

Chapter 14.41. Home Occupations.

- 14.41.010. Purpose and Intent.
- 14.41.020. Home Occupation Permit Required.
- 14.41.030. Procedure.
- 14.41.040. Conditions.
- 14.41.050. Minor Home Occupations.
- 14.41.060. Major Home Occupations.
- 14.41.070. Noncompliance.
- 14.41.080. Appeal.
- 14.41.090. Business License Required.

14.41.010. Purpose And Intent.

To encourage the majority of business activities to be conducted in appropriate commercial zones. Business activities may be conducted within a residence on a limited basis if such activities comply with standards of this Section. All home occupations shall be secondary and incidental to the residential use. The use should be conducted so that neighbors, under normal conditions, would not be aware of its existence. Home occupations are a temporary privilege which can be revoked if disruption of the residential neighborhood occurs. (Enacted 1993-02)

14.41.020. Home Occupation Permit Required.

To assure compliance with provisions of this Title and to protect the character of residential neighborhoods in the City of Provo, a Home Occupation Permit shall be obtained from the Planning Commission before a dwelling unit in a residential zone may be used for business purposes. (Ren 1993-02)

14.41.030. Procedure.

The Planning Commission may, upon application, issue a Home Occupation Permit which shall state the home occupation permitted, the conditions attached thereto, and any time limitations imposed thereon. The permit shall not be issued unless the Planning Commission is satisfied that the applicant will meet all of the conditions listed below and that the applicant has agreed in writing to comply with all said conditions. (Ren 1993-02)

14.41.040. Conditions.

Each and every one of the following conditions must be observed at all times by the holder of a Home Occupation Permit:

- (1) Persons who are not bona fide residents of the premises shall not be employed on said premises.
- (2) The home occupation shall be conducted wholly within the structure on the premises and shall not exceed forty-nine percent (49%) of the total floor area of said structures. The home occupation shall not occupy any area within the garage, unless the garage still functions for parking, and as long as two (2) parking spaces for residential use are still available.
- (3) Promotional meetings for the purpose of selling merchandise, taking orders, or training shall not be held more than once per month.
- (4) The home occupation may include the sale of commodities. However, it is the intent that it be limited to items produced on the premises, or items that are incidental to the service provided, i.e., a beautician who also sells hair care products to her clientele. Retail sales of products and services are allowed at the home with a maximum of two (2) customers per hour.
- (5) No sign or advertising shall be displayed on the premises except name plates as permitted by Section 14.38.050(9), Provo City Code.
- (6) No display of any kind shall be visible from the exterior of the premises.

(7) Garage, basement, yard or other similar sales shall not be allowed more than a total of five (5) days in any calendar year. Such sales do not constitute a home occupation.

(8) Only one (1) vehicle may be used in association with the home occupation and shall be garaged or stored entirely within a building or structure. The vehicle used for the home occupation shall be limited to a maximum size of one-ton gross vehicle weight. Nor shall a business be permitted that requires receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries. No deliveries by semi-tractor/trailer truck are permitted.

(9) There shall be complete conformity with the Provo City Code, fire, building, plumbing, electrical, and health codes and to all applicable state and city laws and ordinances.

(10) The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

(11) The home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises, or vibrations.

(12) Any special condition established by the Planning Commission and made of record in the Home Occupation Permit, as they deem necessary to carry out the intent of this Section, shall be met.

(13) All Home Occupation Permits shall be valid for one (1) year, and may be renewed annually provided there have been no reported violations, complaints, or detrimental characteristics which may, in the opinion of the Planning Commission, require termination of said home occupation.

(14) Handicapped persons can obtain a waiver of one (1) or more of these conditions through the Zoning Administrator to allow such persons to become self-sufficient. (Am 1991-68, Am 1993-02, Am 1994-41)

14.41.050. Minor Home Occupations.

Home occupations which meet the above standards shall be defined as minor home occupations. In order to minimize traffic and off-street parking, and to avoid health and sanitation risks from the disposal of medical wastes, medical, dental, and other health professional offices are specifically excluded as home occupations. Permitted minor home occupations include, but are not necessarily limited to the following:

- (1) artists, authors, architectural services, advertising;
- (2) barber and beauty shops;
- (3) consulting services, craft sales;
- (4) dance studio, aerobic exercise, music lessons, tutoring and general educational instruction, provided the number of students is limited to two (2) at a time;
- (5) direct sales distribution, desktop publishing;
- (6) data processing, computer programming, and service;
- (7) family day care (not more than six (6) children);
- (8) home crafts;
- (9) garden produce;
- (10) janitorial services;
- (11) insurance sales or broker, interior design;
- (12) mail order;
- (13) real estate sales, broker, or appraiser;
- (14) sales representative; and
- (15) contractors, provided there is no outside storage of equipment, and no more than one (1) company vehicle stored on site. (Enacted 1993-02)

14.41.060. Major Home Occupations.

"Major home occupation" means a home occupation which meets the standards listed in Section 14.41.040, Provo City Code, except as specifically modified by the Planning Commission as provided herein. Pursuant to approval of a conditional use permit, the Planning Commission may authorize an increase in the intensity of a home occupation, as follows:

(1) The number of customers coming to a dwelling unit may range up to six (6) per hour, provided sufficient off-street parking is provided.

(2) A larger commercial vehicle may be used, provided it is parked on private property and adequately screened.

(3) Outside employees not residing on the premises may be allowed during daytime business hours (8:00 a.m. - 5:00 p.m.) subject to the conditions of either Subsection (a) or (b):

(a) No more than one (1) outside employees at one time for a dwelling unit located on a lot or parcel which is at least eight thousand (8,000) square feet in area. One (1) additional employee may be allowed for each additional increment of thirty thousand (30,000) square feet in the area of the lot or parcel.

(b) As an alternative to Subsection (a), a home occupation that does not bring customers to the premises may have up to three (3) outside employees at one time for a dwelling unit located on a lot or parcel which is at least eight thousand (8,000) square feet in size, provided sufficient off-street parking is provided. One (1) additional employee may be allowed for each additional increment of thirty thousand (30,000) square feet in the area of the lot or parcel.

(4) Promotional meetings for the purpose of selling merchandise, taking orders, or training may be held up to four (4) times per month.

(5) An applicant for a Major Home Occupation may forego the hearing before the Planning Commission, as well as paying the fee for a conditional use permit if all the property owners within three hundred (300) feet of the applicant's property sign a petition in support of the home occupation. (Enacted 1993-02, Am 1995-37, Am 2005-38)

14.41.070. Noncompliance.

Any Home Occupation Permit shall be revoked by the Planning Commission upon violation of any requirements of this Chapter, or upon failure to comply with any of the conditions or limitations of the permit, unless such violation is corrected within three (3) days of receipt of written notice thereof. A permit may be revoked for repeated violations of the requirements of this Chapter, notwithstanding compliance to the violation notice. (Ren 1993-02)

14.41.080. Appeal.

In the event of denial of any permit, or of the revocation thereof or of objection to the limitations placed thereon, appeal may be made to the Board of Adjustment in accordance with the provisions of Section 14.05.050, Provo City Code. (Ren 1993-02)

14.41.090. Business License Required.

A Home Occupation 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 of any other public agency. (Ren 1993-02)

Chapter 14.42. Enforcement and Penalties.

14.42.010. Enforcement-Penalties.

14.42.020. Abatement.

14.42.030. Bonding or Guarantees For Delayed Performance.

14.42.040. Additional Fees.

14.42.010. Enforcement-Penalties.

(1) All department officials and public employees of the City of Provo vested with the duty or authority to issue permits shall conform to the provisions of this Title and shall issue no permit, certificate or license for uses, buildings, or purposes in conflict with the provisions of said Title, and any such permit, certificate, or license issued in conflict with the provisions of this Title, intentionally or otherwise, shall be null and void.

(2) It shall be the duty of the Chief Building Official of the City of Provo, the Planning Commission, Zoning Administrator, Zoning Officers and the Police Chief, and all city officers and employees subordinate thereto (hereafter referred to as "enforcement officers"), to enforce the provisions of this Title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure and the use of any land, building, or premises. Each enforcement officer may, within the scope of the officer's duties, investigate any complaint alleging a violation of this Title and take such action as is warranted in accordance with the procedures and provisions set forth in this Chapter.

(3) In the event any provision of this Title is violated or is intended to be violated, an enforcement officer may do one (1) or more of the following:

(a) Notify (using methods reasonable under the circumstances and if notification does not hinder the effective enforcement of the provisions of this Title) the owner, tenant, lessee, occupant, architect, builder, contractor, agent, or other person who is responsible for the violation to comply with the provisions of this Title and if the same is not done in a reasonable period of time, to cause a citation to be issued for the violation; or

(b) Issue a citation for the violation of any provision of this Title to any person responsible for the violation, which may include, but is not limited to, the owner, tenant, lessee, occupant, architect, builder, contractor, agent, or other person who is responsible for the violation of any provision of this Title; or

(c) Use any other legal or lawful means allowed by law for the enforcement of any provision of this Title.

(4) Violation of any provision of this Title or failure to comply with any of its requirements shall be punishable as provided in Section 1.03.010, Provo City Code. [For example, if the performance of an act is declared in a section of the Provo City ordinances (including technical codes adopted by reference and state statutes adopted as Provo City ordinances) to be unlawful, or is described as a misdemeanor or class B misdemeanor, or is otherwise prohibited, said act is currently punishable by a fine in an amount not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of time not exceeding six (6) months, or by any combination of said fine and imprisonment, as may be imposed by a court of competent jurisdiction.] (Am 1988-52, Am 1990-01, Am 1996-21)

14.42.020. Abatement.

Any building or structure set up, erected, constructed, or altered, enlarged, converted, moved, or maintained contrary to the provisions of this Title, and any use of land, building, or premises established, shall be, and the same hereby is declared to be unlawful and a public nuisance; and Provo City may commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and may take such other steps and may apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure, or use and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building or structure or using property contrary to the provisions of this Title. The remedies provided for

herein shall be cumulative and not exclusive. (Am 1991-03, Am 1996-21)

14.42.030. Bonding or Guarantees for Delayed Performance.

(1) In situations where total compliance with this Title may be delayed or made impossible as a result of such factors as extreme weather, inability to obtain certain materials, or other factors which are not within the control of the builder or owner of the premises, and where the Provo City Code have been sufficiently complied with, and health and safety factors have been met, the Chief Building Official and/or the Planning Commission are hereby authorized to allow temporary occupancy subject to the following conditions:

(a) That the owner, his agent and/or the building contractor responsible for the project give in writing a guarantee of performance which includes specifics as to the work to be done, the time within which it will be completed, estimated cost of completion and other reasonable data as may be required.

(2) Temporary occupancy or utilization of the premises will be allowed upon posting with the City a performance bond in the time and manner otherwise described in this Title.

(3) If the totality of compliance has not been achieved within the time period set in written document, the City shall, by this Chapter and by the written agreement, be authorized to utilize the performance bond for the purpose of completion of the project.

(4) The Chief Building Official and/or the Planning Commission are authorized to extend the period of time in the written agreement for good cause shown, not to exceed sixty (60) days beyond date thereof, which extension shall be required to be appended to the original agreement in writing and will not otherwise be recognized by the City.

(5) Where reasonably necessary, in the opinion of the Planning Commission, to assure performance, a performance bond may be required as a condition of issuance of a building permit. Such bond shall be posted in the time and manner otherwise required by the provisions of this Title. (Am 1987-45, Rep&ReEn 1989-20)

14.42.040. Additional Fees.

An additional fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council shall be assessed any builder, developer or other person who makes unauthorized changes to an approved plan or project. (Enacted 1990-59, Am 2006-15)

Chapter 14.43. Fees.

- 14.43.010. Fees.
- 14.43.020. Collection and Payment - Appeals.
- 14.43.030. Waiving of Fees.

14.43.010. Fees.

Fees shall be payable to the City in advance, and shall be collected by the Planning Commission prior to entertaining any request set forth herein. Fees shall be as shown on the Consolidated Fee Schedule adopted by the Municipal Council. (Am 1990-59, Am 1991-68, Am 1994-03, Am 1995-45, Am 1995-99, Am 1997-68, Am 1998-34, Am 2001-02, Am 2006-15)

14.43.020. Collection and Payment - Appeals.

(1) All fees shall be collected by the personnel of the office in which the initial request for action is made.

(2) All fees collected shall be submitted at the end of each business day to the Finance Department together with copies of the receipt given to show the type of request made and the amount of fee charged.

(3) Any fee paid under protest will be submitted to the Finance Department with a notification thereof, and a protest will be reviewed

by the Planning Commission subject to appeal of a court of competent jurisdiction, so long as the appeal is made within thirty (30) days after the determination of the Planning Commission.

(4) Payment of the fee for a special meeting does not guarantee that a special meeting will be held, the holding of which is subject to the availability of a quorum. The fee for a special meeting is in addition to the regular fee required by this Title. (Am 1988-47, Am 2006-15)

14.43.030. Waiving of Fees.

Fees for items appearing before the Planning Commission or Board of Adjustment may be waived upon request if the applicant is a Neighborhood Chair who has submitted an item of general interest to the neighborhood and not for a particular development. The Community Development Director shall waive fees for an item submitted by a Neighborhood Chair as provided in this section. (Enacted 1994-03, Am 2009-07)

Chapter 14.44. R&BP - Research and Business Park Zone.

- 14.44.010. Purpose and Objectives.
- 14.44.020. Permitted Uses.
- 14.44.030. Prohibited Uses.
- 14.44.040. Design Controls.
- 14.44.050. Tract and Lot Area, Yard, Coverage, and Height Requirements.
- 14.44.060. Performance Standards.
- 14.44.070. Parking, Loading, and Access Requirements.
- 14.44.080. Landscaping and Screening.
- 14.44.090. Signs.
- 14.44.100. Other Requirements.
- 14.44.110. Project Plan Approval.
- 14.44.120. Planning Commission Approval.
- 14.44.130. Municipal Council Approval.
- 14.44.140. Guarantees and Covenants.

14.44.010. Purpose and Objectives.

(1) The purpose of the Research and Business Park (R&BP) zone is to provide an aesthetically attractive working environment exclusively for and conducive to the development and protection of offices, research and development institutions, and certain specialized light manufacturing establishments. The general categories of uses allowed within this zone are more limited than other commercial or manufacturing zones. These restrictions are based on operating characteristics and land use impacts rather than type of service or product. The essential purpose of this district is to achieve development in a park-like setting that is an economic asset to the owners, neighbors, and the community. This zone is more restrictive than other commercial and manufacturing zones in the City in order to have buildings which have architectural excellence, grounds which have an abundance of landscaping, and land uses which do not create air, ground, noise, and water pollution. The zone may be located adjacent to quality residential development and must be properly screened and beautified to create the highest degree of compatibility. The zone should always be located adjacent to collector or arterial streets. The zone is to be characterized by attractively designed buildings and off-street parking lots situated among spacious lawns, shrubs, and trees which give a "park-like" appearance. It is not the intent of this Chapter that an R&BP zone should become a catalyst for strip commercial development around its perimeter. Unless the General Plan calls for a Commercial Center near the park's boundary, commercial development shall not be allowed, particularly where the park is surrounded by residential development.

(2) Objectives. The purpose of this Chapter is to establish rules, regulations, standards, and procedures for approval of all Research and Business Parks in order to:

- (a) Strengthen and sustain the economic potential of the City and to create jobs.
- (b) Advance and promote sound growth and the general welfare.
- (c) Implement the adopted policies of the Provo City General Plan.
- (d) Ensure efficient, safe, and aesthetic land development.
- (e) Provide a unique work environment that will attract skilled and professional people.
- (f) Provide a work place that is architecturally and aesthetically pleasing and compatible with the surrounding residential areas.
- (g) Preserve existing natural resources and give proper consideration to the physical constraints of the land.
- (h) Provide for safe and efficient vehicular and pedestrian circulation.
- (i) Provide for compliance with appropriate design standards to ensure adequate light and air, proper building arrangements, and minimum adverse effect on surrounding property.
- (j) Ensure the provision of adequate water supply, drainage and stormwater management, sanitary facilities, and other utilities and services.
- (k) Develop proper safeguards to minimize the impact on the environment, including but not limited to air and water pollution, hazardous waste contamination, noise levels, soil erosion and sedimentation. (Enacted 1990-39)

14.44.020. Permitted Uses.

(1) Only those uses or categories of uses listed herein will be permitted. Questions of whether a use is permitted or not shall be decided by the Planning Commission after the Park's Board of Directors has had an opportunity to make a recommendation.

(2) Permitted Principal Uses. The following principal uses are permitted in the R&BP zone:

- (a) Research Services - (including laboratories, scientific, medical, chemical, applied physics, mechanical, electronic, biological, genetic or other similar experimental research, product development or testing facilities)
- (b) Professional, Business, and Administrative offices - not principally dealing with the general public. For example, corporate headquarters.
- (c) Communications - including radio and television broadcasting (studios only), telephone company offices, recording and sound studios, motion picture studio.
- (d) Data Processing Services.
- (e) Finance, Insurance, and Real Estate Services.

(3) Permitted Secondary Uses. The following secondary activities which support or are accessory to the primary activities, are permitted subject to the development and performance standards and conditions set forth herein. When located in the same building with another main use, secondary uses shall not occupy more than forty nine (49%) of the total leasable floor space.

- (a) Support and maintenance shops for the above uses.
- (b) Concessions and services which are provided for the convenience of the occupants of the buildings including, but not limited to corporate lodging, restaurants, and retail uses incidental to and in support of the above permitted uses; provided they are located within a main building and there is no exterior evidence of such accessory uses such as signs or display windows.
- (c) Printing, publishing and allied industries.

(d) Storage activities and warehouse facilities are permitted only as part of a primary activity, and shall comprise less than fifty percent (50%) of the activity's floor space.

(e) Day Care Center.

(f) Off-street Parking and Parking Structures incident to the above building uses.

(g) Recreation facilities such as parks, swimming pools, gymnasiums, tennis courts, athletic fields, or similar activities.

(4) Conditional Uses. The following uses and structures are permitted in the R&BP zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

(a) Light Manufacturing uses shall include fabricating, processing, testing, assembling, packaging, and manufacture of products which have a high value in relation to bulk, from previously prepared materials, but not including uses involving primary production of wood, metal, petroleum, or chemical products from raw materials. Such operations shall not deal in large volumes of product handling, storage and distribution; nor shall such operations include on-site milling, forging, or heavy grinding of parts or similar manufacturing operations.

(b) Marketing, Telemarketing, and Advertising Services.

(c) Other Similar and Compatible Uses. Other similar uses not specifically listed above may be approved by the Planning Commission, with the issuance of a conditional use permit, upon findings that the proposed use most closely fits within one of the listed categories, and that any expected impacts will be no greater than that of other uses listed.

(d) Police Protection and related activities, branch (Office only)

(e) 4715 Low Power Radio Communication Towers and Antennas (Subject to 14.34.420) (Enacted 1990-39, Am 1997-49, 1999-29)

14.44.030. Prohibited Uses.

The permitted uses enumerated above shall not be construed to include, either as a main or accessory use, any of the following uses. This list of prohibited uses is not exhaustive, but is intended to be illustrative of the types of uses which are not allowed.

- (1) Terminals, including truck or bus terminals, and other distribution facilities.
- (2) Food Processing operations except as incidental to permitted restaurant or cafeteria operations.
- (3) Sand, gravel, and other extraction mining.
- (4) Manufacturing and assembly operations except as otherwise provided.
- (5) Repair establishments.
- (6) Junk or salvage yards.
- (7) Liquor Stores.
- (8) Cabinet and Carpenter shops.
- (9) Plumbing or sheet metal shops.
- (10) Petroleum storage, sales, processing or production.
- (11) Retail Sales except as otherwise specified. (Enacted 1990-39)

14.44.040. Design Controls.

- (1) Overall unity of site design shall be accomplished through:
 - (a) Architectural harmony of buildings and structures.
 - (b) Design integration of the common open space system and storm drainage system.
 - (c) Unifying themes in an overall landscaping plan, showing landscaped areas, as well as species, size, and numbers of plant materials.
 - (d) Unified design of street furniture, such as street signs, poles, light standards and luminaries, pedestrian benches, bus shelters, project entrances, perimeter fencing, pavement

treatment, plazas, and handicapped curb ramps; housings for power facilities, telephone service boxes, and grouped mail box stanchions; illumination of buildings, outdoor sculptures and statuary, decorative fountains, walkway railings and steps.

(e) All uses except surface parking, recreational activities and utilities shall be conducted within a completely enclosed building. All storage of product and material used shall be in a completely enclosed building constructed with the same exterior finish as the main building. Refuse collection shall be conducted in a completely enclosed building constructed with the same exterior finish as the main building.

(f) All utilities shall be placed underground.

(g) All mechanical equipment incidental to any building, including roof mounted mechanical equipment, shall be totally enclosed or screened so as to be an integral part of the architectural design of the building to which it is attached or related.

(h) Loading operations shall either be conducted within the building or be screened so as to not be visible from a public street, and conducted in such a way that in the process of loading or unloading, no vehicle will block the passage of other vehicles on the service drive or extend into any other public or private drive or street used for traffic circulation. (Enacted 1990-39)

14.44.050. Tract and Lot Area, Yard, Coverage, and Height Requirements.

(1) Tract Area. The minimum size of any tract zoned and developed for a Research and Business Park shall be twenty (20) acres.

(2) Lot Area. The minimum size of any lot shall be two (2) acres.

(3) Perimeter Buffer Yards facing an existing or dedicated exterior access road shall be not less than fifty (50) feet in depth.

(a) Screening in this buffer yard shall be accomplished with a landscaped berm at least six (6) feet in height.

(4) Perimeter Buffer Yards adjoining a residential zone boundary shall be not less than twenty-five (25) feet deep if screened with a decorative masonry wall at least six (6) feet high; and if not screened with a decorative wall, such yards shall be not less than one hundred (100) feet deep with landscaped berms at least six (6) feet in height.

(a) In yards where a screening wall is used, there shall be at least ten (10) feet of landscaping on the residential zone side, and at least fifteen (15) feet of landscaping on the business park side. Both areas of landscaping shall be maintained by the Business Park.

(5) Buffer Yard Along Provo River. A landscaped buffer yard one hundred (100) feet wide (measured back from the high water mark of each bank) shall be provided and maintained along the banks of the Provo River. This buffer area, if wooded, shall remain wooded, and if open, shall be planted with a mix of trees, grass, and shrubs to allow for adequate screening of view, noise and other activities.

(6) Building Setbacks. Buildings on all lots shall be set back a minimum of forty (40) feet from any dedicated street right-of-way line and twenty (20) feet from any other property line (except one hundred (100) feet when abutting a residential zone boundary).

(7) Floor Area Ratio. Maximum development within the R&BP zone shall not exceed thirteen thousand (13,000) square feet of gross floor space per net acre (excluding streets). This equates to a floor area ratio of 0.30. However, the developer may request up to an additional three thousand (3,000) square feet of floor space per acre if at least fifty percent (50%) of the off-street parking is placed within a parking structure. This would equate to a floor area ratio of 0.37. In addition, the floor area ratio does not include basements, provided that this area is used for mechanical and/or dead storage only. If the basement is used for anything other than the above mentioned uses, then it will

be included in the floor area ratio. A deed restriction shall be recorded on the property stipulating the intended use of the basement. This document must be recorded prior to final occupancy of the building. This area may also be excluded from the parking calculations if the area is less than one-half (½) the building foot print.

(8) Required Open Space. All building and parking areas on any lot shall not occupy more than sixty percent (60%) of the total area of the lot. The remaining portion of the lot, not to be less than forty percent (40%), shall be landscaped.

(9) Height. No building shall be constructed to a height exceeding three (3) stories with a maximum height of sixty (60) feet. Buildings which are constructed on parcels adjacent to a residential zone shall be constructed to a height not exceeding two (2) stories with a maximum height of thirty-five (35) feet, unless, pursuant to the issuance of a conditional use permit, upon findings for good cause, the Planning Commission finds that a taller building would not adversely affect the character, views, value, and peaceful enjoyment of surrounding properties in and outside the park. Such may be the case when a park is located next to an existing residential area with more permissive height limitations.

(10) Lot Width. Minimum lot width shall be one hundred (100) feet.

(11) Minimum Lot Frontage. Each lot or parcel of land in the R&BP zone shall abut a public street for a minimum distance of fifty (50) feet; however, lots or parcels with lesser frontage, or no frontage, on a public street may be created as part of an approved and recorded Record of Survey Plat which meets the standards and requirements of this Chapter.

(12) Minimum Perimeter Street Frontage. The R&BP tract shall have a minimum of one hundred (100) foot frontage on a public arterial street.

(13) Buildings Per Lot. More than one (1) main building may be placed on a lot.

(14) Building Separation. A separation of at least twenty (20) feet shall be maintained between buildings. (Enacted 1990-39, Am 1996-49, Am 1998-06, Am 2001-03)

14.44.060. Performance Standards.

(1) In the R&BP District, no primary or secondary use shall be so conducted as to cause the discharge of any harmful waste materials into or upon the ground; into or within any sanitary or storm sewer system; into or within any water system or water; or into the atmosphere; and no use or activity shall be conducted or permitted which is dangerous or offensive to persons or property by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes. In addition, no use shall be permitted or conducted where the same creates a public or private nuisance.

(2) Without limiting the generality of the preceding paragraph, the following specific standards shall apply in the R&BP zone:

(a) Incineration. There shall be no incineration on any site of any waste material.

(b) Vibration. There shall be no activity on any site which causes ground vibration which is perceptible, without instruments, at the boundary line of the lot.

(c) Air Pollution. There shall be no emission on any site of air pollutants in excess of levels permitted by the Utah Bureau of Air Quality. Water vapor is not considered a pollutant. The normal venting of a building shall not be prohibited.

(d) Noise. In no event shall the peak intensity of sound exceed a sound level in excess of the following noise limits:

(i) Continuous and intermittent noises shall not exceed 85 dBA during the day, and 55 dBA during the night. "Day" shall be from 7 a.m. to 10 p.m. "Night" shall be from 10 p.m.

to 7 a.m. All measurements shall be taken in accordance with the Provo City Code governing Public Disturbances.

(e) Wastes. The quality and nature of industrial wastes shall not overburden the public sewage disposal facilities or cause odor and unsanitary effects beyond the property line. Nor shall such wastes be discharged into the ground, or any surface or subsurface waterways. Disposal of all hazardous wastes shall comply with all applicable federal and state Regulations. Sewage shall also comply with all local, state, and federal regulations.

(f) Stormwater. Stormwater management shall be incorporated into the development plans so that the rate of storm water runoff from the sites will not be increased as a result of the proposed development; the facilities shall be designed to control the storm water runoff from at least a twenty five (25) year return frequency storm as certified by a professional engineer. (Enacted 1990-39)

14.44.070. Parking, Loading, & Access Requirements.

(1) Parking Spaces Required. Off-street parking shall be provided at the ratio of four (4) spaces per one thousand (1,000) square feet of gross building floor area, plus one (1) space for each company car parked overnight on the premises.

(2) Traffic and Parking Management Plan. The park covenants, conditions and restrictions shall include policies for a traffic and parking management plan aimed at encouraging the use of public transportation and car pooling among the park's employees.

(3) Parking Layout and Construction Standards. All parking spaces, parking areas and driveways must be constructed in accordance with standards established in 14.37.090, 14.37.100 and 14.37.110.

(4) Parking Setbacks. All parking areas shall be set back a minimum of twenty-five (25) feet from all dedicated public streets and ten (10) feet from all other property lines. Where possible, parking areas shall be located to the rear of the building(s).

(5) Screening of Parking Areas. A landscaped berm at least five (5) feet high (maximum slope of 1:2.5), or massed plantings of sufficient height shall be utilized to screen and buffer parking and loading areas from adjoining public access streets and lots.

(6) Interior Parking Lot Landscaping. A ten (10) foot wide landscape strip shall be provided between every double loaded row of parking. Planting islands shall be provided throughout the lot at the ends of parking rows. These strips and islands are to be planted with shade trees, low shrubs, and ground cover. Landscaping shall be used to define circulation routes and separate traffic on site for safety, as well as aesthetic purposes.

(7) Structured Parking. Any structured park-in above the finished ground elevation shall have the same setback requirements as outlined for buildings, and shall be architecturally integrated through use of the same or similar materials, colors, rhythm, landscaping, etc.

(8) Structure Height. Freestanding parking structures shall comply with the same height requirements for main buildings.

(9) Emergency Access. Suitable access for emergency equipment shall be provided to all buildings and areas.

(10) Primary Access. Local residential streets shall not be used for access to an R&B Park. Access must be from a designated collector or arterial street. Internal circulation shall be developed and maintained according to a traffic circulation street plan for the entire R&B Park. Such a circulation plan shall be submitted as part of the project plan.

(a) Lot Access. R&BP parking lots shall not have direct access to arterial or collector highways, except when recommended by the Provo City Engineering Department to facilitate traffic flow in the area. Construction of a dedicated street to an arterial or collector highway shall be done by the developer in connection with the development of the R&B Park

and the traffic circulation street plan. (Enacted 1990-39, Am 1996-50)

14.44.080. Landscaping and Screening.

See Chapter 15.20, Provo City Code. (Enacted 1990-39, Am 1999-61)

14.44.090. Signs.

All signage shall be installed and maintained in accordance with the standards contained herein and with the standards included in the Park's private covenants, conditions and restrictions. The owners of the park and/or buildings will submit a signage plan to the Planning Commission and Park Design Review Committee for approval prior to the installation of any signs.

(1) Only the following signs shall be permitted:

(a) Identification Signs. One (1) identification sign displaying the name and address only may be installed at each entrance to the park. Such signs shall not exceed sixty-four (64) square feet in sign copy area, although the monument may be larger. Such signs shall be set back from street right-of-way lines at least twenty-five (25) feet. This is to be a monument sign on footings and foundation, and shall be an integrated architectural feature of the Park. Pole mounted signs shall not be permitted. Backlit or spot lighting of the sign face is permissible.

(b) Monument Signs. One (1) free stand-in monument identification sign shall be permitted per lot frontage on interior streets. Such signs shall not exceed thirty-two (32) square feet in area. Their maximum height above street grade shall not exceed five (5) feet. Such signs shall be set back from street right-of-way lines at least twenty-five (25) feet.

(c) Building Wall Signs. One (1) building wall identification sign shall be permitted for each building and shall be installed below the roof line. Such signs shall not exceed thirty-two (32) square feet in total area as measured by a rectangle around the outside of the lettering and/or the pictorial symbol and calculating the area enclosed by such a line. The sign shall not project more than twelve (12) inches from the face of the building. Painted wall signs shall not be permitted. Only back-lit electronic signs shall be permitted. Non-illuminated or back-lit awnings shall not be permitted.

(d) Real Estate Signs. One (1) temporary sign constructed to advertise the sale or lease of a facility, shall be permitted per tract or lot frontage, and shall not exceed an area of six (6) square feet per lot frontage and thirty-two (32) square feet per tract frontage.

(e) Construction Project Signs. One (1) sign may be erected per park frontage in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building or park. No such sign shall exceed an area of thirty-two (32) square feet and shall be removed before a final inspection is granted by the Building Inspector.

(f) Directional Signs. Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property, and shall be located on the properties to which they pertain. No such sign shall exceed six (6) square feet in area and three (3) feet in height. (Enacted 1990-39)

14.44.100. Other Requirements.

(1) Walls and Fences. It is the intent of these standards to create an "open, park-like atmosphere"; therefore, fencing of individual lots in the R&B Park is prohibited. Decorative walls or fencing shall be provided as a visual screen around the perimeter of the Park as provided in Section 14.44.050(4), Provo City Code, and/or open

waterways; details for which shall be submitted at the time of project plan for approval.

(2) Performance Bonds. A Surety Bond meeting City standards shall be posted with Provo City to guarantee completion of all street improvements, landscaping, utilities, and improvements to common areas within phases or on individual lots being submitted for final approval. (Enacted 1990-39)

14.44.110. Project Plan Approval.

(1) Concurrent with any request to rezone property to the R&BP zone, a preliminary project plan as required by Chapter 15.03.300, Provo City Code, shall be submitted to the Provo City Planning Commission.

(2) The preliminary project plan shall be submitted to the Municipal Council with any necessary zone change.

(3) Prior to the construction of any building or structure in the R&BP zone, a project plan shall be submitted and approved. Said plans may be submitted in units or phases, shall be drawn to scale, and shall include all information required in Section 14.02.090, Provo City Code, as well as plans for all signs. The developer shall also furnish the City with title insurance for all streets deeded or dedicated to the City in order to guarantee clear title to all public rights-of-way.

(4) Failure to submit a project plan within two (2) years of the approval of the preliminary project plan shall be sufficient cause for the Planning Commission to initiate a review of the R&BP zoning and the preliminary plan to determine if the prior approvals should be reversed. (Enacted 1990-39, Am 1998-06, Am 2001-10)

14.44.120. Planning Commission Approval.

The Planning Commission shall recommend approval or denial of the zoning petition and preliminary development plan to the Municipal Council. The recommendation of the Planning Commission may contain conditions, limitations, or amendments to the preliminary development plan to insure that the Research and Business Park is integrated into its surroundings and serves the public interest to the greatest extent possible. The Commission shall be guided in its decision by the policies of the General Plan and the standards and conditions of this Chapter. The Planning Commission shall also review and approve any request for a Conditional Use Permit as provided in Sections 14.44.020(3), and 14.44.050(9), Provo City Code. Approval of a conditional use shall be subject to the standards contained in Section 14.02.040, Provo City Code. (Enacted 1990-39)

14.44.130. Municipal Council Approval.

The Municipal Council after holding a public hearing may approve or disapprove a petition for a Research and Business Park zone. The Council shall be guided in its decision by the policies of the General Plan and the standards and conditions of this Chapter. (Enacted 1990-39)

14.44.140. Guarantees and Covenants.

(1) Prior to or in conjunction with submission of a final development plan for the first building or first phase of any R&BP development, a Declaration of Covenants, Conditions and Restrictions for said development shall be submitted to and be approved by the Provo City Planning Commission and shall be recorded with the County Recorder of Utah County. Said declaration shall contain guarantees for the perpetual maintenance of all common open spaces within the R&BP development, and shall assure compliance with the following standards to promote the health, safety, general welfare and property value within the development and in the general area.

(2) The following assurances and standards shall be included within the Declaration of Covenants, Conditions, and Restrictions recorded in conjunction with any R&BP development:

(a) The declaration shall include management policies for any common open spaces within the development, setting forth the quality of maintenance to be performed and what entity will be responsible for the perpetual maintenance of said spaces. These management policies, as a minimum, shall contain the following:

(i) The establishment of an association or corporation responsible for all maintenance, which shall levy the cost thereof as an assessment to each of the owners of land parcels or units within the R&BP development.

(ii) 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 area and facilities in an efficient and quality manner.

(iii) 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.

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

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

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

(vii) Provisions as to percentage of votes by property or 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 or part of the project.

(b) There shall be a conveyance in the declaration of an open space easement over all common open spaces, restricting the area against any future building or use, except as approved in the preliminary project plan.

(c) The declaration shall contain provisions requiring owners of individual parcels of land or condominium units within the R&BP development to install landscaping to a standard at least equivalent to that established within the typical landscaping plan approved as an element of the preliminary project plan. Said landscaping must be installed within one (1) year of the issuance of Certificates of Occupancy for condominium units or buildings on individual parcels of property. Common area landscaping shall be installed with each phase.

(d) The Declaration shall provide for the creation and perpetual provision of an architectural committee, the number of members and composition of which shall be clearly stipulated. At least one (1) member of this committee shall be selected from the surrounding neighborhood by the Planning Commission. (To accomplish this, the neighborhood shall submit a list of at least six (6) names of area residents to choose from). This provision shall provide for the approval by said architectural committee of all schematic project plans and elevations of all buildings and signs to be erected in the R&BP development prior to submission for project plan approval by Provo City. The declaration shall also establish design guidelines governing the appearance of the site, buildings, signs, lighting, landscaping, street furniture, fencing, and mechanical equipment.

(e) The declaration shall stipulate the method and procedure by which the declaration may be amended.

(f) The declaration shall specify the maximum percentage of lot area which will be occupied by buildings in the areas of each of the general land use categories as set forth in the approved preliminary project plan.

(g) The declaration shall specify the maximum building height approved by the Planning Commission.

(h) The declaration shall contain a Traffic and Parking Management Plan aimed at encouraging the use of mass transportation and car pooling among the park's employees.

(i) The declaration may also contain use restrictions which are more restrictive than the City's Zoning provisions, but in no case shall they be more permissive.

(j) The declaration shall state that, "Provo City by virtue of ownership of streets, utilities, rights-of-way and easements in and through the project shall be deemed to be an 'owner', with full voting privileges, under the terms of this declaration and shall have authority and standing to initiate actions for enforcement of the provisions and standards herein which are deemed to be in the public interest." (Enacted 1990-39)

Chapter 14.45. R&BPS - Research and Business Park Support Zone.

14.45.010. Purpose and Objectives.

14.45.020. Permitted Uses.

14.45.030. Prohibited Uses.

14.45.040. Design Controls.

14.45.050. Tract and Lot Area, Yard, Coverage, and Height Requirements.

14.45.060. Performance Standards.

14.45.070. Parking, Loading, and Access Requirements.

14.45.080. Landscaping and Screening.

14.45.090. Signs.

14.45.100. Other Requirements.

14.45.110. Project Plan Approval.

14.45.120. Planning Commission Approval.

14.45.130. Municipal Council Approval.

14.45.140. Guarantees and Covenants.

14.45.010. Purpose and Objectives.

(1) The purpose of the Research and Business Park Support (R&BPS) zone is to provide an aesthetically attractive commercial development environment exclusively for the support of an adjacent R&BP zone. It is the intention of this zone to provide the users of the R&BP zone with close, convenient commercial activities i.e., sleeping accommodations, restaurants, banking facilities, limited commercial activities. The general categories of uses allowed within this zone are more limited than other commercial zones. The essential purpose of this district is to achieve commercial development in a park-like setting that will compliment and appear part of the R&BP zone it supports. It should also be an economic asset to the owners, neighbors, and the community. This zone is more restrictive than other commercial zones in the City in order to have buildings which have architectural excellence and similarity with the R&BP zone structures, grounds which have an abundance of landscaping, and land uses which do not create air, ground, noise, and water pollution. The zone may be located adjacent to quality residential development and must be properly screened and beautified to create the highest degree of compatibility with the neighborhood, as well as the R&BP zone. The zone should always be located adjacent to a R&BP zone and a collector or arterial streets. The zone is to be characterized by attractively designed buildings and off-street parking lots situated among lawns, shrubs, and trees which give a "park-like" appearance. It is not the intent of this Chapter that an R&BPS zone should become a strip commercial development. Unless the General Plan calls for a Commercial Center near the R&BP zone boundary, commercial

development shall not be allowed, particularly where the R&BP zone is surrounded by residential development.

(2) Objectives. The purpose of this Chapter is to establish rules, regulations, standards, and procedures for approval of all Research and Business Parks Support zones in order to:

(a) Strengthen and sustain the economic potential of the City and to create jobs.

(b) Advance and promote sound growth and the general welfare.

(c) Implement the adopted policies of the Provo City General Plan.

(d) Ensure efficient, safe, and aesthetic land development.

(e) Provide a commercial development that is architecturally and aesthetically pleasing and compatible with the surrounding residential areas and R&BP zones.

(f) Reduce traffic in the area of the R&BP development by providing adjacent commercial services for users of the business park.

(g) Preserve existing natural resources and give proper consideration to the physical constraints of the land.

(h) Provide for safe and efficient vehicular and pedestrian circulation.

(i) Provide for compliance with appropriate design standards to ensure adequate light and air, proper building arrangements, and minimum adverse effect on surrounding property.

(j) Ensure the provision of adequate water supply, drainage and stormwater management, sanitary facilities, and other utilities and services.

(k) Develop proper safeguards to minimize the impact on the environment, including but not limited to air and water pollution, hazardous waste contamination, noise levels, soil erosion and sedimentation, and natural resources preservation. (Enacted 1994-15)

14.45.020. Permitted Uses.

(1) Permitted Uses. The following principal uses are permitted in the R&BPS zone:

(a) Restaurants, excluding free standing, fast food establishments.

(b) Financial, insurance, and banking services.

(c) Health maintenance and exercise facilities.

(d) Professional, business, and administrative offices.

(e) Day care center.

(f) Off-street parking and parking structures incident to approved uses.

(g) Recreation facilities such as parks, swimming pools, gymnasiums, tennis courts, athletic fields, or similar activities.

(2) Conditional Uses. The following uses and structures are permitted in the R&BPS zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

(a) Hotels which are limited to a height of fifteen (15) feet for every one-hundred (100) feet of set-back from a residential zone to a maximum height of ninety (90) feet from grade to the square, or ridge, of the structure (excluding minor projections).

(b) Retail commercial as an accessory use to a hotel or if it can clearly be demonstrated the retail use is a service or convenience to the uses of the business park.

(c) Other Similar and Compatible Uses. Other similar uses not specifically listed above may be approved by the Planning Commission, with the issuance of a conditional use permit, upon findings that the proposed use most closely fits within one of the listed categories, and that any expected impacts will be no greater than that similar use.

(d) 4715 Low Power Radio Communication Towers and Antennas (Subject to 14.34.420) (Enacted 1994-15, Am 1997-13, Am 1999-29)

14.45.040. Design Controls.

- (1) Overall unity of site design shall be accomplished through:
 - (a) Architectural harmony of buildings and structures.
 - (b) Design integration of the common open space system and storm drainage system.
 - (c) Unifying themes in an overall landscaping plan, showing landscaped areas, as well as species, size, and numbers of plant materials.
 - (d) Unified design of street furniture, such as street signs, poles, light standards and luminaries, pedestrian benches, bus shelters, project entrances, perimeter fencing, pavement treatment, plazas, and handicapped curb ramps; housings for power facilities, telephone service boxes, and grouped mail box stanchions; illumination of buildings, outdoor sculptures and statuary, decorative fountains, walkway railings and steps.
 - (e) All storage of product and material used shall be in a completely enclosed building constructed with the same exterior finish as the main building. Refuse collection shall be conducted in a completely enclosed building constructed with the same exterior finish as the main building.
 - (f) All utilities shall be placed underground.
 - (g) All mechanical equipment incidental to any building, including roof mounted mechanical equipment, shall be totally enclosed or screened so as to be an integral part of the architectural design of the building to which it is attached or related.
 - (h) Loading operations shall either be conducted within the building or be screened so as to not be visible from a public street, and conducted in such a way that in the process of loading or unloading, no vehicle will block the passage of other vehicles on the service drive or extend into any other public or private drive or street used for traffic circulation. (Enacted 1994-15)

14.45.050. Tract and Lot Area, Yard, Coverage, and Height Requirements.

- (1) Perimeter Buffer Yards facing an existing or dedicated exterior access road shall be not less than forty (40) feet in depth.
 - (a) Screening in this buffer yard shall be accomplished with a landscaped berm at least four (4) feet in height.
- (2) Perimeter Buffer Yards adjoining a residential zone boundary shall be not less than twenty-five (25) feet deep if screened with a decorative masonry wall at least six (6) feet high; and if not screened with a decorative wall, such yards shall be not less than one hundred (100) feet deep with landscaped berms at least six (6) feet in height.
 - (a) In yards where a screening wall is used, there shall be at least ten (10) feet of landscaping on the residential zone side, and at least fifteen (15) feet of landscaping on the business park side. Both areas of landscaping shall be maintained by the Commercial Developer.
- (3) Buffer Yard along Provo River. A landscaped buffer yard one hundred (100) feet wide (measured back from the high water mark of each bank) shall be provided and maintained along the banks of the Provo River. This buffer area, if wooded, shall remain wooded, and if open, shall be planted with a mix of trees, grass, and shrubs to allow for adequate screening of view, noise and other activities.
- (4) Building Setbacks. Buildings on all lots shall be set back a minimum of forty (40) feet from any dedicated street and twenty (20) feet from any other property line (except one hundred (100) feet when abutting a residential zone boundary).
- (5) Required Open Space. All building and parking areas on any lot shall not occupy more than seventy percent (70%) of the total area

of the lot. The remaining portion of the lot, not to be less than thirty percent (30%), shall be landscaped.

(6) Height. No lot or parcel of land in the R&BPS zone shall have a building or structure which exceeds a height of three (3) stories with a maximum of forty-five (45) feet and no building that is within one hundred (100) feet of a public street outside the park, or a residential zone boundary line shall be constructed to a height exceeding two (2) stories with a maximum of thirty-five (35) feet. Chimneys, flagpoles, elevator structures, or similar structures not used for human occupancy are excluded in determining height. Hotels as conditional uses shall be limited as stated in this Chapter.

(7) Buildings Per Lot. More than one (1) main building may be placed on a lot.

(8) Building Separation. A separation of at least twenty (20) feet shall be maintained between buildings. (Enacted 1994-15)

14.45.060. Performance Standards.

(1) In the R&BPS District, no permitted or conditional use shall be so conducted as to cause the discharge of any harmful waste materials into or upon the ground; into or within any sanitary or storm sewer system; into or within any water system or water; or into the atmosphere; and no use or activity shall be conducted or permitted which is dangerous or offensive to persons or property by reason of the creation of a fire, explosion, or other physical hazard, or by reason of air pollution, odor, smoke, noise, dust vibration, radiation, or fumes. In addition, no use shall be permitted or conducted where the same creates a public or private nuisance.

(2) Without limiting the generality of the preceding paragraph, the following specific standards shall apply in the R&BP zone:

(a) Incineration. There shall be no incineration on any site of any waste material.

(b) Vibration. There shall be no activity on any site which causes ground vibration which is perceptible, without instruments, at the boundary line of the lot.

(c) Air Pollution. There shall be no emission on any site of air pollutants in excess of levels permitted by the Utah Bureau of Air Quality. Water vapor is not considered a pollutant. The normal venting of a building shall not be prohibited.

(d) Noise. In no event shall the peak intensity of sound exceed a sound level in excess of the following noise limits:

(i) Continuous and intermittent noises shall not exceed 85 dBA during the day, and 55 dBA during the night. "Day" shall be from 7 a.m. to 10 p.m. "Night" shall be from 10 p.m. to 7 a.m. All measurements shall be taken in accordance with Provo City Code governing Public Disturbances.

(e) Wastes. The quality and nature of industrial wastes shall not overburden the public sewage disposal facilities or cause odor and unsanitary effects beyond the property line. Nor shall such wastes be discharged into the ground, or any surface or subsurface waterways. Disposal of all hazardous wastes shall comply with all applicable federal and state Regulations. Sewage shall also comply with all local, state, and federal regulations.

(f) Stormwater. Stormwater management shall be incorporated into the development plans so that the rate of storm water runoff from the sites will not be increased as a result of the proposed development; the facilities shall be designed to control the storm water runoff from at least a twenty five (25) year return frequency storm as certified by a Professional Engineer. (Enacted 1994-15)

14.45.070. Parking, Loading, & Access Requirements.

(1) Parking Spaces Required. Off-street parking for office space shall be provided at the ratio of three and eighty-five hundredths (3.85) spaces per one thousand (1,000) square feet of gross building

floor area, plus one (1) space for each company car parked overnight on the premises.

(2) **Parking Layout and Construction Standards.** All parking spaces, parking areas and driveways must be constructed in accordance with standards established in 14.37.090, 14.37.100 and 14.37.110.

(3) **Parking Setbacks.** All parking areas shall be set back a minimum of twenty-five (25) feet from all dedicated public streets and ten (10) feet from all other property lines.

(4) **Screening of Parking Areas.** A landscaped berm at least four (4) feet high (maximum slope of 1:2.5), or massed plantings of sufficient height shall be utilized to screen and buffer parking and loading areas from adjoining public access streets.

(5) **Interior Parking Lot Landscaping.** A ten (10) foot wide landscape strip shall be provided between every double loaded row of parking. Planting islands shall be provided throughout the lot at the ends of parking rows. These strips and islands are to be planted with shade trees, low shrubs, and ground cover. Landscaping shall be used to define circulation routes and separate traffic on site for safety, as well as aesthetic purposes.

(6) **Structured Parking.** Any structured park-in above the finished ground elevation shall have the same setback requirements as outlined for buildings, and shall be architecturally integrated through use of the same or similar materials, colors, rhythm, landscaping, etc.

(7) **Structure Height.** Freestanding parking structures shall comply with the same height requirements for main buildings.

(8) **Emergency Access.** Suitable access for emergency equipment shall be provided to all buildings and areas.

(9) **Primary Access.** Local residential streets shall not be used for access to an R&BPS development. Access must be from a designated collector or arterial street. (Enacted 1994-15)

14.45.080. Landscaping and Screening.

All landscaping shall be installed and maintained in conformance with a landscape plan which has been approved by the Planning Commission. The following minimum standards have been established to ensure quality and consistent development throughout the Park.

(1) At the time of rezoning and preliminary project plan approval, an overall landscaping plan shall be submitted showing typical landscaping (including type, size, number, and location of plant materials) for the following areas: park entrances, perimeter buffers, open space easements and common areas, and streetscape landscaping. Detailed landscape plans for individual lots shall be submitted at the time of project plan approval for individual buildings. Landscape improvements for common open space features shall be developed at each phase of the project.

(2) A minimum of thirty percent (30%) of the commercial development and individual lots shall be maintained in permanent landscaped open space.

(3) Internal circulation roads shall be landscaped with street trees and streetside planters. A minimum ten (10) foot width shall be landscaped adjoining the right-of-way of any such street or road. The streetscape planting shall be consistent throughout the park to provide a unifying landscape theme. Details for these areas shall be submitted with the overall landscape plan at the time of preliminary plan approval.

(4) Existing significant trees, tree stands, natural vegetation, and wildlife habitat shall be integrated into the site landscape plan to the maximum extent possible. Preliminary landscape plans shall identify all trees five (5) inch caliper or larger.

(5) Landscaped berms shall be constructed along all perimeter public access street frontages.

(a) The height of the berms shall be at least four (4) feet, and shall be sculptured (i.e.,) varied in height, with enclaves, protrusions, etc.

(b) The slope of the berm shall be such as to be mowable with a standard rider mower.

(6) **Perimeter Street Trees.** Large mature trees should be planted along perimeter public access street frontages.

(a) These trees should be three (3) to five (5) inch caliper trees, planted at least ten (10) feet from the sidewalk.

(b) The recommended species are Sycamore, Shademaster Honey Locust, Sunburst Honey Locust, Little Leaf Linden, or Norway Maple planted thirty-five (35) feet on center.

(7) **Tree Distribution.** In order to maintain the park-like atmosphere intended for a Research and Business Park Support zone, thirty (20) trees to the acre should be used as a minimum standard in developing the planting plans.

(a) **Tree Size.** Fifty percent (50%) of the deciduous trees shall be 2" to 2.5" caliper. Thirty percent (30%) of the deciduous trees shall be 1.5" to 2" caliper. And twenty percent (20%) of the deciduous trees shall be 3" or more.

(b) No deciduous trees of less than 1.5" caliper will be accepted, nor will evergreen trees less than 6' in height be accepted. No bare root stock will be accepted.

(8) **Shrub Size.** The following mix of shrub sizes shall be used to insure a quality landscape: seventy percent (70%) of the shrubs planted shall be at least five (5) gallon size stock. Thirty percent (30%) of the shrubs planted shall be at least one (1) gallon size stock.

(9) **Sprinkling and Irrigation.** All plantings shall be serviced by an acceptable irrigation or sprinkler system, and maintained in a healthful living condition. Dead plant materials shall be replaced as necessary within the first year of planting.

(10) **Landscaping Around Buildings.** A perimeter landscape strip at least ten (10) feet wide shall be placed around all buildings (accept for approved walk, patios or similar approved features).

(11) **Landscaping Objectives.** Landscaping plans shall be prepared with a view toward accomplishing the following design objectives. Plans will be approved or denied based on how well these objectives are satisfied.

(a) Enhance the visual environment by:

(i) Adding visual interest through texture, color, size and shape, etc.

(ii) Enhancing perspective by framing views complimenting architecture, screening and creating points of interest and activity.

(b) Ensure Public Safety by:

(i) Guiding the circulation of cars and people

(ii) Controlling access to parking lots

(iii) Making traffic diverters prominent

(iv) Creating street identification by varying the species, height, and location of landscaping.

(c) Minimize noise and glare.

(d) Conserve energy.

(e) Complement architecture by landscaping around buildings.

(f) Screen areas of low visual interest. (Enacted 1994-15)

14.45.090. Signs.

All signage shall be installed and maintained in accordance with the standards contained herein.

(1) Only the following signs shall be permitted:

(a) **Identification Signs.** One (1) identification sign displaying the name and address only may be installed at each entrance to the park. Such signs shall not exceed sixty-four (64) square feet in sign copy area, although the monument may be larger. Such signs shall be set back from street right-of-way lines at least twenty-five (25) feet. This is to be a monument sign on footings and foundation, and shall be an integrated architectural

feature of the zone. Pole mounted signs shall not be permitted. Backlit or spot lighting of the sign face is permissible.

(b) Monument Signs. Such signs shall not exceed thirty-two (32) square feet in area. Their maximum height above street grade shall not exceed five (5) feet. Such signs shall be set back from street right-of-way lines at least twenty-five (25) feet.

(c) Building Wall Signs. One (1) building wall identification sign shall be permitted for each building and shall be installed below the roof line. Such signs shall not exceed thirty two (32) square feet in total area as measured by a rectangle around the outside of the lettering and/or the pictorial symbol and calculating the area enclosed by such a line. The sign shall not project more than twelve (12) inches from the face of the building. Painted wall signs shall not be permitted. Only back-lit electronic signs shall be permitted. Non-illuminated or back-lit awnings shall not be permitted.

(d) Real Estate Signs. One (1) temporary sign constructed to advertise the sale or lease of a facility, shall be permitted per tract or lot frontage, and shall not exceed an area of six (6) square feet per lot frontage and thirty-two (32) square feet per tract frontage.

(e) Construction Project Signs. One (1) sign may be erected per park frontage in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building or park. No such sign shall exceed an area of thirty-two (32) square feet and shall be removed before a final inspection is granted by the Building Inspector.

(f) Directional Signs. Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property, and shall be located on the properties to which they pertain. No such sign shall exceed six (6) square feet in area and three (3) feet in height.

(g) Hotel Identification Wall Signs. [This Subsection shall be added by further amendment at a late date.] (Enacted 1994-15)

14.45.100. Other Requirements.

Performance Bonds. A surety bond meeting City standards shall be posted with Provo City to guarantee completion of all street improvements, landscaping, utilities, and improvements to common areas within phases or on individual lots being submitted for final approval. (Enacted 1994-15)

14.45.110. Project Plan Approval.

(1) Concurrent with any request to rezone property to the R&BPS zone, a preliminary project plan as required by Chapter 15.03.300, Provo City Code, shall be submitted to the Provo City Planning Commission.

(2) The preliminary project plan shall be submitted to the Municipal Council with any necessary zone changes.

(3) Prior to the construction of any building or structure in the R&BPS zone, a project plan shall be submitted and approved. Said plans shall be drawn to scale, and shall include all information required in Chapter 15.03.310, Provo City Code, as well as plans for all signs. The developer shall also furnish the City with title insurance for all streets deeded or dedicated to the City in order to guarantee clear title to all public rights-of-way.

(4) Failure to submit a project plan within two (2) years of the approval of the preliminary project plans shall be sufficient cause for the Planning Commission to initiate a review of the PD zoning and the preliminary plan to determine if the prior approvals should be reversed. (Enacted 1994-15, Am 1999-44, Am 2001-10)

14.45.120. Planning Commission Approval.

The Planning Commission shall recommend approval or denial of the zoning petition and preliminary development plan to the Municipal Council. The recommendation of the Planning Commission may contain conditions, limitations, or amendments to the preliminary development plan to insure that the Research and Business Park Support zone is integrated into its surroundings and serves the public interest to the greatest extent possible. The Commission shall be guided in its decision by the policies of the General Plan and the standards and conditions of this Chapter. The Planning Commission shall also review and approve any request for a Conditional Use Permit as provided in Sections 14.45.020(3) and 14.45.050(9), Provo City Code. Approval of a conditional use shall be subject to the standards contained in Section 14.02.040, Provo City Code. (Enacted 1994-15)

14.45.130. Municipal Council Approval.

The Municipal Council after holding a public hearing may approve or disapprove a petition for a Research and Business Park Support zone. The Council shall be guided in its decision by the policies of the General Plan and the standards and conditions of this Chapter. (Enacted 1994-15)

Chapter 14.46. A - Accessory Apartment Overlay Zone.

14.46.010. Purpose and Objectives.

14.46.020. Use in Combination.

14.46.030. Permitted Uses.

14.46.040. Additional Development Standards.

14.46.050. Area of Zone.

14.46.060. Petition for Zone Adoption.

14.46.070. Nonconforming Uses.

14.46.010. Purposes and Objectives.

The Accessory Dwelling Overlay Zone ("A Overlay") is established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of accessory dwellings in one-family detached dwellings on individual lots. The Accessory Dwelling Overlay zone is hereby established to promote the use of accessory apartments; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home buyers; and to offer security against problems associated with frailty in old age. (Enacted 1993-13, Ren 1994-15, Am 1999-56)

14.46.020. Use in Combination.

(1) The Accessory Dwelling (A) Overlay Zone may be used in combination with any of the following zones: A1, RA, R1, R2, R2.5, R3, R4 or R5. The provisions of the (A) Overlay Zone shall be supplementary to the provisions of the zone with which it is combined. If conflict arises between the provisions of the (A) Overlay Zone and the provisions of any zone with which it is combined, the provisions of the (A) Overlay Zone shall be deemed controlling. The (A) Overlay Zone shall not be applied to any land area as an independent zone.

(2) The Accessory Dwelling Overlay Zone designation (A) shall become a suffix to the designation of the zone with which it is combined and shall be shown in parentheses. When applied to a land area, said combined designation shall be shown on the zone map of Provo City as set forth in the following example: When the Accessory Dwelling (A) Overlay Zone is combined with the one-family Residential (R1) Zone having an eight thousand (8,000) square foot minimum lot size, it shall be designated upon the zone map of Provo City as "R1.8(A)." (Enacted 1993-13, Ren 1994-15, Am 1999-56)

14.46.030. Permitted Uses.

(1) Uses permitted in the Accessory Dwelling (A) Overlay Zone shall be limited to the following:

(a) Those uses listed as permitted uses in the underlying zone, and

(b) Accessory dwellings which meet the development standards of Subsection (2) of this Section.

(2) Accessory dwellings shall be allowed only in one-family dwellings, subject to the following development standards:

(a) Number. No more than one (1) accessory dwelling all be permitted in each one-family dwelling.

(b) Location. The accessory dwelling may be created:

(i) Over a garage, provided the parking within the garage is not converted; or

(ii) inside the home through an internal conversion of the housing unit; or

(iii) by an addition to the house, containing an internal connection between dwelling units, provided that the addition will not alter the one-family character of the building.

(c) Appearance. The accessory dwelling shall not alter the appearance of the structure as a one-family residence dwelling. There shall be no external evidence of occupancy by more than one-family. The exterior of the property shall be maintained free of weeds, junk, solid waste or other materials constituting a violation of the Provo City Code. An accessory apartment shall not be authorized on a property that has outstanding ordinance violations.

(d) Occupancy. For purposes of a one-family dwelling with an accessory dwelling unit, which is authorized by and conforms to the requirements stated in this Section, the following occupancy rules shall apply:

(i) One of the dwelling units within the structure shall be owner-occupied by:

(A) One (1) person living alone; or

(B) The head of household and all persons related to the head of household by marriage or adoption as a parent, child, grandparent, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild. For purposes of this Subsection, two (2) or more of the persons must share the legal relationship of husband and wife, or parent and child or grandparent and child. Such parent or grandparent must actually reside in the subject dwelling.

(ii) The remaining dwelling unit within the structure shall be occupied by no more than two (2) related or unrelated adults, with or without children.

(e) Parking. A one-family dwelling with an accessory dwelling shall provide have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve the same dwelling unit. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. Parking in the front building setback is prohibited. Parking shall comply with all other regulations of 14.37 of this Title.

(f) Utility Meters. A one-family dwelling with an accessory dwelling shall have one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name.

(g) Addresses. Each dwelling unit shall have its own address.

(h) Outside Entrances. Any new outside entrance to the accessory dwelling unit shall be on the side or rear of the building. Only one (1) entrance shall be visible from the front yard.

(i) Building Codes. All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling.

(j) Accessory Dwelling Permit. Any person constructing or causing the construction of a one-family dwelling that has an accessory dwelling or any person remodeling or causing the remodeling of a one-family dwelling for an accessory dwelling, or any person desiring an accessory dwelling shall obtain an accessory dwelling permit from the Community Development Department. Such permit shall be in addition to any building permits that may be necessary. Before an accessory dwelling permit is issued, the applicant shall:

(i) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

(ii) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.

(iii) Pay an application fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council

(iv) Noncompliance with the standards of this Section shall be just cause for the revocation of an accessory dwelling permit. Revocation shall be decided based upon the findings of fact at an administrative hearing before the Zoning Administrator.

(v) The approval of a permit for an accessory dwelling shall automatically expire three (3) years after the date of the approval, or upon transfer of the property to another owner, whichever occurs first; provided, however, that the existing owner may reapply or the new owner may apply for an extension of such accessory use permit.

(vi) The owner shall record a deed restriction with the County Recorder evidencing the restrictions under which the accessory dwelling unit is constructed and occupied. This deed restriction shall run with the land as long as the property is in the (A) Overlay Zone, or otherwise contains an accessory dwelling as provided in this Chapter.

(k) Prior Uses. The Community Development Department shall issue a permit for any accessory dwelling existing at the time of the adoption of this Chapter if the following conditions are met:

(i) The accessory complies with this Title, and

(ii) A building permit was issued when the accessory dwelling was constructed or remodeled. If no building permit was issued at the time of construction or remodeling, the applicant shall pay an inspection fee and the Chief Building Official ("CBO") or his designee shall inspect the accessory dwelling for life safety violations. All violations identified by the CBO shall be corrected before a permit is issued. (Enacted 1993-13, Ren 1994-15, Am 1999-56, Am 2006-15)

14.46.040. Additional Development Standards.

Each one-family dwelling with an accessory dwelling shall conform to the development standards required by the provisions of the underlying zone with which the (A) zone is combined. (Enacted 1993-13, Ren 1994-15, Am 1999-56)

14.46.050. Area of Zone.

Within any A1, RA, or R1 zone, the Accessory Apartment (A) Overlay Zone shall be applied only to a land area of four (4) acres or more which contains at least sixteen (16) existing dwelling structures, and which is at least fifty percent (50%) developed. Such land area

shall be free from islands or peninsulas or any other unreasonable boundary line configurations. (Enacted 1993-13, Ren 1994-15, Am 1999-56)

14.46.060. Petition for Zone Adoption.

(New 1993-13, Am 1999-56, Rep 2007-14)

14.46.070. Nonconforming Uses.

Properties nonconforming as to use and occupancy, created by the application of this zone, shall be issued, upon request, a Certificate of Nonconforming Use, which shall permit the continued use of the property as is, provided that the use complied with all regulations at the time the occupancy was established, and that all necessary permits were obtained. (Enacted 1993-13, Ren 1994-15, Am 1999-56)

Chapter 14.47. SSC - Specialty Support Commercial Zone.

- 14.47.010. Purpose and Objectives.
- 14.47.020. Permitted Uses.
- 14.47.030. Single Ownership or Control.
- 14.47.040. Lot Area.
- 14.47.050. Lot Width.
- 14.47.060. Lot Frontage.
- 14.47.070. Prior Created Lots.
- 14.47.080. Area of Zone.
- 14.47.090. Yard Requirements.
- 14.47.100. Projections into Yards.
- 14.47.110. Building Height.
- 14.47.120. Distance Between Buildings.
- 14.47.130. Permissible Lot Coverage.
- 14.47.140. Parking, Loading, and Access.
- 14.47.150. Landscaped Open Space.
- 14.47.160. Building Design.
- 14.47.170. Project Plan Approval.
- 14.47.180. Reversion of Zoning.
- 14.47.190. Other Requirements.

14.47.010. Purpose and Objectives.

(1) The Specialty Support Commercial (SSC) zone is established to provide areas for the integration of limited commercial activities in planned residential, retirement, office park, or research park mixed use developments. Specialty support zones draw on very limited rather than wide trade areas, frequently supplemented by impulse buying drive-by traffic. Based on the gross leasable area, such centers fall into the neighborhood size range. This center is characterized by a concentration of convenience retail and service businesses meeting the daily convenience shopping and service needs of nearby residents or tenants, and drive-by traffic. The specialty support center typically offers the following kinds of goods and services: handcrafted/artisan items (often created on the premises); restaurants; food stores (i.e., grocery, health food, delicatessen, confectioners, gourmet products; art stores and galleries; book and music stores; travel agencies; florists; barber and beauty shops; pharmacy; laundry and dry cleaning services, etc. (Enacted 1995-97, Am 2007-04)

14.47.020. Permitted Uses.

(1) Those uses or categories as listed herein, and no others, are permitted in the SSC 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-digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four-digit number in which the last one or two digits are zeros. All such categories or classes listed herein and all specific uses contained within them in the

Standard Land Use Code will be permitted in the SSC zone subject to the limitations set forth herein.

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

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)
4923	Travel agencies
5391	Dry goods & general merchandise (includes fabric shops, boutiques, craft stores, etc.)
5421	Meat store (includes butcher shop)
5440	Candy, nut, and confectionery
5461	Bakeries
5494	Delicatessen selling ready cooked or prepared food
5495	Health food store
5733	Music stores, retail
5811	Restaurants (no fast food or drive-through)
5912	Prescription pharmacy
5940	Books, stationery, art and hobby supplies, arts and crafts
5991	Florists
5996	Optical goods
6111	Banking services
6141	Insurance carriers
6211	Laundries
6213	Dry cleaning
6230	Beauty and barber shops, reducing salons
6254	Shoe repair
6334	Duplicating, quick print services
6395	Photo finishing services
6511	Physicians office
6512	Dental office
6591	Accounting, auditing, bookkeeping, income tax preparation etc.
6730	Postal services
6815	Day nurseries and child care services
6834	Music schools (only in conjunction with a music store)
6839	Other Special Training, includes karate, judo, kung fu schools
7398	Video rental

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

(a) Accessory buildings such as garages, carports, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SSC zone.

(b) Storage of materials used for construction of 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.

(5) Conditional Uses. The following uses and structures are permitted in the SSC zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
4715	Low Power Radio Communication Towers and Antennas (Subject to 14.34.420)
5410	Groceries, with or without meat.
5532	Convenience Store, with gasoline and general merchandise

(Enacted 1995-97, Am 1999-29, Am 2007-04, Am 2010-29)

14.47.030. Single Ownership and Control.

Land within a given SSC zone shall be in single ownership or single control in order to provide for integrated development and center management. The term "single control" shall be construed to allow the recording of a Record of Survey which is in conformance with the "Final Development Plans," the "Final Approval by Mayor," the "Standards and Requirements," and the "Guarantees and Covenants" sections of the Planned Development Chapter of the Provo City Code, Sections 14.31.070(1) and 14.31.080, Provo City Code. The Record of Survey must be approved and recorded prior to the issuance of any building permits and must be in compliance with all applicable portions of the Provo City Code and other Building Codes adopted by Provo City. Failure to maintain single ownership or single control may result in the initiation of action to return the property to the zone, or zones, existing prior to the establishment of the SSC zone. (Enacted 1995-97)

14.47.040. Lot Area.

The minimum area of any lot or parcel of land in the SSC zone shall be one-half (1/2) acres; however, smaller lots or parcels may be created as part of an approved and recorded Record of Survey, as specified in Section 14.47.030, Provo City Code. The maximum area of a lot or parcel of land in the SSC zone shall be six (6) acres. Said land must be under single ownership or single control for integrated development. (Enacted 1995-97)

14.47.050. Lot Width.

Each lot or parcel of land in the SSC zone shall have an average width of not less than two hundred (200) feet; however, narrower lots or parcels may be created as part of an approved and recorded Record of Survey, as specified in Section 14.18.025, Provo City Code. (Enacted 1995-97)

14.47.060. Lot Frontage.

Each lot or parcel of land in the SSC zone shall abut a public street for a minimum distance of fifty (50) feet, on a line parallel to the centerline of the street, or along the circumference of a cul-

de-sac improved to the City standards; however, lots or parcels with lesser frontage, or no frontage on a public street, may be created as part of an approved and recorded Record of Survey, which conforms to provisions as specified in Section 14.47.030, Provo City Code. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. (Enacted 1995-97)

14.47.070. Prior Created Lots.

Lots or parcels of land which were created prior to the application of this zone (September, 1995) shall not be denied a building permit solely for reason of nonconformance with the above parcel requirements of this Chapter. (Enacted 1995-97)

14.47.080. Area of Zone.

Each single SSC (Specialty Support Commercial) zone shall contain a minimum of one-half (1/2) acre, and a maximum of six (6) acres. The SSC zone shall not be applied to an existing commercial area which does not meet these area requirements and shall not be applied to an existing commercial development which has not been designed and constructed as an integrated shopping center. (Enacted 1995-97)

14.47.090. Yard Requirements.

The following minimum yard requirements shall apply in the SSC zone: (Note: All setbacks are measured from the property line)

(1) Front Yard. Each lot or parcel in the SSC zone shall have a landscaped front yard of at least fifteen (15) feet from all private drives and private streets, and at least twenty (20) feet from all public rights-of-way.

(2) Side Yard. Except as provided in Subsections (3), (4), and (9) of this Section, each lot or parcel of land in the SSC zone shall have a landscaped buffer yard and building setback of at least ten (10) feet.

(3) Side Yard - Corner Lots. On corner lots, the side yard contiguous to the street shall be not less than fifteen (15) feet in width, and shall not be used for vehicular parking. Said area shall be appropriately landscaped except those portions devoted to access and driveway use.

(4) Side Yard - Driveway. See Section 14.37.100, Provo City Code.

(5) Side Yard - Accessory Building. All accessory buildings shall comply with the same setback requirement as main buildings.

(6) Rear Yard. Each lot or parcel of land in the SSC zone shall have a rear landscaped buffer yard and building setback of at least ten (10) feet. Building setbacks may be greater as noted.

(7) Rear Yard - Accessory Buildings. All accessory buildings shall comply with the same setback requirement as main buildings.

(8) Irregular Shaped Parcels. On irregular shaped parcels, where it is not clear if a yard is a side or rear yard, a minimum landscaped setback of ten (10) feet shall be maintained.

(9) Side and Rear Yards - Adjoining Residential Zone. When a new SSC center is placed next to an existing residential zone boundary line, the commercial building setback shall match the required setback of the adjoining residential zone, be it a front or rear yard of thirty (30) feet, or a side yard of ten (10) feet.

(Exception: These provisions shall not apply to accessory buildings, which may have the minimum ten (10) foot setback, provided they are screened appropriately and no more than twelve (12) feet in height.) (Enacted 1995-97)

14.47.100. Projections into Yards.

(1) The following structures may be erected on or projected into any required yard, except for a required driveway:

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

(b) Landscape elements including trees, shrubs, turf, and other plant materials; and

(c) Necessary appurtenances for utility service.

(2) The structures listed below may project into a minimum front yard not more than four (4) feet and into a minimum side yard not more than two (2) feet, except that a required driveway shall remain unobstructed from the ground up and as follows:

(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 not exceeding twenty-four (24) inches in height; and

(d) Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features. (Enacted 1995-97)

14.47.110. Building Height.

(1) No lot or parcel of land in the SSC zone shall have a building or structure which exceeds a maximum height of thirty-five (35) feet. Chimneys, flagpoles, or similar structures not used for human occupancy are excluded in determining height.

(2) A building or structure, not to exceed forty-five (45) feet in height, may be allowed by obtaining a Conditional Use Permit from the Planning Commission, provided that the horizontal setback of the proposed structure from the nearest residential zone boundary is equal to or exceeds twice the building's height, as measured from the average grade of the front yard to the highest point of the roof. (Enacted 1995-97)

14.47.120. Distance between Buildings.

The minimum distance between any accessory building and a main building on a lot in the SSC zone shall not be less than ten (10) feet. The minimum distance between all other buildings shall be governed by the latest edition of the Uniform Building Code as adopted by the Provo Municipal Council. (Enacted 1995-97)

14.47.130. Permissible Floor Area Ratio.

(1) In an SSC zone, the ratio of total floor area to total lot area shall not exceed 0.20. For example: a one-story building could cover no more than twenty percent (20%) of a lot. A two-story building (with the same amount of floor space) could not cover more than ten percent (10%) of the lot.

(2) Notwithstanding the standard set forth in Subsection (1) of this Section, a higher FAR may be approved if the required off-street parking and access lanes cover less of the site than the allowed maximum. As might be the case, for example, with underground parking or other parking structures. (Enacted 1995-97)

14.47.140. Parking, Loading, and Access.

(1) Each lot or parcel in the SSC zone shall have, on the same lot or parcel, automobile parking sufficient to meet the requirements for retail commercial establishments as set forth in Chapter 14.37, Provo City Code. All parking spaces shall be paved with asphaltic cement or concrete and shall be provided with paved access from a public street. Said spaces shall be provided with adequate drainage which shall not run across a public sidewalk.

(2) The total area of all parking, loading, and circulation shall not occupy more than sixty percent (60%) of the total land area of the center. (Enacted 1995-97)

14.47.150. Landscaped Open Space.

See Chapter 15.20, Provo City Code. (Enacted 1995-97, Am 1999-61)

14.47.160. Building Design.

Architectural style is not restricted (unless the site is included in a designated Design Review Zone). However the style selected shall conform to the following general design guidelines:

(1) Buildings shall be intimate and pedestrian in scale;

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

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

(4) Building materials should be durable, and suitable for the design in which they are used. Acceptable materials are brick, stucco, stone, and wood. (Specific requirements for Design Review may apply);

(5) All buildings in the 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; and

(6) The arrangement of buildings should seek to create a special experience, or sense of discovery and adventure through the use of irregular circulation patterns and dramatic spatial relationships within the shopping environment. (Enacted 1995-97)

14.47.170. Project Plan Approval.

(1) Concurrent with any request to rezone property to the SSC zone, a preliminary plan as required by Chapter 15.03.300, Provo City Code, shall be submitted to, and approved by, the Provo City Planning Commission.

(2) Prior to the construction of any building or structure in the SSC zone, a project plan shall be submitted and approved as required by 15.03.310, Provo City Code.

(3) Any failure to submit a 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. (Enacted 1995-97, 1999-44, Am 2001-10)

14.47.190. Other Requirements.

(1) Signs. All signs erected in the SSC zone shall be in conformance with the sign provisions of Chapter 14.38.085 of this Title, any requirements of a Design Review Zone (if it exists), and shall be in general compliance with the typical signing program approved by the Planning Commission under the provisions of Chapter 14.47.170 of this Chapter. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.

(2) Uses Within Buildings. All uses established in the SSC zone shall be conducted entirely within a fully-enclosed building except for nurseries, occasional special sales events, outdoor cafes and restaurants, and special entertainment events.

(3) Trash Storage. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. All such materials must be screened from public streets and adjacent properties with an opaque fence or wall, or must be stored in a fully enclosed building. Storage of commercial goods or materials is expressly prohibited. Containers for trash storage of a size, type and quantity approved by the City shall be screened by a sight obscuring fence and maintained in a location approved by the Planning Commission in conjunction with approval of a project plan.

(4) Screening (Walls, Fences, and Vertical Landscape Features).

(a) No wall, fence or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within a required front yard in an SSC zone.

(b) A decorative masonry wall at least six (6) feet in height shall be erected along all property lines which lie immediately adjacent to any residential zone. All parking, loading, and access lanes shall be screened from residential neighbors. Planting areas shall also be used to soften the appearance of parking and loading as seen from commercial areas and street thoroughfares, though this landscaping need not be totally sight obscuring.

(c) Exterior roof equipment shall be screened from view.

(d) Refuse bins shall not be located in a front yard, and shall be completely enclosed and screened from view.

(5) Transitional Development Standards. Where a lot in any business, commercial, manufacturing, industrial zone borders a residential zone, the standards set forth in Chapter 14.34.300 shall apply. (Enacted 1995-97, Am 1996-77, 1998-06)

Chapter 14.48. SOB - Sexually-Oriented Business Overlay Zone.

14.48.010. Purpose.

14.48.020. Definitions.

14.48.030. Zoning and Location Requirements.

14.48.040. Development Standards.

14.48.010. Purpose.

The purpose of this Chapter is to establish a SOB (Sexually-Oriented Business) Overlay zone that reasonably governs the location of sexually-oriented businesses in order to avoid adverse secondary effects which may result from the operation of such businesses. This Chapter shall be construed to protect the governmental interests recognized by this Chapter in a manner consistent with protections provided by the United States Constitution and the Utah Constitution. (Enacted 1997-83)

14.48.020. Definitions.

Terms involving sexually-oriented businesses shall have the meaning set forth in Title 9.60 of the Provo City Code. (Enacted 1997-83)

14.48.030. Zoning and Location Requirements.

Any sexually-oriented business licensed as an adult business or a semi-nude entertainment business shall be permitted only within the Sexually-Oriented Business Overlay Zone as shown on the Zone Map of Provo City.

(1) No sexually-oriented business shall operate within one thousand (1000) feet of any of the following:

(a) a residential zone boundary line as shown on the Zone Map of Provo City;

(b) the property boundary of any church, public park, public library, or school (as set forth in classification numbers 6811, 6812, 6813, and 6814 of the duly adopted Standard Land Use Code); or

(c) the boundary of any property for which a sexually-oriented business license earlier has been issued and has not expired.

(2) No church, public park, public library, or school (as set forth in classification numbers 6811, 6812, 6813, and 6814 of the duly adopted Standard Land Use Code) shall be established closer than one thousand (1000) feet from any sexually-oriented business.

(3) For the purpose of this Section, the distance from any church, public park, public library, or school (as set forth in classification numbers 6811, 6812, 6813, and 6814 of the duly adopted Standard

Land Use Code) shall be measured in a straight line from the nearest point of the line of any property on which a sexually-oriented business is operating, or is proposed to operate, to the nearest residential zone boundary line or property boundary line of any church, public park, public library, or school, as the case may be. (Enacted 1997-83)

14.48.040. Development Standards.

Each sexually-oriented business shall be subject to all development standards of the underlying zone in which it is located, including, but not limited to, setbacks, building height, projections, etc.

(1) Off-street parking shall be provided as required for the land use classification listed in Chapter 14.37 of this Title, Off-Street Parking Standards, to which the sexually-oriented business is most closely related.

(2) Signs for each sexually-oriented business shall be limited the following:

(a) All signs shall be flat wall signs.

(b) The maximum area of all signs shall not exceed one (1) square foot of sign area per foot of building frontage on a public street.

(3) No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or in any area where they can be viewed from a public sidewalk. (Enacted 1997-83)

Chapter 14.49 SDP - Specific Development Plan Overlay Zone Requirements

14.49.010. Purpose and Intent.

14.49.020. Use In Combination.

14.49.030. Variations to Underlying Zone Permitted.

14.49.040. Specific Development Plan Overlay Zone Maps.

14.49.050. Specific Development Plan Overlay Zone Text.

14.49.060. Exceptions to Development and Design Standards after Adoption of Plan and Zone.

14.49.070. Criteria for Establishing Specific Development Plan Zones.

14.49.080. Amendments to an SDP Overlay Zone.

14.49.090. Reversion of Zoning.

14.49.100. Specific Development Plan Zones Adopted.

14.49.010. Purpose and Intent.

(1) The purpose of the Specific Development Plan ("SDP") Overlay zone is to create a regulatory tool to implement Specific Development Plans adopted as part of the City's General Plan. This Chapter creates a broad policy framework for enacting unique overlay zone regulations for each geographic area where a Specific Development Plan is adopted.

(2) Specific development plans describe in more detail the type of development planned for a specific area than is typically found in General Plan, zone map, or public facilities plan. The plan is adopted through a consensus-based process involving property owners, neighbors, key stake-holders, and City officials. An SDP Overlay zone for a given area is written specifically to bring about the goals and objectives of an adopted Specific Development Plan. The regulations and development standards of a Specific Development Plan Area Overlay zone may vary from the standards of the underlying zone with which it is combined.

(3) As specific development plan overlay zone districts are adopted they will be listed in Section 14.49.100 of this Chapter. Specific regulations for each specific development plan overlay zone area shall be numbered sequentially as 14.49A, 14.49B, etc., when particular specific development plan overlay zones are created.

(4) It is the City's intent to use specific development plan overlay zones to encourage imaginative and efficient utilization of land, to develop a sense of community, and to insure compatibility with the

surrounding neighborhoods and environment. It is also the City's intent to provide land use and design standards that are tailored to a specific geographic area so that development outcomes are more predictable; provide greater compatibility with surrounding land uses than what may occur with conventional zoning; protect significant natural resources and avoid development on lands subject to natural hazards; and coordinate the development and design of properties, including large-scale facilities.

(5) Both the regulations of this Chapter, as well as the regulations contained in each plan district shall apply to a given specific development plan overlay zone area. (Enacted 2000-42)

14.49.020. Use in Combination.

(1) The Specific Development Plan Overlay zone may be used in combination with existing conventional zones as designated herein, and the provisions of the SDP Overlay Zone shall become supplementary to the provisions of the zone with which it is combined. The SDP Overlay zone shall not be applied to a land area as an independent zone. Property to which an SDP Overlay zone has been applied shall be developed only in conformance with an approved specific development plan. When used in combination with one (1) of the zones designated in Subsection (2), a Specific Development Plan Overlay zone shall become a suffix to the designation of the zone with which it is combined and shall be shown in parenthesis on the Provo City zone map. The first such overlay zone shall be designated (SDP-1), the second (SDP-2), the third (SDP-3) and so on.

(2) The SDP Overlay zone may be combined with the following zones: RA, R1, R2, R3, R4, R5, PO, SC1, SC2, SC3, CBD, CG, MP, M1, M2, PIC, R&BP, and SSC. (Enacted 2000-42)

14.49.030. Variations to Underlying Zone Permitted.

Upon combining an SDP Overlay 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 an approved specific development plan or approved supporting documents. Variations from the underlying zone shall only be considered for the purpose of achieving better design. (Enacted 2000-42)

14.49.040. Specific Development Plan Overlay Zone Maps.

A Specific Development Plan Overlay zone shall include the following plan maps:

(1) A boundary map shall be prepared for every Specific Development Plan Overlay zone. The boundary map, based on parcel boundaries or other surveyed boundaries, shall be used to delineate areas of the zoning district that lie within the City's boundaries on the official zone map. The zone map shall identify such areas as "SDP", and shall include the name of the specific development area plan area.

(2) A conceptual development plan based on an adopted or proposed specific development plan shall accompany each application for rezoning to an SDP Overlay zone. (Enacted 2000-42)

14.49.050. Specific Development Plan Overlay Zone Text.

Each Specific Development Plan Overlay zone ordinances shall include the following provisions and standards:

(1) The name and purpose of zone. This section shall describe the zone in sufficient detail as to clarify the purpose and intent of the SDP Overlay zone regulations.

(2) A review and approval process consisting of three (3) elements as follows:

(a) Approval of a Specific Development Plan, including maps, text, and conceptual development plan for the site in question;

(b) Approval of an SDP Overlay Zone text and map amendment to implement the plan and the rezone the property;

(c) Approval of a detailed development plan, subdivision, performance development, or condominium plat, if applicable.

(3) An approval process which refers to each section of the General Plan, Title 14 (Zoning), or Title 15 (Land Use and Development) which contains the approval process for each element in the specific development plan.

(a) An application for a specific development plan shall be processed as an amendment to the General Plan following the procedures set forth in Section 15.17.040, Provo City Code.

(b) Applications for an SDP Overlay Zone text and map amendments shall be processed following the procedures set forth in Section 14.02.020, Provo City Code.

(c) An application for project development plan, subdivision, or condominium shall be processed following the procedures set forth in Sections 15.03.310, 15.04.140, and 15.06, Provo City Code.

(4) Permitted land uses. This section shall identify permitted, conditional, and accessory land uses.

(5) Land use standards. This section shall specify any required land use conditions (i.e., land use mix, density, buffering, etc.), and the review procedure required to review and approve each land use (design review, project plan review, conditional use, etc.). The criteria set forth in Section 14.49.060, Provo City Code, shall be used in creating land use standards.

(6) Lot standards. This section shall specify requirements for new lots such as lot area, dimensions, and density, as applicable.

(7) Building setbacks. This section shall provide setback standards for front, side and rear yards, as applicable.

(8) Design standards. The design standards set forth in Chapter 14.34, Provo City Code, shall apply to all specific development plan zones. In addition, each such zone shall include design standards to address building heights, building orientation, common and private open space, natural resource protection, architectural design, and any other provisions unique to the district. The criteria set forth in Section 14.49.060, Provo City Code, shall be used in creating land use standards.

(9) Building height. This section shall establish building height standards. (Enacted 2000-42)

14.49.060. Exceptions to Development and Design Standards After Adoption of Plan and Zone.

When a specific development plan is adopted and the subject property has been placed in an SDP Overlay Zone the development plan and development standards associated the zone shall be strictly construed. No variations shall be made from the development plan and standards adopted in the zone unless expressly approved by the Planning Commission for the purpose of achieving better design. In taking such action the Planning Commission shall:

(1) make a finding that the amendment will result in better design; and

(2) be bound by the standards set forth in the text of the applicable SDP zone which governs the development plan. (Enacted 2000-42)

14.49.070. Criteria for Establishing Specific Development Plan Overlay Zones.

Adoption of an SDP Overlay zone shall conform to the following standards and procedures:

(1) A Specific Development Plan zone shall be adopted by ordinance after approval of an amendment to the General Plan Chapter 6, Urban Growth and Land Use, adopting a Specific Development Plan for a given area; except that only a land use zone change shall be required when the specific area plan is consistent with the General Plan. General Plan amendments shall comply with the procedures set

forth in Chapter 15.17, Provo City Code; except that applications for Specific Development Plan General Plan amendments may be made at any time.

(2) In order to approve an SDP Overlay zone the following findings shall be made:

(a) The zone is necessary to provide land use or design standards tailored to a specific geographic area and development program that cannot otherwise be provided through conventional zoning.

(b) The zone provides equal or greater compatibility with surrounding land uses than what would likely occur with conventional zoning.

(c) The zone provides equal or greater protection to sensitive lands than what would likely occur with conventional zoning.

(d) The zone avoids incompatible development on lands subject to natural hazards.

(e) The zone promotes efficient land use by allowing housing and commercial development at densities that are appropriate for the area, and more or less equal to densities that would be allowed with conventional zoning.

(f) The zone provides more or less equal or greater opportunities for alternative modes of transportation, such as walking, bicycling, transit, than what would likely occur with conventional zoning by:

(i) Encouraging or requiring significant mixed use development where appropriate.

(ii) Providing a master plan with direct and convenient pedestrian and bicycle connections between all land uses; and

(iii) Providing for transit service where applicable.

(3) Except as set forth in the following Subsections, the design standards of Chapter 14.34.280(3), Provo City Code, shall apply to all development. In addition, each SDP Overlay zone shall provide development design standards that are more or less equal to or greater than the standards that would be required with conventional zoning.

(a) If the design standards of an SDP and Chapter 14.34.280(3) conflict, SDP Overlay zone standards shall prevail.

(b) When an SDP Overlay zone is proposed in a corridor where specific design guidelines have been adopted under 14.34.290, the standards contained in 14.34.290 shall prevail. (Enacted 2000-42)

14.49.080. Amendments to an SDP Overlay Zone.

Following the rezoning of any property to an SDP Overlay zone, no subsequent petition to rezone the property shall be approved by the City unless the request is consistent with the adopted Specific Area Plan, or the General Plan is amended to remove the SDP Overlay zone. (Enacted 2000-42)

14.49.090. Reversion of Zoning.

(1) An approved project plan or preliminary project plan shall be in effect for all SDP zones within two (2) years after the approval of an SDP Overlay zone. If a project plan has not been approved within two (2) years after a Specific Development Plan Overlay zone has been applied to a specific property, the Planning Commission shall initiate a rezoning action to revert such property to the zone existing thereon prior to the establishment of the SDP zone.

(2) If an approved project plan or preliminary project plan expires, a rezoning action to revert said zone shall be initiated. (Enacted 2000-42)

14.49.100. Specific Development Plan Zones Adopted.

The following Specific Development Plan Overlay zones have been adopted:

(1) Village at Riverwoods Specific Development Plan Overlay zone, denominated as (SDP-1). See Chapter 14.49A, Provo City Code.

(2) Country Club Villas Overlay zone, denominated as (SDP-2). See Chapter 14.49B, Provo City Code.

(3) Residential Agricultural Specific Development Plan Overlay zone, denominated as (SDP-3). See Chapter 14.49C, Provo City Code.

(4) Lakeview Fields Specific Development Plan Overlay zone, denominated as (SDP-4). See Chapter 14.49D, Provo City Code.

(5) Villages at Celebration Specific Development Plan Overlay zone, denominated as (SDP-5). See Chapter 14.49E, Provo City Code.

(Enacted 2000-42, Amd 2000-46, Amd 2002-49, Am 2007-26, Am 2008-8, Am 2009-36)

Chapter 14.49A. Village at Riverwoods (SDP-1) Specific Development Plan Overlay Zone.

14.49A.010.	Purpose and Objectives.
14.49A.020.	Compliance with Chapter 14.49 Required.
14.49A.030.	Permitted Uses.
14.49A.040.	Single Ownership and Control.
14.49A.050.	Lot Area.
14.49A.060.	Lot Width.
14.49A.070.	Lot Depth.
14.49A.080.	Lot Frontage.
14.49A.090.	Residential Density.
14.49A.100.	Yard Requirements.
14.49A.110.	Projections into Yards.
14.49A.120.	Building Height.
14.49A.130.	Distance Between Buildings.
14.49A.140.	Permissible Lot Coverage.
14.49A.150.	Parking, Loading and Access.
14.49A.160.	Project Plan Approval/Design Review.
14.49A.170.	Fencing Standards.
14.49A.180.	Notice of Parking and Occupancy Restrictions.

14.49A.010. Purpose and Objectives.

The Village at Riverwoods Specific Plan describes a proposed residential/commercial mixed use development set in the Riverbottoms area of north Provo on University Avenue and 5200 North. While the parcel's underlying zoning is SC3 (Regional Shopping Center), this overlay zone has been created to introduce a set of special regulatory measures for the Village at Riverwoods Plan area. Specifically, it introduces residential uses into this commercial area and establishes appropriate development standards for this new mixed-use environment. The intent of this zone is to reinforce the growth of the Riverwoods community into a mixed-use neighborhood, including residential, retail, office, and service uses. The standards set forth herein are intended to encourage pedestrian movement within the neighborhood; to respect and enhance the enjoyment of natural features and view corridors; to enhance the quality of the neighborhood through appropriately scaled public spaces; to promote efficient land use through moderate but compatible residential densities; to reinforce neighborhood diversity through a mixture of different building types and architectural forms; and to reduce automobile use from residential areas through live/work arrangements and proximity to neighborhood commercial uses. (Enacted 2000-46)

14.49A.020. Compliance with Chapter 14.49 Required.

In addition to the specific development standards contained in this Chapter, areas zoned to the SDP Overlay zone shall comply with the general criteria and enabling provisions contained in Chapter 14.49 of this Title. (Enacted 2000-46)

14.49A.030. Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the Village at Riverwoods (SDP-1) Overlay 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 zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land use Code shall be permitted in the Village at Riverwoods (SDP-1) Overlay zone, subject to the limitations set forth in this Chapter.

(4) Permitted Principal Uses. The following principal uses and structures, as well as those uses or categories of uses listed in Section 14.20.020 Permitted Uses in the SC3 zone, are permitted in the Village at Riverwoods (SDP-1) Overlay zone:

Use No.	Use Classification
1112	One-family dwelling or town home, attached (to one (1) or more one-family dwellings) (family occupancy only)
1150	Apartments containing five (5) or more units, three (3) or more stories in height, includes condominiums (family occupancy only)
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
4841	Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)
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
5420	Meat and fish
5430	Fruits and vegetables
5440	Candy, nut, confectionary
5452	Bakery (non-manufacturing)
5463	Doughnut, bagel shop
5494	Delicatessen selling ready cooked or prepared food
5495	Health foods
5810	Eating places
6100	Finance, insurance, and real estate service
6213	Dry cleaning
6230	Beauty and barber services (includes tanning salon, electrolysis, etc.)
6296	Therapeutic massage
6311	Advertising services (Includes public relations services, layout and advertising copy preparation)

6395	Photo-finishing services, video tape duplication, transfer, editing
6511	Physician's offices
6512	Dental offices
6521	Legal services
6530	Engineering, architectural, and planning services
6590	Professional services, NEC
6722	Police protection and related activities, branch (office only)
6730	Postal services
6815	Day nursery - child care center
7113	Art galleries
7425	Exercise health clubs
7600	Parks

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the Village at Riverwoods (SDP-1) Overlay 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 and noncommercial orchards;

(d) Home occupations subject to the regulations of Chapter 14.37, Provo City Code;

(e) Storage of materials used for construction of 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.

(6) Conditional Uses. The following uses and structures are permitted in the Village at Riverwoods (SDP-1) Overlay 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)
4836	Water pressure control stations and pumping plants
4844	Sewage pumping stations
4872	Debris basin (A dam and basin for intercepting debris)
5931	Antiques (Includes furniture, glassware, etc.)
7398	Video rentals

(New 2000-46, Am 2005-18)

14.49A.040. Single Ownership and Control.

Land within the Village at Riverwoods (SDP-1) Overlay zone shall be in single ownership or single control in order to provide for integrated development. The area proposed for an SDP shall be in one (1) ownership or control during design and construction 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. Individual ownership, partnerships, corporations, and other legally recognized entities are acceptable. (Enacted 2000-46)

14.49A.050. Lot Area.

The minimum area of any lot or parcel of land in the Village at Riverwoods (SDP-1) Overlay zone shall be one thousand two hundred (1,200) square feet for town homes, and five thousand (5,000) square feet for other lots or parcels; however, smaller lots or parcels may be created as part of an approved and recorded Performance Development. (Enacted 2000-46)

14.49A.060. Lot Width.

Each lot or parcel of land in the Village at Riverwoods (SDP-1) Overlay zone, except corner lots, shall have an average width of not less than twenty (20) feet for town homes, and fifty (50) feet for other lots and parcels. Each corner lot or parcel shall have a minimum average width of thirty (30) for town homes, and sixty (60) feet for other lots and parcels. (Enacted 2000-46)

14.49A.070. Lot Depth.

Each lot or parcel of land in the Village at Riverwoods (SDP-1) Overlay zone shall have a minimum lot depth of sixty (60) feet. (Enacted 2000-46)

14.49A.080. Lot Frontage.

Each lot or parcel of land in the Village at Riverwoods (SDP-1) Overlay zone shall abut on a public street for a minimum distance of twenty (20) feet on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement. (Enacted 2000-46)

14.49A.090. Residential Density.

(1) The overall residential density in the Village at Riverwoods (SDP-1) Overlay zone shall not exceed fifteen (15) dwelling units per gross acre. (Enacted 2000-46)

14.49A.100. Yard Requirements.

The following minimum yard requirements shall apply in the Village at Riverwoods (SDP-1) Overlay zone: (Note: All setbacks are measured from the property line.)

(1) Front Yard. Each lot or parcel in the Village at Riverwoods (SDP-1) Overlay zone shall have a front yard of not less than six (6) feet.

(2) Side Yard. Except as provided in Subsections (3) and (4) of this Section, each lot or parcel of land in the Village at Riverwoods (SDP-1) Overlay zone shall have a side yard of at least five (5) feet from property line unless a zero lot line is proposed. If a zero-lot line is proposed, a single five (5) foot side yard shall be required on a corner lot.

(3) Side Yard, Driveway. See Section 14.37.100, Provo City Code.

(4) Rear Yard. Each lot or parcel in the Village at Riverwoods (SDP-1) Overlay zone shall have a rear yard of not less than fifteen (15) feet. (Enacted 2000-46)

14.49A.110. Projections into Yards.

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

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

(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 six (6) 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. (Enacted 2000-46)

14.49A.120. Building Height.

No lot or parcel of land in the Village at Riverwoods (SDP-1) Overlay zone shall have a building or structure that exceeds a height of four (4) stories with a maximum of fifty (50) feet. Chimneys, flagpoles, or similar structures not used for human occupancy shall be excluded in determining height. (Enacted 2000-46)

14.49A.130. Distance Between Buildings.

The minimum distance between any buildings on a lot or parcel shall be as allowed by the Uniform Building Code. (Enacted 2000-46)

14.49A.140. Permissible Site Coverage.

In the Village at Riverwoods (SDP-1) Overlay zone, all buildings and structures shall not cover an area of more than forty percent (40%) of the site upon which they are placed. (Enacted 2000-46)

14.49A.150. Parking, Loading, and Access.

(1) Each lot or parcel in the Village at Riverwoods (SDP-1) Overlay zone shall have, on the same lot or parcel, automobile parking sufficient to comply with the following requirements:

(a) Multifamily Residential.

(i) One (1) bedroom: Two (2) enclosed spaces per unit plus one (1) visitor space per unit.

(ii) Two (2) or more bedrooms: Two (2) enclosed spaces per unit plus one (1) visitor space per unit.

(b) Retail (stand alone): one (1) space for every three hundred (300) square feet of floor space.

(c) Office (stand alone): one (1) space for every three hundred (300) square feet of floor space.

(d) Residential community center: None required if facility serves residential located on the same parcel.

(2) Residential garages and carports: All residential units shall be provided with a garage or carport. Side-by-side garages or carports shall have a minimum interior width of nineteen (19) feet and tandem or single garages or carports shall have a minimum interior width of ten (10) feet.

(3) Tandem parking: Tandem parking shall be allowed for all residential units.

(4) All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with paved access from a public street.

(5) Parking spaces shall not be provided within a required front yard.

(6) Paved access for five (5) or less parking spaces shall have a minimum width of twelve (12) feet. Paved access for 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 2000-46)

14.49A.160. Project Plan Approval/Design Review.

See Sections 14.040A.020 and 14.34.280, Provo City Code. In addition, the following specific design standards shall apply to all development in the Village at Riverwoods (SDP-1) Overlay zone:

(1) General Transportation Requirements.

(a) The objective of the transportation plan is to encourage a pedestrian friendly environment through narrow streets that slow the automobile travel speed, and through buffers between pedestrians and autos to enliven street life.

(b) Angle parking shall be allowed along Edgewood Drive to decrease the travel speed and provide a buffer between pedestrians and autos. Sidewalks shall be at least twelve (12) feet wide at commercial frontages and six (6) feet wide at residential frontages.

(c) Residential streets shall be twenty-eight (28) feet wide (excluding curbs and gutters). Parallel parking shall be allowed on both sides of the street.

(2) General Building Requirements.

(a) The design of development within The Village at Riverwoods (SDP-1) Overlay zone shall include variety among individual building designs. The building forms and landscape materials shall be harmonious with the existing context and natural landscape features. Architectural character is not restricted, but the style selected shall conform to the following general design guidelines. Architectural features should enhance the individual identity of each unit. Figures 4.1 and 4.2 of the Village at Riverwoods Specific Development Plan shall be used as guides in interpreting this Subsection.

(b) Main building entries and lobbies shall be oriented to the street and garage doors shall be oriented to parking lanes, except where townhouses face the Provo River. Entries to lower floor units directly from the street are encouraged.

(c) Architecture shall harmonize with permanent neighboring development. Diversity of detail and materials among different buildings is encouraged.

(d) Windows, balconies and porches should be oriented to the street or the Provo River. Window designs may be varied to reflect the diversity of architecture.

(e) Roof shapes shall harmonize with and shall reflect the diversity of the building's architectural character. Appropriate use of both pitched and flat roofs is encouraged.

(f) Building materials should be durable and suitable for the design in which they are used. Natural materials such as stone, wood trim or plaster (EIFS) is encouraged.

(g) To the extent allowed by flood protection measures, garages may be depressed below street grade (except at units facing the Provo River).

(h) No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. Storage of commercial goods or materials shall be prohibited. Containers for trash storage of a size, type and quantity approved by the City shall be screened by a sight obscuring fence and maintained in an appropriate location. See Section 14.34.080, Provo City Code.

(i) Light fixtures shall be provided at each building entry.

(j) Each residential unit shall have an associated private outdoor space, deck or patio.

(k) Storefronts shall harmonize with or accent the general quality and character of the neighborhood.

(l) The design spirit of signage for the Village at Riverwoods (SDP-1) Overlay zone is that of maximum variety within a general order that augments and reinforces the character of

the neighborhood itself. Internally illuminated signs shall not be permitted. Original and distinctive graphic is encouraged. Tenants are urged to consider developing a logo or symbol that is three-dimensional. Maximum sign size shall be limited to one (1) square foot per lineal foot of retail frontage. Maximum letter height shall be limited to eighteen (18) inches for retail space and twelve (12) inches for office space. Signs may be placed only on the Edgewood Drive side of buildings.

(3) General Landscape Requirements

(a) All residential yard areas except those portions devoted to driveways, buildings, or parking, shall be designed with suitable landscaping of plants, shrubs, trees, grass, and similar landscaping materials.

(b) Street trees shall be developed and maintained to improve and beautify the SDP-1 Overlay zone. Street trees shall include a minimum of one (1) deciduous tree, two (2) inch caliper minimum (measured six (6) inches above grade or six (6) inches from the top of the root ball), per thirty (30) feet of street frontage.

(c) Parking areas shall be landscaped in accordance with the landscaping plan approved as part of the project plan approval procedure. Landscaping shall be installed between individual driveways to soften areas of paving.

(d) Buildings shall be situated with respect to and in accordance with the topography and natural features of the developable parcel.

(e) Pedestrian and bicycle circulation shall be encouraged in The Village at Riverwoods (SDP-1) Overlay zone. Sidewalks adjacent to the front of condominium units shall have a minimum dimension of six (6) feet. Pedestrian access shall be provided to the regional bicycle trail systems along the Provo River.

(f) Outdoor lighting plans shall conform to all regulations contained in Chapter 15.21, Provo City Code. (Enacted 2000-46)

14.49A.170. Fencing Standards.

Structural fences six (6) feet or less in height shall not require a building permit. Structural fences over six (6) 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.

(1) 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.

(2) 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 in a side yard.

(3) 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.

(4) 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.

(5) Entry treatments to private driveways or subdivision development entrances may not exceed six (6) feet at the highest point, except lamps on pillars, and shall comply with the provisions of Section 14.34.100, Provo City Code. Pillars may 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.

(6) 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.

(7) 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.

(8) Privacy walls which project into a required front yard shall be subject to staff review.

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

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

(11) All developments consisting of three (3) or more units shall be required to have perimeter screening along all interior lot or parcel 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 2000-46)

14.49A.180. Notice of Parking and Occupancy Restrictions.

(1) Prior to the issuance of a building permit for any multiple residential project over two (2) dwelling units, Provo City and the developer shall enter into a contract agreeing to a determined occupancy based on a given number of parking spaces. This contract shall be recorded with the Utah County Recorder's office and shall run with the property. A copy of a recorded deed for the property in question shall also be submitted prior to the issuance of a building permit which indicates the maximum allowable occupancy as a deed restriction. Attached to the deed shall be a document that separately lists the occupancy according to Provo City Code, the previously mentioned deed restrictions and any other use restrictions pertaining to parking and occupancy such as restrictions of use 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 dwellings units a permanent notice shall be placed on the electrical box within each unit indicating the maximum allowable occupancy of each unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice shall be a six inch by six inch (6" X 6") metal or plastic plate that is permanently attached to the electrical box with minimum one-half (1/2) inch engraved letters.

(3) Upon submittal of these documents any violation to the restrictions and regulations noted therein shall be considered a misdemeanor offense and will be subject to criminal action as provided in Section 1.03.010, Provo City Code. (Enacted 2000-46)

Chapter 14.49B. Country Club Villas (SDP-2) Overlay Zone.

- 14.49B.010. Purpose and Objectives.
- 14.49B.020. Compliance with Chapter 14.49 Required.
- 14.49B.030. Permitted Uses.

- 14.49B.040. Single Ownership and Control.
- 14.49B.050. Lot Area.
- 14.49B.060. Residential Density.
- 14.49B.070. Residential Occupancy.
- 14.49B.080. Development Yard Requirements.
- 14.49B.090. Projections into Yards.
- 14.49B.100. Building Height.
- 14.49B.110. Distance Between Buildings.
- 14.49B.120. Permissible Site Coverage.
- 14.49B.130. Parking and Access.
- 14.49B.140. Project Plan Approval/Design Review.
- 14.49B.150. Fencing Standards.
- 14.49B.160. Notice of Parking and Occupancy Restrictions.

14.49B.010. Purpose and Objectives.

The Country Club Villas (SDP-2) Overlay Zone describes a proposed residential development targeted toward housing for mature people fifty (50) years of age and older. Specifically, it introduces residential units that are individually owned and targeted toward mature housing. The standards set forth in this Chapter are intended to enhance the enjoyment of natural features and view corridors; to enhance the quality of the neighborhood through the redevelopment of the property to which this zone is applied; to promote efficient land use through moderate, but compatible residential densities; and to enhance the North University Riverbottoms Design Corridor. (Enacted 2002-49)

14.49B.020. Compliance with Chapter 14.49 Required.

In addition to the specific development standards contained in this Chapter, land areas placed to the Country Club Villas (SDP-2) zone shall conform to the general criteria and enabling provisions contained in Chapter 14.49, Provo City Code. (Enacted 2002-49)

14.49B.030. Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the Country Club Villas (SDP-2) Overlay 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 zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code shall be permitted in the Country Club Villas (SDP-2) Overlay zone, subject to the limitations set forth in this Chapter.

(4) Permitted Principal Uses. The following principal uses and structures shall be permitted in the Country Club Villas (SDP-2) Overlay zone:

Use No.	Use Classification
1151	Condominiums containing five (5) or more units and three (3) stories in height.

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the Country Club Villas (SDP-2) Overlay 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 uses such as recreational, personal and nursing services.
- (b) Accessory buildings, such as greenhouses, gardening sheds, and gazebos, and similar structures which are customarily

used in conjunction with, and incidental to, a principal residential use or structure;

(c) Swimming pools subject to the standards of Section 14.34.210, Provo City Code;

(d) Noncommercial vegetable and flower gardens and orchards;

(e) Home occupations subject to the regulations of Chapter 14.37, Provo City Code;

(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.

(6) Conditional Uses. The following uses and structures are permitted in the Country Club Villas SDP-2 only after a conditional use permit has been issued and subject to the terms and conditions thereof.

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
4841	Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
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)

(Enacted 2002-49, Am 2005-18)

14.49B.040. Single Ownership and Control.

The Country Club Villas (SDP-2) Overlay zone 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 the provisions of this Chapter and all conditions imposed upon any preliminary and final development plans approved for the property to which the Country Club Villas (SDP-2) Overlay zone may be applied.

(a) Mere development agreements between individuals shall not satisfy the single ownership and control requirement.

(b) Property subject to the single ownership and control requirement may be held by an individual, partnership, corporation, and other legally recognized entity.

(c) After property in the Country Club Villas (SDP-2) Overlay zone is developed, a homeowners association shall be organized and maintained as provided in the Utah Condominium Ownership Act. (Enacted 2002-49)

14.49B.050. Lot Area.

The minimum area of any lot or parcel in the Country Club Villas (SDP-2) Overlay zone shall be two and one-half (2½) acres. (Enacted 2002-49)

14.49B.060. Residential Density.

The overall residential density in the Country Club Villas (SDP-2) Overlay zone shall not exceed sixteen (16) dwelling units per gross acre and shall be configured as shown on project development plans approved by the City. (Enacted 2002-49)

14.49B.070. Residential Occupancy.

Occupancy within the Country Club Villas (SDP-2) Overlay zone shall be limited to family occupancy only, as defined by this Title; provided, however that the number of related or unrelated persons who constitute a family as set forth in Subparagraph (c) of the definition of "family" in Section 14.06.020, Provo City Code, shall be limited to two (2) persons only. (Enacted 2002-49)

14.49B.080. Development Yard Requirements.

The following minimum yard requirements shall apply in the Country Club Villas (SDP-2) Overlay zone: (Note: All setbacks are measured from the property line.)

(1) Front Yard. The minimum front yard setback shall be thirty-five (35) feet.

(2) Side Yards. The minimum side yard setback for both sides shall be twenty (20) feet.

(3) Rear Yard. The minimum rear yard setback shall be twenty-three (23) feet. (Enacted 2002-49)

14.49B.090. Projections into Yards.

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

(a) Fences and walls 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 the front, side(s), or rear yard not more than six (6) feet:

(a) Accessory buildings and swimming pools;

(b) Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features;

(c) 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;

(d) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters. (Enacted 2002-49)

14.49B.100. Building Height.

In the Country Club Villas (SDP-2) Overlay zone two (2) main buildings shall not exceed a height of three (3) stories with a maximum of forty-two (42) feet as defined in Section 14.06.020, Provo City Code. (Enacted 2002-49)

14.49B.110. Distance Between Buildings.

The minimum distance between two (2) main residential buildings shall be no closer than thirty (30) feet. (Enacted 2002-49)

14.49B.120. Permissible Site Coverage.

All buildings and structures shall not cover an area of more than forty percent (40%) of the site upon which they are placed. (Enacted 2002-49)

14.49B.130. Parking and Access.

(1) Each dwelling unit in the Country Club Villas (SDP-2) Overlay zone shall have onsite automobile parking sufficient to comply with the following requirements:

(a) Each unit shall have a minimum of two (2) spaces per unit plus one-quarter (.25) visitor spaces per unit.

(2) Residential garages and carports: All residential units shall be provided at least one (1) covered parking space in the underground parking garage.

(3) All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with paved access from a public street.

(4) Parking spaces may be provided within the required front yard setback as approved by the Design Review Committee.

(5) No on-site recreational vehicle parking is permitted.

(6) Visitor and disabled parking spaces shall be signed and designated as such. (Enacted 2002-49)

14.49B.140. Project Plan Approval/Design Review.

In addition to the specific development standards contained in this Chapter, areas zoned to the Country Club Villas (SDP-2) Overlay zone shall comply with the general criteria and enabling provisions contained in Chapter 14.49 and the provisions set forth in Section 14.34.280, Provo City Code. In addition, the following specific design standards shall apply to all development in the Country Club Villas (SDP-2) Overlay zone:

(1) General Transportation Requirements.

(a) Driveways shall be at least twenty-five (25) feet wide.

(b) Sidewalks shall be at least six (6) feet wide.

(2) General Building Requirements.

(a) Architecture shall be in harmony with permanent neighboring development.

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

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

(d) To the extent allowed by flood protection measures, the parking garages may be depressed below street grade.

(e) No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area.

(f) Light fixtures shall be provided at each building entry.

(3) General Landscape Requirements

(a) Development shall be buffered from major arterial roads by the following landscape and screening features:

(i) A minimum twenty (20) foot wide yard landscaped with turf, trees, and shrubs, and a six (6) foot high decorative wall.

(ii) 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 gallon minimum, per three hundred (300) square feet of buffer yard.

(iii) Space between the roadway and property or street right-of-way line shall also be landscaped, subject to permission from the City or Utah Department of Transportation, as the case may be.

(b) Street trees shall be planted and maintained to improve and beautify the development. Street trees shall include a minimum of one (1) deciduous tree, two (2) inch caliper minimum, measured six (6) inches above grade or six (6) inches from the top of the root ball, per thirty (30) feet of street frontage.

(c) Parking areas shall be landscaped in accordance with landscaping plans approved as part of an approved project plan.

(d) Outdoor lighting plans shall conform to all regulations set forth in Chapter 15.21, Provo City Code.

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

(4) Sign Requirements.

(a) One (1) monument sign not to exceed five (5) feet in height and thirty-two (32) square feet in area may be permitted on property in located in the Country Club Villas (SDP-2) Overlay zone. Such sign shall not be erected at any intersection improved for vehicular traffic within the triangular area formed by the property lines and their projections and a line connecting them at points twenty-five (25) feet from the intersections of the projecting property lines. The sign may not be illuminated internally, but may have an externally located light illuminating the sign.

(b) Two (2) signs identifying the name and/or address of the development may be placed at each vehicular entrance to property in the Country Club Villas (SDP-2) Overlay zone. Each such sign shall not exceed thirty-two (32) square feet and shall be attached to an ornamental masonry wall that is architecturally compatible with the overall development. (Enacted 2002-49)

14.49B.150. Fencing Standards.

(1) Perimeter screening shall be established as needed to buffer protect adjacent property, as determined by the Planning Commission, and shall be shown on approved project plans. Provided, however, that perimeter screening shall not extend into any clear vision area as set forth in Section 14.34.100, Provo City Code.

(2) Perimeter screening may include a six (6) foot masonry or wood fence.

(a) Development entrance features shall not exceed six (6) feet at the highest point, except lamps on pillars, and shall comply with the provisions of Section 14.34.100, Provo City Code.

(b) Pillars may extend up to eighteen (18) inches above the allowable height of a fence, provided such pillars shall have a minimum spacing of no less than six (6) feet, measured face to face.

(3) Where the grade of property differs 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.

(4) The provisions of this Section shall not apply to fences for tennis courts, backstops, or patio enclosures if , as determined by the Zoning Administrator, such fences do not create a hazard or violate other sections of the Provo City Code. (Enacted 2002-49)

14.49B.160. Notice of Parking and Occupancy Restrictions.

(1) Prior to the issuance of a building permit for any development in the Country Club Villas (SDP-2) Overlay zone, the City and developer shall enter into an agreement establishing occupancy based on the number of parking spaces provided. Such agreement shall be recorded with the Utah County Recorder and shall run with the land.

(a) Prior to the issuance of any building permit a copy of a recorded deed for the property shall be submitted which states the maximum allowable occupancy as a deed restriction.

(b) Attached to the deed shall be a document that separately lists the occupancy allowed on the property, deed restrictions, and any other use restrictions pertaining to parking, use, and occupancy of the property, such as use restrictions set forth in condominium covenants. Such document shall be signed, dated and notarized indicating the property owner acknowledges and agrees to the restrictions and regulations stated on the deed and attachments.

(2) Prior to the issuance of a Certificate of Occupancy for development in the Country Club Villas (SDP-2) Overlay zone, a permanent notice shall be placed on the electrical box within each dwelling unit indicating the maximum allowable occupancy therein based on the approved occupancy as set forth in the recorded parking and occupancy agreement. Such notice shall be located on a six inch by six inch (6" x 6") metal or plastic plate, in minimum one-half (½) inch engraved letters, and shall be permanently attached to the main electrical box.

(3) Upon submittal of the documents required by this Section, any violation of the restrictions and regulations noted therein shall be a misdemeanor offense and shall be subject to criminal action as provided in Section 1.03.010, Provo City Code. (Enacted 2002-49)

Chapter 14.49C. Residential Agricultural (SDP-3) Specific Development Plan Overlay Zone.

- 14.49C.010. Purpose and Objectives.
- 14.49C.020. Compliance with Chapter 14.49 Required.
- 14.49C.030. Permitted Uses.
- 14.49C.040. Lot Area.
- 14.49C.050. Residential Density.
- 14.49C.060. Residential Occupancy.
- 14.49C.070. Residential Home Requirements.
- 14.49C.080. Yard Requirements.
- 14.49C.090. Projections into Yards.
- 14.49C.100. Building Height.
- 14.49C.110. Distance Between Buildings.
- 14.49C.120. Permissible Site Coverage.
- 14.49C.130. Parking, Loading, and Access.
- 14.49C.140. Detention Basin - Wetlands Mitigation.
- 14.49C.150. Project Plan Approval.
- 14.49C.160. Other Requirements.

14.49C.010. Purposes and Objectives.

The Residential Agricultural (SDP-3) Specific Development Plan Overlay Zone is intended to be applied to areas in transition between urban development and large tract agricultural land. Specifically, the zone allows one-family residential development on larger lots, with limited agricultural uses. The standards set forth in this Chapter are intended to preserve the rural character of certain neighborhoods while allowing the influx of new homes. The SDP-3 Overlay Zone also exists to protect and enhance the enjoyment of natural features, view corridors, and to promote the efficient use of land in high water table areas. (Enacted 2007-26)

14.49C.020. Compliance with Chapter 14.49 Required.

In addition to the specific development standards contained in this Chapter, land areas placed within the Residential Agricultural (SDP-3) Specific Development Plan Overlay Zone shall conform to the general criteria and enabling provisions contained in Chapter 14.49, Provo City Code. (Enacted 2007-26)

14.49C.030. Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the SDP-3 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which the last one or two digits are zeros.

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

(4) Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in the SDP-3 zone:

Use No.	Use Classification
1111	One family dwelling – detached (see Section 14.34.310, 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 distributions channels
4836	Water pressure control stations and pumping plants
4841	Sewage pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4844	Sewage pumping stations
4864	Combination utilities right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4873	Storm drain or right-of-way (Predominantly covered pipes or boxes)
7600	Parks
8110	Field and seed crops
8120	Truck crops
8130	Orchards and vineyards
8141	Beef cattle and cows (noncommercial only) as limited herein
8142	Horses (noncommercial only) as limited herein
8145	Paddock, with animal limitations set forth herein
8150	Animal specialties (noncommercial only) as limited herein
8160	Pasture and rangeland
8224	Animal kennels, boarding, breeding, training, and grooming (excluding large animals)

(5) Limitations on the keeping and maintenance of animals and fowl as permitted in the SDP-3 Overlay zone:

(a) Horses: There shall be no more than four (4) horses per acre of land used exclusively for their care and keeping.

(b) Bovine Animals, sheep, or goats: There shall be no more than two (2) such animals per acre of land used exclusively for the care and keeping thereof.

(c) Poultry, rabbits, chinchillas, hamsters, and other small animals: There shall be no more than twenty-five (25) such animals on the premises. Nothing herein shall be construed as authorizing the keeping of animals capable of inflicting harm or endangering the health and safety of any person or property.

(d) Animal kennels, boarding, breeding, training, and grooming: There shall be no more than ten (10) small animals maintained on the premises.

(6) Permitted Accessory Uses. Accessory uses and structures are permitted in the SDP-3 zone, provided they are incidental to, and do not substantially alter, the character of the principal permitted use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, bath houses, greenhouses, gardening sheds, recreation rooms, and

similar structures which are customarily used in conjunction with, and are 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) Storage of materials used for the construction of a building, including a temporary contractor’s office and/or tool shed, provided that such uses are on the building site or immediately adjacent thereto, and provided further that such shall be for only the period of construction and thirty (30) days thereafter.

(d) Buildings or structures required for the housing, nurture, confinement, or storage of animals permitted in the SDP-3 Overlay zone, or equipment required for the care and keeping thereof.

(e) Home occupations, subject to the conditions of Chapter 41, Provo City Code.

(f) Household pets.

(7) Conditional Uses. The following uses and structures are permitted in the SDP-3 zone only after a Conditional Use Permit has been approved, 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 stand pipes.
4872	Debris basin (a dam and basin for intercepting debris)
4873	Spreading grounds (area for percolating water into underground)
6722	Police Protection and related activities, branch (office only)
6910	Religious activities
7400	Recreation activities

(Enacted 2007-26)

14.49C.040. Lot Area.

The minimum area of any lot or parcel of land in the SDP-3 Overlay zone shall be one-half (½) acre. (Enacted 2007-26)

14.49C.050. Residential Density.

The overall residential density in the SDP-3 Overlay zone shall not exceed two (2) dwelling units per gross acre. (Enacted 2007-26)

14.49C.060. Residential Occupancy.

Occupancy within the SDP-3 Overlay zone shall be limited to family occupancy as set forth in the definition of “family” in Section 14.06.020, Provo City Code. (Enacted 2007-26)

14.49C.070. Residential Home Requirements.

(1) The floor area of each dwelling unit in the SDP-3 Overlay zone shall be a minimum of two thousand four hundred (2,400) square feet, not including any area within an attached garage.

(2) The exterior of each dwelling unit shall be constructed from a masonry material such as stone, brick, stucco, or combinations of such materials in natural earth-tone colors.

(3) Hammer-head or round-about driveways shall be constructed for any dwelling unit with a driveway that exits onto a collector or arterial road. (Enacted 2007-26)

14.49C.080. Yard Requirements.

The following minimum yard requirements shall apply in the SDP-3 zone:

(1) Front Yard. Each lot or parcel in the SDP-3 zone shall have a front yard of not less than thirty (30) feet.

(2) Side Yard. Except as provided in Subsections (3), (4), and (5) of this section each lot or parcel of land in the SDP-3 zone shall have a side yard of not less than ten (10) feet on each side of a principal structure. Any building exceeding thirty five (35) feet in height pursuant to a conditional use permit shall have side yards of at least ten (10) feet per side plus an additional one (1) foot of setback for each two (2) feet of building height over thirty five (35) feet.

(3) Side Yard – Corner lots. On a corner lot, the side yard contiguous to the street shall be not less than twenty five (25) feet.

(4) Side Yard – Driveway. See Section 14.37.100, Provo City Code.

(5) Side Yard – Accessory Building. The side yard of an accessory building shall be the same as that required for a principal building, except that accessory buildings which house animals or poultry shall be located at least one-hundred (100) feet from any dwelling.

(6) Rear Yard. Each lot or parcel of land shall have a rear yard of not less than thirty (30) feet.

(7) Rear Yard – Accessory Building. An accessory building may be located on the rear property line so long as it:

(a) provides for all roof drainage to be retained on the subject lot or parcel, and

(b) is not used for the housing of animals or poultry. An accessory building so used shall be located at least one-hundred (100) feet from any dwelling. (Enacted 2007-26)

14.49.090. Projections Into Yards.

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

(a) fences and walls in conformance with the Provo City Code and other City codes or ordinances;

(b) landscape elements including trees, shrubs, agricultural crops, and other plants; and

(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) fences and walls in conformance with the Provo City Code and other City codes or ordinances;

(b) landscape elements including trees, shrubs, agricultural crops, and other plants; and

(c) necessary appurtenances for utility service.

(3) 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 that they are not wider than eight (8) feet, measured 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 not exceeding twenty-four (24) inches in height; and

(d) porte-cochere over a driveway in a side yard, provided such 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 2007-26)

14.49C.100. Building Height.

No lot or parcel of land in the SDP-3 zone shall have a building or structure which exceeds a height of two (2) stories with a maximum

of thirty-five (35) feet. Chimneys, flagpoles, or similar structures not used for human occupancy are excluded in determining height. (Enacted 2007-26)

14.49.110. Distance Between Buildings.

The distance between any accessory building and a dwelling shall be not less than twenty (20) feet. (Enacted 2007-26)

14.49.120. Permissible Lot Coverage.

In the SDP-3 zone, all buildings, including accessory buildings and structures, shall cover not more than twenty-five (25) percent of the area of the lot or parcel of land. (Enacted 2007-26)

14.49.130. Parking, Loading, and Access.

(1) Each lot or parcel in the SDP-3 zone shall have on the same lot or parcel two (2) covered parking spaces.

(2) Parking spaces shall be improved with asphaltic cement or concrete and shall be provided with dust-free and mud-free access from a public street or road.

(3) In all other cases, parking shall comply with the provisions of Chapter 14.37, Provo City Code. (Enacted 2007-26)

14.49C.140. Detention Basin - Wetlands Mitigation.

Any changes to any detention basin or wetlands mitigation areas including change of use or modifications to the common areas in or around a detention basin structure, proposed plans shall be submitted to the City for pre-approval. Approval from the City shall be required prior to the change of use or modification of such common areas. A detention basin/wetlands mitigation area related hydraulic features shall be the responsibility of the City. (Enacted 2007-26)

14.49C.150. Project Plan Approval.

See Sections 15.03.300 and 15.03.310, Provo City Code. (Enacted 2007-26)

14.49.160. Other Requirements.

(1) Signs. Unless otherwise prohibited by law, signs of the type and description listed below, but no others, may be placed and maintained in the SDP-3 zone:

(a) signs or name plates not exceeding two (2) square feet in area and displaying only the name and address of the occupant;

(b) two (2) temporary signs with a maximum area 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; and

(c) signs or monuments identifying points of interest or sites of historic significance. The size 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) Walls and Fences. No requirement. (Enacted 2007-26)

Chapter 14.49D Lakeview Fields (SDP-4) Specific Development Plan Overlay Zone.

- 14.49D.010. Purpose and Objectives.
- 14.49D.020. Compliance with Chapter 14.49 Required.
- 14.49D.030. Permitted Uses.
- 14.49D.040. Lot Area.
- 14.49D.045. Lot Width.
- 14.49D.050. Lot Depth.
- 14.49D.055. Residential Density.
- 14.49D.060. Residential Occupancy.
- 14.49D.070. Residential Dwelling Requirements.
- 14.49D.075. Architectural Requirements - Multi-Family Structures.

- 14.49D.080. Yard Requirements.
- 14.49D.090. Projections into Yards.
- 14.49D.100. Building Height.
- 14.49D.110. Distance Between Buildings.
- 14.49D.120. Permissible Lot Coverage.
- 14.49D.130. Parking, Loading and Access.
- 14.49D.140. Detention Basin Maintenance.
- 14.49D.150. Project Plan Approval.
- 14.49D.160. Other Requirements.

14.49D.010. Purposes and Objectives.

The Lakeview Fields (SDP-4) Specific Development Plan Overlay Zone is intended to be applied to the area located east of Geneva Road, between 1680 North and 2000 North as described in the General Plan. Multi-family housing will be provided adjacent to 2000 North and Geneva Road to provide for a mix of housing types and the remaining housing will be one family detached. (Enacted 2008-08)

14.49D.020. Compliance with Chapter 14.49 Required.

In addition to the specific development standards contained in this Chapter, land areas placed within the SDP-4 Overlay zone shall conform to the general criteria and enabling provisions contained in Chapter 14.49 Provo City Code. (Enacted 2008-08)

14.49D.030. Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others are permitted in the SDP-4 Overlay zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which the last one or two digits are zeros.

(3) All such classifications listed herein and all specific uses contain within them in the Standard Land Use Code shall be permitted in the SDP-4 Overlay zone subject to the limitations set forth herein.

(4) Permitted Principal Uses. The following principal uses and structures and no others are permitted in the SDP-4 Overlay zone.

Use No.	Use Classification
1111	One family dwelling - detached (see Section 14.34.310, Provo City Code.)
1150	Multi-family dwellings
4811	Electronic 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 the surface is devoted exclusively to the right of way of the activity)
4844	Sewage pumping stations
4864	Combination utilities right-of-way (identifies areas where the surface is devoted exclusively to the right of way of the activity)
4873	Storm drain right of way (predominantly-covered pipes or boxes)

7600 Parks

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the SDP-4 Overlay 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, bath houses, 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 and noncommercial orchards.

(d) Home Occupations subject to the regulations of Chapter 14.41, Provo City Code.

(e) Storage of materials used for construction of 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 no more than two (2) dogs and two (2) cats six (6) months of age or older shall be kept at any residence at any time. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

(6) Conditional Uses. The following uses and structures are permitted in the SDP-4 Overlay zone only after a conditional use permit has been approved, 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 stand pipes)
6722	Police protection and related activities, branch (office only)
6910	Religious activities (Enacted 2008-08)

14.49D.040. Lot Area.

(1) The minimum lot area of any lot or parcel of land within the SDP-4 Overlay zone for one family subdivided lots shall be eight thousand five hundred (8,500) square feet.

(2) The minimum lot area of any lot or parcel of land within the SDP-4 Overlay zone for multi-family structures shall be two (2) acres. (Enacted 2008-08)

14.49D.045. Lot Width.

(1) Each lot or parcel of land in the SDP-4 Overlay zone shall have a width of not less that eighty (80) feet.

(2) Each corner lot or parcel in the SDP-4 Overlay zone shall have a width of not less than eighty-five (85) feet. (Enacted 2008-08)

14.49D.050. Lot Depth.

Each lot of parcel of land in the SDP-4 Overlay zone shall have a lot depth of not less than ninety (90) feet. (Enacted 2008-08)

14.49D.055. Residential Density.

The total residential density for multiple family dwelling units in the SDP-4 Overlay zone shall be limited to forty-four (44) units. (Enacted 2008-08)

14.49D.060. Residential Occupancy.

Occupancy within the SDP-4 Overlay zone shall be limited to family occupancy as set forth in the definition of "family" in Section 14.06.020, Provo City Code; provided, however, that in any multi-family dwelling unit not more than two (2) unrelated individuals shall constitute a family. (Enacted 2008-08)

14.49D.070. Residential Dwelling Requirements.

(1) The minimum finished floor area of single story one-family detached dwelling unit in the SDP-4 Overlay zone shall be one thousand seven hundred (1,700) square feet on the main floor, excluding any area within an attached garage. A two (2) story dwelling shall contain a minimum of one thousand eight hundred (1,800) square feet finished, excluding any area within an attached garage. The average size of a one-family dwelling, including any basement area, whether finished or not, shall be two thousand two hundred (2,200) square feet.

(2) Each detached dwelling unit shall have a two-car garage.

(3) The front facade of each one-family dwelling unit shall consist of brick, stucco, hardiboard siding, stone or any combination thereof. (Enacted 2008-08)

14.49D.075. Architectural Requirements - Multi-Family Structures.

Multi-family structures should reflect a pioneer architectural character similar to historic buildings which were predominant in this vicinity. The architecture of any multi-family structures shall be approved by the Design Review Committee through the project plan process. (Enacted 2008-08)

14.49D.080. Yard Requirements.

The following minimum yard requirements shall apply in the SDP-4 Overlay zone: (Note: All setbacks are measured from the property line).

(1) Front Yard. Each lot or parcel shall have a front yard of not less than twenty (20) feet. Notwithstanding a lesser setback for a main building, garages and carports, whether attached or not, shall be setback at least twenty-six (26) feet from the property line when necessary to ensure a twenty (20) foot driveway depth, measured from the back of the sidewalk.

(2) Side Yard. Except as provided in Subsections (3), (4), (5) and (6) of this section, each lot or parcel of land in the SDP-4 Overlay zone shall have a side yard of not less than ten (10) feet.

(3) Side Yard - Corner Lots. On corner lots, the side yard contiguous to a street shall not be less than twenty (20) feet and shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or carport.

(4) Side Yard - Driveway. See Section 14.37.100, Provo City Code.

(5) Accessory Buildings Within the Buildable Area. Accessory buildings meeting all setback requirements (within the buildable area) for the 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 building code,

(d) only be used for those accessory uses allowed in the zone, and

(e) maintain architecturally similar material and colors of the main building.

(6) Accessory buildings Outside the Buildable Area. An accessory building that does not meet the setback requirements (outside the buildable area) for a main dwelling shall meet the conditions in Section (5) above and the following:

- (a) be no closer to the front property line than the main building,
- (b) be no larger than ten (10) percent of the actual lot area of said 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 can be 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, and
- (g) comply with distance between buildings requirements. (Enacted 2008-08)

14.49D.090. Projections into Yards.

- (1) The following structures may be erected on or into any required yard:
 - (a) fences and walls in conformance with the Provo City Code,
 - (b) landscape elements including trees, shrubs, and other plants, and
 - (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 that they are not wider than eight (8) feet, measured generally parallel to the wall of which they are a part, and
 - (c) stairways, balconies, door stoops, fire escapes, awnings and planting boxes or masonry planters not exceeding twenty-four (24) inches in height.
- (3) The structure listed below may project into a rear yard not more than twelve (12) feet.
 - (a) patio, provided such structure is not more than one (1) story in height and is open on at least three (3) sides, except for necessary supporting columns and customary architectural features. (Enacted 2008-08)

14.49D.100. Building Height.

- (1) No lot or parcel of land in the SDP-4 Overlay zone shall have a one family building or structure used for dwelling or public assembly which exceeds a maximum height of thirty-five (35) feet, measured at each building facade, except that the front elevation shall not exceed thirty (30) feet.
- (2) No lot or parcel of land in the SDP-4 Overlay zone developed as multi-family shall have a building or structure which exceeds a maximum height of forty-five (45) feet.
- (3) In no case shall the height of an accessory structure exceed the height of any main structure on the same lot.
- (4) The height limitations of this section shall not apply to the structures set forth in Section 14.34.090(2), Provo City Code. (Enacted 2008-08)

14.49D.110. Distance Between Buildings.

The distance between any accessory buildings and a dwelling shall not be less than six (6) feet. (Enacted 2008-08)

14.49D.120. Permissible Lot Coverage.

(1) In the SDP-4 Overlay zone, all buildings, including accessory buildings and structures shall not cover more than forty (40) percent of the area of the lot or parcel of land.

(2) At least fifty (50) percent of the area of any lot shall be maintained in landscaping as provided in Section 15.20.040, Provo City Code. On any lot, concrete or asphaltic cement shall not cover more than fifty (50) percent of a front yard, fifty (50) percent of a rear yard and one hundred (100) percent of one (1) interior side yard. (Enacted 2008-08)

14.49D.130. Parking, Loading and Access.

- (1) Each one family lot in the SPD-4 zone shall have, on the same lot, a minimum of three (3) paved parking spaces as defined in Section 14.37, Provo City Code. Two (2) of the spaces shall be located within an enclosed garage.
- (2) Said spaces shall be paved with asphaltic cement or concrete and shall be provided with a paved access from a public street.
- (3) Except for tandem parking on a driveway as provided in Subsection 14.37.080(1)(c)(i), Provo City Code, no parking spaces shall be provided within thirty (30) feet of a property line.
- (4) The total area of all parking spaces on a lot or parcel (including a garage, carport and uncovered parking slabs) and associated access lanes, shall cover not more than thirty (30) percent of the lot.
- (5) A minimum of one (1) parking space per studio apartment and two (2) parking spaces per one (1) and two (2) bedroom apartments in the multi-family dwelling units shall be provided within the SDP-4 Overlay zone. (Enacted 2008-08)

14.49D.140. Detention Basin Maintenance.

- (1) If a detention basin is required to be installed within any development within the SDP-4 Overlay zone, a homeowners association shall be required to be created and shall have the responsibility to keep the basin weed free.
- (2) Any change to any detention basin, including a change of use or modifications to the common areas in or around a detention basin structure shall be approved by the City before any construction occurs. Approval from the City shall be required prior to the change of use or modification of such common areas.
- (3) A detention basin area related hydraulic features shall be the responsibility of the City. (Enacted 2008-08)

14.49D.150. Project Plan Approval.

Any multi-family attached structure shall require project plan approval as described in Sections 15.03.300 and 15.03.310, Provo City Code. (Enacted 2008-08)

14.49D.160. Other Requirements.

- (1) Signs. Unless otherwise prohibited by law, signs of the type and description listed below, but no others, may be placed and maintained in the SDP-4 Overlay zone:
 - (a) A Nameplate not exceeding two (2) square feet in area may be placed on the wall of a dwelling displaying only the name and address of the occupant.
 - (b) A monument sign not to exceed five (5) feet in height and not to exceed thirty-two (32) square feet in area may be located at the entrance of the development and one (1) additional sign may be permitted on the property containing multi-family units.
 - (c) Two (2) temporary signs with a maximum area of six (6) square feet each, pertaining to the sale, lease, or rent of the particular building, property, or premises upon which display, and no other.
- (2) Landscaping. See Chapter 15.20, Provo City Code. Final approval of a landscaping plan for multi-family units shall be granted by the Design Review Committee.

(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 (6) feet in height shall require a building permit.

(a) Fencing along the property boundaries fronting 2000 North shall be six (6) feet in height except where clear vision is required and the building materials shall be consistent along the entire length of the project. The developer is required to install the fence.

(b) Fencing along the property boundaries adjacent to railroad tracks shall be six (6) feet in height except where clear vision is required and shall be a masonry wall.

(c) Fencing material used on the interior of the project may be determined by the homeowner, except that no chain link fencing shall be permitted.

(d) Front Yard. Solid walls, fences, hedges or screening materials which are sight obscuring may be built to a maximum if three (3) feet in height in any required front yard perimeter. Such walls, fences, hedges or screening material may slope upward to connect with a higher side yard fence. The length of a slope fence section shall not exceed one (1) section in a maximum of ten (10) feet. Walls, fences, hedges or screening materials which are not sight obscuring (at least fifty [50] percent open) may be built to a maximum of six (6) feet in height in a front yard.

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

(f) Rear Yard. Walls and fences in a rear yard may exceed six (6) feet provided that a building permit is first obtained prior to construction.

(g) 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 provide in Section 14.34.100, Provo City Code.

(h) 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 shall 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 the fence provided that the pillars shall have a minimum spacing of not less than six (6) feet, measured face to face.

(5) Street Standards. Roundabouts as described in Section 15.03.200(4), Provo City Code, shall not be required on a local street.

(6) Property Owners Association. Any common areas or facilities located in the SDP-4 Overlay zone shall be maintained by a duly created property owners association. (Enacted 2008-08)

Chapter 14.49E. Villages at Celebration (SDP-5) Specific Development Plan Overlay Zone.

- 14.49E.010. Purpose and Objectives.
- 14.49E.020. Compliance with Other Provisions Required.
- 14.49E.030. Permitted and Conditional Uses.
- 14.49E.040. Architectural Design and Control.
- 14.49E.050. One Family Homes at Celebration (Village 1).
- 14.49E.060. Mansion Home at Celebration (Village 2).
- 14.49E.070. Courtyard Town Homes at Celebration (Village 3).
- 14.49E.080. Urban Town Homes at Celebration (Village 4).
- 14.49E.090. Town Center Residential at Celebration (Village 5).
- 14.49E.100. Village Town Center at Celebration (Village 6).

- 14.49E.110. Parks and Open Space.
- 14.49E.120. Project Plan Review.
- 14.49E.130. Fences, Walls, Entry Treatments.
- 14.49E.140. Signs.
- 14.49E.150. Landscaping Requirements.
- 14.49E.160. Occupancy Requirements.
- 14.49E.170. Other Requirements.
- 14.49E.180. Existing Agricultural Uses.
- 14.49E.190. Illustrations.

14.49E.010. Purpose and Objectives.

(1) The Villages at Celebration is a residential/commercial mixed use development set in the Lakeview area. This development is located between 1300 North and 2000 North, Geneva Road and Utah Lake. The overall development will contain approximately three hundred fifty acres when fully developed. The development provides a large variety of housing types, ample open space, parks, trails and amenities throughout. A village commercial center may include residential mixed use, retail, office and service uses in a village setting.

(2) A wide assortment of residential dwellings will provide diversity through a mixture of different building types and architectural forms while maintaining an overall architectural design theme. Each residential village will be unique in character meeting the housing needs of various income groups, ages and lifestyles.

(3) The standards set forth herein are intended to encourage pedestrian movement within the neighborhoods and to reduce automobile use from residential areas to village commercial uses. The commercial element will be designed to encourage a wide variety of retail and service uses on a smaller scale that would meet the needs of the surrounding neighborhoods and those in the general area. (Enacted 2009-36)

14.49E.020. Compliance with Other Provisions Required.

In addition to the specific development standards contained in this chapter, land areas placed in the Villages at Celebration (SDP-5) zone shall conform to:

- (1) the general criteria and enabling provisions contained in Chapter 14.49, Provo City Code; and
- (2) applicable provisions of Titles 14 and 15, Provo City Code. (Enacted 2009-36)

14.49E.030. Permitted Uses.

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

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (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 zeros.

(3) All such categories listed herein and all specific uses contained within the Standard Land Use Code will be permitted in the Villages at Celebration Mixed Use Specific Development Plan Overlay Zone (SDP-5) subject to the limitations set forth herein.

(4) Permitted Principal Uses. The following principal uses and structures, and no others, are permitted within the designated villages as described. Commercial uses are permitted within the Village Town Center (Village 6) only:

(a) Residential Uses. All residential uses are specifically allowed in the individual Villages as designated below. No accessory units or apartments are permitted.

Use	Use
No.	Classification

1111	One family dwelling, detached
1112	One family dwelling, attached (three (3) to five (5) units attached)
1113	One family dwelling, attached (dwelling units must be above /over the commercial)
1150	Multi-family (contains twelve units)

7600 Parks (includes play fields, tot lots, etc.)

(b) Commercial Uses. All commercial uses are permitted in the Town Center (Village 6) only. All uses must be conducted within an enclosed building, except uses that are customarily conducted outdoors. Individual buildings within the center shall be limited to ground floor foot prints no larger than fifteen thousand (15,000) square feet, except as approved by the Planning Commission through the issuance of a conditional use permit.

Use No.	Use Classification
5390	Other retail trade - general merchandise
5400	Food
5600	Apparel
5700	Furniture, home furnishings and equipment (retail only)
5810	Eating places
5910	Drug stores, pharmacy
5931	Antiques
5932	Secondhand clothing, furniture and books
5937	Stamp and coin collectors
5940	Books, stationery, art and hobby supplies
5950	Sporting goods, bicycles and toys
5969	Garden supplies, includes garden centers
5970	Jewelry
5990	Misc. retail trade
6100	Finance, insurance and real estate services (except 6123 Pawn brokers, 6124 Bail bonds)
6200	Personal service (except 6240 Funeral Parlor, cemeteries and crematory services, 6290 personal services, NEC)
6330	Duplicating, mailing, stenographic and office services (except telemarketing)
6340	Dwelling and other building services
6350	News services
6360	Employment services
6395	Photo finishing services
6510	Professional services (except 6515 Behavior drug and alcohol treatment centers, 6516 Sanitariums, convalescent and rest home services)
6710	Executive, legislative and judicial functions (except military operations)
6720	Police and fire protection services
6730	Postal services
6815	Day nursery - child care centers
6911	Churches
6930	Business, professional and labor organizations and services
6990	Misc. services
7110	Cultural activities
7190	Cultural activities and nature exhibitions, NEC
7211	Amphitheaters
7212	Motion picture theaters (indoors)
7214	Legitimate theaters
7234	Civic theaters and halls

(5) Permitted Accessory Uses (Villages 1-5). Accessory uses and structures are permitted in residential villages 1-5 provided they are incidental to, and do not substantially alter the character of the permitted principal uses or structures. Such permitted accessory uses and structures include, but are not limited to the following:

(a) Accessory buildings such as garages, carports, bath houses, 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 and noncommercial orchards;

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

(e) Storage of materials used for construction of 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 there shall be no more than two (2) such pets over the age of four (4) months per dwelling unit. 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. (Enacted 2009-36)

14.49E.040. Architectural Design and Control.

(1) Prior to approval and issuance of any building permits, the overall architectural design theme, exterior building materials, elevations, landscaping and colors to be used within the Villages at Celebration shall be approved by the Provo City Design Review Committee as set forth in Chapter 14.04A, Provo City Code. The following design criteria shall be followed:

(a) The following architectural styles, and no others, may be used within the Villages at Celebration: colonial, cottage, country, craftsman, farmhouse, French country, prairie, ranch and Tudor.

(b) At least three or more design elements must be carried throughout the entire Villages at Celebration.

(c) No vinyl or aluminum siding may be used, except for soffits, gutters, and window trim unless the Design Review Committee approves other design features as part of an element of the overall design.

(d) Exterior building materials may consist only of stucco, stone, brick, Hardiboard siding, wood trim, composition roofing, and other design features which are part of an element of the overall design approved by the Design Review Committee.

(2) In Village 1 there shall be a minimum of ten (10) different elevations and floor plans to provide a variety in housing styles and no similar elevations may be located adjacent to each other. (Enacted 2009-36)

14.49E.050. One Family Homes at Celebration (Village 1).

Villages comprising of subdivision lots for one-family detached dwellings shall be classified as Village 1 (V1) and are subject to the following regulations:

(1) Lot Area. The minimum area of any lot or parcel of land shall be as indicated by the subzone used in conjunction with a designation. Subzones shall be designated by adding a suffix number to an area developed into subdivision lots. The suffix number shall be the minimum square lot area for the sub zone as follows:

(a) V1.5: five thousand (5,000) square feet in area

- (b) V1.6: six thousand (6,000) square feet in area
- (c) V1.8: eight thousand (8,000) square feet in area, and
- (d) V1.10: ten thousand (10,000) square feet in area.

(2) Lot Width. Each lot or parcel of land within a Village 1 (V1) designation, except corner lots, shall have a width of not less than the following for the subzone in which said lot or parcel of land is situated. Corner lots shall be ten (10) feet wider than interior lots. Widths shall be measured at the interior side of the front yard setback line.

- (a) V1.5: fifty-three (53) feet wide
- (b) V1.6: sixty (60) feet wide
- (c) V1.8: eighty (80) feet wide, and
- (d) V1.10: ninety (90) feet wide.

(3) Lot Depth. Each lot or parcel of land within a V1 designations shall have a minimum lot depth of ninety (90) feet.

(4) Lot Frontage. Each lot or parcel of land within a V1 designations shall abut a street for a minimum distance of thirty-five (35) feet. No residential structure may front on an arterial or collector street.

(5) Lot Area Per Dwelling. Not more than one (1) one-family dwelling may be placed upon a lot, building pad, or parcel of land in the Village 1 (V1) development of the Villages at Celebration SDP.

(6) Yard Requirements. The following minimum yard requirements shall apply in a Village 1 (V1) development of the Villages at Celebration SDP:

- (a) Villages 1.5 (V1.5) and Villages 1.6 (V1.6).

(i) The minimum depth of a front yard shall be a minimum of fifteen (15) feet and a maximum of twenty-two (22) feet. Notwithstanding a lesser setback for the main building, garages, whether attached or not which are front loading to a public or private street, shall be setback at least twenty-six (26) feet from the property line to ensure a twenty (20) foot driveway depth, measured from the back of the sidewalk.

(ii) The minimum depth of a rear yard shall be fifteen (15) feet where dwellings have front-loading garages. If a dwelling has an alley-loading garage, then the garage shall be setback at least twenty (20) feet from the property line or shall be located within five (5) feet of said property line.

(iii) The minimum depth of a side yard shall be five (5) feet on one (1) side and eight (8) feet on the other side which shall be designated as a public utility easement. On a corner lot, a side yard contiguous to a street shall not be less than fifteen (15) feet wide and shall not be used for vehicle parking, except any portion devoted to driveway use for access to a garage or carport.

- (b) Villages 1.8 (V1.8) and Villages 1.10 (V1.10).

(i) The minimum depth of a front or rear yard shall be a minimum of fifteen (15) feet and a maximum of twenty-two (22) feet. Notwithstanding a lesser setback for the main building, garages, whether attached or not, shall be setback at least twenty-six (26) feet from the property line when necessary to ensure a twenty (20) foot driveway depth, measured from the back of sidewalks.

(ii) The minimum depth of a side yard shall be eight (8) feet. On a corner lot, a side yard contiguous to a street shall not be less than fifteen (15) feet and shall not be used for vehicle parking, except any portion devoted to driveway use for access to a garage or carport.

(iii) Within the buildable area, an accessory building meeting all setback requirements (within the buildable area) for the 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 International Building Code,

(D) only be used for those accessory uses allowed in the respective zone, and

(E) maintain architecturally similar material and colors with the main building.

(iv) An accessory building that does not meet the setback requirements (outside the buildable area) for the main dwelling shall meet the conditions in Subsection (iii) above and shall:

(A) be no closer to the front property line than the main building.

(B) be no larger than ten (10) percent of the actual lot area of said 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 can be secured from all public utilities,

(E) have no portion of the building exceed 12 feet in height within 10 feet of a property line,

(F) not be located within a front or street side yard,

(G) comply with distance between buildings requirements, and

(H) maintain architecturally similar material and colors with main building.

(7) Projections into Yards.

(a) The following structures maybe erected on or project into any required yard:

- (i) fences and walls in conformance with 14.49E.130;
- (ii) landscape elements including trees, shrubs, and other plants; and
- (iii) necessary appurtenances for utility services.

(b) The structures listed below may project into a yard setback not more than two (2) feet:

- (i) cornices, eaves, belt courses, sills, buttresses, or other similar architectural features,
- (ii) fireplace structures and bays, provided that they are not wider than eight (8) feet, measured generally parallel to the wall of which they are a part, and
- (iii) Stairways, balconies, door stoops, fire escapes, awnings and planting boxes or masonry planter not exceeding twenty-four (24) inches in height.

(c) A covered deck not more than one (1) story in height may project into a rear yard twelve (12) feet if open on three (3) sides.

(8) Building Height. No lot or parcel of land in a Village 1 (V1) designation shall have a building which exceeds a maximum height of thirty-five (35) feet, measured at each building facade individually, except that the front elevation shall not exceed thirty (30) feet as defined in this title.

(9) Permissible Lot Coverage.

(a) All buildings, including accessory buildings and structures, shall not cover more than forty (40) percent of the area of the lot or parcel of land.

(b) At least forty (40) percent of the area of any lot shall be maintained in landscaping as defined in Section 15.20.040, Provo City Code.

(c) Permitted accessory structures shall not be located in a front or side yard.

(10) Parking, Loading and Access.

(a) Each lot shall have, on the same lot, a minimum of two (2) off-street parking spaces within an enclosed garage. The

garage shall have a minimum interior width and length of twenty (20) feet.

(b) Said spaces shall be paved with concrete and shall be provided with a paved driveway from a street or alley as defined in Section 14.37, Provo City Code.

(c) Except for tandem parking on a driveway as provided in Subsection 14.37.080(1)(c)(i), Provo City Code, no parking spaces shall be provided within the front yard setback.

(d) The total area of all parking spaces on a lot (including a garage and uncovered parking slabs) and associated access lanes shall cover not more than thirty (30) percent of the lot.

(e) No property may have driveway access to an arterial or collector street.

(f) Recreational vehicles shall be stored and parked only within an enclosed structure.

(11) **Minimum Finished Floor Area Requirement.** All one-family detached dwellings shall have a minimum finished floor area (exclusive of garage) as indicated below:

- (a) V1.5: 1,100 square feet
- (b) V1.6: 1,200 square feet
- (c) V1.8: 1,500 square feet, and
- (d) V1.10: 1,750 square feet.

(Enacted 2009-36)

14.49E.060. Mansion Homes at Celebration (Village 2).

Villages comprising one-family attached dwellings (three [3] units attached) shall be classified as Village 2 (V2). These structures architecturally shall be designed to appear as a large home. Village 2 development shall be subject to the following regulations:

(1) **Yard Requirements.** The following minimum yard requirements shall apply in the Village 2 (V2) developments of the Villages at Celebration SDP.

(a) The minimum depth of the front yard shall be fifteen (15) feet.

(b) Each structure shall have alley-loading garages. The garage portion of the structure shall be setback at least twenty (20) feet from the rear property line or shall be located within five (5) feet of said property line. Except for the garage, the minimum rear yard depth shall be fifteen (15) feet.

(c) The minimum width of a side yard shall be fifteen (15) feet.

(2) **Distance Between Buildings.** The distance between main buildings shall be fifteen (15) feet.

(3) **Building Height.** No structure in a Village 2 (V2) designation shall have a building which exceeds a maximum height of thirty-five (35) feet, measured at each building facade, except that the front elevation shall not exceed thirty (30) feet as defined in this title.

(4) **Parking, Loading and Access.**

(a) Each structure shall have a minimum of two (2) off-street parking spaces within an enclosed garage for each unit. The garage shall have a minimum interior width and length of twenty (20) feet.

(b) Said spaces shall be paved with concrete and shall be provided with a paved driveway from a street or alley as defined in Chapter 14.37, Provo City Code.

(c) Except for tandem parking on a driveway as provided in Subsection 14.37.080(1)(c)(i), Provo City Code, no parking spaces shall be provided within a front yard setback.

(d) No structure may have driveway access to an arterial or collector street.

(e) Visitor parking shall be provided at one (1) space per three (3) dwelling units.

(f) Recreational vehicles shall be stored and parked only within an enclosed structure.

(5) **Minimum Finished Floor Area Requirement.** All one-family attached dwellings shall have a minimum finished floor area (exclusive of garages) of at least one thousand two hundred (1,200) square feet. (Enacted 2009-36)

14.49E.070. Courtyard Town Homes at Celebration (Village 3).

Villages comprising of one-family attached dwellings (three [3] to five [5] units attached) shall be classified as Village 3 (V3). These structures shall be three (3) story attached one-family dwellings with garage access from an alley. The dwelling units shall be developed in a courtyard design with buildings facing one another along a pedestrian courtyard. Patio spaces shall be developed for each dwelling unit along the pedestrian courtyard. See illustrations in Section 14.49E.190 of this chapter. Village 3 development shall be subject to the following regulations.

(1) **Yard Requirements.** The following minimum yard requirements shall apply in Village 3 (V3) development of the Villages at Celebration SDP.

(a) The minimum depth of a front yard shall be fifteen (15) feet.

(b) These structures shall have alley-loading garages. The garage portion of the structure shall be setback at least twenty (20) feet from the rear property line or shall be located within five (5) feet of such property line. Except for a garage, the minimum depth of a rear yard shall be fifteen (15) feet.

(c) The minimum depth of a side yard on a corner shall be fifteen (15) feet.

(2) **Distance Between Buildings.** The distance between buildings shall be fifteen (15) feet.

(3) **Building Height.** No structure in a Village 3 (V3) designation shall have a building which exceeds a maximum height of thirty-five (35) feet, measured at each building facade, except that the front elevation shall not exceed thirty (30) feet as defined by this title.

(4) **Parking, Loading and Access.**

(a) Each structure shall have a minimum of two (2) off-street parking spaces within an enclosed garage per unit. The garage shall have a minimum interior width and length of twenty (20) feet.

(b) Parking spaces shall be paved with concrete and shall be provided with a paved driveway from a street or alley as defined in Chapter 14.37, Provo City Code.

(c) Except for tandem parking on a driveway as provided in Subsection 14.37.080(1)(c)(i), Provo City Code, no parking spaces shall be provided within a front yard setback.

(d) No structure may have driveway access to an arterial or collector street.

(e) Visitor parking shall be provided at one (1) space per three (3) dwelling units.

(f) Recreational vehicles shall be stored and parked only within an enclosed structure.

(5) **Minimum Finished Floor Area Requirement.** All one-family attached dwellings shall have a minimum finished floor area (exclusive of garages) of at least one thousand two hundred (1,200) square feet. (Enacted 2009-36)

14.49E.080. Urban Town Homes at Celebration (Village 4).

Village 4 consists of one-family attached dwellings (three [3] to four [4] units attached) shall be classified as Village 4 (V4) similar to the courtyard town homes, with the exception courtyard provisions. Village 4 development shall be subject to the following regulations.

(1) **Yard Requirements.** The following minimum yard requirements shall apply in Village 4 (V4) development of the Villages at Celebration SDP.

(a) The minimum depth of a front yard shall be fifteen (15) feet.

(b) These structures shall have alley-loading garages. The garage portion of the structure shall be setback at least twenty (20) feet from the rear property line or shall be located within five (5) feet of such property line. Except for a garage, the minimum depth of a rear yard shall be fifteen (15) feet.

(c) The minimum depth of a side yard on a corner shall be fifteen (15) feet.

(2) **Distance Between Buildings.** The distance between buildings shall be fifteen (15) feet.

(3) **Building Height.** No structure in the Village 4 (V4) designation shall have a building which exceeds a maximum height of thirty-five (35) feet, measured at each building facade individually, except that the front elevation shall not exceed thirty (30) feet as defined by this title.

(4) **Parking, Loading and Access.**

(a) Each structure shall have a minimum of two (2) off-street parking spaces within an enclosed garage per unit. The garage shall have a minimum interior width and length of twenty (20) feet.

(b) Such spaces shall be paved with concrete and shall be provided with a paved driveway from a street or alley as defined in Chapter 14.37, Provo City Code.

(c) Except for tandem parking on a driveway as provided in Subsection 14.37.080(1)(c)(i), Provo City Code, no parking spaces shall be provided within a front yard setback.

(d) No structure may have driveway access to an arterial or collector street.

(e) Visitor parking shall be provided at one (1) space per three (3) dwelling units.

(f) Recreational vehicles shall be stored and parked only within an enclosed structure.

(5) **Minimum Finished Floor Area Requirement.** All one-family attached dwellings shall have a minimum finished floor area (exclusive of garages) of at least one thousand two hundred (1,200) square feet. (Enacted 2009-36)

14.49E.090. Town Center Residential at Celebration.

Village 5 (V5) consists of multi-family structures (twelve-plexes) adjacent to the Village Town Center. These units shall be designed to provide affordable home ownership for young families, singles, and retired persons.

(1) **Yard Requirements.** The following minimum yard requirements shall apply in the Village 5 (V5) development of the Villages at Celebration SDP.

(a) The minimum depth of a front yard shall be twenty-five (25) feet.

(b) The minimum depth of a rear yard shall be five (5) feet.

(c) The minimum depth of a side yard on a corner shall be fifteen (15) feet.

(2) **Distance Between Buildings.** The distance between buildings shall be twenty (20) feet.

(3) **Building Height.** No structure in a Village 5 (V5) designation shall have a building which exceeds a maximum height of forty (40) feet, measured at each building facade, except that the front elevation shall not exceed thirty-five (35) feet as defined in this title. In no case shall a building exceed three (3) stories in height.

(4) **Parking, Loading and Access.**

(a) A minimum of two (2) parking spaces per unit shall be provided for all units.

(b) Such spaces shall be paved with asphaltic cement or concrete and shall be provided with a paved access from a public street or alley.

(c) No parking spaces shall be provided in a front yard setback.

(d) No structure may have driveway access to an arterial or collector street.

(e) Visitor parking of one (1) space per three units shall be required.

(f) Recreational vehicles shall be stored and parked only within an enclosed structure.

(5) **Minimum Finished Floor Area Requirement.** All attached dwellings shall have a minimum finished floor area of at least nine hundred (900) square feet. (Enacted 2009-36)

14.49E.100. Village Town Center at Celebration (Village 6).

The Village Town Center (V6) shall be comprised of retail and office uses that are architecturally compatible with the Villages within the development. The center is not intended for "big box" type retailers, but is intended to promote smaller retailers and office units. Individual buildings within the center shall be limited to ground floor footprints no larger than fifteen thousand (15,000) square feet, except as approved by the Planning Commission through the issuance of a conditional use permit. Manufacturing uses or other uses that would encourage heavy vehicle traffic into the area shall be prohibited. Buildings with street frontages shall have a front facade.

(1) **Yard Requirements.** The following minimum yard requirements shall apply in the Village 6 (V6) development of the Villages at Celebration SDP:

(a) The maximum depth of a front yard shall be ten (10) feet for any building fronting on a public street.

(b) The minimum depth of a rear yard shall be ten (10) feet for any building fronting on a public street.

(c) The minimum depth of a side yard on a corner shall be ten (10) feet.

(2) **Distance Between Buildings.** The distance between buildings shall be determined by the International Building Code.

(3) **Building Height.** No structure in the Village 6 (V6) designation shall have a building which exceeds a maximum height of thirty-five (35) feet, measured at each building facade, except that the front elevation shall not exceed thirty (30) feet as defined in this title. In no case shall a building exceed two (2) stories in height.

(4) **Parking, Loading and Access.**

(a) Parking shall be required for all retail and office uses at one (1) space per two hundred (200) square feet of gross floor area. All parking spaces shall be located within the interior of the center and not within the yard setback areas.

(b) Such spaces shall be paved with asphaltic cement or concrete and shall be provided with a paved access from a public street or alley.

(c) Parking spaces shall be maintained as set forth in Section 14.37.090, Provo City Code.

(d) All parking spaces shall be designed as set forth in 14.37.100 Provo City Code.

(e) Disabled parking spaces shall be provided and designed as set forth in Section 14.37.110, Provo City Code.

(f) The parking spaces located within the town center may be used by visitors of the adjacent residential villages after closing of normal business hours if the business owners association so permits through a permitting process. Any vehicles parked in these parking areas overnight shall be removed prior to the opening of normal business hours. Signs shall be required to be posted regulating the parking standards. Storage or parking of recreational or inoperable vehicles shall not be permitted. (Enacted 2009-36)

14.49E.110. Parks and Open Space.

The Villages at Celebration have been designed providing several parks and open space throughout the development. Parks and open space shall be installed as the individual phases are developed within one (1) year of the approval of a final plat. All parks and open spaces shall be considered as private and shall be maintained through a Village homeowner's association. Any parks and open space dedicated to and accepted by Provo City shall be maintained by Provo City. Amenities such as ball parks, play areas, tot lots, amphitheaters, water features, fountains, statues, flower gardens, sports courts, and other features are permitted as accessory uses. Trails shall be paved at a minimum width of six (6) feet. All landscaping shall comply with the requirements in Section 14.49E.140 of this chapter. (Enacted 2009-36)

14.49E.120. Project Plan Review-Design Standards.

(1) Pursuant to Section 14.49.070(3), Provo City Code, the design of development within the Villages at Celebration SDP-5 zone shall meet the requirements of Section 14.34.280(3), Provo City Code. Such development design shall also conform to requirements set forth in the Villages at Celebration Design Standards Manual. Such manual shall:

- (a) establish:
 - (i) an architectural design theme, building materials, typical elevations, and colors for the Villages at Celebration; and
 - (ii) coordinated and detailed standards for construction of roadways, buildings, parking areas, landscaping, signage, and lighting within the Villages at Celebration SDP-5 zone; and
- (b) be adopted by the Municipal Council by reference after first receiving a recommendation from the Planning Commission and Design Review Committee.

(2) Subject to the requirements set forth in Subsection (1)(a) of this section, development within the Villages at Celebration shall be approved by the Design Review Committee as set forth in Chapter 14.04A, Provo City Code, as part of a final plan approval process for each phase before the issuance of any building permits. All structures shall contain a minimum of three (3) design elements as approved by the Design Review Committee. (Enacted 2009-36)

14.49E.130. Fences, Walls, Entry Treatments.

(1) Fence Design and Materials. All fencing and wall design and materials shall be approved by the Design Review Committee.

(a) Typical lot fencing includes all lot fencing for one-family detached lots (Village 1 all inclusive) except where a yard is adjacent to a collector or arterial street.

(b) The design of fencing adjacent to a collector or arterial street, except Geneva Road, shall be comprised of solid vinyl fence elements and shall include a pillar constructed of masonry or stone a minimum every twenty (20) feet. A pillar may extend up to eighteen (18) inches above the allowable height of a fence.

(c) Fencing along Geneva Road adjacent to residential lots shall be constructed of brick, stone or a combination thereof as approved by the Design Review Committee. The fence shall be coated with a graffiti resistant material and installed by the developer with the appropriate phase that fronts on Geneva Road. This fence shall be six (6) feet in height.

(2) Fences and Walls.

(a) No fence or wall shall create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City Traffic Engineer.

(b) No fence or wall may exceed three (3) feet in height in any required front yard setback.

(c) Fences or walls may be constructed to a maximum height of six (6) feet.

(d) Walls and fences in a rear yard shall be a maximum of six (6) feet in height.

(3) Village Entrance Treatments. Entry wall or fence treatments to village entrances may not exceed six (6) feet at the highest point, except lamps on pillars, and shall comply with the provisions of Section 14.34.100, Provo City Code. A pillar may extend up to eighteen (18) inches above the allowable height of a fence or wall provided each pillar is no less than six (6) feet from an adjoining pillar, measured face to face.

(4) Materials. All fencing shall be constructed of vinyl unless other materials are approved by the Design Review Committee or as provided in this chapter. The type of fencing should be consistent throughout an individual village. The color used throughout the community shall be consistent and determined at the time of final plat approval by the Design Review Committee and the Planning Commission. Pillars shall be constructed of a consistent masonry or stone material that will contribute to the overall project. (Enacted 2009-36)

14.49E140. Signs.

Unless otherwise prohibited by law, signs of the type and description listed below, and no others, may be placed on private property to which they pertain.

(1) Villages 1-5.

(a) One (1) name plate not exceeding two (2) square feet in area and displaying only the name and address of the occupant on the wall of the building.

(b) One (1) temporary sign with a maximum area of six (6) square feet each, pertaining to the sale, lease, or rent of the particular building, property, or premises upon which it is displayed. No sign is permitted in a street right-of-way, including landscaped planter strips.

(c) One (1) monument sign may be erected at the entrance of each of each village not exceeding thirty-two (32) square feet placed upon an ornamental masonry wall which identifies a minimum of the name and/or address of the village or group of buildings. The sign shall be architecturally compatible as approved by the Design Review Committee.

(2) Village Town Center (Village 6).

(a) One (1) freestanding sign not to exceed twenty (20) feet in height may be located at the entrance of a commercial center. Said sign shall conform with the following provisions:

(i) The area of the sign shall be in accordance with the provisions of Table 2, Section 14.38.130, Provo City Code. The name of the center shall be displayed on the sign. The name of one (1) or more of the tenants or business establishments in said shopping center may be displayed on said signs.

(ii) No such sign shall project over any property line nor more than five (5) feet into any required front yard.

(iii) Said signs may be lighted with interior or exterior soft lighting.

(iv) Twenty-five (25) percent of the sign may include electronic messages. No messages or material may rotate or flash any greater than eight (8) revolutions per minute.

(iv) If a sign is located where a pedestrian can walk directly beneath the sign, the bottom of the sign cabinet shall be at least eight (8) feet above the ground.

(b) Each business establishment or tenant of the Village Town Center may have wall signs in conformance with the following:

(i) The sign area shall as provided on Table 3, Section 14.38.140, Provo City Code.

(ii) There may be one (1) wall sign for the front face of each business or tenant. There may, in addition, be one (1) sign for each business establishment or tenant having a rear building face with a public entrance.

(iii) No part of a wall sign shall extend above the top level of a wall upon or in front of which it is situated.

(iv) No sign, including any light box or structural part, shall project more than eighteen (18) inches from the face of the building to which it is attached. Copy shall not be permitted on the sides of any such sign.

(c) All signs shall be architecturally compatible with design elements, materials, colors, and design themes approved by the Design Review Committee.

(d) Special purposes signs as described in Section 14.38.050, Provo City Code, may be permitted. Community signs may be erected for the purpose of providing information, such as trail access, directional, and other similar signage as necessary for the movement of pedestrians or for general information purposes for the community. These signs may not exceed three (3) feet in height or be larger than twelve (12) square feet in area and shall be architecturally compatible.

(e) One (1) flag or banner no larger than two (2) feet by three (3) feet may be attached to a utility pole for the purpose of displaying seasonal activities relating to holidays or special events that relate to the development and not individual businesses or advertising of retail merchandise. The Community Development Department shall review and approve these signs prior to installation of said signs. Written permission shall be granted by the utility company if placed on a utility pole. A building permit shall be required if a new pole is to be installed. There must be a clearance of a minimum of eight (8) feet below the sign from the ground. (Enacted 2009-36)

14.49E.150. Landscaping Requirements.

A detailed landscaping plan shall be approved by the Design Review Committee prior to the approval of any final plat. The requirements of this section shall apply in addition to other requirements of Chapter 15.20, Provo City Code.

(1) Villages 1-5. The requirements of this section shall apply to Villages 1-5 in addition to other applicable requirements of Chapter 15.20, Provo City Code.

(a) All open areas except driveways, parking areas, walkways, utility areas, decks, patios, porches, etc., shall be landscaped with plants, shrubs, trees, grass, and similar materials.

(b) A minimum of two (2), one and one-half (1½) inch caliper deciduous trees or six (6) foot tall evergreen trees, and four (4), five (5) gallon shrubs shall be planted for each lot or pad in a subdivision or village, as well as building foundation planting of appropriate shrubs, flowers, or ground covers. In areas where grass is designated, sod shall be installed.

(c) The developer shall install landscaping in each front and side yard including a sprinkler system for all V1.5 and V1.6 lots prior to occupancy of the structure if weather permitting or bond for the installation of the landscaping as required in Section 15.20.130, Provo City Code, including the landscaping of the street planter strip.

(d) The owner of any all V1.8 and V1.10 lots shall install landscaping and a sprinkler system as required by Chapter 15.20, Provo City Code, meeting the above requirements.

(e) All parking lots shall be landscaped as provided in Section 15.20.090, Provo City Code.

(f) The developer shall install landscaping and sprinkler systems for all V2-5 Villages prior to occupancy of any structures.

(2) Village Town Center.

(a) A minimum of fifteen (15), two (2) inch calipers deciduous or six (6) foot evergreen trees per acre or any combination thereof shall be installed in the Village Town Center. All shrubs shall be five (5) gallon in size.

(b) All parking lots shall be landscaped as provided in Section 15.20.090, Provo City Code.

(c) Chapter 15.20 shall apply where applicable.

(3) Park Strips. All park strips within the Villages at Celebration shall be maintained by a home owners association. Street trees shall be planted in park strips in addition to lawn as provided in Chapter 15.20, Provo City Code.

(4) Parks and Open Space.

(a) Parks and open space shall be landscaped with grass and trees and other landscaping materials as approved by the Design Review Committee.

(b) Parks and open space shall be landscaped by the developer as part of each phase of the development as approved by the Planning Commission.

(c) All amenities indicated on the approved plans shall be installed as part of the phase (Village) as approved.

(d) A minimum of fifteen (15) inch and one-half (1½) inch caliper deciduous or six (6) foot evergreen trees per acre or any combination thereof shall be required to be installed.

(e) All trails shall be a minimum of six (6) feet wide and paved with asphalt or concrete. (Enacted 2009-36)

14.49E.160. Occupancy Requirements.

(a) Each dwelling unit located within the Villages at Celebration may be occupied by a family or three (3) singles as defined in Section 14.06.020, Provo City Code, relative to Lakeview North Neighborhood requirements.

(b) Second kitchens may be permitted in the V1.10 and V1.8 zones if a second kitchen agreement is approved and recorded by Provo City as provided in this title. No second kitchens shall be permitted within the any other portion of the Villages at Celebration development. (Enacted 2009-36)

14.49E.170. Other Requirements.

(1) Home Owners Association - Guarantees and Covenants.

(a) Adequate guarantees and covenants shall be provided for permanent retention and maintenance of all parks, open space, trails, and other amenities owned in common within the Villages at Celebration development. No final plat may be approved until restrictive covenants have been submitted to and approved by the Community Development Department. Said guarantees shall include the following:

(i) A home owner's association for the entire development shall be created.

(ii) The care and maintenance of the area within any 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 Villages at Celebration. 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.

(iii) Maintenance of open space reservations shall be managed by a person, partnership, or corporate entity which has adequate expertise and experience in property

management to assure that maintenance is accomplished efficiently and at a high standard of quality.

(b) Parking and occupancy requirements, association funds, and establishment of maintenance estimates and funds shall be disclosed prior to any purchase of property within the development.

(c) Ongoing maintenance fees that will be assessed prior to the purchase or lease of property shall be disclosed.

(2) Recreational Vehicle Storage. Recreational vehicles shall be stored and parked only within an enclosed structure.

(3) Trash Storage.

(a) Refuse bins (dumpster) shall be stored in a screened enclosure which has a six (6) foot masonry wall or vinyl fence and which is architecturally compatible in style and materials with the character of the development. Such structures may not be located in a front yard setback.

(b) Storage of trash, abandoned, wrecked, or junked vehicles shall be prohibited. Storage of miscellaneous materials shall conform to the requirements of Section 14.34.080, Provo City Code.

(4) Outdoor Lighting. All outdoor lighting shall comply with Section 15.21, Provo City Code, where applicable. The Design Review Committee shall approve all outdoor lighting elements.

(5) Transitional Development Standards. Where a commercial structure is located adjacent to residential property, the requirements of Chapter 14.34.300, Provo City Code, shall apply. (Enacted 2009-36)

14.49E.180. Existing Agricultural Uses.

Recognizing agricultural uses exist within the designated Villages at Celebration Specific Development zone, any use legally established as of the effective date of this chapter shall be deemed a permitted conforming use and may be continued pursuant to the Utah County zoning provisions existing when the property was annexed to the City. Such uses may be continued until the property is developed as part of the Villages at Celebration. At that point, such existing uses shall be deemed legal non-conforming uses. (Enacted 2009-36)

14.49E.190 Illustrations:

The following graphics are provided for illustration purposes only and are representative of the typical architecture that will be found throughout the entire village. All architecture is subject to approval of the Design Review committee:

1. Site Plans and Elevations (Examples)

A. Villages 1 One Family - Alley loaded garage homes



