



**Planning Commission Staff Report  
Ordinance Amendment  
Hearing Date: November 14, 2018**

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**ITEM # 1\* Western Community Crossroads LC requests an Ordinance Text amendment to Section 14.34.350 Recreational Vehicle Storage (Including Boats, Trailers and Recreational Vehicles) and Towing Impound Yards to increase buffering requirements when adjacent to a Residential Zone. City Wide application. PLOTA20180216**

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Applicant: Western Community Crossroads Lc.  
Staff Coordinator: Dustin Wright

Number of Properties: City Wide

\*Council Action Required: Yes

**ALTERNATIVE ACTIONS**

**1. Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings. Any additional changes should be stated with the motion.*

**2. Continue** to a future date to allow staff to draft any recommended changes from the Planning Commission. *The next available meeting date is November 28, 2018, at 6:00 p.m.*

**Current Legal Use:** N/A

**Relevant History:**

In 2015 some changes were made to 14.34.350 that required these uses to be located on arterial or collector streets. At the July 25<sup>th</sup>, 2018 Planning Commission hearing this item was continued to a future date to allow staff to gather additional information. At the September 12, 2018 Planning Commission hearing the item was continued.

**Neighborhood Issues:** A neighborhood chair had questions about State laws for impound yards.

**Summary of Key Issues:**

- Existing impound yards being affected by the amendment.
- Zones allowing tow yards as permitted uses are inconsistent with 14.34.350 which requires a CUP in all zones.
- Proposed standards for towing yards so they could be Permitted Uses in the zones where they are allowed.
- Requirements when the use is adjacent residential zones.

**Staff Recommendation:**

**Recommend Approval** of the proposed ordinance amendment in Attachment 1.

## **OVERVIEW**

The applicant is requesting an amendment to 14.34.350, Recreational Vehicle Storage and Towing Impound Yards, and other applicable code sections related to impound yards. The amendment proposes six foot high fencing on all sides of the lot, a hedge row on all side adjacent to residential uses, an increase from ten feet to 200 feet setback from a residential zone boundary, and removing “gravel road base” as an approved parking area surface.

Section 14.34.350, allows impound yards as a Conditional Use in the CM, M1, M2, and PIC zones. However, in the text of some of those zones, impound yards are listed as Permitted Uses. Additionally, the CG zone includes Impound Yards as a Conditional Use.

Staff has examined the zones that allow recreational vehicle storage areas and tow yards and provided ordinance revisions that would clean up the inconsistencies in the code and establish zones that these uses can be permitted in and outline criteria that would have to be met for approval.

## **FINDINGS OF FACT**

1. 14.34.350 requires a CUP for impound yards in CM, M1, M2, and PIC zones.
2. Standard Land Use Code (SLU Code) 6419 - auto towing service.
3. In M1, M2, CM zones SLU 6400 is a Permitted Use.
4. In PIC, F1, CG zones 6410 is a Conditional Use.
5. 14.34.300 requires transitional standards for incompatible uses adjacent to residential.
6. There are approximately 20 existing towing services in Provo.
7. Three current tow yards are adjacent to residential zones.
8. Four current tow yards are across the street from residential zones.

## **STAFF ANALYSIS**

Provo City Code has a section that identifies zones where impound yards can be and are subject to a CUP. Staff suggests that these could become permitted uses that are subject to meeting a list of requirements that are established to mitigate impacts associated with these uses.

Some of the zones allow impound yards as a Permitted Use which is conflicting with 14.34.350 where it says they need a Conditional Use permit. The proposed ordinance

from staff would clear this up by having 14.34.350 say they are permitted uses subject to outlined criteria being met.

Staff suggests disallowing Impound Yards in the CG Zone. The General Commercial Zone (CG) is the least industrial of the zones listed and it has significant borders with residential zones. Additionally, many of the CG zones are in viable commercial areas.

A number of existing impound yards in the City have been identified. These would become legally non-conforming should any new legislation is passed that they are not compliant with. Staff has identified 16 existing towing yards with 3 being adjacent to residential and 4 across the street from a residential zone. Zoning enforcement has not experienced any issues with the existing lots that are adjacent to residential zones.

The applicant has proposed changing the existing 10-foot setback to a 200-foot setback from residential. Our existing ordinance (Transitional Development Standards 14.34.300) that regulates uses with higher impacts that abut residential zones calls for a 10-foot landscaped buffer. The tow yard ordinance also has a requirement for the 10 foot buffer and staff's recommendation would be to increase it 20 feet so that the required fence would not be too close to a residential property. However, there is a concern that this buffer area could become an unmaintained and an attractive nuisance should the 20-foot, landscaped buffer fall between two fences.

## **CONCLUSIONS**

The applicant has expressed concerns with the existing buffering requirements of impound yards near residential zones. Staff finds that there are inconsistencies in the zoning code related to impound yards and where they are Permitted or Conditional Uses. Staff has proposed ordinance revisions to clean up the inconsistencies and move towards having them be permitted uses subject to meeting established criteria that the Planning Commission feels would mitigate impacts related to these land uses.

## **STAFF RECOMMENDATION**

Recommend Approval of the proposed ordinance amendment in Attachment 1.

## **ATTACHMENTS**

1. Staff's Proposed Text Amendment
2. Applicant's Proposed Text Amendment

## **Attachment 1**

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

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Subject to the standards set forth in Subsections (1) through (97) of this Section ~~and the standards for a conditional use permit set forth in Section 14.02.040, Provo City Code~~, storage of recreational vehicles shall be allowed as a permitted use in A1 zones and towing impound yards shall be allowed as a ~~conditional~~ **permitted** use in CM, M1, M2, **FI** and PIC zones. ~~The Planning Commission shall consider the circumstances of existing surrounding land uses and existing improvements when applying these standards. Where circumstances warrant it, the Commission may apply the most restrictive standards, subject to making findings justifying such application.~~

(1) Every recreational vehicle storage area and towing impound yard shall be screened on ~~one (1) or more~~ **all** sides ~~(as determined by the Planning Commission)~~ by an opaque wall or fence **that meets the requirements of this Subsection.**

(a) Fence **or wall** height shall be at least eight (8) feet for recreational vehicle storage areas and at least six (6) feet for towing impound yards. Fence height may be shorter ~~than~~ if built upon a permanent landscaped berm, and the combined height of the berm and fence meets the requirements of this Subsection.

(~~a~~**b**) Fencing **material** appropriate to the area shall be utilized. ~~This may~~ **shall be** include “Beauty Link” chain link, wood, **masonry, or composite fence material.** ~~decorative block, or brick~~ **Vinyl fencing shall not be permitted.**

(c) **A masonry wall shall be required if located adjacent to a residential zone.**

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

(2) ~~The front yard setback~~ **Required yards in the underlying zone** shall be landscaped with some combination of trees, shrubs, hedgerows, ~~and~~ turf, **ground covers, organic mulches, decorative stone, and native plants.** Preference shall be given to drought resistant native species. Landscaping shall be irrigated and permanently maintained.

(3) When adjoining a residential zone boundary, a minimum ~~ten~~ **twenty** (40**20**) foot landscaped setback ~~may~~ **shall** be required from the residential zone boundary. The landscaped ~~yard~~ **setback** shall be located between the property or zone boundary line and the ~~fence-wall~~. **Landscape buffer requirements of 15.20.110 shall be followed.**

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

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

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

~~(7) Sites adjoining existing residential development may not be appropriate for the land uses permitted by this Section. The Commission shall consider the circumstances of surrounding land uses, and area circulation in making a decision regarding a conditional use permit. It shall be the intent of these standards to discourage recreational vehicle storage areas and towing impound yards from drawing undue attention through signage, lighting, etc.~~ **If the site is adjacent to a residential zone, only one (1) towing company may operate from the site. If the site is not adjacent to a residential zone, up to three (3) towing companies may operate from the site.**

~~(8) Upon review by the Planning Commission, the Commission may allow up to thirty percent (30%) of a developed project to be fully enclosed or partially enclosed storage structures for the purpose of storing recreational vehicles.~~

## Chapter 14.24 CM - Heavy Commercial Zone

### 14.24.020(4) Permitted Principal Uses

(c) The following uses shall be permitted in the CM zone ~~without stipulation~~:

4600 Automobile Parking (**4603 – Recreational vehicle storage yards, subject to 14.34.350**)

6400 Repair services (6419 – Auto towing impound yards, subject to 14.34.350)

**Chapter 14.27**  
**M1 - Light Manufacturing Zone.**

14.27.020(4) Permitted Principal Uses

4600 Automobile Parking (4603 – Recreational vehicle storage yards, subject to 14.34.350)

6400 - Repair services (except blacksmiths and horse shoeing), (6419 – Auto towing yards, subject to 14.34.350)

**Chapter 14.28**  
**M2 - Heavy Manufacturing Zone.**

14.28.020(4) Permitted Principal Uses

4600 Automobile Parking (4603 – Recreational vehicle storage yards, subject to 14.34.350)

6400 - Repair services (except blacksmiths and horse shoeing), (6419 – Auto towing yards, subject to 14.34.350)

**Chapter 14.29**  
**PIC - Planned Industrial Commercial Zone.**

14.29.020(4) Permitted Principal Uses

4603 – Recreational vehicle storage yards, subject to 14.34.350)

6400 - Repair services (except 6410 automobile repair and related services – see conditional uses and 6499 horse shoeing), (6419 –Auto towing yards, subject to 14.34.350)

14.29.020(6) Conditional Uses

6410 - Automobile repair and related services (6419 - Auto towing yards – see permitted uses)

**Chapter 14.22**  
**CG - General Commercial Zone**

14.22.020(6) Conditional Uses

~~4600 – Surface Parking lot (surface parking only)~~

6419 - Automobile services, ~~except~~ (but not repair, and wash (motor clinics), recreational vehicle storage, or auto towing yards.)

**Chapter 14.27A**  
**FI - Freeway Industrial Zone.**

14.27A.020(4) Permitted Principal Uses

4603 Recreational vehicle storage yards, subject to 14.34.350)

6419 – Recreational vehicle storage and auto towing yards, subject to 14.34.350

14.27A.020(6) Conditional Uses

6400 - Repair services (indoors only, no outdoor storage except uses subject to Section 14.34.240, Provo City Code ), (For 6419 - Auto towing yards – see permitted uses)

**Chapter 14.08**  
**A1 - Agricultural Zone.**

14.08.020(4) Permitted Uses.

4603 – Recreational Vehicle Storage only, subject to 14.34.350

**Attachment 2**

**14.34.350. Recreational Vehicle Storage (Includes Boats, Trailers, and**

## **Recreational Vehicles) and Towing Impound Yards.**

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

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

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

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

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

(3) When adjoining a residential zone boundary, a minimum ~~ten (10) foot landscaped~~ **two hundred (200) foot** setback ~~may~~ **shall** be required from the residential zone boundary. The landscaped yard shall be located between the property or zone boundary line and the fence.

(4) All parking areas shall be graded, drained, and improved with ~~gravel road base material,~~ concrete, or asphaltic cement. The driveway from the street shall be paved with asphaltic cement or concrete.



~~Gravel parking areas shall be maintained in a weed-free condition.~~

(5) One (1) on-premises sign shall be permitted per street frontage in the front or side yard setback.

Said sign shall be no higher than five (5) feet, and no more than thirty-two (32) square feet in area.

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

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

(8) Upon review by the Planning Commission, the Commission may allow up to thirty percent (30%) of a developed project to be fully enclosed or partially enclosed storage structures for the purpose of storing recreational vehicles.