

Provo City Planning Commission

# Report of Action

January 17, 2024

---

\*ITEM 4 Development Services requests Ordinance Text Amendments to various sections of Title 6 and Title 14 in order to fix errors and clarify standards. Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20230322.

---

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 17, 2024:

## RECOMMENDED APPROVAL

On a vote of 9:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Andrew South

Second By: Raleen Wahlin

Votes in Favor of Motion: Andrew South, Raleen Wahlin, Jonathon Hill, Lisa Jensen, Robert Knudsen, Daniel Gonzales, Jeff Whitlock, Melissa Kendall, Barbara DeSoto

*Daniel Gonzales was present as Chair.*

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

### TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

### STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

### CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

### NEIGHBORHOOD MEETING DATE

- City-wide Application; all Neighborhood Chairs received notification.

### NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.
- Neighbors or other interested parties were not present or did not address the Planning Commission.

### CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following: None.

### PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Commission confirmed that none of the proposed changes are substantive.

- Commissioner Jensen ensured that changing the name of the CMU zone will not lose the importance of providing commercial uses through those areas, and that the staff will resolve the name change of the zone.
- Commissioner Whitlock asked staff about the process of identifying the code fixes.

DOAQ

---

Planning Commission Chair

Bill Peperone

---

Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (\*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to Development Services, 445 W Center St, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

**BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS**

## EXHIBIT A

### 6.32.030

#### Mobile Food Business General Requirements.

- (1) No person shall operate a mobile food business, without first having obtained a business license from Provo City in accordance with Chapter [6.01](#), Provo City Code, or its successor.
- (2) Mobile food businesses are allowed to operate in the public right-of-way only within the SC1, SC2, SC3, FC1, FC2, DT1, DT2, GW, WG, CG, ITOD, CM, M1, M2, PIC, PF, and OSPR zones in accordance with the provisions of this Chapter. Mobile food businesses shall be allowed to vend on private property within all the aforementioned zones in Provo, with prior consent from the private property owner.

~~(3) Except as otherwise provided in this Chapter, mobile food businesses are not allowed to operate within the boundaries of the Food Truck Restriction Area. Food trucks may operate along the peripheral street frontage of the Food Truck Restriction Area. The Food Truck Restriction Area is described as follows: commencing at the intersection of 500 West Center Street; thence north to 100 North Street; thence east to 200 West Street; thence north to 200 North Street; thence east to 100 East Street; thence south to 200 South Street; thence west to 200 West Street; thence north to 100 South Street; thence west to 500 West Street; thence north to the point of beginning, and as graphically illustrated in this subsection:~~



~~(4) Restrictions on mobile food businesses found in Subsection (3) of this Section and Section 6.32.090(4), Provo City Code, shall not apply under any of the following circumstances:~~

~~(a) the mobile food business receives permission from the Mayor's Office to operate in the Food Truck Restriction Area (the grant of this permission only exempts the mobile food business from Subsection (3) of this Section, not from Section 6.32.090(4), Provo City Code);~~

~~(b) the mobile food business is catering an event, meaning the mobile food business has been invited by the event sponsor to serve or sell food at an event that is not open to the public; or~~

~~(c) the mobile food business is invited to a special event that is permitted and held in compliance with Section 14.35.100, Provo City Code.~~

~~(5)~~(3) It shall be unlawful for any mobile food business to operate adjacent to a public park in or next to a OSPR zone without the prior written consent of the Director of Parks and Recreation or the Director's designee.

~~(6)~~(4) Notwithstanding Subsections (1) through ~~(5)~~(3) of this Section, mobile food businesses may not operate in the public right-of-way during large public gatherings along designated high traffic volume corridors which have been previously outlined in a Special Events Permit issued by Provo City; provided, that public safety personnel on the City Special Events Review Committee have made a specific finding that the anticipated weather and/or traffic conditions require such limitations in order to preserve public safety and reduce gridlock.

~~(7)~~(5) *Prohibited Sales.* No alcohol shall be provided/sold from a mobile food business.

~~(8)~~(6) *Pedestrian Flow.* The mobile food business shall ensure that its use of the right-of-way, including without limitation the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage. The vendor must maintain clear, continuous sidewalk width of no less than four (4) feet. The mobile food business shall ensure that patron lines do not interfere with the sidewalk.

## Chapter 14.14E

### CAMPUS MIXED-USE RESIDENTIAL ZONE

Sections:

[14.14E.010 Purpose and Objectives.](#)

[14.14E.020 Permitted Uses.](#)

[14.14E.030 Lot Standards.](#)

[14.14E.040 Prior Created Lots.](#)

[14.14E.050 Yard Requirements.](#)

[14.14E.060 Projections into Yards.](#)

[14.14E.070 Building Height.](#)

[14.14E.080 Project Plan Approval/Design Review/Design Guideline.](#)

[14.14E.090 Other Requirements.](#)

[14.14E.100 Notice of Parking and Occupancy Restrictions.](#)

## **14.14E.010**

### **Purpose and Objectives.**

The Campus ~~Mixed-Use (CMU) zone~~ Residential (CR) Zone is established to encourage high density housing and to give the option for a mix of residential and commercial uses near Brigham Young University. The densities permitted by the zone are intended to encourage redevelopment of land for residential uses where property values are high and demolition is necessary. The uses typically permitted in this zone are apartments, batching apartments, and condominiums. The zone also allows for ground-floor neighborhood commercial services for the convenience of those living in the area.

## **14.14E.020**

### **Permitted Uses.**

(1) *Permitted Principal Uses.* The following principal uses, and no others, are permitted in the ~~CMU~~CR zone:

- (a) Apartments and condominiums;
- (b) Batching apartments (maximum of six (6) individuals per unit);
- (c) Residential facilities for the elderly or disabled (see Section [14.34.230](#), Provo City Code);
- (d) Public utilities and rights-of-way, including accompanying facilities;
- (e) Police protection and related activities, branch (office only);
- (f) Religious activities; and
- (g) Parks.

(2) The following uses are permitted as part of a mixed-use development and must be ancillary to the residential uses in the same building:

- (a) Variety stores;

- (b) General retail;
- (c) Food or grocery stores;
- (d) Eating places, restaurants;
- (e) Banks;
- (f) Postal services;
- (g) Duplicating services;
- (h) Pharmacy;
- (i) Video rental;
- (j) Day care; and
- (k) Personal services (including laundry, barber shop, clothing repair).

(3) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the **CMUCR** 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 accessory structures subject to the standards of Section [14.34.210](#), Provo City Code;
- (c) Vegetable and flower gardens;
- (d) Home occupations subject to the regulations of Chapter [14.41](#), Provo City Code;
- (e) Storage of materials used to construct a building, including the contractor's temporary office; provided, that such use is on the building site or immediately adjacent thereto; and provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter;
- (f) Household pets; provided, that no more than two (2) dogs and two (2) cats six (6) months of age or older shall be kept at any residence or commercial establishment at any time. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

### **14.14E.030**

#### **Lot Standards.**

Lots within the CMUCR zone shall be developed according to the following standards:

- (1) Min. Lot Area.
  - (a) Apartments and condominium projects: forty thousand (40,000) sf.
- (2) Multifamily residential developments that are less than forty thousand (40,000) sf may not exceed forty (40) units per gross acre.
- (3) Min. lot frontage: thirty-five (35) ft.
- (4) Min. lot width: fifty (50) ft.
  - (a) Corner lots: sixty (60) ft.
- (5) Max. lot coverage: seventy-five percent (75%).

### **14.14E.040**

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

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

### **14.14E.050**

#### **Yard Requirements.**

Yards shall be provided according to the requirements listed below. (Note: All setbacks are measured from the property line.)

- (1) *Front Yard.*
  - (a) Residential frontage: ten (10) ft. minimum, twenty (20) ft. maximum.
  - (b) Commercial frontage: five (5) ft. minimum, twenty (20) ft. maximum.
- (2) *Side Street Yard.*

- (a) Residential frontage: ten (10) ft. minimum, twenty (20) ft. maximum.
- (b) Commercial frontage: five (5) ft. minimum, twenty (20) ft. maximum.
- (3) Side yard, interior: ten (10) ft.
- (4) Rear yard: twenty (20) ft.
- (5) Distance between buildings on the same parcel: fifteen (15) ft.
- (6) *Side Yard - Driveway*. See Section [14.37.100](#), Provo City Code.
- (7) The Development Services Director, or designee, may modify the setbacks of this zone subject to finding that all of the following conditions exist:
  - (a) The proposed setback is visually compatible with neighboring development and does not cause an undue burden or harm to the adjacent property;
  - (b) The proposed setback does not violate an existing or needed utility easement; and
  - (c) The proposed setback does not cause a violation of the International Building Code or the Fire Code.
- (8) *Accessory Buildings*.
  - (a) Accessory buildings shall be located in the rear yard and may be located no closer to an interior side or rear lot line than five (5) feet.
  - (b) Accessory buildings on corner lots may be no closer to the side street than the principal structure.
  - (c) The maximum height for an accessory building is twelve (12) feet, as measured to the mid-point of a sloped roof.

#### **14.14E.060**

#### **Projections into Yards.**

- (1) The following structures may be erected on or project into any required yard:
  - (a) Fencing (see Section [14.34.500](#), Provo City Code).
  - (b) Landscaping (see Chapter [15.20](#), Provo City Code).
  - (c) Necessary appurtenances for utility service, subject to City approval.



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

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

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

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

#### **14.14E.070**

##### **Building Height.**

(1) Maximum building height: seventy-five (75) ft.

(2) Maximum main floor elevation: thirty (30) inches above the lowest adjacent street curb elevation.

(Enacted 2013-04)

#### **14.14E.080**

##### **Project Plan Approval/Design Review/Design Guideline.**

See Sections [15.03.300](#) and [15.03.310](#), Chapter [14.04A](#) and Section [14.34.287](#), Provo City Code.

#### **14.14E.090**

##### **Other Requirements.**

(1) Signs (see Chapter [14.38](#), Provo City Code).

(2) Landscaping (see Chapter [15.20](#), Provo City Code).

(3) Trash storage (see Section [14.34.080](#), Provo City Code).

(4) Fencing (see Section [14.34.500](#), Provo City Code).

(5) *Parking, Loading and Access.* Each land use in the ~~CMU~~CR zone shall have automobile parking sufficient to comply with the requirements of Chapter [14.37](#), Provo City Code.

(6) In any new project consisting of twenty (20) or more residential units, an area equivalent to ten percent (10%) of the residential gross floor area shall be developed in residential amenities, such as a common clubhouse, gym, pool, rooftop garden, or other amenity. This space must be massed or accumulated to be functional as a recreational or gathering space.

Landscaping within the required setbacks shall not be calculated towards meeting this provision. This space must be massed or accumulated to be functional as a recreational or gathering space.

(7) Each first floor commercial frontage situated along a public street shall provide an entry door and a minimum of thirty percent (30%) completely transparent glass on street-facing facades.

### **14.14E.100**

#### **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, a contract must be entered into between Provo City and the developer 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 be a covenant running with the property. A copy of a recorded deed for the property in question must 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 must 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 must be signed, dated and notarized indicating that the owner acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.

(2) Prior to the issuance of a certificate of occupancy for new multiple residential dwelling units a permanent notice must be placed on the electrical box within each unit indicating the maximum allowable occupancy of each unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice must be a six (6) by six (6) inch 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 the documents required in this section any violation to the restrictions and regulations noted therein will be considered a misdemeanor offense and will be subject to criminal action as provided in Section [1.03.010](#), Provo City Code.

### **14.38.106**

#### **Signs Permitted in Mixed-Use (MU, NMU, and CMUCR) Zones.**

Signs within the Mixed-Use (MU), Neighborhood Mixed-Use (NMU), and Campus ~~Mixed-Use (CMU)~~ Residential (CR) zones shall be regulated by the following provisions. Any signs, or types of sign, not expressly allowed by this Section are prohibited.

## 14.34.287

### Residential and Mixed-Use Design Standards.

(1) *Purpose and Intent.* This Section establishes design standards that are intended to improve the quality and compatibility of new residential development and mixed-use development. These standards address yard design, building location and orientation, driveway and parking design, landscaping design, building form, mass and scale, building materials and compatible additions. They are intended to provide design standards for project applicants, staff, the Design Review Committee and the general public.

(a) Design standards that are mandatory are indicated by the verb “shall.” Design standards shall be required unless it can be demonstrated by the applicant that there is no practical means by which the standard can be achieved and an acceptable alternative is approved. Economic considerations alone do not constitute “no practical means” for altering a requirement.

(2) *Applicability.* The design standards set forth in this Section shall apply to all new buildings and uses located in the Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Campus ~~Mixed-Use (CMU)~~ Residential (CR), Neighborhood Mixed-Use (NMU), and Mixed-Use (MU) zones.

(a) In approving a project plan, the approving authority may impose reasonable conditions consistent with the purpose and intent of this Section. The requirements for this Section shall apply in addition to other applicable requirements of this Title. This Section shall be interpreted to supersede other requirements of the Provo City Code which may impose more restrictive requirements.

(b) All of the requirements of this Section shall apply, unless the Planning Commission approves an alternative design arrangement equal to or better than the requirements set forth in this Section. The Planning Commission shall make specific findings justifying the alternate design arrangement.

(3) *Site Design Standards.*

(a) *Front Yards.*

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

(ii) The front yard shall be predominantly landscaped with a combination of turf and plants. Hard surfaces for driveways and parking shall be minimized and shall not exceed ordinance requirements.

(iii) Utility boxes shall not be located in the front or street side yards or park strips unless the applicant demonstrates that there is no other practical location for utility boxes on the site.

(iv) Front yards shall provide transitions between the public way and private space on residential frontages. This requirement may be met with the following strategies:

(A) Use of foundation plantings to provide separation between residential units and the sidewalk.

(B) Use of porches, stoops and railings to provide intermediate semi-private spaces.

(C) Employment of elevation changes to delineate the progression from public space through exterior semi-private space into interior private space.

(b) *Fences.*

(i) Fences shall complement the architectural character of the project.

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

(iii) Fencing shall conform to Section [14.34.500](#), Provo City Code.

(c) *Building Location.*

(i) New structures shall be sited consistently with the existing front setbacks of adjoining properties to maintain neighborhood compatibility, with the exception of projects that are zoned HDR or **CMUCR**, and MU where the zone permits lesser setbacks than the existing housing stock.

(ii) *Frontage.*

(A) A building's front elevation is the elevation whereon the primary or common entrance is located.

(B) Buildings shall front on a street, open space, or pedestrian way.

(C) Buildings shall not front an interior property boundary or parking lot.

(D) In any development consisting of six (6) or more townhomes, each townhome shall front a street, open space or pedestrian way.

(iii) The majority of new buildings in multifamily developments shall be sited along the block face rather than the interior of the block.

(d) Buildings, including parking structures, shall be designed and located in a manner that allows planting and growth of mature trees in the front and side yards.

(4) *Building Facades.*

(a) *Ground Floor Treatment.*

(i) *Commercial Ground Floors in the CMUCR, MU, and NMU Zones.*

(A) Ground floor commercial space shall be designed for retail or other active uses, orienting tenant spaces to the street and maximizing storefronts and entries along the sidewalks to sustain street level interest and promote pedestrian traffic.

(B) Wall openings, such as storefronts, windows and doors, shall comprise at least sixty percent (60%) of a building's street level facade measured as a percentage of facade area between the ground plane and the finished floor elevation of the second floor.

(C) Open-wall storefronts are encouraged.

(ii) *Ground Floors in All Applicable Zones.*

(A) Excepting townhomes, a minimum habitable first floor depth of thirty (30) feet as measured from the street facing facade is required.

(B) Residential units with individual entries shall include windows on the ground floor that look out onto the street, with wall openings comprising at least thirty percent (30%) of the street level facade, measured as a percentage of facade area between the ground plane and the finished floor elevation of the second floor.

(C) Clear glass for wall openings, i.e., doors and windows, shall be used along all street level facades for maximum transparency. Tinted, mirrored or opaque glazing is not permitted for any required wall opening along street level facades.

(D) Articulation and detailing of the ground floor with pedestrian entrances, quality materials and decorative details shall be used to promote pedestrian-scaled architecture along the street.

(E) Electrical service, mechanical, or other equipment, enclosed stairs, storage spaces, blank walls, and other elements that are not pedestrian-oriented shall not be located along the ground floor street wall unless required by applicable code and no workable alternative location exists.

(b) *Pedestrian Building Entrances.*

(i) Pedestrian building entrances shall:

- (A) Meet the spatial requirements set forth in Table 14.34.287-1 Pedestrian Building Entrance (PBE) Requirements;
- (B) Contain a door providing direct pedestrian access into a building;
- (C) Directly access an interior and enclosed commercial tenant space, public lobby, or residential unit;
- (D) Be directly accessible from and directly adjacent to the sidewalk; and
- (E) Prevent doors from swinging into the public right-of-way or beyond the front facade line of the building when opened.

(ii) Fire exit doors, doors to fire riser rooms or other mechanical spaces, and doors to exterior courtyards shall not qualify as pedestrian building entrances.

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

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

(ii) The minimum size of the front porch or entry feature shall be functional rather than merely decorative.

(iii) The porch floor height shall not exceed thirty (30) inches above the elevation of the top of the street curb.

(d) Doors, windows and balconies of new housing should be located to respect the privacy of neighboring properties.

**Table 14.34.287-1. Pedestrian Building Entrance (PBE) Requirements**

<b>Frontage Type</b>	<b>Commercial</b>	<b>Residential</b>
PBE's Required for Each Street Facing Facade	1 per 30 feet (1 min.)	1 per street fronting ground floor unit
Maximum Spacing	40 feet	38 feet

(5) *Driveways and Parking.*

(a) New developments shall provide the minimum amount of driveway access and width required by code as a means of preserving front yard space.

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

(ii) Driveways shall be consolidated where adjacent parcels or developments can be served by a single driveway. Cross access easements shall guarantee rights of access across the shared driveway for both parcels.

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

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

(b) Parking shall not be placed in the front yard and should be minimized in the side yard, with the exception of one- and two-family dwellings when the driveway leads to a garage or carport as defined in Chapter [14.37](#), Provo City Code.

(i) Parking shall not be allowed between a primary building and a public street.

(ii) Surface parking areas in rear yards shall be screened from neighboring properties with appropriate plant materials and/or fencing.

(iii) Entrances to structured parking shall be provided from driveways along the sides of properties, not from a front-facing garage entry.

(iv) Parking shall be screened from any adjacent public way, street, open space, or pedestrian way. (Except for the minimum ground-level frontage required for access to parking and loading, no parking or loading shall be visible on the ground floor of any building facade that faces a public right-of-way.)

(6) *Landscape Design.*

(a) Property owners shall comply with Section [15.20.030](#), Provo City Code, for the protection of existing vegetation.

(b) New landscaping shall be complementary to existing neighborhood vegetation.

(i) The species, size and placement of new landscaping shall be considered in the design review process.

- (c) Landscaping shall be used to reduce the impact of larger buildings on neighboring properties.
- (d) Buildings and driveway lighting should not extend beyond the boundaries of the subject property, as per Chapter [15.21](#), Provo City Code.

(7) *Building Form, Mass and Scale (VLDR, LDR, and NMU Zones Only).*

- (a) Building form, mass and scale should be appropriate for the zone in which the building is located and consistent with the established neighborhood character.
  - (i) Architectural elements such as roof form, windows, doors, etc., should be consistent with the form and character of the existing housing in the area.
  - (ii) A porch or similar element, which defines the front entrance, shall be provided.
  - (iii) An attached garage shall not be the dominant design feature of the front elevation.
  - (iv) Sloping roofs such as gable or hip design should be used as the primary roof form.
  - (v) Historic buildings are subject to Title [16](#), Provo City Code.
- (b) Building additions shall not strongly alter the character of an original building.
  - (i) Windows, materials and doors should be compatible with those of the original building.
  - (ii) Roof forms shall be compatible with the existing structure.

(8) *Building Form, Mass and Scale (MDR, HDR, ~~CMUCR~~, and MU Zones).*

- (a) The facade of any multiple-family, apartment, or mixed use structure shall:
  - (i) Be articulated in the horizontal plane to provide visual interest and enrich the pedestrian experience, while contributing to the quality and definition of the street wall;
  - (ii) Be vertically articulated to differentiate the ground floor facade, and feature high quality materials that add human scale, texture and variety at the pedestrian level;
  - (iii) Provide an identifiable break between the building's ground floors and upper floors. This break may be accomplished by a change in material, a horizontal dividing element, a change in fenestration pattern, or similar means;
  - (iv) Be vertically articulated at the street wall facade, establishing different treatment for the building's base, middle and top. Balconies, fenestration, shading devices, or other elements shall be



used to create an interesting pattern of projections and recesses;

(v) Avoid extensive blank walls that detract from the experience and appearance of an active streetscape; and

(vi) Provide well marked entrances to cue access and use. All public entrances to a building or use shall be enhanced through compatible architectural or graphic treatment.

(b) Exterior stairways, corridors, or landings shall not be located on the front or street side elevation of the building.

(c) Structures located in the CMUCR zone that are greater than six (6) stories in height shall step back fifteen (15) feet from the first floor elevation for all stories above the fourth floor on all elevations that front a public street unless the applicant can demonstrate that there is sufficient variation and articulation in the building planes to give visual interest and appeal.

(d) Building additions shall not strongly alter the character of the original building.

(i) Windows, materials and doors shall be compatible with those of the original building.

(ii) Roof forms shall be compatible with the existing structure.

(9) *Building Materials.*

(a) *Intent.* The intent of the facade materials standards of this Section is to:

(i) Provide minimum material standards to ensure use of well tested, high quality, durable surfaces, while permitting a wider range of materials for details; and

(ii) Encourage a high level of detail from smaller scaled, less monolithic materials in order to relate facades to pedestrians, especially at the ground level.

(b) *Major Materials.* A minimum of eighty percent (80%) of each facade, not including window and door areas, shall be composed of major materials, as specified in this Section.

(i) *Allowed Major Materials.* The following are allowed major materials:

(A) Stone;

(B) Brick;

(C) Wood;

- (D) Architectural metal panel systems;
- (E) Fiber cement board;
- (F) Glass curtain wall;
- (G) Terra cotta decorative units, tiles or panels; and
- (H) Architectural cast stone, including glass fiber reinforced concrete.

(ii) *Prohibited Major Materials.* The following materials are prohibited as major materials, unless otherwise approved under the standards of this Section:

- (A) Face-sealed EIFS synthetic stucco assemblies and decorative architectural elements;
- (B) Synthetic stucco or elastomeric finishes on stucco;
- (C) Unfinished or untreated wood;
- (D) Glass block;
- (E) Vinyl or aluminum siding;
- (F) Plastic panels, including high-density polyethylene, polyvinyl chloride (PVC), and polycarbonate; and
- (G) Fiberglass and acrylic panels.

(iii) *Limited Use Major Materials.* The following materials are prohibited as a major material, except as specifically allowed in this Subsection (9)(b)(iii):

- (A) *Economy Bricks.* Brick types larger than three (3) inches in height are allowed as major materials on rear, alley, and rail corridor facades. In such instances, corner bricks shall be used to give the appearance of a full brick facade.

(c) *Minor Materials.* Allowed minor materials are limited to trim, details, and other accent areas that combined form twenty percent (20%) or less of the total surface of each facade.

(i) *Major Materials.* All allowed major materials may serve as minor materials.

(ii) *Allowed Minor Materials.* The following are allowed minor materials:

- (A) Metal for beams, lintels, trim, exposed structure, and other ornamentation;

- (B) Split-faced, burnished, glazed, or honed concrete masonry units or block cast stone concrete elements;
- (C) Vinyl for window trim;
- (D) Cement-based stucco;
- (E) Face-sealed EIFS synthetic stucco assemblies and decorative architectural elements; and
- (F) Synthetic stucco.

(d) *Other Materials with Approval.* Materials that are not listed in this Section for its proposed application as allowed major materials, limited use materials, or allowed minor materials may not be installed on any facade unless approved by the reviewing authority pursuant to this Subsection. The reviewing authority may approve facade materials that are not listed in this Section if the applicant demonstrates that the alternate material meets the intent of the facade material standards described in Subsection [\(9\)\(a\)](#) of this Section. Samples and examples of successful high quality local installation shall be provided by the applicant.

#### **14.34.500**

#### **Fencing Standards for Residential Zones.**

Fencing in the One-Family Residential (R1), Residential Conservation (RC), Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Campus ~~Mixed-Use (CMU)~~ Residential (CR), Neighborhood Mixed-Use (NMU), and Mixed-Use (MU) Zones shall comply with the following standards:

#### **15.20.080**

#### **Supplemental Landscaping Requirements by Zone.**

- (1) The requirements of this Section shall apply in addition to other requirements of this Chapter.
- (2) Within the following zones, all open areas except driveways, parking areas, walkways, utility areas, decks, patios, porches, etc., shall be landscaped by the following standards:
  - (a) Within all A1, RA, and R1 zones and one-family or two-family dwellings in the RC zone, landscaping shall comply with Section [15.20.060](#), Provo City Code. The design layout and details may be determined by the property owner so long as the standards set forth in Section [15.20.060](#), Provo City Code, are met.

(i) Existing one-family or two-family dwellings replacing front yard landscaping must submit a plan to the Development Services Department for approval.

(ii) Areas on the property that are within the buildable area but not taken up by the structure, driveways, sidewalks and other impervious areas shall be landscaped.

(b) Within all VLDR, LDR, MDR, HDR, ~~CMUCR~~, NMU, and MU zones, landscaping shall meet the following requirements:

### **14.21D.030**

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

Existing lots or parcels of land that do not meet the minimum lot standards found in Section ~~14.21D.050~~14.21D.040, Provo City Code, may not obtain a building permit without approval of a conditional use permit. A conditional use permit may only be issued if the proposed project meets the conditions outlined in Section 14.02.040(2), Provo City Code, in addition to the following:

### **14.23.155**

#### **Design Standards.**

(1) Design standards detailed in Section 14.34.295 (Downtown Development Design Standards), Provo City Code, shall apply to the ITOD zone.

(2) The standards set forth in Section 14.34.300 (Transitional Development Standards for Uses Abutting Residential Zones), Provo City Code, shall not apply in the ITOD zone, except for in Section 14.23.160 (7), Provo City Code.

### **14.23.160**

#### **Other Requirements.**

(1) *Signs.* See Chapter 14.38, Provo City Code.

(2) *Uses Within Buildings.* All uses established in the ITOD zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open, and other uses which are allowed by the Planning Commission to be conducted in the open through the granting of a conditional use permit. Uses customarily deemed to be conducted in the open may include, but are not limited to, outdoor dining, ice skating, and miniature golf.

(3) *Landscaping*. See Chapter [15.20](#), Provo City Code. In any new project consisting of twenty (20) or more residential units, an area equivalent to ten percent (10%) of the residential gross floor area shall be developed in usable open space or recreational amenities, such as a common clubhouse, gym, pool, rooftop garden, or other amenity.

(a) Landscaping within the required setbacks and other required areas (such as distance provisions required by the International Building Code) shall not be calculated towards meeting this provision;

(b) Up to fifty percent (50%) of the required recreational amenity space may be located outdoors at the ground floor level;

(c) Usable open space must be contiguous or accumulated to be functional as a recreational amenity or gathering space. Remnant spaces on the site will not be counted in the calculation of required usable open space.

(4) *Canopies and Marquees*. See Chapter ~~[14.21.150\(4\)](#)~~[14.34.490](#), Provo City Code.

## **14.34.140**

### **Flag Lots.**

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

(1) The flag lot is located in an A1, RA, or R1 zone.

(2) The applicant provides written and illustratory evidence showing property development with and without the proposed flag lot which demonstrates:

(a) the flag lot will result in more efficient use of land;

(b) the design of the flag lot is appropriate to and compatible with the configuration of the overall subdivision and adjacent property;

(c) no other viable subdivision design alternatives exist that will allow for a conventional lot, including consideration of:

(i) the current, proposed, or alternative zoning;

(ii) the possibility of incorporating the subject property with adjacent property to achieve a more unified development of the area and eliminate the need for a flag lot;

- (iii) alternative street designs and improvements; and
  - (iv) any other reasonable means that would render a flag lot unnecessary;
  - (d) the flag lot is infill to the development of the general area; and
  - (e) access to the flag lot is provided through the pole portion of the lot, which portion of the lot is not located in a primary conservation area as defined in Section [15.03.010](#), Provo City Code
- (3) Each flag lot meets the following minimum design standards:
- (a) the lot has at least twenty (20) feet of frontage on a dedicated public street which frontage serves as access only to the subject lot;
  - (b) the flag pole portion of the lot is least twenty (20) feet wide and not more than two hundred (200) feet long;
  - (c) the flag portion or body of the lot meets the lot area, width, and depth requirements of the applicable zone;
  - (d) the minimum square footage of the flag portion or body of the lot is the same as required in the applicable zone;
  - (e) front, rear, and side yard setback requirements of the flag portion or body of the lot is the same as required in the applicable zone;
  - (f) no accessory building is located on the flag pole portion of the lot except aesthetic entry features such as archways, decorative mail boxes, raised landscape beds or similar structures; and
  - (g) each flag lot has a hard surfaced driveway at least twelve (12) feet wide from the street to the required parking area. When the flag pole portions of two (2) flag lots are side by side, a common curb cut and a driveway at least twenty (20) feet wide shall be required from the street to the required parking area. Unpaved areas of the flag pole portion of a flag lot shall be landscaped.
- (4) ~~The Planning Commission~~Staff, prior to conditionally approving a flag lot as part of a preliminary or final subdivision plat, finds that the applicant has provided sufficient evidence allowing for the creation of the flag lot and that such lot meets the minimum design standards set forth in this Section.
- (5) In addition to the above minimum requirements, ~~the Planning Commission~~staff may, as part of a preliminary or final subdivision plat approval, impose additional conditions on flag lots including, but not limited to, the following:

- (a) fencing and screening requirements;
  - (b) location and height of the dwelling;
  - (c) installation of one (1) or more fire hydrants; and
  - (d) additional off-street parking and/or backup space designed in accordance with standards set forth in Chapter [14.37](#), Provo City Code.
- (6) Required improvements and applicable conditions of approval for a flag lot shall be bonded for pursuant to Section [15.03.080](#), Provo City Code, when a building permit is issued for construction on the lot.

## **Chapter 14.33**

### **OPEN SPACE, PRESERVATION AND RECREATION ZONE**

Sections:

- [14.33.010 Purpose and Objectives.](#)
- [14.33.020 Permitted Uses.](#)
- [14.33.025 Minimum Yard Requirements.](#)
- [14.33.030 Building Height.](#)
- [14.33.040 Parking, Loading and Access.](#)
- [14.33.050 Project Plan Approval.](#)
- [14.33.060 Other Requirements.](#)

#### **14.33.025**

#### **Minimum Yard Requirements.**

Front Yard:	15 feet
Side Yard:	10 feet
Street Side Yard	15 feet
Rear Yard:	No Requirement