwelling, and/or the occupant of each individual office.

(c) Two (2) temporary signs with a maximum of six (6) square feet which identifies the name and/or address of the occupant of each one-family dwelling, and/or the occupant of each individual office.

(d) Two (2) temporary signs with a maximum of six (6) square feet each, pertaining to the sale, lease or rent of the particular building, property, or premises upon which displayed, and no other.

(e) Signs or monuments identifying points of interest or sites of historic significance. The size and location of said signs or monuments shall be specifically approved by the Planning Commission.

(2) Landscaping. See Chapter 15.20, Provo City Code.

(3) Trash Storage. See Section 14.34.080, Provo City Code.

(4) Fencing Standards. Structural fences six (6) feet or less in height shall not require a building permit. Structural fences over six feet in height shall require a building permit from the Building Inspection Division. A structural or vegetative fence shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City traffic engineer.

(a) Front Yard. Solid walls, fences, hedges or screening materials which are sight obscuring may be built to a maximum of three (3) feet in height in any required front yard perimeter. Such walls, fences, hedges or screening materials may slope upward to connect with a higher side yard fence. The length of a sloped fence section shall not exceed one (1) section or a

maximum of ten (10) feet. Walls, fences, hedges or screening materials which are not sight obscuring (at least fifty percent (50%) open) may be built to a maximum of six (6) feet in height in a front yard.

(b) Side Yard. Solid, sight obscuring fences or walls and non-sight obscuring fences (at least fifty percent (50%) open) may be built to a maximum height of six (6) feet.

(c) Rear Yard. Walls and fences in a rear yard may exceed six (6) feet provided that a building permit is first obtained from the Building Inspection Division prior to construction.

(d) Corner Lots. A fence not more than six (6) feet high may be constructed in a side yard adjacent to a public street on a corner lot, provided it does not extend into the clear vision area of a corner lot as defined by Section 14.34.100, Provo City Code.

(e) Entryways. Entry treatments to private driveways or subdivision development entrances may not exceed six (6) feet at the highest point, except lamps on pillars, and must comply with the provisions of Section 14.34.100, Provo City Code. Pillars shall be allowed to extend up to eighteen (18) inches above the allowable height of a fence provided that the pillars shall have a minimum spacing of no less than six (6) feet, measured face to face.

(f) Grade differences. Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.

(g) Retaining Walls. Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

(h) Privacy Walls. Privacy walls which project into a required front yard will be subject to staff review.

(i) Double Frontage Lots. A fence or wall may be erected in the rear yard of a double frontage lot subject to staff review.

(j) Exceptions. The provisions of this Section shall not apply to certain other fences such as tennis court backstops or patio enclosures as approved by the Zoning Administrator, if it is determined that such do not create a hazard or violation of other sections of the Provo City Code or other City ordinances. All other exceptions must obtain Planning Commission approval. Standards for barbed wire and similar types of fences are listed in Section 9.14.020, Provo City Code.

(k) Screening. All developments consisting of three (3) or more units shall be required to have perimeter screening along all interior lines. Perimeter screening may include a landscape hedge of six (6) feet at a two (2) year maturity, masonry or wood fence or a combination of landscaping with chain-link, with or without slats. (Enacted 2002-03, Am 2002-33, Am 2002-44)

Chapter 14.33. FP - Flood Plain Zone.

- 14.33.010. Purpose and Objectives.
- 14.33.020. Flood Study and Map.
- 14.33.030. Use in Combination.
- 14.33.040. Permitted Uses.
- 14.33.050. Building and Development Permit.
- 14.33.060. Administration.
- 14.33.070. Use of Other Base Flood Data.
- 14.33.080. Records.
- 14.33.090. Certificate by Engineer or Architect.
- 14.33.100. Development Standards.
- 14.33.110. Definitions.

14.33.010. Purpose and Objectives.

The flood hazard areas of Provo, Utah, are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect public health, safety, and general welfare. The Flood Plain (FP) zone is established to provide an environment in and around a flood plain to protect life and minimize property losses.

14.33.020. Flood Study and Map.

The Provo City Flood Insurance Study of September 1988 (as prepared by the Federal Emergency Management Agency) is hereby adopted by reference and three (3) copies of said study are ordered to be filed with the Provo City Recorder for examination and use by the public. The September 30, 1988, Flood Insurance Rate Map (FIRM) for Provo City as prepared by the Federal Emergency Management Agency, is hereby adopted by reference and three (3) copies of said Map are ordered to be filed with the Provo City Recorder for examination and use by the public. (Am 1987-12, Am 1988-52, Am 1990-01)

14.33.030. Use in Combination.

The FP Zone shall be applied in combination with existing conventional zones as designated herein, and the provisions of the FP zone shall be supplementary to the provisions of the zone with which it is combined. Property to which the FP zone has been applied shall be developed only in conformance with the provisions set forth herein. Example: If the FP zone were being combined with the residential (R1) zone, it would be designated on the Zone Map of Provo City as "R1 (FP)."

14.33.040. Permitted Uses.

Principal, conditional, and accessory uses permitted in the FP zone are those permitted in the zone with which it is combined, except that all uses involving construction or relocation of permanent buildings or structures, placement of manufactured homes, or excavation or placement of fill materials shall further meet the conditions and standards as set forth in this Chapter. (Am 1987-12, Am 1987-45)

14.33.050. Building and Development Permit.

(1) A building and/or development permit shall be obtained before construction or development begins within the FP zone.

(2) Application for a building and/or development permit shall be made on forms furnished by the Planning Commission and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing.

(3) Specifically, the following information is required:

(a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

(b) Elevation in relation to mean sea level to which any structure has been flood proofed;

(c) Certification by a registered Professional Engineer or architect that the flood proofing methods for any nonresidential structure meet the applicable floodproofing standards of Section 14.33.100, Provo City Code.

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Am 1987-12, Am 1987-45)

14.33.060. Administration.

(1) All applications for a building and/or development permit within the FP zone must be approved by the Planning Commission acting in accordance with the provisions of the FP zone.

(2) In granting a building and development permit, the duties of the Planning Commission shall include, but not be limited to:

(a) Review all development permits to determine that the permit requirements of the FP zone have been satisfied;

(b) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required;

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 14.33.100, Provo City Code are met. (Am 1987-45)

14.33.070. Use of other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 14.33.020, Provo City Code, the Planning Commission shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 14.33.100, Provo City Code. (Am 1987-45, Am 1988-27)

14.33.080. Records.

For each building and/or development permit issued by the Planning Commission, the following records shall be kept:

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new substantially improved flood-proofed structures:

(a) Verify and record the actual elevation (in relation to mean sea level);

(b) Maintain the floodproofing certifications required in provisions of this Title;

(c) Maintain for public inspection all records pertaining to the provisions of this Title. (Am 1987-12, Am 1987-45)

14.33.090. Certificate by Engineer or Architect.

Prior to the issuance of any certificate of occupancy for any structure in the FP zone, the applicant shall submit to the Planning Commission a certificate from a registered Professional Engineer or architect indicating the specific elevation (in relation to sea level) of the lowest floor (including basement) of the structure, or for nonresidential structures, a certificate as required by Section 14.33.100(17), Provo City Code. (Am 1987-45)

14.33.100. Development Standards.

No final subdivision, condominium, or other record of survey plat shall be approved nor shall any development permit be issued for property located within the FP zone or within one hundred (100) feet of the high point of the bank of Provo River until the following criteria have been complied with:

(1) Development permits for the proposed construction or improvements shall be obtained from federal, state, or local governmental agencies from which prior approval is required.

(2) All proposals for new construction or for substantial improvements to existing structures within the flood plain area (including manufactured homes) must be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, and utilize construction methods, practices, materials, and utilities that will minimize flood damage.

(3) All proposals for construction or improvements (including replacements) must be provided with water supply systems or sanitary sewage systems which are designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood water. On-site waste disposal systems must be located so as to avoid impairment of them, or contamination from them, during flooding. All public utilities including sewer, gas, electricity, and water systems shall be located and constructed to minimize or eliminate flood damage.

(4) No structure, earth fill, or parking lot in connection with any industrial, commercial, or residential development, or any other surface obstruction to water flow, except bridges, flood control devices, public restrooms, and public recreational facilities, may be located closer than one hundred (100) feet to the high point of the bank of Provo River, or within a designated water-passage area (floodway) within the established flood plain.

(5) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) Any encroachments such as fill, new construction, substantial improvements, and other development within the floodway that would result in any increase in flood levels within Provo during the occurrence of the base flood discharge are prohibited.

(7) The buildings or structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flood or flood waters. Whenever possible, buildings or structures shall be constructed with longitudinal axis parallel to the direction of flood flow. So far as practicable, buildings or structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(8) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids, or other toxic materials which could be hazardous to public health, safety, and welfare shall be flood proofed to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into flood waters.

(9) A certified statement describing the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structures contain a basement, shall be submitted to the Planning Commission, together with the following:

(a) If the structure has been flood proofed, the elevation must be certified by a registered Professional Engineer or architect and submitted (in relation to mean sea level) to which the structure was flood proofed.

(b) A record of all such information shall be maintained with the Planning Commission.

(10) Adjacent communities and the state coordinating office must be notified prior to any alteration or relocation of a water course, and copies of such notifications shall be submitted to the Federal Emergency Management Agency. The flood-carrying capacity within the altered or relocated portion of any watercourse must be maintained.

Subdivisions and Residences:

(11) The preliminary plat for all proposed subdivisions having greater than fifty (50) lots or five (5) acres, whichever is the lesser, which are wholly or partly within the FP zone shall include base flood elevations for each lot within the FP zone.

(12) New construction or substantial improvements of residential structures in the FP zones on the Provo City Flood Insurance Rate Map (FIRM) shall have the lowest floor (including basement) elevated to or above the level of one hundred (100) year flood.

(13) All new construction and substantial improvements of residential structures within an A Zone on the Provo City FIRM shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two (2) feet if no depth number is specified), and adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(14) The provisions of Section 15.02.010(2), Provo City Code relating to "Drainage" shall apply to all construction or improvements within the FP zone.

Nonresidential Construction:

(15) All new construction and substantial improvements of nonresidential structures within the A Zones have the lowest floor (including basement) elevated to or above the base flood level, together with attendant utility and sanitary facilities, or designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(16) All new construction and substantial improvements of nonresidential structures within any A Zone on the Provo City FIRM shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two (2) feet if no depth number is specified; or together with attendant utility and sanitary facilities be completed flood proofed to that level to meet the flood proofing standard specified in Section 14.33.100(17), Provo City Code and adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

(17) Where flood proofing is utilized for nonresidential structures, a registered Professional Engineer or architect shall develop and/or review structure design, specifications, and plans for construction, and shall certify that the design methods of construction are in accordance with accepted standards of practice, and other factors associated with the base flood, and a record of said certificates indicating the specific elevation (in relation to sea level) to which said structures of flood proof shall be maintained with the Planning Commission.

Manufactured Home Subdivision and Manufactured Home Park:

(18) All manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement and capable of resisting the hydrostatic and hydromatic loads. Methods of anchoring may include, but are not limited to, use of the over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may include:

(a) Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediated locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side.

(b) Frame ties provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.

(c) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(d) Any additions to the manufactured home be similarly anchored.

(19) All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system. (Am 1988-27, Am 1990-01, Am 1997-13, Am 2007-02)

14.33.110. Definitions.

Provo City flood plain regulations are designed to be a regulatory approach and combine the use of encroachment lines or floodway and high hazard areas with zoning standards, building codes, sanitary codes, and require minimum building protection elevations for uses in low-hazard areas.

"Area of Shallow Flooding" This is a designated A zone on the FIRM. The base flood depth ranges from one (1) to three (3) feet; a clearly-defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

"Area of Special Flood Hazard" The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

"Base Flood" This is a flood having a one percent (1%) chance of being equaled or exceeded in any given year.

"Development" Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.

"Flood" or **"Flooding"** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map (FIRM)" The official map of which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" The official report provided by the Federal Emergency Management Agency that includes flood profiles, a flood boundary floodway map, and the water surface elevations of the base flood.

"Flood Plain" The relatively flat area or lowlands adjoining a river, stream, watercourse, ocean, or lake which have been or may be covered by flood water. For purposes of this Chapter, this shall be that area designated on the official flood plain map which shall be based upon the base flood plain as established by the Federal Emergency Management Agency.

"Floodway" The channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than one (1) foot.

"Lowest Floor" The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Title.

"Manufactured Home" A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred and eighty (180) consecutive days.

"New Construction" Structures for which the start of construction commenced on or after the effective date of this Chapter.

"Manufactured Home Park or Subdivision" A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"Regulatory Flood Fringe" This is the portion of the regulatory flood plain beyond the limits of the floodway. Flood waters in this area are usually shallow and slow moving.

"Regulatory Flood-level Profile" This is the height of the regulatory flood discharge measured at points along the water course. The height is ordinarily measured in feet above mean sea level.

"Regulatory Flood Plain" This is composed of the regulatory floodway and regulatory flood fringe. It is the area adjoining a river, stream, water course, or lake which is inundated by the regulatory flood discharge. For purposes of this Chapter, this shall be the area within the base flood plain as defined by the Federal Insurance Administration.

"Start of Construction" This includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading, and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not as part of the main structure.

"Structure" A wall and roof building or manufactured home that is principally above ground.

"Substantial Improvements" Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Warning and Disclaimer of Liability" The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions for flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Chapter shall not create liability on the part of Provo City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Am 1988-22)

Chapter 14.34. Supplementary Development Standards.

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- 14.34.420. Low Power Radio Communication Towers and Antennas.
- 14.34.440. Second Kitchen in One-family Residences.
- 14.34.460. Police Satellite Stations as a Conditional Use.
- 14.34.470. Standards for Assisted Living Facilities.

14.34.010. Purpose.

The purpose of this Chapter is to provide for the several miscellaneous land-development standards which are applicable throughout the City regardless of zone. The requirements of this Chapter shall be in addition to the property development standards contained within the provisions of each respective zone. The provisions of this Chapter shall prevail over conflicting provisions of any other Chapters herein.

14.34.020. Establishment of Uses Not Specified.

(1) When use is not specifically contained in the list of permitted uses in any commercial or industrial zone, but is of the same character and intensity as other uses listed, the Planning Commission may allow the establishment of that use, upon request, if said Planning Commission makes the following findings:

- (a) That the establishment of the use will be in accordance with the purposes of the district in which that use is proposed;
- (b) That the use will be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the district;
- (c) That the use will not be detrimental to the public health, safety, or welfare;
- (d) That the use shall not adversely effect the character of that district in which it is proposed to be established;

(e) That the use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by any of the uses listed as permitted uses in that district.

(f) That the use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as permitted uses in that district.

(2) The Planning Commission shall, at the same regular meeting in which they have allowed the establishment of a use in accordance with the above provisions, set a public hearing in accordance with the Section 14.02.010, Provo City Code at which the Planning Commission shall determine whether the use should be recommended to the Municipal Council as an amendment to this Title for addition to the list of permitted uses in the respective zone in which said use has been established. (Enacted 1987-17, Am 1987-45)

14.34.030. Clarification of Ambiguity.

If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Title, or with respect to matters of height, yard requirements, area requirements, or zone boundaries, as set forth herein, and as they may pertain to unforeseen circumstances, including technological changes and processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and set forth its findings and its interpretations, and thereafter such findings and interpretations shall govern.

14.34.040. Public Utilities - Exception.

The provisions of this Title shall not apply to poles, lines, or other structures or facilities used or usable by any utility company solely for the purpose of distributing electricity or communication services, and shall not be construed to limit or interfere with the installation, maintenance, and operation of public pipe lines, electric or telephone distribution and transmission lines, or railroads when located in accordance with the applicable rules and regulations of local and state agencies; except that all transmission lines, electric substations, storage yards, and public utility buildings shall be subject to project plan approval if required by the provisions of the applicable zone. Low power radio communication towers and antennas shall be subject to applicable standards set forth in Section 14.34.420, Provo City Code. (Am. 2001-36)

14.34.050. Public Utilities - Underground.

(1) All structures built in residential (R) zones, except for one-family dwellings where more than fifty-one percent (51%) of the lots in the block are serviced by overhead wires, and all structures built in commercial (C) zones shall, within exterior boundary lines of such property, have all electrical communication, television service cables, and similar distribution service wires and/or cable placed underground. The owner is responsible for complying with the requirements of this Section, and he shall make the necessary arrangements with each of the servicing utilities for installation of such facilities.

(2) Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessarily appurtenant to such underground facilities may be placed above ground. Water and sewer distribution facilities shall be installed in conformance with the specifications of the City Engineer.

(3) The Planning Commission may waive the requirements of this Section in a particular case where it is shown, and the Planning Commission so finds that topography, soil, surface water, or other conditions make such underground installation unreasonable or impractical. The provisions of this Section shall not apply to existing utilities, facilities, or to the installation and maintenance of overhead electrical transmission lines and overhead communication long distance trunk and feeder lines.

14.34.060. Location of Boats, Boat Trailers, and Travel Trailers.

Boats, boat trailers, or travel trailers may not be placed, kept, or maintained within the front yard areas of any residential (R) zones, except that such boats or trailers may be located anywhere on the lot, except in a clear vision zone of a corner lot as defined in Section 14.34.100, Provo City Code for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, or for temporary storage not to exceed seven (7) days if such facility is owned by a bona fide guest of the occupants of the premises.

14.34.070. Location of Mobile Homes.

It shall be unlawful for any person to place, keep, maintain, or permit to be placed, kept, or maintained, a mobile home upon any lot, piece, or parcel of land within the City except in a mobile home park or mobile home subdivision with the following exceptions:

(1) A mobile home may be temporarily placed or stored upon a lot, except in the clear vision area defined in Section 14.34.100, Provo City Code, for a period not to exceed twenty-four (24) hours for loading and unloading purposes, or for temporary storage not to exceed seven (7) days if such facility is owned by a bona fide guest of the occupants of the premises.

(2) A mobile home may be placed upon the rear half of a lot in a one-family or two-family residential zone during the construction of a permanent residence, provided the following conditions are met:

(a) A building permit for construction of the permanent residence has been issued prior to location of the mobile home on the site;

(b) That said mobile home remains on the site only until final inspection is granted on the permanent residence, and in no event for a period exceeding one (1) year.

(3) A mobile home may be used for a temporary construction office on the site of the construction of a building only until said building or buildings are completed and a final inspection is granted, and ten (10) days thereafter.

(4) A mobile home may be located for temporary expansion of a commercial or industrial use legally existing on any site if first approved by the Planning Commission and under the following conditions:

(a) That said mobile home shall be allowed for a maximum period of one (1) year; with a possibility of one (1) renewal by the Planning Commission for a maximum additional period of one (1) year upon request of the property owner.

(b) That said mobile home shall be located in a side or rear yard area only and not in the front yard of a permanent building; and that it shall be made as inconspicuous as possible.

(c) That the location of said mobile home shall meet all yard requirements of this Title and shall be located in conformance with a project plan approved by the Planning Commission.

(5) Bond required - Any mobile home or trailer placed, kept, or maintained and used either for residential or for temporary construction office space pursuant to the provisions of paragraphs (2), (3), or (4) above shall be so used only after a performance bond has been posted to guarantee removal of the mobile home or trailer at the expiration of the time for which the temporary exemption is granted:

(a) The amount of the bond shall be as the Planning Commission shall determine, which amount shall be reasonably calculated to accomplish the purposes of this Section.

(b) Be paid in cash prior to moving the mobile home or trailer onto the premises. If the bond is not timely posted before movement of the mobile home or trailer onto the premises, a bond in double the amount otherwise specified shall be required.

(c) For a single-wide mobile home shall be the sum of two hundred fifty dollars (\$250) and for a double-wide mobile home shall be two thousand five hundred dollars (\$2,500).

(d) The bond shall require that the trailer be removed on or before the period of time for location of the mobile home on a temporary basis has expired, or if a written extension has been granted by the Planning Commission, on or before the expiration of the extended date. (Am 1987-45, Am 1989-20)

14.34.080 Trash Storage, Abandoned, Wrecked, or Junked Vehicles; Miscellaneous Materials.

(1) It shall be unlawful to park, store or leave or permit the parking, storing, or leaving of any licensed or unlicensed motor vehicle of any kind or part(s) thereof which is in a wrecked, junked, partially dismantled, inoperative, or abandoned condition, whether attended or not, upon any private property within the City limits of the City of Provo for a period of time in excess of seventy-two (72) hours, except that two (2) or fewer such vehicles or parts thereof may be stored if within a building, or placed behind an opaque screening fence; and except that said vehicles and parts may be within a junk yard or automobile wrecking yard lawfully established pursuant to the provisions of this Title. For the purposes of this Title, any vehicle that is not currently licensed and insured to the minimum levels established by state law shall be considered inoperable.

(2) The accumulation and storage of more than two (2) such vehicles or part(s) thereof, as defined above, on private property except as set forth above shall constitute a nuisance, detrimental to the health, safety, and welfare of the inhabitants of the City of Provo. It shall be the duty of the owner of such vehicle or part(s) thereof or lessee or other person in possession of private property upon which such vehicle or part(s) thereof is located, to remove the same from such property or take other remedial action as directed by the City.

(3) No trash, used materials, junk, household furniture, appliances, scrap material, equipment or parts thereof shall be stored in an open area. The accumulation of more than one (1) such item constitutes a junk yard as defined in Chapter 14.06, Provo City Code, and must be removed from the property, stored within an enclosed building, or be properly located in an M2 zone.

(4) Storage of commercial goods or materials is prohibited unless permitted by the underlying zone. Trash storage containers shall be maintained in a location approved by the Planning Commission in conjunction with approval of a project plan or as required by Section 11.03.090 Solid Waste Containers. Trash storage container locations approved in conjunction with a project plan shall meet the following requirements:

(a) Trash storage containers shall be screened with durable materials architecturally compatible with the principal structure or perimeter fence/wall treatment located on the lot served. Such containers shall not be visible from any abutting lot or public street.

(b) Trash storage container enclosures shall not project into a required yard unless authorized by conditional use permit issued pursuant to Chapter 14.02, Provo City Code.

(c) Trash storage containers located on a lot used for nonresidential purposes and which abuts a residential zone shall meet the setback requirements of Section 14.34.300, Provo City Code.

(d) The foregoing standards shall be applied according to the following considerations, listed in order of importance:

(i) Ease of access by trash removal vehicles.

(ii) Setback and screening of trash storage containers to minimize any potential odor nuisance, and to obscure the view from any abutting lot or public street.

(iii) Ease of access by users of trash storage containers.

(e) The provisions of this Subsection shall apply to trash storage containers of two (2) cubic yard capacity and larger.

These provisions shall not apply to ninety (90) gallon trash storage containers provided by Provo City.

(5) It shall be a class B misdemeanor to maintain or store on any property within Provo City; injurious or noxious weeds, garbage, refuse, or unsightly or deleterious objects or structures when such may constitute either a health hazard, a present danger to the citizens of the city, a potential source of contagious disease, a harborage for rats or other rodents, or other carriers of disease, a fire hazard, or an attractive nuisance likely to cause injury to small children. (Am 1990-53, Am 1995-02, Am 1995-71, Am 1998-06, Am 1998-21, Am 1998-43)

14.34.090. Height Limitations - Exceptions.

(1) Where doubt exists as to height of fences, hedges, masonry or retaining walls, etc., provided for in this Title, height shall be measured from the average finished grade of the yard or yards in which fences, hedges, masonry or retaining walls, etc. are located.

(2) The height limitations of this Chapter shall not apply to church spires, belfries, cupolas, or domes not used for human occupancy, not to chimneys, ventilators, skylights, water tanks, silos, cornices without windows, antennas, radio towers, or properly screened mechanical appurtenances usually carried above the roof level of a building; except in no case shall it be lawful to construct, build, or establish a building, tree, smokestack, chimney, flagpole, wire, tower, or other structure or appurtenances thereto which may constitute a hazard or obstruction to navigation or landing and take-off of aircraft at a publicly used airport. Regulations established by the Federal Aviation Agency shall be considered to be the minimum acceptable standards for facilities in such an area. (Am 1998-02)

14.34.100. Clear Vision Area - Corner Lots.

In all zones which require a front yard, no structure in excess of three (3) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and the line connecting them at points twenty-five (25) feet from the intersection of the street lines. Street trees and other landscaping are permitted which are pruned and trimmed so as to not obstruct a clear view by motor vehicle drivers, as determined by the City Engineer. (Am 1987-04)

14.34.110. Minimum Lot Areas to be Preserved.

(1) Except as provided in this Title, every required front, side, and rear yard shall be open and unobstructed from the ground to the sky.

(2) No lot or parcel of land shall be divided or reduced in area or dimensions so as to cause any required yard or open space to be reduced below that existing at the time of the adoption of this chapter.

(3) No required yard or open space provided around any building for the purpose of complying with provisions of this Title shall be used or considered as a yard or open space for any other building.

14.34.120. Side Yard Modification - Combined Lots.

When the common boundary separating two (2) or more contiguous lots is covered by a building or a permitted group of buildings, such lots shall constitute a single building site and the side yard as required by this Title shall not apply to such common boundary line. The side yard requirements of this Title shall apply only to the exterior boundaries of the contiguous lots so joined.

14.34.130. Front Yard Modification - Developed Areas.

In blocks with more than fifty percent (50%) of the buildable lots already developed, the minimum front yard requirement for new construction may be equal to the average of the front yards existing on said developed lots; provided, however, this regulation shall not be interpreted to require a front yard more restrictive than the underlying

zone as measured along said block face, fronting on one (1) side of the street. (Am 1994-111)

14.34.140. Flag Lots.

The policy of Provo City is to discourage flag lots. Flag lots shall be prohibited unless the following requirements are met:

(1) The flag lot is located in an A1, RA, or R1 zone.
 (2) The applicant provides written and illustrative evidence showing property development with and without the proposed flag lot which demonstrates:

- (a) the flag lot will result in more efficient use of land;
- (b) the design of the flag lot is appropriate to and compatible with the configuration of the overall subdivision and adjacent property;
- (c) no other viable subdivision design alternatives exist that will allow for a conventional lot, including consideration of:
 - (i) the current, proposed, or alternative zoning;
 - (ii) the possibility of incorporating the subject property with adjacent property to achieve a more unified development of the area and eliminate the need for a flag lot;
 - (iii) alternative street designs and improvements; and
 - (iv) any other reasonable means that would render a flag lot unnecessary;
- (d) the flag lot is infill to the development of the general area; and
- (e) access to the flag lot is provided through the pole portion of the lot, which portion of the lot is not located in a primary conservation area as defined in Section 15.03.010, Provo City Code

(3) Each flag lot meets the following minimum design standards:

- (a) the lot has at least twenty (20) feet of frontage on a dedicated public street which frontage serves as access only to the subject lot;
- (b) the flag pole portion of the lot is least twenty (20) feet wide and not more than two hundred (200) feet long;
- (c) the flag portion or body of the lot meets the lot area, width, and depth requirements of the applicable zone;
- (d) the minimum square footage of the flag portion or body of the lot is the same as required in the applicable zone;
- (e) front, rear, and side yard setback requirements of the flag portion or body of the lot is the same as required in the applicable zone;
- (f) no accessory building is located on the flag pole portion of the lot except aesthetic entry features such as archways, decorative mail boxes, raised landscape beds or similar structures; and
- (g) each flag lot has a hard surfaced driveway at least twelve (12) feet wide from the street to the required parking area. When the flag pole portions of two (2) flag lots are side by side, a common curb cut and a driveway at least twenty (20) feet wide shall be required from the street to the required parking area. Unpaved areas of the flag pole portion of a flag lot shall be landscaped.

(4) The Planning Commission, prior to conditionally approving a flag lot as part of a preliminary or final subdivision plat, finds that the applicant has provided sufficient evidence allowing for the creation of the flag lot and that such lot meets the minimum design standards set forth in this Section.

(5) In addition to the above minimum requirements, the Planning Commission may, as part of a preliminary or final subdivision plat approval, impose additional conditions on flag lots including, but not limited to, the following:

- (a) fencing and screening requirements;

(b) location and height of the dwelling;

(c) installation of one (1) or more fire hydrants; and

(d) additional off-street parking and/or backup space designed in accordance with standards set forth in Chapter 14.37, Provo City Code.

(6) Required improvements and applicable conditions of approval for a flag lot shall be bonded for pursuant to Section 15.03.080, Provo City Code, when a building permit is issued for construction on the lot. (Am 1998-65, Am 2004-41)

14.34.150. Minimum Lot Area to be Preserved.

(1) No portion of a minimum lot area prescribed in this Title shall be used or considered as part of another lot or parcel of land for purposes of establishing or determining applicable property development standards.

(2) No lot or parcel of land shall be reduced in size by conveyance or otherwise so that the area thereon is less than the prescribed minimum.

14.34.160. Minimum Lot Area - Portion for Public Use.

If a portion of a lot or parcel of land which meets the minimum lot area requirements of a respective zone is acquired for public use in any manner, including dedication, condemnation, or purchase, and such acquisition reduces the area below such minimum requirements, the remainder of such lot or parcel shall nevertheless be considered as having the required minimum lot area if all of the following conditions are met:

(1) Such lot or parcel contains a rectangular space of at least thirty (30) by forty (40) feet exclusive of applicable front and side yard requirements, and exclusive of one-half (½) of the applicable rear yard requirements, and such rectangular space is usable for a principal use or structure.

(2) The remainder of such lot or parcel of land has an area of at least one-half (½) of the required lot area of the zone in which the lot or parcel is located except that in zones requiring a lot area of fifteen thousand (15,000) square feet or more, a lot area of not less than six thousand (6,000) square feet shall be required.

(3) The remainder of such lot or parcel of land has access to a public street with a width of not less than twenty (20) feet.

14.34.170. Lot Area Reduction - Public Use.

A reduction in the minimum required area for a lot or parcel of land which is owned by the City, County, State, or other public entity or public utility may be granted a variance issued by the Board of Adjustment provided such lot or parcel is used exclusively for public purposes and provided that no living quarters are located upon such lot or parcel.

14.34.180. Double Frontage Lots - Two (2) Front Yards.

A double frontage or through lot shall have a front yard as required by the respective zone on each street on which it abuts.

14.34.190. Storage of Commercial Vehicles - Residential Zone.

No trucks, motor vehicles, or commercial trailers which exceed the rated capacity of one and one-half (1½) tons shall be stored or parked on any lot or parcel within any residential zone, nor shall any contracting and/or earthmoving equipment be stored or parked on any lot or parcel in a residential zone.

14.34.200. Effect of Street Plan.

Whenever front or side yard is required for buildings abutting on a proposed street which has not been dedicated or constructed, but which has been designated by the Planning Commission as a future street on the official map, the depth of such front or side yards shall be measured from the nearest line of the planned street.

14.34.210. Swimming Pools.

Swimming pools, as defined by the Uniform Building Code, shall be set back at least five (5) feet from all property lines and shall be provided with access gates and a fence or barrier at least six (6) feet high notwithstanding any contrary height provision of the Uniform Building Code. (Am 1988-52, Am 1998-06, Am 1999-48)

14.34.220. Caretaker Dwellings as an Accessory Use.

In zones that specifically allow caretaker dwellings as permitted accessory use, such dwellings may be established only if such dwellings:

- (1) are accessory to a functioning principal use, with not more than one caretaker dwelling per lot or principal use;
- (2) are located on the same property as the principal use;
- (3) are occupied by only one (1) family;
- (4) contain only one (1) kitchen;
- (5) contain no accessory apartments;
- (6) are accessory in size to the main use and do not to exceed one thousand two hundred (1200) square feet of floor area;
- (7) are designed as a part of and in harmony with the architecture of the main building(s) on the subject property;
- (8) are not a manufactured dwelling unit; and
- (9) are occupied or rented only by an employee or subcontractor of the legal entity which owns the principal use being cared for (with or without family members). The caretaker shall be employed at least fifty percent (50%) of the time as an employee or subcontractor of the legal entity which occupies main buildings on the subject property. Any person occupying a caretaker dwelling shall submit evidence of compliance with this section upon request of the City. (Enacted 1998-25, Am 2007-30)

14.34.230. Residential Facilities.

(1) Residential Facilities for Persons with a Disability. Upon application for a permit to establish a residential facility for persons with a disability in any zone in which such facility is a permitted use, a facility that conforms to the conditions listed below shall be granted a permit.

(a) The facility shall conform to all building, safety, and health requirements of the Provo City Code applicable to similar structures.

(b) Any licensed residential facility for persons with a disability shall be at least one thousand three hundred twenty (1,320) feet from any other such facility, as measured in a straight line between the closest property lines of the lots on which they are located.

(c) The facility shall meet the requirements of the zone in which it is located.

(d) The operator of the facility shall provide off-street parking spaces as required by Chapter 14.37, Provo City Code.

(e) The facility shall be occupied only to the same extent that a dwelling unit may be occupied in the zone where the facility is located.

(f) In accordance with the Fair Housing Amendments Act of 1988, 42 U.S.C., Section 3601 et seq., none of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow occupancy of a residential facility for persons with a disability.

(2) Any permit issued pursuant to Subsection 14.34.230(1) shall be nontransferable and shall terminate if:

(a) the structure is devoted to a use other than a residential facility for persons with a disability, or

(b) the structure fails to comply with any conditions enumerated in Subsection 14.34.230(1).

(3) Residential Facility for Elderly Persons. Upon application for a permit to establish a residential facility for elderly persons in any zone in which such facility is a permitted or conditional use, a facility that conforms to the conditions listed below (and the conditional use criteria of Section 14.02.040, Provo City Code, if applicable) shall be granted a permit. Such permit shall be nontransferable and shall terminate if the structure is devoted to a use other than a residential facility for elderly persons, or the structure fails to comply with the conditions listed below:

(a) that all building, safety, zoning and health ordinances applicable to similar dwellings be met;

(b) that no residential facility for elderly persons be established within one thousand (1,000) feet of another existing residential facility for elderly persons or residential facility for persons with a disability;

(c) that the operator of the facility provide adequate off-street parking spaces as required for one-family residential uses by Chapter 14.37 of this Title;

(d) that the facility be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;

(e) that no person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons; and

(f) that placement in a residential facility for elderly persons be on a voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility. (Enacted 1987-19, Am 1991-14, Am 1998-07, Am 1998-050, Am 2008-19)

14.34.240. Automobile Repair.

(1) Any automobile repair use which is subject to the conditional use process shall comply with the following:

(a) All repair, painting, and body work activities, including storage of tools, vehicle parts, and supplies shall take place within an enclosed structure.

(b) No more than twenty five percent (25%) of the lot used by the proposed business may be used for storage of vehicles, and all such vehicles shall be stored on the rear portion of the lot and be screened with a masonry wall at least six (6) feet in height.

(c) No metal buildings shall be permitted.

(d) Additional landscaping shall be provided in the front yard.

(e) If any existing building must be converted to accommodate the proposed use, the exterior shall be upgraded to improve its appearance, which shall be compatible with and superior to the surrounding structures.

(f) The standards described in Section 14.02.040, Provo City Code.

(2) Any automobile repair use which is located in a zone in which automobile repair is a conditional use shall comply with this Section as a part of any proposed expansion. This provision shall apply to automobile repair uses established before or after the date automobile repair was made subject to the conditional use process in the applicable zone. The conditional use permit shall be obtained as part of the project plan approval process.

14.34.250. Bed and Breakfast Inn as a Conditional Use.

A Bed and Breakfast Inn, when allowed as a Conditional Use, shall be approved only in compliance with Section 14.02.040, Provo City Code and the following:

(1) The lot shall have at least thirty-five (35) feet of frontage on a dedicated street: except that twenty (20) feet is acceptable on panhandle lots.

(2) One (1) off-street parking space shall be provided per employee plus one (1) space per guest room. On-street curbside parking may be used to satisfy this requirement at the rate of two (2) spaces per sixty (60) feet of lot frontage.

(3) Meals may be served to residents, employees, overnight lodgers, and guests of overnight lodgers only. No cooking facilities shall be allowed in guest rooms.

(4) Such use shall conform to all applicable health, safety, and building codes and must be capable of such use without structural or site alteration which changes the residential character of the structure and yards.

(5) No alcoholic beverages shall be sold on the premises.

(6) No receptions, banquets, or catering shall be permitted other than for registered lodgers.

(7) Any commercial use shall be incidental to the Bed and Breakfast use, i.e., gift shop, etc. and shall be limited to five percent (5%) of the total square foot area of the main floor of the building.

(8) The dwelling must be at least fifty (50) years old or receive Planning Commission approval on a finding that because of its existing or proposed prominent spatial location, contrasts of sitting, or scale, it is or would be an easily identifiable visual feature of its neighborhood or the City, and contributes to the distinctive quality or identity of its neighborhood or the City.

(9) One (1) identification sign not exceeding the area requirements for the respective zone in which the inn is located may be placed on an ornamental masonry wall or monument. The freestanding sign shall not be higher than five (5) feet unless the sign is located adjacent to an arterial road, in which case the height of the sign shall not exceed ten (10) feet. If illuminated, only hooded spot lighting is allowed, thus prohibiting back-lighted signs. Nothing in this Section shall be construed to prohibit a sixteen (16) square foot sign in the A and RA zones.

(10) No long-term rental of rooms shall be permitted. The maximum stay for lodgers shall be seven (7) days.

(11) A city business license shall be obtained as a condition of approval.

(12) Supervision by an on-site manager or owner shall be required on a twenty four (24) hour per day basis.

(13) Care shall be taken to insure that no exterior lighting shines directly into adjoining properties. (Am 1987-53)

14.34.260. Liquor Stores as a Conditional Use.

Any application for a permit to maintain a liquor store as a conditional use shall conform to the following:

(1) No liquor store or private club may be established within two hundred (200) feet of the nearest residential zone boundary line, measured in a straight line from the nearest entrance of the liquor outlet.

(2) Liquor stores and private clubs shall locate on either collector or arterial streets as defined in the Provo City general plan.

(3) Off-street parking shall be provided at the rate of one (1) space per one hundred (100) square feet of total floor space in the building for liquor stores.

(4) A permit to maintain a liquor store as a conditional use must be approved directly by the Planning Commission and may not be finally approved by a staff member as otherwise provided in Subsection 14.04.050(3), Provo City Code. (Am 1987-59)

14.34.270. Day Care Services (Including Preschools).

(1) Family Day Care services (defined in Section 14.06.020, Provo City Code) require a Home Occupation Permit. The provider is limited to six (6) children. The provider must reside in the residence where services are provided. The provider must receive a license from the State of Utah within sixty (60) days after approval by the city.

(2) Family Group Day Care (defined in Section 14.06.020, Provo City Code) requires a Conditional Use Permit. The provider is limited to twelve (12) children. The provider must reside in the residence where services are provided. The subject residence must conform to the Uniform Building Code prior to operating the facility. The provider must receive a license from the State of Utah within sixty (60) days after approval by the city.

(3) Child Day Care Centers (defined in Section 14.06.020, Provo City Code) require a Conditional Use Permit. All Centers must comply with the Uniform Building Code prior to occupancy and must receive a license from the State of Utah within sixty (60) days after approval by the City. (Enacted 1989-39)

14.34.280. Design Review.

(1) Purpose and Intent. The Municipal Council and Planning Commission have determined that various aspects of architectural design have a significant impact on the character and value of Provo neighborhoods and business districts; that preserving and enhancing this character requires harmonious and compatible architectural design of buildings within a particular neighborhood or district; and that preserving and enhancing the City's visual character furthers its economic and cultural wellbeing. The intent of these standards is to identify a range of design options which will encourage development compatible with the existing character of a district and which will discourage introduction of incompatible features. In carrying out the purposes of this Section, the following general principles shall be applicable:

(a) Review of architectural character shall not be so restrictive that individual initiative is stifled in the design of any particular building or site, or that substantial additional expense is unreasonably required. Rather, the intent of this Section is that the review exercised shall be only the amount necessary to achieve the overall purposes stated herein.

(b) Good architectural and landscape architectural character is based upon the suitability of a building or site for its purposes; upon the appropriate use of sound materials and good relationship with other aesthetically-designed structures within the city; and upon principles of harmony, proportion, and design in the elements of the building or site.

(c) Good architectural and landscape character and site planning design are not, in themselves, more expensive than poor architectural character and poor site planning design, and are not dependent upon the particular styles of architecture.

(d) Review of sign graphics shall be based upon suitability of sign colors, placement, design to overall building design and adjacent sign themes.

(2) Scope. The design criteria contained in Subsection (3) below address general design relationships and site planning principles and shall apply to all three (3) unit or greater multi-family structures, projects with groupings of more than one two-family structure, and all nonresidential structures requiring project plan approval. The design criteria contained in Subsections (4) and (5) below shall only apply to design corridors designated in Section 14.34.290. Such design criteria shall apply in combination with the design criteria set forth in Subsection (3).

(a) The scope and intensity of design review shall be governed by the type of construction activity, as follows:

(i) For construction of new buildings and parts of buildings, the focus shall be on the compatibility of new construction with the existing character of the district without dictating style or taste.

(ii) For reconstruction, remodeling, or repair of existing structures, the focus shall be on guiding and encouraging rehabilitation consistent with the original character of the structure.

(iii) For relocation of buildings to sites within a district, the focus shall be on seeking to insure that moved buildings are compatible with surrounding buildings and are suitably situated on the lot.

(iv) For demolition or removal of all or parts of existing buildings, the focus shall be on finding feasible alternatives to demolition, or compatible replacement.

(v) For sign permits, the focus shall be on seeking to insure that each sign is designed as an integral architectural element of the building and site to which it relates, and is compatible with the overall character of the district.

(b) The Planning Commission and Design Review Committee shall make findings in each instance where the design review criteria set forth in this Section are applied.

(3) Design Criteria.

(a) To preserve the design character of existing development, to protect the visual pattern of the community, and to promote harmony in the visual relationships and transitions between new and older buildings, new buildings should be in harmony with principles of design which include balance, rhythm, emphasis, scale, proportion and harmony (unity and variety). In addition, buildings should make appropriate use of design elements which include texture, pattern, line, form, space, color and mass.

(b) The use of unusual shapes, color, and other characteristics that cause new buildings to call excessive attention to themselves and create disharmony shall be avoided or reserved for structures of broad public significance.

(c) The height and bulk of new buildings shall be related to the prevailing scale of development to avoid overwhelming or dominating existing development.

(d) Building additions should be designed to reflect existing buildings in scale, materials, and color. Facade renovations should include as few different materials as possible.

(e) The architectural style of new or redeveloped structures shall be compatible with the predominant architectural themes of the district. Contemporary design for new buildings in old neighborhoods and additions to existing buildings or landscaping should not be discouraged if such design is compatible with the size, scale, color, material, and character of the neighborhood, building, or its environment.

(f) Adjacent buildings of different architectural styles shall be made compatible by such means as materials, rhythm, color, repetition of certain plant varieties, screens, sight breaks, etc.

(g) The construction of additions to existing buildings should be generally discouraged in yards adjoining public streets and should instead be confined to side and rear yards which are generally out of public view.

(h) To preserve the continuity prevailing along each block face, the orientation of the building's principal facade shall complement that of the majority of buildings in the same block face.

(i) The open expanse of front lawns and the quantities of planting within them of new or redeveloped structures shall be comparable to that of existing structures.

(j) Projects shall be designed in context with their surroundings. This means that enough visual linkages between existing buildings and the proposed project shall be provided so as to create a cohesive overall effect. In addition to those noted above, visual linkages shall include window proportions, entryway placements, decorative elements, style, materials, and silhouettes.

(k) Where quality is mixed - good buildings mixed with more mundane construction - a selective approach may be warranted. In such cases, positive identifiable patterns should be reinforced

wherever possible and negative design qualities, however much they may characterize an area, should be avoided.

(l) Doors, shrubs, fences, gates, and other physical design elements should be used to discourage access to an area by all but its intended users.

(m) Surveillance should be encouraged by placing windows in locations that allow intended users to see or be seen while ensuring that intruders will be observed as well. Surveillance shall be enhanced by providing adequate lighting and landscaping that allow for unobstructed views.

(n) Territoriality should be augmented by the use of sidewalks, landscaping, porches, and other elements that establish the boundaries between public, semi-private, and private areas.

(o) Projects should be designed with a human scale foremost.

(4) Building Details in Design Corridors.

(a) Rehabilitation work should not destroy the distinguishing qualities or character of the property and its environment. The removal or alteration of architectural features should be held to the minimum, consistent with the proposed use.

(b) Distinctive stylistic features or examples of skilled craftsmanship which characterize older structures and often predate the mass production of building materials, should be treated with sensitivity.

(c) Wherever possible, new additions or alterations to buildings should be done in such a manner that if they were to be removed in the future, the essential form and integrity of the original building would be unimpaired.

(5) Signs in Design Corridors.

(a) Signs should complement the architectural style and scale of the building and should be designed as an integral architectural element of the building and site to which it principally relates. As an architectural element, the sign should reflect the period of architecture and be in harmony with building character and use. It shall not interfere with architectural lines and details. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be in proportion to the area of the sign face. (Rep&ReEn 1998-60)

14.34.285 Residential Design Standards and Guidelines.

(1) Purpose and Intent. This Section establishes two (2) kinds of residential design criteria: design standards and design guidelines. They are intended to improve the quality and compatibility of new development in established residential neighborhoods.

(a) Design standards are required in addition to other requirements set forth in this Title and are indicated by the verb "shall".

(b) Design guidelines indicate additional actions that may be taken to enhance development design and achieve greater compatibility with adjacent land uses. Guidelines thus use the verb "should" or may (rather than "shall") signifying that the guidelines are desirable objectives but are not required to be achieved.

(c) These standards and guidelines deal with streetscape design, open space design, building location and orientation, driveway and parking design, landscape design, building mass and scale, building forms, building materials, and compatible additions. They are intended to provide design guidance for project applicants, staff, the Design Review Committee and the general public.

(2) Applicability. The design standards and guidelines set forth in this Section shall apply to all new residential buildings and uses

located in the area shown on the Residential Design Standards and Guidelines Applicability Map, except where the requirements of this Section are expressly superceded by another provision of this Title. In approving a project plan, the approving authority may impose reasonable conditions consistent with the purpose and intent of the purpose of this Section. The requirements of this Section shall apply in addition to other applicable requirements of this Title. This Section shall not be interpreted to supercede other requirements of the Provo City Code which may impose more restrictive requirements than this Section.

(3) Streetscape Design.

(a) Sidewalks shall be separated from curbs by a turf landscaped planting strip.

(i) Existing detached sidewalks and planting strips shall be retained and preserved.

(ii) New sidewalks shall be detached from the curb, similar to existing, with planter strips planted with compatible street trees.

(b) Vegetation in planting strips shall be protected and maintained.

(i) Replacing planted material with hard or impervious surfaces shall be prohibited.

(ii) Established vegetation shall be protected during construction to avoid damage.

(iii) Turf should be a low water use type.

(c) The pattern of street trees in a block shall be continued.

(i) Existing street trees shall be preserved whenever possible.

(ii) Damaged or diseased trees shall be replaced with a species similar in character and growth habit to the predominant existing tree species consistent with the City forester's list.

(iii) Street tree installation or replacements shall be required with new development.

(iv) New street trees should have a minimum caliper size of two (2) inches in diameter.

(4) Open Space Design.

(a) Front yards should be similar in character to neighboring properties.

(i) There shall be a logical hard surface pedestrian connection between the street and the front entry.

(ii) The front yard shall be predominantly landscaped with a combination of turf and plants. Hard surfaces for driveways, parking or patios shall be minimized.

(iii) Multi-family housing shall be oriented to the street with an entryway creating the appearance of traditional one-family housing facing the street.

(iv) Parking shall not be allowed in the front yard setback other than in the driveway.

(b) Fences or hedges may be used to define the yard.

(i) A fence within the front yard should be short and transparent with a maximum height of forty eight (48) inches except for corner lots where the height limit at the corner shall not exceed thirty six (36) inches for visibility purposes.

(ii) Masonry and solid fences shall reflect the architectural character of the project.

(iii) Chain link fences shall be prohibited in front yards.

(iv) Contemporary interpretations of traditional fences should be compatible with those found in the neighborhood.

(v) Landscaping along the fence edge should soften and define the property line.

(c) The sense of open space in the front, sides and rear yards should be preserved.

(i) New structures shall be sited consistent with the existing front setbacks of adjoining properties to maintain neighborhood compatibility.

(ii) Building side and rear yard setbacks beyond zoning minimums may be provided to maintain an adequate sense of privacy for adjoining properties.

(5) Building Location.

(a) The primary entry of the building shall be oriented to the street.

(i) All structures shall have one primary entry that faces the street.

(ii) Additional entrances may be located to the side or rear.

(iii) Multi-unit structures shall be street-oriented with the entry facing the street.

(b) The primary entrance shall be clearly defined by use of a raised porch or other similar entry feature.

(i) The front porch or entry feature shall be oriented to the street.

(ii) The minimum dimensions of the porch should be compatible with the scale of the building facade.

(iii) The porch floor height should be consistent with adjoining property.

(c) The majority of new multi-family buildings should be sited along a block face rather than the interior of the block.

(i) The development of large multi-family complexes on the interior of a block with little development out to the street should be discouraged.

(ii) Interior lots should comprise not more than twenty five percent (25%) of a project's area.

(6) Driveways and Parking.

(a) The pattern of a single driveway per property should minimize the impact of paving and on-site circulation.

(i) New development shall provide no more than the minimum amount of driveway access required in order to preserve a residential feel.

(ii) Driveway placement should be toward the side property line to avoid dividing a building by a single central driveway to subterranean parking.

(iii) Alley access for properties should be encouraged to reduce the impact of parking and traffic circulation on the front property line.

(iv) Parking and interior access should be designed to minimize the number of curb cuts.

(v) Driveways serving five (5) or less parking spaces shall have a minimum width of twelve (12) feet. Driveways serving six (6) or more spaces shall have a minimum width of twelve (12) feet for one-way traffic and sixteen (16) feet for two-way traffic.

(b) Required parking shall not be placed in the required front yard and should be minimized in the required rear yard.

(i) New development shall not have any required parking in front of any front face of a residential building.

(ii) Rear surface parking areas should be buffered from neighboring properties by appropriate plant materials.

(iii) Building and driveway lighting should not extend beyond the boundaries of the subject property.

(iv) Entrances to underground parking should occur from driveways along the sides of properties not from a front facing underground garage entry.

(7) Landscape Design.

(a) The design and siting of impervious surfaces should consider existing trees and other significant vegetation.

- (i) Property owners shall comply with the tree protection ordinance prohibiting damage or removal of trees in the public right-of-way.
- (ii) The design of underground parking structures shall avoid the removal of significant canopy trees within five (5) feet of side and rear property lines.
- (b) New landscaping with the public and semi-public view areas of the property should be consistent with existing neighborhood vegetation or approved by the City's urban forester.
 - (i) The species, size and placement of new front yard landscaping should be considered in the design review process.
 - (ii) New planting designs should consider xeriscape principles and seek to minimize landscape water use.
 - (iii) Subterranean parking structures shall be designed in a way that allows planting and growth of mature trees in the front yard.
 - (c) Landscaping should be used, where feasible, to reduce the impact of larger buildings on neighboring properties.
 - (i) The perimeter landscaping of new multi-family housing should soften views of such housing from adjoining property.
 - (ii) Front yard landscaping for multi-story buildings should be selected and placed to balance and soften the architecture of the building from the street.
- (8) Building Mass and Scale.
 - (a) Building front elevations shall be similar in scale to those seen traditionally on the block where the building is located.
 - (i) New multi-family structures should not overwhelm the visual character created by adjoining or nearby one-family homes.
 - (ii) Each segment of the front facade of new buildings should be within ten percent (10%) of the average width of existing residential structures in the neighborhood. If the building facade has a greater width the facade should be articulated into different planes to reduce the apparent mass of the building.
 - (b) The perceived scale of a building should be minimized.
 - (i) The front wall of a building should generally not exceed two (2) stories in height.
 - (ii) Wall heights of one (1) to one and a half (1½) stories should be provided along the street.
 - (iii) A one (1) story porch or similar element, which defines the front door and entrance to the building shall be provided.
 - (c) Doors, windows and balconies of new housing should be located to the extent feasible to respect the privacy of adjoining neighboring properties.
 - (i) Where possible, windows, doors and balconies should not be located on elevations that are directly adjacent to a neighboring property.
 - (ii) Where windows overlook an adjoining property means to preserve privacy should be utilized, such as locating windows above the typical eye level, use of an opaque or glazed glass or appropriately placed landscaping.
- (9) Building Forms.
 - (a) Building forms should be similar to those traditionally seen in the neighborhood.
 - (i) Simple rectangular building forms may be appropriate if found in the neighborhood.
 - (ii) Foundations should be raised. Finished first floor height should be within the range typically found in the neighborhood.
 - (iii) Exotic building and roof forms, which detract from visual continuity shall be prohibited.
 - (b) Roof forms should be similar to those traditionally seen in the residential neighborhood.
 - (i) Sloping roofs such as gable and hipped should be used as the primary roof form.
 - (ii) Shed roofs may be appropriate for some additions.
 - (c) Window and doorway forms should be similar to those traditionally seen in the residential neighborhood.
 - (i) Historic window and door forms should be used to create harmony with historic neighborhood forms.
- (10) Building Materials.
 - (a) Brick, stucco and painted wood shall be used as primary building materials.
 - (i) Painted wood lap siding and other forms of wood siding should be used predominately.
 - (ii) Stucco may be considered when it is detailed with wood trim around windows and doors. A shadow line around windows should be created by recessing windows.
 - (iii) A range of secondary and trim materials may be used as long as they are not dominant.
 - (b) Roof materials should appear similar in scale and texture to those traditionally found in the neighborhood.
 - (i) Wood, slate, tiles and high-quality composition shingles and shakes should be used for roofing materials.
- (11) Building Additions.
 - (a) Existing buildings should be adapted to new uses.
 - (b) An addition should not strongly alter the perceived character of an original building.
 - (i) Windows, materials and doors should be compatible with those of the original building.
 - (ii) Roof forms shall be compatible with the primary structure. (Enacted 2002-02)

14.34.290. Design Corridors

There are hereby created design corridors as set forth in this Section. The purpose of this Section is to establish design criteria which shall apply to development located within a particular design corridor as set forth below and in combination with the requirements of Section 14.34.280, Provo City Code. In the case of conflict between required criteria contained herein and otherwise applicable zoning standards, the most restrictive shall apply. The Planning Commission may approve a project plan with modifications to the standards of this Section if the property owner seeking to develop presents substantial evidence demonstrating that the strict application of applicable standards will result in an unreasonable economic hardship. Shallow lot depth, irregular shape of parcel, unusual topography, or other factors not listed may justify such actions by the Commission.

(1) North University Avenue Design Corridor Criteria.

(a) Creation - Purpose. A design corridor is established on North University Avenue from 500 North to 960 North and shall be known as the North University Avenue Design Corridor. The purpose of the North University Avenue Design Corridor is to preserve and enhance the character and value of North University Avenue; to protect important views, vistas, and significant architectural and historic resources; to lessen street congestion and to improve the overall quality of the built environment; all with a view toward conserving the neighborhood, maintaining property values, improving the image of the City, and generally promoting the health, safety, and general welfare. All new construction or rehabilitation in the North University Avenue Design Corridor shall comply with the requirements of this Subsection.

(b) Qualities of the Block.

(i) The architectural style of new or redeveloped structures shall be compatible with the predominant architectural themes of traditional structures in the design corridor. These are: Bungalow (Craftsman and Prairie detail), English Tudor, and Victorian. Contemporary design shall not be discouraged if it is compatible with the size, scale, color, material, and character of the corridor.

(ii) The owner of each property shall maintain existing Norway Maple trees in the park strip, and a fifty-fifty (50/50) mix of evergreen and deciduous trees on-site.

(iii) To preserve the continuity prevailing along each block face, the principal facade of each building should be oriented parallel to the street. If the facade is to be perpendicular to the street, then the street elevation should maintain a front appearance through continuity of building lines, window patterns, materials, etc.

(iv) The rhythm of spacing buildings should follow the ratio of 2.2:1 (for every 2.2 lineal feet of building frontage there is 1 lineal foot of separation between buildings on adjoining properties). This rhythm, experienced as an ordered recurrent alteration of building masses, can also be maintained on long, horizontal buildings by dividing the building facade into bays that are punctuated by indentations or spaces between them. Appropriate use of landscaping between the bays is necessary to maintain the feeling of an open space void. In such cases, each bay shall be considered a separate building frontage for purposes of calculating the ratio set forth in this subsection.

(v) Front setbacks shall be at least twenty five (25) feet (except average where fifty percent (50%) frontage is developed but not less than twenty (20) feet) and shall be landscaped and maintained. Front setbacks shall increase one (1) foot for each one (1) foot of building height over thirty-five (35) feet.

(vi) The ratio of building height to side yard setback shall not exceed four to one (4:1). On corner lots the ratio of building height to side yard contiguous to the street shall not exceed two to one (2:1).

(vii) Hard surface ratio (buildings, parking areas, and driveway access lanes) shall not exceed sixty percent (60%) of the total lot area.

(viii) Open space ratio (landscaping and approved hardscape areas) shall be at least forty percent (40%) of the total lot area.

(ix) Average building heights range from one and a half (1½) stories on the west side of University Avenue to two (2) stories on the east side. The number of stories for new or redeveloped structures should be within a half-story of this range. Maximum building height shall not exceed forty (40) feet.

(c) Qualities of Building Treatment.

(i) The predominant building material in the corridor is brick, followed by plaster or stucco. A very few cases involve a combination of brick and stucco or brick and siding. New and redeveloped structures should use brick as the principal material or brick and stucco combination, complementing surrounding buildings in color and texture.

(ii) Roof forms shall be compatible with those found in the corridor. The predominant forms are gable, pyramid, and hip. Roof slopes shall not exceed forty five (45) degrees, and in most cases should not exceed thirty (30) degrees.

(iii) Brick colors shall be earth tones - reds (reddish brown), plum or dark gray, oranges (burnt orange or rust), brown, yellowish brown or tan. Accent or complementary

colors, harmonizing with the main color, may be used for trim.

(iv) Masonry joints and mortar shall be compatible with surrounding buildings.

(d) Signs and Lighting.

(i) Notwithstanding the provisions of Section 14.14.150, Provo City Code, one (1) sign or nameplate not exceeding twelve (12) square feet placed upon a building or ornamental masonry wall shall be permitted to identify the name and/or address or an apartment structure, or nonresidential use. Wall or monument signs shall be set back at least five (5) feet from front property line.

(ii) No back-lit signs shall be permitted; only hooded spot lighting to illuminate a sign face shall be permitted.

(iii) Sign colors shall complement the colors of the principal structure. Use of contrast is permitted to promote legibility.

(e) Off-Street Parking.

(i) Parking for professional offices shall be provided at the rate of one (1) space per 250 square feet of gross floor space.

(2) North University Avenue Riverbottoms Design Corridor Criteria.

(a) Creation - Purpose. A design corridor is established on North University Avenue from 2230 North to mouth of Provo Canyon and shall be known as the North University Avenue Riverbottoms Design Corridor. The purpose of the North University Avenue Riverbottoms Design Corridor is to preserve and enhance the character and value of the University Avenue; to preserve the "open urban forest landscaped feel" of a boulevard along University Avenue; to protect some of the wild, natural, beauty of the area by imposing a design process that requires identification of key natural features, encourages preservation or improvement of the urban forest, provides wooded pathways, provides a small urban park atmosphere, and incorporates these features into project plan designs; to protect important views, vistas, and significant natural amenities; to lessen street congestion; and to improve the overall quality of the built environment; all with a view toward conserving the neighborhood, maintaining property values, improving the image of the City, and generally promoting the public's health, safety, morals and general welfare. The design criteria contained in this Subsection shall apply to all property with frontage on University Avenue or the Provo River bikeway that parallels North University Avenue. Properties that have been subdivided but are included within a development with frontage on North University Avenue or the Provo River Bikeway shall also be included. All new construction in the University Avenue Riverbottoms Design Corridor shall comply with the requirements of this subsection.

(b) Screening and Landscaping Standards. Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

(i) Landscaped Buffer Yards. Landscaped buffer yards shall be developed and maintained along University Avenue in order to:

(A) preserve natural features such as stands of native trees, water features, wetlands, and an open country appearance;

(B) minimize highway noise to adjacent property owners and businesses; and

(C) improve and beautify this entrance to the community.

(ii) Residential Buffer Yard. Residential developments (subdivisions, PD's, and multi-family project plans) adjoining University Avenue shall be buffered from the highway by the following landscape and screening features: A minimum twenty (20) foot wide yard landscaped with turf, trees, and shrubs, and a six (6) foot high decorative wall behind the landscaped buffer yard. A minimum of one (1) canopy tree, two and one-half (2½) inch caliper minimum, shall be required for each thirty (30) feet of street frontage in combination with one (1) under story tree, one (1) inch caliper, or one (1) evergreen conifer, six (6) foot minimum height at maturity, and five (5) shrubs, five (5) gallon minimum, per three hundred (300) square feet of buffer yard. Space between the roadway and property or street right-of-way line shall also be landscaped, with permission from the Utah Department of Transportation. Isolated one-family dwellings, as reasonably determined by the Community Development Director or his designee, shall be exempt from the requirements for a screening wall and landscaping the public right-of-way.

(iii) Nonresidential Buffer Yard. Nonresidential properties adjoining University Avenue shall be buffered from the highway by the following landscape and screening features:

(A) A minimum twenty-foot (20) wide yard (measured from property line) landscaped with turf, trees, and shrubs as required in Subsection (b) above. Space between the roadway and property or street right-of-way line shall also be landscaped, with permission from the Utah Department of Transportation.

(B) A landscaped berm or decorative wall, not to exceed thirty (30) inches in height, shall also be installed along the University Avenue frontage.

(iv) Preservation of Topographic Patterns. Where natural or existing topographic patterns contribute beauty and utility to a development, they shall be preserved and developed. Modification to topography may be permitted where it contributes to good appearance.

(v) Landscape to Enhance Architectural Features. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade. Landscaping should be in scale with proposed building structures.

(vi) Indigenous Plants. Plants that are indigenous to the area and others that will be hardy, drought resistant, and harmonious to the design shall be used. Species of trees and shrubs shall be selected from the list of acceptable plant materials maintained by the City Forester.

(vii) Plant Protection. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.

(viii) Buffers and Berms. All "vehicular use areas" (parking lots, loading areas, service drives) shall be screened with a vegetative buffer, masonry wall, or earthen berm of between thirty (30) inches to seventy-two (72) inches in height. Screening shall be equally effective in winter and summer.

(A) All vehicle use areas over five thousand (5,000) square feet shall have interior landscaping of five percent (5%).

(B) Each landscaped island to be at least one hundred (100) square feet, with one tree and three (3) shrubs planted for each one hundred (100) square feet of required landscaping.

(C) Linear planting strips and yards in excess of one hundred (100) square feet shall be planted with trees spaced thirty (30) feet on center, at a rate of approximately one (1) tree per three hundred (300) square feet of landscaped area.

(ix) Alternative Materials. In areas where general planting will not prosper, (i.e., narrow strips three (3) feet or less in width), other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.

(x) Preservation of Existing Trees. Existing mature trees should be preserved, insofar as it is practical, and included in the site design. When construction or clearing activities have disturbed mature natural vegetation, additional planting is required above the rates stated above. Increased sizes of planting stock may also be required to replace the damaged stock.

(c) Building Appearance and Setbacks. Architectural style is not restricted, but the style selected shall conform to the following general design guidelines:

(i) The architecture shall be in harmony with permanent neighboring development.

(ii) Roof shapes shall be hip, gable, or pyramid, and shall be appropriate to the architectural style.

(iii) Building materials should be durable, and suitable for the design in which they are used. Acceptable materials are brick, stucco, stone, and wood.

(iv) Buildings in the same planned development or shopping center shall follow the same architectural theme (including individual building pads), and shall use the same materials for all building walls and other exterior components wholly or partly visible from access roads and adjoining residential developments.

(v) All buildings (except one-family dwellings) shall be set back a minimum of fifty (50) feet from the front property line on University Avenue. (Exception: In locations where the old Denver & Rio Grande railroad right-of-way is between the University Avenue right-of-way and private property to be developed, buildings are only required to be set back twenty (20) feet from property line). Single dwellings shall be set back a minimum of thirty (30) feet from property line, except as provided in the exception above.

(d) Signs and Lighting.

(i) An integrated sign design scheme shall be required for all new PUD's, shopping centers, and office complexes.

(ii) Integrated sign plans shall be reviewed by Design Review Committee.

(iii) Sign colors shall complement the colors of the principal structure. Use of contrast is permitted to promote legibility.

(iv) Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

(v) All signs shall comply with the detailed standards found in Section 14.38.085, Provo City Code.

(e) Pedestrian Amenities and Streetscape Improvements.

(i) Combination curb, gutter and sidewalk shall not be permitted on University Avenue. A landscaped planter strip shall be installed between the curb and sidewalk.

(ii) Each sidewalk shall be a minimum of four (4) feet in width, and need not run exactly parallel to the street, but

shall be encouraged to meander through the landscaped park strip.

(iii) The City shall provide pedestrian benches and trash receptacles at convenient locations along the planted park strip, whenever possible, subject to adequate funding.

(f) Traffic Impact Analyses. Traffic impact analyses shall be required for nonresidential projects with an aggregate size of forty thousand (40,000) square feet or more, and for residential projects with more than fifty (50) units.

(g) Access Controls. The City Engineer shall make recommendations to the Utah Department of Transportation regarding control of vehicular access onto University Avenue. The following land use guidelines shall be used by the City Engineer as an aid in making these recommendations.

(i) Residential projects should either back onto University Avenue, taking their principal access from a side street, or at least be done as a Planned Unit Development (PUD), with a common access drive, appropriately spaced from other driveways and street intersections.

(ii) Where possible, development projects on adjoining properties should be encouraged to share common driveway approaches.

(h) Design Review Committee. Project plans for PUD's, commercial centers, office parks, and subdivisions fronting University Avenue shall be reviewed and approved by the Design Review Committee and Planning Commission prior to construction. Such review shall include an existing features (site analysis) plan, a detailed site plan, landscaping plan, and building elevations and floor plans.

(i) An existing features (site analysis) plan shall be submitted to and reviewed with the Planning Commission staff in a preapplication conference prior to making application for subdivision, PUD, condominium, or project plan approval. At a minimum, this analysis shall include:

(A) an air photo of the site or a contour map;

(B) the location of severely constraining elements such as steep slopes of over twenty-five percent (25%), wetlands, watercourses, intermittent streams and one hundred (100) year floodplains, and all rights-of-way and easements; and

(C) the locations of significant features such as woodlands, stands of trees, scenic views, drainage ways, fences or walls, existing structures, and roads, tracks and trails.

(ii) The existing features (site analysis) plan shall form the basis for consideration of a preliminary project plan and shall show the tentative location of buildings, streets, lot lines, parking, and landscaped open space in the proposed development. The preliminary project plan shall preserve significant natural features and incorporate them into the site design. The Planning Commission shall be empowered to make such modifications of underlying development standards as to ensure the same density or intensity yield as if the entire site were developed at the underlying standards.

(3) West Center Street Design Corridor Criteria.

(a) Creation - Purpose. A design corridor is established on West Center Street from Interstate 15 to the east edge of Utah Lake and shall be known as the West Center Street Design Corridor. All lots with frontage on West Center Street and abutting lots under the same ownership shall be subject to the requirements of this Section. The purpose of the West Center Street Design Corridor is to preserve and enhance the character and value of the West Center Street; to maintain property values, to improve the image of the city, and generally promote the

public's health, safety, and general welfare. All new construction in the West Center Street Design Corridor shall comply with the requirements of this Subsection.

(b) Building Setbacks. All buildings shall be set back a minimum of twenty (20) feet from the property line on Center Street or sixty (60) feet from the center line of Center Street, whichever setback is greater.

(c) Procedure. Project plans for each new performance development, commercial center, freestanding commercial development, office park, multiple family development or planned development within the West Center Street design corridor shall be reviewed and approved by the Provo City Design Review Committee and Planning Commission prior to construction. Such review shall include an existing features (site analysis) plan, a detailed site plan, landscaping plan, building elevations and floor plans. The existing features (site analysis) plan shall be used to prepare a preliminary project plan which shall show the tentative location of buildings, streets, lot lines, parking, and landscaped open space in the proposed development. At a minimum, such site analysis plan shall include the information outlined in Section 14.02.090, Provo City Code.

(d) Development Standards. Project plans shall incorporate and preserve significant natural features into the site design. Each preliminary or final project plan, which shall include the existing features (site analysis) plan, shall be prepared in accordance with the following site improvement standards. These standards shall apply in addition to other applicable development standards.

(i) Setbacks and Buffering. Landscaped buffer yards shall be developed and maintained along West Center Street in order to minimize street noise to adjacent property owners and businesses, and to improve and beautify this corridor. Properties adjoining West Center Street shall be buffered from the street by the following landscape and screening features: The front yard setback (excluding sidewalks) shall be bermed to a height of four (4) feet (undulations preferred); and landscaped with a minimum of one (1) deciduous tree, two (2) inch caliper minimum (measured six (6) inches above grade or six inches from the top of the root ball), per thirty (30) feet of street frontage, and a combination of one (1) under story tree, one (1) inch caliper, or one (1) evergreen conifer, expected to reach a six (6) foot minimum height at maturity, and five (5) shrubs, five (5) gallon minimum, per three hundred (300) square feet of landscaped buffer yard. The required plant material may be clustered as part of an approved landscaping plan.

(ii) Pedestrian Amenities and Streetscape

(iii) Improvements. Commercial areas shall be designed to accommodate both automobiles and pedestrians. Curb, gutter and sidewalk improvements shall be constructed to Subsection shall be in addition to landscaping required in other sections of the Provo City Code.

(iv) Alternative Materials. In areas where general planting will not prosper, such as narrow planting strips three (3) feet or less in width, other materials such as pavings of wood, brick, stone, or cobbles may be used. Soil sterilization or use of a weed block shall be required when such materials are used. Carefully selected plants shall be combined with such materials where possible.

(v) Protection of Existing and New Landscaping Features. Existing mature trees and vegetation shall be preserved and incorporated into site landscaping plans unless such preservation is deemed unwise by the Provo City Urban Forester (or a certified botanist or arborist in the absence of a recommendation from the Provo City Urban Forester). Plant materials shall be protected from

damage by use of curbs, tree guards or other devices. Plant materials that are damaged shall be replaced as soon as possible, given availability of the plant materials and season of the year, but in no case longer than one (1) year after such damage occurs.

(vi) Irrigation. All areas required by this Subsection to be landscaped shall be irrigated. The irrigation system shall be designed, to the extent possible, to minimize water use.

(vii) Parking Areas. Parking areas shall include landscaping at the rate of at least forty (40) square feet of landscaping per required off-street parking space. Such landscaping may be provided in bermed strips along the edge of the parking areas up to a depth of ten (10) feet. Each row of parking spaces exceeding ten (10) spaces shall include landscaped islands at the midpoint and ends thereof. In addition, deciduous trees (two (2) inch caliper minimum) shall be planted within parking area landscaping in a manner such that, at maturity of said trees, at least twenty-five percent (25%) of the paved surface area of the parking area will be shaded when the sun is directly overhead.

(viii) Snow Stacking Area. All parking areas shall provide a snow stacking area sufficient to accommodate the stacking volume of a two (2) foot snow base over the entire parking area. Such stacking area shall be designed and located to avoid damage to required shrubbery and shall not encroach on pedestrian or vehicle rights-of-way. If a developer prefers to haul snow to an off-site disposal location, the provisions of this Subsection may be waived by the Planning Commission subject to a performance agreement with the City.

(ix) Lighting. Parking area light fixtures shall be designed in compliance with Chapter 15.21, Provo City Code. Decorative light fixtures or "theme lighting" shall be required as approved by the Design Review Committee.

(x) Plant Selection. Plants materials shall be carefully selected to insure adaptability to soil and high water table conditions in the area.

(xi) Building Design. Predominant primary architectural features, materials, and colors of existing buildings shall be incorporated into building design. The standards of Chapter 14.34.280, Provo City Code, shall apply to new construction or redevelopment (additions, remodeling and building repairs) within the West Center Street design corridor.

(A) Commercial buildings shall have a minimum lot coverage of twenty five percent (25%) and shall not exceed sixty percent (60%).

(B) Primary entries shall be oriented to a public street or designated pedestrian connection. Building entrances shall be easily identifiable, and shall form a transition between outside and inside areas. Building entries shall provide adequate lighting for security.

(C) Building mounted communications equipment shall be placed directly on a wall or parapet. The color of such equipment shall be the same as the color of the wall or parapet upon which it is placed, or designed consistently with the design details of the building.

(D) Detailing shall be used as a method of enhancing the theme or character of a building, thereby adding interest to the development.

(I) Details of a building elevation, such as particular design characteristics or use of color, shall be used to continue the character or theme of the project.

(II) Equipment such as, but not limited to, roof mounted communications and mechanical equipment, vending machines and ice machines shall be screened from street view and placed in an area designed for their use, as an integral part of the project.

(III) Patio enclosures visible from a public street shall be compatible with the architectural character of the project.

(IV) Building entryway and stairway design and placement shall be integrated with the design of the project through the use of similar building materials, details, shapes, colors or other features.

(E) Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.

(I) The texture of building components shall enhance building design.

(II) Color schemes shall be harmonious and compatible with adjacent developments. Accent colors shall be compatible with the main color theme.

(III) Details of proposed colors and materials, including color chips and samples, shall be shown on building plans when a project plan application is submitted.

(IV) Reflective surfaces shall not be used in locations which may produce excessive reflections or glare.

(V) Tile, architectural grade asphalt shingles, standing seam metal or similar quality roofing materials shall be used on all pitched roofs visible from a public street.

(VI) Pad buildings in commercial developments, including service stations, convenience stores, restaurants, auto maintenance facilities and similar uses shall be designed in a compatible architectural style and shall incorporate the same materials, colors and landscaping as the primary development.

(F) Pre-engineered metal buildings shall not be permitted.

(G) The scale of a project shall not overwhelm adjacent buildings. Perceived height shall be reduced as needed by changing the roof line and varying the height.

(I) Building scale shall be compatible with adjacent development.

(II) Roofline variations shall be used to provide architectural style or character for commercial buildings that have limited wall variations due to functional constraints of the building.

(III) Commercial buildings shall not exceed thirty-five (35) feet in height, except tower elements, which may extend to fifty (50) feet in height provided such towers do not exceed a footprint area of four hundred (400) square feet.

(IV) Hipped or gabled roofs shall be required; provided that flat roofs with decorative front parapet walls may be permitted upon review and approval by the Planning Commission or Design Review Committee. Mansard roofs shall not be permitted.

(H) Architectural relief should be used in building design to provide interest and variety and avoid monotony. Details that create shade and cast shadows may be used to provide visual relief to the building.

(I) Horizontal and vertical elements of exterior walls shall vary in height and projection to provide substantial architectural interest and style. Such interest and style may be provided through, but not limited to, the imaginative treatment of windows, doors, eaves, roof lines and parapets, subject to approval of the Planning Commission or Design Review Committee.

(II) Building trim, accents, color, materials and style shall be incorporated into primary design themes to promote architectural visual interest.

(III) All exterior building elevations shall be integrated into the design theme of the project. In particular, the upper walls of the sides and rear should exhibit relief, rhythm and interest through the use of height variations, relief elements providing shadow, and the use of scuppers, downspouts and expansion joints as design elements.

(IV) Where possible, office areas or other functions that do not need a high roof line shall be built with a lower roof line to provide a variety of massing and form.

(I) Patterns created by window and door placement shall be used where possible to add variety and interest to building design. Attractive views shall be emphasized and uncomplimentary views avoided. Drive-through windows shall not face a public street.

(xii) Grade Separation. When the grade of a site is changed, even if due to landscaping or storm water retention requirements, a grade separation of greater than two (2) feet at any property line shall be avoided to the greatest extent practicably possible.

(xiii) Timing of Design Corridor Improvements. When a new performance development, commercial center, freestanding commercial development, office park, multiple family development or subdivision is constructed within the West Center Street design corridor, the developer thereof shall install site improvements in accordance with the development standards required by this Subsection 14.34.290(3) prior to occupancy of any building.

(xiv) Traffic Impact Analyses. Traffic impact analyses shall be required for any project plan falling within the thresholds established in Title 15, Provo City Code.

(xv) Access Controls. Control of vehicular access onto some portions of West Center Street (Interstate 15 to Geneva Road) is within the jurisdiction of the Utah Department of Transportation, with recommendations from the City Engineer. The following standards shall be used by the City Engineer to formulate access recommendations for specific projects:

(A) The number of residential driveways with direct access to West Center Street or Geneva Road shall be kept to a minimum. Principal access shall be from a side street, or from a common access drive, appropriately separated from other driveways and street intersections, located within a performance development; and

(B) Development projects on adjoining lots or parcels shall share common driveway approaches

wherever possible as determined by the City Engineer and UDOT.

(4) South State Street Design Corridor Criteria.

(a) Creation - Purpose. A design corridor is established on South State Street (US Highway 89) from the intersection with 300 South Street, southward to the intersection with Utah Highway 75 and shall include all portions of lots or parcels located within Provo City with frontage on South State Street. The purpose of the South State Street design corridor is to improve the overall quality of the built environment in the corridor; maintain and enhance property values within the corridor; enhance the image of the city along this southeasterly gateway; stimulate private investment and reinvestment in the corridor; and promote overall public health, safety and general welfare.

(b) Procedure. Project plans for each new performance development, commercial center, freestanding commercial development, office park, multiple family development and subdivision within the South State Street design corridor shall be reviewed and approved by the Provo City Design Review Committee and Planning Commission prior to construction. Such review shall include an existing features (site analysis) plan, a detailed site plan, landscaping plan, building elevations and floor plans. The existing features (site analysis) plan shall be used to prepare a preliminary project plan which shall show the tentative location of buildings, streets, lot lines, parking, and landscaped open space in the proposed development. At a minimum, such site analysis plan shall include:

(i) an air photo of the site or a contour map;

(ii) the location of severely constraining elements such as steep slopes of over thirty percent (30%), wetlands, watercourses, intermittent streams and one hundred (100) year flood plains, and all rights-of-way and easements; and

(iii) the location of significant features such as woodlands, stands of trees, existing vegetation, scenic views, drainage ways, fences or walls, existing structures, and roads, tracks and trails.

(c) Development Standards. Project plans shall incorporate and preserve significant natural features into the site design. Each preliminary project plan, which shall include the existing features (site analysis) plan, shall be prepared in accordance with the following site improvement standards:

(i) Setbacks and Buffering. Landscaped buffer yards shall be developed and maintained along South State Street in order to minimize highway noise to adjacent property owners and businesses, and to improve and beautify this entrance to the community. Properties adjoining South State Street shall be buffered from the highway by the following landscape and screening features: A minimum twenty (20) foot wide front yard (measured from the street right-of-way line), bermed to a height of four (4) feet, landscaped with a minimum of one (1) deciduous tree; two (2) inch caliper minimum (measured six (6) inches above grade or the top of the root ball), per thirty (30) feet of street frontage; and a combination of one (1) under story tree, one (1) inch caliper, or one (1) evergreen conifer, expected to reach a six (6) foot minimum height at maturity; and five (5) shrubs, five (5) gallon minimum, per three hundred (300) square feet of landscaped buffer yard.

(ii) Pedestrian Amenities and Streetscape Improvements. Curb, gutter and sidewalk improvements shall be constructed to City standards at a time and in a location approved by the City Engineering Department. Combination curb, gutter and sidewalk shall not be permitted unless the City Engineer determines such construction

would be desirable to provide reasonable alignment with existing improvements. The sidewalk shall be a minimum of six (6) feet in width.

(iii) Landscaping of Planting Strip. Property located within a public right of way between the curb and sidewalk shall be landscaped with turf, trees and shrubs pursuant to an agreement with the Utah Department of Transportation (UDOT). At least one (1) deciduous tree, two (2) inch caliper in size, and one (1) shrub (five (5) gallon minimum size) shall be planted per thirty (30) feet of street frontage, when allowed by UDOT. Tree selection shall be coordinated with the Provo City Urban Forester. Plantings shall be located in a manner that will minimize vision clearance problems at driveway and street intersections as the vegetation matures. The landscaping required by this Subsection shall be in addition to landscaping required in other Sections of the Provo City Code.

(iv) Alternative Materials. In areas where general planting will not prosper, such as narrow planting strips three (3) feet or less in width, other materials such as pavings of wood, brick, stone, gravel or cobbles may be used. Soil sterilization or use of a weed block shall be required when such materials are used. Carefully selected plants shall be combined with such materials where possible.

(v) Protection of Existing and New Landscaping Features. Existing mature trees and vegetation shall be preserved and incorporated into site landscaping plans unless such preservation is deemed unwise by the Provo City Urban Forester (or a certified botanist or arborist in the absence of a recommendation from the Provo City Urban Forester). Plant materials shall be protected from damage by use of curbs, tree guards or other devices. Plant materials that are damaged shall be replaced as soon as possible, given availability of the plant materials and season of the year, but in no case longer than one (1) year after such damage occurs.

(vi) Irrigation. All areas required by this Subsection to be landscaped shall be irrigated. The irrigation system shall be designed, to the extent possible, to minimize water use.

(vii) Parking Areas. All parking areas shall be paved. Parking areas shall be landscaped at the rate of at least forty (40) square feet of landscaping per required off-street parking space. Such landscaping may occur in bermed strips along the edge of the parking facility, but landscaped islands located at the mid point of parking rows exceeding (10) spaces and at the end of parking lot rows shall also be required. In addition, deciduous trees (two (2) inch caliper minimum) shall be planted within said parking area landscaping in a manner such that, at maturity of said trees, at least twenty-five percent (25%) of the paved surface area of the parking area will be shaded when the sun is directly over the center of the lot.

(viii) Snow Stacking Area. All parking areas shall make provisions for a snow stacking area sufficient to accommodate the stacking volume of a two (2) foot snow base over the entire parking area. Such stacking area shall be designed and located to avoid damage to required shrubbery. If a developer prefers to haul snow to an off-site disposal location, the snow stacking area provisions may be waived by the Planning Commission.

(ix) Lighting. Parking area light fixtures shall be designed in compliance with Chapter 15.21, Provo City Code. Decorative light fixtures or "theme lighting" shall be required as approved by the Design Review Committee.

(x) Building Appearance. The standards of Chapter 14.34.280 shall apply to new construction or redevelopment (additions, remodeling and building repairs) within the South State Street design corridor.

(d) Timing of Design Corridor Improvements. When a new performance development, commercial center, freestanding commercial development, office park, multiple family development or subdivision is constructed within the South State Street design corridor, the property owner thereof shall install site improvements in accordance with the development standards required by this subsection prior to occupancy of any building.

(e) Traffic Impact Analyses. Traffic impact analyses shall be required for development projects corridor projects that fall within the thresholds established by Chapter 15.03, Provo City Code.

(f) Access Controls. Control of vehicular access onto South State Street is within the jurisdiction of the Utah Department of Transportation, with recommendations from the City Engineer. The following guidelines shall be used by the City Engineer to formulate access recommendations for specific projects:

(i) New residential development projects should not be directly accessible from South State Street. Principal access should be from a side street, or from a common access drive, appropriately spaced from other driveways and street intersections, located within a performance development; and

(ii) Development projects on adjoining lots or parcels should share common driveway approaches wherever possible as determined by the City Engineer and UDOT. (Rep&ReEn 1998-60, Am 1999-18, Am 1999-62)

14.34.300. Transitional Development Standards For Uses Abutting Residential Zones.

The purpose of this Subsection is to provide an area of transition between abutting lots zoned for dissimilar uses so that adjoining incompatible uses are avoided.

(1) Where a lot in any multiple family residential, business, commercial or industrial zone abuts a lot in any one-family residential, residential agricultural or agricultural zone, or where a business, commercial or industrial zone abuts a lot in a multiple family residential zone, a landscaped yard at least ten (10) feet wide shall be provided on such lot along the property line where the lot abuts one (1) or more of the aforementioned lots. Building setback in such areas shall be at least one (1) foot for each two (2) feet of building height. Buildings over twenty (20) feet high shall be set back at least ten (10) feet.

(2) Where the side yard of a commercial or multiple family residential corner lot abuts the same street as the front yard of an adjoining residential property facing the same street, the minimum side yard setback on the corner lot shall be twenty (20) feet from the street right-of-way line.

(3) Where a lot in any multiple family residential, business, commercial or industrial zone abuts a lot in any one-family residential, residential agricultural or agricultural zone or where a business, commercial or industrial zone abuts a lot in a multiple family residential zone, there shall be provided a landscaped front yard on such lot equal to that of the residential use on the abutting property.

(4) Any multiple family residential, business, commercial or industrial parking lot consisting of four (4) or more spaces and that portion of the driveway back of the building line shall be screened from the street and from adjoining properties in the abutting residential, residential agricultural or agricultural zones by either a landscape berm two (2) feet high at the crown, a hedgerow at least

five (5) feet high at maturity, or a masonry wall not less than three (3) feet high in the front yard, and not more than six (6) feet high located back of the building line.

(5) All building and parking lot lighting shall comply with the outdoor lighting regulations of Title 15, Provo City Code.

(6) Notwithstanding a permitted or conditional use provision to the contrary, a use that involves open storage of merchandise or equipment, off-premise signs, trade or industry that is noxious or offensive by reason of the emission of odor, smoke, gas, vibration or noise shall be strictly prohibited on a lot abutting a residential, residential agricultural or agricultural zone.

(7) No overhead/bay doors shall be permitted in the wall of a building which faces a residential, residential agricultural or agricultural zone if said wall is closer than twenty-five (25) feet to the property line.

(8) All mechanical equipment (e.g., air conditioners, fans, pumps, etc.) should be located within the building or on a roof with parapet walls. Any mechanical equipment located on the outside of a building within twenty-five (25) feet of the nearest residential use shall have a visual/noise barrier (masonry wall or landscaping) that completely surrounds the equipment and extends at least one (1) foot above the equipment. Noise from mechanical equipment shall not exceed the decibel level set forth in Section 9.06.030, Provo City Code.

(9) No loading dock or delivery pickup area shall be located within fifty (50) feet of a residential use. These areas shall be screened from public view with a six (6) foot masonry wall.

(10) No trash container shall be located closer than twenty-five (25) feet from the side property line of a lot in a residential, residential agricultural or agricultural zone.

(11) All of the above-listed requirements shall apply, unless the Planning Commission approves an alternative buffering arrangement equal to or better than the requirements set forth in this Subsection. The Planning Commission shall make specific findings justifying the alternate buffering arrangement. (Enacted 1990-32, Am 1993-90, Am 1995-58, 1998-06, Am 1999-49)

14.34.310. One-Family Detached Dwellings.

Any detached one-family dwelling located on an individual lot must meet the off-street parking requirements in Chapter 14.37, Provo City Code and the following standards in addition to any others required by law except as provided in subsection 14.34.310(1), Provo City Code. Exemption: All one-family dwellings for which building permits were issued prior to August 21, 1990, are exempt from the requirements of this section. Neither shall compliance with these regulations be required of units existing prior to the adoption of this section if such units are later remodeled except as otherwise provided in this Title.

(1) The dwelling must meet the requirements of the Provo City Building Code or, if it is a manufactured home, must meet the requirements of the HUD Code and must not have been altered in violation of such codes. A used manufactured dwelling must be inspected by the Chief Building Official or his designee prior to placement on a lot to insure it has not been altered in violation of such codes. Any violations must be corrected as directed by the Chief Building Official. Manufactured homes shall be multiple transportable sections.

(2) The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be filed with the State Tax Commission pursuant to Utah Code Annotated 59-2-602.

(3) The dwelling must be approved for and permanently connected to all required utilities.

(4) Each dwelling shall have a site-built concrete, masonry, steel or treated wood foundation capable of transferring design dead loads and live loads and other design loads unique to local home sites, due to wind, seismic and water conditions, that are imposed

by or upon the structure into the underlying soil or bedrock, without failure. All foundations shall be designed in accordance with Provo City adopted building codes, the manufacturer's recommendations, NCSBCS Standards, or an approved engineered design. All perimeter footings must be a minimum of thirty (30) inches below grade for frost protection. All tie-down devices must meet Provo City adopted building codes, the manufacturer's recommendations, NCSBCS Standards, or an approved engineered design. The space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with the manufacturer's recommendations or NCSBCS Standards and constructed of materials that are weather resistant and aesthetically consistent with concrete or masonry type foundation materials. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation.

(5) Dwellings shall have a roof surface of wood shakes, asphalt shingles, composition shingles, wood shingles, concrete tiles, fiberglass tiles, slate tiles, or built-up gravel materials. Unfinished galvanized steel or unfinished aluminum roofing shall not be permitted. There shall be a roof overhang at the eaves and gable ends of not less than six (6) inches, excluding rain gutters, measured from the vertical side of the dwelling. The roof overhang requirement shall not apply to areas above porches, alcoves and other appendages which together do not exceed twenty-five percent of the length of the dwelling.

(6) Dwellings shall have exterior siding material consisting of wood (excluding plywood, particle board or other wood products not intended as an architectural finish product), hardwood, brick, concrete, stucco, glass, metal or vinyl lap, tile, or stone, or an aesthetically pleasing combination of these materials.

(7) The width of the dwelling shall be at least twenty (20) feet at the narrowest point of its first story, exclusive of any garage area, as viewed from the front lot-line, to create a front entry to the home as viewed from the street; this portion of the dwelling shall have a depth (front to rear) of at least twenty (20) feet.

(9) One-family detached dwellings in the R1.10 zone shall be provided with an attached or detached garage or carport, designed with the same architectural style and materials as the main dwelling and constructed concurrently with the dwelling and having a minimum interior width and length of twenty (20) feet. See Section 14.37.100, Provo City Code.

(10) One-family detached dwellings in all other zones shall be provided with an attached or detached garage or carport, designed with the same architectural style and materials as the main dwelling and constructed concurrently with the dwelling and having a minimum interior width of twelve (12) feet and length of twenty (20) feet, except that garages for multiple-level one-family dwellings shall have a minimum interior width and length of twenty (20) feet. See Section 14.37.100, Provo City Code.

(11) Porches, decks, or verandas are permitted on the front of the house only when covered with a roof.

(12) Minimum Floor Area. All one-family detached dwellings shall have a minimum floor areas (exclusive of garage) as shown on Table 14.34.310-1 below.

| Table 14.34.310-1 Minimum Floor Area | | | |
|---|--|---|--|
| Zone¹ where used for one-family detached dwelling | Single Level Dwelling² | Multiple Level Dwelling³ | |
| | Finished Main Floor Area - Excluding Basement - in square feet (s.f.) | Finished Floor Area in square feet (s.f.) | Total Finished Floor Area in square feet (s.f.) |
| RC Lot area less than 8000 s.f. | 850 | 637 | 1275 |
| RC Lot area 8000 s.f. or greater | 1000 | 750 | 1500 |
| R1.6 | 850 | 637 | 1275 |
| R1.7 | 950 | 712 | 1425 |
| R1.8 | 1000 | 750 | 1500 |
| R1.9 | 1200 | 900 | 1800 |
| R1.10 | 1200 | 900 | 1800 |
| R1.15 | 1200 | 900 | 1800 |
| R1.20 | 1200 | 900 | 1800 |
| A1 | 900 | 675 | 1350 |
| RA | 1000 | 750 | 1500 |
| PD-R2 to R5 | 900 or as approved in PD | 675 or as approved in PD | 1350 or as approved in PD |

¹ For dwellings with accessory apartments, located in the RC or A-overlay or S-overlay zone, the minimum floor areas shown may include the principal living area and the accessory living area, except that any living area within a basement may not be counted toward the minimum main floor area requirement.

² Single-level main floor area may include split-level designs in which above-grade living areas are not stacked; any living area within a basement may not be counted toward the minimum main floor area requirement.

³ May include two (2) or more stories or split-level designs with above-grade living areas stacked one above the other, except that any living area within a basement may not be counted toward the minimum main floor area requirement.

(Enacted 1990-47, Am 1990-58, Am 1995-99, Am 1998-06, Am 2002-15, Am 2004-03)

14.34.320. Off-street Parking Across a Public Street or with an Intervening Property.

In accordance with 14.37.080(1)(b) required parking shall not be located across a public street, or with an intervening property, except by conditional use permit approved by the Planning Commission, subject to the conditions set forth below:

(1) Off-street parking approved under this Section must be located such that the nearest property line of the lot is within four hundred (400) feet of the nearest property line of the lot containing the land use activity it serves, as measured along the shortest pedestrian route with the following exception:

- (a) A portion of the CBD zone bounded by University Avenue, 200 South, 300 West, and 200 North, comprising of City Blocks Numbered 86-A, 87-A, 88-A, 69-A, 68-A, 67-A, 66-A, 65-A, 64-A, 47-A, 46-A, and 45-A; and

(b) Parking to be provided may not be located further than eight hundred (800) feet from building to parking lot subject to the Planning Commission approval.

(2) The parking lot, if across the street from the main land use activity it serves, shall be located within two hundred (200) feet of a regulated intersection or approved crosswalk in the direction of pedestrian traffic.

(3) The applicant shall, at his or her own expense, submit a report from a qualified Traffic Engineer assessing the probable vehicular and pedestrian impacts from the off-site parking lot, and including any recommendations for the mitigation of safety concerns.

(4) The applicant shall assume the full liability, and responsibility for the lot, as well as any costs associated with improvements that may be required to enhance safety.

(5) If, after review by the Planning Commission staff, the Planning Commission finds that the off-site lot will not pose any significant traffic safety problems, and that it complies with all other provisions of this Title, the permit shall be granted. (Am 1990-02, Am 1993-32, Am 1997-71)

14.34.340. Twin Home Development Standards.

(1) Twin Home developments shall be allowed as conditional uses in the R2, R3, R4, and R5 zones. However, if the development exceeds 3 acres in the R2 zone, or 2 acres in the R3 zone, it shall be treated as a Performance Development, subject to all the requirements of Chapter 14.31, Provo City Code, Performance Developments.

(2) Because twin homes are attached on a common lot line, dwellings shall be designed and built in pairs.

(3) Lot Area. Each lot in the R2 zone shall have an area of not less than four thousand (4,000) square feet, unless otherwise approved by the Planning Commission; each lot in the R3, R4, and R5 zones shall have an area of not less than three thousand five hundred (3,500) square feet, unless otherwise approved by the Planning Commission.

(4) Lot Width and Frontage. Each lot shall have an average width of not less than thirty five (35) feet in the R2 zone (forty five (45) feet on corners), and twenty five (25) feet in the R3, R4, and R5 zones (thirty five (35) feet on corners) unless otherwise approved by the Planning Commission. A non-rectangular lot on a cul-de-sac turnaround or on the outside radius of a street curve with a radius of not more than fifty (50) feet shall have a street frontage of not less than twenty (20) feet.

(5) The use of flag lots may be encouraged on deep lots with very narrow frontage.

(6) Dwelling Floor Area. Each dwelling shall have a ground floor area not less than the standards contained in Section 4.34.310(11), Provo City Code.

(7) Dwelling Height. No dwelling structure shall exceed two and one-half (2½) stories or thirty five (35) feet in height.

(8) Yard Requirements, Setbacks.

(a) Front Yard. Each lot shall have one (1) front yard setback of not less than twenty (20) feet, unless otherwise approved by the Planning Commission.

(b) Rear Yard. Each lot shall have one (1) rear yard setback of not less than twenty (20) feet, unless otherwise approved by the Planning Commission.

(c) Side Yard. Each lot shall have one side yard of not less than ten (10) feet in the R2, R3, R4, and R5 zones.

(9) Off-Street Parking.

(a) Each dwelling shall have not less than two (2) off-street parking spaces, at least one (1) of which is within a carport or fully enclosed attached garage. A freestanding garage or carport does not meet this requirement.

(b) Garages and carports shall be located to provide a paved driveway of not less than eighteen (18) feet in length as measured

from the inside edge of the public sidewalk to the garage door, or carport supports.

(10) The center wall between the dwelling units shall be on the property line and shall be designed and constructed for sound proofing with a minimum sound isolation requirement (STC) of 50.

(11) A masonry wall or approved decorative fence or hedge may surround each pair of lots in accordance with the fencing provisions of the underlying zone. Said wall, hedge or decorative fence may include front and rear yard dividers. The rear yard may be divided by a sight obscuring fence, wall or hedge.

(12) To the greatest extent possible, designers of twin homes should strive for a one-family detached appearance. Instead of looking like a duplex, where each unit mirrors the other, the homes should be designed so that they have the appearance of one (1) large unit. This can be accomplished by separating the entrance of one (1) unit from the entrance to the adjacent unit, or by utilizing grade changes and roof line variety.

(13) Development plans shall include a landscaping plan for the front yards, which shall be installed by the developer.

(14) Each side of the twin home shall be separately metered for water and power. And building drains shall be separate as they leave the building.

(15) Application for Conditional Use Permit shall be made as per 14.02.040, and plans shall undergo administrative project plan review as per 14.02.090. (Enacted 1991-46, Am 1994-55, 1998-06, Am 2006-14)

14.34.350. Recreational Vehicle Storage (Includes Boats, Trailers, and Recreational Vehicles) and Towing Impound Yards.

Subject to the standards set forth in Subsections (1) through (9) of this Section and the standards for a conditional use permit set forth in Section 14.02.040, Provo City Code, storage of recreational vehicles shall be allowed as a conditional use in A1 zones and towing impound yards shall be allowed as a conditional use in CM, M1, M2 and PIC zones. The Planning Commission shall consider the circumstances of existing surrounding land uses and existing improvements when applying these standards. Where circumstances warrant it, the Commission may apply the most restrictive standards, subject to making findings justifying such application.

(1) Recreational vehicle storage areas and towing impound yards shall have vehicular access to an arterial or collector street.

(2) Every recreational vehicle storage area and towing impound yard shall be screened on one (1) or more sides (as determined by the Planning Commission) by an opaque wall or fence. Fence height shall be at least eight (8) feet for recreational vehicle storage areas and at least six (6) feet for towing impound yards. Fence height may be shorter than if built upon a permanent landscaped berm, and the combined height of the berm and fence meets the requirements of this Subsection.

(a) Fencing appropriate to the area shall be utilized. This may include "Beauty Link" chain link, wood, decorative block, or brick.

(b) An appropriate hedge row capable of growing to a height of at least five (5) feet at maturity may be required along one (1) or more sides of the fence, as deemed necessary by the Planning Commission.

(4) The front yard setback shall be landscaped with some combination of trees, shrubs, hedgerows, and turf. Preference shall be given to drought resistant native species. Landscaping shall be irrigated and permanently maintained.

(5) When adjoining a residential zone boundary, a minimum ten (10) foot landscaped setback may be required from the residential zone boundary. The landscaped yard shall be located between the property or zone boundary line and the fence.

(6) All parking areas shall be graded, drained, and improved with gravel road base material, concrete, or asphaltic cement. The driveway from the street shall be paved with asphaltic cement or concrete. Gravel parking areas shall be maintained in a weed-free condition.

(7) One (1) on-premise sign shall be permitted per street frontage in the front or side yard setback. Said sign shall be no higher than five (5) feet, and no more than thirty two (32) square feet in area.

(8) All lighting shall meet the requirements of Chapter 15.21, Provo City Code.

(9) Sites adjoining existing residential development may not be appropriate for the land uses permitted by this Section. The Commission shall consider the circumstances of surrounding land uses, and area circulation in making a decision regarding a conditional use permit. It shall be the intent of these standards to discourage recreational vehicle storage areas and towing impound yards from drawing undue attention through signage, lighting, etc.

(10) Upon review by the Planning Commission, the Commission may allow up to thirty percent (30%) of a developed project to be fully enclosed or partially enclosed storage structures for the purpose of storing recreational vehicles. (Enacted 1991-72, Am 1995-05, 2001-48)

14.34.355. Portable Storage Containers.

(1) As used in this section "portable storage container" means a moveable weather-resistant container designed and used for the storage or shipment of property. A portable storage container does not include an open roll-off or other trash storage container.

(2) In an agricultural or residential zone, only one (1) portable storage container may be located on a lot or parcel, subject to the provisions of this Subsection (2).

(a) A portable storage container shall not be located on a vacant lot or parcel,

(b) A portable storage container may be located on a driveway or an interior side yard or rear yard so long as the container is not within a parking circulation aisle/lane, fire access lane, public utility easement, or public right-of-way, including a public street or sidewalk.

(c) (i) If a building permit has been issued for construction or remodeling of a dwelling unit, a portable storage container may be located on the same lot or parcel so long as the permit is valid, but shall be removed prior to issuance of a certificate of occupancy.

(ii) If no such building permit has been issued, a portable storage container may be located on a lot or parcel for up to thirty (30) days in any twelve (12) month period, subject to the provisions of Subsections (2)(a) and (b) above.

(3) In any zone, vertical stacking of two (2) or more portable storage containers and stacking of any other materials on top of a portable storage container is prohibited. (Enacted 2007-51)

14.34.360. Boarding of Miniature Horses.

The keeping of a miniature horse in the R1 Zone may be permitted by the Planning Commission through the issuance of a conditional use permit, subject to the following conditions:

(1) The animal must be kept in an enclosed, fenced yard, with fencing at least six (6) feet in height.

(2) All corrals or stables must be located no closer than twenty five (25) feet to an adjacent neighbor's property line, and no closer than fifty (50) feet to an adjacent neighbor's dwelling unit.

(3) The owner must comply with whatever nuisance abatement programs required by the Utah County Department of Health.

(4) American Miniature Horse Registry (AMHR) registration is required for all miniatures horses.

(5) No more than one (1) miniature horse may be permitted per property. (Enacted 1992-65)

14.34.370. Dance Halls as a Conditional Use—Public Dances.

(1) In the construction of this Section the terms "public dance" and "dance hall" shall have the meanings set forth in Chapter 6.15, Provo City Code.

(2) A public dance shall be allowed in any nonresidential zone subject to the requirements of Chapter 6.15, Provo City Code, and provided that not more than one (1) public dance may be held at the same location in each of the following time periods: June-August, September-November, December-February, and March-May.

(3) Dance halls, when allowed as a conditional use, shall be approved in compliance with Section 14.02.040, Provo City Code, and the following standards:

(a) Compliance with the requirements of Chapter 6.15, Provo City Code.

(b) One (1) off-street parking space shall be provided for each four (4) occupants, based on the maximum occupancy load for the use, or as otherwise determined by the Planning Commission. The parking shall be in compliance with Section 14.37.080, Provo City Code, and if located off-premise, shall comply with Section 14.34.320, Provo City Code, as a conditional use.

(c) The parking lot shall be lighted sufficiently to provide safety to customers and clients. The amount of lighting shall be determined by the Provo City Energy Department.

(d) In determining conveniently located parking, the Planning Commission shall consider:

(i) the visibility of the parking area from the building; and

(ii) the lighting, existing physical development, and types of uses between the parking lot and the facility.

(e) Buildings to be used for such uses shall have frontage on an arterial or collector road, or have access to said road within three hundred (300) feet from the main entrance of the building.

(f) No dance hall use shall be located closer than four hundred (400) feet to any public elementary or secondary school, or any one-family or two-family residence, measured in a straight line between the closest property lines of lots on which the respective uses are located, with the exception of dance halls located in the area described in Section 14.34.370(g)(i).

(g) A dance hall located within the area described in Subsection (i) shall not be located closer than two hundred (200) feet from any one- or two-family dwelling, measured in a straight line between the closest property lines of lots on which the respective uses are located, except as provided in Subsection (ii).

(i) A portion of the CBD zone bounded by 100 East, 200 South, 300 West, and 200 North, comprising City Blocks Numbered 86-A, 87-A, 88-A, 69-A, 68-A, 67-A, 66-A, 65-A, 64-A, 47-A, 46-A, 45-A, 20-B, 28-B, and 29-B.

(ii) Subsection (g) shall not apply to any one-family attached dwelling (condominium) unit located in a commercial building where:

(A) a dance hall is located, and

(B) where an owners association exists to manage issues between all owners of property located within that building.

(iii) Designated off-street parking may be located nearer than two hundred (200) feet to a one- or two-family dwelling in the area described in Subsection 14.34.370(g)(i), Provo City Code, provided that:

(A) one (1) full time security person is on duty at the parking lot for each one hundred (100) automobiles parked;

(B) parking lots will be closed and vacated within thirty (30) minutes of closing of the dance hall by dance hall security personnel; and

(C) the dance hall operator is responsible for control of noise, conduct and litter in the designated parking areas from one (1) hour before opening until one (1) hour after closing of dance hall operations.

(h) After application is made for a conditional use permit a neighborhood meeting shall be conducted prior to a public hearing. Such meeting shall involve; the applicant, neighborhood chair, and representatives from the City. Notification of the meeting shall be given to property owners within five hundred (500) feet of the use at the expense of the applicant.

(i) No musical instruments, stereo-phonics equipment, sound amplifier or similar device shall be operated in such a manner as to create a noise or vibration disturbance across a real property boundary. If such a device is plainly audible on property of another or within a building other than that within which the device is located, and if a complaint is made to the Police Department and verified by the Department that a noise disturbance exists, this shall serve as prima facie evidence of a violation of this requirement. (Enacted 1993-09, Am 1993-32, Am 1994-67, 1998-05, Am 1999-15, Am 2001-23, Am 2005-27)

14.34.380. Car Wash as a Conditional Use.

A Car Wash, when allowed as a conditional use, shall be approved only in compliance with Section 14.02.040, Provo City Code and the following:

(1) No car wash shall be permitted on a parcel of land less than twenty thousand (20,000) square feet in size.

(2) Stacking lanes accommodating at least two (2) cars shall be provided on-site per wash bay. And stacking lanes for at least two (2) cars per vacuum bay at full-service attendant washes.

(3) Automatic drive-through wash bays shall be located as far from adjoining residences as possible taking into account the overall design, layout and predominant traffic patterns of the area.

(4) Noise from vacuums, blowers, compressors, wash equipment etc., shall not exceed day and night-time levels as set forth in Chapter 9.06, Provo City Code.

(5) All vacuum canisters shall be constructed of heavy gauge steel, be equipped with vacuum motor mufflers and plastic domes to reduce noise levels.

(6) Area lighting of parking lots shall not be permitted when adjoining a residential property. No lighting shall be permitted to shine directly into any adjoining residential property. Lighting shall be permitted at the vacuum bays, in wash stalls, in the signage, and at vending machine windows. All building lighting shall be in the ceilings, and eaves, and shall be screened by the cornices of the building so as not to shine directly into adjoining properties.

(7) A minimum six (6) foot high decorative brick or block wall shall be constructed along the full length of any property line adjoining a residential dwelling, except that it shall be no higher than thirty six (36) inches in the front yard setback. Such walls shall be capped, and block walls must be stuccoed or painted on both sides.

(8) The Planning Commission shall see to it that the buildings are architecturally compatible with adjoining residential properties. Compatibility will be determined by use of predominant building materials, colors, roof shapes, and roof materials.

(9) Street frontages shall be landscaped, except for driveways, in a manner consistent with the requirements of the zone and the streetscape of adjoining properties.

(10) When located next to a residential zone, all but one (1) automatic and one self-service bay shall be closed between the hours of eleven (11:00) p.m. and seven (7:00) a.m. providing that the operating bays have all pumping equipment inside the room and/or conform to the night-time noise levels as set forth in Chapter 9.06, Provo City Code. (Enacted 1993-10, Am 1998-06)

14.34.390. Service Organizations.

Service organizations which are not permitted uses in the applicable zone shall be conditional uses in the CBD, CM, M1, and M2 zones and shall be classified as either moderate or high impact uses based on the following criteria and point system:

| <u>Criteria</u> | <u>Points</u> |
|---|---------------|
| <u>Length of Stay</u> | |
| Less than 2 Hours | 0 |
| 2 to 4 Hours | 5 |
| 4 or More Hours | 10 |
| <u>Hours of Operation</u> | |
| Normal business hours | 0 |
| Extended Hours | 5 |
| 24 Hour Service | 10 |
| Prepared Meals | 10 |
| <u>Number of Visits per day</u> | |
| Low 1-20 | 0 |
| Medium 20-50 | 10 |
| High 50 or more | 20 |
| <u>Paid Staff/Client Ratio</u> | |
| High 1 per 10 | 20 |
| Medium 1 per 8 | 10 |
| Low 1 per 5 | 0 |
| <u>Sheltered Workshop</u> | -20 |
| <u>Daily Return Client Visits</u> (nonresidential) | 20 |
| <u>Determination</u> | |
| Moderate Impact = Less than 45 Points | |
| High Impact = 45 points and above | |
| (Enacted 1995-79, Am 2007-18) | |

14.34.400. Moderate Impact Service Organizations.

Service Organizations that are determined to be moderate impact uses may be permitted by the Planning Commission through the issuance of a conditional use permit, subject to the following conditions:

- (1) Parking must be provided in compliance with Section 14.37.060, Provo City Code. If a Parking standard is not established by the Provo City Code, the proposed parking must be reviewed and approved by the Planning Commission.
- (2) Parking lots shall be lighted sufficiently to provide safety to customers.
- (3) In determining conveniently located parking, the Planning Commission shall consider:
 - (a) The visibility of the parking area from the building and the street.
 - (b) The lighting, existing physical development, and landscaping around the parking.
- (4) The Service Organization management be responsible for the following:
 - (a) Parking lots, grounds, and premises shall be closed and vacated within thirty (30) minutes of closing of the service organization.
 - (b) The service organization operator shall be responsible for the control of loitering, noise, conduct of clients and litter in and around parking areas.

(c) The premises shall be posted for "No Trespassing" and "No Loitering" after normal business hours.

(5) A neighborhood meeting must be conducted prior to application for a public hearing involving the applicant, the neighborhood chair, and the representatives from the City. Notification must be given to property owners within five hundred (500) feet of the use at the expense of the applicant.

(6) Miscellaneous service organizations shall not be located closer than one hundred (100) lineal feet from a residential zone and must be bordered on all sides by a commercial zone including across public streets.

(7) Designated off-street parking shall be located no closer than one hundred (100) feet from a residential zone.

(8) The Service Organization shall not exceed the noise limitations set forth in Chapter 9.06, Provo City Code. If a complaint is verified by the Police Department that a noise disturbance exists in violation of any provision of Chapter 9.06, Provo City Code, this shall serve as prima facie evidence of a violation of this condition of approval.

(9) The Service Organization shall perform routine and proper maintenance of the exterior of the building and grounds. (Enacted 1995-79)

14.34.410. High Impact Service Organizations.

Service Organizations that are classified to be High Impact uses may be permitted by the Planning Commission through the issuance of a conditional use permit, subject to the following conditions:

- (1) Parking must be provided in compliance with Section 14.37.060, Provo City Code. If a Parking standard is not established by the Provo City Code, the proposed parking must be reviewed and approved by the Planning Commission.
- (2) Parking lots shall be lighted sufficiently to provide safety to customers.
- (3) In determining conveniently located parking, the Planning commission shall consider:
 - (a) The visibility of the parking area from the building and the street.
 - (b) The lighting, existing physical development, and landscaping around the parking.
- (4) Buildings to be used for service organization uses shall have frontage on an arterial or collector road or have access to said road within four hundred (400) lineal feet.
- (5) No service organization shall be located closer than four hundred (400) feet to any public elementary, or secondary school, or park measured in a straight line from the property line.
- (6) Miscellaneous service organizations shall not be located closer than two hundred (200) lineal feet from a residential zone and must be bordered on all sides by a commercial zone including across public streets.
- (7) Designated off-street parking shall be located no closer than one hundred (100) feet from a residential zone.
- (8) Service Organization management shall be responsible for the following:
 - (a) Parking lots, grounds, and premises shall be closed and vacated within thirty (30) minutes of closing of the service organization.
 - (b) The service organization operator shall be responsible for the control of loitering, noise, conduct of clients and litter in and around parking areas.
 - (c) The premises shall be posted for "No Trespassing" and "No Loitering" after normal business hours.
- (9) A neighborhood meeting must be conducted prior to application for a public hearing involving the applicant, the neighborhood chair, and the representatives from the City. Notification must be given

to property owners within five hundred (500) feet of the use at the expense of the applicant.

(10) The Service Organization shall not exceed the noise limitations set forth in Chapter 9.06, Provo City Code. If a complaint is verified by the Police Department that a noise disturbance exists in violation of any provision of Chapter 9.06, Provo City Code, this shall serve as prima facie evidence of a violation of this condition of approval.

(11) The Service Organization shall perform routine and proper maintenance of the exterior of the building and grounds. (Enacted 1995-79)

14.34.420. Low Power Radio Communication Towers and Antennas.

(1) This section addresses planning issues resulting from the rapid growth in demand for low-power radio services within the City. It distinguishes low-power radio from other broadcasting type telecommunication technologies and establishes provisions relating to demand, visual mitigation, noise, engineering, residential impact, health, safety and facility siting. The requirements of this section apply both to commercial and private low power radio services such as cellular or PCS (Personal Communication System) communications and paging systems (hereinafter referred to as "cellular facilities"). All cellular facilities shall comply with the regulations set forth in this section, other applicable ordinances of the City, and any pertinent regulations of the Federal Communications Commission and the Federal Aviation Administration.

(2) Cellular facilities consisting solely of wall-mounted or roof-mounted antennas shall be allowed as a permitted principal use in the A1, PO, PF, SC1, SC2, SC3, CG, CBD, CM, CA, MP, M1, M2, PIC, R&BP and SSC zones subject to the conditions set forth in Subsections 14.34.420(3), 14.34.420(4), 14.34.420(5) and 14.34.420(7)(a), Provo City Code. Cellular facilities placed as a stealth fixture antenna or placed on a monopole structure shall be allowed as a conditional use in the same zones subject to the provisions of this section.

(3) Wall-Mounted Antennas. A wall-mounted antenna is an antenna or series of individual antennae mounted against the vertical wall of a building. A wall-mounted antenna shall comply with the following development standards:

(a) Wall-mounted antennas shall not extend above the roof line of the building more than four (4) feet.

(b) Antennas and all associated equipment shall be painted to match the color of the building.

(c) Wall-mounted antennas may have a maximum area of forty (40) square feet, as determined by drawing straight lines between the outermost portions of the antenna until enclosed.

(d) All equipment associated with the operation of the antenna shall be located within the structure to which the antenna is attached, or screened from public view.

(e) If associated equipment is located on the ground, it shall be appropriately landscaped.

(f) Whip antennas shall not be permitted.

(4) Roof-Mounted Antennas. A roof-mounted antenna is an antenna or series of individual antennae mounted on a flat roof, mechanical room, or penthouse of a building. A roof-mounted antenna shall comply with the following development standards:

(a) A roof-mounted antenna shall be mounted only on structures with flat roofs and shall be screened, constructed, and/or colored to match the structure to which it is attached.

(b) A roof mounted antenna shall be set back from the building edge one (1) foot for every one (1) foot of antenna height and shall not exceed fifteen (15) feet in height.

(5) Stealth Fixture Antennas. A stealth fixture antenna is one (1) or more antennas attached to a supporting structure which is disguised

as part of the structure or otherwise concealed from public view as much as reasonably possible.

(a) A stealth antenna shall be subject to the following development standards:

(i) A stealth fixture antenna may be attached to an existing or replacement power pole or light pole or disguised as a flag pole, manmade tree, clock tower, steeple or a structure used primarily for another use so long as any antenna located on the structure does not detract visually from the primary use.

(ii) When a stealth fixture antenna is attached to an existing or replacement power pole or light pole the following conditions shall be met:

(A) the antenna shall not exceed the height of an existing pole by more than:

(I) ten (10) feet; or

(II) twenty (20) feet and shall not be located closer to a residential zone boundary than two (2) times the height of the pole;

(B) if a replacement pole is proposed, the pole shall be installed in the same location as the pole being replaced unless the Planning Commission specifically approves a different location as provided in a conditional use permit; and

(C) (I) any existing light or power pole located in a public right-of-way or in a required front or side yard shall not be increased in height to accommodate a cellular facility antenna; or

(II) any replacement pole located in a public right-of-way or in a required front or side yard shall not be higher than the pole that it is replacing.

(iii) Each installation shall be approved by the Provo City Power Department (or other utility company, as applicable), including approval and acceptance of any applicable agreements and payment of any required fees. Such approvals shall be received prior to final approval of a conditional use permit.

(iv) A structure to which a stealth fixture antenna is attached shall be designed by a state-certified engineer to verify that the structure can support the stealth fixture antenna.

(v) The overall height of any structure proposed to be used for a stealth fixture antenna shall be consistent with any similar structure being used as a model for the stealth structure. Except as otherwise provided in Subsection (5)(a)(ii)(A)(II) of this section stealth fixture shall be no more than ten (10) feet higher than the structure to which it is attached; provided the fixture and the structure to which it is attached is consistent with the character of similar structures located in the same area, as determined by the Planning Commission. The Planning Commission shall make specific findings to support its determination.

(vi) A stealth fixture antenna, including the mounting structure, shall not exceed thirty (30) inches in diameter; provided, however, that antennas exceeding thirty (30) inches, including the mounting structure, may be permitted if the antenna is a stealth fixture antenna located on or within a clock tower, steeple, manmade tree, or other similar structure.

(vii) Equipment and/or equipment shelters used in connection with stealth fixture antennas shall be camouflaged behind an effective year-round landscape buffer and/or wooden fence equal to the height of the

proposed equipment. Equipment shelters shall not be located within a utility easement.

(viii) Stealth fixture antennas and all associated equipment visible to public view shall be painted to match the color of the structure to which it is attached.

(ix) Electrical wiring shall be located within the pole whenever possible and shall be required when a metal replacement pole is provided.

(b) If a stealth fixture antenna becomes obsolete or the structure to which it is attached is vacated by the operator of the cellular facility, then within ninety (90) days thereafter the cellular facility operator shall remove the antenna and all associated equipment and shall restore the structure to its original condition. If the requirements of this subsection (b) are not met, the City shall have the right to enter the subject property and remove the equipment or pole at the expense of the cellular facility operator.

(c) A project plan application for a stealth fixture antenna shall include the following:

(i) a letter from the applicant stating that the applicant will conform to the requirements of Subsection (b), above; and

(ii) verification that the applicant owns the property where the stealth fixture antenna is proposed to be located or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.

(d) If all the conditions set forth in this subsection cannot be met, the requirements of Section 14.34.420(6), below, shall apply.

(6) Monopole Structures. A monopole structure is a single cylindrical steel or wooden pole that acts as the support structure for one (1) or more antennas for a cellular facility as provided in this subsection.

(a) A monopole structure shall comply with the following development standards:

(i) All tower structures shall be of monopole construction. No lattice constructed towers of any kind shall be allowed.

(ii) All monopole structures shall be designed by a state-certified engineer to allow co-location of antennas owned by as many as three (3) separate users on a single pole.

(iii) No monopole structure shall be located:

(A) closer to a residential zone boundary than two (2) times the height of the monopole and

(B) within a one half (½) mile radius from another monopole unless grid documentation is supplied by an independent consultant stating that antenna co-location is not technically feasible.

(iv) A monopole with antennas and antenna support structures shall not be located in a required front setback, front landscaped area, buffer area, or required parking area.

(b) If a monopole antenna becomes obsolete, then within ninety (90) days thereafter the operator of the cellular facility shall remove the antenna, the top (3) feet of the antenna footing and all associated equipment, and shall restore the site to its original condition. If the requirements of this Subsection (b) are not met the City shall have the right to enter the subject property and remove the equipment or pole at the expense of the cellular facility operator.

(c) An application for a monopole structure shall include the following:

(i) a letter from the applicant stating that the applicant will permit antenna co-location, will conform

to the requirements of Subsection (b), above, and that the monopole structure is capable of supporting co-located antennas; and

(ii) verification that the applicant owns the property where the monopole structure is proposed to be located, or a copy of a lease agreement with the property owner indicating the antenna may be located on the property.

(d) Co-location on an existing monopole structure shall be a conditional use and shall be handled administratively.

(7) Temporary Monopole Structures. A temporary monopole structure may be allowed for a maximum of sixty (60) days subject to the following requirements:

(a) A temporary monopole structure shall be located in a zone that allows for the placement of a monopole structure as a conditional use.

(b) An application shall be filed with the Community Development Department for the placement of a permanent monopole structure prior to placement of a temporary monopole structure.

(c) The placement of a temporary monopole structure shall meet the height requirement set forth in Subsection 14.34.420(6)(a) of this section.

(d) A bond in the amount of five hundred dollars (\$500.00) shall be posted to guarantee removal of a temporary monopole structure when:

(i) a permanent monopole structure is constructed; or

(ii) sixty (60) days have elapsed and a temporary monopole structure has not been removed. One fifteen (15) day extension may be granted to the sixty (60) day period if an applicant can reasonably demonstrate a need for additional time to complete construction of the monopole structure.

(8) Additional Requirements.

(a) Each cellular facility shall be considered as a separate use; and an annual business license shall be required for each such facility.

(b) In addition to the conditional use standards set forth in Section 14.02.040, Provo City Code, the Planning Commission shall make the following findings for any cellular facility subject to a conditional use permit:

(i) that the proposed structure is compatible with the height and mass of existing buildings and utility structures;

(ii) that co-location of the antenna or other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles etc. are possible without significantly impacting antenna transmission or reception;

(iii) that the antenna location blends with existing vegetation, topography and buildings;

(iv) that location approval of monopoles will not create a detrimental impact to adjoining properties; and

(v) that location of cellular facility will not interfere with existing transmission signals. (Enacted 1996-46, 1998-06, Am 1999-01, 1999-29, Am 2001-36, Am 2000-02. Am 2007-35)

14.34.440 Second Kitchen in One-Family Dwellings.

(1) One (1) or more additional kitchen(s) in a one-family dwelling unit shall be allowed only in an A1, RA, R1, or RC zone, including a Performance Development Overlay (PD) zone used in combination with these zones, if all of the following requirements are met:

(a) The dwelling unit shall have only one (1) front entrance.

(b) The dwelling unit shall have only one (1) address.

(c) An interior access shall be maintained to all parts of the dwelling unit to assure that an accessory apartment is not created. There shall be no keyed or dead bolt locks, or other manner of limiting or restricting access from the additional kitchen(s) to the remainder of the dwelling unit.

(d) The dwelling unit shall have no more than one (1) electrical meter.

(e) Additional kitchen(s) may exist as part of the primary dwelling structure or be installed in an accessory or "out" building provided the use and occupancy limitations of this Section are met and no second dwelling unit or accessory apartment is established in the primary or accessory buildings.

(f) Upon request made by Provo City staff, residents of the dwelling unit shall allow, within reasonable hours, an inspection of the dwelling unit and any building accessory to the dwelling unit which has an additional kitchen in order to determine compliance with this Section.

(g) The dwelling unit owner shall sign a notarized agreement, as prescribed by Provo City, which provides that the dwelling unit, including any accessory building, may not be converted into two (2) or more dwelling units unless allowed by and in accordance with applicable provisions of this Title. The document shall be recorded with the Utah County Recorder's Office prior to issuance of a building permit.

(h) When an additional kitchen is approved under the provisions of this Section, both present and future owners of the dwelling unit shall limit the dwelling unit to family occupancy only; provided, however, that no additional unrelated persons, personal care providers, or personal service providers shall be permitted to occupy a one-family residence which contains an additional kitchen except as provided in Section 14.34.450, Provo City Code.

(i) Construction of any such kitchen shall meet the standards of the adopted building code and may require issuance of a Provo City building permit prior to commencing any construction or remodeling to accommodate the additional kitchen.

(2) An additional kitchen shall not be established in a one-family dwelling unit which contains an accessory apartment, whether or not such apartment was established pursuant to Chapter 14.30 (Supplementary Residential (S) Overlay Zone) or Chapter 14.46 (Accessory Apartment (A) Overlay Zone), Provo City Code. (Enacted 1996-62, 1998-06, 1998-23, Am 2003-25, Am 2004-29, Am 2004-45, Am 2008-34)

14.34.450. Elderly Persons - Extra Living Space.

(1) Notwithstanding any contrary provision of this Title, one (1) or two (2) persons age sixty-five (65) or older who own and occupy a one-family dwelling located in an A1, RA, R1, or RC zone may allow two (2) additional persons over eighteen (18) years old and their minor children to occupy extra living space in the dwelling, subject to the provisions of this Section. For the purpose of this Section "extra living space" means any area within an existing structure originally constructed as a one-family dwelling which is made available by a resident owner for occupancy by the additional persons described above.

(2) Extra living space within a dwelling shall not be occupied as described in Subsection (1) of this Section unless each owner of the dwelling registers with the Community Development Department as provided in this Section. A registration shall be valid only if each registrant:

(a) is age sixty-five (65) or older,

(b) owns and continuously occupies the one-family dwelling where the extra living space is located, and

(c) signs a notarized agreement, prescribed by Provo City, which provides that the dwelling unit will not be converted into two (2) or more dwelling units.

(d) For the purpose of this Subsection:

(i) "continuously occupied" means the person actually inhabits the dwelling and has no other residence, and

(ii) "owns" means each person over sixty-five (65) who occupies the one-family dwelling:

(A) possesses fee title, either individually or as a joint tenant, to the property where the one-family dwelling is located, or

(B) is a trustee of a trust that owns the property and was created for the benefit of such person.

(e) If two (2) persons together own and occupy the one-family dwelling, the registration shall be in the name of both persons.

(3) A dwelling with extra living space shall conform to the requirements of the zone where the dwelling is located, except as otherwise set forth in this Section. The following requirements shall also apply:

(a) Extra living space shall be located within the dwelling and not within a garage or any accessory structure.

(b) Interior access shall be maintained between the extra living space and other portions of the dwelling.

(c) Exterior structural elements of the dwelling shall not be altered.

(d) No additional utility meters or outside entrances to the dwelling may be installed.

(e) City provided utilities and services, such as, but not limited to, power, sewer, water, and solid waste removal, shall be in the name of the property owner.

(f) The property address shall not be changed and no new address shall be created for the extra living space.

(g) The minimum number of parking spaces provided shall be as required by the zone where the dwelling is located, provided, however, that the number of off-street parking spaces shall be not less than the number of vehicles maintained on the premises.

(4) An application to register extra living space under this Section shall include the following:

(a) name and age of each registrant,

(b) address of the property where the dwelling with extra living space is located,

(c) the following documentary evidence which shows the property is owned and occupied by each registrant:

(i) copy of recorded deed, and

(ii) copies of any two (2) of the following documents which shows the name of the registrant and the address of the property where the extra living space is located:

(A) voter registration card,

(B) Utah driver license, or

(C) current City utility bill,

(d) a sworn affidavit by each registrant stating that the registrant:

(i) is age 65 or older,

(ii) presently resides on the subject property, and

(iii) has no other residence,

(e) payment of any applicable fee shown on the Consolidated Fee Schedule adopted by the Municipal Council,

(f) any other information reasonably required to enforce the provisions of this Section, and

(g) the agreement described in Subsection 14.34.450(2)(c) of this Section. Such agreement shall include provisions by which each registrant:

(i) certifies, to the best of the registrant's knowledge or belief, that the use and occupancy of the one-family dwelling conforms to applicable ordinance requirements, and

(ii) agrees to comply with the provisions of this Section and any other applicable provision of this Title or the Provo City Code.

(5) Upon receipt of a complete registration application and payment of any applicable fee shown on the Consolidated Fee Schedule adopted by the Municipal Council, the registration shall be accepted. Extra space within the dwelling may thereafter be occupied by not more than two (2) additional persons over eighteen (18) years old and their minor children.

(a) An inspection of the dwelling shall not be conducted as a condition of registration.

(b) The registration shall expire in one (1) year from the date of acceptance and may be renewed upon:

(i) written certification by each registrant that the requirements of this Section have been met and will continue to be met during the new term of the registration, and

(ii) payment of any applicable fee shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(6) A registration accepted pursuant to this Section:

(a) is personal to the registrant(s) to whom it is issued,

(b) shall not run with the land, and

(c) may be revoked upon noncompliance with the terms of this Section or any other applicable provision of the Provo City Code. Prior to revocation a registrant shall be entitled to an administrative hearing as set forth in Chapter 3.06, Provo City Code.

(7) Upon acceptance by the City of a proper registration, the registration and the agreement referenced in Subsection 14.34.450(2)(c) of this Section shall be recorded with the Utah County Recorder.

(8) Upon expiration or revocation of a registration, the occupancy of extra living space authorized by such registration shall be terminated and the one-family dwelling shall be occupied only as authorized in the zone where the dwelling is located. A kitchen located within extra living space may be retained as provided by the agreement described in Subsection 14.34.450(2)(c) of this Section. Upon reasonable notice, Provo City personnel shall inspect the premises to determine compliance with this Subsection.

(9) The Mayor may adopt any regulation which the Mayor deems necessary to enforce the provisions of this Section. (Enacted 2008-34)

14.34.460. Police Satellite Stations as a Conditional Use.

A Police Satellite Station, when allowed as a Conditional Use, shall be approved in compliance with Section 14.02.040, Provo City Code and subject to the following:

(1) Off-street parking shall be provided at the Professional Office rate of one (1) space per two hundred and fifty (250) square feet of office area. If City standard parking lanes exist or are committed to be provided within the public right-of-way, on-street parking may substitute for all or part of the required off-street parking.

(2) Signage shall be provided before occupancy to adequately identify the station. Signage shall comply with the provisions of Chapter 14.38, Provo City Code. (Enacted 1997-81)

Section 14.34.470. Standards for Assisted Living Facilities.

The following development standards shall apply to any assisted living facility within the City.

(1) The number of beds per gross acre in an assisted living facility shall not exceed a factor of seven (7) times the number of

dwelling units per gross acre allowed in the zone where the facility is located. The calculated density shall be rounded to the nearest whole number.

(2) Any assisted living facility with more dwelling units per gross acre than allowed in the zone where the facility is located shall abut an arterial or collector street identified on the City's major street plan.

(3) Notwithstanding the provisions of the zone in which it is located, an assisted living facility shall not exceed two (2) stories or thirty-five (35) feet in height unless a conditional use permit for additional height is granted by the Planning Commission. This regulation shall not apply in cases where an existing building is being converted to assisted living facility use or new construction within the CBD (Central Business District Commercial) zone.

(4) Notwithstanding the provisions of the zone in which it is located, an assisted living facility shall be set back at least fifty (50) feet from all property lines. This regulation shall not apply in cases where an existing building is being converted to assisted living facility use or new construction within the CBD (Central Business District Commercial) zone.

(5) Parking shall be provided as set forth in Section 14.37.060, Provo City Code.

(6) An assisted living facility located within the CBD zone along University Avenue, Center Street or Freedom Boulevard shall maintain the ground level floor for commercial retail or office space. Ground floor levels shall be designed so that fifty percent (50%) of the ground level facade is transparent glass windows, no higher than four (4) feet from the sidewalk elevation in order to permit pedestrian view of the interior of the commercial space.

(7) An assisted living facility shall be located only within the following described area: beginning at the intersection of Center Street and 500 West, thence north to 100 North, thence east to 100 West, thence north to 200 North, thence east to University Avenue, thence south to 100 North, thence east to 100 East, thence south to Center Street, thence west to University Avenue, thence south to 200 South, thence west to 100 West, thence north to 100 South, thence west to 300 West, thence north to Center Street, thence west to the point of beginning. (Enacted 1999-50, Am 2007-07)

Chapter 14.35. Temporary Uses.

14.35.010. Purpose and Objectives.

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14.35.100. Special Events.

14.35.010. Purpose and Objectives.

The following regulations are provided to accommodate those uses of land or buildings which are temporary in nature and are not, therefore, listed as regular permitted or conditional uses in any zone of the City. The character of these uses is such that proper conditions are required to protect adjacent properties and the general health, safety, and welfare of the citizens of Provo. Any building or structure which does not meet the requirements of this Chapter shall be treated as a permanent land use and shall conform to all required standards of the building, health, fire, zoning, and other similar codes.

14.35.020. Uses Allowed.

(1) Uses allowed on a temporary basis in accordance with the provisions of this Chapter may include, but are not limited to, the following: carnivals, circuses, fireworks stands, fireworks displays, Christmas tree lots, shaved ice stands, farmers' markets, promotional displays, tents for religious services, revivals, retreats, political rallies, or campaign headquarters. Temporary uses shall be restricted to the following zones: PF, PIC, SC1, SC2, SC3, CBD, CG, CM, M1, and M2.

(2) A temporary use permit shall not be required for a garage sale, provided that the garage sale shall not operate for more than a total of five (5) days in any calendar year, and shall be conducted by bona fide residents of the premises. Goods for sale shall consist of personal belongings of the residents. Goods offered for sale shall not be placed over a public sidewalk or in a public right-of-way.

(3) A temporary use shall be allowed for a maximum thirty (30) day duration per calendar year, except for shaved ice stands and farmers' markets which may be permitted from May 1 to October 31.

(4) A farmers' market permit applicant shall secure a temporary use permit according to the provisions of this Chapter. The person responsible for the operation of the farmers market shall pay the required fee for the temporary use and submit a site plan which:

- (a) identifies the number and type of vendors;
- (b) provides a signage plan for the proposed uses;
- (c) shows the parking location; and
- (d) designates vehicular access location.

(Am 1996-63, 1999-15, Am 2000-37, Am 2007-11)

14.35.030. Prior Approval Required.

Prior to the establishment of any qualifying temporary use, (except fireworks stands or fireworks displays, permits for which shall be administered by the Fire Department), a temporary use permit shall be obtained from the Planning Commission. Any application for such permit shall meet the requirements of Section 14.35.040, Provo City Code, and shall be made by the property owner, an authorized agent, or the applicant for the temporary use. The granting of said permit shall require the following findings:

(1) that the conduct of the requested use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses;

(2) that the requested use will not create excessive traffic hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant; and

(3) that the applicant shall have sufficient liability insurance for the requested use or event. (Am 2007-11)

14.35.040. Standards and Requirements.

A temporary use established under the provisions of this Chapter shall conform to the following standards and requirements:

(1) Any structure requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same lot as a host structure unless independent water and sewer service is provided to the temporary structure. Where such codes require sanitary facilities, they may be provided by a host structure provided that there is:

- (a) no indoor seating of patrons;
- (b) written evidence that a host structure will provide permanent sanitary facilities for any employees and/or customers and that such facilities are conveniently located not more than three hundred (300) feet from the structure and will be accessible during all periods of operation of the use; and
- (c) written evidence from the City/County Health Department that all food will be prepared and delivered from an approved commissary, that all waste resulting from the operation of the use will be properly disposed, and that food prepared on the premises will meet all health code requirements.

(2) The minimum required parking shall be two (2) spaces except that a reasonable number of additional parking places may be required. Such parking shall not have the effect of decreasing any existing parking that is required for any other use existing on the site. All parking shall meet the standards for off-street parking as specified in Chapter 14.37, Provo City Code, except that required parking may be provided on a gravel rather than a concrete or asphaltic cement surface.

(3) The layout of the proposed use shall be compatible with the access, parking, circulation, and other significant elements of any other uses or structures existing on the site.

(4) All structures shall be securely anchored to the ground at not less than four (4) points as directed by the Chief Building Official.

(5) The right to occupy the site shall be secured by a written agreement with the owner of the parcel and the owner of any host structures. Said agreement shall address the question of use of restroom facilities by employees, responsibility for maintenance, and restoration of the site upon termination of the use. A copy of the proposed agreement shall be part of the application.

(6) Approval for each temporary use permit shall bear an expiration date based upon the nature of the use. In no case shall approval be given for a period exceeding thirty (30) days except for farmers markets and shaved ice stands. All temporary structures shall be removed within fifteen (15) days of the temporary use being closed or the permit expiring, whichever occurs first.

(7) The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, replacement of facilities, and removal of any structures according to the following schedule:

- (a) Circus, carnival, or related uses: \$1,000
- (b) All other temporary uses: \$ 300

(Am 1996-63, Am 2007-11)

14.35.050. Action on Application.

A use meeting the requirements stated above shall be approved and a use not meeting the requirements stated above shall be denied, or may be approved with appropriate conditions to assure that the use will be compatible with and will not pose any detriment to persons or property. Said conditions may include a limitation upon hours of operation. (Am 1995-08, Am 2007-11)

14.35.060. Revocation of Permit.

A permit may be revoked in the event of a violation of any of the provisions of this Chapter or the conditions set forth in the temporary use permit.

14.35.070. Business License Required.

A temporary use permit is not a business license and the granting of said permit shall not relieve the permittee of any other license requirement of the City or any other public agency.

14.35.080. Fees

In order to offset a portion of the costs incurred by the City in processing temporary use permits, a fee shall be charged as shown on the Consolidated Fee Schedule adopted by the Municipal Council. (Am 2006-15)

14.35.090. Christmas Tree Sales - Permit.

(1) It shall be unlawful for any person to sell or offer for sale in the city, any cut fir, evergreen, or Christmas tree, without a permit, except when the permit requirement is waived as provided in Subsection (2) of this section.

(2) A permit to sell cut fir, evergreen, or Christmas trees shall be obtained as otherwise described in this Chapter 14.35, Provo City Code. The permit required by this section shall allow tree sales from

one (1) day prior to Thanksgiving Day to December 25 of the year in which the permit is issued. The fee charged for the permit described in this section shall be in lieu of a business license fee and shall be as shown on the Consolidated Fee Schedule adopted by the Municipal Council. Provided, however, that no fee shall be charged for the permit required by this section if:

- (a) the applicant possesses a business license for which the applicable fee, if any, has been paid,
- (b) the applicant complies with the provisions of this chapter 14.35, Provo City Code, except for the payment of a permit fee,
- (c) the applicant provides documentation showing that the trees to be sold have been lawfully cut, and are owned by the applicant, and,
- (d) the selling of trees is secondary to a principle commercial use. (Am 2006-15, Am 2007-11)

14.35.100. Special Events.

(1) It shall be unlawful for any person to offer special event activities in Provo City, without first obtaining a special event permit from the Zoning Administrator.

(2) The applicant shall comply with the specific requirements listed below, as well as the standards and requirements for temporary uses set forth in this Chapter. In the event of a conflict between the two sets of standards, the most restrictive shall apply.

(3) "Event" or "Events" as used in this section shall mean the period of time commencing with the first day the special event permit authorizes the special use and ending on the day specified as the expiration date of the permit or the day and time the equipment used for the activity is removed, (temporarily, over-night or otherwise), from the location defined in the permit, whichever occurs first.

(4) A special event permit shall be obtained for each location and each event.

(5) A fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council shall be required for each event at a specific location, and three hundred (300) dollar bond shall be posted for each event and each location.

(6) Liability insurance in the amount of \$1,000,000 for personal injury, \$3,000,000 per event showing Provo City as an additional insured shall be required.

(7) A hold harmless and indemnity agreement shall be signed by the permit holder.

(8) Special events may be held in an agricultural zone subject to specific site approval.

(9) A special event permit may be canceled if it is determined by staff that the use is detrimental to the health, safety and welfare of the community at the location specified on the permit. (Enacted 1992-40, Am 2006-15, Am 2007-11)