PROVO MUNICIPAL COUNCIL

Work Meeting

2:30 PM, Tuesday, September 08, 2026
Provo Peaks Conference Room (Room 110)
445 W. Center Street, Provo, UT 84601 or
https://www.youtube.com/provocitycouncil

The in-person meeting will be held in the **Council Chambers**. The meeting will be available to the public for live broadcast and on-demand viewing on YouTube and Facebook at: youtube.com/provocitycouncil and facebook.com/provocouncil. If one platform is unavailable, please try the other. If you do not have access to the Internet, you can join via telephone following the instructions below.

To listen to the meeting by phone: September 08 Work Meeting: Dial 346-248-7799. Enter Meeting ID 893 1627 6934 and press #. When asked for a participant ID, press #.

Roll Call

Approval of Minutes

August 25, 2026 Work Meeting

Business

1 A presentation regarding the Consolidated Annual Performance and Evaluation Report (CAPER) public hearing (26-025)

2 A resolution supporting the submittal of the 2026 Outdoor Recreation Legacy Partnership Grant application to secure grant funding to aid in providing park improvements for the Epic Regional Sports Park (26-065)

3 A resolution appropriating $330,000 to pay for Fort Utah Park improvements for the fiscal year ending June 30, 2027. (26-066)

4 An ordinance regarding outdoor lighting standards exemptions. (26-067)

5 An ordinance amending the zone map classification of real property, generally located at 113 and 191 N Geneva Road, from the General Commercial (CG) zone to the Mixed-Use (MU) zone. Fort Utah Neighborhood. (PLRZ20260264)

6 An ordinance amending the zone map classification of real property, generally located at 2000 N Canyon Road, from the One-family Residential (R1.6) zone to the Low Density Residential (LDR) zone. Pleasant View Neighborhood. (PLRZ20260116)

7 An ordinance to repeal and replace Provo City Code Title 14. Citywide Application. (PLOTA20260414)

Closed Meeting

The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with 52-4-204 and 52-4-205 et. seq., Utah Code.

Adjournment

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.gov or using their contact information listed at: provo.gov/434/City-Council.

Materials and Agenda: agendas.provo.org
Council meetings are broadcast live and available later on demand at youtube.com/ProvoCityCouncil.

The next Work Meeting will be held on Tuesday, September 22, 2026. The meeting will be held in the Council Chambers, 445 W. Center Street, Provo, UT 84601 with an online broadcast. Work Meetings generally begin between 12 and 4 PM. Council Meetings begin at 5:30 PM. The start time for additional meetings may vary. All meeting start times are noticed at least 24 hours prior to the meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the ADA, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting are invited to notify the Provo Council Office at 445 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email kmartins@provo.gov at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at youtube.com/ProvoCityCouncil.

Notice of Telephonic Communications

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

Notice of Compliance with Public Noticing Regulations

This meeting was noticed in compliance with Utah Code 52-4-207(4), which supersedes some requirements listed in Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at agendas.provo.org. Council meeting agendas are available through the Utah Public Meeting Notice website at utah.gov/pmn, which also offers email subscriptions to notices.

Please note: These minutes have been prepared with a timestamp linking the agenda items to the video discussion.

PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:00 PM | August 25, 2026
Provo Peaks Conference Room (110)
445 W. Center Street, Provo, UT 84601

PENDING MINUTES – AWAITING APPROVAL

Roll Call

Council Chair Katrice MacKay, conducting
Council Vice-Chair Craig Christensen
Councilor Gary Garrett
Councilor Jeff Whitlock
Councilor Becky Bogdin
Councilor Travis Hoban (Remote)
Councilor Rachel Whipple
Mayor Marsha Judkins

Approval of Minutes

- August 11, 2026 Work Meeting

Approved by unanimous consent.

Business

1. An ordinance regarding outdoor lighting standards. (26-049) 00:01:16

Council Intern Britton Johnson presented updates to the proposed outdoor lighting code text amendment based on discussion from the previous work meeting. The three main proposed changes remained:

(1) requiring all new outdoor lights to meet a correlated color temperature of 3,000 Kelvin or less, with limited exceptions including sports facilities at 5,700 Kelvin on playing surfaces;
(2) requiring full shielding for all new outdoor lighting; and
(3) updating language for off-premises electronic display signs to better mirror Title 6 of the Provo City Code.

Johnson noted a correction from the prior draft, in which nighttime hours had been incorrectly defined as "from dawn until dusk," which has since been corrected to align with Title 6 language.

Regarding existing residential lighting, Johnson explained that the proposed exemption language would allow existing fixtures attached to residential structures to be grandfathered, provided only the bulb or component-level piece is replaced. If the entire fixture requires replacement, the new standards for color temperature and shielding would apply. Johnson also noted that there is no material cost difference between lower and higher color temperature LED lights.

Johnson highlighted that public education would be an important component of implementation, referencing a Weber County example that includes visual guides illustrating compliant and non-compliant fixtures. Energy Director Patricio Hernandez confirmed his willingness to collaborate on such materials.

Council discussion centered on holiday lighting and decorative residential lights. Councilor Bogdin raised concerns about seasonal displays, particularly Halloween lighting, and expressed a preference for a curfew-style approach rather than a seasonal restriction. Councilor Hoban requested clarity on how the proposed standards would apply to year-round decorative lighting such as the JellyFish lights, noting that some are installed under eaves and may already function as shielded. Council Chair MacKay indicated that a 10:00 PM curfew aligned with the city's sound ordinance would address many of these concerns. Councilor Garrett proposed amending Exemption No. 1 to allow holiday lighting during any month of the year, with a requirement that all holiday lighting be turned off by 10:00 PM.

Discussion also addressed the city's current street lighting. Director Hernandez confirmed that newer streetlights installed over the last couple of years are compliant with the 3,000 Kelvin dark sky standard, though some older, unshielded lights remain in service. He noted that the city does not adjust light output on compliant fixtures due to the need to balance dark sky standards with public safety lighting patterns.

Councilor Whipple expressed broad support for the ordinance, noting the measurable impact of light pollution on the surrounding environment, including ambient light visible during pre-dawn hikes on the Y Trail. She also confirmed that security motion-detection lighting is addressed separately in the code and that the core principle of shielding is about directing light downward, not reducing illumination.

A motion was made by Councilor Garrett to amend Exemption No. 1 of the outdoor lighting ordinance to allow holiday lighting during any month of the year, with all holiday lighting required to be turned off by 10:00 PM, and to forward the ordinance to the evening Council meeting with that amendment. The motion was seconded by Councilor Christensen. The motion passed: 7–0.

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2. A discussion regarding a request from the Taylor Terrace Homeowners Association for city acceptance, infrastructure upgrades, and financial assistance for its private water system. (26-061) 00:24:40

Water Resources Engineer Lane Peirce presented an overview of the city's approach to privately owned water systems, using the Taylor Terrace HOA request as a case study. Peirce provided a map of known privately owned water infrastructure throughout the city, identifying approximately 30 to 40 unique private systems, and noted that each situation presents unique circumstances making uniform policy difficult to establish.

PENDING MINUTES - AWAITING APPROVAL

Peirce described the city's previous action on a comparable situation (i.e. the Quail Valley system) in which the city contributed $50,000 derived from a property exchange with the Church of Jesus Christ of Latter-day Saints related to the Windsor Station area. He noted that the city took over the Quail Valley system including fire hydrants, which was considered a significant asset for fire protection in the foothills.

For Taylor Terrace, Peirce proposed that the city install water meter cans and meters in the park strip within the city's right-of-way, with city crews performing that labor. The HOA would then be responsible for all lateral connections from the meters to individual homes. A contractor estimate placed the city's portion at approximately $60,000 and the HOA's portion at approximately $74,000–$75,000. Public Works Director Gordon Haight noted that a benefit to the city is eliminating unmetered water loss, as current leaks in the private system go unaccounted for because meters are located upstream of the problem infrastructure.

Councilor Whitlock raised the question of whether a guiding policy framework exists for handling these cases, noting that if each situation involves approximately $100,000 in city expenditures and there are 30 to 40 such systems, the cumulative liability could reach $3–4 million. City Attorney Brian Jones clarified that an appropriation would require Council approval, but that work performed using existing city staff and resources without a separate appropriation may not require a Council vote. He indicated that he and Director Haight would need to work out the documentation and process before proceeding.

Councilor Bogdin asked whether any system taken over by the city would need to be brought up to standard first. Peirce and Public Works Division Director Ryan York confirmed that this is the city's intent, though for in-ground infrastructure that cannot be fully inspected, spot checks would be conducted. York also noted that the proposed approach for Taylor Terrace actually eliminates the problematic private pipe rather than taking it over, which reduces the city's exposure.

Councilor Whipple noted that the geography and configuration of each private system varies significantly, which any future policy would need to account for. Director Haight acknowledged the growing issue, estimating that the Council would likely see similar requests on a regular basis as aging systems reach the end of their service life.

No formal motion was made. Jones explained that because staff proposed using existing personnel and budgeted resources without a new appropriation, the work would likely be administrative and would not require Council action. Haight and Jones agreed to determine the appropriate documentation before staff proceeded. If a future appropriation or Capital Improvement Plan amendment becomes necessary, the matter would return to the Council.

PENDING MINUTES - AWAITING APPROVAL

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3. A discussion regarding the Vesper Amphitheater project development agreement (26-064) 00:54:02

City Attorney Jones led the Council through the current draft of the Vesper Amphitheater development agreement on a section-by-section basis, with the stated intent of identifying any

provisions the Council wished to modify before the item proceeds to a formal vote. Brian Bayles of Vesper Development was also present and addressed specific sections as needed. Jones indicated that any changes the Council wished to make should be made by formal motion so that a clear majority position could be established and incorporated into the next draft.

Governance Standards (Section 3): Jones noted that the phrase "generally comply" with the concept plan is standard language from the city's template. He clarified that all submittals still go through the full city review process and cannot be approved unless they comply with the development agreement and city code. Jones also confirmed that the concept plan (Exhibit B) had not yet been finalized, as Vesper was waiting for feedback from this meeting before producing an updated site plan to attach to the agreement. He noted that any subsequent project plan would still go to the Planning Commission for review.

Jones explained that non-material variations from the concept plan may be approved by the Development Services Director without Council or Planning Commission approval, and that the definition of "nonmaterial" includes alterations to building footprint locations, open space, and parking locations. Councilor Whipple questioned whether the current draft removed the requirement for the Development Services Director's approval. Jones clarified that the director's approval is still required and that the director is not obligated to approve a deviation. Jones confirmed that Director Bill Peperone's approval is still required and that he is not obligated to approve any deviation.

Permitted Uses (Section 4): Jones described the permitted uses as limited to the indoor/outdoor amphitheater venue, public assemblies, plaza activities, a hotel of up to 75 rooms, ancillary commercial and retail uses, underground parking, and temporary staging. He emphasized that ancillary uses must be incidental, subordinate, and integrated with the amphitheater, and that such uses are only permitted once the amphitheater has been completed and is in active use. The hotel may operate prior to the amphitheater's completion under the current draft language.

Jones also noted that Vesper had offered to add explicit language prohibiting grass seating beyond the 20,000-person cap and prohibiting a tram as a permitted use. Bayles corrected Jones and said lawn seating would not necessarily be prohibited. The commitment was that total attendance, including anyone seated on the lawn, could not exceed 20,000.

Development Caps (Section 6): The development caps include 20,000 attendees for the amphitheater, 75 hotel rooms, and 150,000 square feet of aggregate ancillary commercial uses. Councilor Bogdin raised concern that 150,000 square feet is comparable in size to a regional shopping mall, and questioned whether the project could effectively become a commercial mall with a concert venue attached. Chair MacKay echoed the concern and expressed a preference for limiting retail uses to food, beverage, and event-related merchandise.

Bayles clarified that the 150,000 square feet was intended to encompass all non-hotel, non-amphitheater, non-parking space, including back-of-house operations, performer spaces, restrooms, mechanical infrastructure, and circulation areas (i.e. not exclusively consumer-facing retail). He presented the anticipated breakdown of those square feet. Jones suggested that a cleaner approach would be to divide the 150,000 square feet into two separate sub-categories:

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one for consumer-facing uses such as food, beverage, and merchandise, and another for operational uses such as performer spaces, restrooms, circulation, and mechanical infrastructure. The Council agreed that this separation would provide greater clarity and public transparency.

A motion was made by Chair MacKay to direct that the ancillary commercial space be organized into two separate sub-categories (i.e. one for food, beverage, and merchandise uses, and one for operational uses including performer spaces, restrooms, circulation, and MEP infrastructure), with each sub-category carrying its own square footage cap that together total 150,000 square feet. The motion was seconded by Councilor Whitlock. The motion passed: 7–0.

Design and Materials (Section 7): Jones presented the design standards paragraph, which requires natural materials and design elements to be substantially incorporated, including wood, stone, and glass, and that structures must respond to the site's topography, views, and mountain setting. Councilor Christensen expressed that the current language was insufficiently specific and indicated a preference for more detailed material and finish standards. Bayles noted that their original application materials contained more detailed architectural exhibits and offered to incorporate those as a reference. Jones indicated that those materials would be incorporated into the next draft for Council review, with the understanding that the Council's position is that greater specificity in building materials and finishes is desired.

Traffic, Parking, and Infrastructure: Jones noted that the permitted uses section lists "underground parking" but does not explicitly require subterranean construction. The development caps reference 15 acres of surface parking. Councilor Christensen raised concern about the potential for above-ground or multi-level parking structures being visible from the canyon entrance. Bayles confirmed that Vesper is committed to subterranean parking in the primary structure location, noting that excavating that material is also economically necessary for site construction. He further proposed that any surface-level expansion parking be limited in height above grade — suggesting no more than five feet — to avoid the appearance of a multi-story parking structure.

Council discussion also addressed the possibility of allowing Vesper to go below the minimum parking requirement if sufficient contracted off-site parking is secured. Jones noted that a code exemption for minimum parking cannot be included in the development agreement unless it has first been before the Planning Commission, and therefore any such arrangement would require a future code amendment or separate agreement. The Council discussed the implications of insufficient on-site parking but did not make a formal motion on this point, noting the matter would need to return with a more concrete proposal.

Councilor Christensen moved to direct staff to work with the developer on language addressing subterranean parking, visible parking, and dual-level parking. Councilor Bogdin seconded the motion. The motion passed 7-0.

Jones explained that traffic and parking plans would require city and applicable agency approval before operations and that UDOT approval of the traffic-infrastructure plan is a condition of the property transfer. Chair MacKay requested greater specificity regarding major required improvements and their estimated costs. Director Haight explained that necessary off-site road,

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water, sewer, and storm-drain improvements would generally need to be completed before occupancy. Bayles confirmed that the overpass would be constructed before the first concert and offered to make that requirement explicit in the agreement.

Conservation Easement (Section): Jones explained that the conservation easement provisions are directly tied to the amount of property ultimately sold to Vesper, which has not yet been determined. He indicated the section would need to be revised once the real estate transaction is finalized. He noted that Vesper has agreed to specify that the easement holder would be a 501(c)(3) nonprofit dedicated to open space preservation and that permitted and prohibited uses within the easement area could be more thoroughly specified in the agreement.

Dark Sky and Signage: Jones noted that the development agreement requires the project to be designed dark sky compliant "to the extent reasonably possible" and that the new outdoor lighting ordinance being discussed earlier in the meeting would also apply as binding code at the time of approval. Councilor Christensen noted concern that the "to the extent reasonably possible" qualifier is vague. Jones indicated that the new lighting ordinance, once adopted, would serve as the operative standard, and that the agreement language would be made more explicit to identify which specific uses fall within any recognized exceptions.

Regarding electronic signage, Bayles stated that Vesper would need the ability to display performer information on an electronic sign and that this had been anticipated in the application materials. Several Council members expressed opposition to any electronic signage at the canyon entrance, citing aesthetic concerns and enforcement difficulties with existing electronic signs in the city. Councilor Whipple referenced the applicable sign code sections, which prohibit animated signs and restrict electronic display hold times in the applicable zone. Jones indicated that rather than resolving the specific sign parameters in this meeting, the developer should submit a specific proposal in the next draft that reflects the applicable code limitations and Vesper's operational needs, which the Council would then evaluate.

Sound and Hours of Operation (Section): The current draft requires events to terminate no later than 11:00 PM Sunday through Thursday and midnight Friday through Saturday. Jones noted that absent any development agreement provision to the contrary, the city's noise ordinance would apply, and that Vesper would likely not be able to meet the current decibel standards without seeking some form of code exemption. Bayles acknowledged this and stated that Vesper intends to conduct comprehensive acoustic and sound studies once the design is sufficiently complete (estimated to be six to eight months from approval) and to present findings and proposed standards to the Council at that time.

Councilor Christensen expressed concern that "commercially reasonable" sound mitigation language is too vague and that measurable parameters should be established. Jones noted that the most important near-term action would be to foreclose the possibility of Vesper obtaining routine administrative event-by-event exemptions from the noise ordinance, requiring instead that any departure from the adopted standards be addressed through a formal Council process.

A motion was made by Chair MacKay to add language to the development agreement specifying that Vesper is not eligible for administrative noise ordinance exemptions and that any deviation

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from the applicable noise standards must be addressed through a formal Council process. The motion was seconded by Councilor Bogdin. The motion carried 7–0.

Regarding hours of operation, Councilor MacKay made a motion to set the event curfew at 10:00 PM from Sunday through Thursday and 11:00 PM on Fridays and Saturdays. Bayles stated that 11:00 PM is the minimum standard Vesper would need to remain commercially viable. Councilor Whitlock noted that for indoor events, no curfew applies under the current draft. The motion was seconded by Councilor Bogdin.

Councilor Garrett made a substitute motion to require outdoor events to terminate by 11:00 PM seven days per week, with up to five annual exemptions permitted by application and capped at midnight. Councilor Bogdin seconded the motion. The motion passed: 6-1, (Councilor Whipple opposed).

Default and Remedies: Jones also addressed the provision allowing the 60-day cure period to be extended when a default cannot reasonably be cured within 60 days. He explained that this flexibility is standard and intentional. Jones addressed public comments requesting that monetary damages be added back as a remedy. He stated that in his experience as a city attorney, judges are far more willing to award monetary damages to developers than to municipalities, and that excluding monetary damages from the listed remedies is a protection for the city rather than a concession to the developer.

Construction Commencement Deadline: The agreement requires that Vesper commence construction of the amphitheater within three years, defined as deploying footings and foundations for the venue and passing inspection. Jones noted this threshold was recommended by Director Peperone to ensure a meaningful indication of genuine construction progress, rather than allowing simple site grading or fencing to constitute commencement.

Councilor Hoban raised concern that under the current draft, the hotel could be built and operated prior to the amphitheater's completion, potentially resulting in a hotel and restaurant at the canyon entrance with no amphitheater ever constructed. Bayles confirmed that this outcome is not Vesper's intent and stated they are willing to add explicit language requiring the amphitheater to be completed before the hotel may begin operations.

Public Financing (Section): The draft agreement contains a section preserving Vesper's ability to request public financing tools such as a Public Infrastructure District (PID) or Tax Increment Financing (TIF). Councilor Bogdin moved to remove the public financing section entirely, expressing concern that it sends an undesirable signal to the public and noting that the state auditor and legislature have raised scrutiny of PIDs. Councilor Christensen, who seconded the motion to enable discussion, stated he is in favor of retaining the section for transparency, as Vesper had acknowledged they would be bringing such a request in the future. Jones noted that removing the section does not prevent Vesper from making such a request in the future. The motion failed 1-6, with Councilor Bogdin voting in favor.

Grading and Site Adaptation: Jones explained that slopes greater than 30 percent that are not currently disturbed may not be disturbed without approval through the normal city process.

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Councilor Christensen questioned whether land disturbed decades ago but subsequently revegetated would qualify as "previously disturbed." Staff indicated that "disturbed" would be interpreted as a current condition, and the Council indicated by consensus that the development agreement should make that interpretation explicit.

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4. A discussion regarding the Vesper Amphitheater project purchase agreement (26-064) 03:26:54

City Attorney Jones proposed that this item be deferred, noting that Vesper had not yet submitted a formal offer regarding land price or terms, and that much of the gate framework in the Real Estate Purchase Contract (REPC) addendum may become moot once an actual offer is received. The Council concurred with deferring this item to a future work meeting.

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5. A Q&A session regarding the Vesper Amphitheater (26-064) 03:29:52

Erik Daenitz, Vice President of Public Finance Investment Banking at Piper Sandler, the public finance advisory firm engaged by Vesper, presented a summary of the project's economic and fiscal impact analysis. The analysis focused primarily on direct and site-specific impacts and did not incorporate secondary or tertiary economic effects, which the presenters described as a deliberately conservative approach.

Key findings included: a direct construction cost of $540,000,000 used as the basis for assessed value projections; approximately 957 projected jobs across full-time, part-time, and seasonal positions, with approximately 195 of those employees projected to become long-term Provo residents; and an estimated positive net fiscal impact to Provo City of approximately $2,300,000 per year on average once the project is operational. That figure represents gross revenues of approximately $2,450,000 annually, comprised of approximately $1,470,000 in sales tax, $864,000 in property tax, and smaller amounts in transient room tax and municipal energy tax, offset by estimated new service costs of approximately $200,000–$400,000 per year associated with population growth from new employees.

The presenters estimated that the Provo City School District would receive approximately $4.2 million annually in property tax revenue, while Provo City's average annual share was estimated at approximately $864,000. They clarified that the analysis does not include secondary sales tax impacts from visitors traveling through Orem and Provo corridors, which would represent additional fiscal benefit not captured in the current figures.

Closed Meeting

Councilor Whipple moved to close the meeting for the reasons stated by City Attorney Jones regarding the sale of real property. Councilor Christensen seconded the motion. The motion passed: 7-0 and the council recessed to reconvene in the pre-function room.

PENDING MINUTES – AWAITING APPROVAL

2025–26 CAPER

Consolidated Annual Performance and Evaluation Report

Provo City & Utah Valley HOME Consortium

Program year: July 1, 2025 – June 30, 2026

At a glance

A year of housing assistance, public services and community improvements.

7,409
low-income individuals served

56
households served through regular HOME-funded activities

≈456
households assisted through HOME-ARP rental assistance

24,732
people benefiting from public facility/infrastructure activities

- CDBG- and HOME-funded services supported literacy, job training, physical therapy, youth services, domestic-violence advocacy and other community needs.
- Housing assistance included homebuyer assistance, rehabilitation and acquisition of existing units.
- The CAPER represents the first year of the 2025–2029 Consolidated Plan.

Housing: helping households access and maintain affordable housing

46

households received direct financial assistance to homebuyers

16

households supported through rehabilitation of existing units

46

households supported through acquisition of existing units

- Down-payment assistance programs performed better than anticipated, exceeding the annual goal of 17 assisted households with 46 actual households assisted.
- HOME-funded activities served 56 households across income categories: 10 extremely low-income, 8 low-income and 38 moderate-income households.

Public services: direct support for vulnerable residents

7,409
low-income individuals served by CDBG & HOME-funded activities

≈456
households receiving HOME-ARP tenant-based rental assistance

1,700
people assisted through CDBG public-service activities

- Supported counseling for children who experienced abuse, physical therapy, adult literacy, developmental-disability services, domestic-violence housing/court advocacy and youth services.
- HOME-ARP rental assistance focused on households experiencing homelessness or at risk of homelessness.
- The City continued coordinating with nonprofit partners and the Mountainland Continuum of Care to connect residents with housing and supportive services.

Community facilities & neighborhood improvements

24,732
people assisted through public facility/infrastructure activities

10
rental units rehabilitated

6
homeowner units rehabilitated

- Funding supported improvements to neighborhood and youth facilities and new sidewalk construction.
- These investments advanced public-facility, accessibility and active-transportation objectives identified in the Consolidated Plan.
- The CAPER also documents ongoing program administration, monitoring and compliance activities supporting responsible use of federal funds.

Read the full CAPER & provide feedback

Scan to visit Provo City Community Programs

View the complete 2025–26 CAPER and participate in the public survey.

1. Review Read the full CAPER and supporting information.

2. Respond Share comments and feedback through the survey.

3. Stay engaged Use the Community Programs page for updates and resources.

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter: MMCNALLEY
Presenter: Melissa McNalley, Community Grants Administrator
Department: Development Services
Meeting Date: 9/8/2026
Requested Duration (Minutes): 10 minutes minutes
CityView or Issue File Number: 26-025

SUBJECT: 1 A presentation regarding the Consolidated Annual Performance and Evaluation Report (CAPER) public hearing (26-025)

ADMINISTRATIVE RECOMMENDATION: No action needed.

ADMINISTRATIVE MEMO: This is a public hearing to give opportunity to comment on the performance of CDBG and HOME grants in the 2025-26 Program Year.

FISCAL IMPACT: None

TIME SENSITIVITY: We have to give the public the opportunity to give feedback on the CAPER prior to submission which is in September

COUNCIL STAFF MEMO:

Executive Summary

This Consolidated Annual Performance and Evaluation Report (CAPER) is prepared in accordance with Federal Regulations 24 CFR part 570 for the period of July 1, 2025, through June 30, 2026. This represents the First year of the 2025-2029 Consolidated Plan. The CAPER is a description of the activities conducted during the program year with the entitlement funding from the Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG), the Home Investment Partnership (HOME), American Rescue Plan (HOME-ARP) and the CARES Act appropriated CV (COVID) funding received by Provo City under CDBG-CV and HOME-ARP. The Projects and activities reported in the CAPER principally benefit low-and moderate-income residents of the City and participating municipalities within the Utah Valley HOME Consortium.

DRAFT

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

We expected to report on the completion of a development project this year that would add 37 new housing units. While the affordable housing units are being added to the housing stock within the Consortium boundaries, the project failed to meet timeliness and could not be funded with HOME dollars. The project was ultimately cancelled with funding returned to HUD for reallocation within the Utah Valley HOME Consortium. We were able to exceed the number of direct financial assistance beneficiaries for our first-time homebuyer programs for the first time in several years. The number of rental units reported is a carryover from program year 2024.

DRAFT

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Housing	Affordable Housing	CDBG: $/ HOME: $	Rental Units Constructed	Household Housing Unit	4	0	0%	0	0	0%
Housing	Affordable Housing	CDBG: $/ HOME: $	Rental Units Rehabilitated	Household Housing Unit	4	10	250.00%	0	10	0%

Housing	Affordable Housing	CDBG: $/ HOME: $	Homeowner Housing Added	Household Housing Unit	20	0	0%	37	0	0%
Housing	Affordable Housing	CDBG: $ / HOME: $	Homeowner Housing Rehabilitated	Household Housing Unit	40	6	15%	10	6	60%
Housing	Affordable Housing	CDBG: $ / HOME: $	Direct Financial Assistance to homebuyers	Households Assisted	100	46	46%	17	46	271%
Housing	Affordable Housing	CDBG: $ / HOME: $	Tenant Based Rental Assistance	Households Assisted	100	10	10%	0	10	0%
Public Services	Homeless, Non-Homeless Special Needs	CDBG: $	Public Service Activities other than low/Moderate Income Housing Benefit	Persons Assisted	25000	1700	.7%	4842	1700	35%
Public Services	Homeless, Non-Homeless	CDBG: $	Public Service Activities for low/moderate	Households Assisted	5	0	0%	16	0	0%

DRAFT

	Special Needs		income housing benefit							
Neighborhood Needs	Non-Housing Community Development	CDBG: $	Public Service Activities for Low/Moderate Income Housing Benefit	Households Assisted	50	0	0%	0	0	0%
Community and Public Facilities	Non-Housing Community Development	CDBG: $	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	30000	24,732	82%	24000	24,732	103%
Economic Development	Non-Housing Community Development	CDBG: $	Jobs Created/Retained	Jobs	120	5	4%	5	5	100%
Economic Development	Non-Housing Community Development	CDBG: $	Businesses Assisted	Businesses Assisted	10	0	0%	1	0	0%
Economic Development	Non-Housing Community Development	CDBG: $	Other: Internships provided	Internships provided	10	0	0%	0	0	0%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

DRAFT

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

During the program year, Provo City and the Utah Valley HOME Consortium made progress toward each of the goals identified in the 2025-29 Consolidated Plan:

Goal 1 – Housing. The Consortium expanded affordable housing opportunities by providing direct financial assistance to homebuyers and funding homeowner rehabilitation to preserve and improve existing owner-occupied housing stock, advancing progress toward the Affordable Homebuyer Programs and Affordable Homeowner Development objectives.

Goal 2 – Public Services. Funding supported a range of public service organizations serving vulnerable populations, including physical therapy services for low-income residents, adult literacy programs, therapy services for children who have experienced abuse, programs serving individuals with developmental disabilities, and housing and court advocacy for victims of domestic violence. These activities collectively advanced the behavioral health, special needs, and youth services objectives under this goal.

Goal 4 – Community and Public Facilities. Funding supported improvements to neighborhood and youth facilities, along with new sidewalk construction to improve accessibility, advancing both the public facilities and active transportation/accessibility objectives under this goal.

Goal 5 – Economic Development. The City continued repayment of a Section 108 loan obtained in 2019, with annual job-creation reporting tied to the loan's economic development requirements, in accordance with HUD's job reporting standards for Section 108-financed activities.

Goal 6 – Administration. CDBG and HOME funds supported the ongoing administration, management, and reporting functions necessary to operate the programs for both Provo City and the Utah Valley HOME Consortium, ensuring compliance with HUD requirements throughout the program year.

DRAFT

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

The following table shows the ethnic makeup of those served in the 2025-26 year with CDBG and HOME funding. Many assisted households identify as white alone. These numbers are consistent with the demographic makeup of Provo City according to Census data.

	CDBG	HOME
White	5,955	48
Black or African American	244	1
Asian	148	0
American Indian or Alaskan Native	88	1
Native Hawaiian or Other Pacific Islander	143	1
American Indian/Alaskan Native & White	18	0
Asian & White	3	0
Black/African American & White	15	0
Amer Ind/Alaskan Nat & Black/African Amer	1	0
Other Multi-racial	738	5
Total	**7353**	56
Hispanic	1753	9
Not Hispanic	5600	47

Table 2 – Table of assistance to racial and ethnic populations by source of funds

7,409 low-income individuals were served with the 2025-26 CDBG and HOME funding providing access to counseling services for children experiencing abuse, housing, court advocate services to victims of domestic violence, physical therapy services, classes and respite for individuals with developmental disabilities, and literacy and job training skills.

Provo City and the Utah Valley HOME Consortium members strive to provide services and opportunities to all ethnicities. Because Spanish is the second most spoken language in Utah County public notices are translated into Spanish as well as all program brochures.

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CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	1,263,160	1,680,736.38
HOME	public - federal	1,873,401	2,728,692.24

Table 3 - Resources Made Available

Resources available for the 2025-26 Program Year for CDBG and HOME include q2funding from prior years. The expenditures reflect amounts spent during the 2025-26 program year which include CDBG and HOME amounts awarded in prior years and spent in the current year as well as current year awards. Additionally, it includes $247,463.93 in CDBG-CV funds and $1,272,359.25 in HOME-ARP funds.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description

Table 4 – Identify the geographic distribution and location of investments

Provo City does not currently have any locally targeted areas.

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Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The HOME investment Partnership Program requires a 25% match. Provo City ensures that match requirements are met through the leverage capacity of subrecipients primarily by way of sweat equity and non-federal dollars. The down payment assistance programs that are run through Provo City (Loan to Own and Home Purchase Plus) both require the homebuyers to contribute $1,000 of their own cash toward the down payment of the home.

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Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	12,599,387
2. Match contributed during current Federal fiscal year	0
3 .Total match available for current Federal fiscal year (Line 1 plus Line 2)	12,599,387
4. Match liability for current Federal fiscal year	770,480
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	11,828,907

Table 5 – Fiscal Year Summary - HOME Match Report

Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Foregone Taxes, Fees, Charges	Appraised Land/Real Property	Required Infrastructure	Site Preparation, Construction Materials, Donated labor	Bond Financing	Total Match

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period $	Amount received during reporting period $	Total amount expended during reporting period $	Amount expended for TBRA $	Balance on hand at end of reporting period $
586,213	287,904.90	236,647.90	0	637,470

Table 7 – Program Income

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Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period						
	Total	**Minority Business Enterprises**				**White Non-Hispanic**
		Alaskan Native or American Indian	**Asian or Pacific Islander**	**Black Non-Hispanic**	**Hispanic**	
Contracts						
Number						
Dollar Amount	0	0	0	0	0	0
Sub-Contracts						
Number						
Dollar Amount	0	0	0	0	0	0

	Total	**Women Business Enterprises**	**Male**
Contracts			
Number			
Dollar Amount	**0**	**0**	**0**
Sub-Contracts			
Number			
Dollar Amount	**0**	**0**	**0**

Table 8 - Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted						
	Total	**Minority Property Owners**				**White Non-Hispanic**
		Alaskan Native or American Indian	**Asian or Pacific Islander**	**Black Non-Hispanic**	**Hispanic**	
Number	**0**	**0**	**0**	**0**	**0**	**0**
Dollar Amount	**0**	**0**	**0**	**0**	**0**	**0**

Table 9 – Minority Owners of Rental Property

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Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition		
Parcels Acquired	**0**	
Businesses Displaced	**0**	
Nonprofit Organizations Displaced	**0**	
Households Temporarily Relocated, not Displaced	**0**	

Households Displaced	**Total**	**Minority Property Enterprises**				**White Non-Hispanic**
		Alaskan Native or American Indian	**Asian or Pacific Islander**	**Black Non-Hispanic**	**Hispanic**	
Number	**0**	**0**	**0**	**0**	**0**	**0**
Cost	**0**	**0**	**0**	**0**	**0**	**0**

Table 10 – Relocation and Real Property Acquisition

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CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	10
Number of Non-Homeless households to be provided affordable housing units	64	52
Number of Special-Needs households to be provided affordable housing units	16	0
Total	**80**	**62**

Table 11 – Number of Households

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	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	37	0
Number of households supported through Rehab of Existing Units	26	16
Number of households supported through Acquisition of Existing Units	17	46
Total	**80**	**62**

Table 12 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

It was anticipated that funding would assist housing in a treatment facility (Special Needs households). The funding was directed toward security, and the activity was not counted as a housing activity as anticipated in the Action Plan. The activity for new units that was supposed to finish was ultimately cancelled. We anticipate adding new affordable housing units in FY 2028 as the project approaches completion and homeowners can occupy housing. Our down payment assistance programs are performing better than anticipated. Changes were made to the programs to allow more assistance with half of the funding forgiven once the affordability period is met.

Discuss how these outcomes will impact future annual action plans.

The redirection of funding originally intended for Special Needs housing at the treatment facility toward security improvements — which resulted in the activity not being counted toward housing production goals — highlights the need for closer scoping and eligibility review at the application stage for future Special Needs housing activities. Provo City will apply more conservative unit-production estimates for this population in future Annual Action Plans until a project with a confirmed housing-eligible scope is identified.

The cancellation of the new construction activity means the associated unit production has been removed from current-year accomplishments and shifted forward. Future Annual Action Plans, beginning with FY 2028, will reflect the Consortium's anticipated completion of this project and occupancy by eligible homeowners, and progress will be tracked closely through project completion to avoid a repeat of this delay.

The stronger-than-anticipated performance of the down payment assistance program, along with the program modifications allowing greater assistance with partial loan forgiveness at the end of the affordability period, will be carried forward as a program design going forward. Given this performance, future Consortium Annual Action Plans are likely to allocate a greater share of HOME funds to down payment assistance relative to new construction activities, reflecting both demonstrated demand and the program's ability to reliably convert funding into completed outcomes within the program year.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	0	10
Low-income	0	8
Moderate-income	4	38
Total	**4**	**56**

Table 13 – Number of Households Served

Narrative Information

During the FY 2025 program year, CDBG-funded activities served a total of 4 households, all at the moderate-income level. HOME-funded activities served 56 households across income categories, including 10 extremely low-income households, 8 low-income households, and 38 moderate-income households.

These figures do not capture tenant-based rental assistance (TBRA) provided through HOME-ARP funding, which is reported separately from the Consortium's regular HOME allocation. Through HOME-ARP, the Consortium provided rental assistance to approximately 456 households experiencing homelessness or at risk of homelessness during the program year, all of whom were extremely low-income or low-income households. Because HOME-ARP is a distinct funding source with its own reporting requirements under HUD's HOME-ARP guidance, this activity is not reflected in the CDBG/HOME table above, but represents a substantial share of the Consortium's overall housing assistance for the year.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Utah Valley HOME Consortium, represented by staff from the Lead Entity, Provo City, participates in the Mountainland Continuum of Care. CoC meetings are held monthly and attended by Provo City staff and several care providers throughout Utah County. This coordinated outreach structure directly supports the annual Point-in-Time (PIT) Count, which found that homelessness across the Mountainland region declined from 292 individuals in 2025 to 247 individuals in 2026, with unsheltered homelessness decreasing from 53 to 45 people during that same period. This represented a 15% drop, the largest percentage decrease among Utah's three Continuums of Care for the 2026 count.

A list, by name, of unsheltered homeless individuals is maintained, and a subcommittee meets regularly to discuss their individual needs and possible housing placements. The subcommittee is comprised of service agencies including Wasatch Behavioral Health, Food & Care Coalition, Community Action Services and Food Bank, United Way, Provo City Housing Authority, Housing Authority of Utah County, domestic violence service providers, and representatives for homeless veterans.

Annually, members of the Continuum of Care volunteer, along with community members, to conduct the Point-in-Time Count to find unsheltered individuals and help guide them to needed resources. The January 2026 count was conducted with the support of 11 volunteer teams and more than 70 community volunteers, covering urban, suburban, and rural areas of the region to ensure a comprehensive count.

Provo City provides funding for programs designed to give aid to the homeless population through non-profit partners.

Addressing the emergency shelter and transitional housing needs of homeless persons

Provo City addresses emergency shelter and transitional housing needs of homeless families and individuals through the funding of agencies that provide transitional and supportive housing, mentoring, and case management to victims of domestic and sexual abuse.

In the 2025-26 Program year, several agencies were awarded funding through HOME-

ARP to provide supportive services and Tenant Based Rental Assistance with most of the funding going toward TBRA to assist in the chronic need for housing. These activities are anticipated to help significantly reduce the gaps in services for these vulnerable populations.

Recently, the State of Utah passed a bill for cities and counties to provide emergency overnight shelter specifically during the colder winter months. Provo City along with Utah County officials and the Mountainlands Continuum of Care created a task force to collaborate on the winter warming response plan. In the 2025-26 Program year, the warming center operated at a single location at a Utah County Government facility, and was open from November through March. This represents a change from the previous season, when services rotated across three locations and ran from October through April; the consolidation to one site was intended to simplify the program for clients and address security concerns raised at some of the prior locations, while the shortened season allowed the county to concentrate resources during the coldest, highest-demand months.

There are two transitional housing programs, Food and Care Coalition and The Refuge (previously known as the Center for Women and Children in Crisis-WCIC). Both programs operate at capacity and house individuals for up to a year, or longer if needed, as is the case with providers of housing for victims of domestic violence individuals.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Provo City funds a number of programs that help prevent homelessness among low-income and extremely low-income individuals and families, including those at risk due to discharge from publicly funded institutions or those already receiving assistance from public or private agencies addressing housing, health, social services, employment, education, or youth needs.

Provo City funded Project Read, which provides adult literacy services; The Refuge and Victims Services, which provide housing and court advocacy for victims of domestic violence; and the Boys and Girls Club, which offers youth services along with homelessness prevention support. These programs, along with continued support of service providers through HOME-ARP funding, help prevent homelessness among

vulnerable populations before they enter the shelter system. The Mountainland Continuum of Care's member agencies — including Wasatch Behavioral Health, Community Action Services and Food Bank, and domestic violence service providers — coordinate through monthly CoC meetings to connect individuals at risk of homelessness, including those exiting institutional care, with appropriate housing and support services.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Provo City supports the transition of homeless individuals and families to permanent housing through continued participation in the Mountainland Continuum of Care's coordinated entry system, which prioritizes chronically homeless individuals, veterans, families with children, and unaccompanied youth for available housing resources. In the 2025-26 Program year, HOME-ARP funding supported Tenant Based Rental Assistance for approximately 456 households experiencing homelessness or at risk of homelessness, representing a significant investment in shortening the length of time households experience homelessness and facilitating access to affordable housing.

Household-level outcome data — including exits to permanent housing and returns to homelessness — is tracked through the Homeless Management Information System (HMIS) at the CoC level rather than by individual funding source, so detailed exit and recidivism figures specific to Provo City-funded activities are not independently available. However, the region's overall trend is positive: the 2026 Point-in-Time Count found that homelessness across the Mountainland Continuum of Care declined from 292 individuals in 2025 to 247 individuals in 2026, with unsheltered homelessness decreasing from 53 to 45 people, suggesting the coordinated system of outreach, prevention, and housing placement is having a measurable effect.

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CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

Both the Utah County Housing Authority and Provo City Housing Authority continue to search for sites for the building and development of affordable housing. As housing prices have come down marginally, there may be opportunities for purchase of new facilities. The wait lists for both housing authorities is extensive (at least a year's wait time). We continue to work with both Housing Authorities to look for affordable housing solutions.

The city is currently partnering with the Provo City Housing Authority to develop new affordable workforce housing. This project broke ground in July 2026.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The Housing Authority of Utah County continues to market to residents that would like to form an advisory committee. They will continue to promote this to all housing choice voucher clients and those living in authority owned units. They have a resident advisor that sits on the board to assist in looking at issues from the tenant perspective.

The Provo City Housing Authority has been working diligently to increase their presence at their properties. As they prepare for a rental assistance demonstration conversion they will be bringing on designated staff to work directly with residents initiatives.

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Actions taken to provide assistance to troubled PHAs

Neither the Provo City Housing Authority nor the Housing Authority of Utah County is a troubled Public Housing Authority.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The Station Area Plans around transit hubs (light rail and bus rapid transit hubs) referenced in the prior program year have been adopted, and Provo City is now moving forward with implementation, emphasizing affordable housing and active transportation surrounding transit hubs. Building on this foundation, City staff are exploring a Housing and Transit Reinvestment Zone (HTRZ) Plan for the FrontRunner Station area, which would incorporate the adopted FrontRunner and 400 South Station Areas Plan and leverage tax increment financing to incentivize affordable housing development near transit. This approach reflects the City's ongoing efforts to pair station-area zoning and planning work with financial incentive structures designed to make affordable housing development more feasible for private developers.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

One of the biggest underserved needs continues to be affordable housing and emergency shelter/supportive housing. The tenant-based rental assistance (TBRA) has helped several households experiencing homelessness or at risk of homelessness. One of the most underserved populations are those experiencing domestic violence. Several households assisted with TBRA are within this population. The City awarded HOME-ARP funding for a non-congregate shelter serving victims of domestic violence. The ground-breaking is anticipated in October 2026.

The City supports non-profits providing housing for first-time homebuyers through Rural Housing Development Corporation (Self-Help Homes) as well as administrating programs for down-payment assistance.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

Provo City consistently conducts lead-based paint testing on home purchases and any rehabilitation work done for both commercial and residential structures built prior to 1978 and abate as needed.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

Provo City provides funding through its CDBG grant to Community Action Services and

Food Bank of Utah County (CASFB) for the "Circles" program which focuses on mentoring individuals and families experiencing poverty to become self-reliant. To promote this program CASFB also offered four half day courses of the "Bridges Out of Poverty" course. While not all attendants result in clients joining the Circles program, the courses help inform local leaders and volunteers and give them tools to provide support to families in the community.

Programs are also implemented through HOME-ARP funding to help educate individuals and families to overcome the cycle of homelessness and help provide a pathway forward to succeed on their own.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Provo City staff continues to enhance education on subjects pertaining to CDBG and HOME programs through training at the HUD Exchange website.

Provo City, along with other Entitlement Cities in Utah County, hold regular sessions for non-profit providers in order to offer Technical Assistance and gain feedback from organizations serving those most in need.

Provo City staff also serve on the executive board of the Mountainland Continuum of Care, providing opportunities to interact more with the non-profit community serving the most vulnerable populations.

Provo City continues to work with other consortium cities to determine needs and funding priorities to best serve communities throughout Utah County.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

Provo City participates with the Continuum of Care as well as collaborating with Lehi City, Orem City, and Utah County to provide increased levels of cooperation to address housing needs and social service concerns. Provo City is also working with Provo City Housing Authority in efforts to develop workforce housing within Provo City.

Social Service agencies are contacted regularly to provide input on community needs and feedback for programs in place. This information is taken into consideration when formulating priority funding.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

1. Supply of Rental Units for Large Families. Utah County has young and large families. About 33% of these families are considered large. As the trend of large families continues to increase, rental units for these families are in greater demand.

No Actions Taken

2. Limited Land for Development. Moderate-income households cannot afford to live far from work and shopping. Though there is available land, it is mostly concentrated in the western portions of Provo City and the County.

1. Development on the West portion of Provo City is increasing rapidly. While there is a desire for a mixture of housing types, there are few options available for moderate-income families in these new developments as housing prices continue to be cost prohibitive to moderate income and below households.

3. Construction Costs. This barrier has increased even more after the Pandemic, raw materials for construction have increased over 19.4% in the last 12 months.

No Actions Taken

4. Zoning. Although most municipalities in Utah County are moving toward public policies that help with the housing burdens of the area, there continues to be fees, assessments, and zoning regulations that disincentivize construction of low- and moderate-income housing. Additionally, more incentives for the construction and set-aside of moderate-income housing should be established.

Through the Redevelopment Agency of Provo City, moderate-income and affordable housing units are incentivized through tax increment financing.

5. Hispanic and other Minority Loan denials.

Provo City ensures that home-buyer materials are available in the Spanish and available in the department lobby and online. We also deliver our brochures to partner agencies who serve these populations. Establishing credit is one of the biggest obstacles for homeownership for the Hispanic and other Minority populations.

6. Continued High Rents and Sales Prices. Supply continues to be outpaced by demand in the Utah County housing industry. Even during the course of researching and conducting this analysis, sales prices continued to rise.

There continues to be a housing shortage in Provo City and throughout Utah County, specifically housing that is attainable for lower income populations. While minor reductions were seen in for sale housing, rental housing prices remain static.

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CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

A standard practice is to operate CDBG and HOME funds on a reimbursement basis, thus ensuring that a desk review of proposed expenditures is performed to verify that contract and federal regulations are being met.

Staff conducted virtual reviews of Subrecipients and Contractors with current contracts and provided technical assistance on several varied issues to CDBG, HOME and HOME-ARP programs.

In Fall 2025 Staff visited Food and Care Coalition, Building Beginnings, My Story Matters, Egress Window Program, Emergency Repair, Business Façade Program, Loat to Own DPA and HOME Purchase Plus DPA to follow up on timely funding usage, income documentation, record compliance and other requirements.

During September and October of 2025, Provo City staff visited several HOME assisted properties to monitor income and intake information as well as conduct property inspections. Those properties inspected were:

Other HOME Funded Projects –
Mountain Crest Manor
Building Beginnings

Other HOME Monitoring -
UVU Care HUB
My Story Matters
Loan to Own DPA
Home Purchase Plus DPA

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The Notice for the Consolidated Annual Performance and Evaluation Report (CAPER) was published on August 21 advertising a comment period through September 24, in both English and Spanish. A Hearing was held for public comment on September 22,

2026, in the Provo City Council Chambers located at 445 West Center. The chambers are fully accessible, and attendees were advised of services available for the hearing impaired and those with a need for language translation. The public hearing was also available on the City's YouTube channel and Zoom for those wishing to participate in public comment virtually.

A draft of the 2025-26 CAPER was made available on the Provo City Website with a comment box provided for convenience and advertised through the City's social media pages.

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CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There are no changes in the City's program objectives

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

N/A

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CR-50 - HOME 24 CFR 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in 24 CFR §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

During September and October of 2025, Provo City staff visited HOME assisted properties to monitor income and intake information as well as conduct property inspections. Those properties inspected were:

Other HOME Funded Projects –
Mountain Crest Manor
Building Beginnings

All properties were inspected. Monitoring letters with no identified concerns are attached in the Appendix to this CAPER report.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 24 CFR 91.520(e) and 24 CFR 92.351(a)

Program brochures are translated and available in Spanish. Additionally, all subrecipients of Provo City and the Utah Valley HOME Consortium are required to market to all demographics through written agreements.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

A total of $236,647.90 in HOME Program Income was expended in the 2025-26 program year. This funding was used for down payment assistance for first time homebuyers, 4 of 46 were funded with program income throughout the year. Of those 38 make 61-80% of AMI, 6 make 51-60% of AMI and 2 make 31-50% of AMI.

Describe other actions taken to foster and maintain affordable housing. 24 CFR 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 24 CFR 91.320(j)

Affordable housing is a priority throughout the City as well as the State of Utah. The City

continues to look for opportunities to partner with non-profits and developers to create a balance of affordable and attainable housing. The City is currently working with an organization to develop workforce housing. It is anticipated that this project will be completed by 2027.

DRAFT

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	4	0	0	0	0
Total Labor Hours	11,459				
Total Section 3 Worker Hours	2,873				
Total Targeted Section 3 Worker Hours	1,050				

Table 14 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers					
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.					
Direct, on-the job training (including apprenticeships).					
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.					
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).					
Outreach efforts to identify and secure bids from Section 3 business concerns.					
Technical assistance to help Section 3 business concerns understand and bid on contracts.					
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.					
Provided or connected residents with assistance in seeking employment including: drafting resumes,preparing for interviews, finding job opportunities, connecting residents to job placement services.					
Held one or more job fairs.					
Provided or connected residents with supportive services that can provide direct services or referrals.					
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.					
Assisted residents with finding child care.					
Assisted residents to apply for, or attend community college or a four year educational institution.					
Assisted residents to apply for, or attend vocational/technical training.					
Assisted residents to obtain financial literacy training and/or coaching.					
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.					
Provided or connected residents with training on computer use or online technologies.					
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.					
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.					

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Other.					

Table 15 – Qualitative Efforts - Number of Activities by Program

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PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	JBUNDERSON
Presenter:	Brad Raney, Director Parks and Recreation
Department:	Parks and Rec
Meeting Date:	9/8/2026
Requested Duration (Minutes):	10 minutes
CityView or Issue File Number:	26-065

SUBJECT: 2 A resolution supporting the submittal of the 2026 Outdoor Recreation Legacy Partnership Grant application to secure grant funding to aid in providing park improvements for the Epic Regional Sports Park (26-065)

ADMINISTRATIVE RECOMMENDATION: Request Provo City Council approval of a resolution supporting the submittal of the 2026 Outdoor Recreation Legacy Partnership Grant application to secure grant funding to aid in providing park improvements for the Epic Regional Sports Park.

ADMINISTRATIVE MEMO: Parks and Recreation is requesting support from the Provo Municipal Council to apply for the federal Outdoor Recreation Legacy Partnership Grant. This grant requires a 50% match. Project cost estimates are $16,000,000 for the next park phase to build 5 more fields, and supporting parking and restroom facilities. It is anticipated that the grant would fund up to $8,000,000 and that the remaining $8,000,000 match would come from a combination of Utah County, Utah State and Parks CIP funds. Parks and Recreation will be in communication with Utah County for their potential match. Final match funding discussions are dependent if this federal grant funding source is awarded in the next 12-18 months.

FISCAL IMPACT: Up to $4,000,000 of Parks CIP Funding

TIME SENSITIVITY: Grant application submission is due by September 15th

COUNCIL STAFF MEMO: N/A

Epic Sports Park 2026 Council Update

Economic Impact 2025-26

- 2025 Pioneer Cup - International Youth $130,088.80
- Elite Academy League 2025 West Regional $2,061,114.63
- DPL 2025-2026 West Regional Event $1,994,611.14
- Aspire 2025-2026 West Regional Event $1,813,187.61
- Elite Academy League 2026 West Regional $2,024,632.15
- DPL 2026 West Regional Event $2,407,181.34
- Aspire 2026 West Regional Event $2,004,477.15
- Pre-ECNL Champions Cup 2026 $1,527,877.15
- NL Northwest Playoffs 2026 $919,584.26
- NL Southwest Playoffs 2026 $918,149.67
- USYS Boys National Championships 2026 $1,270,00 0
- **Total: $17,091,903.90**

Current Operations and Looking Ahead

- League play and local tournaments also provide economic impact
- Operating costs are covered by revenue
- Regional/National Tournaments cover the largest share of revenue
- 3500-4000 Provo kids are using the facility through Provo Rec. programs and local clubs
- Drop-in field program, playgrounds open to everyone

- 7 National/Regional Tournaments 2026-27
- Outdoor Recreation Legacy Partnership Grant opportunity to fund remaining 5 fields
  - 50/50 grant on a $16M project.

RESOLUTION <<Document Number>>

A RESOLUTION SUPPORTING THE SUBMITTAL OF THE 2026 OUTDOOR RECREATION LEGACY PARTNERSHIP GRANT APPLICATION TO SECURE GRANT FUNDING TO AID IN PROVIDING PARK IMPROVEMENTS FOR THE EPIC REGIONAL SPORTS PARK (26-065)

RECITALS:

Provo City desires to make improvements to the EPIC Regional Sports Park located at 1200 Epic Lane;

The City recognizes that the grant requires a 50% match with city funds if the application is awarded;

The City supports and approves submitting a 2026 grant application for Outdoor Recreation Legacy Partnership Funds to help provide financing to make improvements at the EPIC Regional Sports Park;

On September 8, 2026, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts and comments presented to the Provo Municipal Council, the Council finds that (i) the grant application should be authorized; and (ii) that such action reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council resolves as follows:

PART I:

1. The Provo Municipal Council supports and approves the submittal of the 2026 Outdoor Recreation Legacy Partnership Grant application; and

2. The City is committed to providing the required matching funds identified in the grant application up to $4,000,000.

PART II:

This resolution takes effect immediately.

END OF RESOLUTION.

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter: JBUNDERSON
Presenter: Brad Raney, Director Parks and Recreation Department
Department: Parks and Rec
Meeting Date: 9/8/2026
Requested Duration (Minutes): 5 minutes
CityView or Issue File Number: 26-066

SUBJECT: 3 A resolution appropriating $330,000 to pay for Fort Utah Park improvements for the fiscal year ending June 30, 2027. (26-066)

ADMINISTRATIVE RECOMMENDATION: Authorization of an appropriation of $330,000 currently unassigned funds in the Parks and Recreation CIP fund balance for Fort Utah Park playground equipment.

ADMINISTRATIVE MEMO: Request the Provo City Council authorization to use currently unassigned Parks and Recreation fund balance for new Fort Utah Park Playground equipment.

FISCAL IMPACT: Current Parks and Rec fund balance revenues

COUNCIL STAFF MEMO:

RESOLUTION <<Document Number>>

A RESOLUTION APPROPRIATING $330,000 TO PAY FOR FORT UTAH PARK IMPROVEMENTS FOR THE FISCAL YEAR ENDING JUNE 30, 2027. (26-066)

RECITALS:

It is proposed that $330,000 be appropriated in the Parks & Recreation CIP fund to pay for playground, rubberized fall protection, shade sails, and other equipment;

The funding source for the appropriation is Parks & Recreation CIP fund balance;

On September 8, 2026, the Municipal Council met to consider the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds that (i) the proposed action should be approved as described herein, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council resolves as follows:

PART I:

An appropriation of $330,000 in the Parks & Recreation CIP fund for the Fort Utah Park improvements described above is authorized.

PART II:

This resolution takes effect immediately.

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	MDAYLEY
Presenter:	Britton Johnson, Council Policy Intern
Department:	Recorder
Meeting Date:	9/8/2026
Requested Duration (Minutes):	25 minutes
CityView or Issue File Number:	26-067

SUBJECT: 7 An ordinance regarding outdoor lighting standards exemptions. (26-067)

ADMINISTRATIVE RECOMMENDATION: N/A

ADMINISTRATIVE MEMO: N/A

FISCAL IMPACT: None

COUNCIL STAFF MEMO: Councilors submitted an issue request to review Provo City's outdoor lighting regulations and consider pursuing go-forward standards that aim to preserve dark skies and reduce light pollution. The item was heard during the August 11th and August 25th Council Work Meetings and was unanimously approved by the Council on the August 25th Council Meeting, with the intention of addressing the exemptions section of the item further to clarify and adjust changes made surrounding holiday and temporary residential decorative lighting.

Discussion on Outdoor Lighting Standard Exemptions

Presented By:
Britton Johnson, Council Intern
Council Work Meeting | Tuesday, September 8th, 2026

Stated Intent of Provo's Outdoor Lighting Ordinance

> It is the intent of the City to encourage lighting that provides safety, utility and security while preventing glare on public ways, protecting the enjoyment of private property rights, conserving energy resources and reducing atmospheric light pollution.

The intention of these changes is to strike a balance between safeguarding public safety, reducing light pollution, and allowing people to enjoy their private property rights

Addressing Discussion From Last Work Meeting - Holiday Lights

15.21.040
Exemptions.

The following types of outdoor lighting shall be exempt from the provisions of this Chapter:

(1) Holiday lighting during the months of November, December and January. Such lighting shall not create dangerous glare on adjacent streets or properties.

The following types of outdoor lighting shall be exempt from the provisions of this Chapter:

(1) Holiday lighting that does ~~during the months of November, December and January. Such lighting shall~~ not create dangerous glare on adjacent streets or properties. All holiday lighting must be turned off by 10pm nightly.

The following types of outdoor lighting shall be exempt from the provisions of this Chapter:

(1) Holiday lighting ~~that does not create dangerous glare on adjacent streets or properties.~~, including but not limited to internally illuminated decorations, string lights, string light displays, and colored festoon lighting from June 15th-July 25th, as well as the months of October, November, December, and January. Such lighting may not create dangerous glare on adjacent streets or properties. ~~All holiday lighting must be turned off by 10pm nightly.~~

Holiday Lighting Exemption Language before August 25th

Holiday Lighting Exemption Language after August 25th

Proposed New Holiday Lighting Exemption Language

provo

“Jelly” Lighting Discussion

(2) Permanent outdoor LED façade lighting, such as JellyFish, Trimlight, and other similar brands, is permitted year-round if the light track is shielded, directed downward, and mounted horizontally in the soffit. Façade lighting must be set to a warm white setting or warmer and a correlated color temperature (CCT) of 3000K or less. However, colored displays are only allowed during the periods described in subsection (1). Such lighting mentioned in this subsection may not create dangerous glare on adjacent streets or properties or cause unreasonable annoyance or discomfort to the occupants of nearby properties.

Note: This section does not prohibit these style lights from being programmed during the periods holiday lights are allowed to strobe, chase, and flash

Festoon Lighting (Bulb String Lights) Discussion

(3) Festoon string lighting is permitted if:

a) each bulb produces less than fifty (50) lumens (equivalent to a five (5) watt incandescent bulb)

b) no more than fifty (50) lumens are produced per linear foot, and

c) each bulb has a correlated color temperature (CCT) of 3000K or less.

The section about lumens per linear foot is meant to close a loophole that would allow someone to crowd several bulbs all in one spot.

Next Steps

1. **Move to amend the proposal**
2. **Move to continue this discussion in a future work meeting**
3. **Make no motion and vote on this item in a future council meeting**

PROVO CITY MUNICIPAL COUNCIL

Staff Memorandum

Britton Johnson, City Council Intern

Outdoor Lighting Exemption Updates

September 8, 2026

Councilors Whitlock, MacKay, and Christensen submitted an issue request to review Provo City's outdoor lighting regulations and consider pursuing go-forward standards that aim to preserve dark skies and reduce light pollution. The item was heard during the August 11th and August 25th Council Work Meetings and was unanimously approved by the Council on the August 25th Council Meeting, with the intention of addressing the exemptions section of the item further to clarify and adjust changes made surrounding holiday and temporary residential decorative lighting. This memo aims to address those concerns for an upcoming work meeting discussion.

Proposed Provo City Code Amendments Following August 25th Council Work Meeting Discussion

A motion was made to change Provo City Code Section 15.21.040(1) to allow holiday lighting year-round, so long as the lighting is turned off by 10pm nightly in the August 25th Work Meeting and was approved in the Council Meeting on the same day. The discussion surrounding holiday lighting led to a recommendation to discuss this change and the holiday light exemption further and come to a resolution.

Exhibit A of the proposed ordinance, which is available in your packet, outlines the proposed changes to Provo City Code Section 15.21.040, which regulates the exemptions to the City's outdoor lighting standards. The first change allows holiday lighting only during the months of October-January and from June 15th-July 25th and eliminates the 10pm curfew requirement to power off holiday lights. Holiday lighting is also defined in this section, and includes string lights, string light displays, colored festoon lighting, and internally illuminated decorations. The changes to the dates when holiday lights are exempt from the City's outdoor regulations are meant to simply be a placeholder to facilitate discussion during the September 8th Council Work Meeting, however the rationale for including these specific dates is to be able to include the major holidays of Independence Day, Pioneer Day, Halloween, Thanksgiving, and the several winter holidays taking place in the months of December and January while not permitting string Christmas lights year-round.

The second change defines and specifies exemptions for permanent outdoor LED façade lighting, which are JellyFish lighting, Trimlight, and other similar brands that remain permanently installed in the soffits of people's homes. The main proposed requirements for these lights to be permitted are as follows:

- The light track must be shielded, directed downward, mounted horizontally in the soffit.
- The lights must be set to a warm white setting or warmer and a correlated color temperature (CCT) of 3000K or less when not being used for a holiday display
- Displays with colors other than warm white are only permitted during the during the months of October-January and from June 15th-July 25th
- The display may not create dangerous glare on adjacent streets or properties or cause unreasonable annoyance or discomfort to the occupants of nearby properties.

Let it be noted that these proposed regulations do not prohibit permanent outdoor LED façade lighting from being programmed to strobe, chase, or flash during the holiday periods of the year.

The final significant proposed text change to Provo City Code Section 15.21.040 is clarification on festoon lights, which are string lights with large bulbs that are often hung as decorative lighting year-round and typically produce a warm glow. These lights will be exempt from the full-shielding requirements in Chapter 15.21 of Provo City Code, so long as each bulb produces 50 lumens or less and meets the color temperature requirements. The bulbs also need to be appropriately spaced so there are not large bursts of unshielded light on festoon strings, so only 50 lumens per linear feet of festoon lighting is allowed to address this loophole.

Intention of Proposed Changes

The stated intent of Provo City's outdoor lighting regulations in Section 15.21.010 is "to encourage lighting that provides safety, utility and security while preventing glare on public ways, protecting the enjoyment of private property rights, conserving energy resources and reducing atmospheric light pollution." These proposed changes are intended to ensure that the City's outdoor lighting standards continue to safeguard public safety and mitigate light pollution in the night sky while also avoiding unduly regulations and standards on residents and thus protecting their enjoyment of their private property rights.

Recommendation

Based on the contents of this memorandum, I recommend that the municipal council move that these proposed changes be approved in the September 22nd Council Meeting.

ORDINANCE <<Document Number>>

AN ORDINANCE REGARDING OUTDOOR LIGHTING STANDARDS EXEMPTIONS. (26-067)

RECITALS:

It is proposed that that Provo City Code Section 15.21.040 be amended with the aim of clarifying and adjusting exemptions to outdoor lighting standards exemptions;

On _____, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds that (i) the proposed action should be approved, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council ordains as follows:

PART I:

Provo City Code Section 15.21.040 is amended as presented in Exhibit A.

PART II:

A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.

B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.

C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

D. The Municipal Council directs that the official copy of Provo City Code be updated to reflect the provisions enacted by this ordinance.

Exhibit A

Chapter 15.21
OUTDOOR LIGHTING REGULATIONS

15.21.040
Exemptions.

The following types of outdoor lighting shall be exempt from the provisions of this Chapter:

(1) Holiday lighting ~~that does not create dangerous glare on adjacent streets or properties.~~, including but not limited to internally illuminated decorations, string lights, string light displays, and colored festoon lighting from June 15th-July 25th, as well as the months of October, November, December, and January. Such lighting may not create dangerous glare on adjacent streets or properties. ~~All holiday lighting must be turned off by 10pm nightly.~~

(2) Permanent outdoor LED façade lighting, such as JellyFish, Trimlight, and other similar brands, is permitted year-round if the light track is shielded, directed downward, and mounted horizontally in the soffit. Façade lighting must be set to a warm white setting or warmer and a correlated color temperature (CCT) of 3000K or less. However, colored displays are only allowed during the periods described in subsection (1). Such lighting mentioned in this subsection may not create dangerous glare on adjacent streets or properties or cause unreasonable annoyance or discomfort to the occupants of nearby properties.

(3) Festoon string lighting is permitted if:

a) each bulb produces less than fifty (50) lumens (equivalent to a five (5) watt incandescent bulb)

b) no more than fifty (50) lumens are produced per linear foot, and

c) each bulb has a correlated color temperature (CCT) of 3000K or less.

(4~~2~~) Temporary lighting, including but not limited to circuses, fairs, carnivals and civic uses, for a period not to exceed thirty (30) days unless otherwise approved by the Development Services Department.

(5~~3~~) Lighting associated with agricultural operations.

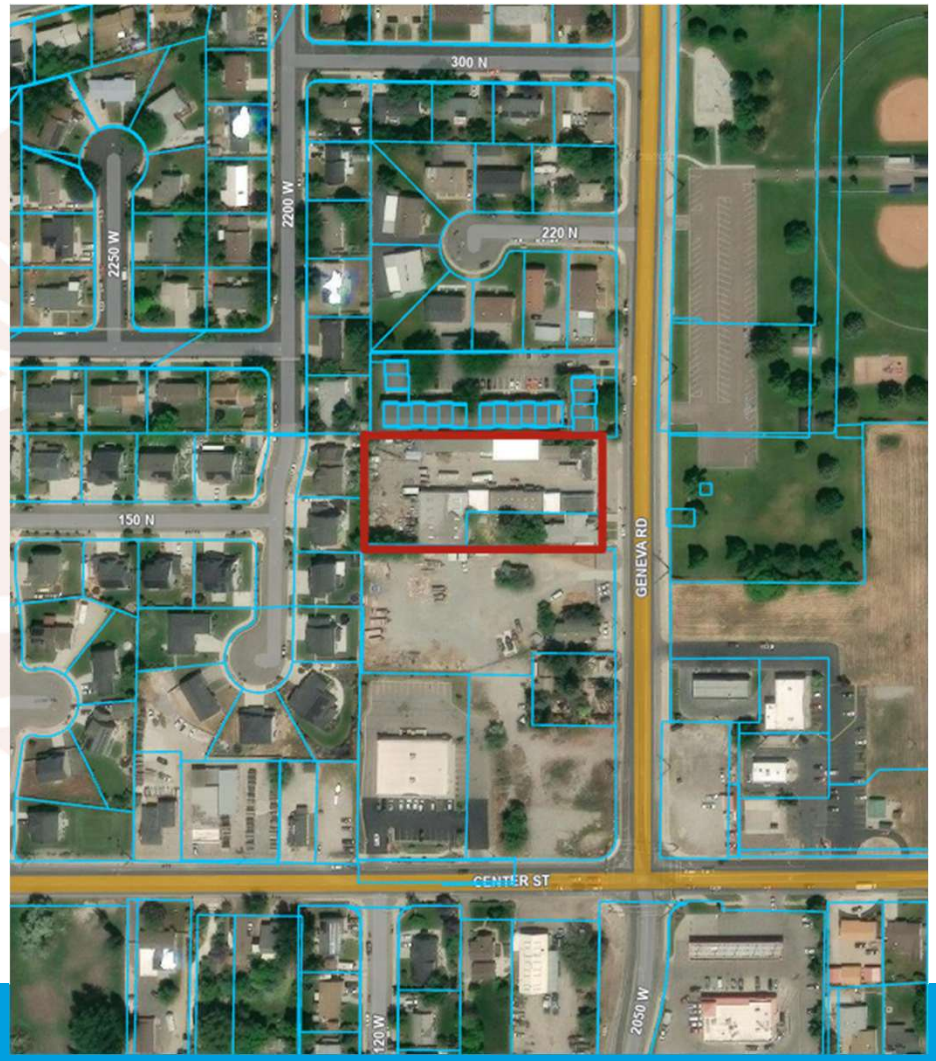
(64) Construction or emergency lighting, provided that such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency circumstances necessitating such lighting.

(75) Airport lighting.

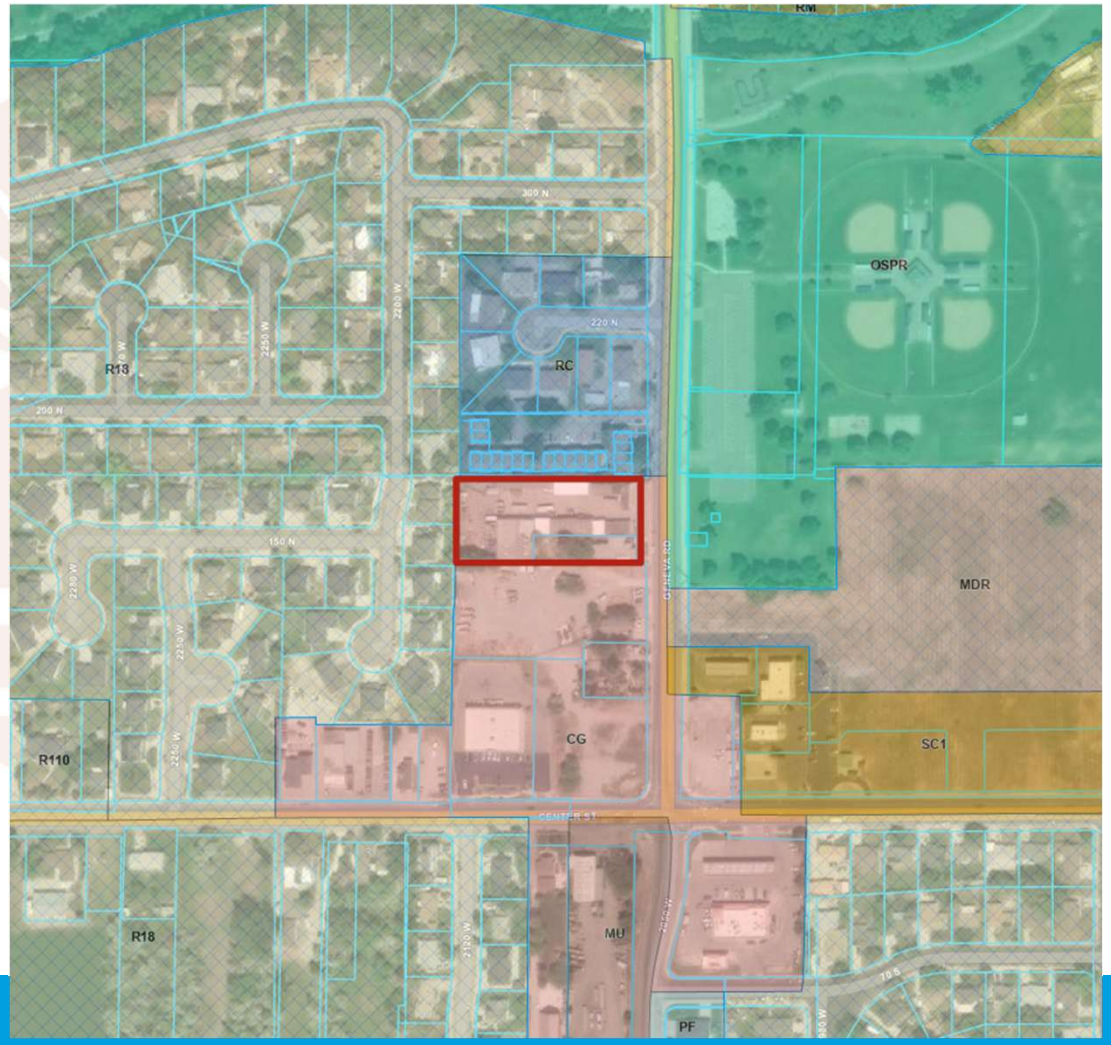
(86) Any existing outdoor lighting fixture attached to a structure on a residential property as of August 25, 2026. This exception does not apply if the existing fixture is replaced in its entirety. Permanent outdoor LED façade lighting, as described in subsection (2), is not considered an attached lighting fixture under this subsection.

(Rep&ReEn 1999-34, Am 2020-57)

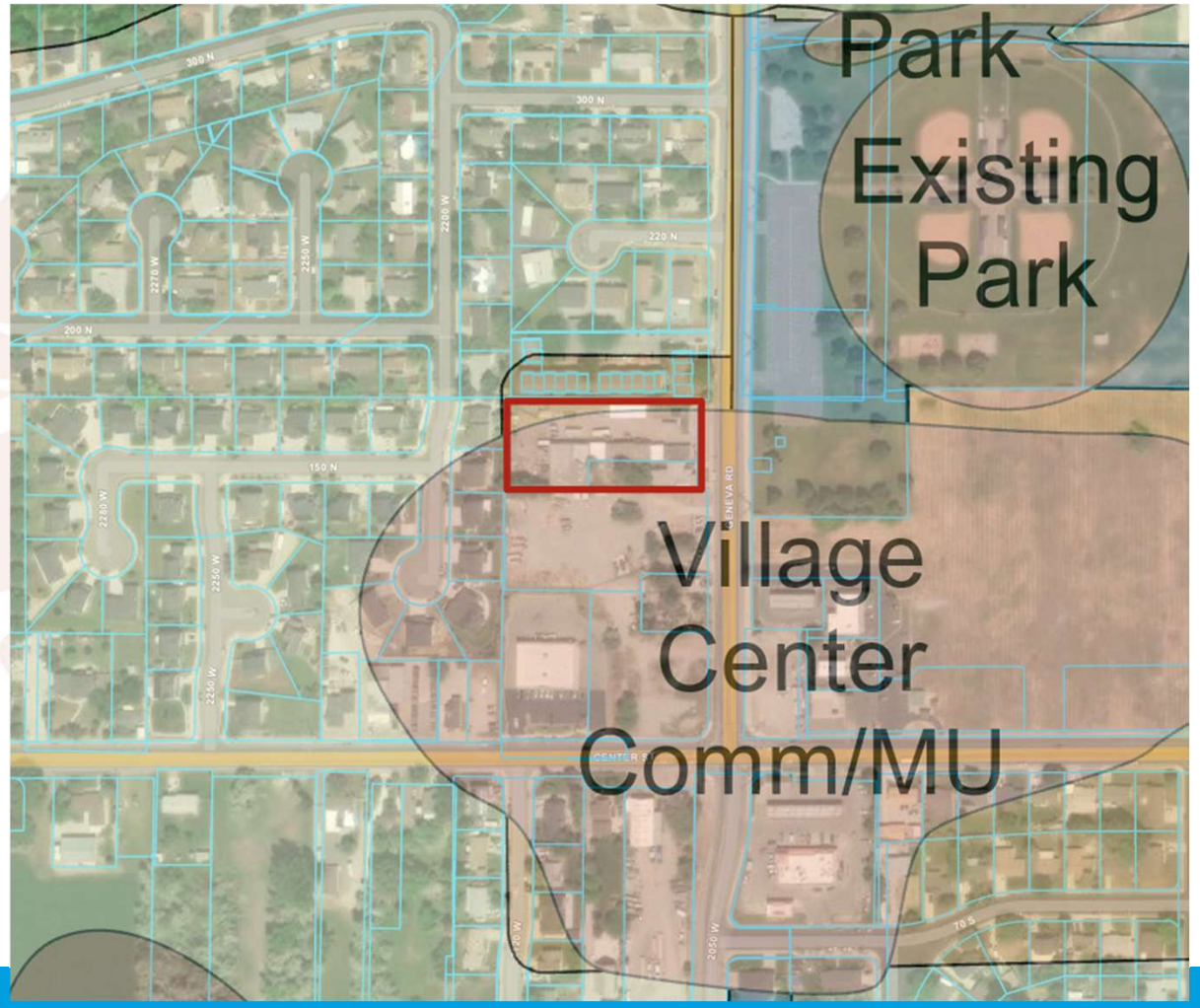
Vicinity Map



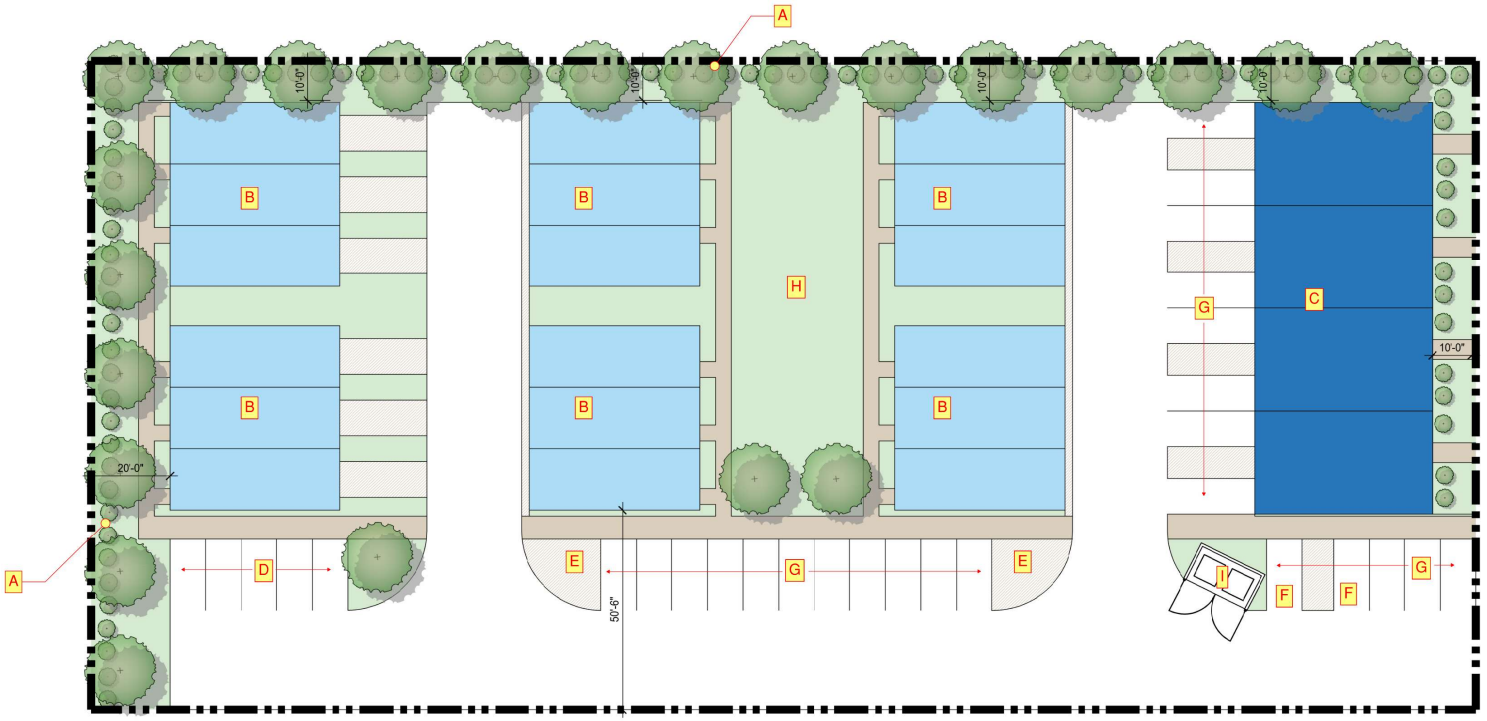
Current Zoning Map



General Plan Map



Concept Plan



A 15.20.110: Landscape buffers abutting residential zones: The width of landscape buffers is a minimum of ten (10) feet with one (1) tree for every twenty-five (25) linear feet of landscape buffer and a continuous evergreen or deciduous shrub hedge along the entire length of landscape buffer. This shrub hedge shall have an expected mature height of not less than six (6) feet within three (3) years of planting.

B Three-unit townhome buildings with pitched roofs. Maximum height = 40' from grade to peak. Two car tandem parking in each unit.

C Commercial building. Max height = 32'. Four independent commercial suites. Suites are two-stories each. Ground floor of each suite to have a 500 sq ft garage for one parking stall. Remainder of ground floor to have 600 sq ft flex office space. Level 2 of each suite to have 1,100 flex office space. Total office space across entire building = 6,800 sq ft.

D 5 visitor parking stalls for townhome units.

E 5 short term bike spaces and 2 long term bike spaces.

F ADA parking stall and adjacent loading space. 2 total provided.

G 28 parking stalls provided for commercial space.
- 11 provided on center south bank.
- 5 provided on left south bank.
- 8 provided on west side of building
- 4 provided inside building garages

Office parking requirement = 1 space/250 SF

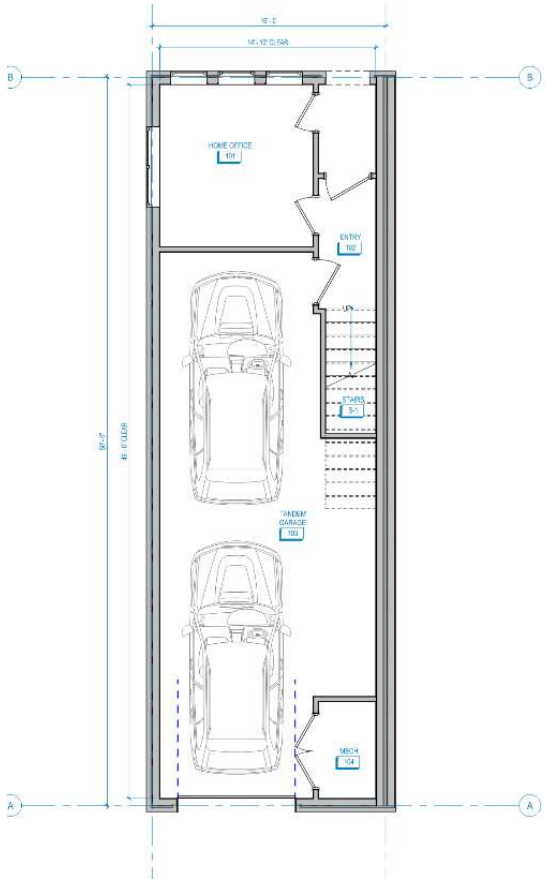
6,800 / 250 = 27.2 stalls required.
28 stalls provided.

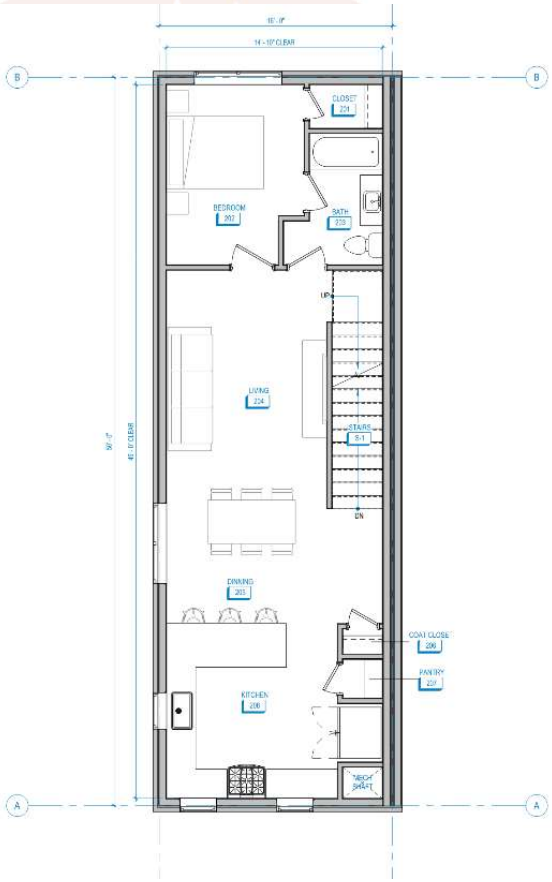
H 5,500 sq ft community open space. Areas not planted with trees or shrubs shall be maintained as turf, ground cover, or landscaped with mulch or rock.

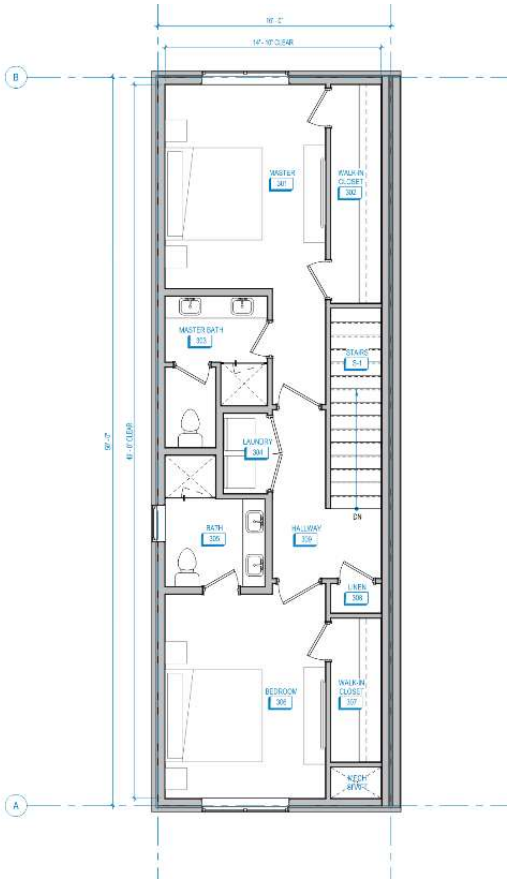
I Dumpster enclosure

Townhome Rendering

Townhome Floor Plans



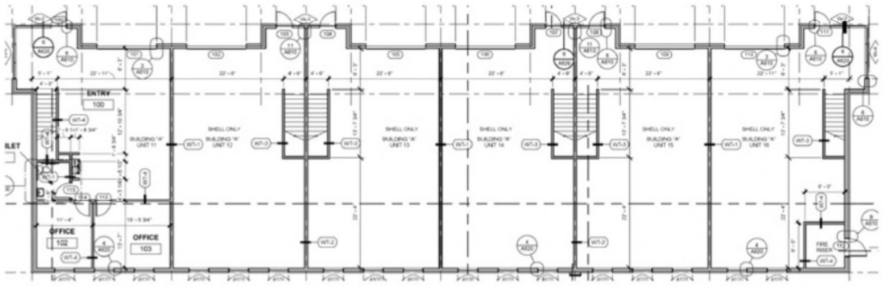




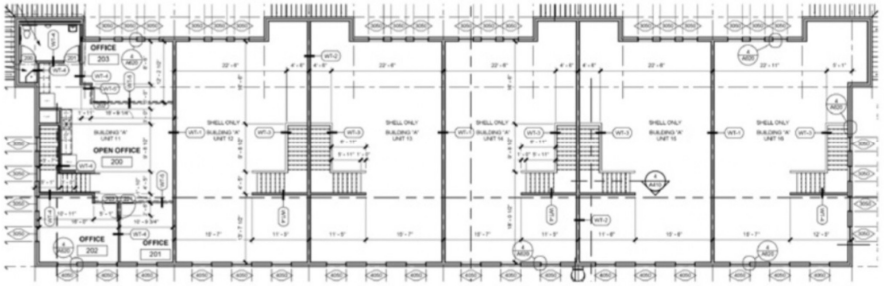
Commercial Rendering

Commercial Floor Plans

FIRST FLOOR



SECOND FLOOR



PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	MVANDEGRAAFF
Presenter:	Megan Van De Graaff, Planner
Department:	Development Services
Meeting Date:	9/8/2026
Requested Duration (Minutes):	15 minutes
CityView or Issue File Number:	PLRZ20260264

SUBJECT: 4 An ordinance amending the zone map classification of real property, generally located at 113 and 191 N Geneva Road, from the General Commercial (CG) zone to the Mixed-Use (MU) zone. Fort Utah Neighborhood. (PLRZ20260264)

ADMINISTRATIVE RECOMMENDATION: Request that the Council approve/deny proposed ordinance for zoning map amendment.

ADMINISTRATIVE MEMO: This rezone request is to change the subject property from the General Commercial zone to the Mixed-Use zone. The Southwest Area Future Land Use Map designates this area within the Village Center/Commercial Mixed-Use area. The concept plan includes 18 townhomes and four commercial suites along Geneva Road. The townhomes would contain a ground floor tandem 2-car garage with an additional two floors of living space. Although the exact ratio is not yet identified, the developer's intent is to have approximately half rental and half for-sale units, however this ratio is subject to change after the rezone. The developer has verbally offered to include a 25% rental restriction on the for-sale units (i.e. only 25% of the for-sale units could be rented at any given time), and to include a one-year owner-occupancy requirement after each change in ownership for the for-sale units.

The commercial building will have four independent commercial suites. The ground floor will have garage and flex office space, and the second floor will only have flex office space. The flex space could be used for any commercial use in the Mixed-Use zone. See the concept plan staff report for more details.

Should the rezone and concept plan be approved, a project plan and subdivision will be required for this project.

FISCAL IMPACT: None

COUNCIL STAFF MEMO:

ORDINANCE <<Document Number>>

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF REAL PROPERTY, GENERALLY LOCATED AT 113 AND 191 N GENEVA ROAD, FROM THE GENERAL COMMERCIAL (CG) ZONE TO THE MIXED-USE (MU) ZONE. FORT UTAH NEIGHBORHOOD. (PLRZ20260264)

RECITALS:

It is proposed that the classification on the Provo Zoning Map for approximately 1.32 acres of real property, generally located at 113 and 191 N Geneva Road (an approximation of which is shown or described in Exhibit A and a more precise description of which is attached as Exhibit B, be amended from the General Commercial (CG) Zone to the Mixed-Use (MU) Zone;

On August 12, 2026, the Planning Commission held a public hearing to consider the proposal, and after the hearing the Planning Commission recommended **approval** of the proposal to the Municipal Council by a 6:0 vote;

The Planning Commission's recommendation was based on the project design presented to the Commission;

On September 8, 2026, the Municipal Council met to determine the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the Planning Commission's recommendation and the facts presented to the Municipal Council, and having considered the impact of the proposed ordinance on family health, stability, and formation, the Council finds that (i) the proposed action should be approved, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council ordains as follows:

PART I:

The classification on the Provo Zoning Map is amended from the General Commercial (CG) Zone to the Mixed-Use (MU) Zone for the real property described in this ordinance.

PART II:

A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance controls.

B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is judicially determined to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.

C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

D. The Municipal Council directs that the Provo Zoning Map be updated and codified to reflect the provisions enacted by this ordinance.

EXHIBIT A

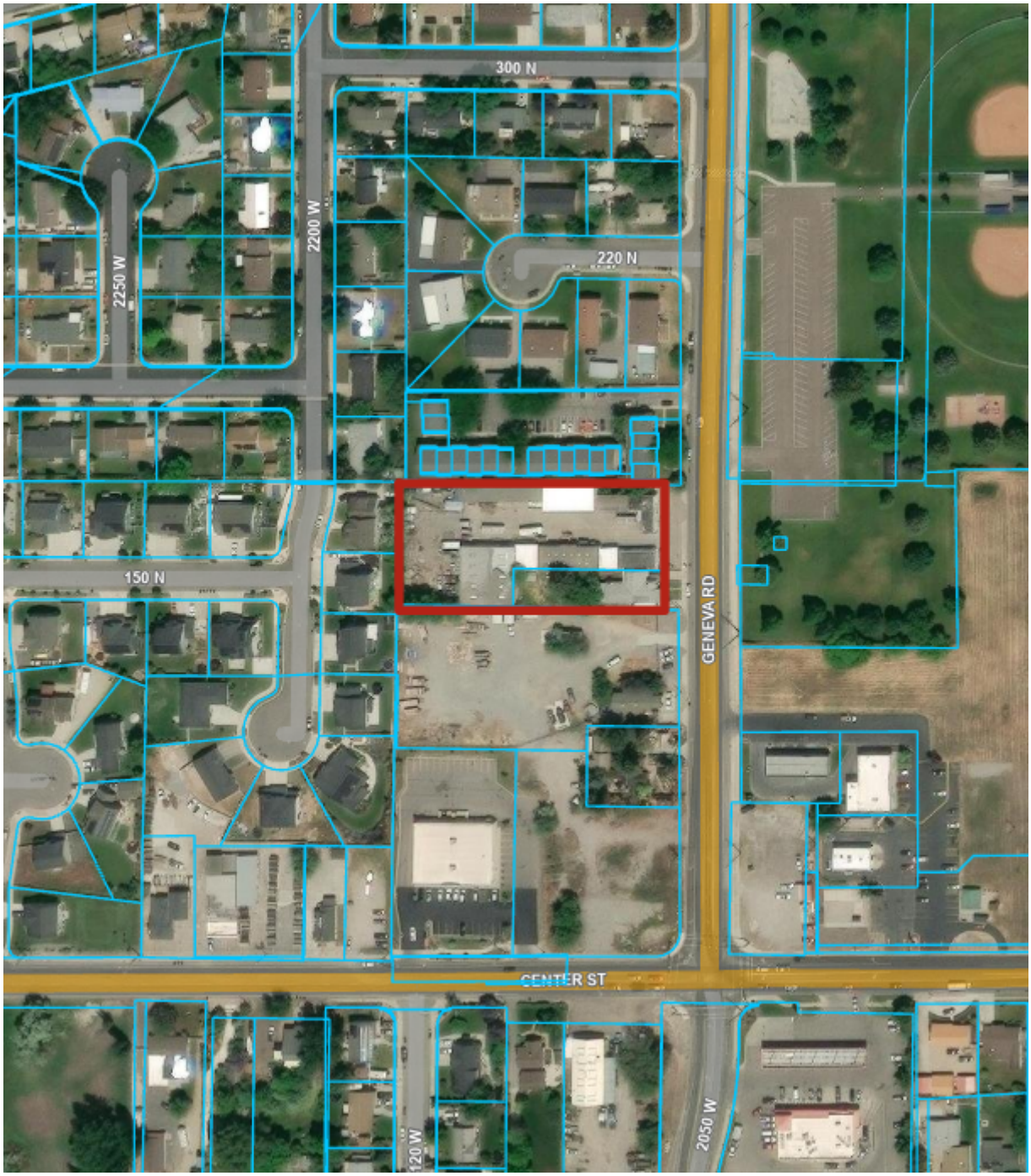


EXHIBIT B

Parcel # 21:025:0046

Address: 113 North 2050 West Provo, Utah 84058

Legal Description: COM. 17 CHS S & 2.15 CHS W & S 1 W 114 FT OF NW COR OF SE1/4 OF SEC 3, T 7 S, R 2 E, SLM; S 1 W 50 FT; N 89 W 200 FT; N 1 E 50 FT; S 89 E 200 FT; TO BEG. AREA .23 OF AN ACRE.

Parcel # 21:025:0045

Address: 191 North 2050 West Provo, Utah 84058

Legal Description: COM. 17 CHS S & 2.15 CHS W OF NE COR OF SE1/4 OF SEC 3, T 7 S, R 2 E, SLM; S 1 W 114 FT; W 200 FT; S 1 W 50 FT; N 89 W 150.46 FT; N 1 E 2.48 CHS; S 89 E 5.31 CHS TO BEG. AREA 1.09 ACRES.

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: August 12, 2026

***ITEM 4** Jared Morgan requests a Zone Map Amendment from the CG (General Commercial) Zone to the MU (Mixed-Use) Zone to entitle a mixed-use development containing 18 townhomes and commercial space, located at 113/191 N Geneva Road. Fort Utah Neighborhood. Megan Van De Graaff (801) 852-6408 mvandegraaff@provo.gov PLRZ20260264

APPLICANT:	Jared Morgan
PROPERTY OWNER:	PEARSON, JOSEPH BYRD (ET AL); ADAMS, SUANN P (ET AL)
PARCEL ID:	21:025:0045; 21:025:0046
ACREAGE:	1.32
CURRENT LEGAL USE:	Single-Family Dwelling; Cabinet Shop
GENERAL PLAN DESIGNATION:	Mixed Use (M)
CURRENT ZONE:	General Commercial (CG)
APPLICATION TYPE:	Legislative Decision – Planning Commission will make a recommendation to the City Council.

PROPERTY HISTORY

The subject property is comprised of two parcels. The larger parcel encompasses two buildings that were built in 1944 and 1999 and are currently utilized by Pearson Cabinet & Supply. The smaller parcel contains a single-family dwelling built in 1943.

In spring 2025, Jared Morgan applied for a rezone and concept plan on the subject property which was recommended denial by the Planning Commission on November 12, 2025, and ultimately denied by the Municipal Council on December 2, 2025. That rezone request was for a Medium Density Residential zone with 26 townhomes that would be a mix of rentals and for-sale units. Eight of those 26 units would be live/work units with ground floor office space. The staff reports and meeting minutes from the 2025 Planning Commission meeting are attached to this report. According to these reports, both the Planning Commission and residents were concerned that the 2025 concept did not include traditional commercial uses.

There is an application for a concept plan associated with this rezone, see Item 5.

NEIGHBORHOOD FEEDBACK

This item will be presented at the September 2, 2026, West District meeting. The applicant has reached out to Fort Utah Neighborhood representatives to inform them of the proposed project. The representatives are appreciative of the changed plans and that the applicant listened to the neighborhood's concerns. No public comments have been received by Staff at the time of writing this report.

PROJECT SUMMARY

This rezone request is to change the subject property from the General Commercial zone to the Mixed-Use zone. The Southwest Area Future Land Use Map designates this area within the Village Center/Commercial Mixed-Use area. The concept plan includes 18 townhomes and four commercial suites along Geneva Road. The townhomes would contain a ground floor tandem 2-car garage with an additional two floors of living space. Although the exact ratio is not yet identified, the developer's intent is to have approximately half rental and half for-sale units, however this ratio is subject to change after the rezone. The developer has verbally offered to include a 25% rental restriction on the for-sale units (i.e. only 25% of the for-sale units could be rented at any given time), and to include a one-year owner-occupancy requirement after each change in ownership for the for-sale units.

The commercial building will have four independent commercial suites. The ground floor will have garage and flex office space, and the second floor will only have flex office space. The flex space could be used for any commercial use in the Mixed-Use zone. See the concept plan staff report for more details.

Should the rezone and concept plan be approved, a project plan and subdivision will be required for this project.

STAFF ANALYSIS

Before recommending an amendment, the Commission must find that the amendment serves the public interest and aligns with the General Plan, based on consideration of the following:

(a) Public purpose for the amendment in question;

Applicant Response: Per the General Plan in section "Housing, 1.1a "encourage opportunities for small-scale, in-fill housing development." We feel our mixed-use rezone request is meeting the in-fill housing and commercial needs for this area of West Provo.

Staff Response: The proposed zone change may bring the property in line with the General Plan designation of Mixed-Use and the Southwest future land use map of Village Center Commercial/Mixed-Use. The General Plan supports the need and desire for neighborhood-scale commercial development and mixed-use development to improve walkability. However, the west side residents have long voiced a strong desire for traditional neighborhood-scale retail amenities. To accomplish this, the assemblage of parcels would be necessary.

FINDING: May meet standard if the municipal council finds the proposed commercial space (office flex space) meets the intent of the General Plan.

(b) Confirmation that the public purpose is best served by the amendment in question;

Applicant Response: The General Plan mixed-use zone in this area of West Provo seems to be the right balance of housing and commercial/retail. We feel our plan

reflects this well.

Staff Response: This rezone will align the property with the city's long-range plans, and it will unlock the property for a mix of uses whereas it currently may only be used as commercial. The proposed concept plan shows a horizontally mixed-use site which may provide walkable commercial opportunities for nearby residents. Although the commercial uses in the flex spaces are not yet identified, the applicant has seen this type of development cater to the following uses:

- Trades, such as plumbers, electricians, HVAC
- Professional Services, such as architects, engineers, developers, real estate sales companies, interior design/furniture
- Personal use, such as personal offices, "man caves"
- Other: veterinarian, salons

The uses allowed for the subject development will remain governed by the permitted uses table found in the Mixed-Use zoning standards.

FINDING: May meet standard if the municipal council finds that the scale and design of the proposed commercial space accomplish the desired community benefit.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives;

Applicant Response: We feel our rezone and concept plan reflect exactly what the general plan is calling for in the future land use designation and development plan, by providing for sale and for lease townhome units along with 9K SF of commercial/retail.

Staff Response: The proposal is compatible with the following General Plan goals and strategies:

Land Use:

1b. Encourage infill opportunities in downtown, mixed-use and transit-oriented developments.

1c. Promote neighborhood scale development in residential areas, including a mix of density such as pocket neighborhoods, missing middle housing, and small lot single-family.

Housing:

1a. Encourage opportunities for small-scale, infill housing development.

1d. Encourage the development of additional single-family homes in key areas, such as the city's west side, to address housing shortages, and to facilitate additional economic growth and opportunities.

Economic Development:

1e. Encourage incorporation of gateway developments and compact commercial

properties that integrate both social and retail needs into designated mixed-use centers.

The subject area is also guided by the Southwest Neighborhoods Plan (The Plan) which designates these parcels in the Village Center/Commercial Mixed-Use area. The Plan intends this area to be a mix of retail, office, and residential uses with attractive design. Developments in this area are to have a density limit of 30 dwelling units per acre. The proposed plan shows 13.6 dwelling units per acre measured over the entire 1.32 acres.

FINDING: Parcels within the Mixed-Use designation can be all residential, all commercial or a mix of the two. The General Plan concept is for the area within a Mixed-Use designation function in a mixed-use capacity that would include commercial amenities to encourage walkability and convenience. May meet standard depending on the interpretation of stated goals by the municipal council.

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated;

Applicant Response: No comment.

Staff Response: There are no identified timing or sequencing issues with this proposal.

FINDING: Meets standard.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies;

Applicant Response: We are in compliance with the General Plan direction regarding land use.

Staff Response: The proposal follows the General Plan map.

FINDING: May meet the standard.

(f) Adverse impacts on adjacent landowners; and

Applicant Response: No comment.

Staff Response: The adjacent properties' zones and current uses are as follows:

North: Residential Conservation
Current Use: Townhomes
South: General Commercial
Current Use: Commercial
East: Open Space, Preservation and Recreation
Current Use: Fort Utah Park

West: Single-Family Residential, 8,000 square-foot lots (R1.8)
Current Use: Single-Family

It is not expected that the proposed project will adversely impact adjacent landowners. The residential and commercial uses that are proposed in the concept plan are similar to surrounding uses. The developer is showing landscape buffering on property lines adjacent to residential zones.

FINDING: May meet standard.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Applicant Response: No comment.

Staff Response: The original zoning designation of CG, and the General Plan designation of Mixed Use, have been confirmed.

FINDING: Meets standard.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Applicant Response: No comment.

Staff Response: No conflict was identified.

FINDING: Meets standard.

In addition to the criteria from Provo City Code 14.02 addressed above, the General Plan has established guidance for any zone change for residential development, found on page 45, as follows (staff responses in **bold**):

- Would the rezone promote one of the top 3 housing strategies?
  - Promote a mix of home types, sizes, and price points **Single-family, detached homes are the primary residential use in the area. However, townhomes are adjacent to the north and east, as well as apartments to the east.**
  - Support zoning to promote ADUs and infill development **No, ADUs would not be allowed for this type of housing.**
  - Recognize the value of single-family neighborhoods **It is unlikely the proposed townhomes would devalue single-family homes in the area.**

- Are utilities and streets currently within 300 feet of the property proposed for rezone? **Yes.**

- Would the rezone exclude land that is currently being used for agricultural use? **Yes. The property is not currently agricultural land.**

- Does the rezone facilitate housing that has reasonable proximity (1/2 mile) to public transit stops or stations? **Yes, the property is approximately 0.1 miles (approximately a four-minute walk) from UTA route 833 which stops at the Provo Airport, City Hall, and Provo Central Station.**

- Would the rezone encourage development of environmentally or geologically sensitive, or fire or flood prone, lands? If so, has the applicant demonstrated these issues can reasonably be mitigated? **Possibly, the property is in a high-water table. This will be addressed at the project plan stage and will follow §15.05.170.**

- Would the proposed rezone facilitate the increase of on-street parking within 500 feet of the subject property? If so, is the applicant willing to guarantee use of a TDM in relation to the property to reduce the need for on-street parking? **Possibly, although the concept plan meets parking requirements.**

- Would the rezone facilitate a housing development where a majority of the housing units are owner-occupied? Is the applicant willing to guarantee such? **No, as the developer has verbally agreed to include a 25% rental restriction on the for-sale units (i.e. only 25% of the for-sale units could be rented at any given time), and to include a one-year owner-occupancy requirement after each change in ownership for the for-sale units.**

- Would the proposed rezone facilitate a housing development where at least 10% of the housing units are attainable to those making between 50-79% AMI? Is the applicant willing to guarantee such? **Unknown but unlikely.**

APPLICABLE ZONING CODES

Provo City Code 14.02.020: Amendment – Procedure:
https://provo.municipal.codes/Code/14.02.020

Provo City Code 14.14D: Mixed-Use Zones: *https://provo.municipal.codes/Code/14.14D*

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may make any of the following findings:

1. **Recommend Approval**: The proposal is consistent with the General Plan. (*Planning Commission recommends approval to the City Council of a Zone Map Amendment from the CG Zone to the MU zone for 1.32 acres of land at 113 & 191 N Geneva Road*)
2. **Recommend Denial**: The proposal is not consistent with the General Plan. (*Planning Commission recommends denial to the City Council of a Zone Map Amendment from the CG Zone to the MU zone for 1.32 acres of land at 113 & 191 N*

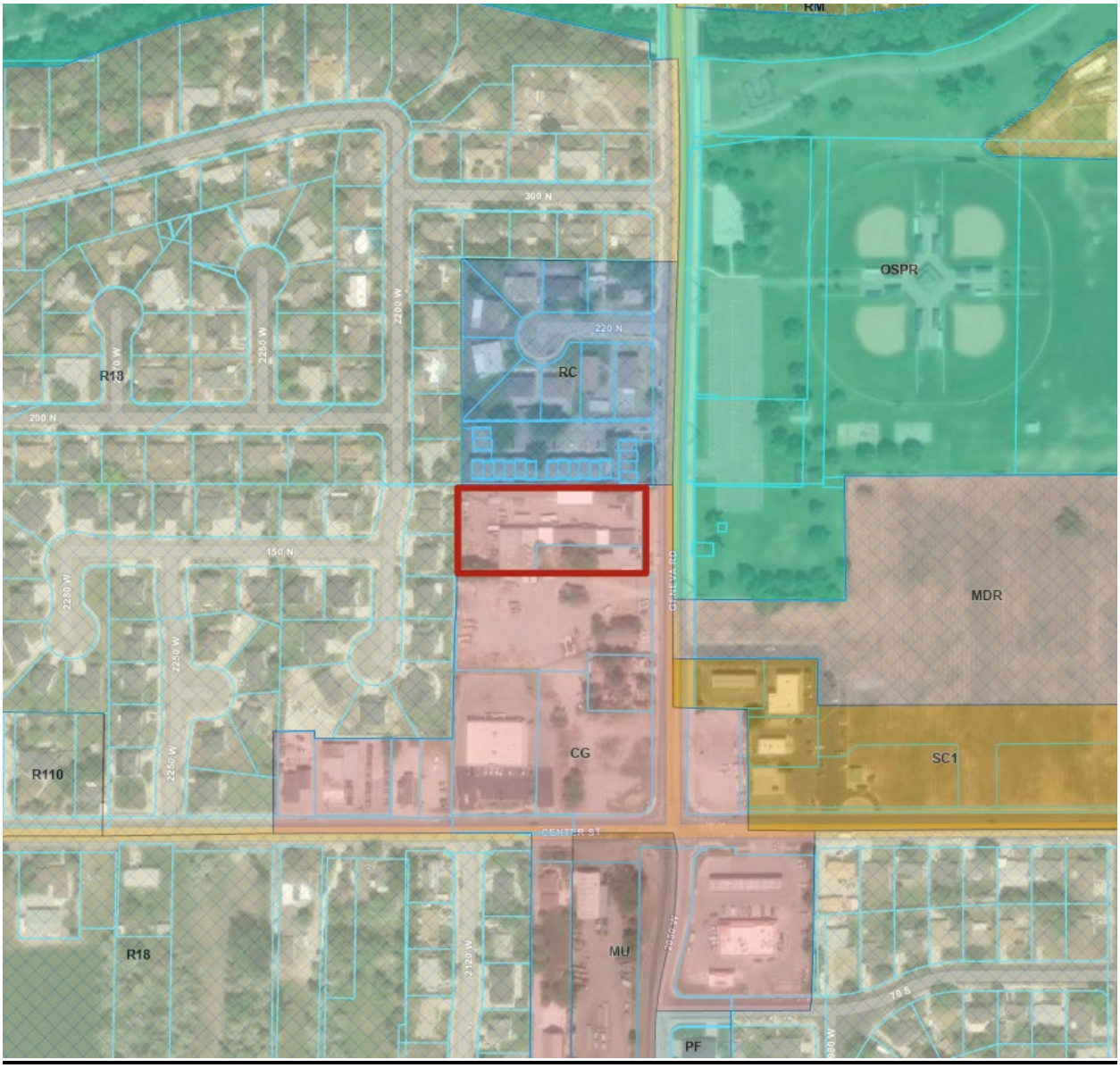
Geneva Road) *(state reasons)*

3. **Continue**: New information presented at the public hearing or additional study needs to be done. (*The Planning Commission continues this item*) *(state reasons)*

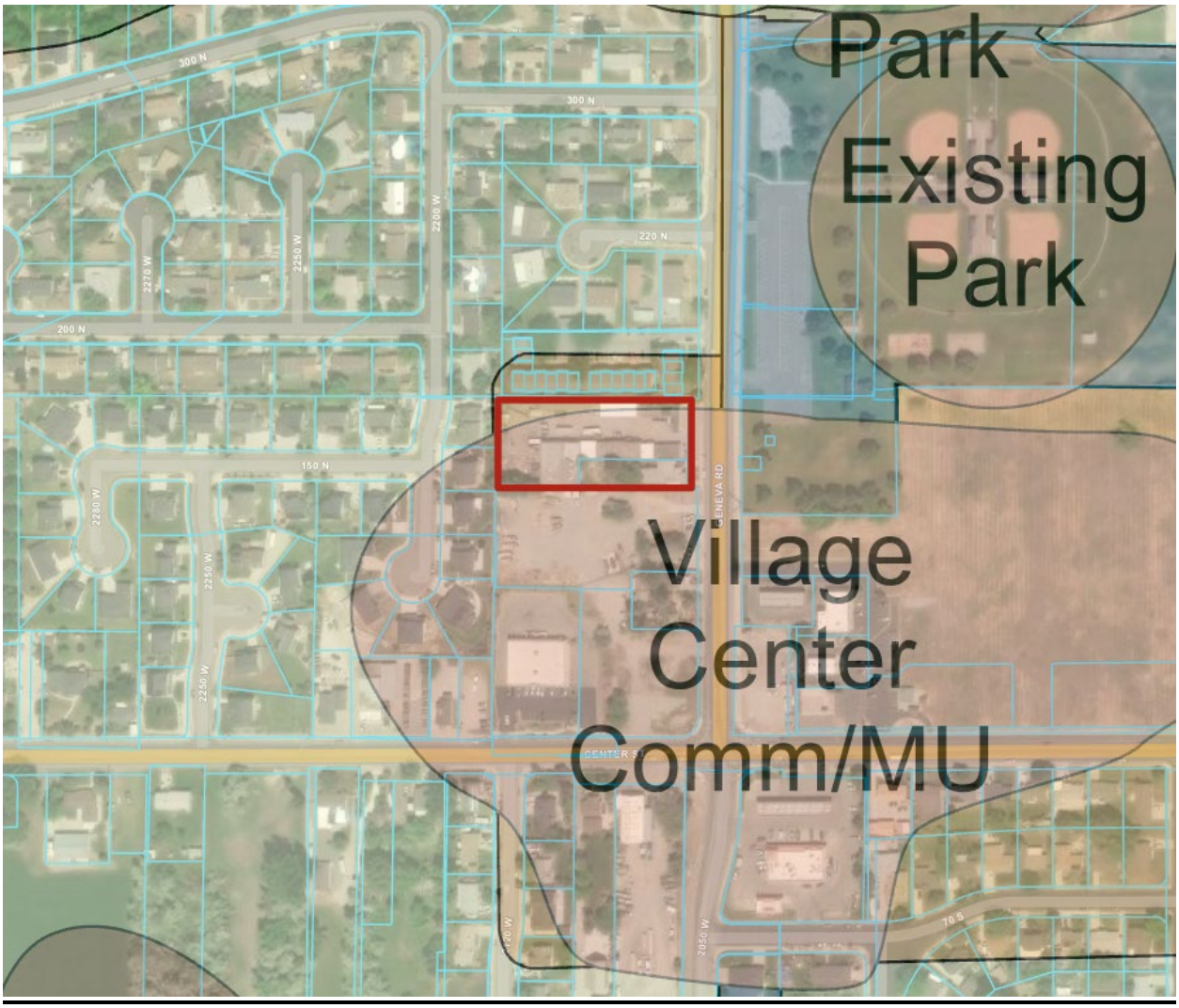
ATTACHMENTS

1. Current Zone Map
2. General Plan and Future Land Use Map
3. Concept Plan
4. 2025 Staff Report and Minutes

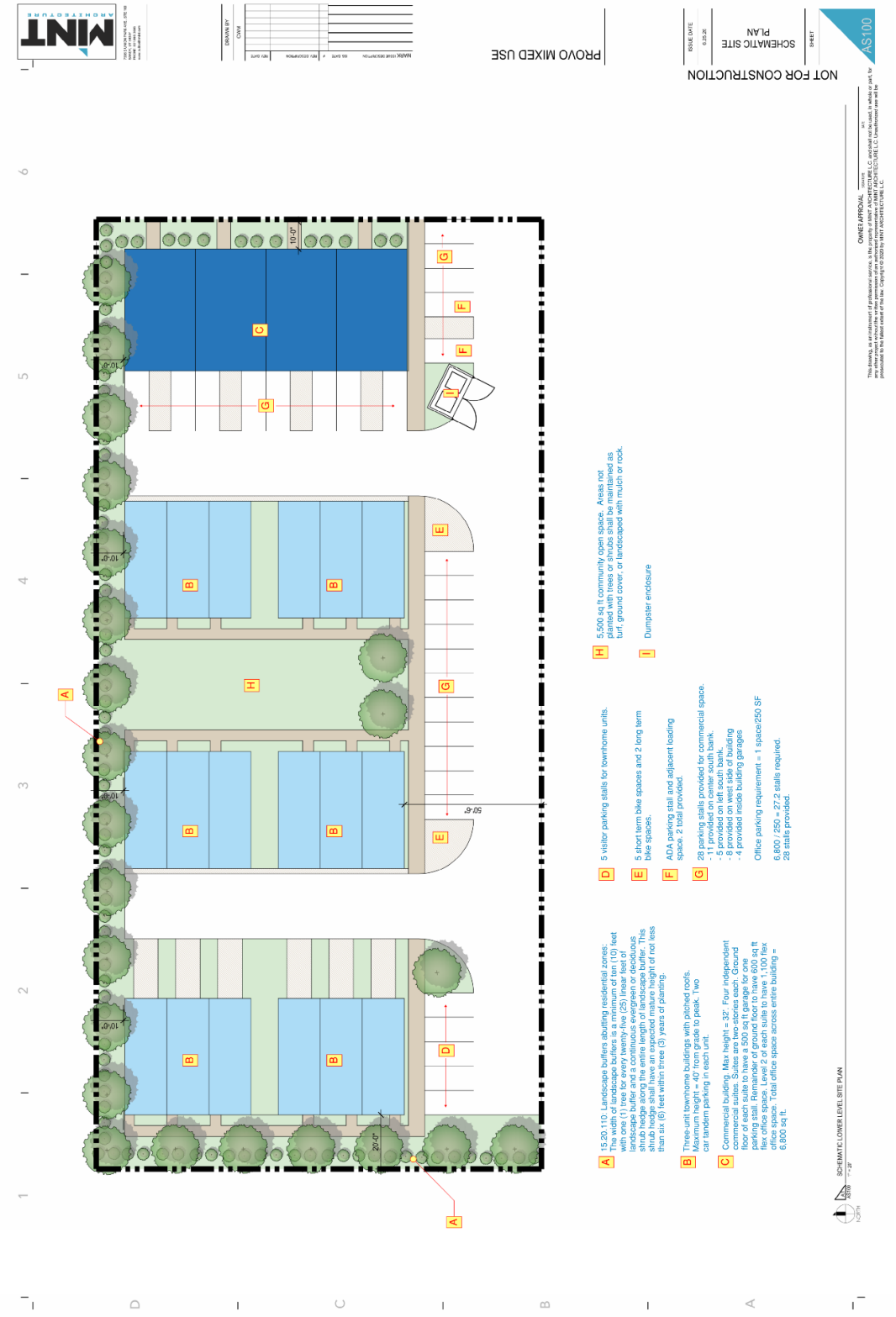
ATTACHMENT 1 – CURRENT ZONE MAP



ATTACHMENT 2 – GENERAL PLAN AND FUTURE LAND USE MAP



ATTACHMENT 3 – CONCEPT PLAN



ATTACHMENT 4 – 2025 STAFF REPORT AND MINUTES

provo
DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: November 12, 2025

ITEM 5 Jared Morgan requests Concept Plan approval for a 26-unit townhome development over 1.32 acres in a proposed MDR (Medium Density Residential) Zone, located at 113 and 191 N Geneva Road. Fort Utah Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLCP20250293

Applicant: Jared Morgan

Staff Coordinator: Dustin Wright

Property Owner: J & L PEARSON SHOP LLC

Parcel ID: 21:025:0045 and 21:025:0046

Acreage: 1.32

Current Zone: General Commercial (CG)
Proposed Zone: Medium Density Residential (MDR)

Council Action Required: No

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider the information presented. *The next available meeting date is December 10, 2025, at 6:00 p.m.*
2. **Approve** the requested Concept Plan Application. This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

Current Legal Use:
One property has a single-family home, and the other parcel has commercial.

Relevant History:
There is a rezone request (PLRZ20250200) to have the zone changed to MDR.

Neighborhood Issues:
A neighborhood district meeting was held on August 20, 2025. (See attachment #5 for meeting notes for this item).

- Staff have received emails and calls from residents about desires to keep this property commercial because there is a low supply in west Provo.

Summary of Key Issues:

- Staff have reviewed the concept plans and there will need to be more information provided at the project plan phase to ensure compliance with proposed MDR zone.
- MDR zone allows 30 units per acre, and this concept shows 20 units per acre. If the property is rezoned to MDR, plans could change increasing the project to 30 units per acre.
- The applicant has stated that they would plan to sell some of the units and rent some of the units. This ratio has not been determined nor is there anything in place to ensure that they will be.

Staff Recommendation:
That the Planning Commission **deny** the requested concept plan application.

BACKGROUND

The applicant has submitted a concept plan along with a rezone request for property located at 113 and 191 N Geneva Rd. (Attachments 1-2). The concept plan proposes 26 townhome units with eight units along Geneva Rd. potentially as live-work spaces. These are residential units that include potential office space in each unit.

The density for this concept is 20 units per acre. The MDR zone allows for up to 30. For this site, that would be up to 40 units that could potentially be developed if rezoned to MDR as the building heights could be up to 45 feet.

At the district meeting the applicant indicated that some of the units would be for sale and some would be for rent. The percentages have not been determined for how many units would be for sale and for rent by the applicant and they would be subject to change after approval of the rezone.

The adjacent property to the west is currently zoned single-family residential (R1.8) and the property to the east, across Geneva Rd., is zoned Open Space, Preservation, and recreation (OSPR), and the property to the north is in the Residential Conservation (RC) zone, and the property to the south is in the General Commercial (CG) zone.

FINDINGS OF FACT

1. CRC approval was given for the concept plan. A project plan would be required following an approval of the rezone request.
2. The proposed concept plan does not align with the General Plan mixed-use designation.
3. The MDR density maximum is 30 units per acre, and the concept is at 20 units per acre.
4. The parking requirement is 59 stalls and 60 were provided (2.3 stalls per unit).
5. Amenity space requirement is 10% and they have shown the amenity space to meet this percentage.
6. Existing lots would need to be combined into one parcel for future project plan approval.

STAFF ANALYSIS

The concept plan shows that the MDR zone requirements could be met, however, staff does not recommend approval of the rezone to MDR, therefore, it does not make sense to approve the concept plan. Staff are concerned regarding the loss of commercially zoned land on the west side and the need for retail amenities in proximity to the residents. Additionally, residents have expressed concerns about losing the existing commercial property for more residential. The proposed concept plan shows 26 residential units and eight of them would have offices. This does not help preserve the remaining commercial potential in this area of town.

The MDR zone allows up to 30 units per acre. While this concept plan is under this at 20 units per acre, it should be noted that the development potential is higher. If the property is rezoned to MDR, there could be a revised project plan submitted that has more density developed site than is being proposed.

With 26 townhome units, the parking requirement is 2.25 stalls per 3-bedroom unit. The project provides 2.3 parking stalls per residential unit.

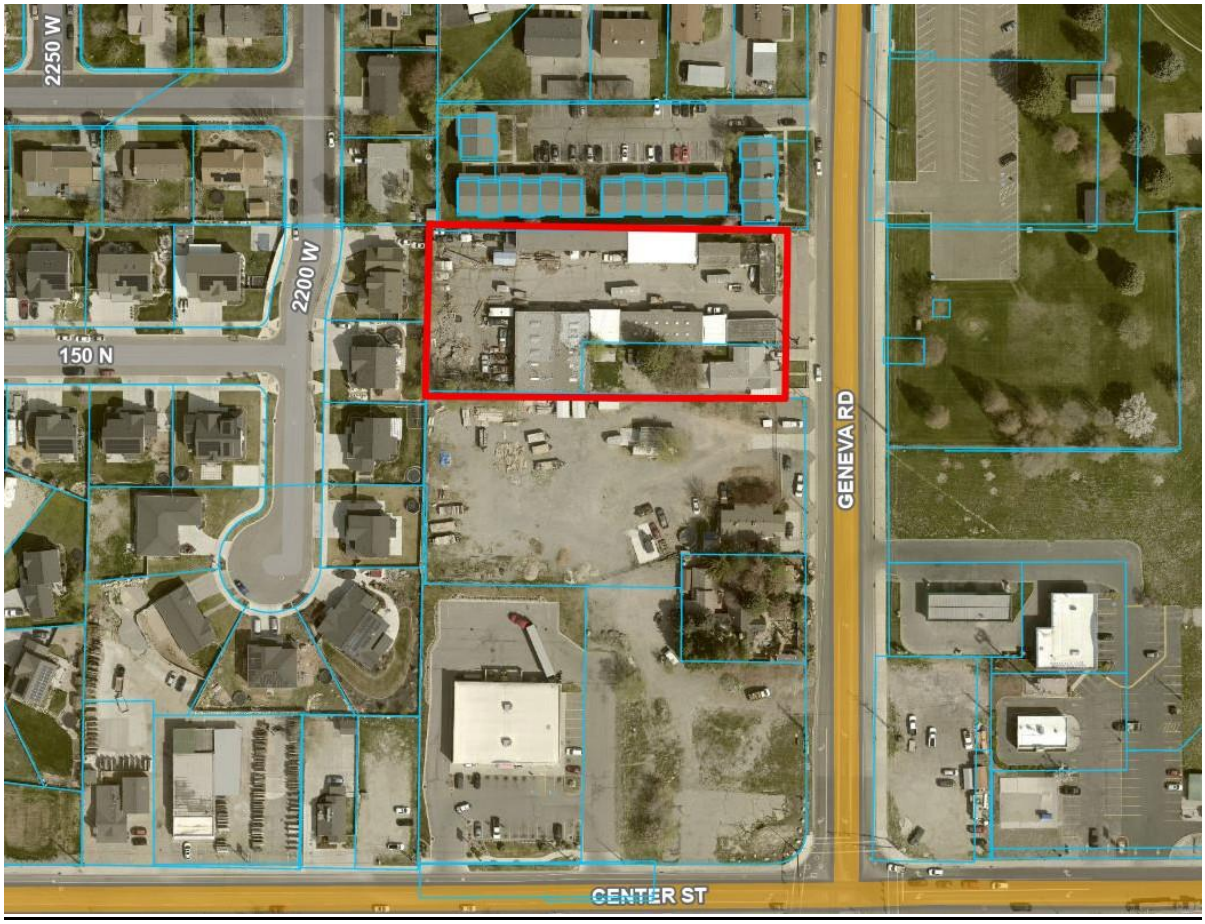
CONCLUSION

Staff recommend denial of the concept plan because staff are not supportive of losing commercially zoned land in favor of multi-family development at this location.

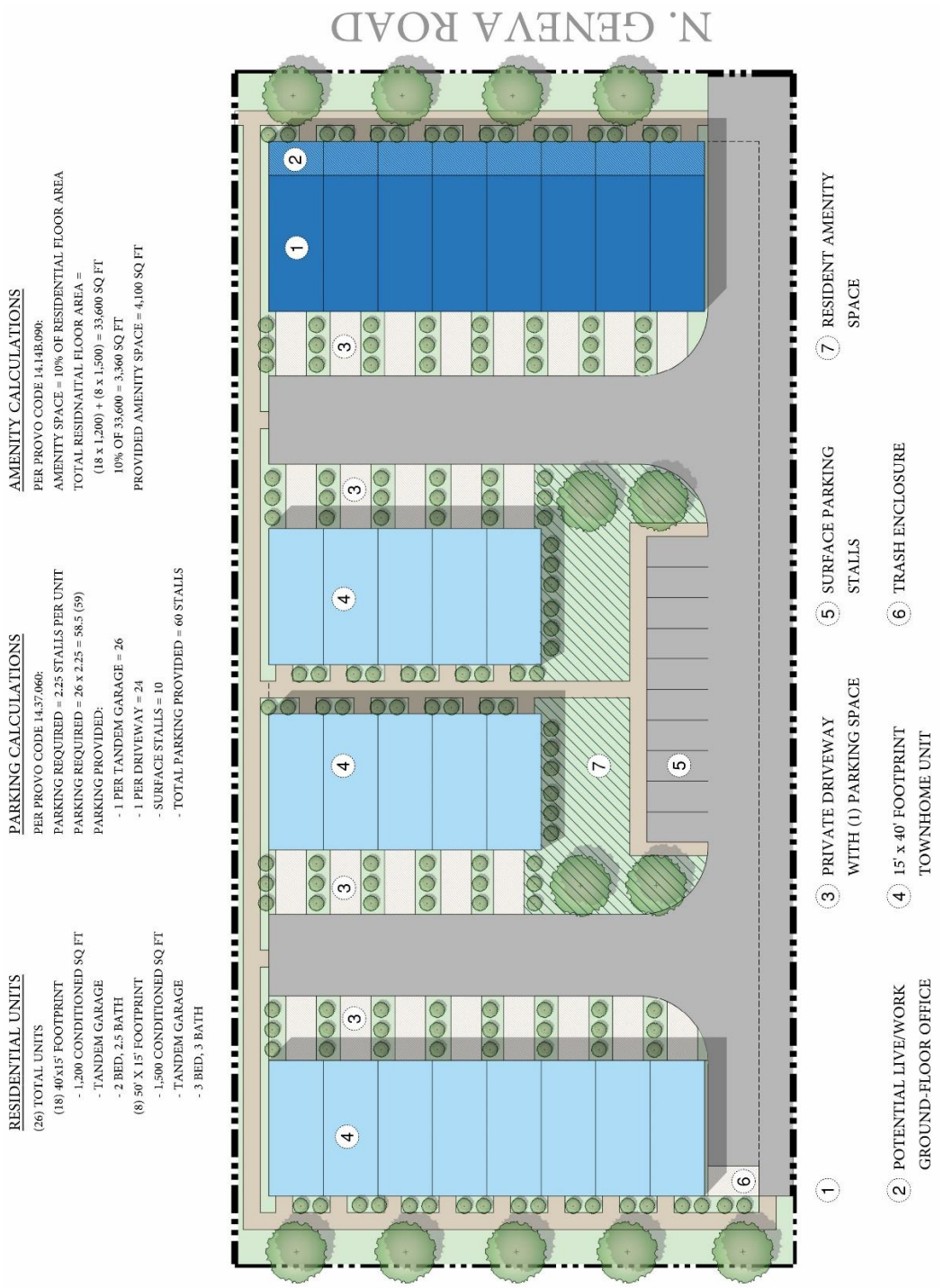
ATTACHMENTS

1. Aerial of Site
2. Concept Plan
3. Renderings
4. Floor Plans
5. Neighborhood District 3 Meeting Minutes 8/20/25

ATTACHMENT 1 – AERIAL OF SITE

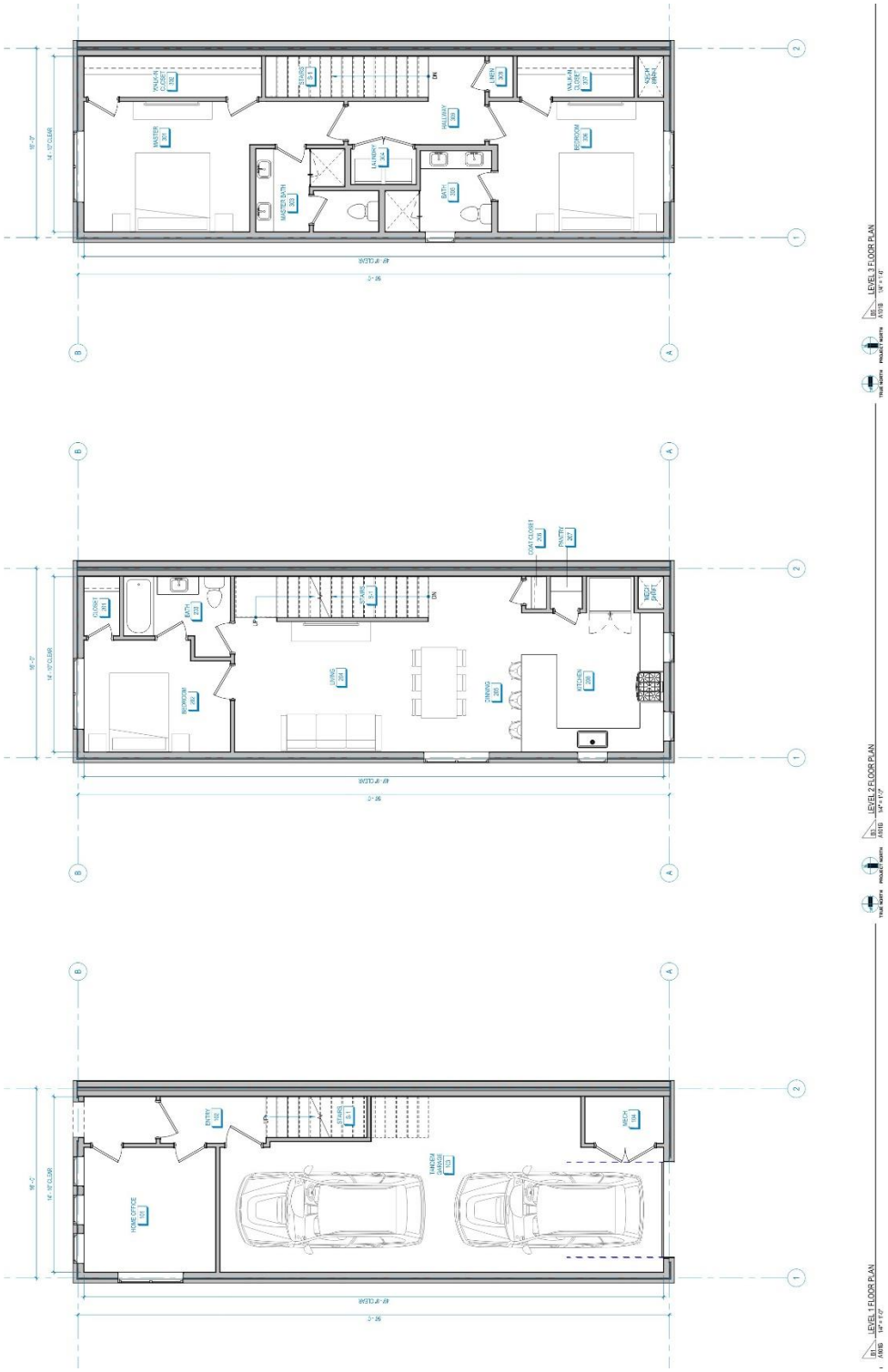


ATTACHMENT 2 – CONCEPT PLAN



ATTACHMENT 3 – RENDERING

ATTACHMENT 4 –FLOOR PLANS



ATTACHMENT 5 – NEIGHBORHOOD DISTRICT 3 MEETING MINUTES 8/20/2025

Jared Morgan explained that the property has been in the family since 1963, operating primarily as a cabinet shop. The family approached him to reinvent land use for the property. The proposal consists of two properties totaling approximately an acre and a quarter, located just southwest of Fort Utah Park on Geneva Road. It's a very deep parcel with not a lot of frontage on Geneva Road. They felt that middle housing would be a good use. The development would include both for-sale and for-rent products, with the family intending to hold on to some of the units and have a revenue stream for the family while selling others. Morgan noted that the general plan positions this area for mixed-use. He mentioned he had spoken with neighbors about the plans.

When asked about the number of units, Morgan confirmed it was currently 26, but this may change based on meetings with Planning and Public Works.

An online participant asked if this can stay commercial and that we need to reserve what commercial we can because we don't have the infrastructure to support all the growth. Morgan responded that they need to be wise about the product types and that the family asked him to pursue residential for this property.

When asked about the housing type, Morgan clarified it would be more like a Duplex product.

Regarding existing structures, he noted there was mostly vacant land, but the buildings that are there are commercial use.

A resident expressed concerns about parking, noting similar townhome developments along Geneva Road with 3 or more cars per unit. The resident worried about the impact on Fort Utah Park's parking lot directly across the street and that residents are going to park across the street or along Geneva Road, which is already packed with cars during sporting events. Morgan responded that they can definitely address parking appropriately with Planning.

When asked about the ratio of rental versus for-sale units, Morgan noted they hadn't determined the exact ratio, adding it's difficult to make things pencil right now.

An online question addressed green space requirements and Morgan said that they addressed this last week with Planning and Public Works department and the plan will be modified to meet the green space requirements.

Neighborhood District 3 Chair Andrew Terry asked that the for sale units have CC&Rs requiring owner-occupancy. Morgan acknowledged that comment.

A resident raised concerns about dust during construction. Morgan responded that they're sensitive to dust mitigation and controlling that.

When asked about parking plans for residents, Morgan said that all the units have 2-car garages and driveways, so could park 4 vehicles. He felt that there is ample parking on the site.

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: November 12, 2025

***ITEM 6** Jared Morgan requests a Zone Map Amendment for 1.32 acres of land from the CG (General Commercial) Zone to the MDR (Medium Density Residential) Zone in order to develop a 26-unit townhome development, located at 113 and 191 N Geneva Road. Fort Utah Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLRZ20250200

Applicant: Jared Morgan

Staff Coordinator: Dustin Wright

Property Owner: J & L PEARSON SHOP LLC

Parcel ID: 21:025:0045 and 21:025:0046

Acreage: 1.32

Current Zone: General Commercial (CG)

Proposed Zone: Medium Density Residential (MDR)

Council Action Required: Yes

Development Agreement: None

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider the information presented. *The next available meeting date is December 10, 2025, at 6:00 p.m.*
2. **Recommend approval** of the requested Rezone Application to the Municipal Council. This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

Current Legal Use:
One property has a single-family home, and the other parcel has commercial.

Relevant History:
There is a concept plan application (PLCP20250293) to have the zone changed to MDR.

Neighborhood Issues:
A neighborhood district meeting was held on August 20, 2025. (See Attachment 4 for meeting notes for this item).

- Staff have received emails and calls from residents about desires to keep this property commercial because there is a low supply in west Provo.

Summary of Key Issues:

- Staff have reviewed the concept plans and there will need to be more information provided at the project plan phase to ensure compliance with proposed MDR zone.
- MDR zone allows 30 units per acre, and this concept shows 20 units per acre. If the property is rezoned to MDR, plans could change increasing the project to 30 units per acre.
- The applicant has stated that they would plan to sell some of the units and rent some of the units. This ratio has not been determined nor is there anything in place to ensure that they will be.

Staff Recommendation:
That the Planning Commission **recommend denial** of the requested rezone from CG to MDR at 191 N Geneva Road to the Municipal Council.

BACKGROUND

The applicant has submitted a rezone request for property located at 113 and 191 N Geneva Rd. (Attachments 1) to be rezoned from General Commercial (CG) to Medium Density Residential (MDR).

At the district meeting the applicant indicated that some of the units would be for sale and some would be for rent. The percentages have not been determined for how many units would be for sale and for rent by the applicant and they would be subject to change after approval of the rezone.

The designation for this area in the General Plan is for Mixed-use development. This would include commercial, residential, and office.

The adjacent property to the west is currently zoned single-family residential (R1.8) and the property to the east, across Geneva Rd., is zoned Open Space, Preservation, and recreation (OSPR), and the property to the north is in the Residential Conservation (RC) zone, and the property to the south is in the General Commercial (CG) zone.

FINDINGS OF FACT

Sec. 14.020.020(2) establishes criteria for the amendments to the zoning title as follows: **(Staff response in bold type)**

> Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:
>
> (a) Public purpose for the amendment in question.

Staff response: The amendment would provide additional housing units which are needed.

> (b) Confirmation that the public purpose is best served by the amendment in question.

Staff response: While housing units are needed, there is also a need for more commercial on the west side of the city. This location is already zoned commercial, and it would best serve the public to either keep it commercial or change it to a mixed-use zone to ensure that there is a strong commercial presence to help with walkability and nearby opportunities for residents.

> (c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

Staff response: The General Plan shows this area as mixed-use. Changing to just residential is not in alignment with the plan's designation.

> (d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

Staff response: There are not any issues with timing and sequencing.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.

Staff response: Staff does not recommend this amendment because it does not follow the General Plan mixed-use designation. It is hard to add new commercial zones into areas that need it, so keeping it in this location where it already exists is a better option.

(f) Adverse impacts on adjacent landowners.

Staff response: The impacts of MDR compared to the existing zoning would not be different for adjacent landowners.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Staff response: The land use map from the General Plan has been reviewed and found to be correct for this area.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff response: There are no conflicts noted by staff.

STAFF ANALYSIS

The proposed plan to develop the site with residential does not align with the General Plan. Residents have expressed concerns about losing the existing commercial property for more residential and staff share this concern. Preserving the remaining commercial potential in this area of town is key to helping ensure that needs of surrounding residents are best served. Having commercial opportunities within close travel distance promotes walkability and sustainability. Mixed-use developments promote these opportunities. Having residential here is not a bad thing, but maintaining the opportunity for commercial use will play an important role as the surrounding area continues to grow.

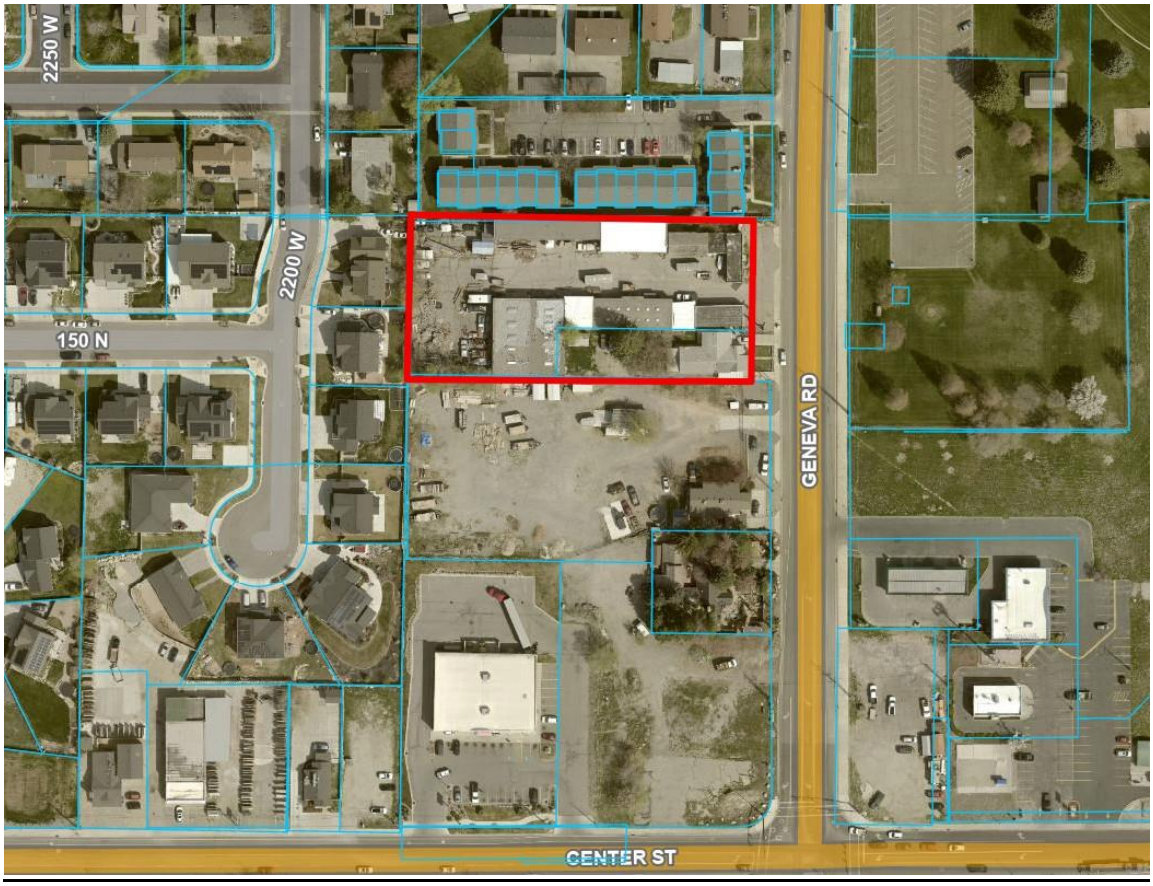
CONCLUSION

Staff are not supportive of the property being rezoned to MDR and losing the commercial opportunities that will help support the growing community. The General Plan designation for mixed-use development will better serve the area now and in the future. Therefore, staff suggest that the Planning Commission recommend denial of the proposed zone change from General Commercial to Medium Density Residential for land located at 191 N Geneva Road.

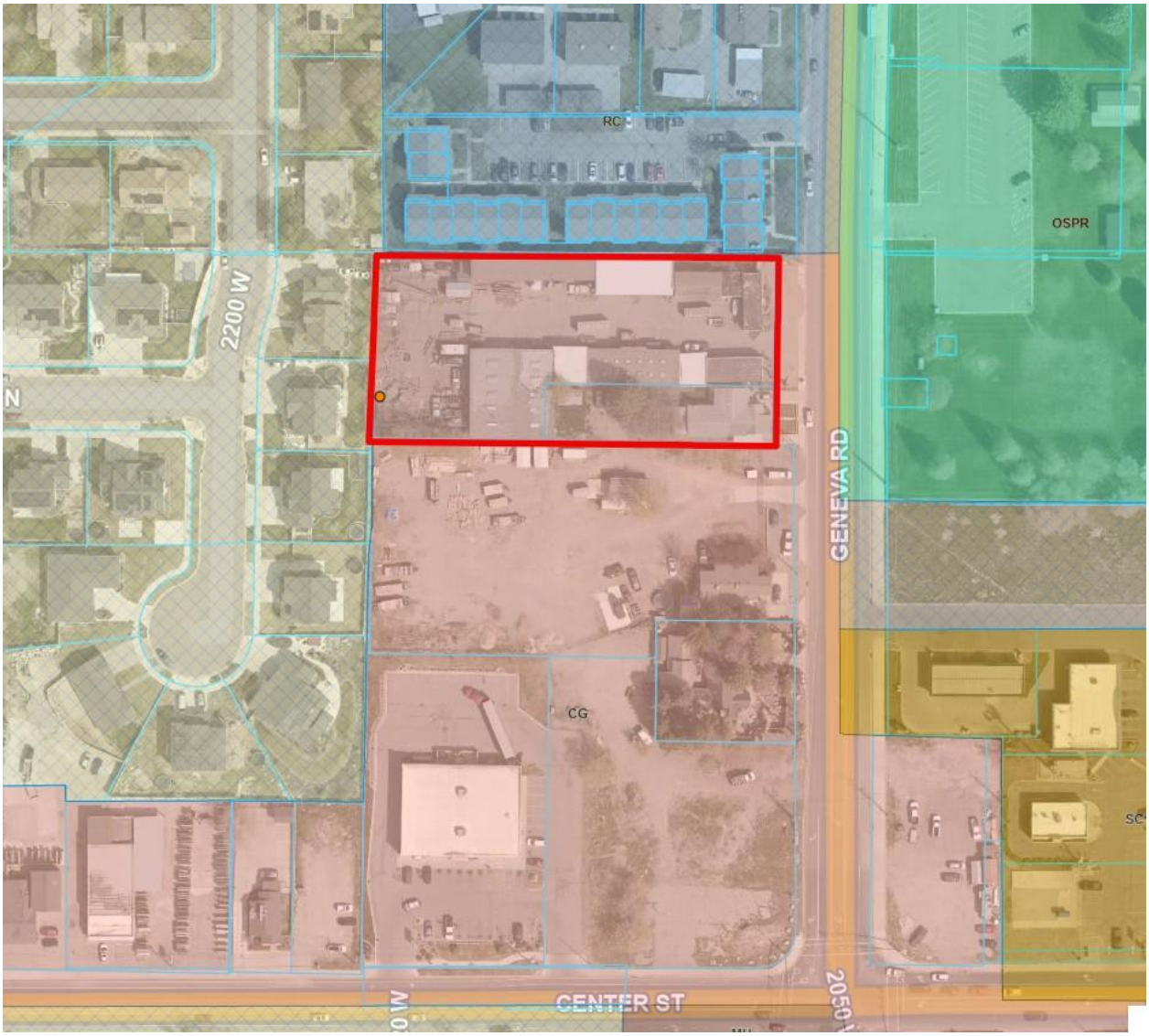
ATTACHMENTS

1. Area to be Rezoned
2. Current Zone Map
3. General Plan Map
4. Neighborhood District 3 Meeting Minutes 8/20/25

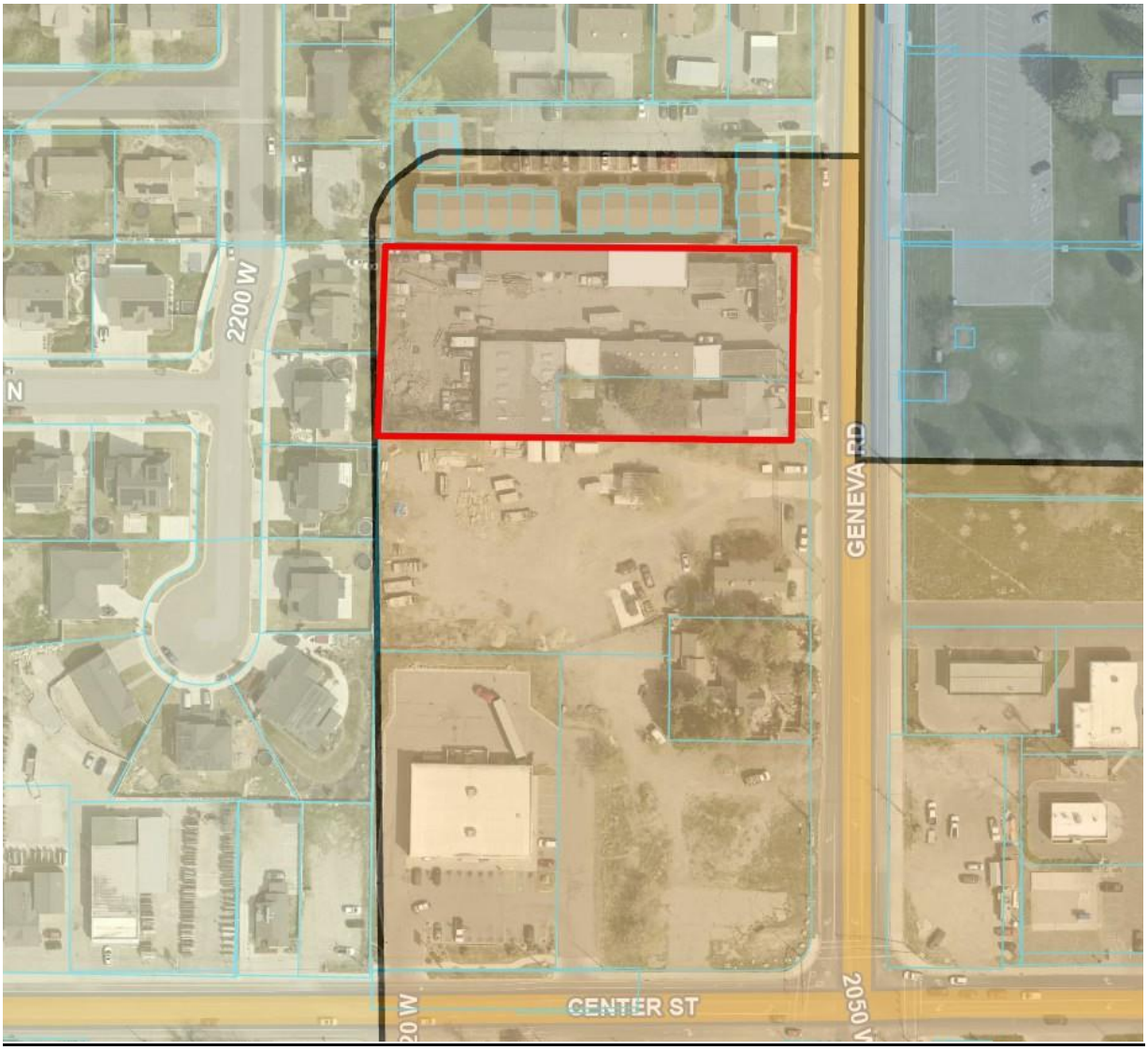
ATTACHMENT 1 –AREA TO BE REZONED



ATTACHMENT 2 – CURRENT ZONE MAP



ATTACHMENT 3 – GENERAL PLAN MAP



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Provo City Planning Commission

Report of Action

November 12, 2025

ITEM 5 Jared Morgan requests Concept Plan approval for a 26-unit townhome development over 1.32 acres in a proposed MDR (Medium Density Residential) Zone, located at 113 and 191 N Geneva Road. Fort Utah Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLCP20250293

The following action was taken by the Planning Commission on the above described item at its regular meeting of November 12, 2025:

DENIED

On a vote of 6:2, the Planning Commission denied the above noted application.
Motion By: Lisa Jensen
Second By: Anne Allen
Votes in Favor of Motion: Lisa Jensen, Anne Allen, Melissa Kendall, Joel Temple, Matt Wheelwright, Jon Lyons
Votes Against the Motion: Jonathon Hill, Daniel Gonzales
Jonathon Hill 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.

RELATED ACTIONS

Planning Commission - November 12, 2025 - Item 6 - Rezone – PLRC20250200 - This item was recommended for denial.

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.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 08/20/2025.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present or did not address the Planning Commission during the hearing.
- Neighbors or other interested parties were present or addressed 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:

- The traffic along Geneva Rd. is too fast.
- The commercial property to the south didn't want to sell.
- With a three-story residential building development, there would be less privacy for the surrounding residents.
- There is already a lot of MDR across the street being built now.
- The part of the city west of I-15 needs more commercial development.
- The applicant needs to investigate affordable housing options.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Infill development is challenging, and they have been working to find a way to make this work.
- The thing that makes mixed-use challenging is the requirement to have ten thousand square foot sites.
- The live-work units would allow for things like small office use, salons, or insurance office.
- The owner would like to control how the property is used and not leave it up to adjacent property owners to join in development. The adjacent property owners did not want to sell the property to this property owner.
- The market for commercial development is not there and that is a reason that residential is the best use for them.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- There is vacant commercial space in this area already. There is growth coming in just across the street, and there will be more in the future. If the commercial is lost now, it would be very difficult to bring it back later once the residential uses are in place.
- Adding rooftops can help encourage commercial, but multi-family doesn't always meet the discretionary income thresholds retailers are looking for.
- There has been a focus on developing centers to better serve communities. The General Plan identified this area as a type of center. Thought has gone into the General Plan, and it identifies how areas should develop in the future.
- Looking at the whole corner that is currently zoned commercial, it would be wise to look at either finding a way to have it developed together or if that is not a possibility, to have this site develop in a way that would be able to tie into the other property in the future. The access to all of that area would be better the further away it is from the busy intersection.
- The 200' lot depth is ideal for commercial development.
- Home ownership is an important goal, but there needs to be more commitment here towards that goal.
- More parking that is not tandem would be nice to see.
- If it is a change from the General Plan, it would need to be something better.

Planning Commission Chair

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 the Development Services Department, 445 W Center Street, 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

Provo City Planning Commission

Report of Action

November 12, 2025

***ITEM 6** Jared Morgan requests a Zone Map Amendment for 1.32 acres of land from the CG (General Commercial) Zone to the MDR (Medium Density Residential) Zone in order to develop a 26-unit townhome development, located at 113 and 191 N Geneva Road. Fort Utah Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLRZ20250200

The following action was taken by the Planning Commission on the above described item at its regular meeting of November 12, 2025:

RECOMMENDED DENIAL

On a vote of 8:0, the Planning Commission recommended that the Municipal Council deny the above noted application.
Motion By: Lisa Jensen
Second By: Anne Allen
Votes in Favor of Motion: Lisa Jensen, Anne Allen, Jonathon Hill, Melissa Kendall, Joel Temple, Matt Wheelwright, Jon Lyons, Daniel Gonzales.
Jonathon Hill 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the Medium Density Residential (MDR) Zone is:
Parcel 1
COM. 17 CHS S & 2.15 CHS W OF NE COR OF SE1/4 OF SEC 3, T 7 S, R 2 E, SLM; S 1 W 114 FT; W 200 FT; S 1 W 50 FT; N 89 W 150.46 FT; N 1 E 2.48 CHS; S 89 E 5.31 CHS TO BEG. AREA 1.09 ACRES.

And

Parcel 2
COM. 17 CHS S & 2.15 CHS W & S 1 W 114 FT OF NW COR OF SE1/4 OF SEC 3, T 7 S, R 2 E, SLM; S 1 W 50 FT; N 89 W 200 FT; N 1 E 50 FT; S 89 E 200 FT; TO BEG. AREA .23 OF AN ACRE.

RELATED ACTIONS

Planning Commission - November 12, 2025 - Item 5 - Concept Plan - PLCP20250293 - This item was denied.

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.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 08/20/2025.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present or did not address the Planning Commission during the hearing.
- Neighbors or other interested parties were present or addressed 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:

- The traffic along Geneva Rd. is too fast.
- The commercial property to the south didn't want to sell.
- With a three-story residential building development, there would be less privacy for the surrounding residents.
- There is already a lot of MDR across the street being built now.
- The part of the city west of I-15 needs more commercial development.
- The applicant needs to investigate affordable housing options.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Infill development is challenging, and they have been working to find a way to make this work.
- The thing that makes mixed-use challenging is the requirement to have ten thousand square foot sites.
- The live-work units would allow for things like small office use, salons, or insurance office.
- The owner would like to control how the property is used and not leave it up to adjacent property owners to join in development. The adjacent property owners did not want to sell the property to this property owner.
- The market for commercial development is not there and that is a reason that residential is the best use for them.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- There is vacant commercial space in this area already. There is growth coming in just across the street, and there will be more in the future. If the commercial is lost now, it would be very difficult to bring it back later once the residential uses are in place.
- Adding rooftops can help encourage commercial, but multi-family doesn't always meet the discretionary income thresholds retailers are looking for.
- There has been a focus on developing centers to better serve communities. The General Plan identified this area as a type of center. Thought has gone into the General Plan, and it identifies how areas should develop in the future.
- Looking at the whole corner that is currently zoned commercial, it would be wise to look at either finding a way to have it developed together or if that is not a possibility, to have this site develop in a way that would be able to tie into the other property in the future. The access to all of that area would be better the further away it is from the busy intersection.
- The 200' lot depth is ideal for commercial development.
- Home ownership is an important goal, but there needs to be more commitment here towards that goal.
- More parking that is not tandem would be nice to see.
- If it is a change from the General Plan, it would need to be something better.

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 the Development Services Department, 445 W Center Street, 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

Provo City Planning Commission

Report of Action

August 12, 2026

*ITEM 4 Jared Morgan requests a Zone Map Amendment from the CG (General Commercial) Zone to the MU (Mixed-Use) Zone to entitle a mixed-use development containing 18 townhomes and commercial space, located at 113/191 N Geneva Road. Fort Utah Neighborhood. Megan Van De Graaff (801) 852-6408 mvandegraff@provo.gov PLRZ20260264

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 12, 2026:

RECOMMENDED APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Jon Lyons
Second By: Tosh Metzger
Votes in Favor of Motion: Jon Lyons, Melissa Kendall, Matthew Wheelwright, Joel Temple, Jonathon Hill, Tosh Metzger
Matthew Wheelwright 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the MU Zone is described in the attached Exhibit A.

RELATED ACTIONS

The Planning Commission approved the related concept plan (PLCP20260261, Item #5) at the August 12, 2026 hearing.

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.
- Traffic study may be required with future stages of approval.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting is scheduled for 09/02/2026.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present or did not address the Planning Commission during the hearing.

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:

- Public concerns included traffic volume on Geneva Road and Center Street with the increased residential units in the area.
- Additionally, there were concerns with the site not having enough parking leading residents to park on public streets.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The applicant stated that they have reached out to the neighborhood chairs, and this project will be presented at a neighborhood meeting before Municipal Council.
- The applicant explained that retail is an unproven product in this area and therefore the property owners are hesitant to invest in that type of project. They explained that the current proposal shows a flex type of commercial product which can accommodate more versatile uses.
- The applicant explained that there could be a mezzanine second floor, or a full second story in the commercial units.
- Some of the commercial units would be for sale and some would be for lease.
- The applicant expressed a desire for connectivity for the subject site to surrounding parcels. There are plans to demolish the wall that is between the subject parcel and property to the north.
- The applicant stated they feel the townhomes offer missing middle-housing, and that some would be for sale and some would be for rent. They understand that some units would be deed restricted for owner-occupancy for the first-year of ownership, and that there would be a rental cap.
- The applicant expressed they feel they have enough parking on the site.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Jon Lyons stated that the rezoning to Mixed Use is compatible with the general plan, and that the commercial use along Geneva Road with townhomes in the back is a neat horizontal mixed use. He expressed a desire to combine the subject property with the property to the south for larger retail development, but that the applicant does not have control over that property. He stated the proposed development would be an improvement to the existing site.
- Matthew Wheelwright stated that when the Planning Commission reviewed this site in 2025, they were concerned the proposed live/work units from that application were not going to be a catalyst for other retail development in the area. Reviewing it now in 2026, he stated that the proposed development would be a step forward for the area.
- Melissa Kendall and Jonathan Hill expressed a desire to hear from the neighborhood before making a decision.
- Jonathan Hill expressed concern that the garage spaces in the commercial units would lead to the units being used as storage space rather than true retail space. Additionally, he voiced a desire for shared access in the future with the lot to the south, and that he's concerned the proposed townhomes are not integrated enough with the surrounding residential uses, so they may oppose future retail development near them.
- Tosh Metzger recommended a pavilion in the green space.
- Melissa Kendall expressed that she would like to hear from the neighborhood because they expressed in 2025 they would like to have more traditional retail uses on this site, and she expressed that she would also like to have more retail on this site and that moving forward with this rezone and concept plan may forgo the option to have more meaningful retail on this site.
- Joel Temple stated that this proposal may be a good transition to more intense uses near the intersection.
- The commission discussed if more traditional retail uses are viable at this site.
- Jonathan Hill and Jon Lyons expressed they were not too concerned with the level of traffic created from this project since UDOT will be widening the roads, and that Lakeview Parkway will be connected in Orem which is expected to take some traffic off of Geneva Road.

Planning Commission Chair

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.

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BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

Subject Property Information:

Parcel# 21:025:0046

Address: 113 North 2050 West Provo, Utah 84058

Legal Description: COM. 17 CHS S & 2.15 CHS W & S 1 W 114 FT OF NW COR OF SE1/4 OF SEC 3, T 7 S, R 2 E, SLM; S 1 W 50 FT; N 89 W 200 FT; N 1 E 50 FT; S 89 E 200 FT; TO BEG. AREA .23 OF AN ACRE.

Parcel# 21:025:0045

Address: 191 North 2050 West Provo, Utah 84058

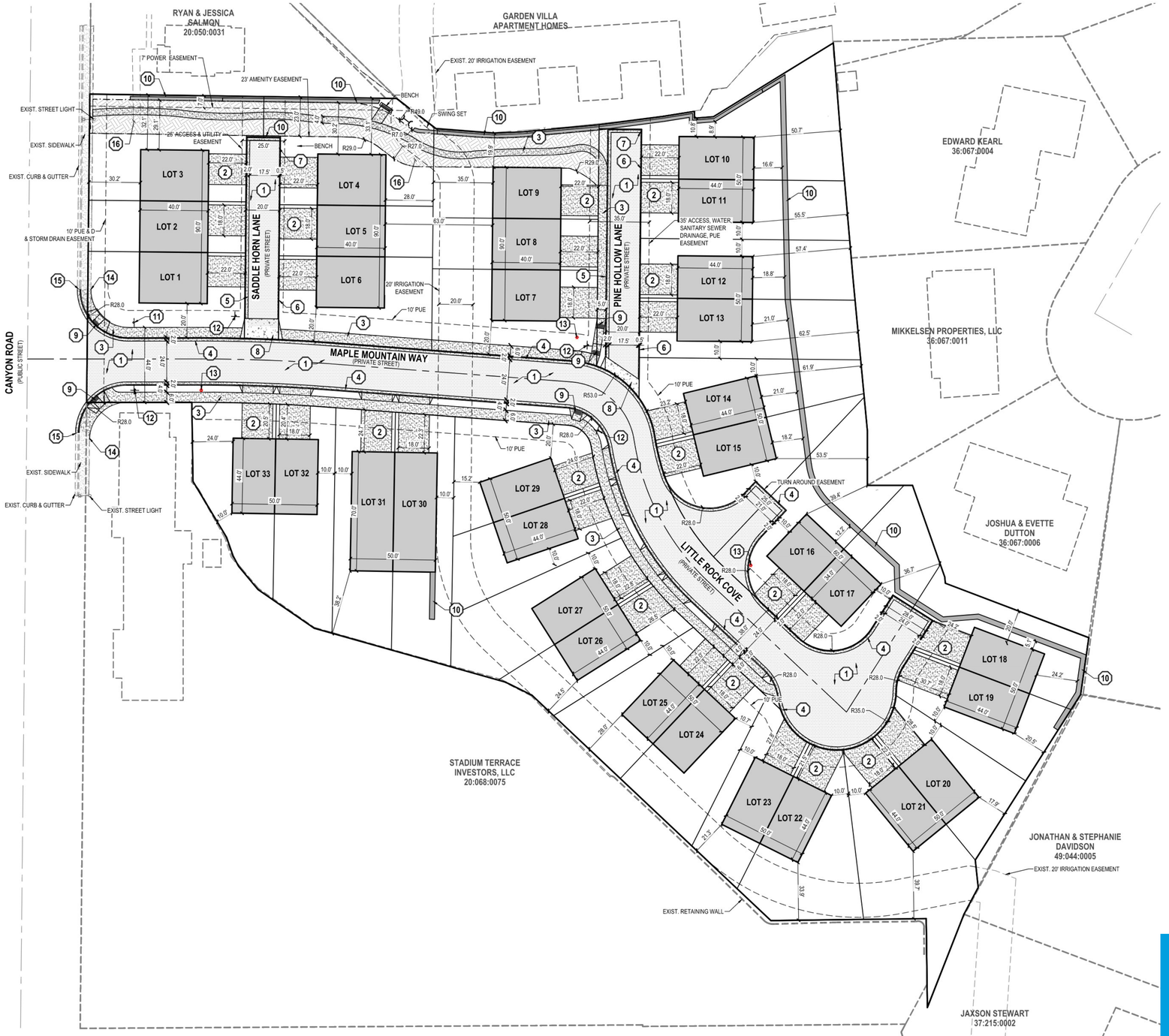
Legal Description: COM. 17 CHS S & 2.15 CHS W OF NE COR OF SE1/4 OF SEC 3, T 7 S. R 2 E. SLM; S 1 W 114 FT; W 200 FT; S 1 W 50 FT; N 89 W 150.46 FT; N 1 E 2.48 CHS; S 89 E 5.31 CHS TO BEG. AREA 1.09 ACRES.

2000 N Canyon Rd.

Concept Plan

Parking required:
- 2.25 stalls per unit
- 75 stalls required

Provided:
- 4 stalls per unit
- 132 stalls provided



Landscape Plan

Amenity Space

Required:

- 20% gross lot area (not allowed in required setbacks)

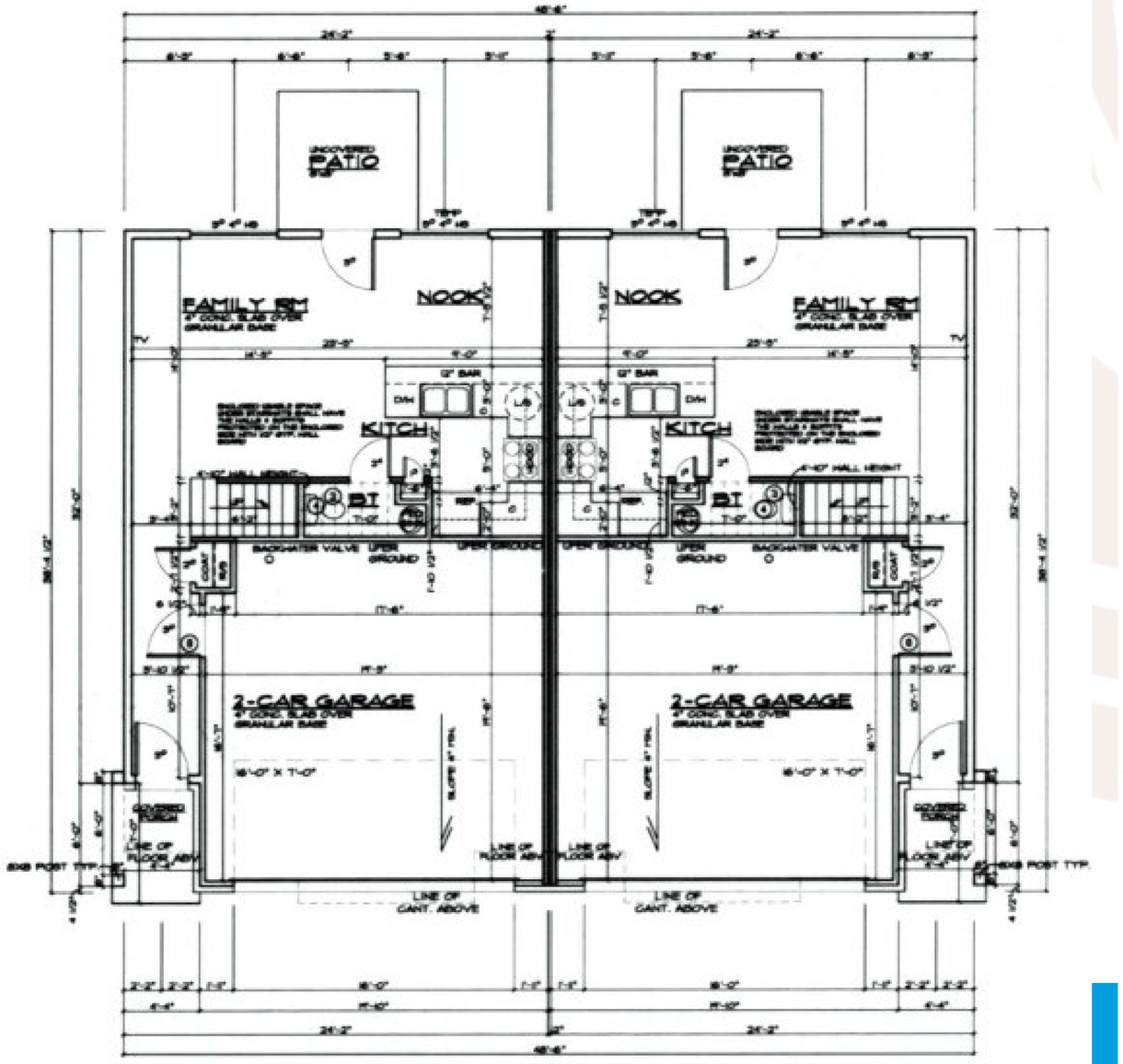
Provided:

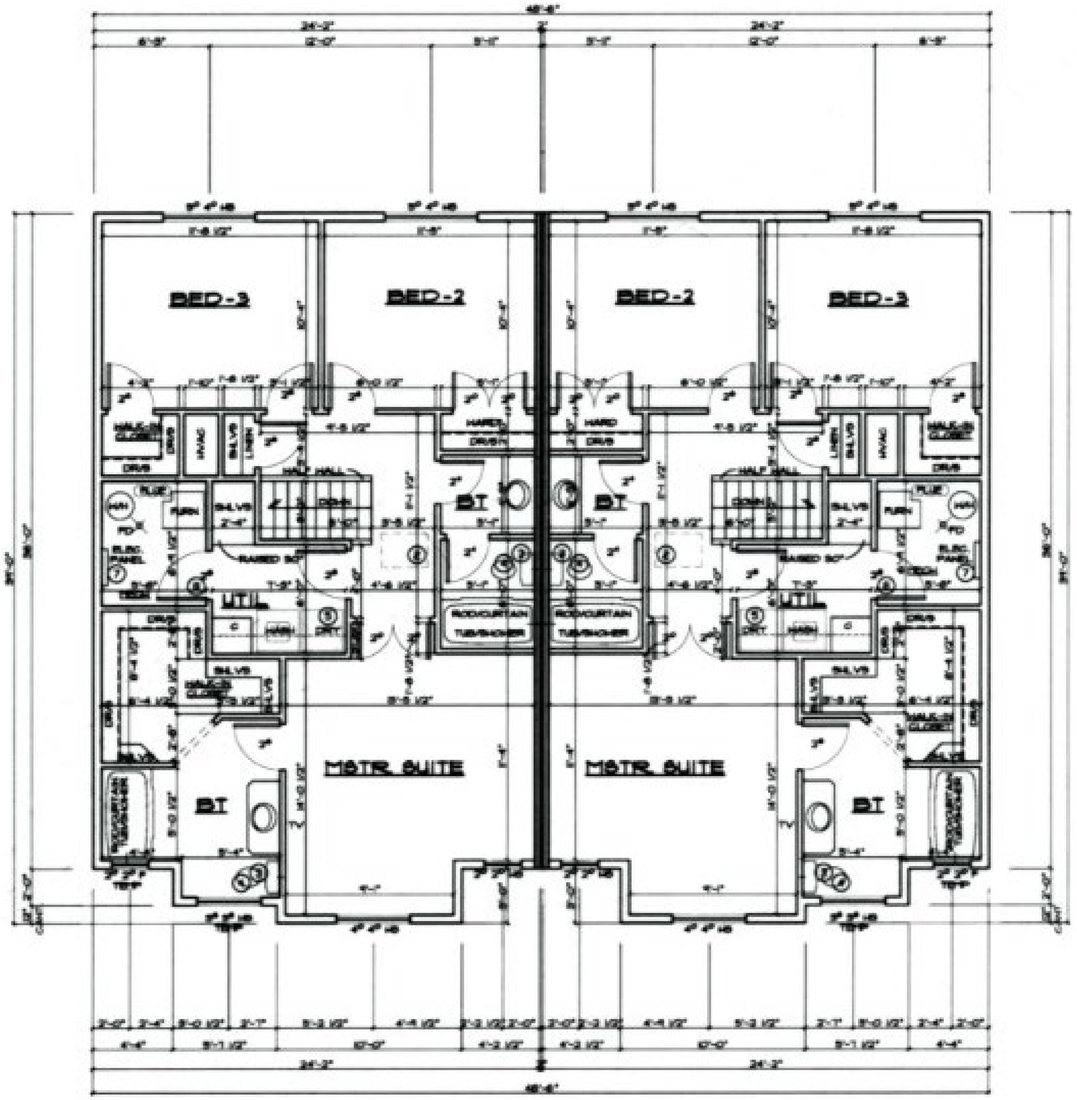
- Located in setback, percentage unknown

Finding:

- Does not comply

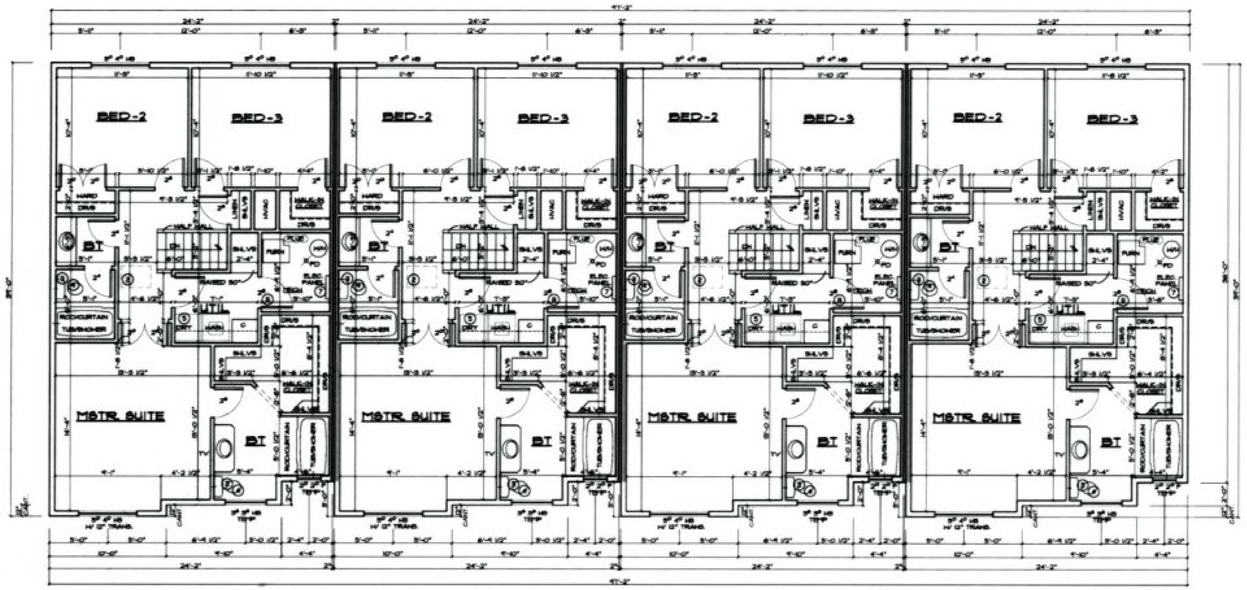
Floor Plans

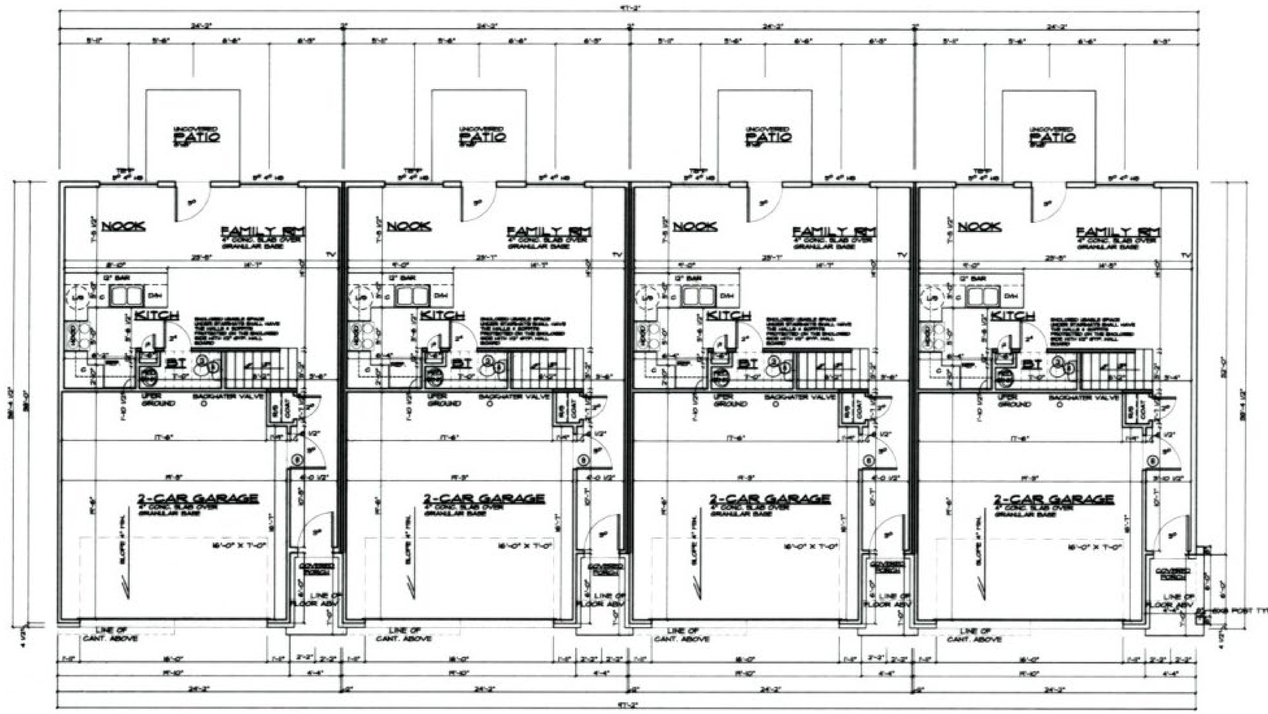

UNCOVERED PATIO
FAMILY RM
NOOK
KITCH
2-CAR GARAGE
LINE OF CANT. ABOVE


BED-3
BED-2
BED-2
BED-3
MSTR SUITE
MSTR SUITE

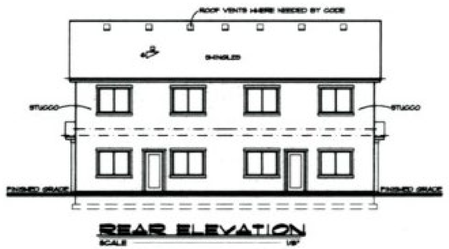
Floor Plans

33 units with 3 bedrooms/unit



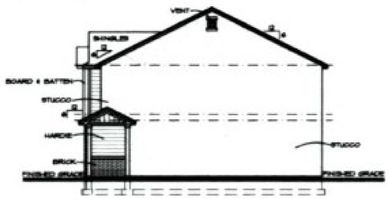


Elevations



REAR ELEVATION
SCALE 1/8"

LEFT ELEVATION
SCALE 1/8"



RIGHT ELEVATION
SCALE 1/8"

FRONT ELEVATION
SCALE 1/4"

REAR ELEVATION
SCALE 1/8"

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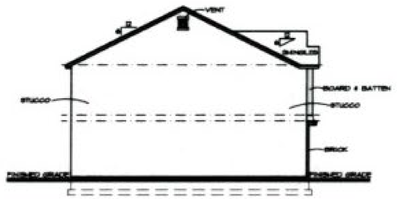
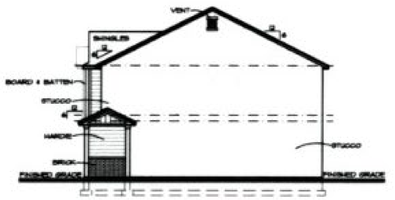


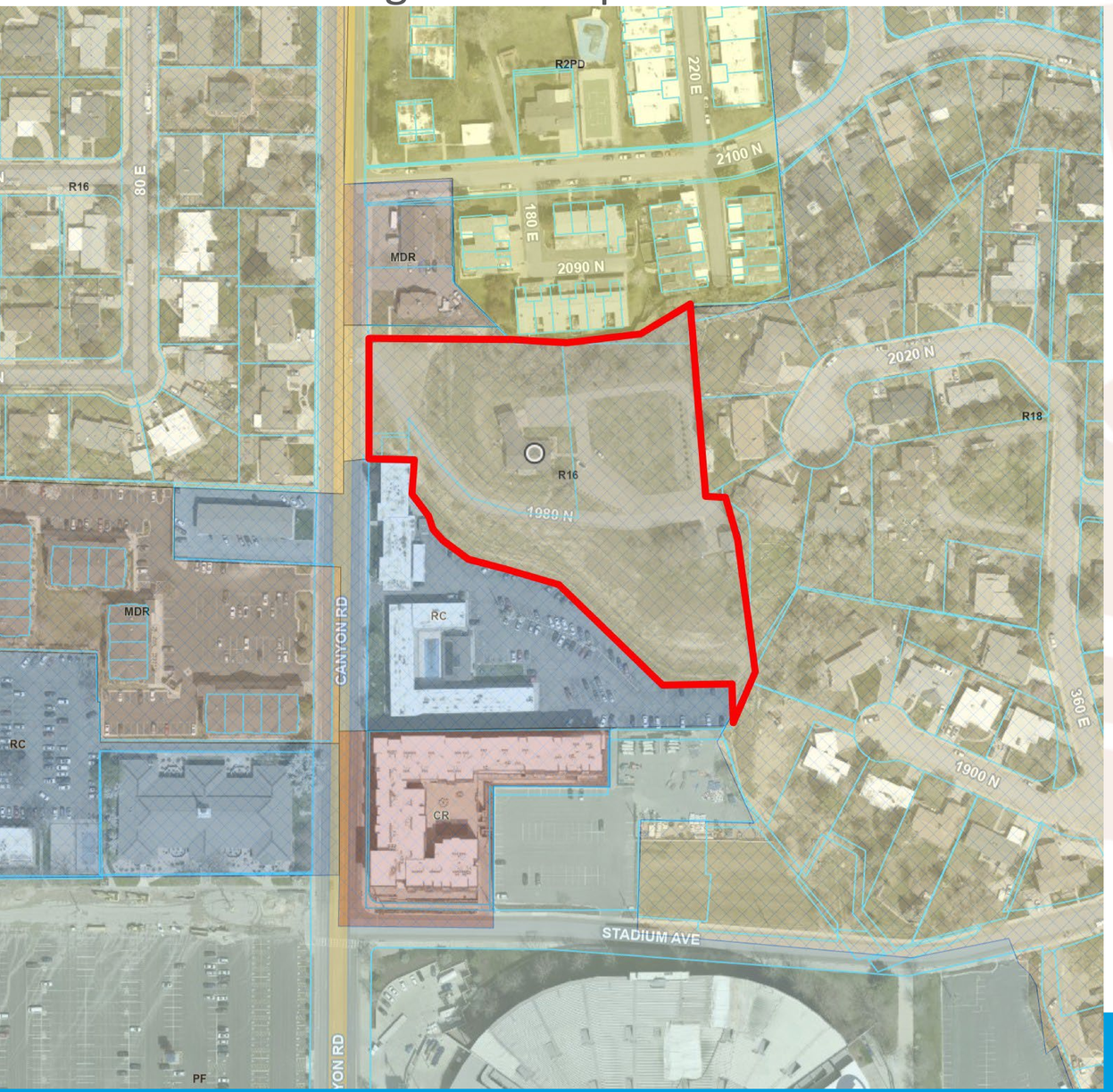
LEFT ELEVATION
SCALE 1/8"



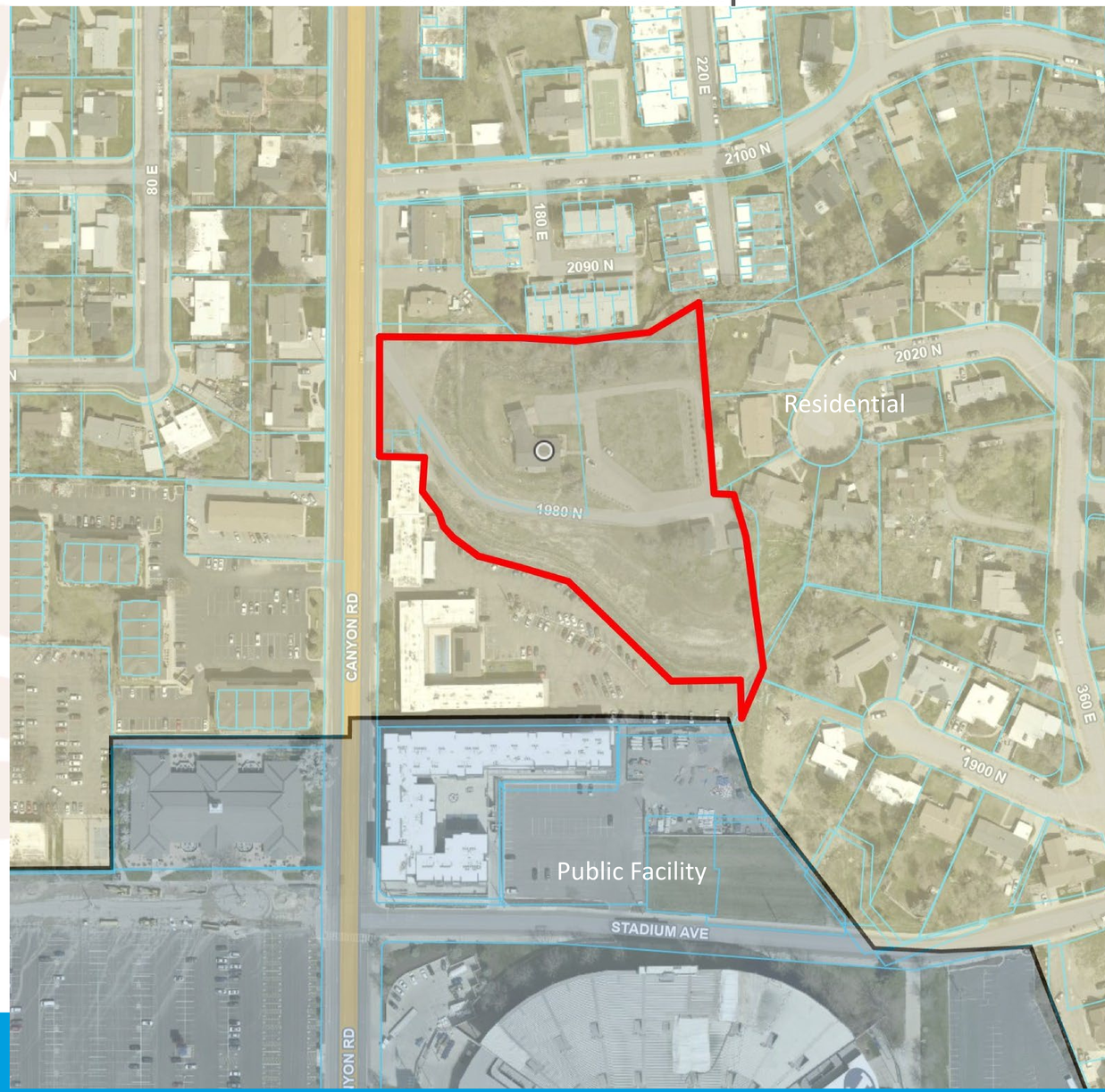
RIGHT ELEVATION
SCALE 1/8"

FRONT ELEVATION
SCALE 1/4"

Existing Zone Map



General Plan Map



2000 N Canyon Rd.

PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT

Submitter:	DWRIGHT
Presenter:	Dustin Wright, Planner
Department:	Development Services
Meeting Date:	9/8/2026
Requested Duration (Minutes):	15 minutes
CityView or Issue File Number:	PLRZ20260116

SUBJECT: 6 An ordinance amending the zone map classification of real property, generally located at 2000 N Canyon Road, from the One-family Residential (R1.6) zone to the Low Density Residential (LDR) zone. Pleasant View Neighborhood. (PLRZ20260116)

ADMINISTRATIVE RECOMMENDATION: The Planning Commission Recommended denial

ADMINISTRATIVE MEMO: The applicant has submitted a zone map amendment for the Low Density Residential (LDR) zone, and concept plan application for the property located at approximately 2000 N Canyon Road to allow for the property to be developed for 33 new units. Nine of the units will be townhomes and the other 24 will be twin homes.
Last year the property was rezoned to the One Family Residential (R1.6). This was done to allow for 19 detached single-family homes. The property surrounding this property is zoned Residential Conservation (RC) to the south, R1.8 to the east, MDR and R2PD to the north.
Access to the new subdivision would be from Canyon Road and would not have any direct access into the surrounding neighborhood.

FISCAL IMPACT: No

COUNCIL STAFF MEMO:

ORDINANCE <<Document Number>>

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF REAL PROPERTY, GENERALLY LOCATED AT 2000 NORTH CANYON ROAD, FROM THE ONE-FAMILY RESIDENTIAL (R1.6) ZONE TO THE LOW DENSITY RESIDENTIAL (LDR) ZONE. PLEASANT VIEW NEIGHBORHOOD. (PLRZ20260116)

RECITALS:

It is proposed that the classification on the Provo Zoning Map for approximately 4.04 acres of real property, generally located at 2000 North Canyon Road (an approximation of which is shown or described in Exhibit A and a more precise description of which will be attached as Exhibit B after the Zone Map has been updated), be amended from the One-family Residential (R1.6) Zone to the Low Density Residential (LDR) Zone;

On August 12, 2026, the Planning Commission held a public hearing to consider the proposal, and after the hearing the Planning Commission recommended **denial** of the proposal to the Municipal Council by a 4:2 vote;

The Planning Commission's recommendation was based on the project design presented to the Commission;

On September 8, 2026, the Municipal Council met to determine the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the Planning Commission's recommendation and the facts presented to the Municipal Council, and having considered the impact of the proposed ordinance on family health, stability, and formation, the Council finds that (i) the proposed action should be approved, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council ordains as follows:

PART I:

The classification on the Provo Zoning Map is amended from the One-family Residential (R1.6) Zone to the Low Density Residential (LDR) Zone for the real property described in this ordinance.

PART II:

A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance controls.

B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is judicially determined to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.

C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

D. The Municipal Council directs that the Provo Zoning Map be updated and codified to reflect the provisions enacted by this ordinance.

Exhibit A

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: August 12, 2026

***ITEM 2** Tyson Reynolds requests approval of a Zone Map Amendment from the R1.6 (One Family Residential) Zone to the LDR (Low Density Residential) Zone in order to create a 33-unit townhome development, located at 2000 N Canyon Road. Pleasant View Neighborhood. Dustin Wright (801) 852-6414 PLRZ20260116

APPLICANT:	Tyson Reynolds
PROPERTY OWNER:	REYNOLDS ASSET MANAGEMENT LLC
PARCEL ID:	20:050:0032, 20:068:0021, 20:068:0062, 20:068:0072, 20:068:0074
ACREAGE:	4.04
CURRENT LEGAL USE:	Residential
GENERAL PLAN DESIGNATION:	Residential
CURRENT ZONE:	One Family Residential (R1.6)
PROPOSED ZONE:	Low Density Residential (LDR)
APPLICATION TYPE:	Legislative Decision – Planning Commission will make a recommendation to the City Council.

NEIGHBORHOOD FEEDBACK

This item was presented at the North District meeting on April 1, 2026 (See attachment 4.) Staff received public comments that expressed desire to keep the zoning that was recently approved for the detached single-family homes.

PROJECT SUMMARY

The applicant has submitted a zone map amendment for the Low Density Residential (LDR) zone, and concept plan application for the property located at approximately 2000 N Canyon Road to allow for the property to be developed for 33 new units. Nine of the units will be townhomes and the other 24 will be twin homes.

Last year the property was rezoned to the One Family Residential (R1.6). This was done to allow for 19 detached single-family homes. The property surrounding this property is zoned Residential Conservation (RC) to the south, R1.8 to the east, MDR and R2PD to the north.

Access to the new subdivision would be from Canyon Road and would not have any direct access into the surrounding neighborhood.

STAFF ANALYSIS

Before recommending an amendment, the Commission must find that the amendment serves the public interest and aligns with the General Plan, based on consideration of the following:

(a) Public purpose for the amendment in question;

Applicant Response: See Attachment 5

Staff Response:
The amendment would allow for more residential housing than is currently allowed by zoning.

FINDING:
Complies

(b) Confirmation that the public purpose is best served by the amendment in question;
Applicant Response: See Attachment 5

Staff Response:
The property was recently rezoned by the City to allow for detached, single-family homes. The proposed concept plan does not show that it can meet all the requirements for the LDR zone.

FINDING:
Does not comply.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives;

Applicant Response: See Attachment 5

Staff Response:
Chapter 4, Housing, has goals for allowing different housing types in neighborhoods and a mix of housing sizes at different price points.

FINDING:
Complies with that goal. The existing zone also meets this goal by allowing single-family homes and Accessory Dwelling Units.

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated;
Applicant Response: See Attachment 5

Staff Response:
No provisions for the proposed amendment.

FINDING:
Complies

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies;

Applicant Response: See Attachment 5

Staff Response:
The proposed amendment would not hinder articulated policies in the General Plan

FINDING:
Doesn't hinder or obstruct General Plan policies.

(f) Adverse impacts on adjacent landowners; and

Applicant Response: See Attachment 5

Staff Response:
The proposed change would allow for higher-density housing in the area than is currently permitted. There would result in an increase in traffic that is currently experienced. The proposed development does not provide direct access to the surrounding residential areas.

FINDING:
There would be impact from the proposed change on adjacent landowners.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Applicant Response: See Attachment 5

Staff Response:
The zoning is correct.

FINDING:
No issues.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Applicant Response: See Attachment 5

Staff Response:
No issues with the maps and related policies.

FINDING:
No issues.

APPLICABLE ZONING CODES

Provo City Code 14.14A – Low Density Residential (LDR)

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may make any of the following findings:

1. **Recommend Approval**: The proposal is consistent with the General Plan. Motion to recommend approval to the City Council for the zone map amendment to the Low-Density Residential zone.

2. **Recommend Denial**: The proposal is not consistent with the General Plan. Motion to recommend denial to the City Council for the proposed zone map amendment to the Low-Density Residential zone.

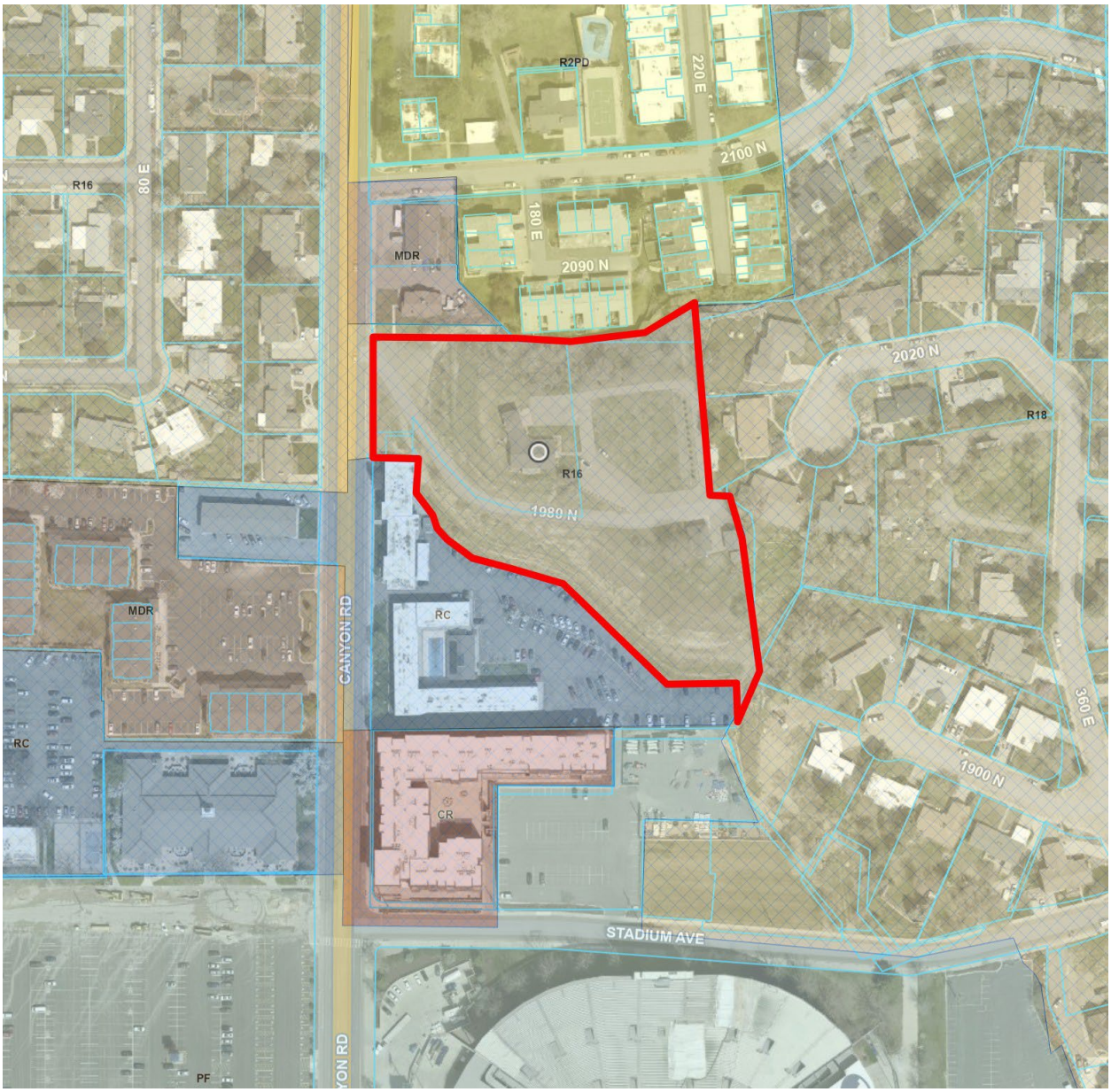
3. **Continue**: New information presented at the public hearing or additional study needs to be done.
   Motion to continue this item. (State findings/reasons)

ATTACHMENTS

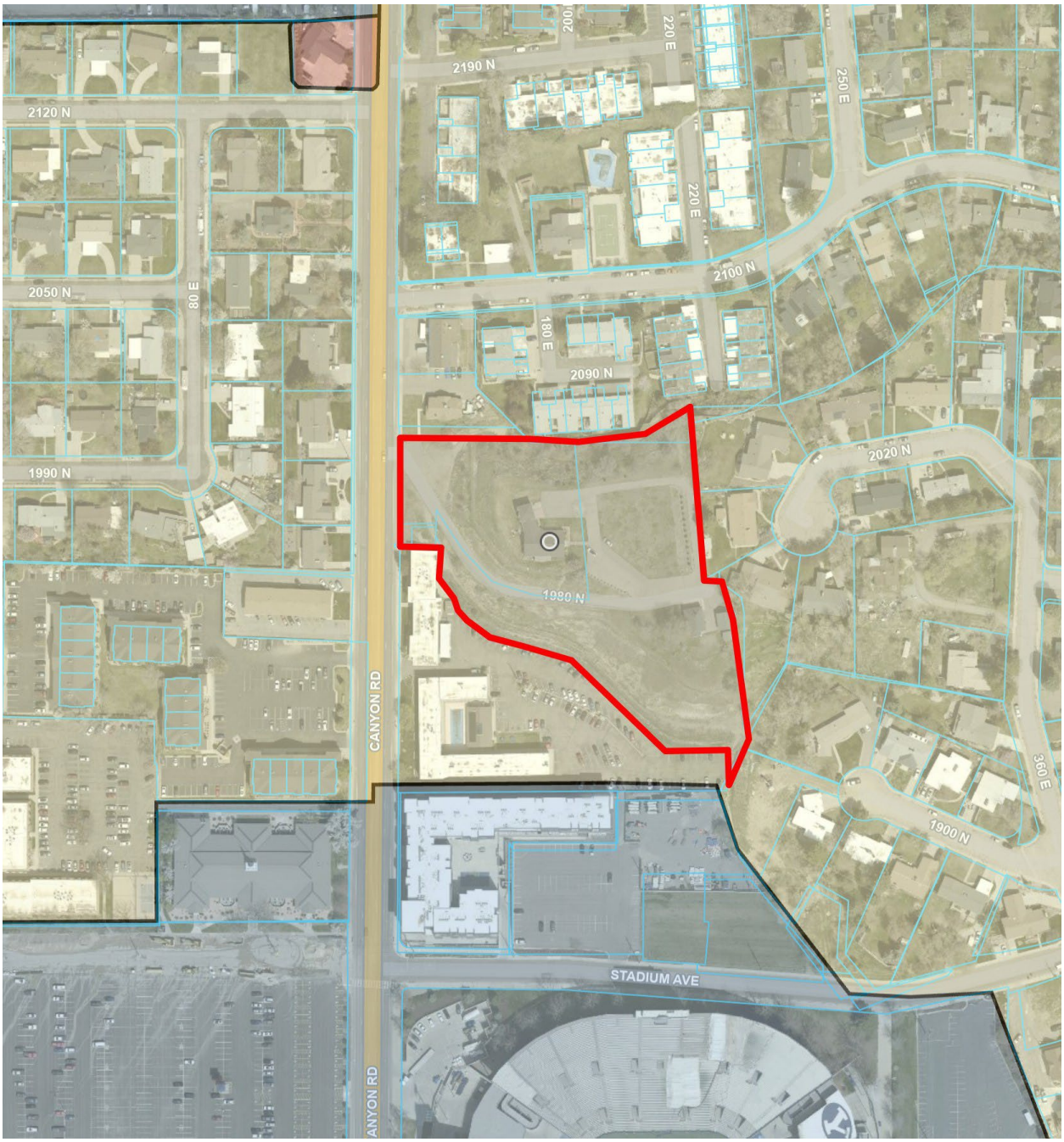
1. Map of Property Located at Approximately 2000 N Canyon Road
2. Map of Existing Zoning
3. Map of General Plan Designation
4. District Meeting Minutes
5. Applicant’s Written Responses

ATTACHMENT 1 – MAP OF PROPERTY LOCATED AT APPROXIMATELY 2000 N CANYON ROAD

ATTACHMENT 2 – MAP OF EXISTING ZONING



ATTACHMENT 3 – MAP OF GENERAL PLAN DESIGNATION



ATTACHMENT 4 – DISTRICT MEETING MINUTES

Presentation on a proposed zone change from R1.6 (One Family Residential) to LDR (Low Density Residential) to create a 38-unit townhome development at 2000 North Canyon Road in the Pleasant View Neighborhood

Developer Tyson Reynolds presented a proposed zone change for property currently zoned R1.6 (One Family Residential) to LDR (Low Density Residential) for a 38-unit townhome development. The 4+ acre property is surrounded by student housing on one side and recently approved medium density residential on another, with condos to the rear.

Reynolds explained that the project evolved from previous proposals after neighborhood opposition to student housing and multifamily scenarios. Single family development presented challenges with price point, marketability, and floor plans due to the elevated, sloping terrain that made master bedrooms on main floors difficult to achieve.

The current proposal uses essentially the same road infrastructure as previously approved but converts to twin homes (duplexes) to enhance affordability and address the topographical challenges. Each unit would have a 2-car garage plus 2 additional driveway parking spaces. The development includes a 20-foot fire road on the north side providing separation from adjacent developments.

Some units on the north side would be traditional townhouses rather than twin homes to accommodate fire department access requirements. Reynolds noted that the homes would still be expensive but more affordable than the previous single-family proposal, targeting younger families in their 30s and 40s.

Key Features:

- 38 total units (mix of twin homes and townhouses)
- Each unit: 2-car garage plus 2 driveway spaces
- HOA maintenance of front and side landscaping
- CC&R restrictions to be included
- Various floor plans adapted to different lot depths

Significant concerns were raised about density and potential for investor purchases leading to student rentals. Reynolds acknowledged that while CC&Rs would be in place, controlling ultimate occupancy is challenging. One resident specifically opposed the 4-unit townhouses, preferring to see those eliminated.

Questions about floor plan logistics revealed that townhomes would still have master bedrooms on upper floors, with Reynolds arguing this would appeal to younger families rather than older downsizing buyers.

Traffic and parking concerns were raised, with residents noting the doubling of vehicle count compared to the previously approved 19 single-family homes. Parking would be limited to garages, driveways, and street parking.

An opinion poll was conducted with three options:

- Favoring the project as presented (38 units, mix of townhomes and twin homes): 0
- Favoring the project with CC&R deed restrictions for owner occupancy: 7
- Maintaining current zoning allowing 19 single-family homes: 21

ATTACHMENT 5 – APPLICANT'S WRITTEN RESPONSES

Reynolds Asset Management is seeking the LDR Zone as a less dense but stronger residential needed project. When say less dense, referring to the surrounding front and adjoining side properties. Rear, separated by approx. 50' of elevation is R1-8. In this LDR zone I desire to construct and sell 38 townhomes. Majority, will be 3 Bedroom homes but larger/deeper lots could accommodate a 4th bedroom. This property is approx. 4.04 acres and LDR zoning would allow 60 homes/units but requesting this zone correction for 38.

Provo needs more housing that real people can actually buy. LDR is the right middle ground because it adds more homes while keeping the neighborhood feeling. It uses land more efficiently, lowers the cost per unit, and still keeps the scale and feel of a residential area.

Townhomes are a better fit for today's market than only detached single-family homes. They're more attainable for young families, workers, and downsizers. They reduce the amount of land and infrastructure required per home, which matters when buildable land is limited and housing prices are already outpacing incomes. Good design gives townhomes privacy, character, and a neighborhood feel.

This is not about choosing density for its own sake. It's about giving Provo a housing ladder again. If the city wants families to stay, workers to live near where they work, and young buyers to get into the market, it needs more LDR and more townhomes.

Reynolds Asset Management desires to rezone the outlined area in the zone amendment map from R1-6 to LDR. All properties to north and south have higher density zoning than this. With this want to build 38 townhomes to help meet the needs of Provo housing.

Things to consider;

Why LDR is stronger than R1-6

• **More housing per acre** residential but more usable and affordable

• **Better fit for today's demand**: smaller households, first-time buyers, downsizers, and families who want a lower price point.

• **More efficient land use**: less land consumed per unit means the city can add homes without sprawling as hard.

• **Better affordability math**: land is the expensive part now, not the framing lumber.

• **Still keeps a residential feel**: LDR is denser, but looks and feels like neighborhood, doesn't have a wall of apartments look.

• **Supports infrastructure efficiency**: more homes closer together generally makes utilities, roads, and services easier to justify.

• **Creates a housing step-ladder**: not everyone can jump from renting to a detached home anymore.

Why townhouses are often the better choice today than single-family homes

• **Lower purchase price** than a detached house on a full lot.

• **Less maintenance**: smaller yards, shared walls, less exterior upkeep.

• **More attainable for young families and workers** in a market where detached homes are priced stupidly high.

• **Uses land more efficiently**, which matters in a place like Provo where buildable land is finite and expensive.

• **Can still feel like a home** front doors, small entries, private outdoor space, garages, and good spacing.

• **Matches modern living patterns**: lots of people want ownership and location more than a giant yard they barely use.

Provo City Planning Commission

Report of Action

August 12, 2026

*ITEM 2 Tyson Reynolds requests approval of a Zone Map Amendment from the R1,6 (One Family Residential) Zone to the LDR (Low Density Residential) Zone in order to create a 33-unit townhome development, located at 2000 N Canyon Road. Pleasant View Neighborhood. Dustin Wright (801) 852-6414 PLRZ20260116

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 12, 2026:

RECOMMENDED DENIAL

On a vote of 4:2, the Planning Commission recommended that the Municipal Council deny the above noted application.

Motion By: Jonathon Hill
Second By: Jon Lyons
Votes in Favor of Motion: Jonathon Hill, Jon Lyons, Melisa Kendall, Matt Wheelwright
Votes against the Motion: Joel Temple, Tosh Metzger
Matt Wheelwright 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the Low Density Residential LDR Zone is described in the attached Exhibit A.

RELATED ACTIONS

Planning Commission, August 12, 2026, Item 3, denied the concept plan - PLCP20260117

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

- There are remaining issues from the Coordinator Review Committee (CRC) review that need to be resolved.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 04/1/2026.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was present /addressed the Planning Commission during the public hearing.
- Neighbors or other interested parties were present or addressed 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:

- The units should be owner occupied by deed restriction.
- Needs open space to make it more attractive to families.
- Many of the neighbors want to see the 19 single-family homes and not what is now being proposed.

- This is a request to upzone to double the density.
- The street width is not enough to meet code requirements.
- These are not going to help with affordable housing.
- The hill was removed so that the 19 homes could go in with ADUs and they would meet housing needs better.
- Adjacent property owners have experienced damage due to the hillside removal.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The retaining wall is 80% complete.
- The neighborhood didn't like the student housing project, and the market doesn't make sense for single-family housing, and it is more applicable to meet needs for affordable housing by providing twin homes.
- This development will fit better with what is around it.
- Amenity space in the LDR zone is better designed for apartment projects. These units have their own yards and don't need additional amenity space. There is some amenity space on the north side. They can look at putting amenity space above the wall, but that is not desired.
- Each unit has more parking spaces than is required.
- There are less buildings than there was in the approved 19-unit single-family detached design.
- These will meet the 30' height requirements.
- These homes will be for sale.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The existing slope is being removed. There is a new retaining wall being constructed.
- There is insufficient amenity space provided to meet code requirements. The plans do not show building heights being met.
- Parking requirements are met by having 4 spaces when 2.25 are required.
- City Council revised street width this past spring. The narrowest width was 24' and is now 30'. This would need to be extended to 30' to meet the new street width if it was after that change.
- Sidewalks only extend in some of the development on one side. Public Works explained that this is to minimize the amount of slope.
- This is more compatible to the surrounding area as transitional housing.
- Some commissioners' concerns were regarding the street width and if this application was submitted before the recent change to 30', density being increased after approval of the zone, and the lack of assurance that owner occupancy would be enforceable.

Planning Commission Chair

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 the Development Services Department, 445 W Center Street, 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

PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT

Submitter:	DWRIGHT
Presenter:	Dustin Wright, City Planner
Department:	Development Services
Meeting Date:	9/8/2026
Requested Duration (Minutes):	45 minutes
CityView or Issue File Number:	PLOTA20260414

SUBJECT: 7 An ordinance to repeal and replace Provo City Code Title 14. Citywide Application. (PLOTA20260414)

ADMINISTRATIVE RECOMMENDATION: The Planning Commission recommended approval- this item is now up for Council consideration including amendments as motioned.

ADMINISTRATIVE MEMO: Three years ago staff began the process to hire consultants to re-write our zoning code (Title 14). A consultant was selected and work began to identify the strategy and define the scope. Once the code was drafted it was sent to Provo Legal for review and to Planning Commission study sessions.

FISCAL IMPACT: None

COUNCIL STAFF MEMO:

New Title 14 – Provo Zoning Code

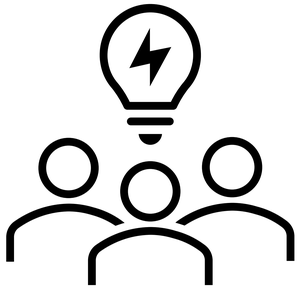
BACKGROUND / TIMELINE

- **August 2023** – Presented proposal to City Council for funding to hire consultants to work on fixing Zoning Code (Title 14)
- **October 2023** – City Council awarded Development Services 200k for rewrite
- **February 2024** – Request for Proposals (RFP) posted
- **March 2024** – Selection of Psomas from RFP bids
- **April - June 2024** – Research and foundational work started
- **June 2024** – Kickoff meeting with Psomas and staff to define scope and strategy
- **June - October 2024** – Discovery/Information Gathering, Stakeholder Interviews, Groundwork
- **October 2024 - June 2025** – Drafting of code with Staff and Psomas
- **June 2025 - June 2026** – Provo Legal Review of draft / Planning Commission study sessions

New Title 14 – Provo Zoning Code

COLLABORATIVE EFFORT

- **Consultant Team (Psomas):** Code reorganization, stakeholder engagement, drafting code, best practices implementation
- **City Staff:** Policy updates, local knowledge, operational requirements
- **Legal Team:** LUDMA compliance, antiquated language updates, legal review, style consistency

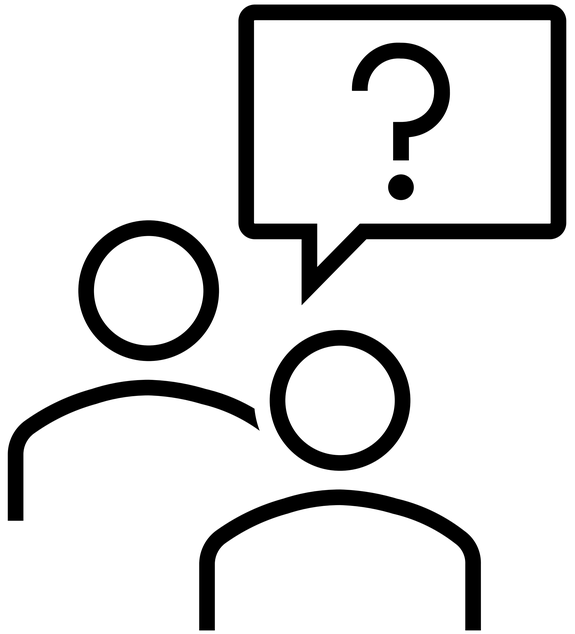


New Title 14 – Provo Zoning Code

THE NEED FOR CHANGE

Current Challenges:

- Outdated zones and redundant regulations
- Inconsistent organization across 1,078 pages
- Antiquated language not reflecting modern uses
- Difficult navigation for users
- One-off developer zones (PRO) creating complexity



Key Benefits of Update:

- **For Developers**: Clearer standards, faster approvals, reduced uncertainty
- **For Staff**: Easier administration, fewer conflicts, better tools
- **For Residents**: Protected neighborhoods, modern amenities, sustainable growth
- **For the City**: Aligned with General Plan, legally compliant, future-ready

New Title 14 – Provo Zoning Code

GENERAL OVERVIEW

1. Structural Reorganization

- Consolidated multiple redundant zones, eliminating all PRO (Project Redevelopment Option) zones
- Standardized chapter format across all zones for consistent navigation
- Created comprehensive tables for permitted uses and development standards
- Implemented logical numbering system (Chapters 14.06-14.19)

2. Modernization for 21st Century Needs

- Added provisions for renewable energy facilities and electric vehicle charging infrastructure

3. Economic Development Enhancements

- Renamed Airport Industrial (AIRI) zone to support airport-adjacent businesses
- Developed Transit-Oriented Development (TOD) zone to promote sustainable growth
- Added flexibility for mixed-use development throughout appropriate zones

4. Neighborhood Protection Measures

- Created detailed conditional use permit criteria to ensure consistency and fairness
- Established and/or updated clear height limits and setback requirements scaled to each zone
- Added transitional development standards where different zones meet

LUDMA Compliance

All updates ensure full compliance with Utah's Land Use, Development, and Management Act (LUDMA), including:

- Proper notice procedures
- Clear conditional use criteria
- Defined variance standards
- Appropriate appeal processes

Implementation Success Factors

Immediate Benefits:

- 35% reduction in code length improves usability
- Standardized format reduces confusion and errors
- Modern land use categories with clear tables that enable quick comparison

Long-term Advantages:

- Flexible framework adapts to changing development patterns
- Simplified zones, reducing the need for frequent amendments
- Clear standards provide certainty for developers
- Enhanced design requirements improve community character

New Title 14 – Provo Zoning Code

WHAT CHANGED:

- **Streamlined Zoning Chapters:** 68 chapters removed, a 57% reduction to simplify code and remove redundancy
- **Consistent Format:** Implemented a specific style guide to create a clear and consistent structure through all chapters
- **Updated Terms:** LUDMA compliance, antiquated language updates, legal review, style consistency
- **Development Standards Table:** Combined lot standards and density allowances into one simple table for quick comparisons
- **Land Use Table:** Created a clear table for permitted, conditional, and non-permitted uses in zones; replacing outdated SLU codes
- **TOD Zone:** Replaced the ITOD Zone with a form-based and context-sensitive transit-oriented development zone
- **Best Practices:** Incorporated best practices in local planning throughout the code to keep Provo moving in the right direction (*i.e. parking counts for certain uses, limited allowance for feather flag signs in certain commercial zones, simplified definitions*)

WHAT DIDN'T CHANGE:

- **City Policy:** Outside of the above changes, there were no substantial policy decisions made in re-writing the zoning code for Provo; most the language/organization changed, but the standards did not.

ORDINANCE <<Document Number>>

AN ORDINANCE TO REPEAL AND REPLACE PROVO CITY CODE TITLE 14. (PLOTA20260414)

RECITALS:

It is proposed that Provo City Code Title 14 be repealed and replaced;

On August 12, 2026, the Planning Commission held a public hearing to consider the proposed amendment, and after the hearing, the Planning Commission recommended approval to the Municipal Council by a vote of 6:0;

On September 8, 2026, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, and having considered the impact of the proposed ordinance on family health, stability, and formation, the Council finds that (i) the proposed action should be approved, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council ordains as follows:

PART I:

Provo City Code Title 14 is repealed and replaced as shown in Exhibit A.

PART II:

A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.

B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.

C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

D. The Municipal Council directs that the official copy of Provo City Code be updated to reflect the provisions enacted by this ordinance.

EXHIBIT A

TITLE 14
ZONING

Chapters:

14.01	General Provisions
14.02	Administration and Procedures
14.03	Planning Commission
14.04	Board of Adjustment
14.05	Interpretation and Definitions
14.06	Zone Establishment
14.07	Development Standards Table
14.08	Permitted Land Use Table
14.09	PF - Public Facilities Zone
14.10	AIR/AIRI - Airport Zones
14.11	HCF - Health Care Facilities Zone
14.12	OSPR - Open Space, Preservation, and Recreation Zone
14.13	A1 - Agricultural Zones
14.13A	AT - Agritourism Overlay Zone
14.14	RA - Residential Agricultural Zone
14.15	R1 - One-Family Residential Zones
14.16	VLDR - Very Low Density Residential Zone
14.17	LDR - Low Density Residential Zone
14.18	MDR - Medium Density Residential Zone
14.19	HDR - High Density Residential Zone
14.20	RM - Residential Manufactured Home Park Zone
14.21	CR - Campus Residential Zone
14.22	MU/NMU - Mixed Use Zones
14.23	TOD - Transit Oriented Development Zone
14.24	CG - General Commercial Zone
14.25	SC1 - Neighborhood Shopping Center Zone
14.26	SC2 - Community Shopping Center Zone
14.27	SC3 - Regional Shopping Center Zone
14.28	FC1 - Freeway Commercial Zone
14.29	FC2 - Freeway Commercial Two Zone
14.30	FC3 - Freeway Commercial Three Zone
14.31	GW - Downtown Gateway Zone
14.32	DT1 - General Downtown Zone
14.33	DT2 - Downtown Core Zone
14.34	RBP - Research and Business Park Zone
14.35	CM - Heavy Commercial Zone
14.36	MP - Manufacturing Park Zone
14.37	M1 - Light Manufacturing Zone
14.37A	DC - Data Center Overlay Zone

14.38 M2 - Heavy Manufacturing Zone
14.39 CH - Critical Hillside Overlay Zone
14.40 PD - Performance Development Overlay Zone
14.41 SDP5 - Broadview Shores Overlay Zone
14.42 SOB - Sexually-Oriented Business Overlay Zone
14.43 ADUs - Accessory Dwelling Units
14.44 Off-Street Parking Standards
14.45 Temporary Uses
14.46 Nonconformities
14.47 Signs and Outdoor Advertising
14.48 Relocation of Buildings
14.49 Home Occupations
14.50 Supplementary Development Standards
14.51 Enforcement and Penalties

Chapter 14.01
GENERAL PROVISIONS

Sections:

14.01.010 Short Title.
14.01.020 Purpose.
14.01.030 Conflicting Provisions.
14.01.040 Building Permits Required.
14.01.050 Permits or Licenses May Not Violate Code.
14.01.060 Building Permits - Requirements.
14.01.070 Certificate of Occupancy and Zoning Compliance.
14.01.080 Construction and Use Must Conform to Plans.
14.01.090 Sham Transactions Prohibited.

14.01.010 Short Title

This Title is known as the Planning and Zoning Title of the Provo City Code. It is referred to throughout as “this Title,” and references to “Chapters” and “Sections” mean the chapters and sections of this Title, unless specified otherwise. The term “PCC” means the Provo City Code.

14.01.020 Purpose

This Title, and the regulations and restrictions it contains, are adopted to:

(1) promote the health, safety, community values, prosperity, convenience, and general welfare of current and future residents of Provo City;

(2) encourage and support the orderly growth and development of the City;

(3) provide adequate open space for light and air, improve air quality, prevent overcrowding, and reduce street congestion;

(4) ensure cost-effective municipal expenditures and support adequate public services, including transportation, water, sewerage, schools, parks, vegetation, trees, landscaping, and other public facilities;

(5) enhance home life and foster a more favorable environment for Provo’s residents and visitors;

(6) provide safety from fire, panic, and other dangers;

(7) stabilize and increase property values;

(8) enhance the economic and cultural well-being of residents; and

(9) promote the development of a more functional, attractive, and resource-efficient City.

14.01.030 Conflicting Provisions

This Title does not nullify any more restrictive provisions of the Provo City Code, private covenants or agreements, or other laws or general ordinances of the City. However, it prevails over any provision that is less restrictive.

14.01.040 Building Permits Required

A building or structure may not be constructed, reconstructed, altered, or moved, and the use of land may not be changed, unless the Building Inspection Division issues a permit authorizing the activity.

14.01.050 Permits or Licenses May Not Violate Code

(1) A permit or license may not be issued for any use, building, or purpose that conflicts with this Title. Any permit or license issued in violation of this Title is null and void.

(2) It is unlawful to install a sewer service line, water service line, or electrical utility to serve any premises if the use violates this Title.

14.01.060 Building Permits - Requirements

When property boundaries are unclear or indeterminate, all applications for building permits for new construction, excluding interior remodels, must include the following:

(1) *Site Plan.* A site plan drawn to scale showing the actual dimensions of the lot to be built upon, showing:

(a) the size and location of existing buildings;

(b) the proposed buildings;

(c) existing buildings on adjacent property; and

(d) any additional information required by a city department to enforce this Title.

(2) *Legal description and survey.* A complete and accurate legal description of the property, along with a certified survey identifying any boundary conflicts with adjoining properties, discrepancies in the legal description, or inconsistencies with existing fence lines.

(3) *Title documentation.* A preliminary title search showing legal ownership of the property.

(4) *Authorization to develop.* If the developer is not the legal owner of the property, the developer must also provide written proof of the legal right to develop the property. Acceptable documentation may include options, contracts, or similar agreements. Confidential details, such as payment amounts, may be redacted.

14.01.070 Certificate of Occupancy and Zoning Compliance

(1) *General requirement.* It is unlawful to use or occupy, or to permit the use or occupancy of, any building or premises without a Certificate of Occupancy and Zoning Compliance, referred to in this Section as a "Certificate," issued by Provo City. It is also unlawful to occupy, or to permit the occupancy of, any building with a more intensive use or different occupancy than authorized in the Certificate.

(2) *Issuance of Certificate.* The City will issue a Certificate only after the Building Inspection Division completes and approves the final inspection. A new Certificate is required before:

(a) any change to a more intensive occupancy occurs; or

(b) the number of occupants in an apartment or multiple residential building increases by more than five percent above the number declared in the previously issued Certificate.

(3) *Information required.* An application for a Certificate must include the following:

(a) *Residential Certificates:*

(i) The number of residential units in each building.

(ii) The number of occupants permitted to reside in each unit.

(iii) The number of off-street parking spaces required.

(iv) The number of legal off-street parking spaces provided on the premises.

(v) A signed statement by the property owner or authorized agent:

(A) certifying that the application is accurate and that the stated conditions will be maintained; and

(B) acknowledging that any increase in occupancy above five percent, or any change in use intensity, is unlawful without a new Certificate.

(b) *Commercial, Industrial, and Institutional Certificates:*

(i) The number of employees on the premises.

(ii) The number of off-street parking spaces provided for employees.

(iii) The number of off-street parking spaces provided for customers or visitors.

(iv) The number and type of restroom facilities provided.

(v) The square footage used for each type of occupancy.

(vi) A signed statement by the property owner or authorized agent:

(A) certifying that the application is accurate and that the stated conditions will be maintained; and

(B) acknowledging that any change in occupancy or use intensity is unlawful without a new Certificate.

(4) *Penalty for violations.* It is unlawful to occupy, or allow the occupancy of, any residential, commercial, industrial, or institutional building or premises without a valid Certificate or in a manner not authorized by a previously issued Certificate.

(5) *Nuisance.* Occupancy without a valid Certificate is a nuisance. Occupancy that exceeds the density or use authorized by a Certificate is also a nuisance and is subject to enforcement under PCC 7.01.

14.01.080 Construction and Use Must Conform to Plans

A building permit or Certificate issued based on plans and specifications approved by the Building Inspector authorizes only the use, arrangement, and construction shown in the approved plans and application. No other use, arrangement, or construction is authorized.

14.01.090 Sham Transactions Prohibited

(1) A person may not avoid an owner occupancy requirement established in this Title by engaging in a sham property transaction. A "sham property transaction" means a transaction that:

(a) is designed primarily to circumvent an owner occupancy requirement in this Title;

(b) would be unlikely to occur but for the attempt to avoid the owner occupancy requirement and lacks a commercially reasonable purpose; and

(c) does not fully transfer ownership of the property because:

(i) the original owner retains beneficial title through an oral or written agreement; or

(ii) documents have been executed to return the property to the original owner upon the occurrence of a future event.

(2) A sham transaction is presumed when a property required to be owner-occupied under this Title meets any of the following conditions:

(a) the name of a person who does not occupy the premises appears repeatedly in the chain of title over time;

(b) the person who occupies the premises and claims to be the owner does not appear in any recorded instrument in Utah County granting them at least a fifty-one percent property interest;

(c) a non-occupying owner transfers any interest in the property to another person who:

(i) occupies the premises and agrees to transfer the property back upon vacating; or

(ii) signs documents that transfer title back to the non-occupying owner upon the end of occupancy; or

(d) if the property owner is an LLC or trust, any of the following occur within the first year of ownership, within the first year after applying for a rental license, or repeatedly during the

rental period—unless each member or trustor occupies the premises as their primary residence:

(i) ownership changes involving LLC members or trustors; or

(ii) transfer of the property to another LLC or trust, where a member or trustor of the new entity is the same as, or an immediate family member of, a member or trustor of the prior entity.

(3) When a sham transaction is presumed, the burden of proof rests on the parties involved to show otherwise. This burden may be met if each party to the transaction provides a notarized affidavit:

(a) stating they have read and understand the requirements of this Section; and

(b) affirming that the transaction is not a sham and was entered into for a valid, good faith purpose.

(4) A person who participates in a sham transaction is guilty of a class B misdemeanor. A person who knowingly provides a false affidavit under this Section is guilty of a class A misdemeanor.

Chapter 14.02
ADMINISTRATION AND PROCEDURES

Sections:

14.02.010 Hearings - Notice and Procedure.
14.02.015 Notice to Nearby Entities.
14.02.020 Amendments - Procedure.
14.02.030 Variances - Procedure.
14.02.040 Conditional Use Permits.
14.02.045 Standards for Specific Conditional Uses.
14.02.050 Appeals.
14.02.060 Conditional Use Permit Expiration.
14.02.070 Modification or Revocation of Conditional Use Permit.
14.02.080 Annexed Territory - Zoning.
14.02.090 Project Plan Required.
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14.02.120 Pending Ordinance Amendments.

14.02.010 Hearings - Notice and Procedure

(1) *Notice requirements.* Required public hearings must be noticed in accordance with Utah Code Annotated (UCA) Section 10-20-205.

(a) A public hearing is required for:

(i) the first public hearing before the Planning Commission to consider adopting or amending a land use ordinance; or

(ii) any hearing required by this Title before the Planning Commission or the Municipal Council.

(b) Unless specifically required by this Title, meetings of the Municipal Council related to land use ordinances or other matters under this Title are public meetings and must be noticed in accordance with UCA Section 10-20-205.

(2) *Adjacent municipalities.* If the City is required to provide mailed notice of a proposed zoning change to property owners within a specific distance, this requirement includes property owners located in an adjacent municipality within that same distance.

(3) *Discretionary notice.* This Section does not prohibit the Planning Commission, Board of Adjustment, or Municipal Council from providing additional notice when appropriate.

(4) *Challenge to notice.* A notice provided under this Section is considered adequate and proper unless it is challenged in accordance with UCA Section 10-20-1109 within 30 days after the date of the hearing.

(5) *Hearing procedures.* Hearing procedures will follow the bylaws of the Municipal Council, Planning Commission, and Board of Adjustment.

(a) Applicants must submit all written documents and evidence to the Development Services Department no later than 14 days before the scheduled public hearing.

(b) Any issue that may form the basis of an appeal must be raised before the close of the public hearing, either orally or in writing. Failure to do so waives the right to appeal on that issue.

14.02.015 Notice to Nearby Entities

(1) “Predevelopment activity” means a public hearing or other consideration by the Planning Commission or Municipal Council involving:

(a) a proposed zoning designation change; or

(b) a proposed General Plan map amendment.

(2) The Planning Commission or Municipal Council must provide notice of any predevelopment activity to the legislative body of:

(a) each municipality within one mile of the subject property; and

(b) Utah County, if any unincorporated territory lies within one mile of the subject property.

(3) Notice must be provided at least seven days before the scheduled predevelopment activity.

(4) Notice requirements are satisfied by mailing a meeting agenda to each legislative body that identifies the proposed activity and the location of the subject property.

(5) A notice under this Section is deemed adequate and proper unless it is challenged in accordance with Utah Code Annotated Section 10-20-1109 within 30 days of the meeting date.

14.02.020 Amendments – Procedure

(1) The Municipal Council may amend this Title, including the Zoning Map, after receiving a recommendation from the Planning Commission. Amendments must promote the objectives and purposes of this Title and the Provo City General Plan, or correct manifest errors.

(2) A person requesting an amendment must submit a written petition to the Planning Commission that includes:

(a) a description of the specific zone change or proposed amendment to this Title;

(b) a justification for the request, including an explanation of how the change supports the General Plan and this Title;

(c) a complete and accurate legal description of the area proposed for rezoning, or a draft of the proposed amendment;

(d) the applicable filing fee, as set forth in the Consolidated Fee Schedule; and

(e) for a map amendment:

(i) a scaled plan showing the proposed rezoning area and adjacent zones;

(ii) a concept plan that complies with PCC 15.03.300, or a preliminary subdivision plan that complies with PCC 15.04.080, as applicable; and

(iii) signatures from the property owner or authorized agent, or from a majority of affected property owners if the request involves multiple properties.

(3) The Planning Commission must hold a public hearing in accordance with PCC 14.02.010. The Commission may approve, conditionally approve, or deny the concept plan. Before recommending an amendment, the Commission must find that the amendment serves the public interest and aligns with the General Plan, based on consideration of the following:

(a) the public purpose served by the amendment;

(b) the most effective means of achieving that purpose;

(c) compatibility with General Plan goals and policies;

(d) consistency with the timing and sequencing provisions of the General Plan;

(e) potential interference with General Plan implementation;

(f) any adverse impact on nearby properties; and

(g) preference for General Plan policies over the General Plan Map, if the two conflict.

(4) The filing fee is nonrefundable and applies toward the costs of publication, notification, and administrative review.

14.02.030 Variances – Procedure

(1) The Board of Adjustment may grant variances in accordance with the criteria set forth in PCC 14.04.030(9).

(2) An applicant must submit a variance application to the Board of Adjustment that includes:

(a) a description of the requested variance and a citation to the applicable section of this Title;

(b) a site plan showing how the variance would affect the property and surrounding uses;

(c) the applicable filing fee, as set forth in the Consolidated Fee Schedule; and

(d) a written explanation of how the requested variance satisfies the criteria in PCC 14.04.030(9).

(3) The Board of Adjustment will conduct a public meeting in accordance with Utah Code Annotated Section 10-20-1101.

14.02.040 Conditional Use Permits

(1) The Planning Commission or the Planning Commission's designee may approve, conditionally approve, or deny a conditional use permit based on the standards in this Chapter. A conditional use is permitted if it can be appropriately integrated into the community through its design, location, and imposed conditions.

(2) *Standards for conditional use approval*:

(a) A conditional use permit must be approved unless the Planning Commission or the Planning Commission's designee finds that the proposed use would be detrimental to the health, safety, or general welfare of the community or injurious to nearby property.

(b) A use is considered detrimental if it:

(i) creates unreasonable risks related to traffic, parking, large gatherings, or other impacts;

(ii) unreasonably interferes with the lawful use of surrounding property;

(iii) creates a demand for public services that the City cannot reasonably provide; or

(iv) is otherwise detrimental to nearby persons or property.

(c) A change in real estate market value is not a valid basis for denying a conditional use.

(d) If a component of the proposed use does not meet these standards, the applicant may propose specific corrective measures to mitigate the concern.

(3) Applications must be submitted on a form authorized by Development Services and must include:

(a) scaled plans showing the site, buildings, and anticipated impacts; and

(b) the applicable filing fee, as established in the Consolidated Fee Schedule.

(4) The Planning Commission or the Planning Commission's designee may impose conditions on a conditional use permit, including but not limited to:

(a) limitations on the size or shape of buildings;

(b) dedication, relocation, or improvement of streets;

(c) installation or upsizing of utility mains;

(d) screening or landscaping to buffer adjacent properties;

(e) elimination or relocation of windows or doors to reduce impacts;

(f) additional parking; or

(g) other physical or operational modifications.

(5) The Planning Commission or the Planning Commission's designee may require the applicant to record a covenant running with the land to ensure that all conditions are binding on current and future property owners. A building permit may not be issued until the required conditional use permit is obtained.

(6) A use that operates inconsistently with, or without, a required conditional use permit is unlawful and may be enjoined by the City.

(7) An appeal of a Planning Commission decision regarding a conditional use permit must be filed with the Board of Adjustment in accordance with PCC 14.02.050.

14.02.045 Standards for Specific Conditional Uses

A conditional use permit is required for any use identified below as a permitted or conditional use in the applicable zone. The following uses may only be approved in accordance with PCC 14.02.040 and must comply with the standards of this Section and with any additional conditions included in the approved permit.

(1) Bed and Breakfast

(a) The lot must have a minimum frontage of thirty-five feet on a dedicated street, or fifteen feet for a flag lot.

(b) One off-street parking space must be provided for each employee, plus one space per guest room. On-street parking may count toward this requirement at a rate of two spaces per sixty feet of frontage.

(c) Meals may be served only to residents, employees, and overnight guests.

(d) Cooking facilities are not permitted in guest rooms.

(e) The use must comply with all health, safety, and building codes without altering the residential character of the structure.

(f) Alcohol sales are prohibited.

(g) Commercial activity must be incidental to the primary residential use and is limited to no more than five percent of the main floor area.

(h) Only one identification sign is permitted, and it must comply with applicable size, height, and lighting requirements. In addition, the sign:

(i) must be placed on an ornamental masonry wall or monument;

(ii) may not exceed five feet in height, except when located adjacent to an arterial road, in which case it may not exceed ten feet;

(iii) may use hooded spot lighting, but all other lighting, including back-lighting, is prohibited; and

(iv) may, in the A1 and RA zones, be up to sixteen square feet, provided all other applicable requirements are met.

(i) The maximum stay for any guest is seven consecutive days.

(j) A valid business license is required.

(k) On-site management must be present twenty-four hours per day.

(l) Exterior lighting may not shine into adjacent properties.

(m) Receptions, banquets, and catering are prohibited, except when provided for registered lodgers.

(2) Liquor Stores and Private Clubs

(a) The use must be located at least two hundred feet from any residential zone, measured in a straight line from the nearest entrance of the building to the nearest boundary line of a residential zone.

(b) The use is permitted only on collector or arterial streets.

(c) Liquor stores must provide at least one off-street parking space for every one hundred square feet of floor area.

(d) The conditional use permit must be approved directly by the Planning Commission.

(3) Dance Halls

(a) Dance halls are a “commercial entertainment business” subject to PCC 6.15 and must comply with the standards of both this Section and PCC 6.15. If there is a conflict, the standards of this Section control.

(b) Dance halls must comply with the following standards:

(i) One off-street parking space must be provided for every two occupants, based on the maximum occupancy load, or as otherwise determined by the Planning Commission. Parking must comply with PCC 14.44.080.

(ii) The parking lot must have adequate lighting to ensure customer and client safety. Lighting levels will be determined by the Provo City Energy Department in accordance with PCC 15.21.

(iii) Buildings used for this purpose must front on an arterial or collector road or have access to such a road within 300 feet of the building’s main entrance.

(iv) A dance hall may not be located within 400 feet of any public elementary or secondary school or any one-family or two-family residence. This distance is measured in a straight line between the closest property lines of the respective lots.

(v) No musical instrument, stereophonic equipment, sound amplifier, or similar device may be used in a way that causes a noise or vibration disturbance across a property boundary. If sound from any such device is plainly audible on another

property or inside a different building and the Police Department confirms a disturbance following a complaint, that is prima facie evidence of a violation.

(c) The Planning Commission may impose additional conditions related to hours of operation, on-site supervision, soundproofing, traffic control, or crowd management if necessary to mitigate adverse impacts.

(4) Car Washes

(a) A car wash may not be located on a parcel smaller than 20,000 square feet.

(b) Stacking lanes accommodating at least six vehicles per wash bay must be provided on site. Stacking lanes for at least two vehicles per vacuum bay must be provided at full-service attendant washes.

(c) Automatic drive-through wash bays must be located as far as possible from adjoining residences, based on overall site design, layout, and predominant traffic patterns.

(d) Noise from vacuums, blowers, compressors, wash equipment, and similar devices may not exceed the levels specified in PCC 9.06.

(e) All vacuum canisters must be constructed of heavy-gauge steel, equipped with vacuum motor mufflers, and fitted with plastic domes to reduce noise levels.

(f) Area lighting of parking lots may not be installed when adjoining a residential property. Lighting may not shine directly into any adjoining residential property. Lighting is allowed at vacuum bays, within wash stalls, signage, and vending machine areas. All building lighting must be recessed in ceilings or eaves and screened by building cornices to prevent light from shining directly onto adjoining properties.

(g) A decorative brick or block wall, at least six feet high, must be constructed along the full length of any property line adjoining a residential dwelling.

(i) Within a front yard setback, the wall may not exceed 36 inches in height.

(ii) Block walls must be stuccoed or painted on both sides.

(iii) All walls must be capped.

(h) Buildings must be architecturally compatible with adjoining residential properties. Compatibility is determined by the use of predominant building materials, colors, roof shapes, and roof materials, and is subject to approval by the Planning Commission.

(i) Street frontages, excluding driveways, must be landscaped in a manner consistent with the requirements of the zone and the streetscape of adjoining properties.

(j) When adjacent to a residential zone, no more than one automatic bay and one self-service bay may operate between the hours of 11:00 p.m. and 7:00 a.m. Those bays must contain all pumping equipment indoors and comply with nighttime noise limits in PCC 9.06.

(5) Police satellite station

(a) Off-street parking must be provided at a rate of four spaces per 1,000 square feet of office area. If City-standard parking lanes exist or are committed to be provided within the public right-of-way, on-street parking may substitute for all or part of the required off-street parking.

(b) Signage must be installed before occupancy to clearly identify the station. All signage must comply with PCC 14.47.

(6) Surplus store

(a) Outdoor storage must be screened by a fence or other screening material at least six feet high.

(b) Hazardous materials may not be stored on site.

(c) Loading areas may not be located adjacent to a residential property.

(7) Day care services

(a) *Family group day care* (as defined in PCC 14.05.020). The provider may care for no more than twelve children and must reside in the residence where services are provided.

(b) *Child day care centers* (as defined in PCC 14.05.020).

(i) A site plan must be submitted showing parking, vehicle circulation, and drop-off and pick-up locations. The Development Services Director, or designee, will ensure that the site plan meets these requirements.

(ii) Outdoor playground areas must be enclosed by a fence at least six feet high and must comply with the clear vision standards of PCC 14.50.090.

(c) Each center must comply with the International Building Code before occupancy and must obtain a license from the State of Utah within 60 days after City approval.

(8) Fraternal associations and lodges

(a) Outdoor lighting may not extend onto adjacent residential properties.

(b) These uses are subject to the standards in PCC 9.06.

(9) Veterinarian services (including animal hospital services, kennels, boarding, breeding, training, and grooming)

(a) Experimental or scientific research activities are prohibited.

(b) On-site disposal or burial of dead animals is prohibited.

(c) Each facility must be located entirely within an air-conditioned and soundproofed building, except for outdoor, on-leash walking areas for no more than two animals at a time that are accompanied by an attendant.

(d) Animal noise may not be audible at the nearest property line.

(e) Overnight boarding is limited to animals receiving treatment on the premises.

(f) Services are limited to small animals only.

(g) Services for poisonous or dangerous animals are prohibited.

(h) Cremation services:

(i) May be provided only as an accessory use;

(ii) Are limited to animals treated at the veterinary clinic or animal hospital where the services are offered; and

(iii) Are contingent upon obtaining a permit from the Utah State Division of Air Quality.

(10) Restaurants with drive-through service

(a) Outdoor lighting must be shielded to prevent light spillage onto adjacent residential properties.

(b) Outdoor dumpsters must be located at least 20 feet from any residential property and must be screened.

(c) Drive-through microphones may not be located adjacent to residential properties.

(d) Sound from drive-through speakers may not exceed 78 decibels.

(e) Screening must be provided to block vehicular headlights in the drive-through when adjacent to a residential property.

(f) Each drive-thru lane must provide six stacking spaces without impacting travel lanes.

(*11) Communications (4715 – Low-power radio communication towers and antennas)*

(a) These requirements apply to both commercial and private low-power radio services, including cellular and PCS (Personal Communication System) communications and paging systems (collectively referred to as "cellular facilities"). All cellular facilities must comply with this Subsection and other applicable City ordinances. However, any modification qualifying as an "eligible facilities request" under 47 C.F.R. § 1.6100 that

does not result in a "substantial change" as defined in federal regulations is subject solely to the federally mandated streamlined review process. No additional local requirements apply to such eligible facilities requests.

(b) Cellular facilities consisting solely of wall-mounted or roof-mounted antennas are permitted principal uses in the AIR, AIRI, A1, PF, SC1, SC2, SC3, CG, DT1, DT2, GW, FC1, FC2, TOD, CM, MP, M1, M2, OSPR, and R&BP zones with a building permit, subject to compliance with Subsections (11)(c), (11)(d), (11)(e), and (11)(f). Cellular facilities located on a monopole structure are conditional uses in the same zones and must comply with the requirements of this Subsection.

(c) *Wall-mounted antennas*.

(i) Wall-mounted antennas may not extend more than four feet above the building's roof line, unless the modification qualifies as an eligible facilities request under 47 C.F.R. § 1.6100.

(ii) Antennas and associated equipment must be painted to match the building color.

(iii) Wall-mounted antennas may not exceed 40 square feet, unless exempt due to lack of substantial change under 47 C.F.R. § 1.6100.

(iv) All equipment must be located within the structure or screened from public view.

(v) Ground-mounted equipment must be appropriately landscaped.

(d) *Roof-mounted antennas*.

(i) Roof-mounted antennas are permitted only on structures with flat roofs and must be screened, constructed, or painted to match the structure.

(ii) Roof-mounted antennas must be set back one foot from the roof edge for every foot of antenna height and may not exceed 15 feet in height.

(e) *Monopole structures*.

(i) *Development standards*:

(A) All towers must be monopole type; lattice towers are prohibited.

(B) Monopoles must be engineered to allow co-location by up to three users.

(C) Monopoles may not be located:

(I) Closer to a residential zone boundary than twice the monopole's height; or

(II) Within one-half mile of another monopole, unless a consultant confirms co-location is not technically feasible;

(D) The Planning Commission may approve a location closer than (C)(I) if the monopole is at least 1.25 times its height from the residential boundary and meets one or more of the following:

(I) Reduces visual impact on adjacent residential property;

(II) Matches the height of nearby buildings or structures; or

(III) Allows better access for maintenance due to slopes or natural barriers.

(E) Monopoles may not be located in required front setbacks, landscaped areas, buffers, or parking areas.

(ii) *Removal.* If a monopole becomes obsolete, the operator must remove the antenna, the top three feet of the footing, and all associated equipment within 90 days, and restore the site to its original condition. If the operator fails to do so, the city may remove it at the operator's expense.

(iii) *Application.* An application for a monopole structure must include:

(A) A statement confirming the applicant will allow co-location, comply with Subsection (11)(e)(ii), and that the structure can support co-located antennas; and

(B) Proof of property ownership or a lease agreement permitting antenna placement.

(iv) *Co-location.* Co-location on an existing compliant monopole is a permitted use with a building permit.

(v) *Location Change.* The Planning Commission must approve the monopole's exact location. Any change from the originally approved location requires a new complete application, a new hearing, and notice to all property owners within 500 feet.

(f) *Temporary monopole structures*.

(i) A temporary monopole may be allowed for up to 60 days in a zone where permanent monopoles are conditional uses.

(ii) An application for a permanent structure must be filed before temporary placement.

(iii) Temporary monopoles must meet the development standards in Subsection (11)(e)(i).

(iv) A $500 bond must be posted to ensure removal when:

(A) A permanent monopole is constructed; or

(B) 60 days have passed since installation. A one-time 15-day extension may be granted upon reasonable request.

(g) Additional requirements.

(i) Each cellular facility is treated as a separate use and requires an annual business license.

(ii) In addition to the standards in PCC 14.02.040, to approve a conditional use permit for a cellular facility, the Planning Commission must find that:

(A) The structure is compatible with nearby buildings and utilities;

(B) Co-location is possible without significantly impacting antenna performance;

(C) The antenna blends with surroundings;

(D) The monopole will not harm adjacent properties; and

(E) The facility will not interfere with existing transmissions.

(12) Educational services

(a) Parking requirements must comply with PCC 14.44.060, relating to schools.

(b) The applicant must submit a detailed parking and circulation plan prepared by a professional such as an engineer, architect, or planner. The conditional use may be approved only if the plan demonstrates, to the satisfaction of the Planning Commission or its designee, that the existing or proposed facility will not negatively affect traffic, surrounding land uses, or neighboring properties. The plan must include:

(i) A designated drop-off and pick-up zone sufficient for the student population; and

(ii) Adequate queuing space on site to prevent vehicle back-ups onto public streets during drop-off and pick-up times.

(c) The use must comply with all applicable health, safety, and building codes.

(d) Exterior lighting may not shine directly onto adjoining properties.

(13) Automobile repair

(a) All repair, painting, and bodywork activities—including storage of tools, vehicle parts, and supplies—must occur within an enclosed structure.

(b) No more than 25% of the lot may be used for vehicle storage. All stored vehicles must be located at the rear of the lot and screened by a masonry wall at least six feet high.

(c) Metal buildings are prohibited.

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

(e) If an existing building is converted for the use, its exterior must be upgraded to improve its appearance, and the upgraded structure must be compatible with and superior in appearance to surrounding structures.

(f) Any automobile repair use located in a zone where automobile repair is a conditional use must obtain a conditional use permit for any proposed expansion. The application must comply with this Section. This requirement applies to all automobile repair uses in zones where it is a conditional use, regardless of when the original use was established.

(14) Recreational Vehicle Storage*.*

(a) Recreational vehicle storage is a permitted use in the CM, M1, and M2 zones if it complies with the following standards:

(b) *Screening.* Every recreational vehicle storage area and towing impound yard must be screened on all sides by an opaque wall or fence that meets the following requirements:

(i) Fence or wall height must be at least eight (8) feet for recreational vehicle storage areas and at least six (6) feet for towing impound yards.

(A) A shorter fence is allowed if built on a permanent landscaped berm, provided that the combined height of the berm and fence meets this requirement.

(ii) Permitted fencing materials are “Beauty Link” chain link, wood, masonry, or composite materials. Vinyl fencing is prohibited.

(iii) A masonry wall is required along all sides facing, and within one hundred (100) feet of, a residential zone.

(iv) A masonry wall is required along all sides visible from the public right-of-way of a design corridor listed in PCC 14.50.150.

(v) Gates in walls or fences must be opaque and constructed of wood, metal, or composite materials.

(c) *Landscaping.* Required yards in the underlying zone must be landscaped with a combination of trees, shrubs, hedgerows, turf, ground cover, organic mulches, decorative stone, or native plants. Drought-resistant native species are preferred. Landscaping must be irrigated and permanently maintained.

(d) *Residential Buffers.* When a site adjoins a residential zone boundary, it must include a minimum thirty (30) foot landscaped setback from the boundary. The setback must be

located between the residential zone boundary and the wall. Landscape buffer requirements in PCC 15.20.110 apply.

(e) *Parking and Driveways*. All parking areas and driveways must comply with PCC 14.44.090. Gravel parking areas must be kept in a weed-free condition.

(f) *Signs*. One on-premises sign is allowed per street frontage in the front or side yard setback. Signs may not exceed five (5) feet in height or thirty-two (32) square feet in area.

(g) *Lighting*. All lighting must comply with PCC 15.21.

(h) *Towing Operations*. If the site is adjacent to a residential zone, only one towing company may operate on the site.

(i) *Design Corridors*. If the site is located on a design corridor, it must include a minimum twenty (20) foot landscaped setback between the fenced yard and the corridor.

14.02.050 Appeals

Appeals to the Board of Adjustment are governed by PCC 14.04.

14.02.060 Conditional Use Permit Expiration

(1) A conditional use permit expires if not utilized within 12 months from its effective date, unless otherwise specified in the permit or extended under this Section.

(a) Once any portion of the permit is utilized, all other portions and conditions become immediately operative and must be strictly followed.

(b) “Utilization” means any of the following:

(i) Pouring concrete;

(ii) Beginning framing on a structure; or

(iii) Starting the use authorized by the permit.

(2) Subject to Subsection (3), the 12-month utilization period may be extended:

(a) For six months by the Development Services Director or the Director’s designee; or

(b) For 12 months by the Planning Commission.

(i) A permit that has not been utilized within 24 months from its effective date may not be extended. An applicant desiring a permit after that point must file a new application.

(ii) Applications for an extension must be submitted before the initial 12-month expiration date.

(3) To approve an extension, the reviewing authority must find, based on substantial evidence in the record, that:

(a) Substantial progress is being made toward obtaining site plan or building permit approval, as applicable;

(b) The delay in utilization is due to factors beyond the applicant's control;

(c) The original conditions of approval are still viable under current provisions of the Provo City Code; and

(d) No ordinance changes have occurred or are under consideration that would affect the authorized activity or project.

14.02.070 Modification or Revocation of Conditional Use Permit

(1) The Planning Commission may hold a hearing to consider modification or revocation of a conditional use permit on its own initiative, upon staff recommendation, or upon request.

(2) Notice of the hearing must be provided as prescribed in PCC 14.02.010.

(3) An applicant requesting Planning Commission review of a modification or revocation must pay the conditional use permit fee and the public notice fee established in the Consolidated Fee Schedule.

(4) The Planning Commission may modify or revoke a conditional use permit if it finds one or more of the following:

(a) The permit was obtained by misrepresentation or fraud;

(b) The permitted use is not being exercised;

(c) The use has ceased or been suspended for six months;

(d) The conditions of the permit have not been met;

(e) The use is detrimental to the health, safety, or general welfare of nearby residents or injurious to nearby property. A change in real estate market value is not considered an injury to property; or

(f) The use has been materially altered or expanded beyond the original authorization. Examples include, but are not limited to, increases in the number or size of structures, the existence of a nuisance, or changes to the approved project plan.

14.02.080 Annexed Territory – Zoning

(1) Any property not designated on the official Zoning Map as classified in one of the

established zones, after the effective date of this Section, is deemed classified in the lowest-density zone permitted by the land use designation for the property in the Provo City General Plan.

(2) Any property undergoing annexation, or being annexed to or consolidated with Provo City, must be classified as described in the Annexation Map and Policies (General Plan Appendix C) adopted by the Municipal Council.

14.02.090 Project Plan Required

See PCC 15.03.300 and PCC 15.03.310.

14.02.110 Temporary Regulations

(1) The Municipal Council may enact ordinances establishing temporary zoning regulations for all or part of the City without a public hearing if either of the following applies:

(a) The Council finds a compelling, countervailing public interest; or

(b) The area is unzoned.

(2) Temporary zoning regulations may prohibit, restrict, or regulate the erection, construction, reconstruction, alteration of buildings or structures, or subdivision approval.

(3) Temporary zoning regulations may not impose impact fees or other financial requirements on building or development.

(4) The Municipal Council may enact an ordinance without a public hearing establishing temporary zoning regulations that prohibit construction, subdivision approval, or other development activities within an area subject to an Environmental Impact Statement or Major Investment Study identifying the area as a proposed highway or transportation corridor. These regulations may be renewed for up to two additional six-month periods upon request from the Utah Transportation Commission, provided the ordinance is enacted before the prior regulation expires. Such regulations remain in effect only while the Environmental Impact Statement or Major Investment Study is ongoing.

(5) Except as provided in Subsection (4), temporary zoning regulations may not exceed six months in duration.

14.02.120 Pending Ordinance Amendments

(1) When a proposed amendment to the zoning map, the text of this Title, or the text of PCC Title 15 is pending, any person filing an application after the amendment becomes pending, and that may be affected by the amendment, is not entitled to rely on the existing zoning map or text.

(a) An amendment is considered "*pending*" once it is placed on a Planning Commission or Municipal Council agenda and properly noticed under this Chapter.

(b) An application is considered "*vested*" when all materials required under this Title or Title 15 have been submitted.

(c) If an applicant does not take substantial action to pursue approval within one year after vesting, the application expires and any vested rights terminate.

(d) "*Substantial action*" means action taken in good faith to diligently pursue any matter necessary for final approval of the application.

(2) Applications affected by a pending amendment are subject to the following:

(a) Final action on the application may not occur until six months after the amendment was first noticed, unless:

(i) The applicant voluntarily amends the application to conform to the proposed amendment; or

(ii) The proposed amendment is enacted or defeated within the six-month period.

(b) If the amendment is enacted within six months of being noticed, affected applications filed while it was pending must conform to the enacted amendment.

(c) If the amendment is not enacted within six months, it is no longer considered pending, and affected applications may be approved under the existing zoning map or text.

(3) The Development Services Department must provide written notice to applicants affected by a pending amendment, stating:

(a) There is pending legislation;

(b) The application may require changes to comply with a proposed zoning map or text amendment; and

(c) Copies of the pending legislation are available from the Development Services office.

Chapter 14.03
PLANNING COMMISSION

Sections:

14.03.010 Planning Commission Created - Chair - Rules.

14.03.020 Planning Commission Duties.
14.03.030 Planning Commission Staff - Organization.
14.03.040 Planning Commission Procedures.
14.03.050 Staff Action on Planning Commission Matters.

14.03.010 Planning Commission Created – Chair – Rules

(1) The Provo City Planning Commission consists of nine members. Each member must be a resident of Provo City and is appointed by the Mayor with the advice and consent of the Municipal Council.

(2) The term of office for each member may not exceed three years. Terms are staggered so that one-third of Commission appointments expire each year. Members may be removed, with or without cause, by the Mayor. Cause for removal includes, but is not limited to:

(a) using public funds for a political purpose under Title 20A, Chapter 11, Part 12, Political Activities of Public Entities Act;

(b) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

(c) acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the Planning Commission member's administrative or quasi-judicial duties.

(d) A Planning Commission member deliberating about a specific pending land use application in a Planning Commission meeting with municipal staff, an elected official, or the land use applicant is not cause for removing the Planning Commission member from the Planning Commission.

(3) Members are selected without regard to political affiliation and serve without compensation, except for reimbursement of reasonable expenses.

(4) The Planning Commission must:

(a) Elect a chair from among its members to serve a one-year term;

(b) Adopt policies and rules for the transaction of business pursuant to PCC 14.03.040, provided the rules do not conflict with the provisions of this Chapter; and

(c) Maintain a public record of its proceedings.

(5) A quorum consists of four members. At least four affirmative votes are required to render a Commission decision. All members present, including the chair, are encouraged to participate in discussion and vote. A Planning Commission member must disclose and recuse from deliberating and voting on a land use application when required by PCC 2.70.010.

(6) If a regularly scheduled and noticed Planning Commission meeting does not occur due to lack of a quorum, all scheduled action items are continued to the next regularly scheduled meeting.

(7) If any member of the Planning Commission files as a candidate for election to a public office, they must take a leave of absence from the Planning Commission immediately upon filing and until the election is over. If any member of the Planning Commission is elected or appointed to any public office, their seat as a member of the Planning Commission becomes vacant upon election or appointment to the public office.

(8) When a member dies or resigns (including resignation by absence), the Executive Director must promptly indicate to the Mayor that a vacancy exists. When a member becomes incapacitated for office permanently or for what appears likely to be a protracted period, or moves from the jurisdiction, or becomes, for any other reason, no longer qualified for office and fails to resign, the Chairman must cause any necessary investigation to be made and must present the facts to the Executive Director and to the Mayor who may declare the office vacant and appoint a replacement.

14.03.020 Planning Commission Authority and Duties

Except where otherwise expressly provided, the Planning Commission:

(1) Performs all functions and duties authorized or required by Chapter 20, Title 10 of the Utah Code, as amended;

(2) Hears and decides all applications for conditional use permits, unless referred to staff under the Planning Commission bylaws;

(3) Reviews and approves or disapproves project plans, unless referred to staff under the Planning Commission bylaws;

(4) Makes decisions required by this Title that are not expressly delegated to another person or board;

(5) Attends annual training meetings provided by City staff; and

(6) Attends, as often as possible, community meetings, open houses, and workshops related to planning issues.

14.03.030 Planning Commission Staff – Organization

(1) *Executive Director.* The Development Services Director, as appointed by the Mayor, serves as the Executive Director of the Planning Commission.

(2) *Duties of Executive Director***.** Under the general direction of the Mayor, the Executive Director is responsible for providing staff services to the Planning Commission in accordance with PCC Titles 14 and 15 and within the budget authority appropriated by the Municipal Council.

(3) *Secretary.* The Executive Director must appoint a Secretary to the Planning Commission from among the staff of the Development Services Department.

(4) *Duties of Secretary.* Under PCC Title 14 and the direction of the Executive Director, the Secretary:

(a) Manages all Commission correspondence;

(b) Sends or publishes all required notices;

(c) Attends all meetings and public hearings of the Commission (unless excused by the Executive Director and having arranged for a temporary replacement);

(d) Compiles records, maintains schedules, minutes, files, and indexes; and

(e) Performs or supervises all clerical work of the Commission.

(5) This Section does not preclude the Mayor from appointing Provo City residents to advise the Planning Commission when additional public input is deemed appropriate, in accordance with PCC 2.10.070.

14.03.040 Planning Commission Procedures

Subject to state law, including the Open and Public Meetings Act, and the provisions of this Title, the Planning Commission may adopt reasonable rules of order and procedure governing its public meetings and other matters within its jurisdiction.

14.03.050 Staff Action on Planning Commission Matters

(1) The Planning Commission may direct that any matter within its jurisdiction be referred, formally or informally, to Development Services staff for review and preparation of recommendations. Such referral may occur through adopted bylaws, by motion of the Commission, or under the direction of the Commission chair.

(2) If a matter is referred to staff under Subsection (1), staff must comply with any instructions or limitations set forth in the referral. Subject to those limitations, staff will review the matter, conduct any necessary hearings, and prepare written recommendations for the Planning Commission, including for conditional use permit applications.

(3) Unless the Planning Commission directs otherwise, an applicant may consent in writing to the staff recommendation and waive further Commission action. If the applicant waives further action, the staff recommendation is deemed approved by the Planning Commission, and the appropriate authorizations and permits may be issued. This Subsection does not apply where state law requires the Planning Commission to take direct action.

Chapter 14.04
BOARD OF ADJUSTMENT

Sections:

14.04.010 Board of Adjustment Created.
14.04.020 Organization of Board.
14.04.030 Appeals to Board - Powers and Duties.
14.04.040 Procedure.
14.04.050 Judicial Appeal.

14.04.010 Board of Adjustment Created

(1) The Board of Adjustment consists of five members appointed by the Mayor with the advice and consent of the Municipal Council. Each member serves a term of up to five years. Initial appointments must be staggered so that one member's term expires each year. A member may serve no more than three consecutive terms and no more than five total terms.

(2) A member may be removed for cause by the Mayor upon written charges and after a public meeting, if a meeting is requested.

(3) The Mayor, with the advice and consent of the Municipal Council, fills any vacancy for the remainder of the unexpired term.

(4) The Mayor may appoint up to two alternate members with the advice and consent of the Municipal Council.

14.04.020 Organization of Board

(1) The Board of Adjustment must organize, elect a chair, and adopt rules in accordance with this Title.

(2) Meetings are held when called by the chair or at other times determined by the Board. The chair, or acting chair in the chair's absence, may administer oaths and compel the attendance of witnesses. All meetings must be open to the public. The Board must:

(a) Keep minutes of its proceedings, showing each member's vote—or indicating if a member is absent or abstains; and

(b) Maintain records of all examinations and official actions.

(3) *Hearing officer***.** The Mayor may appoint an administrative officer to decide routine and uncontested matters that are before the Board of Adjustment. The Board must:

(a) Designate which matters may be decided by the administrative officer; and

(b) Establish guidelines the administrative officer must follow in making decisions.

14.04.030 Appeals to Board – Powers and Duties

The Board of Adjustment hears and decides appeals from administrative decisions under this Title, considers variances from its terms, and may authorize special exceptions as described below.

(1) An applicant or any person or entity adversely affected by an administrative decision under this Title may appeal that decision by alleging an error in any order, requirement, decision, or determination made in administering or interpreting this Title.

(2) Any officer, department, board, or bureau of the City affected by a building permit decision or other interpretation of this Title may appeal to the Board of Adjustment.

(3) The Board hears and decides appeals from Planning Commission decisions on conditional use permits.

(4) The appellant bears the burden of proving that an error occurred.

(5) Only administrative decisions applying this Title may be appealed.

(6) Amendments to the Provo City Code may not be appealed to the Board.

(7) Appeals may not be used to waive or modify requirements of this Title.

(8) *Interpretation.* The Board may interpret provisions of this Title and determine zone boundaries when uncertain. For floodplain zones, the Board may use the Flood Insurance Rate Map (FIRM) to aid in interpreting floodplain boundaries.

(9) *Variances.*

(a) A person or entity with an ownership or beneficial interest in property may request a variance from the requirements of this Title.

(b) The Board may grant a variance only if all the following criteria are met:

(i) Literal enforcement would cause unreasonable hardship not necessary to carry out the Title's purpose;

(ii) Special circumstances regarding the property exist that do not generally exist for other properties in the same area;

(iii) Granting the variance is essential to enjoy a substantial property right possessed by others in the area;

(iv) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

(v) The spirit of this Title is observed and substantial justice is done.

(c) An unreasonable hardship does not exist unless the alleged hardship:

(i) is located on or associated with the property in question;

(ii) arises from conditions unique to the property, not general to the neighborhood; and

(iii) is not self-imposed or economic in nature.

(d) Special circumstances may not be found unless they:

(i) relate to the hardship; and

(ii) deprive the property of privileges granted to others in the area.

(e) The applicant bears the burden of proving that all variance criteria are met.

(f) Variances run with the land.

(g) The Board may not grant use variances.

(h) The Board may impose conditions to:

(i) Mitigate harmful effects of the variance; or

(ii) Serve the original purpose of the waived or modified standard.

(10) *Special exceptions – height regulations.* The Board may approve a special exception to maximum height regulations for a one-family dwelling if:

(a) The proposed design is better suited to the site than one strictly conforming to the regulations; and

(b) The following criteria are met:

(i) Topography creates practical construction difficulties;

(ii) The design addresses the topographic conditions;

(iii) Height impact on neighbors is identified and reasonably mitigated; and

(iv) Minimum yard depths must increase as follows:

(A) *Front yard*: two feet for each one foot of height over 30 feet measured at the front elevation;

(B) *Rear yard*: two feet for each one foot of height over 35 feet measured at the rear elevation; and

(C) *Side yard*: one foot for each one foot of height over 35 feet measured at the side elevation.

(c) The Board may consider lot size when making findings.

(d) The applicant bears the burden of proving the criteria are met.

(e) The Board may deny the exception if:

(i) The design is intended for level ground but placed on a sloped lot, causing the proposed height issue;

(ii) Design changes or alternate placement on the lot could reduce the need for additional height;

(iii) Additional height substantially impairs adjacent views and could be avoided by modification; or

(iv) The design is inconsistent with neighborhood character.

(11) *Nonconforming uses.* The Board may make determinations regarding the existence, expansion, or modification of nonconforming uses.

(12) *Variances – floodplain zone.*

(a) In considering variances in the floodplain zone, the Board must evaluate technical and all relevant factors, including standards specified in other sections of this Title, and:

(i) Risk of materials being swept onto other lands;

(ii) Risk to life and property from flooding or erosion;

(iii) Susceptibility of the facility and its contents to flood damage;

(iv) Importance of the facility's services to the community;

(v) Availability of alternate, safer locations;

(vi) Compatibility with existing and planned development;

(vii) Safety of access during floods;

(viii) Characteristics of flood waters expected at the site; and

(ix) Government service costs during and after flooding, including maintenance and repair of utilities and infrastructure.

(b) Upon considering the factors outlined in this Section and the purposes of this Title, the Board may impose conditions on the granting of a variance as necessary to further the objectives of this Title. The following provisions apply:

(i) Variances may generally be granted for new construction or substantial improvements on lots one-half acre or smaller that are contiguous to and surrounded by lots with existing structures built below the base flood elevation.

As lot size increases beyond one-half acre, greater technical justification is required.

(ii) Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, regardless of the other requirements in this Section.

(iii) Variances may not be granted within a designated floodway if any increase in flood levels during the base flood discharge would result.

(iv) A variance may be granted only if it is determined to be the minimum necessary, based on the flood hazard, to provide relief.

(v) A variance may be granted only upon:

(A) A showing of good and sufficient cause;

(B) A determination that denial of the variance would result in exceptional hardship to the applicant; and

(C) A determination that granting the variance will not:

(I) Increase flood heights;
(II) Pose additional threats to public safety;
(III) Cause extraordinary public expense;
(IV) Create nuisances;
(V) Result in fraud or victimization of the public; or
(VI) Conflict with the Provo City Code or other applicable laws or ordinances.

(vi) An applicant for a variance for construction below the base flood elevation must sign a written acknowledgment that the cost of flood insurance will reflect the increased risk caused by the lower floor elevation.

14.04.040 Procedure

(1) The Board of Adjustment must act in accordance with applicable law and the provisions of this Title.

(2) All appeals and applications to the Board must be submitted in writing, on forms prescribed by the Board, and filed within 14 days of the decision being appealed. The appeal must be filed with the officer from whom the appeal is taken or directly with the Board. The officer must then transmit all records related to the action to the Board without delay.

(3) Each appeal or application must reference the specific PCC provisions involved and clearly state:

(a) The interpretation or decision being challenged or sought; or

(b) The variance being applied for and the grounds for requesting it.

(4) At least 14 days before any meeting, the Board's secretary must send notice of the meeting to the Planning Commission and request an advisory opinion. The Planning Commission must submit its opinion before the meeting.

(5) Filing an appeal stays all related proceedings unless the officer whose decision is being appealed certifies, in writing, that a stay would pose an imminent risk to life or property. In such cases, there is no stay unless the Board or a District Court orders one based on a showing of good cause.

(6) The Board may not take action on a case without providing proper notice and holding a public meeting. Parties may appear in person, by agent, or by attorney.

(7) Every decision of the Board must be made by motion and must include findings specific to the case.

(8) In deciding an appeal, the Board may affirm, reverse, or modify the decision or order being appealed and has all the powers of the original decision-maker. A minimum of three concurring votes is required to reverse or modify a decision, grant an appeal, or approve a variance under this Title.

(9) Board decisions take effect at the meeting where the decision is made, unless another effective date is specified by the Board or in its rules.

(10) Public meeting notices must be published at least 15 calendar days before the meeting. Notices must include the meeting’s time and place, a general explanation of the matter, and a description of the area affected. Additional notice may be provided as deemed necessary.

14.04.050 Judicial Appeal

(1) Any person aggrieved by a decision of the Board of Adjustment may seek judicial relief by filing a petition in District Court within 30 days after the decision is issued.

(2) Filing a petition does not automatically stay the Board's decision.

(3) Before filing in court, the aggrieved party may petition the Board to stay its decision.

(4) The Board may grant a stay pending District Court review if it determines that doing so is in the City’s best interest.

(5) After filing the judicial petition, the petitioner may seek an injunction from the court to stay the Board’s decision.

Chapter 14.05
INTERPRETATION AND DEFINITIONS

Sections:

14.05.010 Rules of Construction and Interpretation.
14.05.020 Definitions.
14.05.030 Illustrations.

14.05.010 Rules of Construction and Interpretation

(1) All provisions, terms, phrases, and expressions contained in this Title must be interpreted in a manner consistent with the intent and purpose of this Title.

(2) *Interpretations.* For the purpose of this Title, words, terms, and provisions are to be interpreted as follows:

(a) words used in the present tense include the future unless the context clearly indicates the contrary;

(b) words in the singular number include the plural and the plural includes the singular as the context and application of this Title may reasonably suggest;

(c) words that are not defined in this Chapter, but that are defined in the Municipal Land Use, Development, and Management Act (MLUDMA) in UCA 10-20-102, as amended, have the meaning defined in MLUDMA;

(d) words that are not defined in this Chapter or MLUDMA, but that are defined in the International Building Code, have the meaning defined in the International Building Code;

(e) chapter and section headings do not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any chapter or section;

(f) unless the context clearly indicates to the contrary, conjunctions are to be interpreted as follows.

(i) **"And"** indicates that all connected items, conditions, provisions or events apply.

(ii) **"Or"** indicates that one (1) or more of the connected items, conditions, provisions or events apply.

(iii) **"Either . . . or"** indicates that the connected items, conditions, provisions or events apply singly but not in combination.

(g) the words "shall" and "must" are always mandatory. The word "should" means the matter described ought to be accomplished if reasonable and possible under the circumstances. The word "may" is permissive. The phrase "may not" means the thing described is prohibited and unlawful;

(h) words and phrases are to be construed according to the common use and understanding of the language, but technical words and phrases that have acquired a peculiar and appropriate meaning in law must be construed and understood according to such meaning;

(i) in determining compliance with the numerical requirements of this Title, any computation or measurement resulting in a fractional number will be rounded to the nearest whole number, unless explicitly stated otherwise;

(j) all public officials, bodies, and agencies to which reference is made are those of the city of Provo, Utah unless otherwise indicated; and

(k) whenever a provision requires the Mayor, head of a department, or some other officer or employee to do some act or perform some duty, such officer may designate, delegate, and authorize professional-level subordinates to perform the required act or duty, unless the provision or section specifies otherwise.

(3) *Time.* When a period of time is prescribed or allowed by this Title, days are calculated as follow:

(a) the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the period to be calculated is included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not a Saturday, a Sunday, or a legal holiday;

(b) when the period of time described is less than seven days, intermediate Saturdays, Sundays and legal holidays are not counted; and

(c) each a period of time described is a period of consecutive calendar days, unless explicitly stated otherwise;

14.05.020 Definitions

For the purposes of this Title, the words and phrases below have the meanings set forth in this Section.

“Accessory Building” means a building or structure, the use of which is incidental to and subordinate to the main building or structure.

“Accessory Dwelling Unit” or **"ADU"** means a residential dwelling unit that is occupied as a separate unit on the same lot as a primary dwelling unit. An ADU may be located within the same building as the primary dwelling unit (internal ADU), attached to the single-family dwelling, or in a detached building on the same lot. An ADU does not include mobile homes or other portable structures that do not qualify as permanent residential units. See Chapter 14.43.

“Accessory Use” means a use that is incidental and subordinate to a principal use that is permitted in the applicable zone and is actively utilized on the same parcel

“Adult Day Care” means nonresidential care and supervision:

(a) for three or more adults at least four but less than 24 hours a day; and

(b) that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services in a protective setting.

"Alley" means a public thoroughfare for the use of pedestrians and vehicles that affords, or is designated as, or intended to afford, a secondary means of access to abutting properties as set forth in PCC 15.03.

"Apartment" means a dwelling unit located in an apartment building.

"Apartment Building" means a building containing five or more dwelling units.

"Area" means the total square footage of the horizontal plane enclosed within applicable boundaries, measured at the largest horizontal extent of the lot or structure, as applicable.

"Assisted Living Facility" means a residential facility meeting the requirements of a type I or type II assisted living facility as defined by Utah Code Section 26-21-2(5), as amended.

"Automobile Wrecking Yard" means any lot, land, or area used for the storage, keeping, dismantling, or abandonment of automobiles or parts thereof. Any more than one such item on a property constitutes an automobile wrecking yard.

"Baching Singles" means four or more related or unrelated individuals, none of whom is a head of household, who are occupying a baching singles dwelling unit in accordance with the regulations of the applicable zone. The following are considered baching singles:

(a) a group of individuals living together in the same dwelling unit authorized in the applicable zone, if such individuals are:

(i) unrelated adults over the age of 18 years with no minor dependent children occupying the dwelling unit;

(ii) college students over the age of 16 years. A college student is a person who attends, at least half time, any college, university or other institution authorized to confer degrees by the State of Utah; or

(iii) any combination of Subsections (a)(i) and (a)(ii) of this definition.

"Bed and Breakfast" means a building of residential design of historic or neighborhood significance in which three to nine rooms are rented out by the day, offering overnight lodgings to tourists, and where one or more meals are offered to overnight guests.

"Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

"Block Face" means all lots or parcels fronting on one side of a street between the nearest streets that cross or terminate at that side of the street, or between such a street and a railroad right-of-way, waterway, terminus of a dead-end street, city boundary, public park, or other comparable boundary.

A street that terminates at only one side of another street establishes a block-face boundary only on the side where it terminates.

"Boat" means any watercraft, other than a seaplane.

"Buildable Area" means that portion of a lot or parcel that is eligible for placement of a building or structure and complies with the setbacks of the applicable zone.

"Building" means a permanently located structure for the shelter, housing, or enclosure of any person, animal, article, or chattel. When any portion is completely separated from every other portion by a division wall or fire wall, without openings, each such portion is a separate building. "Building" does not include any form of vehicle, even though immobilized. Where this Title requires, or where special authority granted pursuant to this Title requires, that a use be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides."

"Building, Attached" means any buildings separated by six feet or less. Even if not physically connected, such buildings are deemed "attached" for the purposes of this Title and must meet all requirements of this Title as if one building.

"Building Height" means the vertical distance measured from the average elevation of the finished lot grade at each face of the building minus any artificial terracing or earth berming placed by the owner or developer that goes beyond that required for backfill or foundation drainage, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point halfway between the lowest part of the eaves or cornice and the highest point of a pitched or hipped roof; provided that those structures set forth in PCC 14.50.080, are excluded from said measurement. The height of a stepped or terraced building is the maximum height of any segment of the building. Refer to Figure 14.05.030, at the end of this Chapter, for building height illustrations.

"Building Line" means a line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard measured in accordance with the method stated in "Yard-Front" and extending across the whole width of the lot.

"Camping Van" means a van designed, used, and maintained primarily to provide a mobile dwelling, sleeping place, or facilities for human habitation or for camping.

"Cannabis Production Establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory, as defined in Title 4, Chapter 41a of the Utah Code Annotated 1953, as amended.

"Caretaker" means an individual who cares for real property as allowed in certain commercial and industrial zones in accordance with applicable provisions of this Title.

"Caretaker Dwelling" means a dwelling unit located on property for the purpose of providing security or otherwise caring for the property.

"Carport" means a covered area for one or more motor vehicles that:

(a) is not completely enclosed by walls or doors;

(b) conforms to all of the regulations set forth in this Title for a private garage; and

(c) if provided as required covered parking under this Title, is architecturally compatible with the main structure on the lot where the carport is located.

"Center-line of Street" means that line designated as the "Center-line" in any street in the city by the records of the City Engineer.

"Certified Residential Facility for Persons with a Disability" means a dwelling unit certified by the State of Utah for the housing of persons with a disability.

"Child Day Care Center" means a facility in which Day Care Services are provided to 13 or more children ages two to 13 years.

"Coin-operated Amusement Video Game Center (Arcade)" means any business establishment containing more than three coin-operated amusement or video game machines.

"Conditional Use" means a land use that, because of its unique characteristics or potential impact on the city's surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

"Condominium" means a dwelling unit in a multi-unit development in which individual units are separately owned, and the owners hold an undivided interest in the common areas and facilities pursuant to the Utah Condominium Ownership Act.

"Condominium Project" means a real estate condominium project, which is a plan or project in which two or more units, whether contained in existing or proposed apartment, commercial, or industrial buildings or structures, are separately offered or proposed to be offered for sale.

"Convalescent, Rest Home, and Nursing Home Services" means an intermediate care/nursing facility or a skilled nursing facility for the care of adults who due to advanced age, disability, or impairment require assistance and/or supervision by staff. Such facility does not include adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

"Corner Lot" means a lot situated at the intersection of two or more streets that have an angle of intersection of 135 degrees or less.

"Courtyard" means an unoccupied space on the lot other than a required yard, designed to be partially surrounded by a building or group of buildings.

"Day Care Services" means care of a child for a portion of the day that is less than 24 hours, in one's own home by a responsible person or outside of one's home in a child day care center. This includes preschools.

"Disability" means a "handicap" as defined under the Fair Housing Act, 42 U.S.C. § 3602, or a "disability" as defined under the Americans with Disabilities Act, 42 U.S.C. § 12102, as amended, both of which exclude impairment resulting from the current illegal use of a federally controlled substance.

“Double Frontage Lot” means a lot having a street frontage on two parallel or approximately parallel streets. For purposes of this Title, these lots have two street frontages and two front yards.

“Dwelling” means a building or portion thereof designed and used for residential occupancy, including one-family, two-family, multi-family, and apartment buildings; but does not include boarding, rooming, or lodging houses, tents, trailers, mobile home parks, motels, motor courts, motor lodges, cottage camps, or similar structures designed or used primarily for transient residential uses.

“Dwelling Unit” means one or more rooms in a dwelling designed and used for living and sleeping purposes and having a kitchen and a bathroom.

“Efficiency Dwelling Unit” means a dwelling unit with an area of less than 550 square feet that is limited to no more than three occupants. The sleeping area must be a minimum of 70 square feet and the living area a minimum of 220 square feet.

“Family” means:

(a) one individual living alone; or

(b) one, but not more than one at the same time, of the following groups of individuals described in Subsection (b)(i) or (ii) of this definition who together occupy a one-family dwelling unit as one nonprofit housekeeping unit and who share common living, sleeping, cooking and eating facilities:

(i) a head of household and:

(A) All persons related to the head of household as a spouse, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild by blood, marriage, adoption, guardianship, or any other duly authorized custodial relationship; and

(B) not more than two additional related or unrelated persons, including, but not limited to, personal care or personal service providers; or

(ii) three related or unrelated individuals and any children of any such individual, if any.

(c) In applying this definition, the existence of more than one kitchen in a dwelling unit creates a presumption that two housekeeping units exist in the dwelling.

(d) “Family” does not include:

(i) baching singles, as defined in this Section, even if related in a manner described in Subsection (b)(i)(A) of this definition;

(ii) any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;

(iii) any number of individuals whose association is temporary or seasonal in nature; or

(iv) any number of individuals who are in a group living arrangement as a result of criminal offenses.

(e) Notwithstanding this definition, if specific provisions of this Title restrict single-family occupancy to some explicit subset of this definition, those provisions govern occupancy in those situations.

"Family Day Care" means day care services provided within a home for not more than six children.

"Family Group Day Care" means day care services provided within a home for at least seven but less than 13 children.

"Farmers Market" means an establishment providing space for two or more vendors for the sale of fresh produce and related food items on a seasonal basis from the period of May through October.

"Fence" means a structure used as a boundary, screen, separation, means of privacy, protection or confinement that is constructed of posts, rails, and a barrier consisting of lumber, vinyl, wire mesh, masonry or similar fencing materials.

"Finished Grade" means the lowest point of elevation of the finished surface of the ground within the area between the building and a line five feet from building.

"Flag Lot" means an interior lot that does not meet minimum street frontage requirements and that has as part of the lot an access strip (the "flag pole") abutting a public street and connecting the main body of the lot (the "flag") to the street.

"Floor Area" means the sum of all areas of all floors of a building, including basements, mezzanine, and intermediate-floored tiers and penthouses of head room height, measured from the exterior faces of exterior walls or from the centerline of common walls separating buildings. The floor area, however, does not include areas used for parking of vehicles and areas devoted exclusively to the housing of mechanical equipment for heating, ventilating, and other service uses for the building.

"Front Lot Line" means the property line adjacent to the street, except as follows:

(a) for corner lots with single-family detached development, the front lot line is the property line along the street frontage on the same side of the structure as the primary entrance; and

(b) for all other corner lots, the front lot line is the property line along the shortest street frontage.

"Front Yard" means a yard extending across the full width of a lot between the front lot line, or its tangent, and the location of the main building. See Figure 14.05.030, at the end of this Chapter, for examples.

"Garage-private" means an accessory building or an accessory portion of the main building designed and/or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building and is architecturally compatible with the main structure.

"Garage-public" means any premises, except those described as private garage, used for the storage or care of vehicles.

"Garage Sale" See "Yard Sale".

"Group Quarters" are residential facilities where individuals live or stay in a group living arrangement that is owned or managed by an organization providing housing and/or services for the residents. This includes, but is not limited to, nursing homes, and mental health institutions, as well as non-institutional settings such as college dormitories, military barracks, group homes, missions, and shelters. Occupancy in group quarters is limited to one occupant per private bedroom.

"Guest" means any person or persons staying for less than thirty days in a dwelling unit without payment or compensation to the owners, tenants, or full-time inhabitants of the dwelling unit.

"Habitable" means rooms designed and used for living, sleeping, eating, recreational activities, selling merchandise, or conducting office and other business activities and does not include space used for parking, bathrooms, closets, storage rooms, laundry and utility spaces, and similar areas not considered habitable by the International Building Code.

"Head of Household" means one individual who occupies a dwelling unit and who has a parent/child relationship, grandparent/child relationship, or a legal marriage relationship with another individual occupying the same dwelling unit.

"Historic Building" means any building that has been designated on the Provo City Landmarks Register by action of the Provo City Landmarks Commission and the Municipal Council.

"Home Occupation" means the use of a portion of a dwelling as an office, studio, or work room for occupations that are customarily conducted in the home, and that are incidental to the primary use as a home or residence.

"Hotel" means a building designed or used as the temporary abiding place of individuals who are lodged, with or without meals, for compensation and in which there are more than ten sleeping rooms, and in which no provision is made for cooking in guest rooms.

"HUD Code" means the Federal Manufactured Housing Construction & Safety Standards Act, as amended.

"Interior Lot" means a lot other than a corner lot.

"Irregular Lot" means a lot that is not rectangular in shape.

"Junk Yard" means any lot, land, or area used for the storage, keeping, dismantling, or abandonment of junk, household furniture and appliances, machinery, scrap material, or parts thereof. Any more than one such item on a property constitutes a junk yard.

"Kennel" means a place where three or more dogs of four months of age or older are raised, kept, housed, boarded, or commercially bred.

"Kitchen" means any room or space used, or intended or designed to be used, for cooking or for the preparation and/or serving of food, including such areas as wet bars and snack bars, notwithstanding whether such room or space is located within a primary dwelling structure or a structure accessory to the dwelling. Facilities that establish the use of a room or space as a kitchen

include refrigerators, stoves, other cooking appliances, built-in cabinets, sinks, garbage disposal units, 220 voltage and/or natural gas supply lines, in any combination intended to permit the room or space to be used for the preparation and/or serving of food.

"Land Use Ordinance" means a Provo City ordinance found in this Title or PCC 15, or a predecessor ordinance, that governs planning, zoning, development, or the subdivision of land, but does not include the General Plan.

"Licensed Residential Facility for Persons with a Disability" means a dwelling unit licensed by the State of Utah for the housing of four or more persons with a disability.

"Liquor Store" means a facility for the sale of packaged liquor that is located on premises owned or leased by the State of Utah and is operated by Utah State employees. (This definition is not to be construed to include package agencies accessory to another main use, or restaurants with mini-bottle licenses.)

"Lot" means any of the following:

(a) real property shown as a delineated piece of land with a number and designation on the final plat of a subdivision recorded in the office of the County Recorder of Utah County;

(b) real property, the dimensions or boundaries of which are defined by a record of survey map recorded in the office of the County Recorder of Utah County in accordance with the law regulating the division of said land; or

(c) real property not described in (a) or (b) above that contains at least the prescribed minimum area required in the zone in which it is located and that abuts at least one public street and is held under one ownership.

"Lot Area" means the total square footage enclosed within the lot lines, measured on a horizontal plane.

"Lot Coverage" means the total horizontal area of a lot covered by any building or occupied structure that extends above the surface of the ground level and including any covered automobile parking spaces. Covered patios, covered walkways, and covered recreation areas that are more than 50% enclosed are also considered in a lot coverage calculation.

"Lot Depth" means the horizontal distance between the front and rear lot lines, measured as a straight line connecting the midpoint of each.

"Lot Frontage" See "Street Frontage".

"Lot Width" means the distance across a lot measured at the interior edge of the required front yard, along a line parallel to the front lot line or, where the front lot line is curved, parallel to the chord of that arc.

"Main Building" means the principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves

more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one lot constitutes a main building.

"Manufactured Home" means a factory-built one-family dwelling constructed under 42 U.S.C. § 5401 on a permanent chassis, bearing a HUD certification seal.

"Market" means a retail store. For purposes of this Title, a "neighborhood market" or "convenience market" is a market with less than 18,000 square feet of gross floor area. A "supermarket" is a market with a gross floor area of 18,000 square feet or more.

"Mezzanine" means an intermediate floor level within a story that covers no more than one-third of the floor area of the space below. An intermediate floor level exceeding this area shall be considered a separate story.

"Mobile Home" means a transportable, factory-built home, designed to be used as a year-round residential dwelling and constructed before June 15, 1976, prior to the effective date of the federal HUD Code under 42 U.S.C. § 5401.

"Modular Home" means factory-built housing constructed in sections and assembled onto a permanent foundation at a building site that is certified as meeting the applicable building codes.

"Multi-family Dwelling" means a dwelling arranged, designed for, and occupied by three or four families living independently of each other in separate dwelling units.

"Natural Grade" means the elevation of the surface of the ground that has been created through the action of natural forces and has not resulted from man-made cuts, fills, excavation, grading, or similar earth moving processes. The topographic maps of Provo City are the primary, though not exclusive, reference for determination of natural grade. Natural grade is determined in every necessary instance by the City Engineer.

"Nursery School" means any premises used for the care of six or more children under the age of six years who are not related within the second degree to the operator of said premises.

"Office" means a building or space used primarily for conducting business or professional services, excluding retail sales or on-site storage of merchandise.

"Opening" means a window or door on any building facade.

"One-family Dwelling" means a detached dwelling unit arranged, designed for, and occupied by not more than one family, and which has a kitchen and a bathroom.

"One-family Dwelling, attached (Townhome)" means a one-family dwelling attached to two or more one-family dwellings by common vertical walls.

"One-family Dwelling, semi-detached (Twin Home)" means a one-family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.

"Owner Occupant" means, except as set forth in Subsection (d) of this definition:

(a) an individual who:

(i) possesses, as shown by a recorded deed, 50% or more ownership in a dwelling unit; and

(ii) occupies the dwelling unit with a bonafide intent to make it his or her primary residence; or

(b) an individual who:

(i) is a trustor of a family trust that:

(A) possesses fee title ownership to a dwelling unit;

(B) was created for estate planning purposes by one or more trustors of the trust; and

(ii) occupies the dwelling unit owned by the family trust with a bonafide intent to make it his or her primary residence. Each living trustor of the trust must occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit must nevertheless be the domicile of the trustor during the trustor's temporary absence; or

(c) an LLC that:

(i) is currently registered with the state; and

(ii) each member of the LLC occupies the dwelling unit with a bonafide intent to make it his or her primary residence.

(d) A person who meets the requirements of Subsections (a), (b), or (c) of this definition may not be deemed an owner occupant if the property on which the dwelling unit is located has more than one owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.

(i) A claim that a person is not an owner occupant may be rebutted only by documentation, submitted to the Development Services Department, showing that the person who occupies the dwelling unit has a bona fide intent to make the dwelling unit one's primary residence as indicated by the following documents that show such person:

(A) is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;

(B) has claimed all income, deductions, and depreciation from the property on one's tax returns for the previous year;

(C) is the owner listed on all rental documents and agreements with tenants who occupy the dwelling unit, including any accessory apartment;

(D) is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and

(E) is a full-time resident of Utah for Utah State income tax purposes.

(ii) Any person, or group of persons, who fails, upon request of the Development Services Department, to provide any of the documents set forth in Subsection (d)(i) of this definition or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit means for the purpose of this Title that such person or persons is/are deemed not to be an "owner occupant" of the dwelling unit in question.

(e) The provisions of Subsection (d) of this definition apply to any person who began a period of owner occupancy after March 1, 2009, regardless of when the person purchased the property where the person resides.

"Owner Occupied" means a dwelling unit that is occupied as a primary residence by all persons who hold an ownership interest in the dwelling unit, whether through a recorded deed, a revocable family trust created for estate planning purposes, or an LLC or other entity holding fee title. A dwelling unit is not disqualified solely because an owner is temporarily absent due to disability or infirmity, provided the dwelling unit remains that owner's primary residence during the absence.

"Parcel" means any real property that is not a lot.

"Parking Area" or **"Parking Lot"** means an open area, other than a street or alley, used for the parking of more than four automobiles.

"Parking Space" means a permanently surfaced area measuring as described in PCC 14.44.

"Patio" means a relatively flat outdoor living or recreational area that is no more than 30 inches above grade level whether it is detached or attached to another structure on the property.

"Patio Roof" means a roof structure extending over a patio that is open on at least three sides.

"PCC" means Provo City Code.

"Person" has the same meaning as stated in UCA 10-1-104, as amended.

"Primary Entrance" means main door or other means of ingress/egress designed to facilitate access into habitable areas of the building.

"Primary Residence" means the dwelling unit where a person habitually lives and to which the person intends to return when absent. In determining primary residence, relevant factors include the address shown on the person's driver license, vehicle registration, voter registration, and state and federal tax returns, but no single document or combination of documents is conclusive.

"Primary Street" means University Avenue, Center Street, 100 West, 500 West, 300 South and 600 South.

"Principal Building." See "main building".

"Public" means owned by a federal, state, or local governmental entity.

"Rear Lot Line" means the recorded lot line most distant from and generally opposite the front lot line. Each lot has one rear lot line, determined as follows:

(a) for regular lots, the rear lot line is the lot line parallel to the front lot line;

(b) for irregular lots, the rear lot line is the lot line that:

(i) does not adjoin the front lot line;

(ii) is located to the rear of the lot; and

(iii) is more or less parallel to any portion of the front lot line; and

(c) for triangular or pie-shaped interior lots, the rear lot line is a straight line ten feet in length that is parallel to the front lot line or its chord and connects the two other lot lines at their most distant points from the front lot line.

"Rear Yard" means a yard extending across the full width of a lot between the rear lot line, or its tangent, and the location of the main building. See Figure 14.05.030, at the end of this Chapter, for examples.

"Recreational Vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or towed. The term includes travel trailers, camping trailers, motor homes, fifth wheel trailers, and camping vans, among others.

"Regular Lot" means a lot that is rectangular in shape.

"Residential Facility for Elderly Persons" means a one-family or multifamily dwelling unit occupied by eight or fewer elderly persons living together in a family-type arrangement on a twenty-four hour basis, where the facility is owned by a resident or an immediate family member of a resident, or held in trust for a resident. See PCC 14.50.140 for regulations applicable to these facilities.

"Residential Facility for Persons with a Disability" means a dwelling unit occupied by more than one person with a disability in a residential living arrangement. The term does not include facilities that qualify as a residential facility for elderly persons or a health care facility under applicable state law.

"Residential Health Care Facility" means a facility providing assistance with activities of daily living and social care to two or more residents who require protected living arrangements. This type of use includes Residential Health Care Facilities and Residential Care (Type N, up to three patients) facilities as defined and classified by Utah State regulations.

"Road" See definition of "Street."

"Secondary Street" means any other street not defined as a primary street.

"Side Lot Line" means any lot boundary line that is not a front lot line or a rear lot line.

"Side Yard" means a yard between the main building and the side lot line extending from the required front yard, or the front lot line where no front yard is required, to the required rear yard, or the rear lot line where no rear yard is required. See Figure 14.05.030, at the end of this Chapter, for examples.

"Sidewalk Cafe" means an outdoor dining area located on a public sidewalk adjacent to a street-level eating or drinking establishment where patrons may consume food or beverages provided by the abutting establishment.

"Sign" means any word, letter, numeral, phrase, sentence, device, design, picture, trade name, or trademark used to make something known or to designate a firm, association, corporation, profession, business, or service, regardless of whether such is placed on natural objects such as the ground, rocks, trees, or stumps, or on manmade structures such as buildings, walls, roofs, frames, supports, fences, or similar structures, and that is visible from any public street, highway, or road right-of-way.

"Single-family Dwelling" See "one-family dwelling".

"Story" means the portion of a building between the surface of a floor and the surface of the floor above, or where there is no floor above, between the floor and the ceiling. The term does not include a basement.

"Street" means a public street as defined in Utah Code § 10-20-102, a privately owned roadway within a development that provides the principal means of access to abutting property, or a roadway shown on a plat approved pursuant to law or official action. The term includes all land within the right-of-way, whether improved or unimproved, including pavement, shoulders, gutters, sidewalks, and parking areas. See also PCC 15.03 for different classifications.

"Street Frontage" means the full width of a lot line abutting to a street.

"Structure" means anything constructed or erected that is either located on the ground or attached to something having a location on the ground.

"Subgrade Structure"

(a) means a structure that:

(i) is located primarily below natural grade;

(ii) does not extend more than 2.5 feet above natural grade at any point;

(iii) is completely covered with a minimum of six inches of soil capable of supporting vegetation on its horizontal surface where required by the landscaping provisions of the applicable zone;

(iv) is decoratively finished on any vertical surface not covered with soil; and

(v) within a required front or street side yard, is located entirely beneath a finished grade that does not exceed a 25% slope and is level with the natural grade along all property lines.

(b) A subgrade structure is not subject to lot coverage or setback provisions of this Title, but must meet the landscaping requirements of the applicable zone.

"Structural Alterations" means any change in the supporting member of a building such as bearing walls, columns, beams or girders, and floor joists or roof joists.

"Subdivision" has the same meaning as in UCA 10-20-102.

"Through Lot" See "double frontage lot".

"Townhome" See "one-family dwelling, attached (townhome)".

"Trailer" means a vehicle without motive power designed to be towed by a motor vehicle for carrying persons or property and constructed so that no part of its weight rests upon the towing vehicle. This definition does not include vehicles included in the definition of recreational vehicles that would otherwise meet this definition.

"Travel Trailers" means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use. Note that this term is included in the definition of Recreational Vehicle.

"Twin Home" See "one-family dwelling, semi-detached."

"Two-family Dwelling (Duplex)" means a dwelling arranged, designed for, and occupied by two families living independently of each other in two separate dwelling units.

"Use" the activity or function for which a lot, structure, or portion thereof is occupied, operated, or intended.

"Veterinary Hospital" means an establishment for the care and treatment of animals, including household pets, livestock, and commercial poultry.

"Yard" means a space on a lot that is unoccupied and unobstructed by a structure from the finish grade upwards.

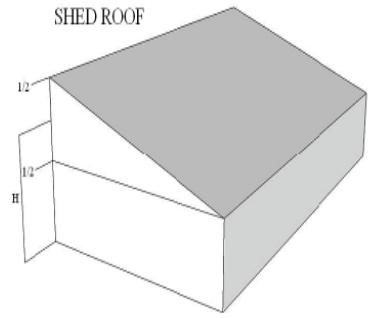
"Yard Sale" means a sale of personal belongings in a residential zone, which sale is conducted by a bona fide resident of the premises.

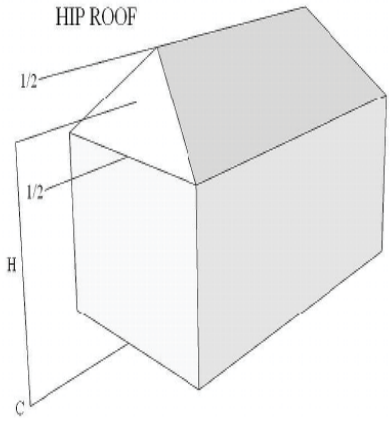
"Zone" means a mapped area of the city, excluding public rights-of-way, within which this Title establishes uniform land use regulations governing permitted uses, dimensional standards, and development requirements.

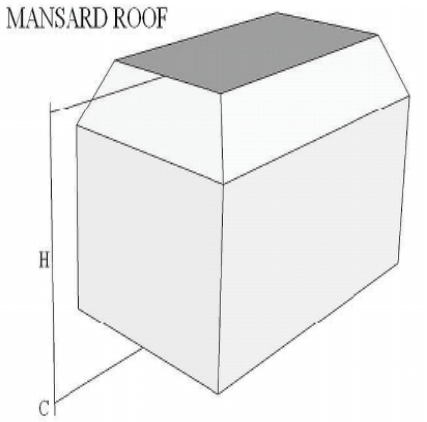
14.05.030 Illustrations

For the convenience of users of this Title, certain terms are illustrated below and elsewhere within this Title. If any conflict arises between an illustration and a definition, the definition applies.

Figure 14.05.030-1 Examples of Building Heights







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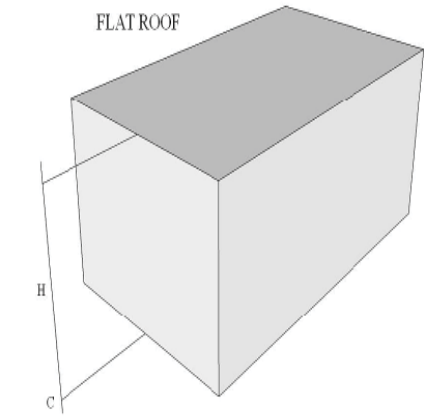

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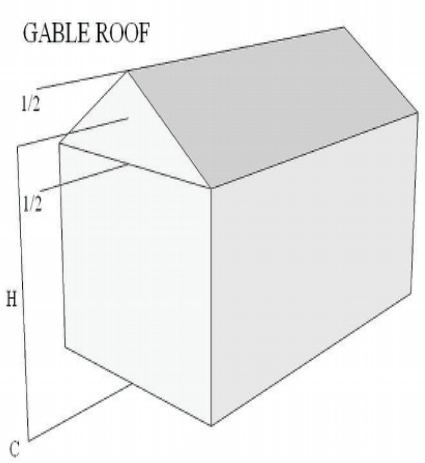

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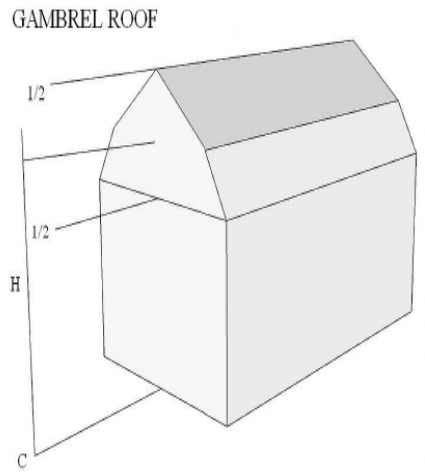

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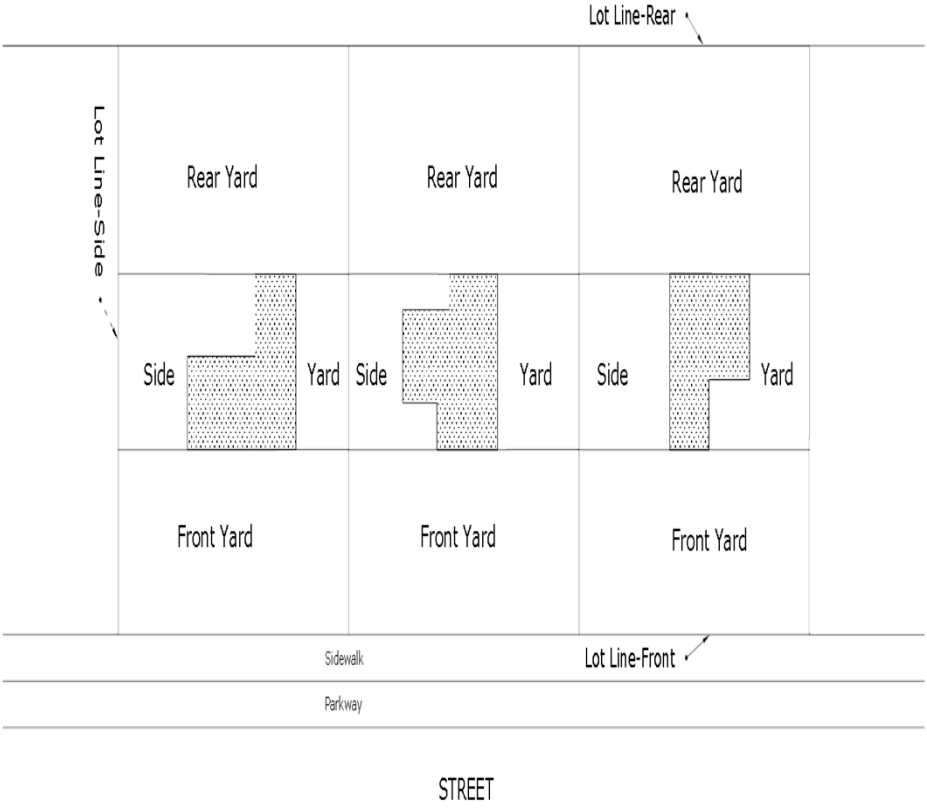
1923

H - Building Height
C - Average Elevation of the Finished Lot Grade

Figure 14.05.030-2 Examples of Types of Yards



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Chapter 14.06
ZONE ESTABLISHMENT

Sections:

14.06.010 Declaration of Purpose.
14.06.020 Location on Map.
14.06.030 Determining Zone Boundaries.

14.06.010 Declaration of Purpose

To accomplish the purposes of this Title, Provo City is divided into zones. In preparing this Title, due consideration was given to the relative amounts of land needed for particular uses and the suitability of such land for those uses, as well as to existing and anticipated future conditions within the City. The character of each zone was evaluated with the goal of conserving building value and promoting the most appropriate use of land throughout the City.

14.06.020 Location on Map

The location and boundaries of all zones are shown on the Zone Map titled *Zone Map of Provo City, Utah*. All boundaries, notations, and data on the map are adopted as part of this Title and incorporated by reference.

14.06.030 Determining Zone Boundaries

Where uncertainty exists regarding zone boundaries on the Zone Map, the following rules apply:

(1) If boundaries appear to follow streets or alleys, the centerline of the street or alley is the zone boundary.

(2) If boundaries appear to follow lot lines, the lot lines are the zone boundaries unless otherwise indicated.

(3) If boundaries appear to follow canals, watercourses, or other natural features, the centerline of those features is the zone boundary unless otherwise indicated.

(4) If no street, lot line, canal, or natural feature is present, the boundary must be determined using the scale on the Zone Map.

Chapter 14.07
DEVELOPMENT STANDARDS TABLE

ZONES	SECTION	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MINIMUM LOT FRONTAGE	DENSITY	PERMISSABLE LOT COVERAGE
PF	14.09	10,000 sq. ft.	80 ft.	N/A	35 ft.	1 caretaker dwelling per 5,000 sq. ft.	Maximum 60%
AIRP	14.10	10,000 sq. ft. (AI only)	100 ft. (AI only)	100 ft. (AI only)	100 ft. (AI only)	N/A	N/A
HCF	14.11	10,000 sq. ft.	80 ft.	N/A	200 ft.	N/A	Maximum 60%
OSPR	14.12	N/A	N/A	N/A	N/A	N/A	N/A
A1	14.13	A1.1: 1 acre; A1.5: 5 acres; A1.10: 10 acres; A1.20: 20 acres; A1.40: 40 acres	100 ft.	100 ft.	60 ft.	One dwelling per lot	Maximum 20%
RA	14.14	1/2 acre	100 ft.	100 ft.	60 ft.	One dwelling per lot	Maximum 30%
R1	14.15	R1.6: 6,000 sq. ft.; R1.7: 7,000 sq. ft.; R1.8: 8,000 sq. ft.; R1.9: 9,000 sq. ft.; R1.10: 10,000 sq. ft.; R1.15: 15,000 sq. ft.; R1.20: 20,000 sq. ft.	60 ft.	R1.6/R1.7: 75 ft.; R1.8: 80 ft.; R1.9/R1.10/R1.15: 90 ft.; R1.20: 100 ft.	35 ft.	One dwelling per lot	Maximum 40%
VLDR	14.16	One-family detached: 5,000 sq. ft.; Two-Family: 8,000 sq. ft.; One-family attached: 10,000 sq. ft.	40 ft.	One-family detached: 75 ft.; All other uses: 90 ft.	35 ft.	Maximum 7 units per gross acre	Maximum 50%
LDR	14.17	One-family detached: 4,000 sq. ft.; Two-family: 8,000 sq. ft.; One-family attached: 10,000 sq. ft.	40 ft.	One-family detached: 75 ft.; All other uses: 90 ft.	35 ft.	Maximum 12 units per gross acre	Maximum 50%
MDR	14.18	Two-family: 8,000 sq. ft.; One-family attached: 10,000 sq. ft.; Multifamily: 20,000 sq. ft.	40 ft.	90 ft.	35 ft.	Maximum 30 units per gross acre	Maximum 50%
HDR	14.19	One-family attached: 10,000 sq. ft.; Multifamily and Apartments: 20,000 sq. ft.	50 ft.	90 ft.	35 ft.	Maximum 50 units per gross acre	Maximum 75%
RM	14.20	Zone area: 15 acres	50 ft.	N/A	35 ft.	One dwelling per lot or space	N/A
CR	14.21	40,000 sq. ft. (less than 40,000 sq. ft. limited to 40 units per gross acre)	50 ft.	N/A	35 ft.	40 units per gross acre if below minimum lot area	Maximum 75%
MU	14.22	One-family detached: 6,000 sq. ft.; Two-family: 8,000 sq. ft.; One-family attached: 10,000 sq. ft.; Commercial/Mixed-Use: 20,000 sq. ft.	MU: 90 ft.; NMU: 40 ft.	90 ft.	MU: 90 ft.; NMU: 35 ft.	N/A	Maximum 60% (NMU only)
TOD	14.23	See PCC 14.23					
CG	14.24	Zone area: 2 acres	N/A	N/A	35 ft.	N/A	N/A
SC1	14.25	1 acre	200 ft.	N/A	200 ft.	N/A	Maximum 30%
SC2	14.26	5 acres	500 ft.	N/A	500 ft.	N/A	Maximum 50%
SC3	14.27	20 acres	700 ft.	N/A	500 ft.	Maximum 20% of zone area	Maximum 30%
FC1	14.28	5 acres	N/A	N/A	200 ft.	N/A	N/A
FC2	14.29	1 acre	100 ft.	100 ft.	100 ft.	N/A	N/A
FC3	14.30	1 acre	100 ft.	100 ft.	100 ft.	N/A	N/A
GW	14.31	20,000 sq. ft.	90 ft.	90 ft.	90 ft.	N/A	N/A
DT1	14.32	10,000 sq. ft.	65 ft.	90 ft.	65 ft.	N/A	N/A
DT2	14.33	20,000 sq. ft.	90 ft.	90 ft.	90 ft.	N/A	N/A
R&BP	14.34	2 acres	100 ft.	N/A	50 ft.	N/A	Maximum 60 %
CM	14.35	10,000 sq. ft.	70 ft.	N/A	35 ft.	N/A	N/A
MP	14.36	Zone area: 20 acres	N/A	N/A	80 ft.	N/A	N/A
M1	14.37	7,000 sq. ft.	50 ft.	N/A	35 ft.	N/A	N/A
M2	14.38	10,000 sq. ft.	100 ft.	N/A	70 ft.	N/A	N/A

NOTE: A lot legally created before December 12, 1974, may not be denied a building permit solely because it does not comply with the lot requirements of this chapter. In such cases, the City may issue a conditional use permit under PCC 14.02.040 to grant a building permit if all the following conditions are met::

(a) The applicant has demonstrated that consolidating the property to meet the minimum lot requirements is not feasible due to surrounding projects, developments, or buildings;

(b) Requiring a development that meets the minimum lot requirements would result in a project that is inconsistent with the surrounding area's characteristics or the established pattern of existing buildings; and

(c) The applicant has demonstrated that the property can be developed to meet the purposes and requirements of this Title without additional variances or exceptions.

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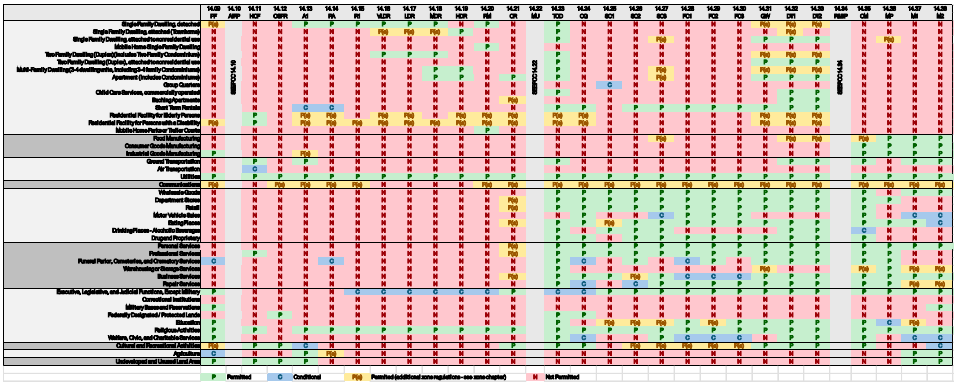
Chapter 14.08
PERMITTED LAND USE TABLE



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Chapter 14.09
PF - PUBLIC FACILITIES ZONE

Sections:

14.09.010 Purpose and Objectives.
14.09.020 Permitted Uses.
14.09.030 Lot Standards.
14.09.040 Yard/Setback Requirements.
14.09.050 Projections into Yards.
14.09.060 Building Height and Distance.
14.09.070 Parking, Loading, and Access.
14.09.080 Project Plan Approval.
14.09.100 Athletic Field Scoreboards.
14.09.110 Re-Use of Public Facilities.
14.09.120 Other Requirements.

14.09.010 Purpose and Objectives

The Public Facilities (PF) zone provides space for facilities that serve the public and require relatively large land areas. These facilities may be publicly or privately owned and operate for public convenience and necessity. Typical uses include electricity, gas, communications, transportation, water, sewage treatment, renewable energy facilities, electric vehicle charging stations, smart city infrastructure, education, religious activities, public assembly, cultural activities, parks, city services, and recreation.

14.09.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions*:

(a) Single Family Dwelling, Detached - permitted only for housing provided by the Housing Authority.

(b) Residential Facility for Persons with a Disability - permitted subject to PCC 14.50.140(1).

(c) Communications - permitted subject to PCC 14.02.045(11).

(d) Cultural and recreational activities - permitted, except for firearm and archery uses.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples include, but are not limited to:

(a) Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) A detached one-family residence used only by a caretaker, watchman, or similar employee of a permitted use, when located on the same site as the permitted use;

(d) Dormitories, fraternity and sorority buildings, other college housing owned by the college or university, recreational and service facilities, and office buildings customarily associated with an educational or institutional use, when such facilities are accessory and incidental to the primary land use; and

(e) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the construction site and limited to the construction period and 30 days after it.

14.09.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.09.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated:

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: no requirement.

14.09.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(ii) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(iv) Be located in a front or street side yard; or

(v) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.09.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height unless one of the following conditions is met:

(a) The horizontal setback from the nearest residential zone boundary is at least twice the height of the building; or

(b) A special exception for greater height for a one-family dwelling has been granted under PCC 14.04.030(10).

(2) Notwithstanding Subsection (1), a building located on City-owned property at or adjacent to the Provo City Airport may have a maximum height of 55 feet.

(3) Any accessory building must be at least 10 feet from the principal structure.

14.09.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.09.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.09.100 Athletic field scoreboards

Scoreboards for educational facility athletic fields are exempt from the height and setback requirements of the PF zone if:

(1) The Development Services Director, or the Director's designee, approves the exemption through an administrative hearing process that includes public comment; and

(2) All of the following standards are met:

(a) The scoreboard is designed as an integral element of the athletic field and is scaled appropriately to the athletic field and campus;

(b) Electronic messages and displays face the athletic field and not the public street or neighboring properties;

(c) Messages visible from public streets or neighboring properties include only the school's name, logo, and one sponsor logo. These displays must be static and may be illuminated only during official games or major events; and

(d) Sponsor logos must be smaller than and visually subordinate to the school name or logo.

14.09.110 Re-use of public facilities

(1) Before any structure in the public facility zone may be reused for a different use, a conditional use permit must be obtained from the Planning Commission in accordance with PCC 14.02.040. The proposed new use must be a permitted or conditional use in the PF zone.

(2) A change in use may be denied if the Planning Commission determines that the new use will have more intense impacts that cannot be mitigated through reasonable conditions. Impacts that may require mitigation include:

(a) Increased daily or peak-hour traffic;

(b) Changes in circulation patterns on or near the site;

(c) Significant increases in parking demand;

(d) Higher on-site population density;

(e) Expanded hours of operation; and

(f) Increased environmental impacts, including:

(i) Noise;

(ii) Air pollution;

(iii) Offensive odors; or

(iv) Excessive illumination or glare.

14.09.120 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict

between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

Chapter 14.10
AIR/AIRI - AIRPORT ZONES

Sections:

14.10.010 Purpose and Objectives.
14.10.020 Permitted Uses.
14.10.030 Lot Standards.
14.10.040 Yard/Setback Requirements.
14.10.050 Projections into Yards.
14.10.060 Building Height and Distance.
14.10.070 Parking, Loading, and Access.
14.10.080 Project Plan Approval.
14.10.090 Design Standards.
14.10.100 Prohibited Uses.
14.10.110 Airport Adjacent Development Design Standards.
14.10.120 Other Requirements.

14.10.010 Purpose and Objectives

The purpose of the Airport (AIR) and Airport Industrial (AIRI) zones is to accommodate land uses that support and complement the operations and services of the Provo Municipal Airport. These zones also aim to minimize conflicts with uses that are incompatible with airport operations and to promote economic development in Provo. For efficiency, regulations for both zones are consolidated in this Chapter. The specific purposes of each zone are as follows:

(1) *Airport (AIR) zone.* This zone supports high-quality, airport-focused development and applies only to the area designated as the Provo Municipal Airport by the City.

(2) *Airport Industrial (AIRI) zone.* This zone allows a range of uses compatible with the airport and intended to encourage its use. Uses in this zone must consider impacts such as noise,

traffic, and aesthetics on nearby residential areas. This zone may only be applied to areas designated in the General Plan as Airport Related (AR).

14.10.020 Permitted Uses

(1) *Permitted principal uses.* The following principal uses, and no others, are permitted in the airport zones as indicated in Table 14.10.1:

Table 14.10.1. Permitted Uses in Airport Zones

Key: P = Permitted, C = Conditional, N = Not Permitted			
Uses	**AIR**	**AIRI**	**Standards/Additional Info**
Agriculture and agriculture-related activities	N	P	
Air cargo terminal and package delivery facility	P	P	See PCC 13.06
Aircraft maintenance facilities and related activities	P	P	
Airport and related activities	P	N	See PCC 13 (Aviation); Ramp, hangar and other facilities see PCC 13.10
Airport rescue and firefighting (ARFF) facilities	P	N	
Airports, flying fields and other air transportation	P	N	
Antenna – communication tower	P	P	Subject to PCC 14.02.045(11) and 14.50.080
Eating places, restaurants	P	P	Subject to PCC 14.02.045(10)
Federal agencies	P	N	Inside the airport terminal only
Hotels	N	P	
Miscellaneous manufacturing	N	P	

Key: P = Permitted, C = Conditional, N = Not Permitted			
Professional office	N	P	
Police station (branch only)	P	N	Inside airport terminal only
Professional office related to airport activities	N	P	
Transportation terminal including bus and rail	P	N	
Vehicle parking – off site	N	P	
Utility right-of-way	P	P	
Vehicle rental facility	P	P	If this use is located in the AIR zone, long-term storage must be provided off site
Vocational training school (related to aviation)	P	P	
Warehouse	N	P	

(2) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure.

14.10.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.10.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed in Table 14.17D.3. All distances are measured from the property line unless otherwise stated.

Table 14.17D.3. Yard Requirements

	AIR		AIRI	
	Minimum	Maximum	Minimum	Maximum

	AIR		AIRI	
Front yard	No requirement		10 feet	No requirement
Side yard, corner lot			10 feet	No requirement
Side yard, interior			10 feet	No requirement
Rear			20 feet	No requirement
Driveway access	16 feet	45 feet	12 feet	45 feet

14.10.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

(5) This Section is not applicable to the AIR zone, which is subject instead to FAA regulations.

14.10.060 Building Height and Distance

Building height requirements for the airport zones are provided in Table 14.17D.4. Airport communication towers are exempt from these requirements, subject to PCC 14.50.080.

Table 14.10D.4. Building Height

	AIR	AIRI
Total maximum building height	65 feet	55 feet
Maximum number of building stories	3 stories	
Minimum first story height	12 feet floor to ceiling	
Maximum main floor elevation	30 inches above highest adjacent curb elevation	

14.10.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) *Parking in the AIR zone.* The Airport Director, or the Director's designee, will determine the number of parking spaces required based on the demand generated by the permitted use.

(4) *Parking lot lighting.* See PCC 15.21.

14.10.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.10.090 Design Standards

(1) AIRI zone standards. All buildings in the AIRI zone must comply with the standards set forth in PCC 14.10.110.

(2) AIR zone standards. All development in the AIR zone must comply with PCC 13.10.

14.10.100 Prohibited uses

(1) *Uses prohibited in the AIRI zone.* Notwithstanding any other provision regarding permitted uses, the following uses are prohibited in the AIRI zone:

(a) Uses that interfere with navigational signals or radio communication between airport flight controllers and aircraft;

(b) Uses that may cause visual interference, including glare, dust, or other conditions that obscure visibility or make it difficult for pilots to distinguish airport lights;

(c) Uses that attract bird concentrations, creating a hazard to aircraft during landing or takeoff;

(d) Overhead transmission lines;

(e) Uses that create nuisances such as excessive light, glare, noise, smoke, odor, dust, gas, or other emissions, excluding fire abatement chemicals; and

(f) The storage, treatment, processing, or manufacture of hazardous materials (excluding aviation fuel), where such activities are not accessory to a permitted use.

(2) *Restrictions in the AIR zone.* Business activity in the AIR zone is prohibited without a lease agreement with the Airport Manager.

14.10.110 Airport adjacent development design standards

The following standards apply in the AIRI zone:

(1) *Building orientation.* The primary entrance of structures fronting Lakeview Parkway or Center Street must face those corridors.

(2) *Design.* Buildings must incorporate architectural elements found along downtown Center Street between 500 West and 100 East.

(a) All sides of a structure must include architectural detailing. Blank facades without detailing are prohibited.

(b) Architectural elements must include:

(i) Masonry wall surfaces;

(ii) Decorative cornices;

(iii) Steel and beam construction; and

(iv) Ground-floor storefronts.

(3) *Materials.*

(a) Wall materials may be combined horizontally only and heavier materials (by weight or appearance) must be placed below lighter materials. For example, stone may not be placed above stucco, and brick may not be located below concrete.

(b) No single material may span more than 60 horizontal feet on any facade.

(c) Exterior finishes may not include vinyl, metal siding (including sheet or corrugated metal), plywood, particle board, or other wood products not designed as architectural finishes.

(d) Notwithstanding subsection (c), air cargo terminals, package delivery facilities, aircraft maintenance facilities, miscellaneous manufacturing, and warehouse uses may use metal composite materials.

(4) *Transparency.* Each first-floor commercial frontage along a primary street must provide at least 40% completely transparent glass. On secondary streets, at least 30% transparent glass is required.

(5) *Window and door proportions.* All windows and doors, except for ground-level storefronts, must be square or vertically proportioned.

(6) Windows, doors, and glass above the first story may not exceed 50% of the total building wall area per facade.

(7) *Mechanical equipment screening.* All mechanical equipment must be screened with an opaque barrier that is architecturally compatible with the primary structure. Screening must be limited to the minimum size needed to fully shield the equipment.

14.10.120 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*.

(a) AIRI Zone - See PCC 14.47.

(b) AIR Zone – See PCC 13.11

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards*.

(a) Chain-link fencing is prohibited along street frontages in the AIRI zone.

(b) Fencing must comply with FAA requirements in the AIR zone.

(c) Clear vision area requirements must be met. See PCC 14.50.090.

(d) A decorative masonry wall at least six feet in height must be constructed along property lines adjacent to residential zones. If both owners of subject properties in the

AIRI zone and the adjacent residential zone mutually agree to alternate, suitable fencing materials, a signed agreement must be submitted to the Planning Commission, or its designee, for approval. In the absence of a mutual agreement and City approval, a masonry wall is required.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Temporary uses.* Temporary uses are not permitted.

(8) *Aviation standards.* For additional standards related to aviation, see PCC Title 13.

(9) *Aeronautical business standards in the AIR zone.* See PCC 13.03.

(10) *Commercial aeronautical applications in the AIR zone.* See PCC 13.09.

(11) *FAA notification.* Any development within one mile of the airport must submit FAA Form 7460-1 (Notice of Proposed Construction or Alteration) to the FAA.

(12) *State compliance.* Any development within 5,000 feet of an airport runway must comply with Utah Code 72-10-4.

Chapter 14.11
HCF - HEALTH CARE FACILITIES ZONE

Sections:

14.11.010 Purpose and Objectives.
14.11.020 Permitted Uses.
14.11.030 Lot Standards.
14.11.040 Yard/Setback Requirements.
14.11.050 Projections into Yards.
14.11.060 Building Height and Distance.
14.11.070 Parking, Loading, and Access.
14.11.080 Project Plan Approval.
14.11.090 Zone Frontage.
14.11.100 Single Ownership and Area of Zone.
14.11.110 Other Requirements.

14.11.010 Purpose and Objectives

The Health Care Facilities (HCF) zone provides areas for healthcare facilities operated under public or private control that require relatively large land areas. This zone primarily supports principal structures and related facilities that offer healthcare services. Typical permitted uses

include hospitals, physician offices, medical centers, dental offices, medical training facilities, rehabilitation centers, laboratories, and research facilities that are reasonably related, incidental, or ancillary to allowed medical uses.

14.11.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Such accessory uses and structures must be located on the same lot or parcel as the principal use, unless otherwise specified. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it; and

(b) Concealed storage of materials or equipment used in conjunction with permitted uses. Open storage that is visible from public or private streets is not permitted.

14.11.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.11.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated:

(1) Lot perimeter setback: 10 feet.

(2) Setbacks are also subject to PCC 14.11.110.

14.11.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no other, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports, provided the carport:

(i) Is no more than one story in height; and

(ii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Clear vision areas.* See PCC 14.50.090.

14.11.060 Building Height and Distance

(1) No building or structure may exceed 55 feet in height unless the horizontal setback from the nearest residential zone boundary is at least twice the building's height. In no case may a building exceed 200 feet in height.

(2) Any accessory building must be at least 10 feet from the principal structure.

14.11.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) *Parking setbacks from public streets.* Parking spaces may not be located within 15 feet of a property line adjacent to a public street. However, parking spaces, excluding parking structures, may be located as close as 10 feet from the property line if all of the following buffer conditions are met:

(a) An innovative landscaping design is submitted that is demonstrably superior to what would result from applying the minimum required standards;

(b) The buffer is at least six feet wide and extends the full length of the parking lot;

(c) The buffer achieves 80% full shrub coverage at plant maturity without extending over the adjacent sidewalk;

(d) The buffer includes at least 60% evergreen shrubs. Seasonal interest is encouraged. Any deciduous shrubs must have dense winter branching to ensure effective screening;

(e) A minimum one-foot berm is included; and

(f) One shade tree is planted for every 30 feet of street frontage, offset from the spacing used for parkway trees.

14.11.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.11.090 Zone Frontage

The HCF zone must front an arterial street for at least 200 feet, measured along a line parallel to the street centerline.

14.11.100 Single Ownership and Area of Zone

(1) *Minimum zone area.* The minimum area of an HCF zone must be 10 acres.

(2) *Unified ownership or control.* Land within a single instance of an HCF zone must be under single ownership or under single control to ensure integrated healthcare campus development.

14.11.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Transitional development standards*. Where a lot in this zone borders a residential zone, the more restrictive standards between this Section and PCC 14.50.160 apply.

Chapter 14.12
OPEN SPACE, PRESERVATION AND RECREATION ZONE

Sections:

14.12.010 Purpose and Objectives.
14.12.020 Permitted Uses.
14.12.030 Building Height and Distance.
14.12.040 Parking, Loading and Access.
14.12.050 Project Plan Approval.
14.12.060 Other Requirements.

14.12.010 Purpose and Objectives

The Open Space, Preservation, and Recreation (OSPR) zone protects public land for outdoor recreation, education, and scenic enjoyment. It supports the community's social and physical needs through access to public open space. This zone applies to parks, trails, and environmentally sensitive lands to preserve them for future generations. Permitted uses may range from small urban pocket parks to large regional parks. The OSPR zone reinforces Provo City's identity by promoting the health and well-being of its residents through diverse recreational opportunities.

14.12.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.* Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following: utilities, restrooms, playgrounds, pavilions, clubhouses, seating bleachers, greenhouses, grounds maintenance sheds, and similar structures customarily used in conjunction with a principal use or structure.

14.12.030 Building Height and Distance

No building or structure may exceed two stories or 35 feet in height.

14.12.040 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) The Parks and Recreation Director, or the Director's designee, determines the number of parking spaces required based on the demand of the permitted use.

14.12.050 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.12.060 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs.* See PCC 14.47.

(3) *Landscaping.* See PCC 15.20.

Chapter 14.13
A1 - AGRICULTURAL ZONE

Sections:

14.13.010 Purpose and Objectives.
14.13.020 Permitted Uses.
14.13.030 Lot Standards.
14.13.040 Yard/Setback Requirements.
14.13.050 Projections into Yards.
14.13.060 Building Height and Distance.
14.13.070 Parking, Loading, and Access.
14.13.080 Project Plan Approval
14.13.090 Other Requirements.

14.13.010 Purpose and Objectives

The Agricultural Zone (A1) is intended to provide areas that support and encourage agricultural uses within the city. The zone protects agricultural activities from premature urban development until residential, commercial, or industrial uses become necessary and appropriate. Uses allowed in the A1 zone, in addition to agricultural uses, must be incidental to agriculture and may not alter the basic agricultural character of the zone. Conversion from the A1 zone to zones that allow urban development must occur in an orderly, progressive manner and may not result in leap-frog development patterns.

14.13.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Industrial Goods Manufacturing - Drugs (cannabis production establishments only, and only in A1.10).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Agricultural stands for the sale of farm products produced on site products grown or produced on the premises. The stand may not exceed 300 square feet of ground coverage and is limited to one stand per parcel;

(g) Windmills, silos, tank houses, buildings or shelters for farm equipment and machinery, water wheels, water reservoirs, and storage tanks;

(h) Structures required for the housing, nurture, confinement, or storage of:

(i) animals permitted in the zone; and

(ii) the equipment necessary for the care and keeping of such animals; and

(i) Up to two caretaker dwellings for established long-term recreational vehicle storage facilities greater than 10 acres.

(4) *Conditional Uses.* Storage of Recreational Vehicles – Permitted subject to PCC 14.50.050.

14.13.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.13.040 Yard/Setback Requirements

The following minimum yard/setback requirements apply, with all required distances measured from the property line unless otherwise noted:

(1) Front yard: 30 feet.

(2) Side yard – corner lots: 30 feet.

(3) Side yard – interior: 10 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 30 feet.

14.13.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) The required side yard of an accessory building is the same as that required for a principal building.

(b) An accessory building may be located on the rear property line if:

(i) It provides for all roof drainage to be retained on the subject lot or parcel; and

(ii) It is not used for housing animals or poultry.

(c) Notwithstanding any provision to the contrary in this Section, accessory buildings used for housing animals or poultry must be located at least 100 feet from any dwelling.

(4) *Clear vision areas.* See PCC 14.50.090.

14.13.060 Building Height and Distance

(1) No building or structure may exceed two stories or 35 feet in height, except as provided in this Section.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) *Agricultural Buildings.* Silos, windmills, and other accessory structures customarily associated with an agricultural use may exceed 35 feet in height upon specific approval by the Planning Commission.

(4) Any accessory building must be at least 20 feet from a dwelling.

14.13.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.13.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.13.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Flag Lots.* See PCC 14.50.115.

(3) *Signs.* See PCC 14.47.

(4) *Landscaping*. See PCC 15.20.

(5) *Trash storage*. See PCC 14.50.070.

(6) *Fencing Standards.* See PCC 14.50.200.

Chapter 14.13A
AT – AGRITOURISM OVERLAY ZONE

Sections:

14.13A.010 Purpose and Objectives.
14.13A.020 Permitted Uses.
14.13A.030 Lot Standards.
14.13A.040 Parking, Loading, and Access.
14.13A.050 Project Plan Approval.
14.13A.060 Development Standards.

14.13A.070 Design Standards.
14.13A.080 Hours of Operation.
14.13A.090 Event Hall Requirements.
14.13A.100 Other Requirements.

14.13A.010 Purpose and Objectives

The Agritourism Overlay Zone (AT Overlay) allows limited commercial activities within an agricultural setting to attract visitors to farms, ranches, and other agricultural operations and to support the continued use and preservation of agricultural land within the City.

14.13A.020 Permitted Uses

Permitted uses include all uses permitted in the A1 Zone and the following:

(1) Commercial tours;

(2) Educational classes;

(3) Museums;

(4) Event halls, subject to PCC 14.13A.090.

14.13A.030 Lot Standards

(1) Each lot or parcel in the AT Overlay must contain a minimum of one acre. The AT Overlay may not be applied to an agricultural parcel that does not meet this requirement.

(2) The total area of permitted uses listed in PCC 14.13A.020 may not exceed thirty-three percent of the lot.

14.13A.040 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.13A.050 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.13A.060 Development Standards

The AT Overlay may only be combined with A1 Zones. Development within the AT Overlay must comply with the development standards of the underlying zone unless otherwise specified in this Chapter.

14.13A.070 Design Standards

(1) Non-architectural metal may not be used as a façade material for agritourism buildings and may be used only as a roofing material.

(2) Building design and architecture must be consistent with the agricultural setting and agricultural uses.

(3) For purposes of this Chapter, “non-architectural metal” means metal that is bare, untreated, or corrugated.

14.13A.080 Hours of Operation

Permitted uses in the AT Overlay must cease operation during the following hours:

(1) Sunday through Thursday: from 10:00 p.m. until 8:00 a.m. the following day; and

(2) Friday and Saturday: from 11:00 p.m. until 8:00 a.m. the following day.

14.13A.090 Event Hall Requirements

(1) *On-site security.* Event halls must provide one privately contracted and licensed on-site security officer for every seventy-five adult patrons when one or more of the following conditions exists:

(a) Amplified music occurs at the event; or

(b) Alcohol is consumed at the event.

(2) *Distance requirements.* A structure used for farm animals, feed, or waste may not be constructed or maintained within fifty feet of an event hall.

14.13A.100 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council’s adoption of the IBC.

(2) The operator of a use permitted in this Chapter must comply with all other license requirements of the city or any public agency related to the use.

(3) Noise levels for any event must comply with PCC 9.06.

Chapter 14.14
RA - RESIDENTIAL AGRICULTURAL ZONE

Sections:

14.14.010 Purpose and Objectives.
14.14.020 Permitted Uses.
14.14.030 Lot Standards.
14.14.040 Yard/Setback Requirements.
14.14.050 Projections into Yards.
14.14.060 Building Height and Distance.
14.14.070 Parking, Loading, and Access.
14.14.080 Project Plan Approval.
14.14.090 Other Requirements.

14.14.010 Purpose and Objectives

The Residential Agricultural (RA) zone is established to provide areas on the fringe of Provo City where residential uses integrate with incidental agricultural pursuits. This zone allows the keeping of farm animals and fowl in conjunction with one-family dwellings, in proportion to the amount of land available. The RA zone is also intended to retain parcels large enough to support efficient and attractive development as urban uses expand in an orderly manner.

In addition, the RA zone accommodates residential developments oriented to an equestrian lifestyle. Such developments may include noncommercial stables, training areas, and equestrian trails as integral features of the community.

14.14.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Veterinarian Services - permitted subject to PCC 14.02.045(9).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

(4) *Keeping of Animals.* The following limitations on the keeping and maintenance of animals and fowl apply in the RA zone:

(a) *Horses.* No more than four horses are permitted per acre of land that is used exclusively for their care and keeping;

(b) *Bovine animals, sheep, or goats.* No more than two such animals are permitted per acre of land that is used exclusively for their care and keeping;

(c) *Poultry, rabbits, chinchillas, hamsters, and other small animals.* No more than twenty-five (25) such animals are permitted on the premises;

(d) *Animal kennels, boarding, breeding, training, and grooming.* No more than 10 small animals may be maintained on the premises of such facilities; and

(e) Nothing in this Section authorizes the keeping of animals capable of inflicting harm or endangering the health and safety of any person or property.

14.14.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.14.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 30 feet.

(2) Side yard – corner lots: 25 feet.

(3) Side yard – interior: 10 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 30 feet.

14.14.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(c) A building used to house animals or poultry may not be located within 100 feet of any dwelling.

(4) *Clear vision areas.* See PCC 14.50.090.

14.14.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any accessory building must be at least 20 feet from the principal structure.

14.14.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.14.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.14.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Flag Lots*. See Pcc.14.50.115.

Chapter 14.15
R1 - ONE-FAMILY RESIDENTIAL

Sections:

14.15.010 Purpose and Objectives.
14.15.020 Permitted Uses.
14.15.030 Lot Standards.
14.15.040 Yard/Setback Requirements.
14.15.050 Projections into Yards.
14.15 060 Building Height and Distance.
14.15.070 Parking, Loading, and Access.
14.15.080 Project Plan Approval.
14.15.090 Storage of Commercial Vehicles – Residential Zone.
14.15.100 Other Requirements.

14.15.010 Purpose and Objectives

The One-Family Residential (R1) Zone provides areas that promote an environment for family life by allowing one-family detached dwellings on individual lots within an open space setting. This Zone features attractively landscaped lots and open spaces, including lawns, shrubs, small orchards, and sustainable landscaping practices that promote water conservation and the use of native plant species.

14.15.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) Accessory Dwelling Units, subject to PCC 14.43.

14.15.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.15.040 Yard/Setback Requirements

The following minimum yard/setback requirements apply, with all required distances measured from the property line unless otherwise noted:

(1) Front yard: 14 feet, except as follows:

(a) Front-facing garages and carports: 20 feet behind sidewalk or curb.

(2) Side yard – corner lots: See PCC 14.15.040(1).

(3) Side yard – interior: 10 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

14.15.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses;

(iv) Not be closer to the front property line than the main building; and

(v) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Cover more than 10% of the entire lot area of the property;

(ii) Be less than three feet from any property line;

(iii) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(iv) Exceed 12 feet in height within 10 feet of a property line;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.15.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height, as measured at each building façade.

(2) Special exceptions. A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any accessory building must be at least six feet from the principal structure.

14.15.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) All parking spaces must have paved access from a public street.

(4) No parking space may be provided between the street and the main dwelling, except for driveway parking that complies with PCC 14.44.080(1)(c).

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

14.15.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.15.090 Storage of commercial vehicles — Residential zone.

A truck, motor vehicle, or commercial trailer that with a gross vehicle weighted rating (GVWR) exceeding 16,000 pounds may not be stored or parked on any lot or parcel in the zone. No contracting or earthmoving equipment may be stored or parked on any lot or parcel in the zone.

14.15.100 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs.* See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Flag Lots*. See Pcc.14.50.115.

Chapter 14.16
VLDR - VERY LOW DENSITY RESIDENTIAL ZONE

Sections:

14.16.010 Purpose and Objectives.
14.16.020 Permitted Uses.
14. 16.030 Lot Standards.
14.16.050 Yard/Setback Requirements.
14.16.060 Projections into Yards.
14.16.070 Building Height and Distance.

14.16.080 Parking, Loading, and Access.
14.16.080 Project Plan Approval.
14.16.090 Other Requirements.

14.16.010 Purpose and objectives

The Very Low Density Residential (VLDR) zone provides a residential environment characterized by sustainably landscaped one-family (detached or attached) and two-family residential lots and structures. The zone limits residential density to a level lower than the Low Density Residential (LDR) zone.

14.16.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Single-family Dwelling, attached (Townhome) – permitted, up to 6 units in one building.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) Accessory Dwelling Units, subject to PCC 14.43.

14.16.030 Lot standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.16.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 20 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are found to 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.

14.16.050 Projections into yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.16.060 Building Height and Distance

(1) No building or structure may exceed 30 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any building must be located at least 15 feet from any other building on the same parcel.

14.16.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.16.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.16.090 Other requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Multifamily Amenities.* Any new project of ten or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.17
LDR - LOW DENSITY RESIDENTIAL ZONE

Sections:

14.17.010 Purpose and Objectives.
14.17.020 Permitted Uses.
14.17.030 Lot Standards.
14.17.040 Yard/Setback Requirements.
14.17.050 Projections into Yards.
14.17.060 Building Height and Distance.
14.17.070 Parking, Loading, and Access.
14.17.080 Project Plan Approval.
14.17.090 Other Requirements.

14.17.010 Purpose and Objectives

The Low Density Residential (LDR) Zone provides a residential environment with attractively landscaped lots and one-family (detached or attached) and two-family dwellings. The LDR Zone allows a higher residential density than the R1 Zone while maintaining a residential character that is compatible with one-family housing. The zone promotes sustainable development practices, enhances walkability, and integrates green space and community amenities to improve residents' quality of life.

14.17.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Single-family Dwelling, attached (Townhome) – permitted, up to 6 units in one building.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) Accessory Dwelling Units, subject to PCC 14.43.

14.17.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.17.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 20 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are found to 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.

14.17.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.17.060 Building Height and Distance

(1) No building or structure may exceed 30 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any building must be located at least 15 feet from any other building on the same parcel.

14.17.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.17.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.17.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs.* See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.18
MDR - MEDIUM DENSITY RESIDENTIAL ZONE

Sections:

14.18.010 Purpose and Objectives.
14.18.020 Permitted Uses.
14.18.030 Lot Standards.
14.18.040 Yard/Setback Requirements.
14.18.050 Projections into Yards.
14.18.060 Building Height and Distance.
14.18.070 Parking, Loading, and Access.
14.18.080 Project Plan Approval.
14.18.090 Other Requirements.

14.18.010 Purpose and Objectives

The Medium Density Residential (MDR) Zone provides an environment for medium-density residential development. The zone is generally located near the City's central area or in areas where the General Plan identifies a need for multi-unit housing. The MDR Zone applies to areas with sufficient street and utility infrastructure to support the allowed density. Typical uses include three- and four-family dwellings, apartments, and baching apartments. The zone promotes sustainable development, enhances walkability, and integrates green space and community amenities to improve residents' quality of life.

14.18.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Single-family Dwelling, attached (Townhome)– permitted, up to 6 units in one building.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.18.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.18.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 20 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are found to 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.

14.18.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.18.060 Building Height and Distance

(1) No building or structure may exceed 45 feet in height.

(2) Accessory buildings may not exceed 12 feet in height.

(3) Any building in the LDR zone must be at least 15 feet from any other building on the same parcel.

14.18.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.18.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.18.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.19
HDR - HIGH DENSITY RESIDENTIAL ZONE

Sections:

14.19.010 Purpose and Objectives.
14.19.020 Permitted Uses.
14.19.030 Lot Standards.
14.19.040 Yard/Setback Requirements.
14.19.050 Projections into Yards.
14.19.060 Building Height and Distance.
14.19.070 Parking, Loading, and Access.
14.19.080 Project Plan Approval.
14.19.090 Other Requirements.

14.19.010 Purpose and Objectives

The High Density Residential (HDR) Zone provides for high-density residential development in areas such as downtown, near Brigham Young University, and in other designated high-density locations. The zone encourages redevelopment for residential use, particularly in areas with high property values where demolition of existing structures may occur.

Typical uses include apartments and condominiums. The HDR Zone promotes sustainable urban growth, enhances walkability, and supports a diverse housing stock that serves students, families, and professionals.

14.19.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.19.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.19.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet (maximum 20 feet).

(2) Side yard – corner lots: 10 feet (maximum 20 feet).

(3) Side yard – interior: 10 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are found to 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.

14.19.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend; and

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.* All accessory buildings must:

(a) Have a footprint and height less than the principal structure;

(b) Comply with applicable lot coverage standards;

(c) Be used only for permitted accessory uses; and

(d) Use architectural materials and colors similar to the principal structure.

(4) *Clear vision areas.* See PCC 14.50.090.

14.19.060 Building Height and Distance

(1) No building or structure may exceed 55 feet in height.

(2) Accessory buildings may not exceed 12 feet in height.

(3) Any building in the HDR zone must be at least 15 feet from any other building on the same parcel.

14.19.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.19.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.19.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.20
RM - RESIDENTIAL MANUFACTURED HOME PARK ZONE

Sections:

14.20.010 Purpose and Objectives.
14.20.020 Permitted Uses.
14.20.030 Lot Standards.
14.20.040 Yard/Setback Requirements.
14.20.050 Projections into Yards.
14.20.060 Building Height and Distance.
14.20.070 Parking, Loading, and Access.
14.20.080 Project Plan Approval.
14.20.090 Building Permits and Business License Required.
14.20.100 Minimum Development Standards.
14.20.110 Other Requirements.

14.20.120 Definitions.

14.20.010 Purpose and Objectives

The Residential Manufactured Home (RM) zone establishes a residential environment that primarily accommodates manufactured homes and modular housing units. Development may occur as manufactured home parks under single ownership and control or as subdivisions with multiple owners, provided the properties are governed by restrictive covenants.

This zone reflects the standards of five-star manufactured home parks and promotes high-quality residential development. Projects in the RM zone must include attractively landscaped units and amenities comparable to those in other residential developments.

The target residential density for this zone is approximately five to seven dwelling units per acre. These provisions support attractive and desirable living environments within Provo City's residential areas.

Properties in the RM zone must be located on, or have reasonable access to, arterial or collector streets that provide efficient freeway access. The City Engineer must review the proposed access, and the Planning Commission must approve it. The city may require a traffic study to determine whether a proposed location meets these criteria.

14.20.020 Permitted Uses

(1) Permitted Uses are found in PCC 14.08.

(2) *Exceptions*

(a) Residential Facility for Elderly Persons and for Persons with a Disability - permitted subject to PCC 14.50.140

(b) Communications - permitted subject to PCC 14.02.045(11)

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as carports, gardening sheds and similar structures which are customarily used in conjunction with a principal use or structure (and comply with the HUD Code); and

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.20.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.20.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property lines or lot, space, or site boundaries unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: 6 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 10 feet.

(6) Any yard – adjacent to public street: 20 feet.

14.20.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.* Accessory buildings:

(a) Are limited to one structure per lot, space or site;

(b) May not be taller than 12 feet in height;

(c) May not have a footprint larger than 200 square feet; and

(d) Must follow a uniform design provided by the manufactured home park owner.

14.20.060 Building Height and Distance

(1) No building or structure may exceed 15 feet in height.

(2) *Special exceptions.* Club houses may not exceed 35 feet in height.

(3) Any accessory building must be at least 6 feet from the principal structure.

14.20.070 Parking, Loading and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Each lot, space, or site in the RM zone must include a paved parking area on the same lot that complies with PCC 14.44.100. The parking area must be located within the buildable area or an interior side yard. The parking area may serve only one lot, space, or site and may not be located less than 10 feet from a parking area on an adjacent lot, space, or site.

(3) Visitor parking must be provided throughout the park at a rate of one space for every five units. Visitor parking must be distributed evenly throughout the park.

(4) Parking on the street is prohibited unless the street width exceeds 24 feet.

(5) In addition to the requirements in this section, the park or subdivision must provide space for the storage of recreational vehicles, boats, personal watercraft, snowmobiles, and similar vehicles. Storage must be provided at a rate of one space for every 10 dwelling units. The storage area must be fully enclosed by a six-foot masonry wall, opaque fence, or other screening material.

(6) A homeowner's association must provide for the perpetual maintenance of parking facilities.

(7) A manufactured home park must have at least two vehicle access points to public streets. One access point may be a controlled access if the Fire Department approves it.

14.20.080 Project Plan Approval

See PCC 15.03.300 and 15.03.310.

14.20.090 Building Permits and Business License Required

(1) A person must obtain a building permit from the City's Building Inspection Division before placing, constructing, or relocating a manufactured home, addition, or accessory building within a manufactured home park.

(2) The park owner must obtain a city business license before any home in the park may be occupied. The license must be renewed annually.

14.20.100 Minimum Development Standards.

All developments in the RM zone must comply with the standards and requirements of this chapter. The city will deny permits for any development, application, or use that does not comply with this chapter.

(1) *General Standards.*

(a) *Single ownership or control.* The area proposed for a manufactured home park must remain under single ownership or control during development to ensure full supervision and compliance with this chapter and with conditions imposed on the preliminary and final development plans. Agreements between individuals do not satisfy this requirement. Single ownership by individuals, partnerships, corporations, or other legally recognized entities satisfies this requirement. Cooperative ownership may satisfy this requirement if the Planning Commission verifies compliance with Utah Code and approves the ownership structure.

(b) *Design team.* Preliminary development plans must be prepared by a design team that includes a landscape architect and either an engineer or land surveyor. Each team member must hold a current license to practice in Utah.

(c) *Sensitive Lands.* Projects located in sensitive lands, high water table areas, or floodplains must comply with all applicable provisions of the Sensitive Lands and Floodplain chapters of the PCC and other applicable ordinances.

(d) *Homeowner's Association.* A homeowner's association must be formed, and restrictive covenants must be submitted to and approved by Provo City. The restrictive covenants must be recorded in the Utah County Recorder's Office before or simultaneously with recording the final plan.

(e) *Restrictive Covenants.* The restrictive covenants required by this subsection must:

(i) Include provisions addressing landscaping maintenance, parking restrictions, RV storage, home and yard maintenance, noise, and pet control;

(ii) Establish management procedures to correct noncompliance and allow the homeowners association to charge the homeowner a reasonable fee for corrective action;

(iii) Establish an Architectural Review Committee that reviews homes proposed for placement within the park to ensure compatibility in age, appearance, and style with other homes in the park;

(iv) Be approved by the Planning Commission or its designee; and

(v) Require prior notice to homeowners explaining any proposed amendment and prior approval from the City before the amendment becomes effective.

(f) *Towing hitches and wheels.* All wheels and towing hitches or devices must be removed from a manufactured or modular home before occupancy.

(g) *Compliance.*

(i) A manufactured home may not be placed in the park unless:

(A) The home complies with all applicable requirements of Utah Code; and

(B) At the time of placement, the home is reviewed for compliance with the park's restrictive covenants and approved by the Architectural Review Committee;

(ii) An existing home may not be removed solely because of its age if it otherwise complies with the restrictive covenants.

(2) *Fencing Standards.*

(a) *Fencing.* Fences that are seven feet or less in height do not require a building permit. Fences over seven feet in height require a building permit from the Building Inspection Division. A fence, wall, screen, hedge, or other material that functions as a fence may not create a sight-distance hazard for vehicular or pedestrian traffic, as determined by the City Traffic Engineer. Interior fencing, if permitted by park management, must comply with the restrictive covenants and must use consistent materials throughout the park.

(b) *Perimeter Wall.* A six-foot decorative masonry wall is required around the perimeter of a manufactured home park or subdivision where it fronts a public street. A decorative masonry wall, or an alternative six-foot fence approved by the Planning Commission, is required along the remaining perimeter. Where a park or subdivision fronts a public street, the wall must either be set back at least ten feet from the property line or match the setback required of the adjacent property with the largest required setback, whichever is greater. The setback area must be landscaped in accordance with PCC 14.20.110.

(c) *Grade Differences.* Where properties differ in grade on either side of a fence, wall, or similar structure, the fence height is measured from the natural grade of the property on which the fence is located.

(d) *Retaining Walls.* A retaining wall that protects cuts or fills differing from the natural grade along a property line may be topped by a fence, wall, or hedge up to the maximum height otherwise permitted at that location if no retaining wall existed.

(e) *Double Frontage Lots.* A fence or wall may be erected in the rear yard of a double frontage lot.

(f) *Exceptions.* This section does not apply to fences such as tennis court backstops or patio enclosures if Development Services approves them and they do not create a hazard or violate the PCC. Other exceptions require Planning Commission approval. Standards for barbed wire and similar fencing are located in PCC 9.14.020.

(3) *Entryways.*

(a) Entry masonry walls may not exceed six feet in height, except for lamps mounted on pillars, and must comply with PCC 14.50.090. Fence pillars may extend up to 18 inches above the maximum permitted fence height if the pillars are spaced at least six feet apart, measured face to face.

(b) Entrance treatments must include a monument sign or entrance wall sign that states the name and address of the park or subdivision. The sign may not exceed five feet in height or 32 square feet in area.

(c) Secondary entrances are required as provided in PCC 14.20.070.

(4) *Street Standards.*

(a) Streets must have a minimum width of 36 feet, including curbs and sidewalks.

(b) Streets must include standard (non-rolled) concrete curbs on both sides that are at least two feet wide and designed to prevent vehicles from traveling onto sidewalks except at designated driveways or ADA-required crossings.

(c) Streets must be paved in accordance with City street paving standards.

(5) *Sidewalk Standards.* Sidewalks must be at least six feet wide on both sides of all streets. The development may also include an additional pedestrian circulation system.

(6) *Street Lighting Standards.* Streets must be lighted in accordance with the requirements of the City Energy Department.

(7) *Administrative Office.* Each manufactured home park must include a permanent office and community center building. The building may include a single-family dwelling for the owner or manager. The building must provide adequate space for gatherings and recreational activities sufficient to accommodate at least 20% of park residents.

(8) *Laundry Facilities.* Each manufactured home park or subdivision must provide one or more laundry rooms equipped with automatic washers and dryers unless each home includes its own laundry fixtures.

(9) *Manufactured Home Skirting.* Skirting must fully enclose the open area beneath each home. The materials must be durable, compatible with the exterior finish of the home, and professionally installed.

(10) *Utilities.* All utility distribution facilities, including electrical and television service, must be located underground. Transformers, terminal boxes, meter cabinets, pedestals, and similar equipment may be placed above ground. Each site or lot must be served by water, gas, electricity, and sewer.

(11) *Porches, Decks, and Landings.* Porches and landings located in front of doorways must be covered by an awning that is architecturally compatible and professionally installed. This requirement applies to all structures more than 24 inches in height except decks or similar structures that are detached from the main home by at least three feet. A porch, deck, or landing located at the main entrance must be at least eight feet by 14 feet and must be fully covered by the required awning.

(12) *Park Management.*

(a) The holder of a business license for a manufactured home park must operate the park in compliance with this Title, maintain facilities and equipment in good repair, and keep the park clean and sanitary.

(b) Park management must notify occupants of applicable PCC provisions and restrictive covenants recorded with the Utah County Recorder.

(c) Park management must supervise the placement of each home, including ensuring proper stability and utility connections.

(d) Park management must ensure that a building permit is obtained before a home is placed or relocated within the park.

(e) Park management must maintain a register of all occupants and make the register available for inspection by authorized City officials.

(f) At least one member of park management must reside within the park.

(g) If a tenant fails to maintain property in compliance with restrictive covenants or park rules, park management must bring the property into compliance after providing 14 days' notice to the tenant. Park management may charge the tenant a reasonable fee for the work performed.

14.20.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

14.20.120 Definitions

As used in this Chapter, the terms in this Section mean the following:

"Awning" means a shade structure supported by posts or columns and partially supported by a home that is installed, erected, or used on a lot. An awning must be architecturally compatible with the main home in color and style and must be professionally installed. See PCC 14.20.100.

"Community Building" means a permanent building that provides management offices, indoor recreation areas, toilet facilities, laundry facilities, and other shared facilities for occupants of a manufactured home park.

"Decorative Masonry Walls" means a wall constructed of brick or concrete block with decorative styles such as split face, scored, fluted, combed, or hi-lite projection shadow block. The wall must include patterns or textures that vary in style. A plain gray cinder block wall is not permitted unless decorative blocks are used in sufficient number to create a pattern and the Planning Commission approves the design. If the Planning Commission requires the wall to be painted, the paint must resist graffiti or allow graffiti to be removed easily.

"Fence" means a barrier such as latticework, screen, wall, hedge, or continuous growth of shrubs or trees that prevents or restricts passage or view across a property line. Fences must be architecturally compatible and must comply with restrictive covenants.

"Manufactured Home" means a transportable factory-built housing unit constructed on or after June 15, 1976, as defined in Utah Code Annotated Title 58, Chapter 56, as amended. For purposes of this chapter, *mobile home* and *manufactured home* have the same meaning.

"Mobile Home" See "Manufactured Home."

"Permit" means an official written document issued by the Building Inspection Division that authorizes a specific activity.

"Skirting" means a continuation of the exterior facing material of the home, or decorative masonry, block, brick, or vinyl material that is architecturally compatible with the home and professionally installed to enclose the open area beneath the home.

Chapter 14.21
CR - CAMPUS RESIDENTIAL ZONE

Sections:

14.21.010 Purpose and Objectives.
14.21.020 Permitted Uses.
14.21.030 Lot Standards.
14.21.040 Yard/Setback Requirements.
14.21.050 Projections into Yards.
14.21.060 Building Height and Distance.
14.21.070 Parking, Loading, and Access.
14.21.080 Project Plan Approval
14.21.090 Other Requirements.

14.21.010 Purpose and Objectives

The Campus Residential (CR) zone encourages high-density housing and provides the option for a mix of residential and commercial uses near Brigham Young University. The permitted densities are intended to support redevelopment of land for residential uses where property values are high and demolition is necessary. Typical permitted uses in this zone include apartments, baching apartments, and condominiums. Ground-floor neighborhood commercial services are also allowed for the convenience of area residents.

14.21.020 Permitted Uses

(1) Permitted Uses are found in PCC 14.08

(2) *Exceptions*

(a) Baching Apartments – permitted up to six singles per unit.

(b) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(c) Communications - permitted subject to PCC 14.02.045(11).

(d) Nonresidential uses identified in PCC 14.08 are permitted only as part of a mixed-use development and must be ancillary to the residential uses in the same building.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.21.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.21.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front Yard:

(a) Residential frontage: 10 feet minimum, 20 feet maximum.

(b) Commercial frontage: 5 feet minimum, 20 feet maximum.

(2) Side Yard – corner lots:

(a) Residential frontage: 10 feet minimum, 20 feet maximum.

(b) Commercial frontage: 5 feet minimum, 20 feet maximum.

(3) Side yard – interior: 10 feet

(4) Side Yard – driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet

(6) 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 complies with the International Building Code and the Fire Code.

14.21.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.* Accessory buildings may only be located in the rear yard and may not:

(a) Be closer than five feet to an interior side or rear lot line;

(b) Be located closer to the side street than the principal structure on a corner lot; and

(c) Exceed 12 feet in height, measured to the mid-point of a sloped roof.

(4) *Clear vision areas.* See PCC 14.50.090.

14.21.060 Building Height and Distance

(1) No building or structure may exceed 75 feet in height.

(2) The main floor elevation may not be more than 30 inches above the lowest adjacent street curb elevation.

(3) Any building must be at least 15 feet from any other building on the same parcel, except accessory buildings, which must be at least six feet from the principal structure and 15 feet from any other building.

14.21.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.21.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.21.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs.* See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.220. Landscaping within required setbacks does not count toward meeting the landscaping requirement for this zone.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.22
MU/NMU - MIXED-USE ZONES

Sections:

14.22.010 Purpose and Objectives.
14.22.020 Permitted Uses.
14.22.030 Lot Standards.
14.22.040 Yard/Setback Requirements.
14.22.050 Projections into Yards.
14.22.060 Building Height and Distance.
14.22.070 Parking, Loading, and Access.
14.22.080 Project Plan Approval.
14.22.090 Minimum Residential Unit Size.
14.22.100 Minimum Habitable Main Floor Depth.

14.22.110 Other Requirements.

14.22.010 Purpose and Objectives

Mixed-use development combines two or more types of land use into a building or group of buildings that are physically and functionally integrated and mutually supporting. This may include residential, commercial, office, institutional, or other land uses. Mixed-use areas often include a main street or downtown corridor, an activity center, or a commercial corridor within a neighborhood or district.

Mixed-use zones are intended for areas designated as “mixed-use” in neighborhood plans or the General Plan. These zones are intended to be located along collector or arterial roads and not in areas where they would significantly impact single-family neighborhoods.

For purposes of consolidation, the requirements for the Mixed-Use (MU) zone and the Neighborhood Mixed-Use (NMU) zone are combined into this Chapter. The purpose of each zone is as follows:

(1) *Mixed-Use (MU) Zone.* The MU zone provides high-quality urban development that is pedestrian-friendly and complementary to the surrounding area. The permitted uses and development standards encourage redevelopment of land to provide a mix of residential and commercial uses where property values are high and demolition is viable. Uses in this zone should not compete with the Downtown Zone but may provide similar types of uses incorporated into the design.

(2) *Neighborhood Mixed-Use (NMU) Zone.* The NMU zone provides a neighborhood center that respects the single-family residential character and offers a range of uses. The permitted uses and development standards encourage redevelopment of land to provide a mix of residential and commercial uses where property values are high and demolition is viable. Uses in this zone should not compete with Downtown or a shopping center but may provide neighborhood-scale support uses, incorporated into a mixed-use design.

(3) *Definition of Mixed-Use Zones.* For purposes of this Chapter, “Mixed-Use zones” refers only to the MU and NMU zones and does not include other zones described as mixed-use in other chapters of the PCC.

14.22.020 Permitted Uses

(1) *Permitted Principal Uses.* The following principal uses listed in Table 14.22.020-1, and no others, are permitted in the Mixed-Use zones:

Table 14.22.020-1. Permitted Uses in Mixed-Use Zones

Key: P = Permitted, C = Conditional, N = Not Permitted			
Uses	**MU**	**NMU**	**Standards/Additional Info**
The following uses are permitted in the Mixed-Use zones:			
Apartments or condominiums with a commercial component included (commercial area must be at least 1,000 square feet OR 10% of the gross residential floor area, whichever is greater)	P	P	
Assisted living facilities	P	P	Subject to the standards of PCC 14.50.140
Live-work dwelling units	P	P	
One-family dwelling – attached (townhomes), not to exceed seven (7) units	P	P	Not to exceed four (4) units in NMU
Police protection and related services, branch (office only)	P	P	
Residential facilities for the elderly or disabled	P	P	Subject to the standards of PCC 14.50.140
Religious activities	P	P	
Utility right-of-way	P	P	
The following residential uses are permitted in the Mixed-Use zones only when the building, or a portion of the building, is adjacent to property in a single-family residential zone:			
One-family dwelling – detached	N	P	

Key: P = Permitted, C = Conditional, N = Not Permitted			
Uses	**MU**	**NMU**	**Standards/Additional Info**
Two-family dwelling	N	P	
The following commercial uses are permitted only as part of a mixed-use development within the same building:			
Arts and cultural activities	P	P	
Banks	P	P	No drive-thru in NMU
Bed and breakfast	N	C	Subject to the standards of PCC 14.02.045(1)
Day care services	C	C	Subject to the standards of PCC 14.02.045(7)
Eating places, restaurants	P	P	No drive-thru in NMU
General retail	P	P	
Medical clinic	P	N	
Personal services (excluding funeral parlors, cemeteries, and crematories)	P	P	
Pharmacy	P	P	
Postal services	P	P	
Professional office	P	P	
Recreational activities	P	P	

Key: P = Permitted, C = Conditional, N = Not Permitted			
Uses	**MU**	**NMU**	**Standards/Additional Info**
Variety stores	P	P	

(2) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.22.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.22.040 Yard/Setback Requirements

(1) The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(2) *Courtyards.* Courtyards in front or street side yards may extend beyond maximum

Yard Type	MU – Minimum	MU – Maximum	NMU – Minimum	NMU – Maximum
Front yard	0 feet	10 feet	10 feet	20 feet
Side yard, corner lot	0 feet	10 feet	10 feet	20 feet
Side yard, interior – One-family detached	N/A	N/A	10 feet	No maximum
Side yard, interior – All other buildings	No minimum	10 feet	No requirement	10 feet
Rear yard	20 feet	No maximum	20 feet	No maximum
Driveway access	16 feet	30 feet	10 feet	24 feet

setback limits if recommended by the Design Review Committee. The approving body must make the following findings before allowing an extension:

(a) The proposed courtyard serves a legitimate public purpose;

(b) The design of the courtyard enhances the public realm and will reasonably attract daily activity;

(c) The courtyard is not raised more than two feet above the street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

14.22.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(3) In the MU zone only, balconies may project up to five feet into the street right-of-way if a minimum of 10 feet of vertical clearance is maintained between the sidewalk and the balcony.

(4) *Clear vision areas.* See PCC 14.50.090.

14.22.060 Building Height and Distance

(1) Buildings in the Mixed-Use zones must comply with the minimum and maximum requirements listed in Table 14.22.060-1.

Table 14.22.060-1. Building Height

Standard	**MU**	**NMU**
Total maximum building height	65 feet	38 feet
Minimum number of building stories	2 stories	2 stories
Maximum number of stories if property is adjacent to R1 or RC zones, or the building is within 50 feet of the zone boundary	2 stories	2 stories
Maximum number of stories for all other buildings	5 stories	3 stories

Standard	MU	NMU
Maximum parapet/cornice height	5 feet	5 feet
Minimum first story height for commercial uses	14 feet floor to ceiling	14 feet floor to ceiling
Maximum first story height	20 feet floor to ceiling	20 feet floor to ceiling
Maximum main floor elevation	30 inches above lowest adjacent curb elevation	30 inches above lowest adjacent curb elevation

(2) *Mechanical equipment.* Roof-mounted mechanical equipment is permitted only if it is completely screened behind an architectural feature of the primary structure.

(3) *Exceptions.* See PCC 14.50.080, Height Limitations – Exceptions, for additional requirements.

(4) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(5) Any accessory building must be at least six feet from the principal structure.

14.22.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking must be located behind the main building. Parking is not permitted between the building and the street.

(4) At-grade parking must be wrapped by habitable space, except at parking entrance and exit points.

14.22.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.22.090 Minimum Residential Unit Size

(1) Each development that includes a residential use must provide a minimum unit size of 500 square feet. This requirement does not apply to institutional housing units, such as elderly housing or assisted living facilities.

14.22.100 Minimum Habitable Main Floor Depth

(1) Each structure in the Mixed-Use zones that fronts a public street must provide a minimum habitable main floor depth of 30 feet along the entire street frontage, except along permitted corner side yards and driveway approaches.

(2) Notwithstanding PCC 14.44, a property on a corner lot that abuts two primary streets may have driveway access from one primary street frontage, subject to approval by the City Engineer.

14.22.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code, as adopted by the Provo Municipal Council (the IBC), apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Amenities.* In any new project with 20 or more residential units, an area equal to at least 10% of the gross lot area must be developed in accordance with PCC 14.50.220. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Uses Within Buildings.*

(a) All uses in the Mixed-Use zones must be conducted entirely within a fully enclosed building, except for swimming pools and uses the Planning Commission determines, by issuance of a conditional use permit, are customarily and appropriately conducted outdoors.

(b) Uses that may be customarily conducted outdoors include, but are not limited to, public assembly and live entertainment.

(c) Open storage visible from a public street or space is prohibited.

(8) *Residential and Mixed-Use Design Standards.* See PCC 14.50.170.

Chapter 14.23

TOD - TRANSIT ORIENTED DEVELOPMENT ZONE

Sections:

14.23.010 Purpose and Objectives.
14.23.015 Regulating Plan and Districts Established.
14.23.020 Permitted Uses.
14.23.030 Lot Standards.
14.23.040 Yard/Setback Requirements.
14.23.050 Projections into Yards.
14.23.060 Building Height and Distance.
14.23.070 Parking, Loading, and Access.
14.23.080 Project Plan Approval.
14.23.090 Block Standards.
14.23.100 Minimum Habitable Main Floor Depth
14.23.110 Minimum and Average Residential Unit Size
14.23.120 Architectural Standards
14.23.130 Other Requirements

14.23.010 Purpose and Objectives

This Chapter promotes health, safety, and general welfare within the Transit Oriented Development (TOD) zone of Provo City. The purposes include protecting the environment; conserving land, energy, and natural resources; reducing vehicular congestion; using public funds efficiently; supporting the health benefits of a pedestrian environment; preserving natural features; supporting education and recreation; reducing sprawl; protecting property rights and values; and improving the built environment.

The Provo City General Plan outlines principles, goals, and benefits that this Chapter is intended to implement. The TOD zone is established to accomplish the following goals and objectives of the General Plan:

(1) Strive for development that will create places for individuals, families, businesses, and institutions to thrive;

(2) Strive to make Provo a desirable and attainable place to live by providing and maintaining a mix of housing for residents in all walks of life;

(3) Strive for a resilient and vibrant economy that supports good jobs and a high quality of life for city residents;

(4) Promote a connected network of streets, lanes, trails, routes, and tracks that efficiently moves people, goods, and services through the city by a variety of means; and

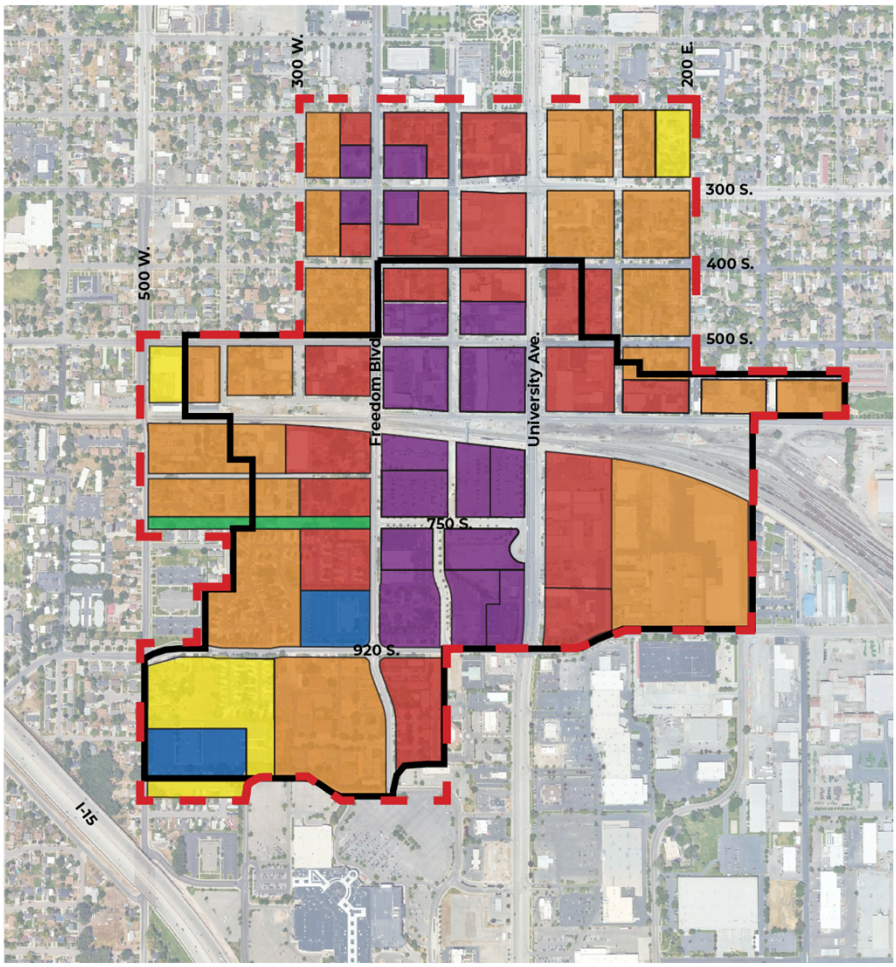
(5) Promote a high quality of life for Provo residents by facilitating a safe city where citizens have reasonable access to basic public services.

14.23.015 TOD Districts

(1) *Districts.* The TOD zone is organized into six (6) districts.

(a) The TOD districts defined in this Chapter are generally sequential in intensity and density and reflect a range of responses to natural, urban, and suburban conditions. The design of each development component must be appropriate to its district:

(b) The districts within the TOD Zone located around the Provo FrontRunner Station Area are as follows:



TOD DISTRICTS

- CORE
- URBAN VILLAGE
- EDGE
- EXISTING TOD ZONE BOUNDARIES
- NEIGHBORHOOD
- SPECIAL
- OPEN SPACE
- PROPOSED TOD ZONE BOUNDARIES

(2) *District Definitions*

(a) Core (C)

(i) The Core District provides locations for increased commercial intensity. It is located at major intersections and transit stations, serving as a clustered hub for commercial activity and community gathering. The Core District is intended to have the highest intensity and activity in the area.

(ii) The Core District is a mixed-use area characterized by high-intensity commercial development. It may include retail shops, professional offices, and research and development adjacent to major nodes. Open space in the form of urban plazas, squares, and greens is common. Core Districts are typically located within pedestrian sheds, along major arterials, or adjacent to a main civic space.

(b) Urban Village (UV)

(i) The Urban Village District is the business, service, and institutional center shared by neighborhoods. It straddles thoroughfares at active intersections and serves as the seam between neighborhoods, within walking distance of a large residential area.

(ii) The Urban Village District is a high-intensity mixed-use area that may include mid- to high-density residential units adjacent to townhouses. Retail shops and professional offices are common near major nodes. Open space in the form of plazas, greens, and playgrounds is typical. Urban Village Districts are generally located within pedestrian sheds, along major thoroughfares, or adjacent to a main civic space.

(c) Edge (E)

(i) The Edge District is a dense, multi-functional section of a neighborhood, centrally located within walking distance of surrounding residential areas.

(ii) The Edge District is a moderate-intensity area that may include single-use and some mixed-use development. It is characterized mainly by residential units with home businesses, corner shops, and small amounts of retail or office uses. Dwelling types may include townhouses, duplexes, and small single-family houses. Open space in the form of greens or playgrounds is common.

(d) Neighborhood (N)

(i) The Neighborhood District is principally residential and serves as a transition into adjacent residential zones..

(ii) The Neighborhood District is a low-intensity, primarily single-use area characterized mainly by residential development, with a variety of home occupations permitted. Dwelling types typically include twin homes and single-family houses. Open space in the form of greens or playgrounds is common.

(e) Special (S)

(i) The Special District is designated for unique cultural establishments and civic buildings that do not conform to standard development patterns. Uses may include museums, theaters, libraries, and other civic institutions that serve as cultural and community landmarks.

(ii) The Special District enhances the cultural fabric of the area by providing central spaces for gatherings, events, and activities. These districts are strategically located for accessibility and prominence, often near major transit hubs or within pedestrian-friendly zones.

(f) Open Space (O)

(i) The Open Space District is dedicated to creating and preserving pocket parks, plazas, and other open amenities that enhance livability and community character. This district provides essential green spaces for recreation, relaxation, and community interaction.

(ii) Open Space Districts provide residents and visitors accessible and attractive outdoor environments, contributing to the overall aesthetic and ecological health of the community and are often integrated into the urban fabric, offering natural respite within the built environment.

14.23.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Mobile Home Parks – permitted if built and occupied before December 1, 2025.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.23.030 Lot Standards

(1) *Lot Area.*

District	Minimum Lot Area
Core (C)	20,000 sq. ft.
Urban Village (UV)	10,000 sq. ft.
Edge (E)	10,000 sq. ft.
Neighborhood (N)	8,000 sq. ft.
Special (S)	Not applicable
Open Space (OS)	Not applicable

(2) *Lot Width.*

District	Minimum Lot Width
Core (C)	100 feet
Urban Village (UV)	90 feet
Edge (E)	60 feet
Neighborhood (N)	80 feet
Special (S)	Not applicable
Open Space (OS)	Not applicable

(3) *Lot Frontage.*

District	Minimum Lot Frontage
Core (C)	100 feet
Urban Village (UV)	90 feet
Edge (E)	60 feet
Neighborhood (N)	80 feet
Special (S)	Not applicable
Open Space (OS)	Not applicable

(4) *Lot Coverage.* There is no lot coverage requirement in the TOD zone, except as needed to accommodate required off-street parking.

14.23.040 Yard/Setback Requirements

The following minimum yard/setback requirements apply, with all required distances measured from the property line unless otherwise noted:

(1) *Front yard.*

District	Minimum	Maximum
Core (C)	—	6 feet
Urban Village (UV)	—	6 feet
Edge (E)	5 feet	14 feet
Neighborhood (N)	10 feet	20 feet
Special (S)	—	6 feet
Open Space (OS)	—	6 feet

(2) *Side yard.*

District	Minimum	Maximum
Core (C)	—	10 feet
Urban Village (UV)	—	10 feet
Edge (E)	—	10 feet
Neighborhood (N)	5 feet	10 feet
Special (S)	—	10 feet
Open Space (OS)	—	10 feet

(a) *Side Yard - corner lots.* On a corner lot, the side yard contiguous to the street must meet the same standards as a *front yard*. This area may not be used for vehicular parking, except for driveways providing access to a garage or carport.

(b) *Side Yard - driveways.* See PCC 14.44.100 for side yard driveway requirements.

(c) *Exception.* If a development cannot provide vehicular access from a rear yard, alley, easement, or other right-of-way, a side yard may be increased to 20 feet.

(3) *Rear Yard.* No requirement.

(4) *Noise buffer setbacks.* Street side yards may be extended beyond the maximum setback when property is located within 100 feet of a railroad track. In approving an increased setback, the Planning Commission must find, that the design of the area within the increased setback enhances the public realm and is necessary to mitigate sound impacts from adjacent railroad tracks.

(5) *Landscaped buffer.* Buildings in the TOD zone located adjacent to property in a single-family residential zone must provide a 20-foot landscaped buffer along the adjacent property line(s).

(6) *Courtyards.* Front or street side yards may extend beyond maximum setback limitations for a public space if all the following standards are met:

(a) The courtyard serves a legitimate public purpose;

(b) The courtyard design enhances the public realm and will reasonably attract daily activity, not only special events;

(c) The courtyard is not raised more than two feet above street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

(7) *Valet drive.* A driveway access for hotels and theaters is permitted within the required yards for vehicular access and valet services if the following standards are met:

(a) Traffic must be one-way;

(b) Parking is not permitted within the courtyard;

(c) Driveways may be no wider than 20 feet;

(d) The outside radius of the driveway may be no greater than 40 feet; and

(e) The space between ingress and egress driveways must be landscaped.

14.23.050 Projections into Yards

(1) *General Projections.* The following projections and structures are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.23.060 Building Height and Distance

(1) *General standards.*

(a) Building height is measured in number of stories, excluding basement areas.

(b) Each building must contain at least two stories.

(c) Each story in the TOD zone may not exceed 14 feet in height, except that first-story commercial space may be up to 20 feet.

(d) Parapet walls and cornices may not exceed 5 feet, except as provided in PCC 14.50.080 or to screen necessary mechanical equipment.

(e) Residential main floor levels may not be more than 6 feet above the street curb elevation.

(f) Commercial main floor levels may not be more than 1 foot above the street curb elevation.

(g) Mechanical equipment must be screened. Screening must be the minimum necessary to fully screen the equipment. Mechanical equipment must be set back so that the screening is not visible from the pedestrian street view, where possible.

(2) *Maximum stories by district.*

District	Maximum Building Height
Core (C)	10 stories
Urban Village (UV)	8 stories
Edge (E)	5 stories
Neighborhood (N)	3 stories
Special (S)	Not applicable
Open Space (OS)	2 stories

(3) *Transitional building height.* The maximum building height for structures in the TOD zone located within 100 feet of, or directly across the street from, a residential zone is three stories, not to exceed 40 feet.

(4) *Distance between buildings.* No requirement except as regulated by the provisions of the adopted version of the International Building Code.

14.23.070 Parking, Loading, and Access

1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Each lot or parcel in the TOD zone must provide at least seventy-five percent of the off-street parking required by PCC 14.44

14.23.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.23.090 Block Standards

(1) *Block standards.*

(a) The following standards apply to all blocks in the TOD zone, regardless of district:

Block Type	Length – Minimum	Length – Maximum	Width – Minimum	Width – Maximum
Square or rectangle	150 feet	400 feet	150 feet	500 feet
Irregular	100 feet	500 feet (average of two longest sides)	100 feet	500 feet (average of two longest sides)

(b) *Pedestrian access.* A block with a length or width greater than 200 feet must include a interior pedestrian accessway so that no point along a block face is more than 200 feet from a pedestrian connection.

(i) Pedestrian accessways must be a minimum ten-foot-wide paved pathway; and

(ii) Provide landscaping in compliance with PCC 15.20 for unpaved areas.

(2) *Interior Parcels.* Parcels not bordered on all four sides by streets, and therefore not considered blocks, must include pedestrian passageways at strategic locations to provide access to community amenities and support walkability.

14.23.100 Minimum Habitable Main Floor Depth

(1) Each structure in the TOD zone along a primary street must provide a minimum habitable main floor depth of 30 feet along the entire frontage line, excluding permitted yards and driveway approaches.

(2) Each structure in the TOD zone along a secondary street must provide a minimum habitable main floor depth of 25 feet along the entire frontage line, excluding permitted yards and driveway approaches.

(3) For purposes of this section, *primary streets* are University Avenue, Freedom Boulevard (200 West), 100 West, and 600 South. All other streets are designated as *secondary streets.*

14.23.110 Minimum and Average Residential Unit Size

(1) Each structure with a residential use must provide a minimum unit size of 500 square feet and an average unit size of at least 800 square feet.

(2) This section does not apply to institutional housing units, such as elderly housing or assisted living facilities.

14.23.120 Architectural Standards

(1) Community Identity

(a) *Unified design.* Development in the TOD zone must be physically unified by common design features, including a coherent variety of building mass and style, roof types, façade

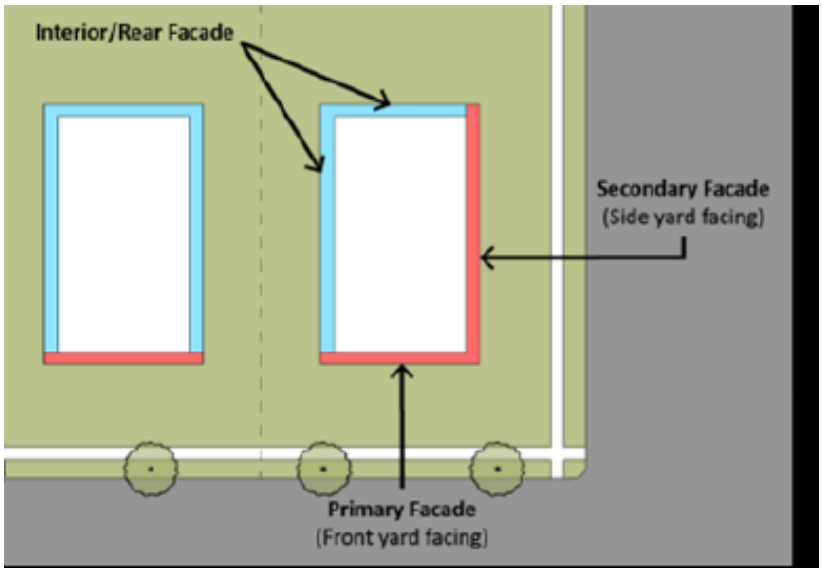
treatments, scale, architectural elements, quality of materials, attention to detail, and a coordinated array of colors. The relationship of these features to public spaces and streets must establish an authentic sense of place.

(b) *Mixed-use character.* The mixed-use character of a neighborhood introduces a variety of building types. These types must be harmonious, though not uniform.

(c) *Prohibited motifs.* Historical or period design motifs that are not representative of the local area or that conflict with the standards below are prohibited.

(2) Architectural Massing

(a) *Wall articulation.* Requirements are determined by façade type. The following graphic defines each façade type:



(b) *Wall Breaks on Primary and Secondary Façades*. Walls longer than 30 feet along a primary or secondary façade must include a wall break, such as an architectural recess or protrusion, balcony, patio, or other form of articulation. Wall breaks must extend or be recessed at least three feet from the primary or secondary façade.

(i) All stories of primary or secondary street-facing façades must be articulated or otherwise designed to the above standard.

(ii) Internal and rear façades are not required to include wall breaks. However, they must incorporate windows or openings that establish a rhythm consistent with the fenestration of the primary and secondary façades and that allow daylight into all sides of the building. Windows, doors, decorative features, and architectural openings or projections may be used to reduce blank wall areas. Blank wall sections

may not exceed 50 linear feet on rear or internal façades, or 20 linear feet on primary or secondary façades.

(3) Materials

(a) *Primary materials.* The following materials may be used as predominant façade materials: stone, brick, timber or wood (not plywood), shingle siding (not vinyl), lap siding (not vinyl), board and batten siding (not vinyl), ceramic tile, and glass.

(b) *Accent materials.* The following materials may be used as accents only and may not exceed 30 percent of any façade: concrete, metal, stucco, and fiber cement.

(4) Residential Design Standards

(a) Materials on façades must reinforce the logical expression of the structure.

(b) Load-bearing materials, such as brick or stone, must extend to the ground.

(c) Front-loaded garages are not permitted for multifamily buildings.

(d) Windows must be vertically proportioned.

(e) Double-height entrances are not permitted.

(f) *Balconies.* Balconies with a minimum area of 50 square feet must be provided for at least 50 percent of all residential units. Balconies may be inset into the building or project outward. Balconies facing a side or rear yard must maintain a minimum setback of 10 feet from the face of the balcony to the adjacent property line.

(5) Non-Residential Design Standards

(a) *Building massing.*

(i) Two- and three-story building masses along the street must create a street wall that frames the streetscape.

(ii) Building mass must be designed to provide a pedestrian-scale environment with articulation of building mass, openings, and materials.

(iii) Load-bearing materials, such as brick or stone, must extend to the ground.

(b) *Roof form.*

(i) Predominant roof shapes must be slightly pitched with gable ends where appropriate. Flat roof elements may be used sparingly to provide façade variation and visual interest.

(ii) Roof pitches must range between 4:12 and 8:12 on buildings three stories or less, building over three stories may use flat roofs.

(iii) Moderate overhangs up to three feet may be supported by substantial dimensional timber corbels that define the building's upper edge.

(c) *Arcades and storefront structural bays.*

(i) Structural bays must consist of vertically oriented piers and horizontal spandrels with storefront windows between them.

(ii) Ground-floor storefronts must differ significantly from upper-story façades and provide windows scaled and oriented for pedestrian interest. Similar treatments may extend upward to unify the façade.

(iii) Arcades are encouraged as semi-public spaces between the street and storefronts, providing pedestrian weather protection.

(iv) Multiple storefronts with separate windows may be combined within a single façade expanse if they share a consistent architectural style. A single façade expanse cannot exceed 120 feet in length.

(d) *Entrances.* One primary entrance door must be provided for every 50 feet of building frontage.

(e) *Transparency (glazing).*

(i) Ground floor building facades along primary streets, as defined in PCC 14.23.100(3), must consist of at least 50 percent transparent glass.

(ii) Ground floor building facades along secondary streets must consist of at least 40 percent transparent glass.

(f) *Sound attenuation.* All new buildings located within 100 feet of a railroad right-of-way must incorporate sound and vibration attenuation in their design and materials. Applicants must provide documentation from an acoustical engineer confirming that best practices for sound and vibration attenuation have been applied.

(g) *Stairs.* Stairs providing access to commercial ground-floor uses may not project into a public right-of-way and may not be located along a primary or secondary street frontage.

14.23.130 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(5) *Amenities.* In any new project consisting of twenty (20) or more residential units, an area equivalent to 10% of the residential gross floor area must be developed in accordance with the requirements of PCC 14.50.220. Landscaping within required setbacks does not count toward meeting this requirement.

(6) *Residential Mixed-Use Requirements.* At least 50% of the square footage of any new principal building, and fifty percent of any building addition greater than 5,000 square feet, must consist of residential dwelling units.

Chapter 14.24
CG - GENERAL COMMERCIAL ZONE

Sections:

14.24.010 Purpose and Objectives.
14.24.020 Permitted Uses.
14.24.030 Lot Standards.
14.24.040 Yard/Setback Requirements.
14.24.050 Projections into Yards.
14.24.060 Building Height and Distance.
14.24.070 Parking, Loading, and Access.
14.24.080 Project Plan Approval.
14.24.090 Other Requirements.

14.24.010 Purpose and Objectives

The General Commercial (CG) zone establishes a district primarily for commercial uses located outside the central core of the City and outside integrated shopping centers. The CG zone does not promote or establish new areas of strip commercial development that conflict with sound planning principles.

The city may apply the CG zone to vacant land for new construction only when integrated shopping center development is not practical or desirable because of size, shape, topography, or other similar site constraints. The location of the CG zone must be near major roadways to provide convenient access for large traffic volumes without creating hazards or requiring travel through residential neighborhoods. The CG zone may not be applied to the interior of residential neighborhoods. The CG zone may also be applied to existing commercial areas that have varied characteristics. The provisions of this zone are intended to improve integrity and

aesthetics as these areas are redeveloped, expanded, or improved. Applicants must pursue integrated and coordinated landscaping, parking, access, signage, and building design through the project plan approval process.

New construction must be compatible with surrounding commercial and residential development. Typical uses in this zone include a wide range of retail stores, shops, services, and offices. The zone may also include existing offices, heavy commercial uses, and institutional uses. The intent of the CG zone is to accommodate a mixture of compatible uses.

14.24.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it; and

(c) A caretaker dwelling, subject to PCC 14.50.130.

14.24.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.24.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front Yard: 10 feet.

(2) Side Yard: No requirement, except as follows:

(a) Side Yard – adjacent to residential zone: 10 feet.

(b) Side Yard - corner lots: 10 feet.

(c) Side Yard – driveway: See PCC 14.44.100;

(d) Side Yard - Accessory Building: No requirement if all the following conditions are met:

(i) The accessory building has no openings on the wall that is contiguous to the property line, and the wall adjacent to the property line has a four-hour fire-retardant rating; and

(ii) The accessory building includes facilities that discharge all roof drainage onto the lot or parcel where it is located.

(3) Rear Yard: No requirement.

14.24.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(c) Carports and loading docks may be located in a side yard or rear yard if the structure:

(i) Is no more than one story in height; and

(ii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Clear vision areas.* See PCC 14.50.090.

14.24.060 Building Height and Distance

In the CG zone, the height of every building or structure must comply with the most recent edition of the International Building Code, as adopted by the Municipal Council.

14.24.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be provided within a required front yard or in a required side yard adjacent to a public street.

14.24.080 Project Plan Approval

See PCC 15.03.300 and 15.03.310.

14.24.090 Other Requirements

1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses within buildings.* All uses in the CG zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples include service stations, ice skating, miniature golf, and plant nurseries.

(7) *Remodeling in existing CG zones.* If remodeling enlarges the exterior of a building in the CG zone, the landscaping requirements in Subsection (3) apply, except where they conflict with parking requirements, are incompatible with the design of existing buildings, or impair ingress or egress to existing buildings or parking areas.

(8) *Transitional development standards.* Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

Chapter 14.25
SC1 - NEIGHBORHOOD SHOPPING CENTER ZONE

Sections:

14.25.010 Purpose and Objectives.
14.25.020 Permitted Uses.
14.25.025 Single Ownership and Control.
14.25.030 Lot Standards.
14.25.040 Yard/Setback Requirements.
14.25.050 Projections into Yards.
14.25.060 Building Height and Distance.
14.25.070 Parking, Loading, and Access.
14.25.080 Project Plan Approval.
14.25.090 Other Requirements.

14.25.010 Purpose and Objectives

The Neighborhood Shopping Center (SC1) zone provides an area where the primary use of land is for commercial and service uses that serve the daily convenience needs of the surrounding residential neighborhood. The zone is intended to be located on the fringe of neighborhood areas, along a collector or arterial street, and integrated into the residential structure of the neighborhood in a way that minimizes detriment, hazard, or inconvenience to surrounding residential development.

Each SC1 zone must remain small and located within convenient walking distance from the edge of the residential area it serves. The SC1 zone is characterized by a harmonious grouping of commercial stores and shops that are architecturally designed for, and function as, an integrated unit.

Hours of operation must be regulated to maintain compatibility with surrounding residential uses. Clean, well-lit parking lots, attractive and well-maintained shops, and appropriate landscaping are required features of this zone. Architectural design and character must be compatible with the surrounding residential environment.

Uses permitted in the SC1 zone are intended to serve only the daily convenience needs of the surrounding residential neighborhood. SC1 zones must be located in general conformance with the Provo City General Plan but may also be established in other areas deemed appropriate to serve a residential neighborhood, provided the basic requirements for separation of zones are met.

14.25.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted, subject to PCC 14.02.045(11).

(b) Eating Places - permitted, subject to PCC 14.02.045(10).

(c) Day Care Services - permitted, subject to PCC 14.02.045(7).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure; and

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(4) *Maximum Office Usage.* The gross floor area used for offices in an SC1 zone may not exceed 50% of the total floor area.

14.25.025 Single Ownership and Control

All property within an SC1 Zone must be under single ownership or single control to allow integrated development. For purposes of this Section, *single control* includes ownership arrangements that are established through the recording of a plat or record of survey. The plat or record of survey must be approved and recorded before the issuance of any building permits and must comply with all applicable provisions of the PCC and other building codes adopted by Provo City.

If single ownership or single control is not maintained, the City may initiate action to rezone the property to the zone or zones in place before the establishment of the SC1 Zone.

14.25.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.25.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No requirement.

14.25.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.25.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height.

(2) Any accessory building must be at least 10 feet from the principal structure.

14.25.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or within a required side yard adjacent to a public street.

14.25.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.25.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional Development Standards.* Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Hours of Operation.* In the SC1 zone, no permitted or conditionally permitted use may operate or accept deliveries between 11:00 p.m. and 6:00 a.m., unless the Planning Commission authorizes alternative hours as part of a Conditional Use Permit.

Chapter 14.26
SC2 - COMMUNITY SHOPPING CENTER ZONE

Sections:

14.26.010 Purpose and Objectives.
14.26.020 Permitted Uses.
14.26.025 Single Ownership and Control.
14.26.030 Lot Standards.
14.26.040 Yard/Setback Requirements.
14.26.050 Projections into Yards.
14.26.060 Building Height and Distance.
14.26.070 Parking, Loading, and Access.
14.26.080 Project Plan Approval.
14.26.090 Other Requirements.

14.26.010 Purpose and Objectives

The Community Shopping Center (SC2) Zone establishes areas for general shopping center facilities that serve the specialty shopping needs of a community or group of neighborhoods. A community shopping center may not be less than five (5) or more than twenty (20) acres in area, depending on the area served and the range of specialty shops and services provided.

The SC2 Zone is characterized by specialty shops located within an attractively designed shopping center complex surrounded by appropriate landscaping. SC2 zones may only be located adjacent to major thoroughfares or collector streets that provide direct automobile access without requiring passage through residential areas.

14.26.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Vehicle Rental – permitted for passenger cars only. On-site servicing of vehicles is prohibited.

(c) Day Care Services – permitted subject to PCC 14.02.045(7).

(d) Dance Halls - permitted subject to 14.02.045(3).

(e) Carwashes - not permitted.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

14.26.025 Single Ownership and Control

All property within an SC2 Zone must be under single ownership or single control to allow integrated development. For purposes of this Section, *single control* includes ownership arrangements that are established through the recording of a plat or record of survey. The plat or record of survey must be approved and recorded before the issuance of any building permits

and must comply with all applicable provisions of the PCC and other building codes adopted by Provo City.

If single ownership or single control is not maintained, the City may initiate action to rezone the property to the zone or zones in place before the establishment of the SC2 Zone.

14.26.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.26.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No Requirement.

14.26.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) An accessory building may be located on a side property line only if all of the following conditions are met:

(i) The accessory building has no openings on the side adjacent to the property line;

(ii) the wall along the property line has a two (2)-hour fire-resistance rating; and

(iii) the accessory building includes facilities that discharge all roof drainage onto the lot or parcel on which the accessory building is located.

(4) *Clear vision areas.* See PCC 14.50.090.

14.26.060 Building Height and Distance

(1) No building or structure may exceed 65 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any accessory building must be at least 10 feet from the principal structure.

(4) Any accessory building must be located at least 10 feet from a main residential building on an adjacent property.

14.26.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or within a side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission.

14.26.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.26.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

Chapter 14.27
SC3 - REGIONAL SHOPPING CENTER ZONE

Sections:

14.27.010 Purpose and Objectives.
14.27.020 Permitted Uses.
14.27.025 Single Ownership and Control.
14.27.030 Lot Standards.

14.27.040 Yard/Setback Requirements.
14.27.050 Projections into Yards.
14.27.060 Building Height and Distance.
14.27.070 Parking, Loading, and Access.
14.27.080 Project Plan Approval.
14.27.090 Other Requirements.

14.27.010 Purpose and Objectives

The Regional Shopping Center Zone (SC3) provides a district where the primary use of land is for commercial and service uses that serve the needs of residents in the surrounding region and provides employment close to the regional population center. The SC3 Zone may only be located near freeways and adjacent to major arterials to allow convenient access for large traffic volumes without creating hazards or requiring travel through residential neighborhoods.

The zone is characterized by a variety of stores, shops, and service buildings designed with an integrated architectural style. When supported by the General Plan, a mixture of uses is allowed, including residential housing, professional offices, institutional uses, entertainment, and recreational venues. Residential, office, and institutional uses are preferred above the ground level of mixed-use buildings. Where necessary, development must taper bulk and density to create an appropriate transition to less intensive uses that neighbor the district.

14.27.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential uses – permitted subject to PCC 14.27.090(8).

(b) Breweries – permitted only when attached to, and operated as an ancillary use to, a restaurant.

(c) Communications - permitted subject to PCC 14.02.045(11).

(d) Day Care Services – permitted subject to PCC 14.02.045(7).

(e) Dance Halls – permitted subject to PCC 14.02.045(3).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.27.025 Single Ownership and Control

All property within an SC3 Zone must be under single ownership or single control to allow integrated development. For purposes of this Section, *single control* includes ownership arrangements that are established through the recording of a plat or record of survey. The plat or record of survey must be approved and recorded before the issuance of any building permits and must comply with all applicable provisions of the PCC and other building codes adopted by Provo City.

14.27.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.27.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: No requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No requirement.

(6) *Setback Reductions:* The Development Services Director, or the Director's designee, may reduce the setbacks of this zone if all of the following conditions are met:

(a) the proposed setback is visually compatible with neighboring development and does not cause an undue burden or harm to adjacent property;

(b) the proposed setback does not violate a required clear vision area, as defined in this Title, or an existing or needed utility easement;

(c) the proposed setback does not cause a violation of the International Building Code or the Fire Code;

(d) the building façade adjacent to the street is articulated with building entrances and glazing equal to at least 25% of the first-floor wall area, and is articulated with projections or offsets of at least 12 inches at intervals no greater than 30 feet along the entire face of the building; and

(e) the reduction in setbacks is in the best interest of Provo City.

14.27.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than ten feet from any main residential building on an adjacent property;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard;

(vi) Have any opening on the side contiguous to the property line;

(vii) Discharge drainage onto an adjacent lot or parcel; or

(viii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.27.060 Building Height and Distance

(1) No building or structure may exceed 75 feet in height.

(2) Any accessory building must be at least 10 feet from the principal structure.

14.27.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Except as provided in this Subsection, parking spaces may not be located in a required front yard or in a side yard adjacent to a public street. Parking may be located in a required front or side yard if:

(a) that yard is adjacent to a street that is interior to the development and not classified as an arterial or collector road;

(b) the conditions of PCC 14.27.040(6) are met;

(c) a landscape buffer is provided that:

(i) features an innovative landscaping design that is superior to the landscaping required by the minimum standards;

(ii) is continuous and at least six feet wide along the entire length of the encroaching parking lot edge;

(iii) consists of berms, shrubs, vegetative groundcover, or a combination thereof, and achieves a minimum height of 30 inches;

(iv) provides at least 90% screening at plant maturity without extending over the adjacent sidewalk. Decorative walls may be incorporated into the buffer area but may not be used exclusively; and

(v) includes around the perimeter of the buffer one shade tree for every 30 feet along the entire length of the parking area, excluding necessary driveway access. Required street trees may not be counted toward this requirement; and

(d) any parking structures that do not contain habitable floor space are not located closer to the street than the average setback of all other structures on the same block face. Such structures must also include additional landscape buffering at a rate of one foot of buffer width for every two feet of structure height, up to the minimum building setback required by this Chapter.

(4) Above-grade parking structures must be architecturally screened to be compatible with adjacent building façades or must provide habitable floor space that meets the following requirements:

(a) Parking structures that front a public or private street must have a habitable main floor depth of at least 30 feet along the entire street frontage, excluding permitted side yards and driveway approaches; and

(b) At least one pedestrian entrance to a commercial space, lobby, or residential unit must be provided for every 100 feet of habitable building street frontage.

(5) Loading spaces must be provided as required by the Planning Commission.

14.27.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.27.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses within buildings.* All uses in the SC3 zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples include service stations, ice skating, miniature golf, and plant nurseries.

(7) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(8) *Residential uses.* Residential uses and necessary supporting facilities, including parking and landscaping, are permitted if they do not exceed 20% of the overall project site area and if they comply with the design standards in PCC 14.21.080.

(a) In any new project with 20 or more residential units, an area equal to 10% of the residential gross floor area must be developed in accordance with the requirements of PCC 14.50.220.

(b) Any amenity required under this Section must be located within or immediately adjacent to the residential portion of the development.

Chapter 14.28
FC1 - FREEWAY COMMERCIAL ZONE

Sections:

14.28.010 Purpose and Objectives.
14.28.020 Permitted Uses.
14.28.030 Lot Standards.
14.28.040 Yard/Setback Requirements.
14.28.050 Projections into Yards.
14.28.060 Building Height and Distance.
14.28.070 Parking, Loading, and Access.
14.28.080 Project Plan Approval.
14.28.090 Other Requirements.

14.28.010 Purpose and Objectives

The Freeway Commercial Zone (FC1) is established to provide a district in which the primary use of the land is for commercial and service uses to serve regional population needs and to provide a place of employment in pleasant surroundings along the Interstate-15 corridor. Required yards and areas surrounding buildings must be attractively landscaped and maintained in harmony with the characteristics of the surrounding residential areas. The uses characteristic of this zone will be a variety of retail and business uses with satellite shops and facilities serving a wide range of goods and services.

14.28.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Dance Halls – permitted subject to PCC 14.02.045(3).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

14.28.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.28.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: No Requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No Requirement.

14.28.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(iv) Be located in a front or street side yard;

(v) Have any opening on the side contiguous to the property line;

(vi) Discharge drainage onto an adjacent lot or parcel; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.28.060 Building Height and Distance

(1) No building or structure may exceed 50 feet in height.

14.28.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or in a side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission.

14.28.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.28.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses Within Buildings.* All uses in the FC1 Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples of such uses include service stations, ice skating rinks, and miniature golf facilities.

(7) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(8) *Building Orientation.* Buildings in the FC1 Zone with frontage on both a public street and Interstate-15 must provide designed entryways on every street and highway frontage. Entryways must include windows, doors, and other architectural design elements. Loading docks are prohibited on any side of a building that fronts a public street or Interstate-15.

Chapter 14.29
FC2 - FREEWAY COMMERCIAL TWO ZONE

Sections:

14.29.010 Purpose and Objectives.
14.29.020 Permitted Uses.
14.29.030 Lot Standards.

14.29.040 Yard/Setback Requirements.
14.29.050 Projections into Yards.
14.29.060 Building Height and Distance.
14.29.070 Parking, Loading, and Access.
14.29.080 Project Plan Approval.
14.29.090 Other Requirements.

14.29.010 Purpose and Objectives

The Freeway Commercial Two (FC2) zone provides a transition between the freeway commercial area and the gateway into downtown. The zone is intended for commercial and service uses that serve both the regional population and local residents. Buildings in this zone must be attractive, well designed, and contribute to an inviting entry to the City. Required yards and areas surrounding buildings must be landscaped and maintained in harmony with nearby residential areas. Uses characteristic of this zone include a variety of medium- to large-scale retail and business establishments, with supporting satellite shops and facilities that provide a wide range of goods and services.

14.29.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Day Care Services – permitted subject to PCC 14.02.045(7).

(c) Dance Halls - permitted subject to PCC 14.02.045(3)

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure; or

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it.

14.29.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.29.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: No Requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

14.29.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.29.060 Building Height and Distance

(1) No building or structure may exceed 3 stories or 50 feet in height.

14.29.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be provided within a required front yard or side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission.

14.29.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.29.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses within Buildings.* All uses in the FC1 Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples of such uses include service stations, ice skating rinks, and miniature golf facilities.

(7) *Transitional development standards.* Where a lot in this zone borders a residential zone, both the standards in PCC 14.50.160 and the following apply:

(a) Buildings or portions of buildings located adjacent to a residentially zoned property must be set back at least 20 feet from the nearest property line;

(b) Loading docks may not be located on sides of structures that face a residential property; and

(c) Site design and access must be oriented to direct traffic away from local secondary streets.

(8) *Design standards.* The following design standards apply to the FC2 zone:

(a) Exterior finish materials may not include vinyl or metal siding (including sheet or corrugated metal), plywood, particle board, wood products not intended as architectural finish materials, or manufactured stone;

(b) Building wall materials must be combined on each façade horizontally, with heavier elements below lighter elements. For example, stone may not be placed above stucco, and brick may not be placed below concrete;

(c) Except for ground-level shop fronts, windows and doors must be square or vertical in proportion; and

(d) Buildings in the FC2 zone are not required to be located along a public street. However, buildings that orient the rear of the building toward a public street must treat the rear elevation so it is not immediately recognizable as a rear façade. A minimum of

50% of the rear façade must consist of windows, doors, or other treatments that suggest a building front. A door provided for this requirement does not need to function as a building entrance.

Chapter 14.30
FC3 – FREEWAY COMMERCIAL THREE ZONE

Sections:

14.30.010 Purpose and Objectives.
14.30.020 Permitted Uses.
14.30.030 Lot Standards.
14.30.040 Yard/Setback Requirements.
14.30.050 Projections into Yards.
14.30.060 Building Height and Distance.
14.30.070 Parking, Loading, and Access.
14.30.080 Project Plan Approval.
14.30.090 Transitional Development Standards.
14.30.100 Design Standards.
14.30.110 Other Requirements.

14.30.010 Purpose and Objectives

The Freeway Commercial Three (FC3) zone is established to provide maximum commercial opportunity adjacent to freeway interchanges. The primary use of land in this zone is for commercial and service businesses that serve both regional population needs and local residents. Buildings must be attractive, well designed, and create an inviting entry to the city. Required yards and surrounding areas must be attractively landscaped and maintained in harmony with nearby residential areas. This zone accommodates a variety of medium- to large-scale retail and business uses with satellite shops and facilities that provide a wide range of goods and services.

14.30.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Dance Halls – permitted subject to PCC 14.02.045(3).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure; and

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it.

14.30.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.30.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: No Requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

14.30.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.* All accessory buildings must:

(a) Have a footprint and height less than the principal structure;

(b) Comply with applicable lot coverage standards;

(c) Be used only for permitted accessory uses; and

(d) Use architectural materials and colors similar to the principal structure.

(4) *Clear vision areas.* See PCC 14.50.090.

14.30.060 Building Height and Distance

(1) No building or structure may exceed 15 stories or 150 feet in height.

(2) A parapet or cornice may not exceed five feet above the maximum building height.

(3) The Development Services Director, or designee, may approve a modification to these requirements if:

(a) The modification is visually compatible with neighboring development; and

(b) The modification does not violate the International Building Code or the Fire Code.

14.30.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission.

14.30.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.30.090 Transitional Development Standards

(1) Buildings or portions of buildings in the FC3 zone that are adjacent to properties in a residential zone must be located at least 20 feet from the nearest property line of the residentially zoned property.

(2) Structures within 100 feet of a single-family property may not exceed four stories or 48 feet in height.

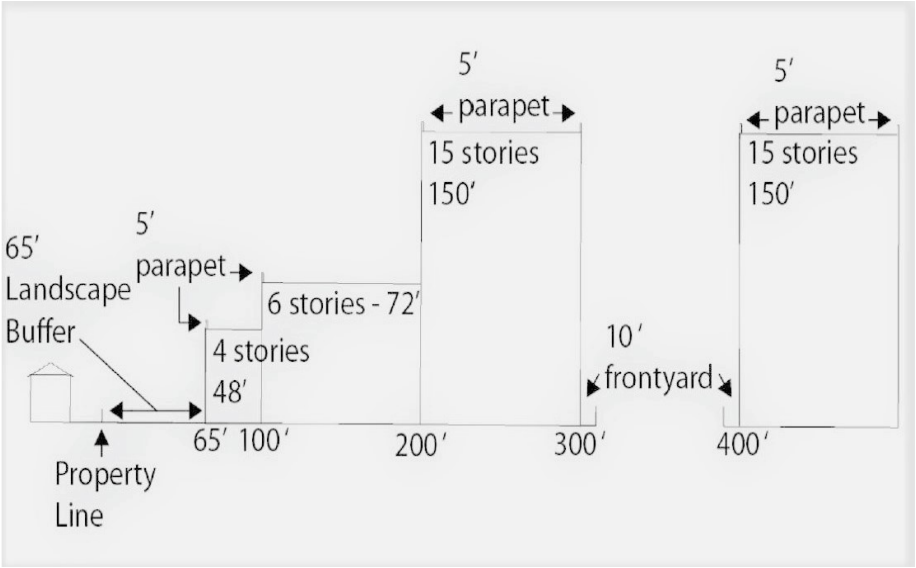
(3) Structures located between 100 feet and 200 feet of a single-family property may not exceed six stories or 72 feet in height.

(4) Loading docks on the sides of structures that face a residential property must be located at least 100 feet from the nearest residential property line.

(5) Site design and access must be oriented to direct traffic away from local secondary streets.

(6) Business, commercial, manufacturing, and industrial development that borders a residential zone must comply with PCC 14.50.160.

(7) Parcels with frontage on Lakeview Parkway must provide a transitional setback of at least 65 feet from the property line of any parcel developed with single-family residential uses. The setback area must be landscaped and maintained in accordance with PCC 15.20.



14.30.100 Design Standards

(1) The following design standards apply in the FC3 zone:

(a) Exterior finish materials may not include vinyl siding, metal siding (including sheet or corrugated metal), plywood, particle board, other wood products not intended as architectural finish materials, or manufactured stone;

(b) Building wall materials must be combined on each façade horizontally only, with heavier elements placed below lighter elements. For example, stone may not be placed above stucco, and brick may not be placed below concrete;

(c) Except for ground-level shop fronts, windows and doors must be square or vertical in proportion;

(d) Buildings in the FC3 zone are not required to front on a public street. However, buildings that orient the rear of the building toward a public street must treat the rear elevation so it is not immediately recognizable as a rear façade. A minimum of 50% of the rear façade must consist of windows, doors, or other treatments that suggest a building front. A door provided for this requirement does not need to function as a building entrance.

(2) Roof-mounted mechanical equipment is permitted if it is fully screened by an architectural feature of the primary structure.

14.30.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses within buildings*. All uses in the FC3 zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Such uses may include, but are not limited to, service stations, ice skating, and miniature golf.

Chapter 14.31
GW – DOWNTOWN GATEWAY

Sections:

14.31.010 Purpose and Objectives.
14.31.020 Permitted Uses.
14.31.030 Lot Standards.
14.31.040 Yard/Setback Requirements.
14.31.050 Projections into Yards.
14.31.060 Building Height and Distance.
14.31.070 Parking, Loading, and Access.
14.31.080 Project Plan Approval.
14.31.090 Minimum Habitable Main Floor Depth.
14.31.100 Other Requirements.

14.31.010 Purpose and Objectives

The Downtown Gateway (GW) zone accommodates restaurants, hotels, and a variety of retail uses that welcome visitors and serve local residents. Properties in this primary entrance to Provo must be inviting, attractive, well designed, and well maintained. New development must comply with the established design guidelines for this zone to create a distinct sense of place.

This zone is not intended for large-scale retail uses. Uses in this zone must consist of smaller-scale downtown and visitor-support uses that are incorporated into a mixed-use design. The Downtown Gateway (GW) zone is generally located along West Center Street between the more intensive downtown zones and Interstate 15.

14.31.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Single-family Dwelling, detached – permitted only if it existed on or before July 7, 2009, or if it is located within one hundred feet of 100 North Street.

(d) Two Family Dwellings – permitted only if it existed on or before July 7, 2009.

(e) Multi-Family Dwelling – permitted only if it is attached to a non-residential use.

(f) Warehousing or Storage Services - permitted only if part of a mixed-use building and may not be on a ground floor that faces Center Street.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not

authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

(4) *Uses within buildings*. All uses in the GW zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Such uses may include, but are not limited to, service stations, ice skating, and miniature golf. Open storage within view of a public street or space is prohibited.

14.31.030 Lots Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.31.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet minimum, 20 feet maximum.

(2) Side yard – corner lots: 10 feet minimum, 20 feet maximum.

(3) Side yard – interior: 10 feet maximum.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet minimum.

14.31.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

(5) *Courtyards.* Front or street side yards may extend beyond maximum setback limitations for a public courtyard if recommended by the City Engineer. The approving body must make the following findings before allowing a courtyard:

(a) The courtyard serves a legitimate public purpose;

(b) The courtyard design enhances the public realm and will reasonably attract daily activity, not only special events;

(c) The courtyard is not raised more than two feet above street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

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

(7) Signs may project into a street right-of-way as permitted by PCC 14.47.105.

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

14.31.060 Building Height and Distance

(1) No building or structure may be less than two stories or exceed 50 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any accessory building must be at least six feet from the principal structure.

(4) Roof mounted mechanical equipment must be completely screened behind an architectural feature of the primary structure.

14.31.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls. Parking may not exceed that required by PCC 14.44.

(3) Surface parking may not be located within thirty feet of a front or street side yard property line of any property adjacent to a primary street.

(4) Surface parking may not be located within the first six feet of properties that front secondary streets and must be separated from the street by a berm at least six feet wide and twenty-four inches high.

14.31.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.31.090 Minimum Habitable Main Floor Depth

(1) Each structure in the GW zone that fronts a public street must have a minimum habitable main floor depth of 30 feet along the entire street frontage, except for permitted side yards and driveway approaches. Structured parking may not be located above the minimum habitable floor area along primary streets.

(2) On a corner lot that abuts two primary streets, driveway access to the property may be allowed from one of the primary street frontages, subject to approval by the City Engineer.

14.31.100 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Buildings or portions of buildings in the GW zone that are adjacent to properties in a single-family residential zone must be set back at least 20 feet from the nearest property line of the residentially zoned property.

(7) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(8) *Downtown Development Design Standards.* See PCC 14.50.180.

Chapter 14.32
DT1 - GENERAL DOWNTOWN

Sections:

14.32.010 Purpose and Objectives.
14.32.020 Permitted Uses.
14.32.030 Lot Standards.
14.32.040 Yard/Setback Requirements.
14.32.050 Projections into Yards.
14.32.060 Building Height and Distance.
14.32.070 Parking, Loading, and Access.
14.32.080 Project Plan Approval.
14.32.090 Transitional Development Standards.
14.32.100 Minimum and Average Residential Unit Size.
14.32.110 Minimum Habitable Main Floor Depth.
14.32.120 Facade Step-Back.
14.32.130 Other Requirements.

14.32.010 Purpose and Objectives

The General Downtown (DT1) zone creates a pedestrian-friendly, mixed-use environment that complements and surrounds the more intensive Downtown Core (DT2) zone. The DT1 zone provides a transition in scale between adjacent neighborhoods and higher-density downtown developments.

Regulations in this zone preserve the scale and mass of historic Center Street while supporting a mix of housing and business opportunities near public transit. The intent is to encourage transit use and reduce citywide traffic and congestion.

The DT1 zone is characterized by clean, well-lit streets; ample pedestrian ways; landscaping; inviting residential uses; and well-maintained shops, stores, and offices within a mixed-use design.

14.32.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Single-family Dwelling, attached (Townhome) – permitted if located adjacent to a residential zone and sold individually).

(b) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(c) Communications - permitted subject to PCC 14.02.045(11).

(d) Multi-family Dwelling – permitted only if it is attached to a non-residential use.

(e) Food Manufacturing (breweries only) – permitted only when attached and ancillary to a restaurant.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) One caretaker unit per hotel or motel use, subject to PCC 14.50.130.

(4) *First Floor Commercial*

(a) Except as allowed under Subsection (4)(b) of this Section, the minimal habitable floor depth on the first story of all building frontage on University Avenue or Center Street within the zone must contain nonresidential uses.

(b) For buildings fronting University Avenue south of Center Street, or fronting Center Street west of 500 West or east of 200 East, the first-floor areas must be designed and the shell constructed to allow non-residential uses. However, residential use is permitted until the building owner determines that non-residential use of the area is economically viable.

14.32.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.32.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 0 feet minimum; 10 feet maximum.

(2) Side yard – corner lots: 0 feet minimum; 10 feet maximum.

(3) Side yard – interior: 0 feet minimum; 10 feet maximum.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No requirement.

14.32.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

(5) Buildings may project over required driveways if they provide a minimum of 10 feet of clearance for vehicular access.

(6) Signs may project into a street right-of-way as permitted in PCC 14.47.105.

(7) *Marquees and canopies.* Marquees and canopies may project into the street right-of-way if the owner first receives a license to have the marquee or canopy, which must comply with all of the following provisions:

(a) Marquees or canopies may be supported by posts or columns that are attached to the ground within the public right-of-way, but do not extend beyond the street curb line, and provide a minimum of 10 feet of clearance for pedestrian passage;

(b) The licensee must hold the City harmless from any damage to property or persons arising from the construction or maintenance of marquees or canopies. The licensee is responsible for all costs of installation, maintenance, and removal;

(c) The licensee must agree to pay any damages and hold the City harmless from any claim that arises from the licensee's use of public property for this purpose;

(d) If the City determines that the license should be revoked for any public cause, the City will provide the licensee with 90 days' written notice. Upon revocation, the licensee must remove all improvements from the public right-of-way at the licensee's expense. The licensee must restore the right-of-way to a condition equivalent or better than that existing in the remainder of the block face, and to a condition satisfactory to the City;

(e) Supporting columns or stanchions may not obstruct pedestrian traffic on the sidewalk or materially affect existing landscaping or street furniture in the public right-of-way;

(f) All marquee and canopy installations must comply with the latest edition of the International Building Code as adopted by Provo City and may not be constructed until after the issuance of a building permit;

(g) Canopies and marquees must remain open and unencumbered on three sides, except for required supporting columns, posts, or architectural features;

(h) The public right-of-way may not be used for commercial storage, display, or other private use; and

(i) The construction of a canopy or marquee under this Section may not deprive the public of use of the public right-of-way.

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

(9) *Sidewalk cafés*. Sidewalk cafés are permitted under the following provisions:

(a) At least six feet of clear, unobstructed sidewalk width must remain available for pedestrian use;

(b) A sidewalk café must be separated from the street by either:

(i) a six-inch curb and two-foot setback; or

(ii) bollards spaced no more than six feet apart along the street frontage;

(c) If a sidewalk café includes more than one row of tables and chairs, the café must have a non-sight-obscuring removable barrier no more than three feet high enclosing the seating area. Barrier gates may not swing into the unobstructed sidewalk width required in Subsection (9)(a);

(d) Awnings associated with a café must comply with the International Building Code. Umbrellas lower than seven feet in height may not extend into the unobstructed sidewalk width required in Subsection (9)(a);

(e) The café owner or operator must provide adequate facilities for the storage of trash generated by the café at a convenient location;

(f) The café owner or operator must continuously maintain insurance sufficient to co-insure Provo City against liability associated with the sidewalk café, as reasonably determined by the City. The insurance certificate must name the City as an additional insured. The insurer must give the City at least 30 days' prior notice before canceling the insurance;

(g) The café owner or operator must hold Provo City, its officers, agents, and employees harmless from any claims, injuries, losses, damages, or costs, including attorneys' fees, arising from the operation of the café;

(h) The café owner or operator is responsible for repairing any damage to the public sidewalk caused by the installation or removal of furnishings, barriers, or other café features;

(i) Café hours of operation may not begin earlier than 6:00 a.m. or extend later than 12:00 a.m., and may not exceed the operating hours of the associated eating or drinking establishment;

(j) Music or entertainment must comply with the sound limitations in PCC 9.06;

(k) The café owner or operator must maintain the café and its surroundings in a neat and clean condition at all times;

(l) The café owner or operator must remove café improvements when necessary for sidewalk repair or replacement, utility maintenance, or upon failure to comply with the terms of this section; and

(m) Sidewalk cafés may operate only between March 1 and October 31. All furniture must be removed from the public right-of-way outside these dates.

(10) *Courtyards.* Front or street side yards may extend beyond maximum setback limitations for a public courtyard space if recommended by the City Engineer. The Planning Commission must make the following findings before allowing a courtyard:

(a) The courtyard serves a legitimate public purpose;

(b) The courtyard design enhances the public realm and will reasonably attract daily activity, not only special events;

(c) The courtyard is not raised more than two feet above street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

(11) *Valet drive.* A driveway access for hotels and theaters is permitted within the required yards for vehicular access and valet services if the following standards are met:

(a) Traffic may only be one-way;

(b) Parking is not permitted within the valet drive area;

(c) Driveways may be no wider than 20 feet;

(d) The outside radius of the driveway may be no greater than 40 feet;

(e) The space between ingress and egress driveways must be landscaped;

(f) The valet drive is not located on Center Street or University Avenue; and

(g) Minimum habitable floor area required by PCC 14.32.100 is provided along the increased setback.

14.32.060 Building Height and Distance

(1) Except as provided in this section, no building or structure may be less than two stories or exceed 100 feet in height.

(a) Building height may exceed 100 feet if a written agreement with the City guarantees that the following percentages of units in a residential project are for-sale housing with individual owner-occupancy required for at least one year after each change of ownership:

(i) 10–20% for-sale housing: up to 120 feet;

(ii) 21–30% for-sale housing: up to 140 feet;

(iii) 31–40% for-sale housing: up to 160 feet;

(iv) 41% or more for-sale housing: up to 180 feet.

(b) The written agreement described in this section must include a requirement to record deed restrictions, in a form approved by the City, on the property prohibiting any owner from renting a unit during the first year of their ownership and advising that Provo City will not issue rental dwelling licenses for such units during that period and may criminally prosecute and/or fine owners that rent without a license.

(2) *Additional height standards*. Except as otherwise provided, building height is measured from the top of the street curb and the following standards must be followed:

(a) Maximum parapet or cornice height: five feet.

(b) Commercial buildings.

(i) Maximum main floor elevation: one foot above curb.

(ii) Minimum first story height: 14 feet floor to ceiling.

(iii) Maximum first story height: 20 feet floor to ceiling.

(iv) Maximum upper story height: 14 feet floor to ceiling.

(c) Residential buildings.

(i) Maximum main floor elevation: six feet above curb.

(ii) Minimum first story height: 10 feet floor to ceiling.

(iii) Maximum story height: 14 feet floor to ceiling.

(3) Roof-mounted mechanical equipment is permitted if it is completely screened by an architectural feature of the primary structure.

14.32.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) A lot or parcel in the DT1 zone need only provide 75% of the required off-street parking set forth in PCC 14.44, except as follows:

(a) Buildings or portions of buildings located within the required sixty-foot transitional setback, as provided in PCC 14.32.090, must comply with the following parking requirements:

(i) Residential units must provide a minimum of one and one-half spaces for one bedroom units and two and one-quarter spaces for units with two or more bedrooms. The disabled parking spaces required by PCC 14.44.110 must also be provided and do not count towards the minimums required by this Subsection (3)(a)(i).

(ii) Commercial uses must provide the minimum parking required by PCC 14.44.

(4) Existing structures on properties described in this Subsection (4) are not required to provide new off-street parking due to a change in use if the building is not being expanded. This exception applies to properties that front Center Street between 500 West and 100 East, and properties that front University Avenue between Center Street and 300 North.

(5) *Location.* Surface parking may not be provided within 30 feet of a front or street side yard property line that is adjacent to a primary street. Surface parking on properties that front secondary streets must be separated from the street by a six-foot-wide berm that is at least 24 inches in height.

14.32.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.32.090 Transitional Development Standards

(1) Notwithstanding any other provisions of this Chapter, multi-family, apartment and commercial buildings in the DT1 zone that are located directly across the street from, or adjacent to, property in a residential zone must comply with the following standards:

Standard	Minimum	Maximum
Front Yard	10 feet	20 feet
Street Side Yard	10 feet	20 feet
Building Height	2 stories	3 stories
Parking – One-Bedroom	1.5 spaces	
Parking – Two or More Bedrooms	2.25 spaces	
Parking – Commercial	As required in PCC 14.44	

(2) Multi-family, apartment, and commercial buildings, or portions of buildings, in the DT1 zone that are adjacent to a residential zone must maintain a (20 foot setback from the nearest property line of the residential zone.

14.32.100 Minimum and Average Residential Unit Size

(1) Except as provided in Subsections (2) and (3), each development that includes a residential use must provide:

(a) a minimum unit size of 500 square feet; and

(b) a minimum average unit size of 800 square feet.

(2) Subsection (1) does not apply to institutional housing units, including elderly housing and assisted living facilities.

(3) Mixed-use developments with ground floor commercial space fronting Center Street or University Avenue must provide:

(a) a minimum residential unit size of 500 square feet; and

(b) a minimum average unit size of 600 square feet.

14.32.110 Minimum Habitable Main Floor Depth

(1) Excepting townhomes, each structure in the DT1 zone that fronts a public street must provide a minimum habitable main floor depth of 30 feet along the entire street frontage, except for permitted side yards and driveway approaches. Structured parking is not permitted above the minimum habitable floor area along primary streets.

(2) For a corner lot that abuts two primary streets, driveway access may be permitted from one of the primary street frontages, subject to approval by the City Engineer.

14.32.120 Facade Step-Back

(1) Except as provided in Subsection (2), the fourth story and above must step back 20 feet from the first-story building façade along Center Street between 500 West and 100 East. An architectural expression line, such as a cornice or similar feature, must be used at the third-story roofline.

(2) Between 100 East and 200 East, the fourth story and above must step back one foot from the first-story building façade along Center Street. An architectural expression line, such as a cornice or similar feature, must be used at the third-story roofline.

14.32.130 Other Requirements.

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Amenities.* In any new project consisting of 20 or more residential units, an area equivalent to 10% of the residential gross floor area must be developed in accordance with the requirements set forth in PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Downtown Development Design Standards.* See PCC 14.50.180.

Chapter 14.33
DT2 – DOWNTOWN CORE

Sections:

14.33.010 Purpose and Objectives.
14.33.020 Permitted Uses.
14.33.030 Lot Standards.
14.33.040 Yard/Setback Requirements.
14.33.050 Projections into Yards.
14.33.060 Building Height and Distance.
14.33.070 Parking, Loading, and Access.
14.33.080 Project Plan Approval.
14.33.090 Minimum and Average Residential Unit Size.
14.33.100 Minimum Habitable Main Floor Depth.
14.33.110 Facade Step-back.
14.33.120 Other Requirements.

14.33.010 Purpose and Objectives

The Downtown Core (DT2) zone establishes a pedestrian-friendly, regional urban center located around key transportation corridors and regional land uses in the city's central area. The zone's character is shaped by the scale, mass, placement, and form of buildings and their relationship to each other and the public realm.

The DT2 zone serves as the most prominent area of the city. It supports the tallest buildings, the largest building masses, and the highest density of mixed uses compared to adjacent downtown zones. The area is intended to feature clean, well-lit streets, wide pedestrian walkways, and a mix of well-maintained shops, offices, and regional government buildings in a cohesive, mixed-use environment.

The Downtown Core (DT2) zone is generally located in the historic center of Provo and is fully surrounded by the less intensive General Downtown (DT1) zone. The DT2 zone may not directly

abut any R1 zone and may only expand where the DT1 zone or another appropriate commercial zone provides a buffer between the DT2 zone and any R1 zone.

14.33.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Multi-Family Dwelling – permitted only if it is attached to a non-residential use.

(d) Food Manufacturing (breweries only) – permitted only when attached and ancillary to a restaurant.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) One caretaker unit per hotel or motel use, subject to PCC 14.50.130.

(4) *First Floor Commercial*

(a) Except as allowed under Subsection (4)(b), the minimum habitable floor depth of the first story of all buildings fronting on University Avenue or Center Street within the zone must contain only nonresidential uses.

(b) For buildings fronting University Avenue south of Center Street or fronting Center Street west of 500 West or east of 200 East, the first-floor areas must be designed and the shell constructed to allow non-residential uses. However, residential use is permitted until the building owner determines that non-residential use of the area is economically viable.

14.33.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.33.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 0 feet minimum; 10 feet maximum.

(2) Side yard – corner lots: 0 feet minimum; 10 feet maximum.

(3) Side yard – interior: 0 feet minimum; 10 feet maximum.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No requirement.

14.33.050 Projections into Yards.

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

(5) Buildings may project over required driveways if they provide a minimum of ten feet of clearance for vehicular access.

(6) Signs may project into a street right-of-way as permitted in PCC 14.47.105.

(7) *Marquees and canopies.* Marquees and canopies may project into the street right-of-way if the owner first receives a permit to have the marquee or canopy, which must comply with all of the following provisions:

(a) A marquee or canopy may be supported by posts or columns that are attached to the ground within the public right-of-way, but do not extend beyond the street curb line, and must provide a minimum of ten feet of clearance for pedestrian passage;

(b) The property owner must hold the City harmless from any damage to property or persons arising from the construction or maintenance of the marquee or canopy. The licensee is responsible for all costs of installation, maintenance, and removal;

(c) The property owner must agree to pay any damages and hold the City harmless from any claim that arises from the owner's use of public property for this purpose;

(d) If the City determines that the license should be revoked for any public cause, the City will provide the property owner with 30 days' written notice. Upon revocation, the property owner must remove all improvements from the public right-of-way at the owner's expense. The owner must restore the right-of-way to a condition equivalent or better than that existing in the remainder of the block face, and to a condition satisfactory to the City;

(e) Supporting columns or stanchions may not obstruct pedestrian traffic on the sidewalk or materially affect existing landscaping or street furniture in the public right-of-way;

(f) Every marquee or canopy installation must comply with the latest edition of the International Building Code as adopted by Provo City and no marquee or canopy may be constructed until after the issuance of a building permit;

(g) A canopy or marquee must remain open and unencumbered on three sides, except for required supporting columns, posts, or architectural features; and

(h) The construction of a canopy or marquee under this Section may not deprive the public of use of the public right-of-way.

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

(9) *Sidewalk cafés*. Sidewalk cafés are permitted under the following provisions:

(a) At least six feet of clear, unobstructed sidewalk width must remain available for pedestrian use;

(b) A sidewalk café must be separated from the street by either:

(i) a six-inch curb and two-foot setback; or

(ii) bollards spaced no more than six feet apart along the street frontage;

(c) If a sidewalk café includes more than one row of tables and chairs, the café must have a non-sight-obscuring removable barrier no more than three feet high enclosing the seating area. Barrier gates may not swing into the unobstructed sidewalk width required in Subsection (9)(a);

(d) Awnings associated with a café must comply with the International Building Code. Umbrellas lower than seven feet in height may not extend into the unobstructed sidewalk width required in Subsection (9)(a);

(e) The café owner or operator must provide adequate facilities for the storage of trash generated by the café at a convenient location;

(f) The café owner or operator must continuously maintain insurance sufficient to co-insure Provo City against liability associated with the sidewalk café, as reasonably determined by the City. The insurance certificate must name the City as an additional insured. The insurer must give the City at least 30 days' prior notice before canceling the insurance;

(g) The café owner or operator must hold Provo City, its officers, agents, and employees harmless from any claims, injuries, losses, damages, or costs, including attorneys' fees, arising from the operation of the café;

(h) The café owner or operator is responsible for repairing any damage to the public sidewalk caused by the installation or removal of furnishings, barriers, or other café features;

(i) Café hours of operation may not begin earlier than 6:00 a.m. or extend later than 12:00 a.m., and may not exceed the operating hours of the associated eating or drinking establishment;

(j) Music or entertainment must comply with the sound limitations in PCC 9.06;

(k) The café owner or operator must maintain the café and its surroundings in a neat and clean condition at all times;

(l) The café owner or operator must remove café improvements at the owner or operator's own expense when necessary for sidewalk repair or replacement, utility maintenance, or upon failure to comply with the terms of this section; and

(m) Sidewalk cafés may operate only between March 1 and October 31. All furniture must be removed from the public right-of-way outside these dates.

(10) *Courtyards.* Front or street side yards may extend beyond maximum setback limitations for a public courtyard space if all the following standards are met:

(a) The courtyard serves a legitimate public purpose;

(b) The courtyard design enhances the public realm and will reasonably attract daily activity, not only special events;

(c) The courtyard is not raised more than two feet above street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

(11) *Valet drive.* A driveway access for hotels and theaters is permitted within the required yards for vehicular access and valet services if the following standards are met:

(a) Traffic may only be one-way;

(b) Parking is not permitted within the valet drive area;

(c) Driveways may be no wider than 20 feet;

(d) The outside radius of the driveway may be no greater than 40 feet;

(e) The space between ingress and egress driveways must be landscaped;

(f) The valet drive is not located on Center Street or University Avenue; and

(g) Minimum habitable floor area required by PCC 14.33.100 is provided along the increased setback.

14.33.060 Building Height and Distance

(1) No building or structure may be less than 3 stories or exceed 180 feet in height.

(2) *Additional height standards*. Except as otherwise provided, building height is measured from the top of the street curb and the following standards must be followed:

(a) Maximum parapet or cornice height: five feet.

(b) Commercial buildings.

(i) Maximum main floor elevation: one foot above curb.

(ii) Minimum first story height: 14 feet floor to ceiling.

(iii) Maximum first story height: 20 feet floor to ceiling.

(iv) Maximum upper story height: 14 feet floor to ceiling.

(c) Residential buildings.

(i) Maximum main floor elevation: three feet above curb.

(ii) Minimum first story height: ten feet floor to ceiling.

(iii) Maximum story height: 14 feet floor to ceiling.

(3) Roof-mounted mechanical equipment is permitted if it is completely screened by an architectural feature of the primary structure.

14.33.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Existing structures on properties described in this Subsection (3) are not required to provide new off-street parking due to a change in use if the building is not being expanded. This exception applies to properties that front Center Street between 500 West and 100 East, and properties that front University Avenue between Center Street and 300 North.

(4) *Location.* Surface parking may not be provided within 30 feet of a front or street side yard property line that is adjacent to a primary street. Surface parking on properties that front secondary streets must be separated from the street by a six-foot-wide berm that is at least 24 inches in height.

(5) For a corner lot that abuts two primary streets, driveway access may be permitted from one of the primary street frontages, subject to approval by the City Engineer.

14.33.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.33.090 Minimum and Average Residential Unit Size

(1) Except as provided in Subsection (2), each development that includes a residential use must provide:

(a) a minimum unit size of 500 square feet; and

(b) a minimum average unit size of 800 square feet.

(2) Subsection (1) does not apply to institutional housing units, including elderly housing and assisted living facilities.

14.33.100 Minimum Habitable Main Floor Depth

Each structure in the DT2 zone that fronts a public street must provide a minimum habitable main floor depth of 30 feet along the entire street frontage, except for permitted side yards and driveway approaches. Structured parking is not permitted above the minimum habitable floor area along primary streets.

14.33.110 Facade Step-back

(1) Except as provided in Subsection (2), the fourth story and above must step back 20 feet from the first-story building façade along Center Street between 500 West and 100 East. An architectural expression line, such as a cornice or similar feature, must be used at the third-story roofline.

(2) Between 100 East and 200 East, the fourth story and above must step back one foot from the first-story building façade along Center Street. An architectural expression line, such as a cornice or similar feature, must be used at the third-story roofline.

14.33.120 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Amenities.* In any new project consisting of 20 or more residential units, an area equivalent to 10% of the residential gross floor area must be developed in accordance with the requirements set forth in PCC 14.50.220. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Downtown Development Design Standards.* See PCC 14.50.180.

Chapter 14.34
R&BP - RESEARCH AND BUSINESS PARK ZONE

Sections:

14.34.010 Purpose and Objectives.
14.34.020 Permitted Uses.
14.34.030 Lot Standards.
14.34.040 Yard/Setback Requirements.
14.34.050 Projections into Yards.
14.34.060 Building Height and Distance.
14.34.070 Parking, Loading, and Access.
14.34.080 Project Plan Approval.
14.34.090 Design Standards.
14.34.100 Transitional Development Standards.
14.34.110 Performance Standards.
14.34.120 Signs.
14.34.130 Guarantees and Covenants.
14.34.140 Other Requirements.

14.34.010 Purpose and Objectives

(1) *Purpose.* The purpose of the Research and Business Park (R&BP) zone is to provide an attractive working environment exclusively for offices, research and development institutions, and certain specialized light manufacturing establishments. The uses allowed in this zone are more limited than in other commercial or manufacturing zones. These restrictions are based on operating characteristics and land use impacts rather than on the type of service or product.

The essential purpose of this zone is to encourage development in a business park setting that benefits property owners, neighbors, and the community. The zone is more restrictive than other commercial and manufacturing zones in order to ensure:

- buildings with architectural excellence,
- grounds with abundant landscaping, and
- land uses that do not create air, ground, noise, or water pollution.

The zone may be located next to high-quality residential development and must be properly screened and landscaped to maximize compatibility. The zone may only be located adjacent to collector or arterial streets. The zone is characterized by attractively designed buildings and off-street parking lots situated among spacious lawns, shrubs, and trees that create a park-like appearance.

It is not the intent of this Chapter for an R&BP zone to become a catalyst for strip commercial development around its perimeter. Unless the General Plan designates a commercial center near

the park's boundary, commercial development is prohibited, particularly where the park is adjacent to residential development.

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

(a) Strengthen and sustain the City's economic potential and create jobs;
(b) Promote sound growth and the general welfare;
(c) Implement the policies of the Provo City General Plan;
(d) Ensure efficient, safe, and attractive land development;
(e) Provide a unique work environment that attracts skilled and professional people;
(f) Provide a workplace that is architecturally and aesthetically compatible with surrounding residential areas;
(g) Preserve natural resources and account for the physical constraints of the land;
(h) Provide safe and efficient vehicular and pedestrian circulation;
(i) Require compliance with appropriate design standards to ensure adequate light and air, proper building arrangements, and minimal adverse effect on surrounding property;
(j) Ensure adequate water supply, drainage and stormwater management, sanitary facilities, and other utilities and services; and
(k) Establish safeguards to minimize environmental impacts, including air and water pollution, hazardous waste contamination, noise, soil erosion, and sedimentation.

14.34.020 Permitted Uses

(1) *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 that do not primarily serve the general public;

(c) Communications services, including radio and television broadcasting studios, telephone company offices, recording and sound studios, and motion picture studios;

(d) Finance, insurance, and real estate services; and

(e) Religious activities.

(2) *Permitted accessory uses.* The following accessory uses are permitted, subject to the development and performance standards and conditions set forth in this Chapter. If located in the same building as a permitted principal use, the accessory uses may not occupy more than 49% of the total usable floor area:

(a) Support and maintenance shops serving the permitted uses;

(b) Concessions and services provided for the convenience of building occupants, including corporate lodging, restaurants, and incidental retail uses that support the permitted uses. These uses must be located inside a principal building and may not have exterior evidence such as signs or display windows;

(c) Printing, publishing, and allied industries;

(d) Storage activities and warehouse facilities, but only as part of a principal permitted activity;

(e) Day care centers, subject to PCC 14.02.045(7);

(f) Off-street parking and parking structures incidental to the above building uses; and

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

(3) *Conditional uses.* The following uses and structures are permitted in the R&BP zone only with a conditional use permit, subject to applicable terms and conditions:

(a) Light manufacturing uses, including fabricating, processing, testing, assembling, packaging, and manufacturing of products with high value relative to bulk, using previously prepared materials. This does not include uses involving primary production of wood, metal, petroleum, or chemical products from raw materials. Activities such as large-volume product handling, storage, and distribution, as well as on-site milling, forging, or heavy grinding of parts are prohibited;

(b) Marketing, telemarketing, and advertising services;

(c) Police protection and related office uses, subject to PCC 14.02.045(5); and

(d) Low power radio communication towers and antennas, subject to PCC 14.02.045(11).

14.34.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.34.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 40 feet.

(2) Side yard – corner lots: 40 feet.

(3) Side yard – interior: 20 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

14.34.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend; and

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.34.060 Building Height and Distance

(1) No building or structure may exceed 3 stories or 60 feet in height.

(2) Any accessory building must be at least 20 feet from the principal structure.

14.34.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) *Parking setbacks.* All parking areas must be set back at least 25 feet from any dedicated public street and at least ten feet from any other property line. Where feasible, parking areas should be located to the rear of the building.

(4) *Screening of parking areas.* A landscaped berm at least five feet high, with a maximum slope of 1:2.5, or massed plantings of sufficient height, must be used to screen and buffer parking and loading areas from adjoining public streets and lots.

14.34.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.34.090 Design Standards

(1) *Site design.* Overall unity of site design must be achieved through:

(a) Architectural harmony among buildings and structures;

(b) Integration of the common open space system and storm drainage system;

(c) Unifying themes in the landscaping plan, showing landscaped areas and specifying the species, size, and number of plant materials;

(d) Unified design of street furniture and related features, including street signs, poles, light standards and luminaires, pedestrian benches, bus shelters, project entrances, perimeter fencing, pavement treatments, plazas, accessible curb ramps, housings for power facilities, telephone service boxes, grouped mailbox stanchions, illumination of buildings, outdoor

sculptures, decorative fountains, walkway railings, and steps;

(e) All uses, except surface parking, recreational activities, and utilities, must be conducted inside a completely enclosed building. Storage of products and materials must be inside a building constructed with the same exterior finish as the principal building. Refuse collection must also occur inside a building constructed with the same exterior finish as the principal building;

(f) All utilities must be placed underground;

(g) All mechanical equipment incidental to a building, including roof-mounted equipment, must be fully enclosed or screened so that it forms an integral part of the building's architectural design; and

(h) Loading operations must be conducted either within a building or screened so they are not visible from a public street. Loading must be arranged so that vehicles do not block the passage of other vehicles on the service drive or extend into any public or private drive or street used for traffic circulation.

(2) *Perimeter buffer yards.* Perimeter buffer yards facing an existing or dedicated exterior access road must be at least 50 feet deep. Screening in the buffer yard must consist of a landscaped berm at least six feet in height.

(3) *Floor area ratio.* Maximum development in the R&BP zone may not exceed 13,000 square feet of gross floor area per net acre (excluding streets), which equals a floor area ratio of 0.30.

(a) A developer may request up to an additional 3,000 square feet of floor area per acre if at least 50% of off-street parking is located in a parking structure. This increase results in a maximum floor area ratio of 0.34.

(b) Basement floor area may be excluded from the ratio if used only for mechanical systems or dead storage. If used for other purposes, basement area is included in the ratio. In order to be excluded under this subsection, a deed restriction must be recorded on the property to limit use of the basement to qualifying uses. The restriction must be recorded before final occupancy of the building.

14.34.100 Transitional Development Standards

(1) *Buffer Yards.* Perimeter buffer yards that adjoin a residential zone boundary must be at least 25 feet deep if screened with a decorative masonry wall at least six feet high.

(a) If not screened with a decorative wall, the buffer yard must be at least 100 feet deep and include landscaped berms at least six feet high.

(b) In yards where a screening wall is used, the Business Park must maintain at least ten feet of landscaping on the residential zone side and at least 15 feet of landscaping on the Business Park side.

(2) *Building Height*. Buildings constructed on parcels adjacent to a residential zone may not exceed two stories or 35 feet in height.

14.34.110 Performance Standards

(1) *Waste.* No primary or secondary use may result in the discharge of harmful waste materials:

(a) Into or onto the ground;

(b) Into or within any sanitary or storm sewer system;

(c) Into or within any water system or body of water; or

(d) Into the atmosphere.

(2) The following specific standards apply in the R&BP Zone:

(a) *Incineration*. Incineration of waste materials is prohibited on any site;

(b) *Vibration.* Activities may not cause ground vibrations that are perceptible, without instruments, at the lot boundary;

(c) *Air Pollution.* Emissions may not exceed the limits set by the Utah Bureau of Air Quality. Water vapor is not considered a pollutant. Normal building venting is allowed;

(d) *Noise.* Sound levels must comply with PCC Chapter 9.06, except that the maximum noise level limit between 7:00 a.m. and 10:00 p.m. is 85dBA; and

(e) *Stormwater.* Development plans must include stormwater management systems that prevent any increase in runoff rates. Facilities must be designed to control runoff from at least a 25-year return frequency storm, as certified by a professional engineer.

14.34.120 Signs

(1) All signage must comply with PCC 14.47 and any additional requirements of this Section. If there is a conflict, this Section controls.

(2) Only the following types of signs are permitted:

(a) *Identification Signs*.

(i) *Number.* One identification sign displaying the name and address may be installed at each park entrance.

(ii) *Area.* The sign copy area may not exceed 64 square feet.

(iii) *Placement.* Signs must be monument-style, placed on footings and a foundation, and integrated into the Park's architectural design.

(iv) *Location.* Signs must be set back at least 25 feet from the street right-of-way.

(v) *Lighting.* Backlit or spotlighting is allowed.

(b) *Monument Signs*.

(i) *Number.* One freestanding monument identification sign is permitted per lot frontage on interior streets.

(ii) *Area.* The sign area may not exceed 32 square feet.

(iii) *Height.* The height may not exceed five feet above street grade.

(iv) *Location.* Signs must be set back at least 25 feet from the street right-of-way.

(c) *Building Wall Signs*.

(i) *Number.* One wall-mounted identification sign is permitted per building.

(ii) *Area.* The sign area may not exceed 32 square feet, measured as the area of a rectangle enclosing all lettering and pictorial elements.

(iii) *Location.* Signs must be placed below the roofline.

(iv) *Projection.* The sign may not project more than 12 inches from the building face.

(v) *Lighting.* Only backlit electronic signs are allowed. Non-illuminated or backlit awnings are not permitted.

(d) *Real Estate Signs*.

(i) *Number.* One temporary sign per lot frontage may be installed to advertise the sale or lease of a facility.

(ii) *Area.* Signs may not exceed six square feet per lot frontage.

(e) *Construction Project Signs*.

(i) *Number.* One sign per park frontage may be installed in conjunction with a construction project to publicize future occupants.

(ii) *Area.* Signs may not exceed 32 square feet and must be removed before final inspection by the Building Inspector.

(f) *Directional Signs*. Directional signs may be installed to guide pedestrian or vehicle movement onto or within private property.

(i) *Area.* Signs may not exceed six square feet in area.

(ii) *Height.* Signs may not exceed three feet in height.

(iii) *Location.* Signs must be located on the property they serve.

14.34.130 Guarantees and Covenants

(1) Before or at the same time as submitting a final development plan for the first building or first phase of an R&BP development, the developer must submit a Declaration of Covenants, Conditions,

and Restrictions (CC&Rs) to the Provo City Planning Commission for approval. The approved declaration must then be recorded with the Utah County Recorder. The CC&Rs must include guarantees for the perpetual maintenance of all common open spaces and must ensure compliance with the standards in this Section to promote health, safety, general welfare, and property values within the development and surrounding area.

(2) The following assurances and standards must be included in the recorded CC&Rs for any R&BP development:

(a) *Management of Common Open Space*. The declaration must:

(i) Establish an association or corporation responsible for maintenance, with authority to assess land parcel or unit owners for costs;

(ii) Establish a management committee and specify:

(A) The number of committee members,
(B) The method of selection, and
(C) The powers and duties of the committee; and

(iii) Include a designated property manager with relevant experience.

(b) *Open Space Easement*. The declaration must convey an easement over all common open spaces, prohibiting future building or use unless approved in the preliminary project plan;

(c) *Landscaping Standards*. The declaration must require individual parcel or unit owners to install landscaping that meets or exceeds the typical landscaping plan approved in the preliminary project plan. Landscaping must be installed within one year of issuance of a Certificate of Occupancy. Common area landscaping must be installed with each development phase;

(d) *Architectural Committee*. The declaration must establish an architectural committee, including:

(i) The number and composition of members, with at least one member selected from the surrounding neighborhood based on nominations from the Neighborhood District Executive Board (minimum of six nominations);

(ii) Requirements for architectural committee approval of all schematic project plans, building elevations, and signage before submission to Provo City; and
(iii) Design guidelines covering site layout, building design, signage, lighting, landscaping, street furniture, fencing, and mechanical equipment;

(e) *Amendments*. The declaration must specify the procedure for amendments;

(f) *Building Coverage*. The declaration must specify the maximum lot coverage by buildings for each land use category identified in the approved preliminary project plan;

(g) *Building Height*. The declaration must specify the maximum building height approved by the Planning Commission;

(h) *Traffic and Parking Management*. The declaration must include a plan to encourage mass transit and carpooling among employees;

(i) *Use Restrictions*. The declaration may include more restrictive, but not more permissive, use regulations than those in the Provo City Zoning Ordinance; and

(j) *City Participation*. The declaration must state the following:
"Provo City, by virtue of ownership of streets, utilities, rights-of-way, or easements in and through the project, is deemed an 'owner' with full voting privileges under this declaration and has authority and standing to enforce provisions and standards deemed to be in the public interest."

14.34.140 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Landscaping*. See PCC 15.20.

(3) *Trash storage*. See PCC 14.50.070.

(4) *Walls and Fences*. To maintain an open, park-like atmosphere, fencing individual lots in the R&BP Zone is prohibited. Decorative walls or fences must be installed as visual screens around the perimeter of the park or along open waterways, as applicable. All such features must comply with PCC 14.34.100, and detailed plans must be submitted with the project plan for approval.

Chapter 14.35
CM - HEAVY COMMERCIAL ZONE

Sections:

14.35.010 Purpose and Objectives.
14.35.020 Permitted Uses.

14.35.030 Lot Standards.
14.35.040 Yard/Setback Requirements.
14.35.050 Projections into Yards.
14.35.060 Building Height and Distance.
14.35.070 Parking, Loading, and Access.
14.35.080 Project Plan Approval.
14.35.090 Other Requirements

14.35.010 Purpose and Objectives

The Heavy Commercial (CM) zone establishes an area for a compatible mix of retail commercial, warehousing, heavy commercial, and light manufacturing uses. It serves primarily as a transitional buffer between industrial zones and residential or lighter commercial areas.

This zone supports manufacturing and warehousing activities that operate in conjunction with, and are incidental to, retail commercial establishments. The CM zone is best located where it can effectively function as a transition zone and has convenient access to major transportation corridors.

To minimize adverse impacts, CM zones must not be located where truck traffic from warehousing or manufacturing would travel through residential neighborhoods or retail areas to access highways or rail facilities.

Typical uses in this zone include warehouses, light manufacturing and assembly plants, machine shops, automobile repair facilities, furniture and appliance repair services, tire recapping operations, and building materials stores and yards.

Development in the CM zone must balance utility with visual appeal. Buildings, parking areas, and loading facilities must incorporate landscaping along all street frontages to soften industrial features and enhance the overall appearance.

14.35.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Food Manufacturing – permitted only when incidental to the on-site retail sale of the same product.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Vehicle Storage - permitted subject to PCC 14.02.045(14).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(c) Caretaker dwellings, subject to the supplementary development standards for caretaker dwellings set forth in PCC 14.50.130.

14.35.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.35.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: no requirement.

14.35.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard:

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

(b) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.35.060 Building Height and Distance

(1) No building or structure may exceed 3 stories or 55 feet in height.

(2) Any accessory building must be at least 6 feet from the principal structure.

14.35.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or a side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission, using a guideline of one loading space per ten thousand (10,000) square feet of gross building area.

14.35.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.35.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Uses Within Buildings.* All uses in the CM Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples of such uses include service stations, ice skating rinks, and miniature golf facilities. Open storage of materials and equipment is permitted in this zone only if fully screened from public view by an opaque fence or wall. The fence or wall must be approved by the Planning Commission as part of the conditional use permit for the use.

Chapter 14.36
MP - MANUFACTURING PARK ZONE

Sections:

14.36.010 Purpose and Objectives.
14.36.020 Permitted Uses.
14.36.030 Lot Standards.
14.36.040 Yard/Setback Requirements.
14.36.050 Projections into Yards.
14.36.060 Building Height and Distance.
14.36.070 Parking, Loading, and Access.
14.36.080 Project Plan Approval.
14.36.090 Minimum Building Area.
14.36.100 Residential Use Standards.
14.36.110 Other Requirements.

14.36.010 Purpose and Objectives

The Manufacturing Park (MP) zone establishes an environment for high-quality laboratory, processing, and light manufacturing uses in a park-like setting. This zone is more restrictive than conventional manufacturing zones to promote architectural excellence and abundant landscaping.

The MP zone is intended for fringe areas of the city on open, readily developed land. In many cases, it will be located next to high-quality residential development and must include screening and beautification measures to ensure compatibility.

This zone is intended to be characterized by attractively designed buildings and off-street parking lots integrated with spacious lawns, trees, shrubs, and other landscaped features. Its defining characteristic is the park-like appearance of the grounds surrounding buildings and parking areas.

14.36.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Single-family Dwelling, attached to nonresidential use – permitted subject to PCC 14.36.100.

(b) Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(b) Home occupations, subject to PCC 14.49;

(c) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(d) Cafeterias and snack bars incidental to a permitted use and provided exclusively for employees and their guests on the premises; and

(e) Caretaker dwellings, provided they comply with the supplementary development standards in PCC 14.50.130.

14.36.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.36.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 30 feet.

(2) Side yard – corner lots: 20 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 30 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may approve a reduction of required setbacks in this zone if all of the following conditions are met:

(a) The proposed setback is visually compatible with neighboring development and does not create an undue burden or harm to adjacent property;

(b) The proposed setback does not conflict with an existing or required utility easement; and

(c) The proposed setback does not violate the International Building Code or the Fire Code.

14.36.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to eight feet into a required front or rear yard and up to four feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend; and

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) However, an accessory building may be located on the rear property line if all of the following conditions are met:

(i) The wall along the rear property line has no openings;

(ii) The wall adjacent to the property line is constructed with a one-hour fire-resistance rating;

(iii) Roof drainage is retained entirely on the subject lot or parcel; and

(iv) The materials on the wall adjacent to the rear property line present an attractive architectural appearance and do not negatively impact the adjacent property.

(4) *Clear vision areas.* See PCC 14.50.090.

14.36.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height.

(2) Any building taller than 20 feet must include one additional foot of front yard setback for every foot of height above 20 feet.

(3) Any accessory building must be at least 10 feet from the principal structure.

14.36.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking is not permitted within the front yard of any lot in the MP zone.

14.36.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.36.090 Minimum Building Area

All buildings in the MP zone must have a minimum gross floor area of 5,000 square feet. In a planned business park with two or more buildings, an individual building may be smaller than 5,000 square feet if the buildings are clustered and Covenants, Conditions, and Restrictions (CC&Rs) are recorded to ensure the development remains under single ownership or control.

14.36.100 Residential Use Standards

Single-family dwellings are permitted only when attached to a nonresidential use and are subject to the following standards:

(1) A dwelling may be occupied by only one family as defined by PCC 14.05;

(2) A dwelling is permitted only when attached to a permitted structure where the principal permitted use is operating. Only one dwelling unit is allowed to each permitted structure;

(3) A dwelling unit is not permitted unless approved by the Planning Commission as part of a project plan application;

(4) In any project with ten or more dwelling units, at least 10% of the residential gross floor area must be developed in residential amenities. Acceptable amenities include a common clubhouse, gym, playground, rooftop garden, or similar feature, unless a public park or recreation facility offering equivalent amenities is located within 1,000 feet of the project;

(5) Dwelling units in the Manufacturing Park zone must incorporate sound and vibration attenuating design and materials. The applicant must provide documentation from an acoustical engineer confirming that best practices for sound and vibration attenuation are incorporated; and

(6) Any dwelling unit without frontage on a public street must have a logical, hard-surfaced pedestrian connection to the public street.

14.36.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Uses Conducted Within Buildings.* All uses in the MP zone must be conducted entirely within a fully enclosed building. Outside storage of materials, trash, or equipment is prohibited, except for motor vehicles licensed for street use.

Chapter 14.37
M1 - LIGHT MANUFACTURING ZONE

Sections:

14.37.010 Purpose and Objectives.
14.37.020 Permitted Uses.
14.37.030 Lot Standards.
14.37.040 Yard/Setback Requirements.
14.37.050 Projections into Yards.
14.37.060 Building Height and Distance.
14.37.070 Parking, Loading, and Access.
14.37.080 Project Plan Approval.
14.37.090 Other Requirements.

14.37.010 Purpose and Objectives

The Light Manufacturing (M1) zone establishes areas in the city for light manufacturing uses such as processing, assembling, manufacturing, warehousing, and storage, together with incidental service and public facilities that support the manufacturing area. The zone

encourages orderly and sustainable industrial development while protecting nearby residential and commercial areas from noise and other disturbances.

The M1 zone is characterized by flat, open land suitable for industrial uses due to its proximity to major transportation routes and the availability of utilities necessary for manufacturing operations. Areas designated M1 may also serve as land reserves for future industrial and manufacturing development. Typical uses include light manufacturing, fabrication, processing, storage, warehousing, and wholesale distribution.

The objectives of the M1 zone are to:
(1) Provide space for light manufacturing and processing uses in appropriate locations, and to discourage uses that would degrade the light manufacturing environment or impede industrial development;
(2) Broaden and strengthen the City's economic base;
(3) Encourage new industries that enhance the economic and social well-being of the community; and
(4) Prevent the undesirable mixture of incompatible commercial, industrial, and residential uses.

14.37.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Education (Day Care Services) – permitted subject to PCC 14.02.045(7).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage, supply storage, and similar structures customarily used in conjunction with a principal use or structure;
(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(c) Caretaker dwellings, provided that the dwellings comply with the supplementary development standards for caretaker dwellings in PCC 14.50.130; and

(d) Natural or manufactured gas storage or distribution facilities, provided that any storage tank does not exceed 500 gallons.

(e) Uses that generate excessive noise, vibration, smoke, odor, dust, fumes, or a risk of explosion are prohibited in this zone.

14.37.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.37.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: no requirement.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are met:

(a) The proposed setback is visually compatible with nearby development and does not create an undue burden or harm to adjacent properties;

(b) The proposed setback does not conflict with any existing or required utility easement; and

(c) The proposed setback complies with the International Building Code and the Fire Code.

14.37.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses;

(iv) Use architectural materials and colors similar to the principal structure; and

(v) Have no openings on the side adjoining the property line when the building is located on a property line.

(4) *Clear vision areas.* See PCC 14.50.090.

14.37.060 Building Height and Distance

No requirement except as may be imposed by the provisions of the latest edition of the International Building Code adopted by Provo City.

14.37.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Loading spaces must be provided as required by the Planning Commission.

(4) Parking may not be located within a required setback.

14.37.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.37.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs.* See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Uses Within Buildings.* All uses in the M1 Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Open storage of materials and equipment is permitted in this zone only if fully screened from public view by an opaque fence or wall. The fence or wall must be approved by the Planning Commission as part of a project plan.

(8) *Recreational Vehicle Storage (Includes Boats, Trailers, and Recreational Vehicles) and Towing Impound Yards.* See PCC 14.50.050.

Chapter 14.37A
DC – DATA CENTER OVERLAY ZONE

Sections:

14.37A.010 Purpose and Objectives.
14.37A.020 Permitted Uses.
14.37A.030 Lot Standards.
14.37A.040 Project Plan Approval.
14.37A.050 Development Standards for Data Centers.
14.37A.060 Other Requirements.

14.37A.010 Purpose and Objectives

The Data Center Overlay Zone (DC Overlay) establishes development standards for data centers and similar digital infrastructure facilities. The intent of this zone is to ensure prudent siting and operation of such uses while minimizing adverse environmental impacts, particularly those affecting air quality, water use, and energy demand.

For purposes of this Title, "*data center"* means a dedicated building or facility designed primarily to house networked servers and computing infrastructure for continuous operation. The term does not include facilities primarily used for cryptocurrency mining, blockchain validation, or other distributed ledger technology operations.

14.37A.020 Permitted Uses

The following principal uses, and no others, are permitted in the Data Center Overlay Zone:
(1) Data centers

14.37A.030 Lot Standards

Each lot or parcel in the Data Center Overlay Zone must comply with the standards of the underlying zone and with PCC 15.03.100

14.37A.040 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.37A.050 Development Standards for Data Centers

(1) *Applicable zones.* The Data Center Overlay Zone may only be applied in conjunction with the Light Manufacturing (M1) Zone. Development within the Data Center Overlay Zone must comply with the development standards of the underlying zone unless otherwise specified in this Chapter.

(2) *Policy compliance.* Data centers must comply with all requirements in Provo City's Data Center Policy and Application Procedures and with Utah Municipal Power Agency (UMPA) Data Center Policies.

(3) *Separation from sensitive uses.* A data center may not be located closer than two hundred (200) feet to any school, park, or residential property.

(4) *Financial assurance.* A data center must establish a financial mechanism, such as a performance bond, consistent with UMPA Data Center Policies, to offset risks to taxpayers.

(5) *Cooling.* Data centers must use non-evaporative cooling methods and may not discharge treated water used for cooling into the municipal systems.

(6) *Zone Map Amendment submittal requirements.* The following materials must be included with an application for a Zone Map Amendment involving a data center:

(a) A project narrative and development timeline, including construction milestones and phasing;

(b) Legal entity disclosures;

(c) A Community Benefit Plan describing workforce training, infrastructure investments, renewable energy projects, and projected tax revenue;

(d) A statement describing how the data center supports the environmental goals of the Provo City General Plan and the Conservation and Resiliency Plan;

(e) An agreement with UMPA ensuring adequate compensation for the use of UMPA and Provo Power transmission and distribution infrastructure;

(f) A detailed power load plan;

(g) A site plan identifying all utility infrastructure, including electric, water, and wastewater;

(h) An assessment of operational vibrations and a description of mitigation measures, such as vibration isolation systems, floating floors, or structural dampening;

(i) An environmental review that identifies and evaluates conservation strategies addressing:

(i) Energy efficiency (e.g., server clustering, high-efficiency cooling systems);

(ii) Water and wastewater management (e.g., water reuse strategies, pretreatment details); and

(iii) A comparison of water and power use between data centers of similar scale and other similarly sized industrial facilities;

(j) An estimation of the amount of pollutants that would be produced that includes CO_2, NO_x, VOCs, ozone, $PM_{2.5}$, PM_{10}, methane, and other site-specific pollutants and comparison against the estimated emissions of a similarly sized office building; and

(k) An end-of-life plan for all technological waste, requiring disposal at an e-waste recycling facility licensed by the Utah Department of Environmental Quality.

14.37A.060 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) The operator of any use permitted under this Chapter must comply with all applicable licensing requirements of the city and any other public agency with jurisdiction over the use.

(3) Data centers must comply with the noise limits in PCC 9.06.040.

Chapter 14.38
M2 - HEAVY MANUFACTURING ZONE

Sections:

14.38.010 Purpose and Objectives.
14.38.020 Permitted Uses.
14.38.030 Lot Standards.
14.38.040 Yard/Setback Requirements.
14.38.050 Projections into Yards.

14.38.060 Building Height and Distance.
14.38.070 Parking, Loading, and Access.
14.38.080 Project Plan Approval.
14.38.090 Other Requirements.

14.38.010 Purpose and Objectives

The Heavy Manufacturing (M2) Zone establishes areas in the community for heavy industrial, manufacturing, and extractive uses. The zone provides locations where such uses can operate without conflict from surrounding commercial and residential areas, while minimizing the effects of odor, dust, noise, and similar impacts on nearby properties.

The zone may only be located near rail lines and major highways to ensure efficient access and transportation. The zone must also be located in areas that protect air and water quality and prevent hazards to adjacent residential, commercial, or light manufacturing areas.

The M2 Zone is characterized by open and enclosed manufacturing, processing, and assembly uses that may create potential hazards, nuisances, or disturbances. These uses must be situated to minimize impacts on other areas of the community and to maintain an environment that is functional and visually orderly. Peripheral landscaping is required to reduce adverse impacts and enhance the overall appearance of the zone.

14.38.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage, and similar structures customarily used in conjunction with a principal use or structure;

(b) Storage of materials used for construction, including a temporary contractor’s office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it; and

(c) Caretaker Dwellings, subject to PCC 14.50.130.

14.38.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.38.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: no requirement.

14.38.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.* All accessory buildings must:

(a) Have a footprint and height less than the principal structure;

(b) Comply with applicable lot coverage standards;

(c) Be used only for permitted accessory uses; and

(d) Use architectural materials and colors similar to the principal structure.

(4) *Clear vision areas.* See PCC 14.50.090.

14.38.060 Building Height and Distance

No requirement except as may be imposed by the provisions of the latest edition of the International Building Code adopted by Provo City.

14.38.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Loading spaces must be provided as required by the Planning Commission.

(4) Parking may not be located within a required setback.

(5) Truck traffic generated within the M2 Zone must not enter or exit through residential neighborhoods or commercial districts.

14.38.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.38.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Uses Within Buildings.* All uses in the M2 Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Open storage of materials and equipment is permitted in this zone only if fully screened from public view by an opaque fence or wall. The fence or wall must be approved by the Planning Commission as part of a project plan.

(8) *Recreational Vehicle Storage (Includes Boats, Trailers, and Recreational Vehicles) and Towing Impound Yards.* See PCC 14.50.050

Chapter 14.39
CH – CRITICAL HILLSIDE OVERLAY ZONE

Sections:

14.39.010 Purpose and Objectives.
14.39.020 Definitions.
14.39.030 Applicability.
14.39.040 Permitted Uses.
14.39.050 Project Plan Approval
14.39.060 Limits of Disturbance (LOD).
14.39.070 Slope Protection and Stability.
14.39.080 Detention Basin Design.
14.39.090 Ridgelines.
14.39.100 Streets and Access.
14.39.110 Trails and Public Accesses.
14.39.120 Fences.
14.39.130 Tree and Vegetation Protection.
14.39.140 Sensitive Lands Compliance.
14.39.150 Stream Corridor and Wetland Protection.
14.39.160 Traffic Requirements.
14.39.170 Parking Requirements.
14.39.180 Design Standards.
14.39.190 Cluster Developments.
14.39.200 Other Requirements.

14.39.010 Purpose and Objectives

The Critical Hillside (CH) Overlay Zone establishes development standards to protect the sensitive hillside areas along Provo City's east bench. The requirements of this overlay apply in addition to, and prevail over, the standards of the underlying zone.

The CH Overlay Zone is intended to:

(1) Protect ridgelines and maintain the visual integrity of Provo's hillsides;

(2) Preserve slope stability and natural drainage patterns;

(3) Protect existing public access points and trail corridors;
(4) Preserve existing vegetation and require revegetation of disturbed areas; and
(5) Mitigate potential slope, fire, and other natural hazards associated with hillside development.

Trees and other vegetation are recognized as essential to both slope stability and visual quality. The provisions of this zone require the preservation and restoration of vegetation and include design standards that complement the natural beauty and ecological health of Provo's hillside areas.

14.39.020 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

"Approved fire protection plan" means the fire protection plan approved by the applicable fire authority.

"Bench" means a naturally occurring, broad, generally flat, elevated terrace landform with an abrupt slope on one side.

"Caliper" means a standard trunk diameter measurement for nursery-grown trees, taken six inches above the ground for trees up to and including four inches in caliper size, and 12 inches above the ground for larger trees.

"Cluster development" means the grouping of residential properties on lots smaller than those allowed in the underlying zone to reduce infrastructure costs and environmental impacts and to reserve otherwise developable land for open space.

"Defensible space" means the required area between a structure and a wildland area that, under normal conditions, creates a sufficient buffer to slow or stop the spread of wildfire to the structure.

"Density bonus" means a residential density increase, beyond that allowed by the underlying zoning, obtained by constructing and dedicating a trail or trailhead to the City or by clustering development as provided in this Chapter.

"Developed parcel" means a parcel with a dwelling.

"Drip line" means a vertical line extending from the outermost edge of a tree canopy or shrub branch to the ground.

"Hard surface" means asphalt, concrete, or other similar impervious materials.

"Limits of disturbance (LOD)" means the area or areas of a development within which all construction and development activity must be contained. Natural areas, ponds, streams, trees, and vegetation where no grading occurs must be excluded from the limits of disturbance.

"Natural open space" means land in an open and undeveloped condition that is suitable for:
(1) Natural areas, wildlife, or native plant habitat;
(2) Important wetlands or watershed lands;

(3) Stream corridors;
(4) Passive, low-impact recreational activities;
(5) Areas with little or no land disturbance; or
(6) Natural trails for nonmotorized activities.

"Net developable acreage" means land that meets all of the following conditions:
(1) Has a slope of no more than 30%, unless an exception is granted as provided in PCC Title 14 or Title 15;
(2) Is located the minimum distance from any stream corridor or wetland as established in this Chapter;
(3) Is not located within 100 feet (map distance) on either side of the crest of a ridgeline designated for protection by the City (as shown in figure 14.39.1);
(4) Is not a right-of-way or road; and
(5) Is not prohibited from development under:
    (a) The provisions of PCC Title 15, including PCC 15.05 (Geological and Natural Hazards), or other applicable provisions of the PCC, state law, or federal law; or
    (b) A recorded, legally binding document prohibiting development on the property.

"Non-sight-obscuring fence" means a fence that is more than 50% open.

"Open space" means any area of a lot that is free and unobstructed by structures or parking areas.

"Ordinary high-water mark" means the line on a bank to which the high water of a stream ordinarily rises annually, as indicated by soil or vegetation changes, or other appropriate indicators based on surrounding conditions. Where the ordinary high-water mark cannot be identified, the top of the channel bank must be used. In braided channels, the ordinary high-water mark, or substitute channel bank, includes the entire stream feature.

"Ridge" means the elongated crest at the highest point of intersection between two opposing slopes of a hill or mountain.

"Ridgeline" means a line, designated for protection by the City, connecting the highest points along a ridge and separating drainage basins or smaller drainage systems. A bench is not a ridgeline.

"Significant trees" means live trees with a caliper of six inches or greater; groves of five or more smaller live trees; or clumps of live oak or maple covering at least 50 square feet to the drip line perimeter.

"Slope" means the level of land inclination from the horizontal plane, expressed as a percentage, calculated by dividing the vertical rise by the horizontal run.

"Stream" means a natural watercourse containing flowing water at least intermittently.

"Stream corridor" means the area defined by the ordinary high-water mark of a constant or intermittent stream.

"Tree" means a woody plant with a distinct central trunk.

"Vegetation" means living plant material, including trees, shrubs, flowers, grasses, herbs, and ground cover.

"Water-wise plant species" means vegetation with low water use requirements.

14.39.030 Applicability

(1) *Underlying Zone.* The Critical Hillside (CH) Overlay Zone applies in combination with existing conventional zones and may not be applied as a stand-alone zone.

(2) *Conflict.* If a conflict exists between the provisions of this Chapter and other requirements of PCC Title 14 or Title 15, the provisions of this Chapter take precedence, unless this Chapter explicitly provides for a provision of another Chapter or Title to control.

(3) *Development Plan.* Property within the CH Overlay Zone may only be developed in conformance with the applicable, approved project plan, subdivision, or other approved development plan.

(a) All development within the CH Overlay Zone, including grading, clearing, and excavation, must comply with the provisions of this Chapter.

(b) All maps, plans, narratives, and other materials necessary to demonstrate compliance with this Chapter must be submitted to the Coordinator Review Committee for review.

(4) *Naming.* Written references to a zone overlain by the CH Overlay Zone, including those on the Provo City Zone Map, will include both the underlying zone designation and the CH Overlay acronym, such as R1.10(CH).

(5) *Modifications.* Subject to verification by Provo City Engineering of the requirements of this Subsection (5) and the execution of an agreement documenting the terms of any exceptions granted under this Subsection, the provisions of this Chapter may be modified for parcels that do not have any of the following development constraints:

(a) Slopes steeper than a 20% grade covering more than 15% of the parcel;

(b) Hazardous or unstable soils;

(c) Faults;

(d) Ridgelines; or

(e) Other hazardous building conditions.

(6) *Exemptions.* The provisions of this Chapter do not apply to the following:

(a) Parcels or lots used exclusively for the operation of a public or private cemetery; and

(b) Public parks.

14.39.040 Permitted Uses

Permitted uses in the Critical Hillside (CH) Overlay Zone are limited to those permitted in the underlying zone with which the CH Overlay is combined.

14.39.050 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.39.060 Limits of Disturbance (LOD)

(1) *Identification.* The proposed limits of disturbance (LOD) must be shown on all development plans and must clearly identify the specific areas where construction and development activity will occur.

(a) LOD plans must be stamped by a licensed engineer to verify accuracy.

(b) No construction or development activity may begin until the City has approved the LOD in accordance with the requirements of this Chapter.

(c) Once the LOD has been approved by the City, no construction or development activity may take place outside the LOD.

(2) *Extent of disturbance.* The LOD may be divided into separate areas, but no more than 40% of a development site may be included within the LOD. A dwelling site may include up to an additional ten percent LOD for landscaping purposes, including the use of nonnative vegetation.

(3) *Administrative relief.* Upon request by the applicant the Development Services Director may grant up to a ten percent modification to the standards in this Section if one of the following findings is made:

(a) The modification results in more effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site; or

(b) Strict application of the standard would prevent any reasonable development of the property.

14.39.070 Slope Protection and Stability

(1) *Compliance with other codes.* All development within the CH Overlay Zone must comply with the grading, fill, excavation, material relocation, and drainage requirements of PCC Title 15 and PCC Title 18.

(2) *Setbacks from steep slopes.* Structures must be set back from ascending or descending slopes greater than 30% as required by the currently adopted building code.

(3) *Protection of steep slopes.* Except as expressly allowed in PCC Title 14 or Title 15, all areas with a slope greater than 30% must remain as natural private or natural public open space. Nothing in this Chapter eliminates the exceptions in PCC 15.05 that allow grading or development of slopes exceeding 30%.

(4) *Recontouring of slopes.* All human-made cut, fill, and graded slopes created or disturbed through development activities must be recontoured to reflect the natural, varied contour of the surrounding terrain prior to the final certificate of occupancy.

(5) *Retaining and vertical walls.* Terraced retaining walls may be used to reduce the steepness of human-made slopes and to create planting pockets suitable for revegetation. The following standards apply to terraced and vertical walls:

(a) Terraces between retaining walls must be permanently landscaped or revegetated;

(b) Terracing is limited to three walls, each with a maximum vertical height of eight feet;

(i) The terrace width must be at least equal to the height of the wall, measured from the back of the lower wall to the face of the upper wall.

(ii) The Development Services Director or the Director's designee may approve additional terrace walls or increased wall height if the applicant provides documentation, stamped by a Utah-licensed professional engineer, demonstrating that the property would be inaccessible without the modification.

(c) Retaining walls must be faced with stone or earth-colored materials similar to the surrounding natural landscape; and

14.39.080 Detention Basin Design

If detention basins or other stormwater or erosion control facilities are used or required as part of a development, they must comply with the following design standards:

(1) *Natural Design.* Detention basins must have freeform shapes that follow the natural landforms. Where natural forms do not exist, the basin must be shaped to emulate a naturally formed depression;

(2) *Side Slopes.* Redistribution of soils from basin construction to the natural side slopes around the basin perimeter is encouraged. Side slopes should be designed to filter, redirect, or soften views of the basin but do not need to fully screen it. Side slopes must be varied to replicate natural topographic conditions.

(3) *Vegetation and planting.* Detention basins must use naturalized planting themes. Trees and shrubs may be grouped in informal patterns to emulate the surrounding natural environment but may not reduce the basin's required storage volume. Trees, shrubs, or other large woody

vegetation are not permitted on basin embankments. Vegetation must be located to allow access and regular maintenance.

(4) *Ground cover.* The basin floor and surrounding disturbed areas must be covered with a native grass mixture or other suitable ground cover approved by the City Engineer. Ground cover should provide a natural appearance and must not require regular mowing or fertilization.

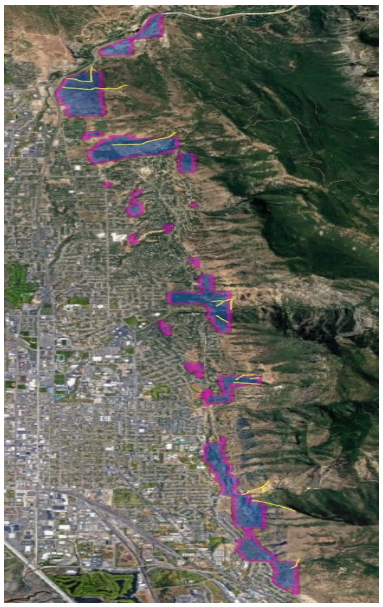
(5) *Vegetation standards.* All vegetation and trees associated with a detention basin must be drought-tolerant and fire-wise, as approved in the applicable fire protection plan.

14.39.090 Ridgelines

(1) No development, including utility infrastructure, may break the horizon line of a ridgeline, defined as the point where the ridgeline visibly meets the sky as viewed from public rights-of-way or trails. (See figure 14.39.1 for protected ridgelines).

(2) No development, including utility infrastructure, may be located within 100 feet (map distance) from either side of the crest of a ridgeline designated for protection by the City, as shown in figure 14.39.1.

Figure 14.39.1. Ridgelines Designated for Protection by Provo City



14.39.100 Streets and Access

(1) All development in the CH Zone must comply with the applicable street and access requirements of PCC 14 and 15.

(2) Streets, roads, alleys, or driveways must follow natural contour lines, where possible, to minimize cuts and fills. (See Figures 14.39.2 and 14.39.3).

(3) An easement must be granted to Provo City over and across all private development roads for utility maintenance and fire and emergency access.

(4) A development of 13 or more lots, or 13 or more dwelling units, must have at least two points of ingress and egress. All developments must be connected to the City's street system at two different access locations. This requirement for second access supersedes any conflicting access requirement in this Code.

(5) Grading for streets, roads, alleys, or driveways is limited to the paved portion of such access and other associated, required access improvements, plus up to an additional ten feet on either side of the pavement and required improvements. However, when developing streets, roads, alleys, or driveways on slopes in excess of 25%, only the paved portion of the access used for vehicular travel, plus the minimum area for any required, associated access improvements, such as curb, gutter or sidewalk, may be graded. The remainder of the access must be left undisturbed.

(6) In the CH Zone, the City Engineer may allow the use of street- or road-side swales, or other similar street construction conventions, instead of curb and gutter, when the City Engineer determines that such swales, or other similar road construction conventions, will provide a more efficient, safe, or practical means of managing water runoff related to a street or road.

(7) Any development that abuts public land and has an existing access to the public land must maintain the access by providing a public access road through the development to the public land.

Figure 14.39.2. Roads in the CH Zone Following Natural Contours – Permitted

Figure 14.39.3. Roads in the CH Zone Following Natural Contours – Not Permitted

14.39.110 Trails and Public Accesses

(1) *Density Bonus.* A density bonus is available for dedicated trail or trailhead improvements that are accepted by the City as follows:

(a) A one percent density bonus for each one percent of land developed and dedicated to Provo City for a hard surface, linear trail up to a maximum bonus of ten percent.

(b) A one-half percent density bonus for each one percent of land developed and dedicated to Provo City for a graveled, linear trail up to a maximum bonus of ten percent.

(c) A three percent density bonus for the construction of a public trailhead dedicated to Provo City that meets the following requirements:

(i) The public trailhead must have a parking lot with a minimum of ten off-street parking spaces.

(ii) The parking lot must be designed in accordance with PCC 14.44.

(d) No development may obtain a density bonus greater than ten percent total under this Section.

(e) In calculating the density bonus, the calculated number will be rounded to the nearest whole number but will in no case be less than one.

(2) *Trail Design.* A trail dedicated to the City must meet the following requirements:

(a) The trail must be constructed according to the applicable Provo City Public Works and Parks and Recreation Department standards;

(b) The dedicated trail right-of-way must be a minimum of 20 feet wide;

(c) The trail improvements and right-of-way must be dedicated to the City prior to issuance of any building permits within the development; and

(d) At least some portion of the trail must be part of a planned City trail system and approved by the Parks and Recreation Department.

(3) *Denials.* After having received the opinion of the Parks and Recreation Department Director, Development Services Director, and the City Engineer regarding the benefit and feasibility of a proffered trail dedication, the Mayor may reject a proffered trail dedication, based on any one or more of the following findings regarding the proffered dedication:

(a) Trail maintenance is not feasible;

(b) The trail dedication length is less than 660 feet; or

(c) A natural hazard, or the susceptibility to a natural hazard, including, but not limited to, slope, cliff, rock fall, or landslide, cannot reasonably be mitigated to safely operate a trail for public use, as per the opinion of the City Engineer.

(4) *Location.* No legally established public access or legally established public right-of-way may be included within the limits of disturbance (LOD) of any development or lot. Every legally established public access and recorded right-of-way must be located and identified on recorded development plats and approved development plans.

14.39.120 Fences

The following fencing requirements apply in the CH Zone:

(1) All fencing that is outside the designated LOD of a parcel or lot, in a front yard, or along a roadway, must be non-sight-obscuring fencing and have a maximum height of five feet. However, livestock fencing may have a maximum height of six feet.

(2) Notwithstanding Subsection (1), the clear vision area requirements of PCC 14.50.090 must be met.

(3) See PCC 14.39.180 for design standards for fencing.

14.39.130 Tree and Vegetation Protection

(1) *Tree/Vegetation Removal.*

(a) No trees or vegetation may be removed outside the approved LOD unless specifically allowed by this Chapter.

(b) Significant trees removed from within the LOD must be replaced as set forth in this Chapter.

(c) No trees or vegetation may be removed solely for the purpose of providing open views to or from structures on a site or solely for the purpose of replacing them with different species.

(d) Appropriate defensible space surrounding a structure is established in the Utah Wildland-Urban Interface Code (WUI). In order to account for trees that must be removed to comply with the applicable requirements of the WUI, the applicant must submit a copy of the approved fire protection plan, along with development plans that incorporate the approved fire protection plan, to the Development Services Director for review.

(e) The following is a list of additional situations when tree and vegetation removal is permitted:

(i) The removal of invasive, dead, or naturally fallen trees or vegetation to protect public health, safety, and welfare; and

(ii) The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections, to install utilities, to perform authorized field survey work, or to protect structures from fire consistent with the Utah Wildland-Urban Interface Code.

(2) *Replacement of Significant Trees.*

(a) When any significant tree is removed from inside the approved LOD and the removal is not required by WUI standards, the developer must meet the following replacement schedule and requirements:

(i) A significant tree that is removed must be replaced by two trees with a minimum size of two-inch caliper for deciduous trees and a minimum height of six feet for coniferous trees in locations on the lot, as set forth in the required revegetation, tree reestablishment, and land reclamation plan; and

(ii) Replacement trees must be maintained through an establishment period of at least two years. The applicant must post a bond in the amount of ten percent of the value of all replacement trees to guarantee their health and survival during the establishment period.

(b) If the remainder of the lot outside the approved LOD is heavily wooded, defined as areas of trees with canopies that cover 80% of the area, and is not suitable to the planting of replacement trees, the requirement to plant replacement trees may be waived by the Development Services Director.

(3) *Revegetation, Tree Reestablishment, and Land Reclamation Plan.*

(a) A revegetation, tree reestablishment, and land reclamation plan must be submitted for any lot or parcel of land that will be altered from its natural condition. This plan must be stamped by an engineer and landscape architect licensed in the State of Utah.

(b) The revegetation, tree reestablishment, and land reclamation plan must contain the following:

(i) Scale and north arrow;

(ii) Location and dimensions of the property;

(iii) Type, size, number, and location of any vegetation and trees to be planted;

(iv) Demonstration that all new trees are spaced no closer than 20 feet on center;

(v) Illustration of how the site will be recontoured with sufficient topsoil to ensure that vegetation is successful;

(vi) Applicable information from the approved fire protection plan;

(vii) A timeframe for revegetation that is acceptable to the City and that takes into account optimal seasonal growing conditions;

(viii) A note detailing compliance with the Vegetation Clearance Guidelines of the Wildland-Urban Interface Code and confirming that all new trees are on the Utah Fire Resistive Species list in the Wildland-Urban Interface Code;

(ix) An irrigation plan demonstrating water-wise irrigation of the revegetated, reestablished, or reclaimed area; and

(x) Any other information necessary to show compliance with this Subsection (3).

(c) All disturbed areas must be revegetated using native or water-wise adapted plant species and materials characteristic of the disturbed area. However, a property owner may establish nonnative or non-water-wise adapted plant species within:

(i) a five-foot-wide perimeter around the edge of all structures, and

(ii) planting beds located not more than 30 feet from the main building(s).

(d) Any slope exposed or created in the development process must be landscaped or revegetated with dryland trees and plant material. New vegetation must be equivalent to or exceed the amount and erosion-control characteristics of the original vegetation cover in order to mitigate adverse environmental and visual effects.

(e) On human-made slopes of 25% or greater, created or disturbed through the applicant's development activities, plant materials with deep rooting characteristics must be utilized to minimize erosion and reduce surface runoff. The planting basin must be kept level with a raised berm around the base of the plant to help retain moisture.

(f) Topsoil that is removed during construction may be conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.

(g) Tree cutting for utility corridors must be minimized to reduce visual impacts. All disturbed areas must be revegetated in accordance with the provisions of this Subsection (3).

(h) A performance bond that complies with PCC 15 for improvements related to the revegetation, tree reestablishment, and land reclamation plan must be submitted and remain in place until all work has been completed and final inspection made.

(4) *Tree and Vegetation Protection.*

(a) Prior to any development activities, the applicant must submit a tree and vegetation protection plan. This plan must be stamped by an engineer and landscape architect licensed in the State of Utah and incorporated into the approved, final development plans. The tree and vegetation protection plan must contain the following:

(i) Scale and north arrow;

(ii) Location and dimensions of the property;

(iii) Limits of disturbance (LOD);

(iv) Fencing or other separation methods to delineate the LOD;

(v) Location and size of all existing vegetation, including trees;

(vi) Identification of vegetation and trees to be retained;

(vii) Fencing around each significant tree and around stands of trees to be retained;

(viii) Details of the measures that will be taken to ensure that protected vegetation will be protected from grading, soil compaction, trenching, or other development activity that could have an adverse effect on such vegetation; and

(ix) Any other information necessary to show compliance with this Subsection (4).

(b) Fencing must be placed at the drip line around each significant tree that will not be removed and around stands of 12 or more smaller trees.

(c) No construction, grading, equipment or material storage, or any other activity is allowed inside the drip line of protected trees, and the fencing must remain in place until all land alteration, construction, and development activities are completed.

14.39.140 Sensitive Lands Compliance

The applicable sensitive lands requirements of PCC 15.05, including those related to geological and natural hazards, must be met.

14.39.150 Stream Corridor and Wetland Protection

(1) *Restrictions.* No development activity may be conducted that disturbs, removes, fills, dredges, clears, destroys, or alters, stream corridors or wetlands, including vegetation, except for restoration and maintenance activities allowed by this Code and applicable State or Federal law.

(2) *Authority.* Stream corridor and wetland area delineation must be performed by an engineer licensed in the State of Utah with demonstrated experience and expertise to conduct the required site analysis. The engineer must follow or operate in accordance with any applicable, current Federal manuals, requirements, and laws.

(3) *Setbacks.* The following setback requirements apply:

(a) All buildings, structures, and parking lots must be set back at least 50 feet horizontally from the ordinary high-water mark of stream corridors. (See Figure 14.39.4 and Figure 14.39.5).

Figure 14.39.4. Setback from Stream Corridor – Permitted

Figure 14.39.5. Setback from Stream Corridor – Not Permitted

(b) All buildings, structures, and parking lots must be set back at least 50 feet horizontally from the delineated edge of a wetland.

14.39.160 Traffic Requirements

Development in the CH Zone is subject to the traffic study requirements of PCC 15.03.040.

14.39.170 Parking Requirements

(1) *Snow Storage.* Outdoor parking facilities must provide adequate snow storage areas, as follows:

(a) A snow storage area must consist of an area that is at least 20% of the area of the outdoor parking facility;

(b) A snow storage area must be sited in a manner that is accessible and usable for snowplow equipment;

(c) Snow storage may not encumber required parking spaces or encroach into sidewalk or pedestrian pathways;

(d) Snow storage areas must be clearly visible and identifiable in winter conditions; and

(e) Snow storage areas may not be located on top of storm drain inlets.

(2) *Parking Count Standards.* Development in the CH Zone is subject to the parking requirements of PCC 14.44.

(3) *Parking Design Standards.* See PCC 14.39.180 for parking design standards.

14.39.180 Design Standards

(1) In the event that the design standards of this Section conflict with the other design standards and guidelines of PCC 14 or 15, the standards of this Section take precedence.

(2) *Buildings.* The following design standards apply for new buildings proposed in the CH Zone:

(a) Buildings must be designed to follow natural contours rather than modifying the land to accept a building design not tailored to the site. (See Figure 14.39.6 and Figure 14.39.7).

Figure 14.39.6. Buildings to Follow Natural Contours – Permitted

Figure 14.39.7. Buildings to Follow Natural Contours – Not Permitted

(b) Building designs that require a strong structural statement, such as extensive cantilevers or cuts and fills, are prohibited on slopes that are greater than 30%.

(c) The massing or grouping of buildings must be scaled to harmonize and achieve balance with the natural features of the specific site.

(d) Roof lines and building mass must echo the angles and shapes repeated in the natural landscape.

(e) Building mass and wall lines must be broken up to complement natural settings and slopes.

(f) The use of building materials in colors that blend harmoniously with the surrounding natural settings is required. Brash, contrasting color combinations are prohibited.

(g) Flammable wood roofing shingles are prohibited.

(3) *Landscaping.* The following landscaping design standards apply in relation to permit applications for new main buildings and new developments proposed in the CH Zone:

(a) Landscaping must incorporate natural features such as trees, significant vegetative patterns, interesting landforms, rocks, water, views, and orientation. (See Figure 14.39.8 and Figure 14.39.9).

Figure 14.39.8. Incorporation of Natural Features into Landscaping – Permitted

Figure 14.39.9. Incorporation of Natural Features into Landscaping – Not Permitted

(b) All disturbed areas must be revegetated using native or water-wise adapted plant species and materials characteristic of the disturbed area. However, this requirement does not preclude a property owner from establishing non-native or non-water-wise adapted plant species within:

(i) A five-foot-wide perimeter around the edge of all structures; and

(ii) Planting beds located not more than 30 feet from the main building(s).

(4) *Fencing.* The following fencing design standards apply in the CH Zone:

(a) Fencing used to screen patios, other outdoor areas, and service areas within the LOD may be composed of the following fencing materials:

(i) Natural or stained wood;

(ii) Brick;

(iii) Rock;

(iv) Stone;

(v) Pre-cast fences or walls textured and colored to imitate any of the above materials;

(vi) Wrought iron;

(vii) Vinyl rail;

(viii) Rammed earth; or

(ix) Powder or dull coat chain link fencing (permitted only for telecommunications facilities, public utility compounds, and other related or similar facilities).

(b) The following fencing materials are prohibited in the CH Zone:

(i) Solid board;

(ii) Concrete or concrete block;

(iii) Plywood; and

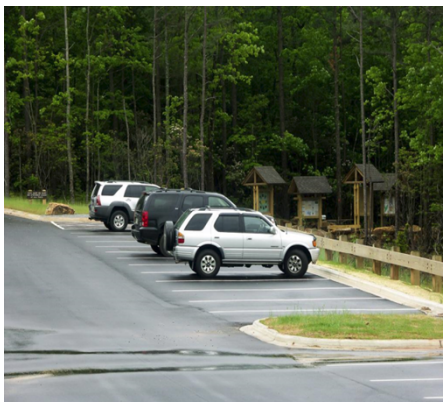
(iv) Painted materials.

(5) *Parking.* The following parking design standards apply in the CH Zone:

(a) When visible from public streets and private development roads, parking facilities must be screened to blend into the natural environment. (See Figure 14.39.10 and Figure 14.39.11).

Figure 14.39.10. Screening Parking Facilities – Permitted

Figure 14.39.11. Screening Parking Facilities – Not Permitted



(6) *Utility Infrastructure*.

(a) Insofar as possible, utility infrastructure, including water tanks, must be screened from public rights-of-way or designed to blend into the natural environment. However, such screening or design (to blend into the natural environment) may not compromise maintenance access to such facilities.

(b) Insofar as possible, above-grade utility poles, if allowed by other provisions of this Code, may not be sited, or left after the completion of development activities, on small, elevated mounds of earth or other materials, but must be sited such that the bottom of the utility poles (portion of poles that intersect land) are generally located on the same grade (no more than a five foot deviation in elevation) as the surrounding land in every direction for a distance of at least 25 feet. (See Figure 14.39.12).

Figure 14.39.12. Above-Grade Utility Poles – Not Permitted

(7) *Cluster Development.* See PCC 14.39.190 for design standards applicable to cluster developments.

14.39.190 Cluster Developments

(1) *Cluster Proposal Review.* The Planning Commission may approve a request for the clustering of a proposed development in the CH Zone, as set forth herein, if all of the following standards are met:

(a) At least 25% of the proposed cluster development is preserved as passive or active natural open space as recorded on the plat or by deed restrictions;

(b) The applicant must submit a report that has been stamped by an engineer and landscape architect that attests the clustering proposal will have no adverse impact on adjacent properties, or, if such impacts are anticipated, such report must detail these impacts and recommend mitigation measures, such as landscape, screening, illumination standards, and other design features. No work of an engineer or landscape architect under this Section may be accepted unless the engineer or architect is licensed in Utah. If the report indicates impacts are anticipated, the applicant must enter into an agreement with the City to implement and maintain appropriate mitigation measures, subject to the approval of the City Engineer, to buffer and protect adjacent properties from the proposed clustered development. The developer's engineer and landscape architect must verify that the recommended mitigation measures have been incorporated into the development.

(c) The Planning Commission, based upon the findings of a report submitted by the applicant and stamped by an engineer and landscape architect, finds that the clustering proposal, compared with a conventional development, better attains the policies and objectives of the CH Zone, such as providing more natural open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, geological sensitive areas, prominent ridgelines, wetlands, and steep slopes; and

(d) The Planning Commission finds that the architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape and are compatible with adjacent properties or development.

(2) *Density Bonus.* To encourage the clustering of development, a density bonus is provided, as follows:

(a) In the A1 Zones, RA Zone, and R1 Zones (except the R1.6 and R1.7 Zones); a density bonus of 25% over the base density is permitted for those cluster developments that satisfy the standards in Subsection (1). To facilitate clustering, the area, width, and depth of lots may be reduced by up to 25% from the standard requirements in the base zone. However, in no case may the depth of a lot be less than 75 feet.

(b) The allowable density bonus for a cluster development is calculated based on net developable acreage. The resulting number will be rounded to the nearest whole number but will be at least one.

(3) *Cluster Design.* Cluster developments must meet the following design standards, and applicants must provide the written opinion of a landscape architect and/or engineer that the following design standards have been met:

(a) The undeveloped area of the development site must be preserved as active or passive natural open space. Natural open space areas must provide contiguity with adjacent natural open space and/or conservation areas; protect unique natural, historical, or cultural site features and resources; avoid fragmentation of open space areas within the site; and preserve existing, legal public access;

(b) No more than 30 lots are allowed in a single cluster. Each cluster must be separated from other residential clusters by a minimum of 100 feet;

(c) The layout of a cluster development must protect significant natural resources within the proposed development. Natural resources include riparian areas, wetlands, ecological resources, steep slopes, and ridgelines. The overall site design must employ the site's natural topography to hide multiple residential clusters from the sight of adjacent clusters; and

(d) Cluster development must preserve the following:

(i) Open sky backdrop above those ridgelines designated for protection by the Planning Commission; and

(ii) Significant views of the natural landscape as viewed from adjacent streets.

14.39.200 Other Requirements

(1) *Signs.* See PCC 14.47.

(2) *Landscaping.* In addition to the landscaping requirements of this Chapter, development in the CH Zone must meet the applicable requirements of PCC 15.20, as well as any landscaping requirements of the underlying zone.

(3) *Trash Storage.* See PCC 14.50.070.

(4) *Lighting.* Streetlights shall be hooded and direct light to the ground to alleviate light emanation into sensitive areas. Light poles shall be no higher than 20 feet.

Chapter 14.40
PD - PERFORMANCE DEVELOPMENT OVERLAY ZONE

Sections:

14.40.010 Purpose and Objectives.
14.40.020 Definitions.
14.40.030 Applicability.
14.40.040 Permitted Uses.
14.40.050 Lot Standards.
14.40.060 Yard/Setback Requirements.
14.40.070 Project Plan Approval.
14.40.080 Density Determination.
14.40.090 Density Bonus.
14.40.100 Minimum Performance Standards.
14.40.110 Guarantees and Covenants.

14.40.010 Purpose and Objectives

The purpose of the Performance Development Overlay Zone is to encourage imaginative and efficient land use, foster a sense of community, and ensure compatibility with surrounding neighborhoods and the environment. This overlay zone provides greater flexibility in building placement, consolidates open space, and supports the clustering of dwelling units to promote more attractive and desirable residential environments in Provo City.

Use of the Performance Development (PD) Overlay is only permitted for a residential project planned as a unified, single development. The development must incorporate a defined theme that includes usable open spaces, varied lot design or residential uses, amenities, a well-planned circulation system, and attractive entrances.

14.40.020 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

"**Base density**" means the maximum number of residential units per developable acre in a Performance Development (PD) that could be achieved—without a density bonus—through conventional development under the underlying zoning district.

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

"**Developable land**" means land with slopes less than thirty percent that can be improved, subject to PCC 15.03, with landscaping, recreational facilities, buildings, or parking. Land used for street rights-of-way (including the area from back-of-curb to back-of-curb on private streets) may not be considered developable land and must be excluded from the total acreage before calculating density. Access aisles in parking lots and driveways are not considered private streets for purposes of this section.

"**Developed common activity area**" means open green space designed for use by all residents, including playgrounds, recreational courts, picnic pavilions, gazebos, and water features. These areas must be either:

- Held in common ownership through a homeowner association, or
- Available for use by all residents if the development is held in single ownership.

"**Driveway**" means a paved surface used for vehicle access between a street and a building, structure, or facility.

"**Gross acreage**" means the total land area included in a PD Zone.

"**Net acreage**" means the total land area in a PD Zone excluding land used for rights-of-way or roads.

"**Open green space**" means a planned, open area for relaxation, recreation, or landscaping that is unoccupied and free from primary buildings.

"**Parking lot aisle**" means the drive lane that allows vehicles to enter or exit parking spaces. Standards for aisle width are provided in PCC 14.44.100. Parking aisles are not considered streets under this Chapter.

"**Periphery**" means a 100-foot-wide area around the perimeter of a PD, measured inward from the property line.

14.40.030 Applicability

The Performance Development (PD) Overlay Zone may be applied only in combination with the A1, RA, or R1 zones. The provisions of the PD Overlay Zone are supplementary to those of the underlying zone and do not function independently. The PD Overlay may not be applied as a standalone zone. Property with a PD Overlay must be developed in accordance with an approved plan. When combined with a designated zone, the PD designation (PD) becomes a suffix to the base zone and is shown in parentheses.

14.40.040 Permitted Uses

(1) Permitted uses in the Performance Development (PD) Overlay Zone are limited to those allowed in the underlying zone with which the PD Overlay is combined.

(2) *Exceptions:*

(a) Single-family dwelling, attached — Permitted, subject to the following conditions:

(i) No more than six consecutively attached units are allowed;

(ii) Units may have no more than two common walls; and

(iii) No unit may be located above another unit.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.40.050 Lot Standards

When the Performance Development (PD) Overlay Zone is combined with an underlying zone, variations from the lot standards of that zone may be permitted. Such variations must be explicitly approved as part of the project plan or supporting documents. However, a single-family lot may not be smaller than 4,000 square feet.

14.40.060 Yard/Setback Requirements

When the Performance Development (PD) Overlay Zone is combined with an underlying zone, variations from the yard/setback requirements of that zone may be permitted. Such variations must be explicitly approved as part of the project plan or supporting documents. However, a setback may not be less than five feet.

14.40.070 Project Plan Approval

(1) See PCC 15.03.300 and PCC 15.03.310.

(2) A project plan may be submitted in phases, provided each phase can function as an independent development project that meets all requirements and standards of this Chapter and of the underlying zone combined with the PD Overlay. Each phase must be capable of standing

alone without causing harm to the overall performance development or to adjacent properties if the remaining phases are not completed.

14.40.080 Density Determination

Density in a Performance Development (PD) must be calculated using the *developable land* within the entire proposed development.

14.40.090 Density Bonus

PD developments may qualify for a density bonus based on additional amenities provided, as described below. Each amenity corresponds to a specified percentage increase in the number of dwelling units permitted above the base density of the underlying zone. The total density bonus for any project may not exceed 40% above the underlying zone's base density.

(1) *Building variety*. A development that provides four or more distinct housing models—defined by variations in floor plans, exterior materials, or roof lines—is eligible for a ten percent increase in density.

(2) *Affordable housing*. A PD that includes deed-restricted affordable housing for households earning no more than 80% of the area median income (AMI) may be eligible for a density bonus. The bonus must be proportional to the percentage of affordable units provided, up to a maximum of 40% above the underlying zone's base density.

14.40.100 Minimum Performance Standards

A performance development established under this Chapter must conform to the standards in this Section. Project plans will be approved or denied based on how well the proposed development meets the performance standards adopted under this Chapter.

(1) *General Standards.*

(a) *Development control*. The area proposed for a performance development must be under single ownership or the control of a single developer throughout the development process. This ensures unified oversight and compliance with all provisions and conditions of the approved development plans. Ownership or control may be held by individuals, partnerships, corporations, or other legally recognized entities.

(b) *Scope of plan*. The development plan must cover the entire area proposed for development. Upon approval, the project must be constructed strictly in accordance with the approved plan. Any land not proposed for development must be designated as open space and meet the minimum landscaping requirements of this Chapter. Any undevelopable land may be left as natural open space so long as it is maintained to not constitute a hazard.

(c) *Changes to approved plan.* Minor adjustments to building location, siting, or height may be approved by City staff without additional public hearings if necessitated by

engineering or other unforeseen circumstances. Any change approved under this subsection may not result in:

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

(ii) An increase in overall coverage of structures;

(iii) An increase in the intensity of use;

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

(v) A reduction in approved open space;

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

(vii) A reduction in required pavement widths.

(d) *Design team*. Final development plans must be prepared by a team that includes a licensed architect, a licensed landscape architect, and a licensed engineer or land surveyor, all authorized to practice in the State of Utah.

(e) *Minimum Area.* The minimum land area for a performance development is:

A1 zone: 5 acres

RA zone: 5 acres

R1 zone: 2 acres

(f) *Hazardous conditions*. If the development is located in an area designated as sensitive lands, high water table, or floodplain, it must comply with all applicable provisions in the Sensitive Lands, Critical Hillside, or Floodplain sections of the Provo City Code.

(g) *Setbacks*. Garages with entrances facing directly onto public or private streets, whether located in a front or side yard, must be set back at least 20 feet from the property line, or be placed within five feet of the property line.

(h) *Natural features.* Developments must preserve and incorporate the site's natural features into the design. Natural features include drainage swales, wetlands, rock outcroppings, streams, and native stands of mature shrubs or trees.

(i) *Utilities.* All utilities, including telephone, electrical, and television cables, must be installed underground. Dwelling units under separate ownership must have individual utility meters, unless otherwise approved by the Energy and Water Departments.

(j) *Phasing.* If the project will be completed in phases, no remnant or undevelopable parcels may be created. Any land not included in a development phase must be designated as open space.

(k) *Air Quality.* The use of coal or wood-burning furnaces, fireplaces, or other heating devices that burn coal is prohibited unless equipped with devices proven to reduce air pollution.

(l) *Water conservation.* All irrigation systems must be low-volume and controlled automatically. Acceptable systems include low-volume sprinkler heads, drip emitters, and bubbler emitters.

(2) *Compatibility Standards.*

(a) *Transitional Development Standards.* See PCC 14.50.160.

(b) *Curb appeal.* Units located along the periphery of the project must face the bordering public streets. Corner units may front either street. The Planning Commission may waive this requirement if unusual topographic or site conditions exist, provided the waiver does not negatively affect the continuity of the existing streetscape.

(c) *Height.* The maximum building height within the performance development is the same as permitted in the underlying zone.

(d) *Garages.* Required off-street parking, excluding visitor and recreational vehicle (RV) parking, must comply with the standards of the underlying zone and be provided in enclosed garages or carports that are architecturally compatible with the principal structures. Carports will not be approved unless the applicant demonstrates, to the Planning Commission's satisfaction, that carports are predominant in the surrounding neighborhood and that the proposed development offers a more attractive and livable environment than a conventional subdivision. Garage sizes must comply with PCC 14.44.100.

(e) *Refuse bins.* Refuse bins must be stored within screened enclosures that are architecturally consistent in style and materials with the development. Enclosures must be located out of view from public circulation areas and must not obstruct vehicular access or parking.

(f) *Glare reduction.* Exterior lighting must be designed to obscure light sources sufficiently to prevent excessive glare into adjacent residential areas.

(3) *Design Theme.*

(a) *Entry statement.* Each development must include a defined entrance design. At a minimum, this includes a monument sign identifying the development, surrounded by a mix of ground cover, shrubs, and trees.

(b) *Visual Relief.* Attached dwelling units must have visual relief in facade and roof line which adds variety and rhythm to the design and avoids monotonous straight lines.

(c) *Unified design.* Architectural and landscaping elements must be unified throughout the project. Developers must submit detailed landscaping plans along with building elevations and floor plans. Design guidelines or recorded covenants may be submitted in place of individual building or landscaping plans.

(4) *Open Space.*

(a) *Area.* At least ten percent of the total gross acreage in a PD must be devoted to *Open Green Space*, as defined in PCC 14.40.020. This space must be consolidated and may not include required yards or building setbacks.

(b) *Phasing.* Each phase of development must include its proportionate share of the required Open Green Space until the total required open space has been met.

(c) *Hardscape.* Open Green Space may include walkways, patios, recreational areas, picnic pavilions, gazebos, and water features, provided hard surfaces do not exceed 15% of the required Open Green Space.

(d) *Common Activity Areas.*

(i) Open Green Space must include either a playground with play equipment or pathways with benches and tables through a natural or landscaped area.

(ii) For subdivided one-family lots, the development must provide common activity areas at a minimum of 1,000 square feet per lot.

(e) *Preservation of existing trees.* Developments must be designed to incorporate existing large trees, tree clusters, or large shrubs into the site design.

(i) The Planning Commission will review any proposal to remove such vegetation. The Commission may approve removal based on:

(A) The benefits of retaining existing vegetation based on a report from the Urban Forester;
(B) The design effort made to preserve such vegetation;
(C) Any construction-related or safety concerns;
(D) Site topography; or
(E) The impact of removal on neighborhood character.

(ii) Because preserving natural features is a core purpose of the PD Overlay, the Planning Commission may deny a PD application if it determines that significant vegetation was removed prior to submittal.

(f) *Landscaping Per Unit.*

(i) A minimum of three deciduous trees (1.5-inch caliper) or evergreen trees (four feet tall), and four shrubs must be planted per lot, along with appropriate foundation plantings such as shrubs, flowers, or ground cover. Landscaping within park strips in the right-of-way must follow a unified design theme.

(ii) Tree placement must account for seasonal benefits, using deciduous trees to provide summer shade and winter solar access, and evergreen trees for windbreaks, screening, and year-round visual interest.

(g) *Water conservation.* The landscaping plan must emphasize water-conserving plants and organize plantings into zones based on water needs to ensure efficient irrigation and minimize waste.

(i) Turf grass may only be used in high-traffic and play areas, or other appropriate locations as determined by the Planning Commission. Other landscaped areas must use ground cover, shrubs, or trees.

(ii) Regulated drip irrigation systems designed for efficient and targeted watering must be used for all shrub and tree areas.

(5) *Streets.*

(a) *Circulation.*

(i) The type and layout of roadways surrounding or adjacent to a performance development must comply with the Master Street Plan, the Official Map, and any applicable Local Policy Street Maps for the area.

(ii) Projects located on or adjacent to a collector or arterial street must be designed so that the public street continues logically and safely through the development. Projects located at the terminus of stubbed public streets may be required to extend the street through the development, based on the circulation needs of the area, as determined by the Planning Commission and City Engineer.

(b) *Street Standards.* All streets, whether private or dedicated public streets, must be constructed to City standards, including required widths, as outlined in PCC 15.03.200.

14.40.110 Guarantees and Covenants

(1) *Codes, Covenants and Restrictions.* Adequate guarantees must be provided to ensure the permanent retention and maintenance of all open space areas within a performance development. The Chief Building Official may not issue a Certificate of Occupancy until all required guarantees have been submitted to and approved by the Planning Commission. The required open space guarantees include the following:

(a) The developer must furnish and record protective covenants that guarantee the retention of open space.

(b) The developer must develop and maintain all open space areas, unless the space is contiguous to an existing park and the City Parks and Recreation Department agrees to accept dedication of the property.

(c) In the case of private open space reservations, the developer must convey an open space easement to the City as a condition of project approval. This easement must restrict future construction or uses, except as shown on the approved project plan.

(d) The developer must ensure the care and maintenance of open space by establishing a private association or corporation responsible for ongoing upkeep. This entity must levy the cost of maintenance as an assessment on the property owners within the development. Ownership and tax liability for private open space must be defined in a manner acceptable to the City and included as a condition of final plan approval.

(e) Open space maintenance must be managed by an individual, partnership, or corporate entity with sufficient expertise and experience in property management to ensure maintenance is performed efficiently and to a high standard.

(2) *Bonds.* To ensure that the performance development is completed in an acceptable manner, the applicant must post a performance bond in accordance with the City's bonding policy.

(3) *Condominiums.* If a performance development is proposed as a condominium project under the Condominium Ownership Act of Utah (or any subsequent amendments), the applicant must submit a declaration of covenants, conditions, and restrictions (CC&Rs) to the Planning Commission before conveying any unit. This document becomes part of the final development plan and must be recorded to run with the land. The CC&Rs must include management policies that define the required quality of maintenance and designate the party responsible for maintaining the condominium development. At a minimum, the document must include:

(a) Provisions identifying the type of occupancy, either family or baching singles, based on available parking and the standards of the underlying zone.

(b) Establishment of a private association or corporation responsible for all maintenance, with authority to levy assessments on each unit owner to cover maintenance costs.

(c) Establish a management committee and specify:

(i) The number of committee members,

(ii) The method of selection, and

(iii) The powers and duties of the committee; and

(iii) A designated property manager with relevant experience.

(d) Procedures for calling meetings of the association or corporation, and quorum requirements for conducting business.

(e) Methods for maintaining, repairing, and replacing common areas and facilities, along with a system for distributing associated costs.

(f) Procedures for maintaining all private streets and private utilities, along with acknowledgment that maintenance responsibility lies with the homeowner association or corporation.

(g) The process for collecting each unit owner's share of common expenses and the method of assessment.

(h) Voting requirements, by percentage of ownership interest, for decisions to rebuild, repair, restore, or sell property in the event of damage or destruction.

(i) Procedures for amending the declaration. All declarations, amendments, and related documents affecting the project or any unit must be approved by the Planning Commission and recorded with the County Recorder. No declaration or amendment is valid until both approved and recorded. These documents must be maintained as part of the project plan for the performance development.

(4) If the applicant fails to comply with any conditions or regulations applicable to a performance development, Development Services may not issue a Certificate of Zoning Compliance. Ongoing failure to meet requirements or to maintain the buildings and premises in accordance with the approved conditions is a violation of this Chapter.

Chapter 14.41
SPD5 - BROADVIEW SHORES OVERLAY ZONE

Sections:

14.41.010 Purpose and Objectives.
14.41.020 Permitted Uses.
14.41.030 Lot Standards.
14.41.040 Yard/Setback Requirements.
14.41.050 Projections into Yards.
14.41.060 Building Height and Distance.
14.41.070 Parking, Loading, and Access.
14.41.080 Project Plan Approval.
14.41.090 Parks and Open Space.

14.41.100 Architectural Standards.
14.41.110 Signs.
14.41.120 Landscaping Requirements.
14.41.130 Existing Agricultural Uses.
14.41.140 Guarantees and Covenants.
14.41.150 Other Requirements.

14.41.010 Purpose and Objectives

(1) Broadview Shores is a residential and commercial mixed-use development located in the North Lakeview Neighborhood. The development features a wide variety of housing types, significant open space, parks, trails, and amenities throughout. The development is divided into areas with different density and use allowances, each called a “Village” as shown in Appendix O of the General Plan. A Village commercial center may include residential mixed-use, retail, office, and service uses in a walkable, community-oriented setting.

(2) A diverse mix of residential dwellings will be provided through various building types and architectural forms, unified by an overall design theme. Each residential Village within the development should reflect a distinct character and meet the housing needs of different income levels, age groups, and lifestyles.

(3) The standards in this Chapter are intended to promote walkability within neighborhoods and reduce automobile reliance for travel between residential areas and Village commercial uses. The commercial component should support a variety of small-scale retail and service uses that serve nearby neighborhoods and the broader community.

14.41.020 Permitted Uses

(1) *Permitted Principal Uses.* The following principal and conditional uses, and no others, are permitted within the designated Villages as described. Commercial uses are only permitted within Village 7:

(a) *Residential Uses.* Residential uses are permitted only within the individual Villages as specifically designated. Accessory dwelling units are not permitted.

TABLE OF USES – RESIDENTIAL VILLAGES

Key: P = Permitted, C = Conditional, N = Not Permitted			
USE	**Low Density Single-Family Villages 1, 3, 5**	**Medium Density Single-Family Village 2**	**Medium Density Single-Family, Multi-Family and Cluster Single-Family Villages 4, 6, 7**
RESIDENTIAL DWELLING TYPES			
Single-Family Dwelling	P	P	P
Two-Family Dwelling	N	N	P
Multi-Family Dwelling (3-4 dwelling units, including 3-4 family Condominiums)	N	N	P
Apartments/Condominiums	N	N	P
Townhomes	N	N	P
PUBLIC/CIVIC USES			
Religious Activities	C	C	C
Golf Courses and Country Clubs	P	C	C
Parks, Playgrounds, Open Space, Trails and Greenways	P	P	P

Key: P = Permitted, C = Conditional, N = Not Permitted			
USE	**Low Density Single-Family Villages 1, 3, 5**	**Medium Density Single-Family Village 2**	**Medium Density Single-Family, Multi-Family and Cluster Single-Family Villages 4, 6, 7**
Public/Civic Buildings	P	P	P
Sports Fields	P	P	P
UTILITIES			
Electrical Substations and Power Transmission Lines, Municipal	P	P	P
Electrical Substations and Power Transmission Lines, Non-Municipal	C	C	C
Oil and Gas Transmission Lines	C	C	C
Public Utility Buildings, Lines, Structures and Rights-of-Way, Municipal	P	P	P
Public Utility Buildings, Lines, Structures and Rights-of-Way, Non-Municipal	C	C	C
OTHER USES			

Key: P = Permitted, C = Conditional, N = Not Permitted			
USE	**Low Density Single-Family Villages 1, 3, 5**	**Medium Density Single-Family Village 2**	**Medium Density Single-Family, Multi-Family and Cluster Single-Family Villages 4, 6, 7**
Adult Day Care	N	N	C
Agriculture (Horticulture)	P	P	P
Assisted Living Facility	N	N	C
Bed and Breakfast Inn	C	C	C
Child Day Care (Commercial)	N	N	C
Greenhouses (Private, as an Accessory Use)	P	C	C
Model Home	P	P	P
Residential Facilities for Elderly Persons	C	C	C
Rest Home, Nursing Home	N	N	C
Retirement Home/Retirement Center	N	N	C
Private Recreation Facilities	P	P	P

Key: P = Permitted, C = Conditional, N = Not Permitted			
USE	**Low Density Single-Family Villages 1, 3, 5**	**Medium Density Single-Family Village 2**	**Medium Density Single-Family, Multi-Family and Cluster Single-Family Villages 4, 6, 7**
Temporary Construction Buildings and Yards (12 Months Maximum)	P	P	P
Temporary Sales Office (12 Months Maximum)	P	P	P

(b) *Commercial Uses.* The commercial uses listed below are permitted only within Village 7. All commercial activities must occur within enclosed buildings, except for uses customarily conducted outdoors.

TABLE OF USES – COMMERCIAL AND NONRESIDENTIAL DISTRICTS

Key: P = Permitted, C = Conditional, N = Not Permitted	
	Village 7
COMMERCIAL/NONRESIDENTIAL USES	
Accessory Buildings and Uses Incidental to an Authorized Use	P
Adult Day Care	C
Artisan Shop	P

Key: P = Permitted, C = Conditional, N = Not Permitted	
	Village 7
Athletic Instruction, Including Dance, Gymnastics, and Martial Arts	P
Automobile Sales/Rental	C
Automobile Service and Repair	C
Building Maintenance Services	C
Building Materials Supply Store with No Outside Storage	P
Building Materials Supply Store with Outside Storage	C
Car Wash	P
Check Cashing, Title Loans and Other Credit Services	C
Commercial Laundries, Linen Service, Diaper Service	P
Commercial Parking Lot/Structure	P
Commercial Recreational Facility	P
Conference Center, Convention Center	C
Convenience Store, With or Without Gasoline Sales	P
Child Day Care (Commercial)	C
Construction Sales and Service	C

Key: P = Permitted, C = Conditional, N = Not Permitted	
	Village 7
Construction Service	C
Equipment Sales and Rental	C
Financial Institutions and Services	P
Financial Institutions and Services with Drive-Through Facilities	P
Funeral Home	P
Furniture Repair	P
Hardware Store with No Outside Storage	P
Hardware Store with Outside Storage	C
Health Care Facility	P
Health Club	P
Heliport	C
Hotels and Motels	C
Hospital (Small Animal)	C
Laboratory, Medical, Dental, Optical	P
Launderette, Laundromat	P

Key: P = Permitted, C = Conditional, N = Not Permitted	
	Village 7
Medical Research Facility	C
Medical and Dental Clinics	P
Model Home	P
Moving and Storage Facilities	C
Neighborhood Commercial/Retail Sales Including General Retail and Pharmacies (maximum 5,000 square foot bld. footprint or as approved by Planning Commission)	P
Nightclub	C
Offices, Professional	P
Offices, Warehouse	C
Outdoor Sales, Display and Storage (excluding junk yards and salvage yards)	C
Outdoor Storage of Materials, Products and Equipment Incidental to an Allowed Use (excluding junk yards and salvage yards)	C
Pawn Shops	C
Personal Services	P
Personal Services Including a Body Art Facility	C
Photofinishing Lab	P

Key: P = Permitted, C = Conditional, N = Not Permitted	
	Village 7
Plant Nursery with Outside Display	P
Public Dance Hall	C
Racetracks for Go-Carts, ATV and Motocross or Motorized Sports Recreational Facilities (includes private or commercial)	C
Recreational Vehicle Sales and Services	C
Regional Commercial/Retail Sales (minimum 10-acre site)	P
Restaurant	P
Restaurant, Fast Food with Drive-Up Window(s)	P
Research and Development Facilities	P
Retail Facilities and Services Accessory to a Principal Use	P
Retail Facilities and Services with Drive-Up Window(s)	P
Retail Sales, General and Goods Establishments Including General Retail, Department Store, Grocery Store, Drug Store, Variety Store	P
Rock Crushers	C
Schools – Vocational and Technical	P
Service Station	C
Storage-Mini (storage units)	C

Key: P = Permitted, C = Conditional, N = Not Permitted	
	Village 7
Temporary Construction Buildings and Yards (12 months maximum)	C
Temporary Sales Office (12 months maximum)	P
Theater	P

(2) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.41.030 Lot Standards

Lots must comply with the standards described below:

	Low Density Single-Family Villages 1, 3, and 5	**Medium Density Single-Family Village 2**	**Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7**	**Medium Density Multi-Family Villages 4, 6, 7**	**High Density Multi-Family Villages 4, 6**
Minimum Lot Size	single-family dwelling: 6,000 sq. ft. other allowed uses: 8,000 sq. ft.	single-family dwelling: 3,500 sq. ft. other allowed uses: 8,000 sq. ft.	single-family dwelling: 2,000 sq. ft. other allowed uses: 8,000 sq. ft.	attached, stacked, or clustered units: no requirement. other allowed uses: 8,000 sq. ft.	attached, stacked, or clustered units: no requirement. other allowed uses: 8,000 sq. ft.
Maximum Dwelling Units Per Acre	4	10	15	20	45
Minimum Lot Width	50 ft.	single- family: 32 ft. other uses: no requirement.	single-family: 30 ft. other uses: no requirement.	NA	NA
Minimum Finished Floor Area per Residential Unit	1,000 sq. ft. (the ground floor of a 2-story single-family detached unit with an attached 2-car garage may not be less than 850 sq. ft.)	900 sq. ft (however, stacked units must have a minimum of 1,300 sq. ft. finished floor area with not less than 300 sq. ft. on the ground floor)	900 sq. ft. (however, stacked units must have a minimum of 1,300 sq. ft. finished floor area with not less than 300 sq. ft. on the ground floor)	900 sq. ft. (however, stacked units must have a minimum of 1,000 sq. ft. finished floor area with not less than 200 sq. ft. on the ground floor)	500 sq. ft.

	Low Density Single-Family Villages 1, 3, and 5	Medium Density Single-Family Village 2	Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7	Medium Density Multi-Family Villages 4, 6, 7	High Density Multi-Family Villages 4, 6
Maximum Permissible Building Coverage on Lot	50%	60%	75%	80%	100%

14.41.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

	Low Density Single-Family Villages 1, 3, and 5	Medium Density Single-Family Village 2	Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7	Medium Density Multi-Family Villages 4, 6, 7	High Density Multi-Family Villages 4, 6
Minimum Front Yard	9 ft. 20 ft. to front loaded garage from back of sidewalk	9 ft. 18 ft. to front loaded garage from back of sidewalk	2 ft. 18 ft. to front loaded garage from back of sidewalk	NA	NA
Minimum Rear Yard (Interior Lots)	15 ft. rear load garage with	10 ft. rear load garage with	6 ft. rear load garage with	NA	NA

	Low Density Single-Family Villages 1, 3, and 5	**Medium Density Single-Family Village 2**	**Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7**	**Medium Density Multi-Family Villages 4, 6, 7**	**High Density Multi-Family Villages 4, 6**
	driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 6 ft. from top back curb/sidewalk.	driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 6 ft. from top back curb/sidewalk.	driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 6 ft. from top back curb/sidewalk.		
Minimum Rear Yard (Corner Lots)	15 ft. rear load garage with driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 5 ft. from top back curb/sidewalk.	10 ft. rear load garage with driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 5 ft. from top back curb/sidewalk.	2 ft. rear load garage with driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 5 ft. from top back curb/sidewalk.	NA	NA
Minimum Side Yard – Residential Uses	5 ft.	0 ft. (total side yards - not less than 5 ft.)	0 ft. (total side yards - not less than 5 ft.)	0 ft. (total side yards - not less than 10 ft.)	0 ft. (total side yards - not less than 10 ft.)
Minimum Side Yard – Non-	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.

	Low Density Single-Family Villages 1, 3, and 5	Medium Density Single-Family Village 2	Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7	Medium Density Multi-Family Villages 4, 6, 7	High Density Multi-Family Villages 4, 6
Residential Uses					
Minimum Side Yard (Corner Lot)	10 ft.	5 ft.	2 ft.	NA	NA

14.41.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.41.060 Building Height and Distance

No building or structure may exceed the height and distance standards described below:

	Low Density Single-Family Villages 1, 3, and 5	**Medium Density Single-Family Villages 2, 4, 7**	**Medium Density Single-Family and Cluster Single-Family Villages 2, 4, 6, 7**	**Medium Density Multi-Family Villages 4, 6, 7**	**High Density Multi-Family Villages 4, 6**

Maximum Height	40 ft. or 2 stories.	40 ft. or 2 stories.	52 ft. or 3 stories.	52 ft. or 5 stories.	72 ft. or 5 stories.
Minimum Distance Between Buildings	5 ft.	5 ft.	5 ft.	10 ft.	10 ft.

14.41.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.41.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.41.090 Parks and Open Space

(1) Broadview Shores is designed to include multiple parks and open space areas throughout the development. All parks and open space:

(a) Must be installed within one year of final plat approval for each individual phase;

(b) Are considered private and must be maintained by a Village homeowners association, unless the areas are formally dedicated to and accepted by Provo City.

(2) Permitted accessory uses within parks and open space include amenities such as ball fields, play areas, tot lots, amphitheaters, water features, fountains, statues, flower gardens, and sports courts.

(3) All trails must be paved and have a minimum width of six feet. Landscaping must comply with the requirements in PCC 14.41.120.

14.41.100 Architectural Standards

The following architectural standards apply within the Broadview Shores Overlay Zone:

(1) *Building Materials.*

(a) Vinyl and aluminum siding may not be used, except for soffits, gutters, and window trim.

(b) Permitted exterior building materials include stucco, stone, brick, fiber cement siding (e.g., Hardiboard), metal, wood trim, composition roofing, and other materials that contribute to a unified architectural design.

(2) *Fence and Walls.*

(a) Fencing that is adjacent to collector or arterial streets other than Geneva Road must consist of solid vinyl elements and include masonry or stone pillars spaced at intervals no greater than 20 feet. Each pillar may extend up to 18 inches above the allowable fence height. A full masonry fence may be used in place of vinyl fencing with pillars.

(b) Fences adjacent to residential lots along Geneva Road must be constructed of brick, stone, or a combination of both. The fence must be coated with a graffiti-resistant material and installed by the developer as part of the applicable development phase. The required height is six feet.

(c) *Maximum height.*

(i) A fence or wall may not exceed three feet in height within any required front yard setback.

(ii) An entry fence or wall at a Village entrance may not exceed ten feet in height,

(iii) A fence or wall in any other location may not exceed six feet in height.

(3) *Village entrance treatments.* Lamps mounted on pillars on an entry fence or wall at a Village entrance may exceed the height limitation in Subsection (2) as provided in this subsection. Each pillar may extend up to 18 inches above the maximum permitted fence or wall height. The pillars must be spaced at least six feet apart, measured face to face. All entrance treatments must comply with PCC 14.50.090.

(4) *Materials.* Fences, walls, and entrance features must be constructed of vinyl, brick, stone, concrete, or masonry. The type of fencing must be consistent within each individual Village. Fence colors must be consistent throughout the community and approved at the time of final plat approval. Pillars must be constructed of uniform masonry or stone materials that contribute to the overall architectural design of the development.

(5) *Overhead Doors.* No overhead or bay doors may be located on any building wall that faces a residential, residential-agricultural, or agricultural zone if the wall is located within 25 feet of the property line.

(6) *Mechanical Equipment.* All mechanical equipment, including air conditioners, fans, and pumps, must be located within the building or on the roof behind parapet walls. Mechanical equipment installed outside a building and within 25 feet of the nearest residential use must be fully enclosed by a visual and noise barrier—such as a masonry wall or dense landscaping—that surrounds the equipment and extends at least one foot above it. Noise from mechanical equipment may not exceed the limits established in PCC 9.06.030.

(7) *Loading Docks.* No loading dock or delivery pickup area may be located within 50 feet of a residential use. These areas must be screened from public view by a masonry wall at least six feet in height.

(8) *Building Footprint.* Individual buildings may not exceed a ground-floor footprint of 15,000 square feet, unless a larger footprint is approved by the Planning Commission through a conditional use permit.

14.41.110 Signs

Except as provided in this section, signs on private property within the Broadview Shores Overlay Zone must comply with PCC 14.47 or be explicitly permitted by state or federal law. Only the signs described in this section may be placed within the overlay zone.

(1) The following sign regulations apply in Villages 1 through 6:

(a) One nameplate may be installed on the wall of the building, not to exceed two square feet in area. The nameplate may display only the name and address of the occupant;

(b) One monument sign may be installed at the entrance to each Village. The sign may not exceed 32 square feet in area and may only be placed on an ornamental masonry wall. Any such sign must, at a minimum, identify the name and/or address of the Village or building group. The sign design must be architecturally compatible with the surrounding development.

(2) The following sign regulations apply in Village 7.

(a) One freestanding sign, not exceeding 20 feet in height, may be located at the entrance of the commercial center. The sign must meet the following requirements:

(i) Sign area must comply with PCC 14.47.130. The sign must display the name of the center, and may also include the names of one or more tenants or businesses within the center;

(ii) The sign may not project over any property line and may not extend more than five feet into any required front yard;

(iii) The sign may only be illuminated with interior or exterior soft lighting;

(iv) Up to 25% of the sign area may consist of electronic messages as regulated in PCC 6.06; and

(v) If located where pedestrians may walk beneath it, the bottom of the sign cabinet must be at least eight feet above ground level;

(b) Each business or tenant in the Village Town Center may install wall signs in accordance with the following standards:

(i) Sign area must comply with PCC 14.47.140;

(ii) Each business or tenant is permitted one wall sign on the front face of the building. An additional wall sign is allowed on a rear face if it includes a public entrance;

(iii) No part of a wall sign may extend above the top of the wall to which it is attached; and

(iv) No wall sign, including any structural element or light box, may project more than 18 inches from the building façade. No copy is permitted on the sides of projecting signs;

(c) All signs must be architecturally compatible with the design elements, materials, colors, and overall design theme of the development;

(d) Special purpose signs, as described in PCC 14.47.050, may be permitted. These signs may not exceed three feet in height or 12 square feet in area and must be architecturally compatible with the surrounding development; and

(e) One flag or banner, no larger than two feet by three feet, may be attached to a utility pole related to the development. These signs may not advertise individual businesses or retail merchandise. All such signs must be reviewed and approved by the Development Services Department prior to installation. Written permission must be obtained from the utility company for attachment to a utility pole.

(3) A building permit is required for any new sign.

14.41.120 Landscaping Requirements

(1) A detailed landscaping plan for all open space and common areas must be submitted for review at the time of final plat or project plan approval.

(2) The provisions of this section apply in addition to the requirements of PCC 15.20.

(3) *General requirements*.

(a) All open areas, except for driveways, parking areas, walkways, utility areas, decks, patios, porches, and similar hardscape, must be landscaped with a combination of plants, shrubs, trees, grass, or similar materials.

(b) A minimum of two deciduous trees (1.5-inch caliper) or evergreen trees (six feet tall) and four shrubs (five-gallon size) must be planted for each lot or pad. Building foundation planting must include appropriate shrubs, flowers, or ground cover. Sod must be installed in all designated grass areas.

(c) The developer must install landscaping and an automatic sprinkler system in each front and side yard for all lots smaller than 5,000 square feet, weather permitting. If installation is not feasible due to seasonal conditions, the developer must post a bond in accordance with PCC 15.20.130. Landscaping of the adjacent park strip is also required.

(d) For lots larger than 5,000 square feet, the property owner must install landscaping and a sprinkler system that complies with PCC 15.20 and the requirements above.

(e) All parking lots must be landscaped in accordance with PCC 15.20.090.

(4) *Village 7*. The following landscaping requirements apply only to Village 7.

(a) A minimum of 15 trees per acre must be installed. Trees must be either deciduous (2-inch caliper) or evergreen (six feet tall), or a combination thereof.

(b) All shrubs must be a minimum of five-gallon size.

(5) *Park strips*.

(a) Park strips adjacent to HOA-maintained lots must be maintained by the HOA.

(b) Park strips adjacent to lots maintained by homeowners must be maintained by the homeowner.

(c) Street trees must be planted in all park strips in addition to lawn or waterwise landscaping, as required in PCC 15.20.

(6) Parks and open space.

(a) Parks and open space must be landscaped with grass, trees, and other approved landscaping materials.

(b) The developer must install landscaping for parks and open space as part of each development phase, as approved by the Planning Commission.

(c) All amenities shown on the approved plans must be installed with the corresponding phase (Village).

(d) A minimum of 15 trees per acre must be installed. Trees must be either deciduous (1.5-inch caliper) or evergreen (six feet tall), or a combination thereof.

14.41.130 Existing Agricultural Uses

(1) Any agricultural use that was legally established as of August 9, 2022 is considered a permitted, conforming use and may continue under the Utah County zoning provisions in effect at the time the property was annexed into the City.

(2) These uses may continue until the property is developed in accordance with the Broadview Shores Overlay. Upon development, such uses will be classified as legal nonconforming uses.

14.41.140 Guarantees and Covenants

(1) Homeowners Association – Guarantees and Covenants.

(a) Adequate guarantees and recorded covenants must be provided to ensure the permanent retention and maintenance of all parks, open space, trails, and other

common amenities within the Broadview Shores development. No final plat may be approved until restrictive covenants have been submitted to and approved by the Development Services Department.

(2) Guarantees must include the following:

(a) A homeowners association must be established for the entire development;

(b) The developer must ensure the maintenance of all open space reservations by establishing a private association or corporation responsible for ongoing maintenance. The association must levy the cost of maintenance as an assessment on all property owners within Broadview Shores. Ownership and tax liability for the private open space must be defined in a manner acceptable to the City and made part of the final plan approval; and

(c) Maintenance of open space must be managed by an individual, partnership, or corporate entity with sufficient expertise and experience in property management to ensure high-quality, efficient maintenance.

(3) Parking and occupancy requirements, association financial obligations, and initial maintenance estimates and funding plans must be disclosed to potential purchasers before any property within the development is sold.

(4) All ongoing maintenance fees to be assessed must be disclosed to potential purchasers prior to the sale or lease of any property.

14.41.150 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Trash storage*. See PCC 14.50.070.

(3) *Lighting.* See PCC 15.21.

Chapter 14.42
SOB - SEXUALLY-ORIENTED BUSINESS OVERLAY ZONE

Sections:

14.42.010 Purpose and Objectives.
14.42.020 Definitions.
14.42.030 Zoning and Location Requirements.
14.42.040 Development Standards.

14.42.010 Purpose and Objectives

The purpose of this Chapter is to establish a Sexually-Oriented Business (SOB) Overlay Zone to reasonably regulate the location of sexually-oriented businesses and mitigate adverse secondary effects associated with their operation. This Chapter must be interpreted to advance the governmental interests identified in this chapter while remaining consistent with the protections afforded by the United States Constitution and the Utah Constitution.

14.42.020 Definitions

Terms related to sexually-oriented businesses have the meanings set forth in PCC 9.60.

14.42.030 Zoning and Location Requirements

(1) Any sexually-oriented business licensed as an adult business or semi-nude entertainment business is permitted only within the Sexually-Oriented Business (SOB) Overlay Zone, as shown on the Provo City Zone Map.

(2) A sexually-oriented business may not operate within 1,000 feet of any of the following:

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

(b) The property boundary of any church, public park, public library, or school; or

(c) The boundary of any property for which a sexually-oriented business license has been issued and remains valid.

(3) No church, public park, public library, or school may be established within 1,000 feet of a sexually-oriented business.

(4) For the purposes of this Section, distance must be measured in a straight line from the nearest point on the boundary of the property where the sexually-oriented business is or will be located to the nearest residential zone boundary or the nearest property line of a church, public park, public library, or school, as applicable.

14.42.040 Development Standards

(1) All sexually-oriented businesses are subject to the development standards of the underlying zone, including but not limited to requirements for setbacks, building height, and projections.

(2) Off-street parking must be provided in accordance with the applicable land use classification in PCC 14.44, *Off-Street Parking Standards*, that most closely corresponds to the use of the sexually-oriented business.

(3) Signs for sexually-oriented businesses are subject to the following restrictions:

(a) All signs must be flat wall signs.

(b) The total sign area may not exceed one square foot per linear foot of building frontage on a public street.

(4) Merchandise, promotional materials, or images of products or entertainment may not be displayed in any window or in any area visible from a public sidewalk.

Chapter 14.43
ADUs - ACCESSORY DWELLING UNITS

Sections:

14.43.010 Purpose and Objectives.
14.43.015 Definitions.
14.43.020 Permitted Use of Accessory Dwelling Units.
14.43.030 Accessory Dwelling Unit (ADU) Development Standards.

14.43.010 Purpose and Objectives

The purpose of the Accessory Dwelling Unit (ADU) development standards is to support family life by allowing ADUs in conjunction with one-family detached dwellings on individual lots. These standards are intended to promote the use of ADUs, provide flexibility in housing arrangements due to life cycle changes, offer financial support for homeowners, and enhance housing options for aging residents.

14.43.015 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

"Accessory dwelling unit (ADU)" has the same meaning defined in PCC Chapter 14.05.

“Areas zoned primarily for residential use" means the RA, R1, VLDR, LDR, MDR, HDR, CR, and RM zones.

14.43.020 Permitted Use of Accessory Dwelling Units

(1) The use of an ADU is a permitted use in all areas zoned primarily for residential use, except as otherwise provided in this Section.

(2) Except as provided in subsection (3), ADUs are prohibited in:

(a) the Broadview Shores Overlay Zone; and

(b) all areas east of Interstate 15 that are zoned RM, R16, R17, R18, R19, R110, or R2PD, including those with a Performance Development Overlay.

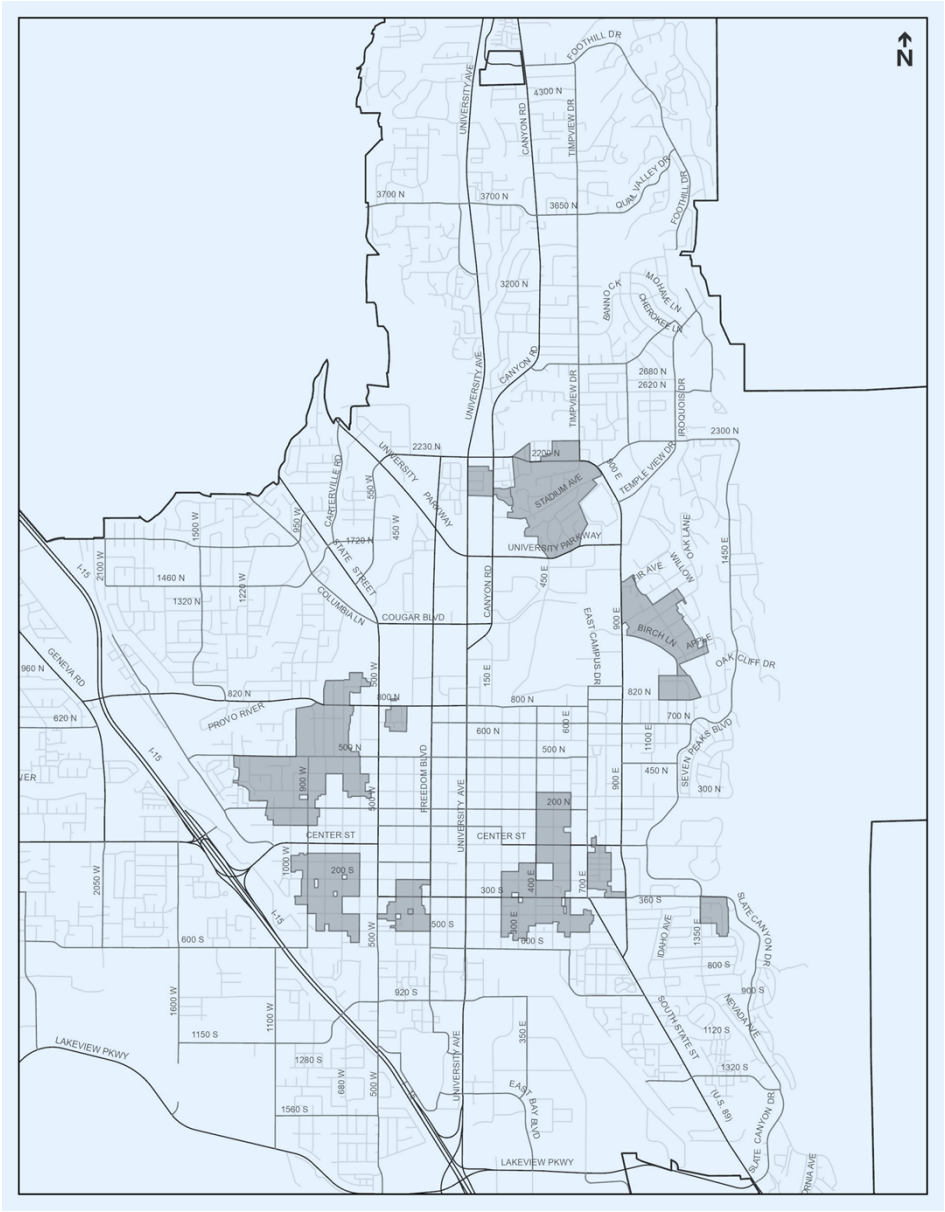
(3) Notwithstanding Subsection (2), ADUs are permitted in certain areas that subsection (2) would otherwise prohibit, as shown on the following map. This map is not a comprehensive map of areas where ADUs are permitted. It shows only areas where ADUs would otherwise be prohibited under subsection (2).

(4) So long as it is required by UCA 10-21-304(1), as amended, external ADUs are permitted on any lot or parcel that would otherwise be prohibited under Subsection (2) if the lot or parcel:

(a) is in a zone that permits single-family dwellings;

(b) contains a single-family dwelling; and

(c) is 11,000 square feet or larger.


N
FOOTHILL DR
UNIVERSITY AVE
CANYON RD
TIMPVIEW DR
4300 N
3700 N
3650 N
QUAIL VALLEY DR
3200 N
BANNOCK
MOJAVE LN
CHEROKEE LN
2680 N
2620 N
IROQUOIS DR
2300 N
2230 N
2200 N
UNIVERSITY PARKWAY
STADIUM AVE
TEMPLE VIEW DR
CASTLEVILLE RD
STATE STREET
COLUMBIA LN
COUGAR BLVD
OAK LANE
WILTON
FIR AVE
BIRCH LN
APPLE
OAK CLIFF DR
EAST CAMPUS DR
SEVEN PEAKS BLVD
GENEVA RD
PROVO RIVER
I-15
FREEDOM BLVD
CENTER ST
LAKEVIEW PKWY
EAST BAY DR
IDAHO AVE
NEVADA AVE
SOUTH STATE ST
SLATE CANYON DR
(U.S. 89)
ARNIA AVE

9442

14.43.030 Accessory Dwelling Unit (ADU) Development Standards

Accessory dwelling units (ADUs) are subject to the following development standards:

(1) *Number*. No more than one ADU is permitted in conjunction with each one-family detached dwelling.

(2) *Location*. An ADU may only be located in the following locations:

(a) Over an attached garage, provided the ADU has access to required parking and does not interfere with required covered parking;

(b) Inside a one-family detached dwelling;

(c) In an addition to a one-family detached dwelling, provided the addition does not alter the one-family character of the building; or

(d) As a detached accessory structure, or within a detached accessory structure including detached garages, located in the rear or side yard, subject to the following requirements:

(i) All accessory structures and primary dwelling combined may not cover more than 40% of the total parcel area;

(ii) The accessory structure's height must be smaller than the main dwelling. The minimum area of the structure must be at least 200 square feet;

(iii) The detached ADU or structure must be set back at least 10 feet from any property line, or match the existing setback of the primary dwelling from that same property line, whichever is less;

(iv) For detached ADUs that are permitted under Subsection 14.43.020(4), the accessory structure containing the ADU must:

(A) have a height less than the main dwelling and less than 25 feet; and

(B) meet the side and rear yard setbacks for the property's zone plus an additional setback of one foot for each foot of height over 16 feet (any height in excess of a whole number is rounded to the next foot);

(v) The accessory structure must be architecturally compatible with the main dwelling;

(vi) The structure must be permanently affixed to a site-built foundation and comply with all applicable Provo City building codes; and

(vii) Shipping containers may not be used as ADUs unless they comply with all applicable building codes and are clad with materials that are architecturally compatible with those of the main dwelling.

(3) *Appearance*. The ADU must not alter the appearance of the structure as a one-family detached dwelling or resemble any form of two-family dwelling, including side-by-side, side-to-back, or back-to-back configurations. From the street, any visible evidence of multiple-family occupancy is prohibited.

(4) *Occupancy*. A one-family dwelling with an authorized and conforming ADU is considered to consist of two parts: the main dwelling unit and the accessory dwelling unit. These two units must be occupied as follows:

(a) Owner occupancy.

(i) Except as provided in Subsection (a)(ii), either the main dwelling unit or the ADU must be occupied by an owner occupant, as defined in PCC 14.05.020. If this requirement is not met, the ADU is not permitted.

(ii) Owner occupancy is not required if the owner has submitted a temporary absence application before the absence begins and meets the following conditions:

(A) The owner has a bona fide, temporary absence of three years or less for purposes such as temporary job assignments, sabbaticals, military service, or voluntary service. Indefinite absences do not qualify.

(B) The owner is residing in a hospital, nursing home, assisted living facility, or similar institution.

(C) The owner has lived in the residence for at least one year prior to the start of the temporary absence.

(b) The occupancy of the main dwelling unit is limited to one “family” as defined in PCC 14.05.020. However, if the ADU is also occupied, the main dwelling unit may not include the additional two related or unrelated individuals otherwise permitted under Subsection (b)(i)(B) of the “family” definition in that Section.

(c) The ADU may not be occupied by more than three related or unrelated adults, along with any minor children of those adults.

(5) *Parking*. A one-family dwelling with an ADU must provide at least four off-street parking spaces. However, for properties with a detached ADU, if the provisions of UCA 10-21-304(3), as amended, limit the parking that may be required, the property must provide the maximum number of off-street parking spaces that may be required under that statute.

(a) Two tandem parking spaces (front to rear) are permitted.

(b) Parking spaces may be located on a driveway within the required front yard if:

(i) The driveway leads to the minimum number of required covered off-street parking spaces; or

(ii) The property is listed on the Provo City Landmarks Registry.

(c) Parking spaces allowed under Subsection (5)(b) may not be located between the primary dwelling and the street.

(d) In no case may the number of off-street parking spaces be less than the number of vehicles maintained on the premises.

(e) All parking must comply with the requirements of PCC 14.44.

(6) *Utility meters*. A one-family dwelling with an internal ADU must have at least one but no more than two meters for each water, gas, and electricity service, and each meter must be in the property owner's name

(7) *Addresses*. The ADU must be assigned its own address by Provo City.

(8) *Outside entrances*. Exterior entrances to the ADU must be located on the side or rear of the building. Only one front entrance may be visible from the front yard.

(9) *Building codes*. All existing construction and remodeling must comply with the building codes in effect at the time the work was completed. Newly constructed ADUs must comply with all current building codes.

(10) *Rental Dwelling License.* In accordance with PCC 6.26, any person operating an accessory dwelling unit (ADU) under this Chapter must obtain a rental dwelling license (RDL). This license is required in addition to any necessary building permits.

(a) In addition to complying with the requirements of PCC 6.26, an applicant for a rental dwelling license for an ADU must:

(i) Submit a site plan drawn to scale showing property lines and dimensions, the location of existing and proposed buildings and entrances, distances from structures to property lines, the location of parking stalls, and utility meters;

(ii) Submit detailed floor plans drawn to scale with labeled room uses and clearly marked interior connections between the main dwelling and the ADU;

(iii) Pay the application fee established in the Consolidated Fee Schedule adopted by the Municipal Council;

(iv) Cooperate with the Development Services Department in recording a deed restriction with the County Recorder outlining the conditions under which the ADU is constructed and occupied. The restriction must run with the land as long as the ADU remains on the property;

(v) Renew the rental dwelling license annually; and

(vi) Establish, at the time of initial application and at each renewal, that the dwelling is the owner’s primary residence.

(b) Noncompliance with this Section is grounds for denial or revocation of the rental dwelling license. Revocation procedures are found in PCC 6.01 and PCC 6.26.

(c) Notwithstanding PCC 6.01.090, a rental dwelling license for an ADU automatically expires one year after issuance or upon transfer of the property to a new owner, whichever occurs first.

Chapter 14.44
OFF-STREET PARKING STANDARDS

Sections:

14.44.010 General Provisions.
14.44.020 Nonconforming Facilities.
14.44.030 Reduction in Off-Street Parking Requirements.
14.44.040 Required Improvement and Maintenance.
14.44.050 Location Standards.
14.44.060 Parking Spaces Required.
14.44.065 Bicycle Parking Spaces Required.
14.44.070 Parking Requirements for Uses Not Specified.
14.44.080 Parking Design Standards.
14.44.085 Bicycle Parking Design Standards.
14.44.090 Disabled Parking Spaces.

14.44.010 General Provisions

(1) *Parking Minimum.* The number of off-street parking spaces provided for any land use must not be less than the minimums established in this Chapter, except as modified by the permitted reductions in PCC 14.44.030 or as otherwise allowed by the applicable zone chapter.

(2) *Permanent Parking to be Provided.* Every building, structure, improvement, or use that is constructed, reconstructed, or enlarged must include permanently maintained parking spaces as required by this Chapter, based on the area of the construction, reconstruction, or enlargement.

(3) *Continuing Obligation.* Required off-street parking facilities are a continuing obligation of the property owner for as long as the associated use remains in operation. It is unlawful for any property owner to eliminate or discontinue required parking without first providing alternative parking that complies with the requirements of this Chapter.

(4) *Submission of Plans.* Plans for any proposed parking area or expansion of an existing parking area must be submitted to the Development Services Department for Project Plan approval.

(a) The plans must clearly show the proposed development, including the location, size, shape, design, curb cuts, lighting, landscaping, and any other features or improvements associated with the parking lot.

(b) As a condition of Project Plan approval, the applicant must post a bond, in an amount determined by the Engineering Department, to guarantee the completion of all improvements and compliance with the approved conditions.

(5) *No Parking as an Accessory Use Unless a Permitted Use Is in Force.* A parking area may be permitted or required in any zone as an accessory use to a principal permitted or conditional use located on the same lot or parcel. However, no accessory parking use is permitted in any residential zone unless it serves a principal use that is located on the same parcel.

(6) *Fractional calculations.* When calculating required parking, round any fractional result up to the nearest whole number.

14.44.020 Nonconforming Facilities

A use of property that, on the effective date of this Chapter or any subsequent amendment, is nonconforming solely with respect to off-street parking requirements may continue as if the parking facilities were conforming. However, such existing parking facilities may not be reduced or altered unless brought into compliance with the requirements of this Chapter.

14.44.030 Reduction in Off-Street Parking Requirements

(1) *Previous Agreements.* Transportation Demand Management (TDM) program agreements recorded between property owners and Provo City governing the provision of parking on subject lots prior to August 11, 2026, remain in effect pursuant to the terms of the agreements and are subject to the provisions of this Section.

(2) *Noncompliance with TDM Agreements.* For property where a TDM exists, failure by the property owner to abide by the agreement is unlawful. In addition to other legal remedies available to the City, a determination by the Planning Commission, after a duly noticed hearing, that the owner has violated the agreement, means that any parking reduction allowed as the result of the TDM program is no longer allowed for that property and the property must meet the parking requirements otherwise required by Provo City Code at the time of project approval.

(3) *Reduction for Affordable Housing.* When a multifamily or apartment development project receives public funding that requires affordable housing for a target population for at least 30 years, and the developer enters into an agreement with Provo City that restricts occupancy to prohibit unrelated individuals from sharing a unit, the required off-street parking for three- and four-bedroom units may be reduced by one space per unit below the amount otherwise required. These developments must also provide 0.25 visitor parking spaces per unit, regardless of the street type serving the project. The occupancy agreement must include the following provisions:

(a) The project must be designed so that landscaped areas may be converted into parking spaces that comply with this Subsection if the City determines that the initial parking is inadequate. Parking is “inadequate” when the number of vehicles parked on-site exceeds by ten percent the number of approved parking spaces, as shown on an approved project plan, during four out of any seven days.

(b) The area that would otherwise be used for parking, if not for this exception, must be landscaped according to City standards and must include at least one playground with a reasonable amount of equipment.

(c) If the City determines that parking is inadequate under Subsection (a), the developer must install enough parking spaces to remedy the inadequacy found.

(d) If the developer fails to provide the additional parking required under Subsection (c), the developer will be in breach of the agreement, and the city may revoke the rental dwelling license for the property.

(e) A property manager must be locally available to enforce the agreement's provisions.

(f) The agreement must include binding community rules addressing occupancy limits, parking, any other restrictions, and enforcement procedures. These rules must be posted conspicuously on the premises.

(4) *Joint Use.* The Planning Commission may, upon application by the property owner or lessee, authorize joint use of parking facilities as specified in this Subsection. Up to 50% of the parking required for a use that primarily operates at night may be provided by the parking facilities of a use that primarily operates during the day, if:

(a) The parking areas for both uses are contiguous; and

(b) An agreement between the property owners is recorded with the City.

14.44.040 Required Improvement and Maintenance

(1) Except as otherwise provided in this Title, every lot or portion of a lot used as a public or private parking area must be surfaced with asphalt, concrete, pavers, gravel stabilized with a grid system, "grasscrete", or a similar material approved by the Development Services Director. The surface must be maintained to prevent dust and mud, and must be sealed, resurfaced, graded, and drained to dispose of or infiltrate all surface water. Surface water may not cross a public sidewalk.

(2) *Surfacing Standards.* Plans must include a pavement cross-section drawing and support a vehicle weighing at least 75,000 pounds.

(a) *Asphalt.* When asphalt is used, the pavement must consist of at least two inches of asphalt over six inches of road base. For parking areas with more than 40 spaces, the pavement must consist of at least three inches of asphalt over eight inches of road base.

(b) *Concrete.* When concrete is used, the pavement must be at least six inches thick.

(c) *Gravel.* When gravel is used, stones must be at least three-quarters of an inch in diameter and secured with a paver grid to prevent tracking and outflow.

(3) *Accessible Surfaces.* Accessible parking spaces and walkways must be constructed using asphalt, concrete, or brick pavers.

(4) *Wheel Stops and Curbing.* Except for single-family residential properties, all public and private parking areas must include wheel stops or curbing approved by the Planning Commission or its designee.

(a) Wheel stops or curbing must prevent vehicles from extending over property lines, sidewalks, or landscaped areas.

(b) Curbing must be maintained in a functional and safe condition.

(5) *Striping.* Except for single-family residential properties, public and private parking areas must be striped before use to clearly mark required parking spaces. Striping must be maintained in a functional condition, with lines at least three inches wide painted in white or yellow with paint intended for that purpose.

(6) *Visitor Parking Identification.* Where visitor parking is required, each visitor space must be clearly identified by signage or curb/pavement markings that read “Visitor Parking Only.”

(a) The signage or markings must be legible and routinely maintained.

(b) The property owner must enforce the visitor parking requirements of this Title.

(7) *Driveway Grades.* Driveways serving public or private parking lots may not exceed a grade of 15%.

14.44.050 Location Standards

The following general provisions apply to off-street parking requirements in this Chapter:

(1) *Location.* Off-street parking facilities must be located as follows:

(a) For one-family, duplex, and multifamily dwellings, required parking must be located on the same lot as the building it serves.

(b) For all other uses, including commercial uses, required parking must be located on the same lot or on an abutting lot.

(c) Required parking may not be located across a public street or with an intervening property, except by conditional use permit approved by the Planning Commission pursuant to this Subsection (c).

(i) Application may only be made for an exception under this subsection if:

(A) the proposed off-street parking:

(I) is located such that the nearest property line of the parking lot is within 400 feet of the nearest property line of the lot containing the land use activity it serves, measured along the shortest pedestrian route; or

(II) is located on a lot in any DT zone that is located within the area bounded by University Avenue, 200 South, 300 West, and 200 North, in which case the parking must be within 800 feet of the building it serves, measured along the shortest pedestrian route; and

(B) In cases where the parking lot is across the street from the use it serves, the parking lot is within 200 feet of a regulated intersection or approved crosswalk in the direction of pedestrian traffic;

(ii) An applicant for an exception under this Subsection must:

(A) at their own expense, submit a report from a qualified Traffic Engineer assessing probable vehicular and pedestrian impacts from the off-site parking lot and including any safety mitigation recommendations;

(B) assume full responsibility for the parking lot, including costs for any safety-related improvements; and

(C) record a lease with the Utah County Recorder demonstrating the lawful use of the parking area if the owner of the property being served by the parking is not the owner of the lot to be used for parking.

(iii) The Planning Commission will grant the permit if, after staff review, the off-site lot poses no significant traffic safety concerns and complies with all other provisions of this Title;

(d) Off-street parking is not permitted in a required front yard or street side yard with the following exceptions:

(i) Parking spaces for a one-family dwelling, a one-family dwelling with an accessory dwelling unit, or a two-family dwelling may be located on a driveway in a required front yard if:

(A) The driveway leads to the minimum number of required covered off-street parking spaces located behind the required front setback; and

(B) The parking spaces are not located between the street and the dwelling.

(ii) Covered parking requirements are eliminated, and parking may be located on a driveway in the required front yard of a one-family dwelling if:

(A) The dwelling is one story and was originally constructed with 1,000 square feet or less of habitable space on the main level. The Development Services Director or the Director’s designee may approve an exception of up to 10 percent;

(B) All existing side yards are insufficient to provide driveway access to the side or rear yard;

(C) The parking meets the design standards in PCC 14.44.080, without projecting over public sidewalks or pedestrian areas;

(D) The parking on the front yard driveway does not exceed three total spaces;

(E) The parking is not located in front of the primary dwelling entry; and

(F) If created after May 19, 2009, the paved parking and access in the front yard do not violate applicable lot coverage requirements in this Title.

(2) *Mixed Occupancies in a Building.* For buildings or lots with mixed uses, the total off-street parking requirement is the sum of the parking requirements for each use, calculated separately. Off-street parking provided for one use may not be counted toward the required parking for another use, except as allowed under joint use provisions in Section 14.44.030.

14.44.060 Parking Spaces Required

Except as otherwise provided in this Title, the required number of off-street parking spaces for each use is as follows:

Land Use Type	**Parking Requirement (minimum)**	**Additional Requirement**
Single-family dwelling – detached	3 per unit	4 spaces with ADU present
Single-family dwelling – attached (townhome)	2 per unit	Visitor parking: .25 additional spaces per unit
Multi-family / Apartment / Condo	*Studio / One-bedroom:* 1.5 per unit	
	Two-bedroom: 2.25 per unit	
	Three-bedroom: 2.5 per unit	
	Four-bedroom: 4 per unit	
Group Quarters	1 per room	Visitor parking: 1 additional space per 10 rooms
Baching Apartments	1 per tenant	
Short Term Lodging	1 per guest room	
Residential Care Facilities	1 space per 3 beds	
Mobile Home Park	2 spaces per home	See PCC 14.20 for additional regulations
Manufacturing	1 per 400 sq. ft. net floor area	

Retail	1 per 250 sq. ft. net floor area	
Eating Places	1 per 100 sq. ft. net floor area	Drive-thru: 6 stacking spaces per window
Professional Services	1 per 300 sq. ft. net floor area	
Funeral Home	1 per 50 sq. ft. assembly area	
Warehousing / Storage	1 per 800 sq. ft. net floor area	
Business Services	1 per 250 sq. ft. net floor area	
Personal Services	1 per 300 sq. ft. net floor area	
Repair Services	1 per 300 sq. ft. net floor area	
Government	1 per 200 sq. ft. gross floor area	
Education	*Elementary:* 1 per 200 sq. ft. net floor area	
	High School / Trade: 3 per room plus 1 per 4 students	
	Other: 1 per 200 sq. ft. classroom space	Daycare: See PCC 14.02.045
Religious Activities	1 per 100 sq. ft. net floor area	
Cultural / Recreational	1 per 4 persons based on maximum occupancy	

14.44.065 Bicycle Parking Spaces Required

Except as otherwise provided in this Title, the required minimum number of bicycle parking spaces for both covered and uncovered facilities for each land use is as follows:

Land Use Type	**Required Covered Facilities**	**Required Uncovered Facilities**
Residential		
Single-family dwelling / Two-family dwelling	No spaces required	No spaces required
Multi-Family / Apartment / Condo		

(a) With private garage	No spaces required	2 spaces
(b) Without private garage	1 space per unit	2 spaces
(c) Senior housing	2 spaces	2 spaces
Cultural / Recreational		
Nonassembly cultural (library, government, etc.)	1 space per 10 employees	1 space per 10,000 sq. ft. of floor area
Assembly (churches, theaters, stadiums, etc.)	1 space per 20 employees	2% of maximum occupancy
Parks	No spaces required	0.5 spaces per acre
Healthcare	1 space per 20 employees	1 space per 20,000 sq. ft. of floor area
Education		
(a) Day care centers (12+ children)	1 space per 20 employees	1 space per 20 children
(b) Nursery school, kindergarten, and elementary (grades 1-3)	1 space per 10 employees	1 space per 20 students
(c) Elementary school (grades 4-6), middle school, high school	1 space per 10 employees plus 1 space per 20 students	1 space per 20 students
(d) College and University	1 space per 20 employees or students	1 space per 20 students
Transit Stations		
Rail station, bus terminal, airport	5% of projected a.m. peak period daily use	1.5% of projected a.m. peak period daily use
Retail		
Grocery	1 space per 12,000 sq. ft. of floor area	1 space per 2,000 sq. ft. of floor area
General Retail	1 space per 12,000 sq. ft. of floor area	1 space per 5,000 sq. ft. of floor area

Office		
All office uses	1 space per 10,000 sq. ft. of floor area	1 space per 20,000 sq. ft. of floor area
Auto Related		
Automotive sales, rental, service, repair, and cleaning	1 space per 12,000 sq. ft. of floor area	1 space per 20,000 sq. ft. of floor area
Parking lots / public garages	1 space per 20 automobile spaces	1 per 20 automobile spaces, except for unattended surface lots
Industrial / Manufacturing		
Manufacturing and production	1 space per 15,000 sq. ft. of floor area	As prescribed by Development Services Director

14.44.070 Parking Requirements for Uses Not Specified

The Development Services Director will determine the parking requirements for land uses not specified in this Chapter. The determination will be based on the parking requirements for the most comparable specified use.

14.44.080 Parking Design Standards

All off-street parking facilities must comply with Table 14.44.080-1, as shown at the end of this Section, and with the following design standards, except as otherwise provided in Subsection (14) of this Section:

(1) *Minimum dimensions.* All parking spaces must meet the minimum dimensions indicated in Table 14.44.080-1. The City Engineer may approve parking angles and set minimum dimensions for angles not listed in the table.

(2) *Garage or carport dimensions.* Garages and carports used to meet parking requirements must provide:

(a) A minimum interior unobstructed width and length of 20 feet for two parking spaces; or

(b) A minimum interior unobstructed width of 10 feet and length of 20 feet for one parking space.

(3) *Backing space.* Parking areas with four or more spaces must provide backing space so vehicles do not back into a public street or alley. Public sidewalks may not be used as backing space.

(4) *Acute angle parking.* Parking between one and 89 degrees must be designed for one-way traffic only.

(5) *One-way parking exits.* Separate exits are required for acute angle and one-way parallel parking lots with four or more spaces.

(6) *Driveway width for fewer than four spaces.* Driveways serving fewer than four parking spaces must be at least 12 feet wide and provide paved access to a public street.

(7) *Driveway width in certain residential zones.* In A1, RA, R1, VLDR, LDR, and NMU zones, driveways serving four or more spaces must be a minimum of:

(a) 12 feet wide for one-way traffic; or

(b) 16 feet wide for two-way traffic.

(8) *Driveway width in other zones.* In all other residential, commercial, professional office, public facility, and industrial zones, driveways serving four or more spaces must be a minimum of:

(a) 12 feet wide for one-way traffic; and

(b) 20 feet wide for two-way traffic.

(9) *Exclusive use.* Required parking for a residential development may not be rented, leased, or otherwise counted towards the requirements of any other unit or development.

(10) *Dead-end aisles.* A hammerhead or equivalent backup area must be provided at the end of any dead-end parking aisle.

(11) *Sub-grade structures.* The average grade of sub-grade parking structures may not exceed 15% from the property line to the finished floor, to ensure safe and accessible parking year-round.

(12) *Parking Structures.* In parking structures, the dimensions in Table 14.44.080-1 are modified as follows:

(a) Parking located adjacent to a wall must be one foot wider to allow door clearance and vehicle maneuverability;

(b) Parking located adjacent to a column must be one foot wider, unless the column is within four feet of the front or back of the stall;

(c) Corner stalls adjacent to a parking row must be two feet wider;

(d) Stall width must be measured as the clear width from inside column to inside column;

(e) Backup areas must be a minimum of 26 feet from supporting column to supporting column;

(f) All parking spaces must be free of obstructions; and

(g) The Development Services Director may reduce the requirements of this Subsection if:

(i) Individual circumstances make meeting the standard infeasible or unreasonable; and

(ii) The reduction does not create a health or safety hazard.

(13) *Reductions for nonconforming one-family dwellings.*

(a) The standards in Subsections (1) through (12) may be reduced for a nonconforming one-family detached dwelling, or one constructed on a nonconforming lot, in order to expand the dwelling or establish an accessory apartment, provided:

(i) The standard for an existing driveway, garage, carport, or parking area cannot reasonably be met without substantially altering a landscaped yard, the design of an existing improvement, or other dwelling feature;

(ii) The reduced design standard is equal to the greater of:

(A) The standard in effect when the dwelling was constructed; or
(B) The standard to which the existing improvement was constructed; and

(iii) The property is:

(A) Located within the Dixon, Franklin, Joaquin, Maeser, or Timp Neighborhoods as shown on the Official Neighborhood Map referenced in PCC 2.29.010(1); and
(B) Not located in an RA, R1.20, R1.15, or R1.10 zone.

(b) A property owner for a property described in (13)(a)(iii) who is adversely affected by a decision made under this Subsection may request a variance or appeal the decision to the Board of Adjustment as provided in PCC 14.04.

(c) A reduction for a new driveway, garage, carport, or parking area (other than a replacement for an existing improvement as provided in Subsection (13)(b) may only be granted by variance approved by the Board of Adjustment under PCC 14.04.

TABLE 14.44.080 - 1

x°	Stall Width a	Stall Depth b	Aisle Width c
90°	8'-6" 9'-0"	18'-0" 18'-0"	24'-0" 23'-0"
60°	8'-6" 9'-0"	18'-0" 17'-0"	18'-0" 17'-0"
45°	8'-6" 9'-0"	18'-8" 19'-1"	12'-0" 11'-0"
30°	8'-6" 9'-0"	16'-6" 16'-10"	12'-0" 11'-0"
0°	8'-6" 9'-0"	22'-0" 22'-0"	18'-0" 16'-0"

14.44.085 Bicycle Parking Design Standards

All off-street bicycle parking facilities must comply with the following design standards. Developers are encouraged to refer to the Association of Pedestrian and Bicycle Professionals' *Essentials of Bike Parking* guide for best practices in selecting bicycle parking facilities.

(1) *Uncovered bicycle parking.* Uncovered bicycle parking serves trips lasting less than two hours, such as errands or short visits. The following standards apply:

(a) Uncovered racks may be placed on sidewalks, in front of stores, or within parking structures, but must not obstruct pedestrian movement, block doorways, or interfere with ADA accessibility;

(b) Racks must be located no more than 50 feet from the primary entrance of the building served;

(c) Only the following rack types (shown in Figures 1-4 below) are permitted unless otherwise approved by the Development Services Department:

(i) Bike docks;

(ii) Inverted U racks;

(iii) Post and ring racks; and

(iv) Stadium racks or bike corrals;

(d) Racks must be spaced at least 36 inches from any fixed object, including other bike racks, and at least 24 inches from the curb, to ensure ease of use;

(e) Whenever feasible, racks should be weather-protected by locating them under existing structures; and

(f) All racks must be securely anchored to the ground by:

(i) Embedding them below grade in concrete; or

(ii) Using concrete spikes, concrete wedge anchors, or similar methods to mount them into concrete, asphalt, pavers, or other hard surfaces.

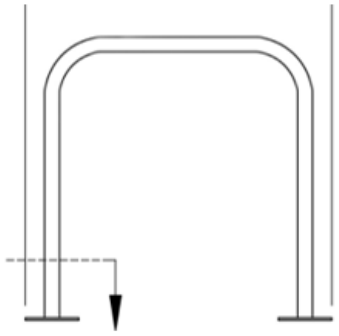


Figure 1. Bike Dock

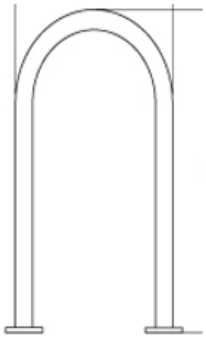


Figure 2. Inverted U Rack

Figure 3. Post and Ring Rack

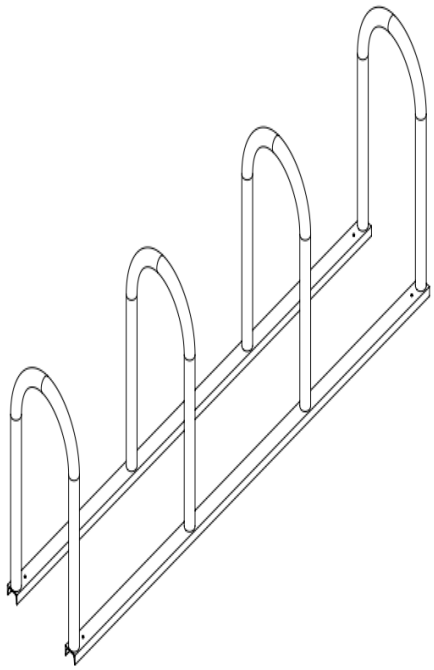


Figure 4. Bike Corral or Stadium Rack

(2) *Covered bicycle parking.* Covered bicycle parking provides storage for trips longer than two hours, including all-day commuter use and overnight stays. The following standards apply:

(a) Covered bicycle facilities must protect the entire bicycle from theft and inclement weather, including snow and wind-driven rain;

(b) Only the following facilities qualify as covered bicycle parking:

(i) Bike rooms;

(ii) Dedicated bicycle parking areas; and

(iii) Bicycle lockers;

(c) All racks must be spaced at least 36 inches from any fixed object, including other bike racks, to ensure easy loading and unloading; and

(d) Covered bicycle facilities must be located on the ground level, in an elevator-accessible area, or within a ramped garage. Users may not be required to carry bicycles over stairs to access covered parking.

14.44.090 Disabled Parking Spaces

(1) *General requirement.* Structures required by the International Building Code to provide accessibility features must also provide off-street parking for individuals with disabilities, as outlined in this Section. These requirements represent minimum standards and may be increased or modified by the Planning Commission for good cause.

(2) *Required number of accessible spaces.* The number of accessible parking spaces must meet or exceed the following:

Total Number of Parking Spaces in Lot or Garage	**Required Accessible Spaces**
1–25	1
26–50	2
51–75	3
76–100	4
101–150	5
151–200	6
201–300	7
301–400	8

Total Number of Parking Spaces in Lot or Garage	Required Accessible Spaces
401–500	9
501–999	2% of total spaces
1,000 or more	20 spaces plus 1 for every 100 spaces (or fraction thereof) over 1,000

(3) *Identification.* Accessible parking spaces must be set aside and clearly marked with signage meeting the requirements of UCA 41-1a-414, as amended, indicating that they are reserved for individuals with physical disabilities.

(4) *Location and dimensions.* Accessible parking spaces must:

(a) Be at least 8.5 feet wide; and

(b) Be located as close as practicable to the main public or primary entrance of the building served, or centrally located in shared parking lots serving multiple buildings.

(5) *Passenger loading zones.*

(a) Each accessible space must include a protected passenger loading zone at least five feet wide on one side of the space, with direct access to a hard-surfaced walkway by level surface or curbed ramp.

(b) One van-accessible space must be provided for every eight accessible spaces required. Each van-accessible space must include a protected passenger loading zone at least eight feet wide on one side of the space, with direct access to a hard-surfaced walkway by level surface or curbed ramp.

(6) *Marking requirements.* The loading zone must be clearly marked using colored diagonal striping that is four inches wide and spaced six inches apart, painted over the finished surface of the loading area.

Chapter 14.45
TEMPORARY USES

Sections:

14.45.010 Purpose and Objectives.
14.45.020 Permitted Temporary Uses.
14.45.030 Prior Approval Required.
14.45.040 Standards and Requirements.

14.45.050 Administrative Approval.
14.45.060 Revocation of Permit.
14.45.070 Business License Required.
14.45.080 Fees.

14.45.010 Purpose and Objectives

The purpose of this Chapter is to accommodate land uses or structures that are temporary in nature and not listed as permitted or conditional uses in any zone. These uses require specific conditions to protect adjacent properties and to safeguard the health, safety, and welfare of Provo residents. Any building or structure that is not explicitly classified as temporary under this Chapter is considered a permanent land use and must comply with all applicable building, health, fire, zoning, and related codes.

14.45.020 Permitted Temporary Uses

(1) *Zones.* Temporary uses are limited to the following zones: PF, SC1, SC2, SC3, DT1, DT2, GW, FC1, FC2, FC3, TOD, CG, CM, M1, and M2.

(2) The following uses allowed on a temporary basis under this Chapter are as follows:

(a) carnivals;

(b) circuses;

(c) fireworks stands and displays, subject to Subsection (6);

(d) Christmas tree lots, subject to Subsection (5);

(e) shaved ice stands;

(f) farmers markets, subject to Subsection (4);

(g) promotional sales and displays;

(h) garage sales (except as exempted in Subsection (3);

(i) tents for religious services;

(j) political rallies; and

(k) campaign headquarters.

(3) *Garage Sales.* A temporary use permit is not required for a garage sale, provided the sale:

(a) Does not operate for more than five days in any calendar year;

(b) Is conducted by bona fide residents of the premises;

(c) Offers only the personal belongings of the residents; and

(d) Goods are not placed on a public sidewalk or in a public right-of-way.

(4) *Farmers Market.* Farmers market operators must obtain a temporary use permit under this Chapter. The applicant must:

(a) Pay the applicable fee; and

(b) Submit a site plan that:

(i) Identifies the number and type of vendors;

(ii) Provides a signage plan for the proposed uses;

(iii) Shows the parking layout; and

(iv) Designates vehicular access points.

(5) *Christmas Tree Sales*. A permit must be obtained in accordance with the requirements of this Chapter.

(a) A permit may only allow tree sales from the day before Thanksgiving through December 25 of the same year.

(b) The fee for this permit is in lieu of a business license fee and is listed in the Consolidated Fee Schedule adopted by the Municipal Council. However, no permit fee is required if the applicant:

(i) Holds a current business license for which the applicable fee has been paid;

(ii) Complies with all other provisions of this Chapter, excluding the permit fee;

(iii) Provides documentation showing that the trees for sale were lawfully cut and are owned by the applicant; and

(iv) Sells trees as a secondary activity to a principal commercial use.

(6) *Fireworks.* Fireworks stands and fireworks displays are prohibited unless a permit is obtained from the Fire Department in accordance with that Department’s rules and regulations.

14.45.030 Prior Approval Required

Unless otherwise provided in Section 14.45.020, before establishing any temporary use, the applicant must obtain a temporary use permit from Provo City. The application must comply with the requirements of PCC 14.45.040 and be submitted by the property owner, an authorized agent, or the applicant for the temporary use. Provo City will grant a permit only if the applicant shows to the City's satisfaction that:

(1) The proposed use will not create detrimental effects on adjacent properties and is generally compatible with surrounding uses;

(2) The proposed use will not create excessive traffic hazards on adjacent streets, and any required traffic control will be provided at the applicant's expense; and

(3) The applicant has adequate liability insurance for the proposed use or event.

14.45.040 Standards and Requirements

A temporary use established under this Chapter must comply with the following standards and requirements:

(1) *Duration.* A temporary use may operate for a maximum of thirty days per calendar year, except:

(a) Shaved ice stands may operate from April 1 through October 31; and

(b) Farmers markets may operate from May 1 through October 31.

(2) *Water and Sewer Service.* Except as provided in this subsection, any structure that requires sanitary facilities under building, fire, health, or other applicable codes must provide the required sanitary facilities by means of independent water and sewer service. However, sanitary facilities may be provided by a host structure, under the following conditions:

(a) There is no indoor seating for patrons in the temporary structure;

(b) The applicant provides written evidence that a host structure will make permanent sanitary facilities available for employees or customers, that such facilities are within 300 feet of the structure, and that they are accessible during all operating hours; and

(c) The applicant submits written evidence from the City/County Health Department showing that:

(i) All food will be prepared and delivered from an approved commissary; and

(ii) All waste from the use will be properly disposed of.

(3) *Parking.* A minimum of two parking spaces is required. Additional parking may be required as reasonable but may not reduce the amount of parking already required for other uses on the site. All parking must comply with the off-street parking standards in PCC 14.44.

(4) *Site Plan.* The layout of the proposed use must be compatible with access, parking, circulation, and other key elements of any existing use or structure on the site.

(5) *Anchoring.* All structures must be securely anchored to the ground as directed by the Chief Building Official. This must consist of no fewer than four anchor points.

(6) *Property Owner Permission.* The applicant must secure the right to occupy the site through a written agreement with the property owner and any host structure owner.

(a) The agreement must address employee restroom access, maintenance responsibilities, and site restoration upon the end of the temporary use.

(b) A copy of this agreement must be included in the application.

(7) *Expiration.* Each temporary use permit must include an expiration date based on the nature of the use.

(a) No temporary use may be approved for more than 30 days, except for farmers markets and shaved ice stands.
(b) All temporary structures must be removed within 15 days after the temporary use ends or the permit expires, whichever comes first.

(8) *Bonding.* The property owner or responsible party must provide a cash bond to restore the site to its original condition, including cleanup, facility replacement, and removal of all structures, in the following amounts:

(a) Circuses, carnivals, or similar uses: $1,000.

(b) All other temporary uses: $300.

14.45.050 Administrative Approval

A temporary use that meets the requirements of this Chapter must be approved. A use that does not meet these requirements must be denied, unless the City determines that the use can be made compatible through specific conditions. Conditions may include limitations on hours of operation or other measures necessary to prevent harm to persons or property.

14.45.060 Revocation of Permit

The City may revoke a temporary use permit if the applicant or use violates any provision of this Chapter or any condition of the permit.

14.45.070 Business License Required

A temporary use permit is not a business license and does not relieve the permit holder of any other licensing requirements imposed by the city or any other public agency.

14.45.080 Fees

Applicants must pay a fee as listed in the Consolidated Fee Schedule adopted by the Municipal Council.

Chapter 14.46
NONCONFORMITIES

Sections:

14.46.010 Purpose and Objectives.
14.46.020 Definitions.
14.46.030 Nonconformities Generally.
14.46.040 Nonconforming Uses.
14.46.050 Nonconforming Structures.
14.46.060 Nonconforming Lots.
14.46.070 Other Nonconformities.
14.46.080 Reconstruction or Restoration.
14.46.090 Nonconformities Resulting from Public Action.
14.46.100 Termination of Nonconforming Uses and Noncomplying Structures.
14.46.110 Abandonment of Nonconforming Use.
14.46.120 Determination of Nonconforming Status – Effect of Determination.
14.46.130 Residential Structures Originally Constructed as a One-family Dwelling - Status Determination.
14.46.140 Multiple-Family Dwellings and Apartment Complexes Constructed Prior to 1974 - Status Determination.
14.46.150 Billboards Exempt.
14.46.160 Appeals.

14.46.010 Purpose and Objectives

The purpose of this Chapter is to regulate legal nonconformities, as defined in this Chapter. This Chapter aims to balance the interests of property owners with the City's goal of limiting the expansion or unreasonable continuation of legal nonconformities.

14.46.020 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

"Noncomplying structure" has the meaning defined in UCA 10-20-102, as amended;

"Nonconforming lot" means a lot that:

(a) does not comply with the applicable requirements of this Title; and

(b) legally existed before the enactment of the requirements with which it does not comply.

"Nonconforming use" has the meaning defined in UCA 10-20-102, as amended;

"Nonconformity" means any noncomplying structure, nonconforming use, nonconforming lot, or other nonconforming circumstance; and

"Other nonconforming circumstance" means any other circumstance that:

(a) does not comply with the applicable requirements of this Title; and

(b) legally existed before the enactment of the requirements with which it does not comply.

14.46.030 Nonconformities Generally

(1) *Scope.* The provisions of this Chapter apply to all nonconformities in the City, regardless of when the nonconformity was established.

(2) *Exclusions.* Any nonconformity must have legally existed prior to the enactment of the requirement of this Title or land use designation with which it does not comply in order to qualify as a nonconformity. Any structure, use, lot, or other circumstances that does not meet this requirement is not a nonconformity. Such structure, use, lot, or other circumstance is unlawful and must be terminated immediately.

(3) *Continuation.* Except as otherwise provided in this Chapter, a nonconformity may be continued by the present or a future property owner.

(4) *Limitations.* A nonconformity may not be established, restored, reconstructed, extended, altered, expanded, substituted, moved, or modified, except as expressly permitted in this Chapter or as required by law.

(5) *Changes in nonconformity.* A nonconformity may may be modified to bring it into compliance with this Title. If a nonconforming use is changed to a less intensive nonconforming use, it may not be changed back to the prior, or any other, more intensive nonconforming use. If a nonconformity is changed to comply with this Title, it may not later be changed to the prior, or any other, nonconformity.

14.46.040 Nonconforming Uses

(1) A nonconforming use may be extended through the same building, but only if no structural alteration of the building is proposed or made for the purpose of the extension.

(2) A complying structure containing a nonconforming use may not be moved unless the use complies with the zoning regulations of the district into which it is moved. Before moving such a structure, the applicant must submit an application and complete the procedures described in PCC 14.48.

(3) See PCC Section 14.46.080 regarding restoration or reconstruction of a structure where a nonconforming use is located.

14.46.050 Noncomplying Structures

(1) *Maintenance.* A noncomplying structure must be maintained. Repairs and structural alterations are allowed only within the existing footprint. Repairs and structural alterations may not increase the degree of noncompliance.

(2) *Expansion.* Expansion of a noncomplying structure that increases the degree of noncompliance is prohibited, except as provided in this Subsection or as required by law.

(a) A one-family dwelling that is noncomplying only as to height, area, or yard regulations may be enlarged, but only if the addition complies with all other applicable requirements of this Title.

(b) A one-family dwelling that does not comply with side yard requirements but has a minimum side yard of at least three feet may be extended along the same noncomplying building line for up to one-half the length of the existing dwelling. The extension may only be for the purpose of enlarging and maintaining the existing dwelling unit and must comply with all other requirements of the applicable zone.

(3) *Relocation.* A noncomplying structure relocated within the city must fully comply with this Title, including the procedures in PCC 14.48.

(4) *Reconstruction.* See PCC Section 14.46.080 regarding reconstruction or restoration of a noncomplying structure.

14.46.060 Nonconforming Lots

(1) *New Construction.* New construction of a structure is permitted on a nonconforming lot that is nonconforming only as to area, frontage, or width, but only if the structure complies with all other requirements of this Title and other applicable codes, and the structure is:

(a) a new dwelling constructed in a residential zone; or

(b) a new building in a nonresidential zone.

(2) *Expansion.* If a nonconforming lot does not contain any other nonconformity, the owner may continue its legal use and may expand a complying structure on the lot, but only if the expansion complies with applicable requirements of this Title.

(3) *Accessory Structures.* An accessory building customarily incidental to a principal structure may be constructed on a nonconforming lot, but only if the accessory building and its location meet all other applicable building and zoning requirements, and the principal structure is:

(a) an already existing complying structure; or

(b) developed together with the accessory building and is permitted under Subsection (1).

14.46.070 Other Nonconformities

(1) This Section applies to any other nonconforming circumstance, including but not limited to: fence height or location; lack of required buffers or screening; insufficient or missing landscaping; inadequate or missing off-street parking; and similar circumstances. The degree of such other nonconforming circumstance may not be increased.

(2) Except as provided in Subsection (3), any other nonconforming circumstance may not continue and must be brought into compliance if any of the following occur:

(a) An expansion of a structure that increases the floor area of the premises by more than 30%;

(b) A series of expansions of a structure over time that, in total, increase the floor area by more than 30% of the original premises; or

(c) For lots in commercial or industrial zones, a change in use that requires a new certificate of occupancy.

(3) *Exempt Zones.* This Section does not apply to properties located in the DT1, DT2, or TOD zones.

14.46.080 Reconstruction or Restoration

(1) Except as provided in Subsection (3):

(a) a nonconforming use within a structure must be terminated; and

(b) a noncomplying structure may not be reconstructed or restored.

(2) Subsection (1) applies where:

(a) the structure or use has been abandoned as defined in this chapter;

(b) the property owner has voluntarily demolished a majority of the structure; or

(c) the structure is allowed to deteriorate to a condition that renders the structure uninhabitable and:

(i) the City has served written notice that the structure is uninhabitable and the noncomplying structure or nonconforming use will be lost if repair or restoration is not completed within six months; and

(ii) repair or restoration is not completed within six months after the day on which the notice was served on the property owner.

(3) A nonconforming use or noncomplying structure that is involuntarily destroyed in whole or in part due to fire or other calamity may be continued, reconstructed, or restored so long as restoration is complete within one year of the event.

14.46.090 Noncompliance Resulting from Public Action

When the area or yard setbacks of a legally established lot are reduced due to a conveyance of land to a federal, state, or local government for a public purpose, the lot and its yards are deemed to comply with the minimum lot size and yard setback standards of this Title. No variance is required and no nonconformity is created.

14.46.100 Termination of Nonconforming Uses and Noncomplying Structures

(1) A nonconforming use that is abandoned is unlawful and must be terminated.

(2) See PCC 14.46.080 regarding reconstruction or restoration of certain structures and the termination of nonconforming uses within them.

(3) The nonconforming status of a school district or charter school use or structure is terminated if the property is not used for school district or charter school purposes for more than twelve months.

14.46.110 Abandonment of Nonconforming Use

(1) *Burden of Proof.* Any party claiming that a nonconforming use has been abandoned bears the burden of proving the abandonment.

(2) *Presumption of Abandonment.* Abandonment of a nonconforming use may be presumed if:

(a) a majority of the primary structure associated with the nonconforming use is voluntarily demolished without a prior written agreement with the City regarding continuation of the use;

(b) the use has been discontinued for at least one year; or

(c) the primary structure associated with the nonconforming use remains vacant for at least one year.

(3) *Rebutting Presumption of Abandonment.* A property owner may rebut the presumption of abandonment under Subsection (2) but bears the burden of proving that abandonment has not occurred.

14.46.120 Determination of Nonconformity – Effect of Determination

(1) *Procedure.* The Zoning Administrator, or the Administrator's designee, determines whether a nonconformity exists, has been expanded, or has been modified, as follows:

(a) A property owner or the owner's designee may request a determination of nonconformity by applying for Zone Verification with the Development Services Department. The Zoning Administrator will review the factual and legal history of the property and issue a written determination.

(b) Notice of the determination will be provided to the property owner.

(c) If, within ten days after mailing the notice, the Zoning Administrator receives information that may affect the validity of the determination, the Administrator may issue an amended determination. Notice of the amended determination must be given in the same manner as in Subsection (b).

(d) The notice must include a statement that the determination may be appealed to the Board of Adjustment as provided in PCC 14.04 and must state the deadline for filing an appeal.

(2) *Burden of Proof.* The property owner bears the burden of proving by substantial evidence that a nonconformity was established.

(a) "Substantial evidence" means evidence that:

(i) is beyond a scintilla; and

(ii) a reasonable mind would accept as adequate to support a conclusion.

(b) Evidence that may be used to establish legal status includes, but is not limited to:

(i) the date the condition was created;

(ii) applicable zoning, building, or other code provisions in effect at the time of creation;

(iii) authorizing documentation, such as building permits, correspondence, or official minutes showing discussion or approval of the condition;

(iv) property inspection reports showing the degree of compliance with applicable codes at the time of creation; and

(v) affidavits from individuals with personal knowledge of the condition's creation.

(c) If a land use ordinance was in effect at the time the condition was created and it did not permit the condition, that fact is prima facie evidence that the condition was not legally established.

(d) The fact that a lot, structure, use, or other circumstance has existed or been used for an extended period does not establish legal status if it was not legally established under applicable ordinances at the time.

(3) *Abatement or Compliance.* If the property owner does not demonstrate that the noncompliant condition was legally established, it is deemed illegal and must be abated or brought into compliance with this Title.

(a) Abatement or compliance must be completed within 30 days, unless the necessary work cannot reasonably be completed within that time.

(b) If abatement or compliance cannot reasonably be completed within 30 days, the property owner must enter into a binding agreement with the City to follow a schedule that achieves compliance as soon as reasonably practicable, and no later than six months from the date of the agreement.

14.46.130 Residential Structures Originally Constructed as a One-family Dwelling - Status Determination

(1) *Purpose.* In addition to the other provisions of this Chapter, this Section establishes the process for determining whether a residential structure that was originally built as a one-family dwelling, but is now used for other, nonpermitted purposes, is a nonconforming structure, houses a nonconforming use, or both.

(2) *Building Permit Record.* If building permits were issued to authorize one or more dwelling units in addition to the original unit, and construction was substantially completed under those permits, the permits constitute prima facie evidence that any noncomplying circumstance

regarding the structure or the use legally existed at the time it was built, thus creating a nonconformity.

(3) *No Building Permit Record.* If no building permits exist, the determination of nonconforming status must follow the process outlined below. The Zoning Administrator may consider the findings of the inspection by the Chief Building Official, or their designee, in making the determination:

(a) The Chief Building Official, or their designee, must conduct a physical inspection of the premises to determine whether each dwelling unit substantially complies with the zoning and building code requirements in effect when the additional unit was established, including those in PCC 14.46.100.

(i) If substantial compliance is found, the noncomplying condition is deemed legally established.

(ii) If substantial compliance is not found, the noncomplying condition is not deemed legally established and any unlawful elements of the structure or use must be abated or brought into compliance with the applicable zoning and building codes in effect at the time the additional unit was created, except as provided in PCC 14.46.100.

(b) The presence of an interior connection between upper, lower, or adjoining portions of the dwelling creates a presumption that the structure was originally authorized as a single dwelling unit; unless the connection was clearly intended as a vestibule, lobby, or passage between separate units. Evidence supporting legal establishment of multiple units, including the types described in PCC 14.46.120(2)(b), may be submitted to the Zoning Administrator for review.

14.46.140 Multiple-Family Dwellings and Apartment Complexes Constructed Prior to 1974 - Status Determination

(1) *Nonconforming Status.* A project consisting of one or more multiple-family dwellings or apartment buildings constructed before January 1, 1974, and located in a zone where such dwellings or apartments are not currently permitted, is deemed nonconforming if all of the following conditions are met:

(a) the buildings were originally constructed substantially as they currently exist;

(b) the buildings were not originally constructed and occupied as one-family dwellings that were later converted to multiple-family or apartment dwellings;

(c) all apartment units are owned by the same individual, association, firm, partnership, or other legal entity; and

(d) the complex is managed by a property manager or management company located in Provo City.

(2) *Zone Verification.* The owner of an apartment complex that meets the conditions in Subsection (1) may request zoning verification from the Development Services Department.

14.46.150 Nonconforming Billboards

Nonconforming billboards are governed by the applicable provisions of UCA Title 10, Chapter 20, as amended. If those provisions are repealed, nonconforming billboards are subject to the requirements of this Chapter.

14.46.160 Appeals

Any person aggrieved by a decision of the Zoning Administrator or other official enforcing this Chapter may appeal to the Board of Adjustment, as provided in this Title. A person aggrieved by a decision of the Board of Adjustment may appeal to the District Court in accordance with PCC 14.04.050.

Chapter 14.47
SIGNS AND OUTDOOR ADVERTISING

Sections:

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14.47.025 On-Premises Short Hold Time Electronic Display Sign Standards.

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14.47.060 Signs Permitted – Agricultural (A1) and Residential (RA, R1, RM, VLDR, LDR, MDR, and HDR) Zones.

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14.47.085 North University Avenue Riverbottoms Design Corridor Sign Standards.

14.47.090 Signs Permitted in Neighborhood Shopping Center (SC1) and Community Shopping Center (SC2) Zones.

14.47.095 Signs Permitted in Regional Shopping Center (SC3) and Freeway Commercial Three (FC3) Zones.
14.47.100 Signs Permitted in Industrial (M1 and M2) Zones.
14.47.105 Signs Permitted in the Manufacturing Park (MP) Zone.
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14.47.115 Signs Permitted in Mixed-Use (MU, NMU, and CR) Zones.
14.47.120 Size of Monument Signs.
14.47.130 Size of Pole Signs.
14.47.140 Size of Wall Signs and Painted Wall Signs.
14.47.145 Size of Other Signs.
14.47.150 Nonconforming Signs.
14.47.160 Definitions Pertaining to Signs.
14.47.170 Off-Premises Signs and Outdoor Advertising Structures (Billboards).

14.47.010 General Requirements

The following general requirements apply to all signs and outdoor advertising structures which may be erected or maintained within the City of Provo.

(1) *Sign Approval.* Except as otherwise provided, it is unlawful and a class C misdemeanor to erect or maintain any sign or outdoor advertising structure without first obtaining a building permit. Permit issuance is based on the requirements of this Title.

(2) *Permits.* Permit applications are reviewed by the Building Inspection Division. All signs must be constructed, and all permits issued, in accordance with the International Building Code. Permit applications must include:

(a) the name of the sign owner and the property owner;

(b) all relevant dates regarding lease expiration or lease option expiration;

(c) the date and cost of sign construction and of any modifications;

(d) the fair market value of the sign as appraised for property tax purposes; and

(e) any other information reasonably required by the Building Division.

(3) *Electronic Display and Animated Signs.* Except as otherwise provided in this Chapter:

(a) all animated signs are prohibited;

(b) on-premises electronic display signs are prohibited in the Downtown Historic District and the A1, RA, R1, VLDR, LDR, MDR, HDR, CR, MU, and NMU zones, but are permitted in other zones;

Commented [BJ1]: 6.06.015 needs to be amended to refer to the renumbering of this subsection in the definition of LZ1 and LZ3.

(c) businesses using electronic display signs are subject to the licensing regulations in PCC 6.06; and

(d) on-premises short hold time electronic display signs are prohibited in all zones, except as provided in PCC 14.47.025.

(4) *Sound or Emissions.* A sign may not emit sound, smoke, or steam.

(5) *Movable Signs, Banners, and A-Frame Signs.* Except as otherwise provided in this Chapter, movable signs, banners, and A-frame signs are prohibited. This includes signs mounted or painted on vehicles or trailers that are parked to advertise a person, place, or thing.

(6) *Canopy Signs.*

(a) Signs on building-attached canopies count toward the total allowable wall sign area for the wall the canopy projects from.

(b) Signs on freestanding canopies count toward the total allowable freestanding sign area for the use.

(7) *Lighting.* See PCC 15.21.

(8) *Violations.* It is unlawful to erect or maintain a sign that violates this Chapter. Signs not explicitly allowed in a zone are prohibited.

(a) If a violation occurs, the Building Division may:

(i) order correction of the defect within a specified time not exceeding 30 days, if the correction brings the sign into compliance; or

(ii) if the violation is not reasonably correctable in such a way that no violation remains, or if the owner has already failed to correct within the specified time, order the sign removed by the sign owner, at the owner's expense, within a specified time not exceeding 30 days.

(b) A sign owner may appeal an order of the Building Division to the Zoning Board of Adjustment, in accordance with the procedures in this Title.

(c) If a sign owner fails or refuses to remove the sign after exhausting administrative remedies, the city may remove the sign. Removal will be at the owner’s expense, and the city may seek judgment for the removal cost, including reasonable attorneys’ fees and costs.

(d) A permit may be revoked and a sign removed under Subsection (8) if the applicant makes a false or misleading statement in the application or renewal.

(9) *Nonconforming Signs.* Requirements of this Chapter that became effective after the installation of a legally existing nonconforming sign do not apply to that sign so long as it is not abandoned or altered. However, any changes to the size, height, or location of such a sign must comply with this Chapter.

14.47.020 Commercial Signs on Premises

Except as provided in the applicable zones or otherwise expressly authorized in this Chapter, a commercial sign is permitted only if it advertises:

(1) ownership, sale, or lease of the property on which the sign is located;

(2) a business conducted on the premises;

(3) services rendered on the premises;

(4) goods produced or sold on the premises; or

(5) another lawful activity conducted on the premises.

14.47.025 On-Premises Short Hold Time Electronic Display Sign Standards

(1) *Permitted Locations.* On-premises short hold time electronic display signs are prohibited in all areas of the City except for properties located in the GW, FC1, FC2, FC3, CG, CM, SC1, SC2, SC3, M1, M2, MP, and PF zones with frontage on the following streets:

(a) University Parkway, from 100 West northwesterly to the city boundary;

(b) North State Street, from Cougar Boulevard (1230 North) northwesterly to 1720 North;

(c) Cougar Boulevard, from Canyon Road (200 East) westward to North State Street;

(d) Freedom Boulevard, from 100 North northward to University Parkway;

(e) 820 North Street, from I-15 eastward to 1350 West;

(f) Draper Lane, from 820 North to 600 South;

(g) University Avenue, from 600 South southward to Lakeview Parkway (1860 South);

(h) 4800 North, from the Provo River to University Avenue;

(i) Towne Centre Boulevard; and

(j) University Avenue, from 4800 North to 5200 North.

(2) *Spacing Along Interstate 15.* Properties described in Subsection (1) that have frontage along Interstate 15 (I-15) may not have any on-premises short hold time electronic display sign located closer than 1,200 feet to another such sign.

(3) *General Requirements.* All on-premises short hold time electronic display signs must:

(a) comply with all applicable provisions of the underlying zone, including the sign regulations in this Chapter;

(b) comply with all requirements in PCC 6.06 regarding minimum hold times and the use of electronic display signs by businesses; and

(c) submit, prior to permit issuance for construction or conversion, a certification from the sign manufacturer stating that the sign can comply with the illumination and brightness standards in PCC 6.06.

14.47.030 Exceptions

The signs described in this Section are exempt from the requirements of this Chapter except for those found in this Section.

(1) *Public Notices.* Signs used exclusively for official notices by a court, public body, or official; signs posted by a public officer performing a duty; or signs posted to provide legal notice.

(2) *Informational Signs.* Directional, warning, or informational signs of a public or semi-public nature, when directed and maintained by an official body or public utility.

(3) *Barber Poles.* Barber poles located on private property that do not exceed six feet in height and do not include advertising copy or messages.

(4) Noncommercial signs used to protect the health, safety, or welfare of the general public.

(5) *Flags.* Official flags, pennants, or insignia of any nation, state, city, or other political entity.

(6) *Temporary Signs.* Temporary signs, provided they are not placed in the public right-of-way or on public property, subject to the following standards:

(a) the sign is not greater than six square feet in residential zones;

(b) the sign is not greater than thirty-two square feet in nonresidential zones;

(c) is limited to one sign per property; and

(d) is not displayed for more than six months in a calendar year.

(7) *Directory Signs.* In all zones where group occupancies in office, commercial, or industrial buildings are allowed, a directory sign may display the names of occupants engaged in professional, business, or industrial uses. The sign must:

(a) be set back at least two feet from the property line;

(b) not exceed twelve feet in height;

(c) not exceed 100 square feet in area; and

(d) not be placed within a clear-vision area of a corner lot, as defined in PCC 14.50.090.

(8) *Construction Project Signs.* A sign may be erected on the property of an active construction project to identify future occupants and project participants (e.g., architects, engineers, contractors). The sign must:

(a) not exceed 32 square feet in residential zones;

(b) not exceed 64 square feet in other zones; and

(c) not exceed twelve feet in height if freestanding.

(9) *On-Site Directional Signs.* Directional signs that assist or manage pedestrian or vehicle traffic may be installed on the relevant property. These signs may not exceed six square feet.

(10) *Church and Quasi-Public Organization Identification Signs.* Churches and quasi-public organizations may erect one sign per premises. These signs:

(a) may not exceed 32 square feet; and

(b) may be mounted on a wall or as a monument sign no greater than five feet in height.

(11) *Bus Bench and Shelter Signs.* One sign may be placed on a bus bench or shelter at each designated transit stop if:

(a) the owner is authorized by the UTA; and

(b) the sign area does not exceed 24 square feet.

(12) *Development Promotional and Directional Signs.* One promotional sign may be placed at each subdivision, planned development, or condominium project with five or more approved lots or units.

(a) *Area.* The maximum area of a promotional sign is:

(i) 64 square feet; plus

(ii) five additional square feet per lot or unit beyond five, up to a total maximum area of 300 square feet.

(b) *Number.* A project with 50 or more approved lots or dwelling units and at least two major access points may have one additional promotional sign, subject to the same area limits.

(c) *Off-Site Signs.* Two off-site directional signs are allowed per development, limited to:

(i) a maximum of 12 square feet each; and

(ii) locations outside the public right-of-way.

(d) *Sign Removal.* All signs under this subsection must be removed:

(i) within 30 days after all lots or units are sold; and

(ii) before the Building Inspector grants final inspection.

(13) *Name Plates.* One name plate or marker up to two square feet is allowed per dwelling to identify the occupant.

14.47.040 Location Standards

All signs and outdoor advertising structures must comply with the location requirements in this Section.

(1) *Fire Escapes.* A sign may not be installed in a way that interferes with the use of any fire escape, exit, or standpipe, or obstructs a required stairway, door, ventilator, or window.

(2) *Traffic Visibility.* No freestanding or projecting sign may be installed in the Clear Vision Area as defined in PCC 14.50.090, unless:

(a) the entire sign is:

(i) located less than three feet or more than eight feet above curb grade; and

(ii) no part of its support structure exceeds one foot in horizontal dimension; or

(b) the sign is located in an area where a building or structure is permitted by the applicable zoning provisions.

(3) *Utility Lines.* A sign must maintain the minimum horizontal and vertical clearance from communication and electrical power lines as required by Utah state law or administrative rules.

(4) *Pedestrian Clearance.* A sign that extends over a public or private walkway must maintain a minimum clearance of ten feet between the walkway surface and the lowest point of the sign or its support structure.

14.47.050 Classification of Signs

Each sign erected or proposed within the City will be classified by the Development Services Department in accordance with the definitions provided in this Chapter. If a sign does not clearly fall within a defined classification, the Department will assign it to the classification that most closely aligns with its design, location, and purpose.

14.47.060 Signs Permitted – Agricultural (A1) and Residential (RA, R1, RM, VLDR, LDR, MDR, and HDR) Zones

Signs permitted in the Agricultural (A1), Residential Agricultural (RA), One-Family Residential (R1), Residential Manufactured Home Park (RM), Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR), and High Density Residential (HDR) zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *A1 Zone (Agricultural).* The signs described in this Subsection are permitted in the A1 Zone.

(a) *Name Plate.* One name plate not exceeding two square feet that displays only the name and address of the occupant.

(b) *Goods Production.* One unlighted sign not exceeding four square feet that identifies the premises as part of a trade organization or as producing goods under a trade name or symbol.

(c) *Product Sales.* Two signs advertising products lawfully produced on the premises, not exceeding ten square feet each.

(d) *Historic Landmark.* Signs or monuments identifying historic points of interest on properties listed on the local or national historic register.

(i) Signs under two square feet are permitted by right.

(ii) Signs larger than two square feet or monuments are prohibited unless the size and location is approved by the Landmarks Commission.

(2) *RA. R1, VLDR, LDR, MDR, and HDR Zones (Residential).* The signs described in this Subsection are permitted in the RA, R1, VLDR, LDR, MDR, and HDR Zones.

(a) *Name Plate.* One name plate not exceeding two square feet that displays only the name and address of the occupant.

(b) *Historic Landmark.* Signs or monuments identifying historic points of interest on properties listed on the local or national historic register.

(i) Signs under two square feet are permitted by right.

(ii) Signs larger than two square feet or monuments are prohibited unless the size and location is approved by the Landmarks Commission.

(c) *Apartments.* One sign not exceeding 32 square feet to identify the name of the apartment complex.

(3) *RM Zone (Residential Manufactured Home Park).* The signs described in this Subsection are permitted in the RM Zone.

(a) *Bulletin Board.* Each manufactured home park must have a bulletin board listing each manufactured home site and the name of its occupant. The bulletin board must:

(i) be located near the office or administration building; and

(ii) be illuminated at night.

(b) *Park Map.* Adequate signage and markings must direct residents and visitors to parking areas, recreation areas, telephones, and laundry facilities. Each directional sign may not exceed six square feet.

(c) *Name Plate.* One name plate per subdivision parcel or manufactured home space is permitted. Each name plate may not exceed two square feet and must display only the name and address of the occupant.

14.47.070 Signs Permitted in Public Facilities (PF), Open Space, Preservation and Recreation (OSPR), and Health Care Facilities (HCF) Zones

Signs permitted in the PF, OSPR, and HCF zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Name Plate.* Name plates may be mounted on a building to identify the name and/or address of a structure or complex. Each name plate may not exceed 50 square feet.

(2) *Monument Signs.*

(a) *Number.* One monument sign identifying a point of interest or building complex may be placed on an ornamental masonry wall.

(b) *Area.* A monument sign may not exceed 32 square feet in area.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Frontage.* Monument signs are allowed at the following frequency:

(i) one sign per property frontage; and

(ii) one additional sign for each 200 feet of property frontage on a public street beyond the initial 200 feet, with signs placed no closer than 100 feet apart.

(3) *Wall Signs.*

(a) *Number.* One wall sign per building face fronting a public street.

(b) *Area.* Must comply with PCC 14.47.140.

(c) *Location.* A wall sign may not extend above the top of the wall on which it is mounted.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than one foot from the wall face. Sign copy is not permitted on the sides.

(4) *Pole Signs.* On-premises freestanding signs taller than five feet must meet the following requirements:

(a) *Number.* One pole sign is permitted per frontage on a public street.

(b) *Area.* Must comply with PCC 14.47.130.

(c) *Height.* A pole sign may not exceed 25 feet in height.

(5) *Projections.* Signs may not project over a property line.

(6) *Lighting.* Only indirectly or diffusely lit signs are permitted. Lighting fixtures not integral to a sign must be directed away from adjacent properties and traffic. Flashing or rotating lights are prohibited.

(7) *Temporary Promotional Signs.* Temporary signs promoting an event may be attached to structures if securely mounted and consistent with the public purposes of the occupying entity.

(a) *Number:* One temporary sign is allowed per building face fronting a public street.

(b) *Area:* Must comply with PCC 14.47.140.

(c) *Removal.* Temporary signs must be removed within 48 hours after the conclusion of the promoted event.

(8) *Interior Signs.* Signs located more than 500 feet from the nearest public road and within the interior of a public facility are exempt from the requirements of this Section specific to the applicable sign type. However, only types of signs described in this Section are permitted.

14.47.075 Signs Permitted in the Airport Industrial (AIRI) Zone

Signs permitted in the Airport Industrial (AIRI) zone are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in that zone.

(1) *Wall Signs.* Wall signs must meet the following requirements:

(a) *Number.* One wall sign is permitted per building face fronting a public street. Multi-tenant buildings may have one wall sign per tenant.

(b) *Area.* Must comply with 14.47.140.

(c) *Location.* A wall sign may not extend above the top of the wall on which it is mounted.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than 18 inches from the wall face. Sign copy is not permitted on the sides.

(e) *Illumination.* Only indirect or internal illumination is allowed.

(2) *Monument Signs.* Freestanding monument signs are permitted subject to the following standards:

(a) *Number.* One monument sign is permitted per frontage, with one additional sign allowed for each 200 feet of lot frontage on a public street beyond the initial 200 feet. Signs must be at least 50 feet apart.

(b) *Area.* Must comply with PCC 14.47.120. In no case may a monument sign exceed 60 square feet in area.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Placement.* Monument signs must be flush with the ground and may not be pole-mounted. Signs may be placed on berms, provided the total height does not exceed five feet above finished grade.

(e) *Location.* Signs must be set back:

(i) at least 15 feet from the front property line; and

(ii) at least five feet from side property lines on corner lots.

(f) *Materials.* Sign materials must be compatible with the exterior materials of the associated structure.

(g) *Illumination.* Only internal illumination is permitted.

14.47.080 Signs Permitted in Commercial (CG, FC1, FC2, and CM) Zones

Signs permitted in the CG, FC1, FC2, and CM zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Monument Signs.* Freestanding monument signs are permitted subject to the following standards:

(a) *Number.* One monument sign is permitted per lot frontage.

(i) One additional sign is permitted for each 100 feet of lot frontage on a public street beyond the initial 100 feet.

(ii) Signs must be placed at least 50 feet apart.

(iii) In the case of multi-tenant properties with shared frontage, the frontage is calculated based on the entire shared parcel.

(b) *Area.* Must comply with PCC 14.47.120.

(c) *Height.* A monument sign may not exceed five feet in height.

(2) *Pole Signs.* On-premises freestanding signs taller than five feet must meet the following requirements:

(a) *Number.* One pole sign is permitted per street frontage.

(i) One additional sign is permitted is permitted for each 200 feet of lot frontage on a public street beyond the initial 200 feet. This additional sign allowance does not apply in the FC1 and FC2 zones.

(ii) For purposes of area calculation under PCC 14.47.130, only the portion of the frontage exceeding 200 feet is counted toward the size of any additional sign.

(b) *Area.* Must comply with PCC 14.47.130.

(c) *Height.* A pole sign may not exceed 35 feet in height.

(d) *Projection.* A pole sign may not project over a property line.

(3) *Feather Flags.* Feather flags are permitted subject to the following standards:

(a) *Number.* One feather flag sign is permitted per lot frontage.

(i) *Multi-Tenant Buildings.* A maximum of one feather flag is permitted per business in multi-tenant buildings.

(ii) *Spacing.* Feather flags must be placed at least 25 feet apart.

(b) *Height.* Each feather flag may not exceed 12 feet in height.

(c) *Location.* Feather flags must be set back:

(i) at least five feet from any property line; and

(ii) at least five feet from any building or parking space.

(d) *Permit Exemption.* Feather flag signs do not require a building permit.

14.47.085 North University Avenue Riverbottoms Design Corridor Sign Standards

Regardless of the zoning of the property and sign regulations specific to that zone, signs permitted in the North University Avenue Riverbottoms Design Corridor (as described in PCC 14.50.150(2)) are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in this design corridor.

(1) *Integrated Sign Design.* Each new development, shopping center, or office complex located within the North University Avenue Riverbottoms Design Corridor must submit an integrated sign design scheme that complies with this Section and PCC 14.50.150(2).

(2) *Monument Signs.* Monument signs are permitted in commercial centers and professional office complexes as described in this Subsection.

(a) *Number.* One monument sign is permitted for each 300 feet of lot frontage.

(b) *Area.* The area of a monument sign may not exceed 60 square feet per side.

(c) *Height.* Monument signs, including the base and pedestal, may not exceed ten feet in height above the adjacent street-grade sidewalk.

(d) *Spacing.* Sign structures must be spaced at least 150 feet apart.

(d *Design.* The monument structure must complement the building's architecture using similar materials and stylistic themes.

(e) *Location.*

(i) Except as provided in Subsection (2)(e)(ii), each monument sign must be located on private property, outside the clear vision area as defined in PCC 14.50.090, and may not project over any property line.

(ii) A sign on a corner lot or parcel abutting University Avenue may project up to 12 feet into the University Avenue right-of-way from the adjacent property line, but not closer than six feet to any sidewalk or paved trail, but only if:

(A) the controlling government agency provides written approval;

(B) the sign's visibility, if located on private property, would be obstructed by utility boxes or semaphore poles not controlled by the property owner, as observed at eye level from within 100 feet of the sign location; and

(C) the City Traffic Engineer determines the sign does not create a sight distance hazard based on traffic conditions and City safety standards.

(f) *Illumination.* Internal illumination is permitted for translucent sign faces and for individually lit letters, characters, or figures that cause the face or characters to glow.

(3) *Wall Signs.* Each business or tenant in a shopping center or professional office facility not in a SC3 zone may install wall signs subject to requirements of this Subsection.

(a) *Number.* One wall sign is permitted on the front face of each business or tenant. An additional wall sign is allowed on a rear or side face if that elevation includes a public entrance.

(b) *Area.*

(i) For buildings set back less than 200 feet from the street, the wall sign area is limited to one square foot per linear foot of building or tenant frontage on the applicable side.

(ii) For buildings with a setback of 200 feet or more, the allowable area increases to 1.25 square feet per linear foot of frontage.

(c) *Location.* A wall sign may not extend above the top level of the wall to which it is attached.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than 18 inches from the wall face. Sign copy is not permitted on the sides.

(e) *Illumination.* Internal illumination is permitted for translucent sign faces or for individual letters, characters, or figures that emit a glow.

(4) *Shopping Center (SC3 Zone) Signs.* The sign types described in this Subsection are permitted within shopping centers located in the SC3 zone within the design corridor.

(a) *Entry Archways.* Archways displaying the shopping center's name and logo may be installed over driveways, streets, or pedestrian entrances, subject to the requirements of this Subsection (4)(a).

(i) *Number.* One sign and one archway structure are permitted per entrance, up to a maximum of four entrances.

(ii) *Area.* The sign area may not exceed 60 square feet.

(iii) *Height.* The archway structure may not exceed 25 feet in height. All archways must provide adequate vehicular and pedestrian clearance as determined by Provo City.

(iv) *Location.* The archway must be located on private property, outside the clear vision area as defined in PCC 14.50.090, and may not project over a property line.

(v) *Materials.* The structure must use materials compatible with those used on buildings within the shopping center.

(vi) *Illumination.* Internal illumination is permitted.

(b) *Entry Identification Monument Signs.* Monument signs identifying only the name of the shopping center or displaying public greetings may be located at development entrances, subject to the requirements of this Subsection (4)(b).

(i) *Number.* No more than two signs are permitted per driveway entrance.

(ii) *Area.* Each sign may not exceed six square feet.

(iii) *Height.* The total height of the sign, including the monument and pedestal, may not exceed ten feet above the adjacent street-grade sidewalk.

(iv) *Location.* Signs must be placed on private property, outside the clear vision area, and may not project over any property line.

(v) *Materials.* Materials must be compatible with building exteriors within the shopping center.

(vi) *Illumination.* Internal illumination is permitted.

(c) *Commercial Monument Signs.* Commercial monument signs are allowed only along 4800 North, subject to the requirements of this Subsection (4)(c).

(i) *Number.* One sign is allowed per 300 feet of street frontage, not to exceed two signs for frontages greater than 600 feet.

(ii) *Area.* Each sign face may not exceed 60 square feet. Monument structures must use materials and themes that complement the building's architecture.

(iii) *Spacing.* Signs must be spaced at least 150 feet apart.

(iv) *Height.* Signs may not exceed ten feet in height, including the monument and pedestal.

(v) *Location.* Signs must be located on private property, outside the clear vision area, and may not project over any property line.

(vi) *Materials.* Materials must be compatible with those used on buildings within the shopping center.

(vii) *Illumination.* Internal illumination is permitted.

(d) *Shopping Center Commercial Signs.* Larger commercial identification signs may be installed along University Avenue, subject to the requirements of this Subsection (4)(d).

(i) *Number.* One sign is allowed per 300 feet of frontage on University Avenue, up to a maximum of two signs for frontages greater than 600 feet.

(ii) *Area.* Each sign face may not exceed 300 square feet. The name and logo of the shopping center are excluded from the area calculation.

(iii) *Spacing.* Signs must be spaced at least 150 feet apart.

(iv) *Height.* Each sign may not exceed 25 feet in height.

(v) *Location.* These signs may be placed within the University Avenue public right-of-way (trail system), only if written permission is obtained from the controlling government agency.

(vi) *Materials.* Materials must be compatible with the architecture and finishes used within the shopping center.

(vii) *Illumination.* Internal illumination is permitted

(5) *Research and Business Park Zone (RB&P).* Monument signs are permitted in the RB&P zone within the design corridor, but only along the frontage of University Avenue and subject to the requirements of this Subsection (5).

(a) *Number.* One sign is permitted for every 300 feet of street frontage.

(b) *Area.* Each sign face may not exceed 60 square feet. The monument structure must complement the architecture of the building by using the same materials and stylistic themes.

(c) *Spacing.* A minimum spacing of 150 feet is required between monument signs.

(d) *Height.* Signs may not exceed ten feet in height, including the monument structure and pedestal, as measured from the adjacent street-grade sidewalk.

(e) *Location.* One monument sign may be placed on each corner of River Park Drive. Each sign must be located at least 15 feet from the back of the University Avenue street curb and may be placed within the public right-of-way only with written permission from the controlling government agency.

(f) *Materials.* Sign materials must be compatible with the exterior materials used within the Research and Business Park.

(g) *Illumination.* Internal illumination and electronic display signs are prohibited.

14.47.090 Signs Permitted in Neighborhood Shopping Center (SC1) and Community Shopping Center (SC2) Zones

Signs permitted in the SC1 and SC2 zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Pole Signs.* Freestanding signs over five feet in height are permitted within shopping center facilities established in these zones, subject to the requirements of this Subsection (1).

(a) *Number.* One pole sign is permitted per lot frontage. No additional pole signs may be located along the same frontage.

(b) *Area.* The primary sign area identifying the shopping center must comply with PCC 14.47.130. An additional sign area, not to exceed one-half of the allowed area, may be used to identify one or more tenants or businesses within the shopping center.

(c) *Height.* Pole signs may not exceed 35 feet in height.

(d) *Projection.* Signs may not project over any property line or more than five feet into a required front yard.

(2) *Wall Signs.* Wall signs and painted wall signs are permitted for each business or tenant within the shopping center, subject to the requirements of this Subsection (2).

(a) *Number.* One wall sign is permitted on the front face of each tenant space. An additional sign is allowed on the rear face of the building if it includes a public entrance.

(b) *Area.* Must comply with PCC 14.47.140.

(c) *Location.* Signs may not extend above the top of the wall to which they are attached.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than 18 inches from the wall face. Sign copy is not permitted on the sides

(3) *Monument Signs.* Freestanding signs under five feet in height may be permitted on individual development pads, subject to the requirements of this Subsection (3).

(a) *Number.* One monument sign is permitted per lot frontage. No additional monument signs may be located along the same frontage.

(b) *Area.* Must comply with PCC 14.47.120.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Design.* Signs must be architecturally compatible with the primary structure, using similar building materials and colors.

(e) *Setback.* Signs must be placed on private property, outside the clear vision area, and may not project over any property line..

(f) *Base Treatment.* Each sign must include an opaque pedestal that conceals any pole support. The pedestal must extend the full width and depth of the sign, with no exposed area between the base and the ground or landscaped surface.

(4) *Feather Flags.* Feather flags are permitted subject to the requirements of this Subsection (4).

(a) *Number.* One feather flag sign is permitted per street frontage.

(i) *Multi-Tenant Buildings.* A maximum of one feather flag is permitted per business.

(ii) *Spacing.* Feather flags must be placed at least 25 feet apart.

(b) *Height.* Each feather flag may not exceed 12 feet in height.

(c) *Location.* Feather flags must be set back:

(i) at least five feet from any property line; and

(ii) at least five feet from any building or parking space.

(d) *Permit Exemption.* Feather flag signs do not require a building permit.

14.47.095 Signs Permitted in Regional Shopping Center (SC3) and Freeway Commercial Three (FC3) Zones

Signs permitted in the SC3 and FC3 zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Pole Signs.* Each shopping center facility in an SC3 or FC3 zone may have a freestanding sign over five feet in height subject to the requirements of this Subsection (1).

(a) *Number.* One pole sign is permitted per frontage.

(i) A second sign may be allowed if the facility has more than 500 lineal feet of frontage.

(ii) No more than two pole signs may be erected for a shopping center facility.

(b) *Area.* Except as otherwise provided in this Subsection (1), the sign area must comply with PCC 14.47.130.

(i) If the shopping center frontage exceeds 250 lineal feet, the Planning Commission may approve a sign larger than 320 square feet based on:

(A) how well the sign and landscaping blend architecturally and aesthetically with the shopping center and its landscaping;

(B) the volume and speed of vehicular traffic passing the facility; and

(C) the total number of tenants and major tenants in the center.

(ii) The sign area may increase by no more than 32 square feet for every 25 lineal feet of frontage beyond 250 feet.

(iii) The maximum area of any one sign is 720 square feet.

(c) *Height.* Except as otherwise provided in this Subsection (1), no sign may exceed 40 feet in height.

(d) *Exception.* A facility with more than 1,100 linear feet of frontage adjacent to Interstate 15 (including freeway ramp frontage) may have one freestanding sign that:

(i) does not exceed 1,400 square feet;

(ii) does not exceed 90 feet in height;

(iii) is located adjacent to Interstate 15; and

(iv) complies with the message transition timing in PCC 6.06.

(2) *Wall Signs.* Each business or tenant in a shopping center may have wall or painted wall signs subject to the requirements of this Subsection (2).

(a) *Number.* Only one sign is allowed per building face.

(b) *Area.* A sign may not exceed 15% of the total wall area.

(c) *Location.* No part of a sign may extend above the top level of the wall or roof. However, signs on independent pads may extend up to five feet above the top level.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than five feet from the wall face. Sign copy is not permitted on the sides.

(3) *Monument Signs.* Individual development pads may have one freestanding sign under five feet in height subject to the requirements of this Subsection (3).

(a) *Number.* Each pad may have no more than one such sign.

(b) *Area.* Must comply with PCC 14.47.120.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Materials.* The sign must use materials compatible with those used on the associated building.

(4) *Feather Flags.* Feather flags are permitted subject to the requirements of this Subsection (4).

(a) *Number.* One feather flag sign is permitted per street frontage.

(i) *Multi-Tenant Buildings.* A maximum of one feather flag is permitted per business.

(ii) *Spacing.* Feather flags must be placed at least 25 feet apart.

(b) *Height.* Each feather flag may not exceed 12 feet in height.

(c) *Location.* Feather flags must be set back:

(i) at least five feet from any property line; and

(ii) at least five feet from any building or parking space.

(d) *Permit Exemption.* Feather flag signs do not require a building permit.

14.47.100 Signs Permitted in Industrial (M1 and M2) Zones

Signs permitted in the M1 and M2 zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Monument signs.* Freestanding signs under five feet in height are permitted in these zones subject to the requirements of this Subsection (1).

(a) *Number.* One monument sign is allowed per parcel.

(b) *Area.* Must comply with PCC 14.47.120.

(c) *Height.* A monument sign may not exceed five feet in height.

(2) *Wall signs.* Wall signs and painted wall signs are permitted in industrial zones subject to the requirements of this Subsection (2).

(a) *Number.* One sign is permitted per building face that fronts a public street.

(b) *Area.* Must comply with PCC 14.47.140.

(c) *Height.* No part of a sign may extend above the wall or building face on which it is mounted or painted.

(d) *Projection.* Signs, including light boxes or structural components, may not project more than 18 inches from the building face. Copy is not permitted on the sides of such signs.

14.47.105 Signs Permitted in the Manufacturing Park (MP) Zone

Signs permitted in the MP zone are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in that zone.

(1) *Monument Signs.* Freestanding signs under five feet in height are permitted in the MP zone subject to the requirements of this Subsection (1).

(a) *Number.* One freestanding monument identification sign is permitted per lot frontage on a public street.

(b) *Area.* Each monument sign may not exceed thirty-two square feet.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Location.* Each monument sign must be set back at least five feet from the street right-of-way.

(2) *Wall Signs.* Wall signs and painted wall signs are permitted in the MP zone subject to the requirements of this Subsection (2).

(a) *Number.* Two signs are permitted per building.

(b) *Area.* Each wall sign may not exceed two hundred square feet and must be mounted flat on the building wall.

(c) *Lighting.* Wall signs may be illuminated only by an indirect light source.

14.47.110 Signs Permitted in the Downtown (DT1, DT2, TOD, and GW) Zones

Signs permitted in the DT1, DT2, TOD, and GW zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Wall Signs.*

(a) Ground level businesses with individual front door entrances fronting public streets in these zones may have wall signs subject to the requirements of this Subsection (1)(a).

(i) *Number.* One sign is permitted per business storefront.

(ii) *Area.* Maximum sign area is two square feet of signage per linear foot of building façade.

(iii) *Location.* Signs may only be located on the first or second-story façade.

(iv) *Projection.* Signs may not project more than 18 inches from the façade.

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(b) Building identification signs for buildings three to four stories in height in these zones may have wall signs subject to the requirements of this Subsection (1)(b).

(i) *Number.* One sign is permitted per building façade, consisting of individual letters.

(A) Signs may not use sign cabinets.

(B) No building is considered to have more than four façades.

(ii) *Area.* Maximum sign area is two square feet of signage per linear foot of building façade. Text may not exceed two feet in height.

(iii) *Location.* Signs must be located on the top story.

(iv) *Projection.* Signs may not project more than 18 inches from the façade

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(c) Building identification signs for buildings more than four stories in height in these zones may have wall signs subject to the requirements of this Subsection (1)(c).

(i) *Number.* One sign is permitted per building façade, consisting of individual letters.

(A) Signs may not use sign cabinets.

(B) No building is considered to have more than four façades.

(ii) *Area.* Maximum sign area is four square feet of signage per linear foot of building façade. Text must not exceed four feet in height.

(iii) *Location.* Signs must be located on one of the top two stories and may not project above the wall line.

(iv) *Projection.* Signs may not project more than 18 inches from the façade.

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(d) *Tenant Identification Signs.* Upper floor tenants without individual ground-floor entrances may have wall signs subject to the requirements of this Subsection (d).

(i) *Number.*

(A) For buildings two to four stories in height, one sign is permitted per building façade facing a public street.

(B) For buildings five stories or taller, two signs are permitted per building façade facing a public street.

(C) Signs must consist of individual letters or logos. Sign cabinets are not permitted.

(ii) *Area.* Each sign may not exceed 50 square feet. Text may not exceed three feet in height.

(iii) *Location.* Signs must be located on the story immediately below the building step-back, if present. If not step-back is present, signs much be located on the second floor of a two-story building or on any floor below the top floor of a building taller than two stories.

(iv) *Projection.* Signs may not project more than 18 inches from the façade

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(e) *Building Directory Signs*. Multi-tenant buildings in these zones with a common entrance may have a building directory sign subject to the requirements of this Subsection (e).

(i) *Number.* One directory sign is permitted per building façade with a public entrance.

(ii) *Area.* If located on an exterior wall, signs may not exceed nine square feet. Text must not exceed one inch in height.

(iii) *Location.* Directory signs may be located on an exterior wall next to a public entrance or within the building's common entrance.

(2) *Projecting signs.* Projecting signs are permitted for street-level businesses in these zones with a public entrance or street-level parking lot entry with street frontage, subject to the requirements of this Subsection (2).

(a) *Number.* One projecting sign is allowed per street-level business or street-level parking lot entry with street frontage.

(b) *Area.* Signs may not exceed nine square feet. Text must not exceed one foot in height.

(c) *Location.* Signs must be placed below the finished floor of the second level or at a maximum height of 15 feet above final grade, whichever is lower.

(d) *Clearance.* There must be a minimum of eight feet of clearance from the bottom of the sign structure to the ground directly below.

(e) *Projection.* Including mounting hardware, signs may not project more than four feet from the building face.

(f) *Thickness.* Signs, including the cabinet, may not exceed five inches in thickness.

(g) *Materials.* Exposed surfaces of the sign must be constructed of materials that are architecturally compatible with the building exterior.

(h) *Lighting.* Signs may be illuminated internally or externally. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(i) *Hold harmless agreement.* If a sign extends over a public right-of-way, the sign owner must sign a hold harmless agreement before the sign is approved and installed.

(3) *Parking Entry Sign.* Parking entry signs are permitted for surface-level or structured parking lots in these zones, subject to the requirements of this Subsection (3).

(a) *Number.* One sign is permitted per parking entryway along a public street, with a maximum of one sign per street frontage.

(b) *Area.* Signs may not exceed nine square feet.

(c) *Height.* The maximum height may not exceed 12 feet from the natural grade of the lot.

(d) *Projection.* Signs may not project over the property line into the public right-of-way.

(4) *Awning Signs.* Each first-floor awning in these zones may include signage subject to the requirements of this Subsection (4).

(a) *Number.* One sign is permitted on each awning located over a first-floor window or door.

(b) *Area.* One square foot of signage is allowed per linear foot of awning.

(c) *Location.* Signs must be located on the vertical valance of the awning that faces a public street or right-of-way. Graphics may not exceed one foot in height.

(d) *Projection.* Awnings may project up to six feet into the public right-of-way from the property line.

(5) *Window Signs.* Window signs are permitted on or inside first-floor windows of commercial establishments in these zones, subject to the requirements of this Subsection (5).

(a) *Area.* Signs may not cover more than 25% of the total window area on the first-floor façade where they are located.

(b) *Location.* Signs are permitted only in windows that face a public street.

(6) *Monument Signs.* Freestanding signs under five feet are permitted in the landscaped front yard or street side yard of any property, subject to the requirements of this Subsection (6).

(a) *Number.* One sign is permitted per landscaped front yard or street side yard.

(b) *Area.* Signs may not exceed 50 square feet, except as follows:

(i) for multi-tenant properties, an additional ten square feet of signage is permitted per tenant; and

(ii) no individual sign may exceed 100 square feet in total area.

(c) *Height.* The maximum height may not exceed five feet.

(d) *Projection.* Signs may not project over the property line into the public right-of-way.

(e) *Design.* Signs must be constructed of materials similar to and architecturally compatible with the main building.

(7) *A-Frame Signs.* A-frame signs are permitted for ground-level businesses in theses zones with individual front door entrances on a public street, subject to the requirements of this Subsection (7).

(a) *Number.* One A-frame sign is permitted per ground-level business with an individual front door facing a public street.

(b) *Size.*

(i) The maximum sign face size is two feet wide by three feet tall.

(ii) The maximum sign stand frame size is 27 inches wide by 47 inches tall when closed, with a maximum depth of three feet when opened.

(c) *Sign Type.* Sign faces must be flat and lie in the same plane as the sign stand frame. Signs may not be electrified or illuminated.

(d) *Location.* Signs may only be placed:

(i) immediately in front of and between the side walls of the associated business; or

(ii) adjacent to the front façade of the business or within the park strip, provided a minimum six-foot-wide pedestrian path is maintained on the sidewalk.

(e) *Time of Display.* Signs may only be displayed during the business's hours of operation.

(f) *Permit Exemption.* A-frame signs do not require a building permit.

(8) *Marquee signs.* Marquee signs are permitted for each block face in these zones with street frontage, subject to the requirements of this Subsection (8).

(a) *Number.* No more than three marquee signs are permitted per block face.

(b) *Location.* Each sign must be located above the first floor of the business storefront.

(c) *Area.* Signs may not exceed 100 square feet.

(d) *Thickness.* Signs, including the cabinet, may not exceed one foot in thickness.

(e) *Lighting.* Marquee signs may be illuminated internally or externally. All lighting must be stationary and shielded to direct light solely onto the sign without causing glare. Neon lighting is not permitted.

(f) *Hold harmless.* If a marquee sign extends over a public right-of-way, the sign owner must sign a hold harmless agreement before the sign is approved and installed.

(g) *Sign type.* Marquee signs may not include electronic display.

14.47.115 Signs Permitted in Mixed-Use (MU, NMU, and CR) Zones

Signs permitted in the MU, NMU, and CR zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Wall Signs.* Wall signs are permitted in these zones subject to the requirements of this Subsection (1).

(a) Ground level businesses with individual front door entrances fronting public streets in these zones may have wall signs subject to the requirements of this Subsection (1)(a).

(i) *Number.* One sign is permitted per business storefront.

(ii) *Area.* Maximum sign area is two square feet of signage per linear foot of building façade.

(iii) *Location.* Signs must be located on the first or second-story façade.

(iv) *Projection.* Signs may not project more than 18 inches from the façade.

(v) *Illumination.* Internal or external illumination is permitted.

(A) Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(B) Signs are permitted to be illuminated only between the hours of 6:00 a.m. and 11:00 p.m.

(b) Building identification signs for buildings three to four stories in height in these zones may have wall signs subject to the requirements of this Subsection (1)(b).

(i) *Number.* One sign is permitted per building façade, consisting of individual letters.

(A) Signs may not use sign cabinets.

(B) No building is considered to have more than four façades.

(ii) *Area.* Maximum sign area is two square feet of signage per linear foot of building façade. Text may not exceed two feet in height.

(iii) *Location.* Signs must be located on the top story.

(iv) *Projection.* Signs may not project more than 18 inches from the façade

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(c) Building identification signs for buildings more than four stories in height in these zones may have wall signs subject to the requirements of this Subsection (1)(c).

(i) *Number.* One sign is permitted per building façade, consisting of individual letters.

(A) Signs may not use sign cabinets.

(B) No building is considered to have more than four façades.

(ii) *Area.* Maximum sign area is four square feet of signage per linear foot of building façade. Text must not exceed four feet in height.

(iii) *Location.* Signs must be located on one of the top two stories and may not project above the wall line.

(iv) *Projection.* Signs may not project more than 18 inches from the façade.

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(d) *Building Directory Signs*. Multi-tenant buildings with a common entrance may have a building directory sign subject to the following standards:

(i) *Number.* One directory sign is permitted per building façade with a public entrance.

(ii) *Area.* If located on an exterior wall, signs may not exceed nine square feet. Text must not exceed one inch in height.

(iii) *Location.* Directory signs may be located on an exterior wall next to a public entrance or within the building's common entrance.

(2) *Projecting signs.* Projecting signs are allowed for street-level businesses in these zones with a public entrance or street-level parking lot entry with street frontage, subject to the requirements of this Subsection (2).

(a) *Number.* One projecting sign is permitted per street-level business or street-level parking lot entry with street frontage

(b) *Area.* Signs may not exceed nine square feet. Text may not exceed one foot in height.

(c) *Location.* Signs must be placed below the finished floor of the second level or at a maximum height of 15 feet above final grade, whichever is lower.

(d) *Clearance.* There must be a minimum of eight feet of clearance from the bottom of the sign structure to the ground directly below.

(e) *Projection.* Including mounting hardware, signs may not project more than four feet from the building face.

(f) *Thickness.* Signs, including the cabinet, may not exceed five inches in thickness.

(g) *Materials.* Exposed surfaces of the sign must be constructed of materials that are architecturally compatible with the building exterior.

(h) *Lighting.* Signs may be illuminated internally or externally. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(i) *Hold harmless agreement.* If a sign extends over a public right-of-way, the sign owner must sign a hold harmless agreement before the sign is approved and installed.

(3) *Parking Entry Sign.* Parking entry signs are permitted for surface-level or structured parking lots, subject to the requirements of this Subsection (3).

(a) *Number.* One sign is permitted per parking entryway along a public street, with a maximum of one sign per frontage.

(b) *Area.* Signs may not exceed nine square feet.

(c) *Height.* The maximum height may not exceed 12 feet from the natural grade of the lot.

(d) *Projection.* Signs may not project over the property line into the public right-of-way.

(4) *Awning Signs.* Each first-floor awning may include signage subject to the requirements of this Subsection (4):

(a) *Number.* One sign is permitted on each awning located over a first-floor window or door.

(b) *Area.* One square foot of signage is allowed per linear foot of awning.

(c) *Location.* Signs must be located on the vertical valance of the awning that faces a public street or right-of-way. Graphics must not exceed one foot in height.

(d) *Projection.* Awnings may project up to six feet into the public right-of-way from the property line.

(5) *Monument Signs.* Freestanding signs under five feet are permitted in the landscaped front yard or street side yard of any property, subject to the requirements of this Section (5):

(a) *Number.* One sign is permitted per landscaped front yard or street side yard.

(b) *Area.* Signs may not exceed 50 square feet, except as follows:

(i) for multi-tenant properties, an additional ten square feet of signage is permitted per tenant.

(ii) No individual sign may exceed 100 square feet in total area.

(c) *Height.* The maximum height may not exceed five feet.

(d) *Projection.* Signs may not project over the property line into the public right-of-way.

(e) *Design.* Signs must be constructed of materials similar to and architecturally compatible with the main building.

(6) *A-Frame Signs.* A-frame signs are permitted for ground-level businesses in theses zones with individual front door entrances on a public street, subject to the requirements of this Subsection (6).

(a) *Number.* One A-frame sign is permitted per ground-level business with an individual front door facing a public street.

(b) *Size.*

(i) The maximum sign face size is two feet wide by three feet tall.

(ii) The maximum sign stand frame size is 27 inches wide by 47 inches tall when closed, with a maximum depth of three feet when opened.

(c) *Sign Type.* Sign faces must be flat and lie in the same plane as the sign stand frame. Signs may not be electrified or illuminated.

(d) *Location.* Signs may only be placed:

(i) immediately in front of and between the side walls of the associated business; or

(ii) adjacent to the front façade of the business or within the park strip, provided a minimum six-foot-wide pedestrian path is maintained on the sidewalk.

(e) *Time of Display.* Signs may only be displayed during the business's hours of operation.

(f) *Permit Exemption.* A-frame signs do not require a building permit.

14.47.120 Size of Monument Signs

Maximum sign face area for ground-mounted signs up to five feet in height is determined by the property's street frontage, measured in linear feet, as shown in the following table:

Frontage of Lot	**Maximum Area of Sign Face**
Up to 10 linear feet	20 square feet
11 to 30 linear feet	30 square feet
31 to 50 linear feet	40 square feet
51 to 70 linear feet	50 square feet
71 to 90 linear feet	60 square feet
91 to 110 linear feet	70 square feet
111 to 150 linear feet	80 square feet
Over 150 linear feet	90 square feet

14.47.130 Size of Pole Signs

Maximum sign face area for ground-mounted signs over five feet in height is determined by the property's street frontage, measured in linear feet, as shown in the following table:

Frontage of Lot	**Maximum Area of Sign Face**
Up to 30 linear feet	50 square feet
31 to 60 linear feet	70 square feet
61 to 80 linear feet	90 square feet
81 to 100 linear feet	120 square feet
101 to 120 linear feet	140 square feet
121 to 140 linear feet	160 square feet
141 to 160 linear feet	180 square feet
161 to 180 linear feet	210 square feet
Over 180 linear feet	230 square feet

14.47.140 Size of Wall Signs and Painted Wall Signs

Maximum sign face area for wall signs is determined by the area of the wall on which the sign is to be placed, measured in square feet, as shown in the following table:

Area of Wall	**Maximum Area of Sign Face**
Up to 200 square feet	20 square feet
201 to 400 square feet	45 square feet
401 to 600 square feet	70 square feet
601 to 800 square feet	90 square feet

Area of Wall	Maximum Area of Sign Face
801 to 1,000 square feet	100 square feet
1,001 to 1,300 square feet	120 square feet
1,301 to 1,700 square feet	140 square feet
1,701 to 2,100 square feet	160 square feet
2,101 to 2,600 square feet	180 square feet
2,601 to 3,200 square feet	200 square feet
3,201 to 4,100 square feet	220 square feet
4,101 to 4,800 square feet	240 square feet
Over 4,800 square feet	260 square feet

14.47.145 Size of Other Signs

If maximum sign face area for a sign is not otherwise regulated in this Title, the maximum area is determined by the property's street frontage, measured in linear feet, as shown in the following table:

Street Frontage	Maximum Sign Area
85 feet or less	20 square feet
86 – 90 feet	25 square feet
91 – 99 feet	30 square feet

Street Frontage	Maximum Sign Area
100 feet or more	35 square feet

14.47.150 Nonconforming Signs

All legally existing nonconforming on-premises signs are subject to the requirements of this Section.

(1) *Unsafe signs.* Any sign, or portion of a sign, declared unsafe by a proper public authority must be restored to a safe condition or removed within 30 days after notice of the unsafe condition is provided.

(2) *Alterations.* A nonconforming sign may not be reconstructed, raised, moved, placed, extended, or enlarged unless brought into full compliance with this Title.

(3) *Restoration.* A nonconforming sign that deteriorates or is damaged by fire, explosion, or any other cause to more than 60% of its assessed value must be repaired or rebuilt in full compliance with this Chapter or removed.

14.47.160 Definitions Pertaining to Signs

The following terms, when used in this Title, have the meanings set forth in this Section:

"A-frame sign" means a sign or structure composed of two sign faces mounted or attached back-to-back in a manner that forms a triangular vertical cross-section.

"Animated sign" means a sign with action, motion, or moving parts—including devices activated by wind or forced air—and signs that revolve or convey messages through movement or a sequence of progressive changes in parts or lights. This definition excludes electronic display signs.

"Building face" means the visible outer surface of a main exterior wall of a building. The face includes the total area of the surface, including doors and windows that open into the surface.

"Canopy". means a sign that is pained or otherwise affixed to the visible surface of an attached or free-standing awning*".*

"Convert," "converted," or "conversion" means a change from a nondigital or nonelectronic display to an electronic display sign. Any remodeling, repair, or maintenance that results in the sign becoming an electronic display sign is considered a conversion.

"Electronic display sign" means a sign, or portion of a sign, that displays electronic images, graphics, or pictures—with or without text—that can be changed by electronic means. These signs use a fixed display screen composed of illumination devices such as LEDs, fiber optics, plasma displays, or other similar technology. This includes computer-programmable or microprocessor-controlled digital displays.

“Erect” means to build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display a sign. This does not include normal maintenance such as refinishing, provided the sign copy is not changed or altered.

“Feather sign” means a temporary sign made of fabric or lightweight material attached to a pole anchored into the ground.

“Freestanding sign” means a sign that stands on or is erected into the ground, usually supported by one or more poles or posts. A sign supported by uprights that pass through the roof of a structure is considered a *roof sign*.

“Frontage” means the length of a lot that faces a street or other principal public thoroughfare. Frontage does not include sides along alleys, watercourses, railroads, or streets with no permitted access.

“Long hold time electronic display sign” means an electronic display sign with a minimum hold time of at least one hour.

“Marquee” means a roofed structure attached to and supported by a building that projects over public property.

“Monument sign” a free-standing sign supported by one or more upright poles or braces anchored into the ground and fully enclosed.

“Movable sign” means a sign that is not affixed to or erected into the ground.

“Off-premises electronic display sign” means an off-premises sign that is also an electronic display sign, as defined in this Section.

“Off-premises sign” means a sign that advertises products, services, or business establishments not located, conducted, manufactured, or sold on the same premises where the sign is erected.

“On-premises sign” means a sign that advertises products, services, or business establishments located, conducted, manufactured, or sold on the same premises where the sign is erected.

“Outdoor advertising structure” means a structure erected and maintained for advertising purposes, designed to display posters, bills, prints, or painted messages that promote products, goods, services, or businesses not located on the premises.

“Projecting sign” means a sign attached to a building or structural wall that extends horizontally outward from the wall more than 18 inches.

“Property” means land or real estate, with or without structures. It does not include goods or services.

“Residential zone” means any zone that includes the word *residential* in its description in this Title.

“Roof sign” means a sign erected on or above the roof or parapet of a building or structure.

"Short hold time electronic display sign" means an electronic display sign with a minimum hold time of less than one hour.

"Sign" means any word, letter, numeral, phrase, sentence, device, design, picture, trade name, or trademark used to make something known or to designate a firm, association, corporation, profession, business, or service, regardless of whether such is placed on natural objects such as the ground, rocks, trees, or stumps, or on manmade structures such as buildings, walls, roofs, frames, supports, fences, or similar structures, and that is visible from any public street, highway, or road right-of-way.

"Sign area" means the area of a sign used for display purposes For back-to-back or double-faced signs covering the same subject, only one face is included in the area calculation if the faces are parallel or diverge from a common edge by no more than 45 degrees. For signs without a frame or defined background, the area is calculated using the smallest rectangle, triangle, or circle that fully encloses the display.

"Sign face area" means the entire surface area on which messaging or information is displayed or intended to be displayed, including names, logos, addresses, and similar elements affixed to the sign structure.

"Wall sign" means a sign posted on, painted on, suspended from, or otherwise attached to a wall, fascia, canopy, or marquee in a vertical orientation, with the sign face generally parallel to the surface to which it is attached.

14.47.170 Off-Premises Signs and Outdoor Advertising Structures (Billboards)

(1) *Prohibition of New Off-Premises Signs.* Except as permitted in Subsection (2), no permits may be issued for the construction of off-premises signs or outdoor advertising structures. All lawfully existing off-premises signs and outdoor advertising structures are nonconforming uses in all zones of the city.

(2) *Prohibition of Conversion of Off-Premises Signs to Electronic Display Signs.* Off-premises signs may not be converted into electronic display signs, except as permitted in this Subsection (2).

(a) A conversion is ineligible for a permit unless the area of the off-premises electronic display sign will not exceed that of the original sign.

(b) The off-premises electronic display sign overlay zone (sign overlay zone) is established to provide areas of the city in which an off-premises sign may be converted into an off-premises electronic display sign. Off-premises signs may not be converted into electronic display signs in any location except those within the sign overlay zone.

(c) The sign overlay zone applies only to properties that are not zoned residential and that front the following roads:

(i) that portion of I-15 within the boundaries of Provo;

(ii) University Avenue, between 680 South and the I-15 interchange generally located at 1860 South;

(iii) State Street, between Cougar Boulevard and the boundary line of Provo on the north; and

(iv) Center Street, between I-15 and 900 West.

(d) Off-premises signs may not be converted unless the application demonstrates how the sign will comply with all the applicable provisions of this Chapter and affirms that the sign will always be operated in compliance with this Chapter.

(3) Off-premises electronic display signs must comply with the following standards:

(a) at no time may the light level exceed 300 nits.

(b) signs must be equipped with both a dimmer control and a photocell that automatically adjust brightness based on ambient light levels. A default mechanism must turn off the display within 24 hours of a reported malfunction;

(c) messages must be static and displayed for a minimum of eight seconds. No part of the message may flash, scroll, twirl, change color, fade in or out, or simulate movement. Transitions must be instantaneous;

(d) each message must be complete in itself and may not continue into another message or across multiple signs;

(e) electronic display signs must be located at least 300 linear feet from any non-electronic off-premises sign; at least 1,200 linear feet from any other electronic display sign on the same side of the street; and at least 500 linear feet from an interstate exchange, measured from any part of the sign to the nearest portion of another sign or to the nearest right-of-way line of the interchange;

(f) signs must be located at least 1,600 linear feet from any electronic display sign on the opposite side of the street, measured from any part of the signs; and

(g) signs must be located at least 300 feet from any residence, as measured to the nearest property line. This distance may be reduced to 150 feet if the sign face is not visible from the residence.

(4) *Acquisition of Interests.* The city may acquire title to nonconforming off-premises signs or outdoor advertising structures by gift, purchase, agreement, exchange, or eminent domain, and may amortize such signs as permitted by state or federal law.

(5) *Public Information and Logo Signs.*

(a) Public information signs, as defined in Utah State Code, are permitted to direct the traveling public to points of interest, historical sites, and other notable destinations. These signs must comply with the specifications set forth in the Manual on Uniform Traffic Control Devices as adopted by the city.

(b) Off-premises logo signs, as defined in Utah State Code, are permitted to direct the traveling and general public to business establishments that provide lodging, food, camping, gas, or similar services. Referred to by the Utah Department of Transportation as the "Logo Sign Program," these signs must comply with the regulations in this Subsection (b)

(i) *Logo Sign Program.* The owner and installation contractor must comply with all applicable state and federal laws and regulations, as well as Utah Department of Transportation policy and procedures, when constructing or maintaining logo signs. No logo sign may be placed within the City, except along the Interstate 15 right-of-way, unless approved by the City before installation.

(ii) *Logo Structures.* All logo structures must conform to the specifications in Utah Department of Transportation–approved drawings or must be approved by the Planning Commission.

(iii) *Directional Signs.* Directional signs may not exceed forty-two inches by forty-eight inches and may display no more than two businesses.

(iv) *Placement.* Placement of logo signs within the City must follow the guidelines in Attachment C, Section H of State Contract No. 90-3392. Contractors must obtain all required City approvals and permits before installation.

(v) *Height.* No sign may exceed twelve feet in height, measured from ground level.

(vi) *Offset.* Logo signs must match the setback of legally existing signage within the right-of-way. If no signage exists, the setback must be no less than eight feet. All sign locations must be reviewed and approved by the City Traffic Engineer for traffic safety.

(vii) *Design.* Business logo sign design may only include the business name, trademark, or symbol, and may not resemble any traffic sign, symbol, or device. The logo must be consistent on all signs for that business, may not include supplemental advertising, and must be uniform in size. Each logo plate must measure eighteen inches by twenty-four inches, as specified in State Contract No. 90-3392.

(viii) *Number.* There may not be more than one directional sign per service type (camping, gas, lodging, food, etc.) per location.

(ix) *Removal.* Removal of a logo sign, or a business' logo from a sign containing other logos, is required within fifteen days of a business's closure. If a sign is declared a traffic hazard by the City Traffic Engineer, it must be removed regardless of business status. Failure to remove the sign within the required timeframe is unlawful, constitutes a nuisance, and authorizes the City to remove the sign and recover the cost of removal from the owner.

Chapter 14.48
RELOCATION OF BUILDINGS

Sections:

14.48.010 Purpose and Objectives.
14.48.020 Planning Commission Approval.
14.48.030 Application.
14.48.040 Fee.
14.48.050 Public Hearing.
14.48.060 Standards for Relocation.
14.48.070 Conditional Approval.
14.48.080 Performance Bond.
14.48.090 Inspection of Work.
14.48.100 Other Permits Required.

14.48.010 Purpose and Objectives

The purpose of this Chapter is to ensure that buildings relocated from one location to another do not negatively affect property values or the neighborhood environment at the new site. Relocated buildings must harmonize with and support the existing and planned development of the surrounding area.

14.48.020 Planning Commission Approval

(1) A person may not place, move onto, or affix to land any building that was previously located on another site without first obtaining approval from the Planning Commission. As used in this Section, “building” means any structure designed, built, or occupied as a shelter or enclosed space for persons, animals, or property, and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes.

(2) This Chapter does not apply to accessory structures with a floor area of less than 200 square feet, or to modular homes or new construction buildings as defined in this Title.

14.48.030 Application

A person seeking Planning Commission approval under this Chapter must file an application with the Development Services Department that includes the following:

(1) *Description.* A description of the building to be relocated, including construction materials, dimensions, number of rooms, condition of the exterior and interior, year of construction, and an estimate of current value;

(2) *Location.* The current location of the building, including the city and street address or a legal description of the site;

(3) *Legal Description.* A complete legal description of the lot to which the building is proposed to be relocated, along with the street address;

(4) *Site Plan.* A site plan of the proposed relocation site, showing all boundary lines, adjacent lots, existing structures and improvements, access points, and the proposed building placement;

(5) *Photographs.* Photographs of the building showing front, rear, and side elevations, along with any additional photographs that illustrate the proposal; and

(6) Any other information the Planning Commission determines necessary to fairly evaluate the application.

14.48.040 Fee

The application must be accompanied by a fee for each building to be relocated, as set forth in the Consolidated Fee Schedule adopted by the Municipal Council.

14.48.050 Public Hearing

A public hearing before the Planning Commission is required. The decision of the Planning Commission may be appealed to the Board of Adjustment as provided in PCC 14.04.030.

14.48.060 Standards for Relocation

Before approving any application under this Chapter, the Planning Commission must determine that all of the following conditions are met:

(1) *Zoning compliance.* The building will conform to all applicable zoning regulations at the proposed site.

(2) *Neighborhood compatibility.* The building is of a size and architectural style that is compatible with existing development in the neighborhood. If the area is undergoing development or redevelopment, the Planning Commission may also consider improvements that are planned or anticipated by property owners in the area.

(3) *No detrimental impact.* The building will not have a detrimental effect on the environment or on property values in the area where it is to be relocated.

(4) *No conflict with public plans.* The relocation will not adversely affect any planned streets or other public improvements and does not conflict with any adopted City plan.

14.48.070 Conditional Approval

(1) The Planning Commission may approve a proposed relocation subject to conditions it finds warranted under the circumstances. Conditions may include specific requirements for landscaping, exterior finishing, dedication and improvement of adjacent streets and alleys, and deadlines for completing required work and improvements.

(2) Conditional approval does not take effect, and no action may be taken under it, until the applicant furnishes a performance bond as required by this Chapter.

14.48.080 Performance Bond

If the Planning Commission grants approval subject to performance conditions, the applicant must post a performance bond with Provo City. The bond must comply with the requirements set forth in this Title and must guarantee completion of all conditions imposed by the Planning Commission.

14.48.090 Inspection of Work

(1) The performance bond may not be released or exonerated, and the relocated building may not be occupied, until the Chief Building Official certifies that all required work and improvements have been satisfactorily completed in accordance with the conditions established by the Planning Commission and the current city construction codes.

(2) No Certificate of Occupancy or Certificate of Zoning Compliance may be issued until the inspection is complete and all applicable code requirements and conditions have been met.

14.48.100 Other Permits Required

Approval or conditional approval by the Planning Commission does not constitute a building permit and does not relieve the applicant of the requirement to obtain all necessary building permits.

Chapter 14.49
HOME OCCUPATIONS

Sections:

14.49.010 Purpose and Intent.
14.49.020 Definitions.

14.49.030 Procedure.
14.49.040 Conditions.
14.49.050 Minor Home Occupations.
14.49.060 Major Home Occupations.
14.49.070 Noncompliance.
14.49.080 Appeal.
14.49.090 Business License Required.

14.49.010 Purpose and Intent

Home occupations are permitted as defined in this chapter, but with restrictions to ensure that most business activities occur in appropriate commercial zones. A resident may conduct limited business activities within a dwelling if those activities comply with the standards of this Section. All home occupations must be secondary and incidental to the residential use. The occupational use must be conducted in a manner that would not make its presence apparent to neighbors under normal conditions. Home occupations are a temporary privilege and may be revoked if they disrupt the residential character of the neighborhood.

14.49.020 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

“Customer" means any individual who visits a home occupation for a business-related purpose, including but not limited to clients, students, delivery personnel, and spectators. Each visitor is considered a separate customer, regardless of any personal relationship or corporate affiliation among them.

"Employee" means any person who works for a home occupation, whether paid or unpaid.

14.49.030 Procedure

The Development Services Department may issue a Home Occupation License upon application. The License must identify the permitted home occupation, any conditions of approval, and any limitations on the use. The Department may not issue the License unless it determines that the applicant will meet all of the conditions listed in this Chapter.

14.49.040 Conditions

Each of the following conditions must be observed at all times by the holder of a Home Occupation License:

(1) *Nonresident employment.* Unless otherwise provided in this Chapter, a person who is not a bona fide resident of the premises may not be employed at the premises.

(2) *Floor area and location.* The home occupation may not exceed 49% of the total floor area of the home and may not be conducted outdoors. Use of the garage for the home occupation is allowed only if sufficient on-site parking is available to meet the requirements of PCC 14.44.060.

(3) *Promotional meetings.* Promotional meetings for selling merchandise or taking orders may exceed customer limits otherwise allowed in this Section, but may not occur more than once per month and may include no more than 12 customers.

(4) *Sales and customer visits.* The home occupation may include the sale of commodities. Sales must be limited to items produced on the premises or items incidental to the service provided (e.g., a beautician who sells hair care products). Retail sales of products or services are allowed at the home, with a maximum of two customers per hour between 8:00 a.m. and 9:00 p.m., provided such activity does not unreasonably disturb the peace and quiet of the neighborhood.

(5) *Signage.* No sign or advertising may be displayed on the premises, except name plates as permitted by PCC 14.47.

(6) *Visibility.* No business-related display may be visible from the exterior of the premises.

(7) *Vehicles and deliveries.* Only one vehicle may be used in association with the home occupation, and it must be stored entirely within a building. The vehicle may not exceed a gross vehicle weight rating of 16,000 pounds. A home occupation may not require the receipt or delivery of goods or equipment by vehicles other than passenger cars or standard parcel carriers. Deliveries by semi-tractor/trailer are not permitted.

(8) *Code compliance.* The home occupation and the residence in which it is located must comply with the Provo City Code, as well as all applicable fire, building, plumbing, electrical, and health codes, and all relevant state and city laws.

(9) *Municipal impact.* The home occupation may not generate demand for municipal or utility services or community facilities that exceeds levels customarily associated with residential uses.

(10) *Residential character.* The home occupation may not alter the residential character of the premises or unreasonably disturb the neighborhood, including interference with radio or television reception, through color, design, materials, construction, lighting, noise, or vibrations.

(11) *Permit renewal.* A Home Occupation License is valid for one year and may be renewed annually, provided there have been no reported violations, complaints, or detrimental conditions that, in the opinion of the Development Services Department, warrant termination of the License.

(12) *Accessibility waivers.* A person with a disability may request a waiver from one or more of these conditions through the Zoning Administrator to support self-sufficiency.

(13) *Accessory dwelling units.* If the home includes an accessory dwelling unit, a major home occupation is not permitted unless use of the accessory dwelling unit is terminated.

(14) *Parking.* Sufficient off-street parking must be provided for all business-related vehicles that park at the premises, including those of the applicant, employees, customers, clients, and business visitors.

(15) *Prohibited home occupations*. To minimize traffic and parking impacts, and to avoid health and sanitation risks from the disposal of medical waste, offices for medical, dental, and other health professionals are not permitted as home occupations.

14.49.050 Minor Home Occupations

(1) Home occupations that meet the standards in 14.49.040 are considered minor home occupations.

(2) *Permitted home occupations.* Permitted minor home occupations include any home office that complies with PCC 14.49.040, and the following:

(a) Artists, authors, architectural services, and advertising;
(b) Barber and beauty shops;
(c) Consulting services and craft sales;
(d) Dance studios, aerobic exercise, music lessons, tutoring, and general educational instruction, provided no more than two students are present at a time;
(e) Direct sales distribution and desktop publishing;
(f) Data processing, computer programming, and computer services;
(g) Family day care for no more than six children;
(h) Home crafts;
(i) Garden produce;
(j) Janitorial services;
(k) Insurance sales, brokerage, and interior design;
(l) Mail order businesses;
(m) Real estate sales, brokerage, or appraisal services;
(n) Sales representatives; and
(o) Contractors, provided there is no outdoor storage of equipment and no more than one company vehicle is stored on site.

14.49.060 Major Home Occupations

A Major Home Occupation is a conditional use and is permitted only with the issuance of a conditional use permit and must comply with the standards in PCC 14.49.040, as well as the requirements in this Section and any additional conditions imposed by the Development Services Department through a conditional use hearing. Upon approval of a Conditional Use

Permit, the Development Services Department may authorize increased intensity in the following areas:

(1) *Customer visits.* Up to six customers per hour may visit the dwelling unit between 8:00 a.m. and 5:00 p.m., and up to two customers per hour between 5:00 p.m. and 9:00 p.m., provided the visits do not unreasonably disturb the peace and quiet of the neighborhood.

(2) *Commercial vehicles.* A commercial vehicle with a gross vehicle weight rating of up to 16,000 pounds may be used, provided it is parked on private property and is adequately screened from view.

(3) *Outside employees.* Employees who do not reside on the premises may be allowed during daytime business hours (8:00 a.m. to 5:00 p.m.), subject to one of the following conditions:

(a) One outside employee may be present at a time on a lot that is at least 8,000 square feet. One additional employee may be allowed for each additional increment of 30,000 square feet.

(b) As an alternative to Subsection (3)(a), a home occupation that does not bring customers to the premises may have up to two outside employees at a time, if the lot is at least 8,000 square feet and sufficient off-street parking is provided. One additional employee may be allowed for each additional increment of 30,000 square feet.

(c) A home occupation that does not bring customers to the premises may allow extended hours for outside employees authorized under this Section, from 8:00 a.m. to 9:00 p.m.

(4) *Promotional meetings.* Promotional meetings for selling merchandise, taking orders, or conducting training may exceed the limits on customers and employees in this Section, but may not occur more than four times per month and must be limited to a combined total of 12 customers and employees per meeting.

14.49.070 Noncompliance

The Development Services Department may revoke a Major Home Occupation Conditional Use Permit in accordance with PCC 14.02.070.

14.49.080 Appeal

A person may appeal the denial or revocation of a Major Home Occupation Conditional Use Permit or object to any condition placed on the permit, by filing an appeal with the Board of Adjustment in accordance with PCC 14.02.050.

14.49.090 Business License Required

A Major Home Occupation Conditional Use Permit is not a business license. Granting the permit does not relieve the permit holder of any requirement to obtain a business license from the city or any other applicable public agency.

Chapter 14.50
SUPPLEMENTARY DEVELOPMENT STANDARDS

Sections:

14.50.010 Purpose.
14.50.020 Establishment of Uses Not Specified.
14.50.030 Clarification of Ambiguity.
14.50.040 Public Utilities - Exception.
14.50.050 Boats, Recreational Vehicles, and Trailers.
14.50.060 Location of Mobile Homes.
14.50.070 Trash Storage, Abandoned, Wrecked, or Junked Vehicles; Miscellaneous Materials.
14.50.075 Portable Storage Containers.
14.50.080 Height Limitations - Exceptions.
14.50.085 Fencing Standards for Residential Zones.
14.50.090 Clear Vision Area - Corner Lots.
14.50.100 Minimum Lot Area - Portion for Public Use.
14.50.110 Double Frontage Lots - Two (2) Front Yards.
14.50.115 Flag Lots.
14.50.120 Swimming Pools.
14.50.130 Caretaker Dwellings as an Accessory Use.
14.50.140 Residential Facilities.
14.50.150 Design Corridors.
14.50.160 Transitional Development Standards.
14.50.170 Residential and Mixed-Use Design Standards.
14.50.180 Downtown Development Design Standards.
14.50.190 Multifamily Amenities.
14.50.200 Second Kitchen in One-family Dwellings.
14.50.210 Elderly Persons - Extra Living Space.

14.50.010 Purpose

The purpose of this Chapter is to establish land development standards that apply citywide, unless explicitly stated otherwise in this Chapter, regardless of zone. These requirements

supplement the property development standards for each applicable zone. If a provision in this Chapter conflicts with a provision in another Chapter, the standards in this Chapter govern.

14.50.020 Establishment of Uses Not Specified

(1) *Discretionary Authorization by Planning Commission.* When a use is not specifically listed as permitted in a zone but shares the same general character and intensity as other permitted uses, the Planning Commission may, upon request, authorize the establishment of the use if it finds all of the following:

(a) The use aligns with the purposes of the zone in which it is proposed;

(b) The use is appropriate for the zone because it has the same basic characteristics as other permitted uses;

(c) The use does not harm public health, safety, or welfare;

(d) The use does not adversely affect the character of the zone;

(e) The use does not generate more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, visual blight, or other objectionable impacts than uses already permitted in the zone; and

(f) The use does not pose a greater risk of fire or explosion than is typical of other permitted uses in the zone.

(2) *Referral for Code Amendment.* If the Planning Commission authorizes the establishment of a use under this Section, it must, at the same regular meeting, schedule a public hearing in accordance with PCC 14.02.010 to consider recommending the use for addition to the list of permitted uses in the applicable zone through a text amendment to this Title.

14.50.030 Clarification of Ambiguity

If ambiguity arises regarding the classification of a use under this Title, or concerning height, yard requirements, area requirements, or zone boundaries, especially due to unforeseen circumstances such as technological changes or material processing, the Planning Commission must determine all relevant facts and issue findings and interpretations. Those findings and interpretations govern until formal changes to the Code clarify or eliminate the ambiguity.

14.50.040 Public Utilities - Exception

(1) *Public Utility Exemption.* This Title does not apply to poles, lines, or other structures or facilities used exclusively by a utility company to distribute electricity or communication services. It also does not limit or interfere with the installation, maintenance, or operation of public

pipelines, electric or telephone distribution and transmission lines, or railroads, when located in accordance with applicable local and state regulations.

(2) *Required Approvals.* All transmission lines, electric substations, storage yards, and public utility buildings are subject to project plan approval if required by the applicable zone. Low-power radio communication towers and antennas are subject to the standards in PCC 14.02.045.

14.50.050 Boats, Recreational Vehicles, and Trailers

(1) In any zone, boats, recreational vehicles, or trailers may not be placed, kept, or maintained within the clear vision area of a corner lot, as defined in PCC 14.50.090. In any residential zone, a boat, recreational vehicle, or trailer may not be kept in a front or street side yard unless all of the following conditions are met:

(a) It is parked on a driveway or a paved parking area that complies with PCC 14.44.040;

(b) Any portion of the boat, recreational vehicle, or trailer taller than three feet is set back at least 12.5 feet from the inside edge of the sidewalk, or from the property line if no sidewalk exists; and

(c) It does not encroach into any public right-of-way.

(2) A boat, recreational vehicle, or trailer may be parked in a rear yard or in a side yard that is not a street side yard.

(3) A recreational vehicle may not be occupied while located on a lot in a residential zone, except under the following conditions:

(a) No more than one recreational vehicle may be occupied at a time on the same lot;

(b) The occupied recreational vehicle must be parked off the street and in compliance with Subsection (1) or (2);

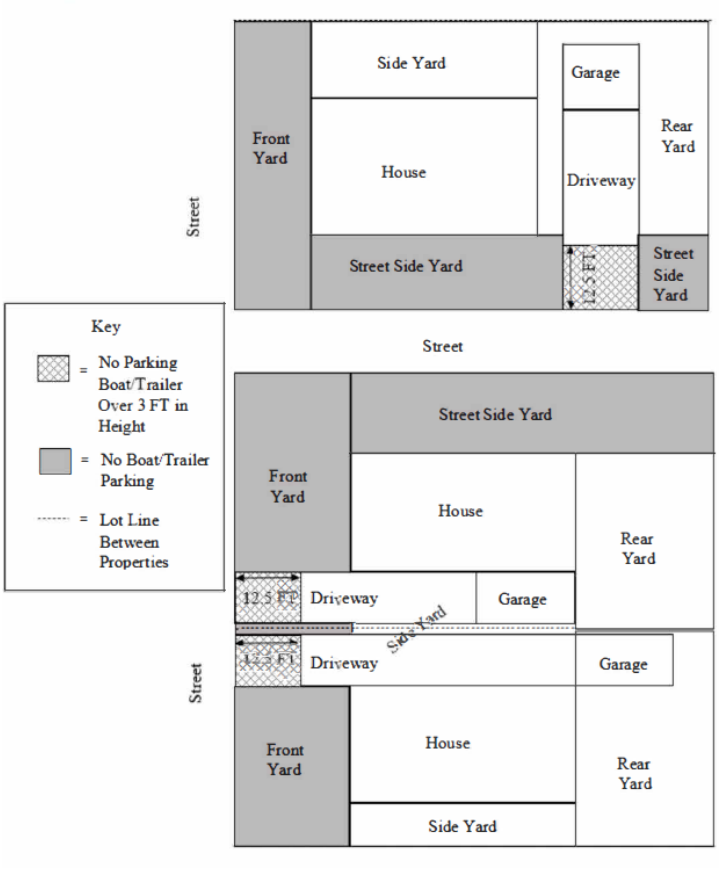
(c) The recreational vehicle may not be occupied for more than seven consecutive days;

(d) The total time any recreational vehicle may be occupied on the same lot may not exceed 30 days per calendar year; and

(e) All sewage (black water) waste must be discharged at a dump station. Discharging sewage anywhere else is unlawful.

(4) For reference, this Section includes illustrative diagrams below (Figure 14.50.050-1). In the event of a conflict between an illustration and a definition, the definition governs.

Figure 14.50.050-1. Restricted Parking Locations for Boats, Recreational Vehicles, and Trailers



11689

11690 **14.50.060 Location of Mobile Homes**

11691 (1) *General Prohibition.* No person may place, keep, maintain, or permit a mobile home to be
11692 placed, kept, or maintained on any lot, piece, or parcel of land in the city, except in a mobile
11693 home park or mobile home subdivision, unless one of the following exceptions applies:

11694 (2) *Temporary Placement.* A mobile home may be temporarily placed or stored on a lot, outside
11695 the clear vision area defined in PCC 14.50.090, for:

11696 (a) up to 24 hours for loading or unloading; or

11697 (b) up to seven days for temporary storage, provided the mobile home is not occupied.

11698 (2) *Active Building Permit.* A mobile home may be located on the rear half of a lot in a residential
11699 zone during the construction of a permanent single-family residence, provided:

(a) a building permit for the permanent residence is issued before the mobile home is placed on site; and

(b) the mobile home is removed no later than final inspection of the permanent residence, and in no case remains on site for more than one year.

(3) *Construction Office.* A mobile home may be used as a temporary construction office on the construction site of a building other than a single-family residence. The mobile home must be removed within 10 days after the final inspection is granted.

(4) *Commercial Use.* A mobile home may be used for temporary expansion of an existing commercial or industrial use if approved by the Planning Commission and subject to the following:

(a) approval may be granted for no more than one year, with a one-time extension of up to one additional year, if requested by the property owner and approved by the Planning Commission;

(b) the mobile home may be located in a side or rear yard only, and must be made as inconspicuous as possible; and

(c) the mobile home must comply with all applicable yard requirements and be located according to a project plan approved by the Planning Commission.

(5) *Performance Bond Required.* A mobile home or trailer used under Subsections (2), (3), or (4) must be secured by a performance bond to ensure its removal by the end of the approved period.

(a) The bond must be paid in cash before moving the mobile home or trailer onto the site. If not paid in advance, a bond in double the required amount is required.

(b) The bond amount is $250 for a single-wide and $2,500 for a double-wide mobile home.

(c) The bond must require removal of the mobile home or trailer by the expiration of the authorized period, or by the end of an approved extension.

14.50.070 Trash Storage, Abandoned, Wrecked, or Junked Vehicles; Miscellaneous Materials

(1) *Storing of Inoperable Vehicles.* It is unlawful to park, store, or leave, or permit the parking, storing, or leaving of, any motor vehicle or part thereof, whether licensed or unlicensed, that is wrecked, junked, partially dismantled, inoperative, or abandoned on private property in the City for more than 72 hours, except as follows:

(a) up to two such vehicles or parts may be stored if kept within a building or behind an opaque screening fence; and

(b) such vehicles or parts may be located in a legally established junkyard or automobile wrecking yard in accordance with this Title.

(2) *Nuisance.* Accumulating or storing more than two such vehicles or parts on private property, except as permitted above, constitutes a nuisance that is detrimental to public health, safety, and welfare. The owner, lessee, or person in possession of the property must remove the vehicles or take other remedial action as directed by the City.

(3) *Outside Storage.* No trash, used materials, junk, household furniture, appliances, scrap material, equipment, or parts may be stored in an open area. Accumulation of more than one such item constitutes a junkyard as defined in PCC 14.05 and must be removed, stored within an enclosed building, or located in an M2 zone. Storing commercial goods or materials is prohibited unless allowed by the underlying zone.

(4) *Trash Containers.* Trash storage containers must be placed in a location approved by the Planning Commission as part of a project plan or in accordance with PCC 11.03.090. Trash container locations approved with a project plan must meet the following requirements:

(a) Containers must be screened using durable materials that are architecturally compatible with the primary structure or perimeter fence or wall on the lot. Containers must be screened from view of any abutting lot or public street;

(b) Enclosures may not project into a required yard unless authorized by a conditional use permit under PCC 14.02;

(c) Containers on lots used for nonresidential purposes that abut a residential zone must comply with the setback requirements in PCC 14.50.160;

(d) The following considerations apply, in order of priority, when determining the location of trash storage containers:

(i) Ease of access by trash removal vehicles;

(ii) Setbacks and screening to minimize odor and visual impacts; and

(iii) Ease of access by users of the containers.

(e) This Subsection applies only to trash containers of two cubic yards or larger. It does not apply to 90-gallon containers provided by Provo City.

14.50.075 Portable Storage Containers

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

(2) *Active Building Permit.* If a building permit has been issued for construction or remodeling of a dwelling unit in an agricultural or residential zone, one portable storage container may be

located on the same lot or parcel while the permit remains valid, subject to the following requirements:

(a) The portable storage container may be placed on a driveway, or in an interior side yard or rear yard, provided the container may not be located within a parking circulation aisle or lane, fire access lane, public utility easement, or public right-of-way, including a public street or sidewalk; and

(b) The portable storage container must be removed before the City issues a certificate of occupancy.

(3) *Temporary Placement.* If no building permit has been issued, one portable storage container may be placed on a lot or parcel in an agricultural or residential zone for up to 30 days in any 12-month period, if it complies with Subsection (2)(a).

(4) *Stacking.* In any zone, vertical stacking of portable storage containers or placement of any other materials on top of a portable storage container is prohibited.

14.50.080 Height Limitations - Exceptions

(1) *Point of Measurement.* Where doubt exists regarding the height of a fence, hedge, masonry wall, retaining wall, or similar structure regulated by this Title, height is measured from the average finished grade of the yard in which the structure is located.

(2) *Height Exceptions.* The height limitations of this Title do not apply to the following structures, provided they are not used for human occupancy:

(a) Church spires, belfries, cupolas, or domes; and

(b) Chimneys, ventilators, skylights, water tanks, silos, cornices without windows, parapet walls, antennas, radio towers, or properly screened mechanical equipment typically located above a building's roofline.

(3) *Aircraft Concession.* No building, tree, smokestack, chimney, flagpole, wire, tower, or other structure, or any attachments, may be constructed, built, or established if it creates a hazard or obstruction to aircraft navigation, landing, or takeoff at a publicly used airport. In such areas, regulations of the Federal Aviation Administration constitute the minimum acceptable standards.

14.50.085 Fencing Standards for Residential Zones

(1) *Applicability.* Fences in the One-Family Residential (R1), Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Campus Residential (CR), Neighborhood Mixed-Use (NMU), and Mixed-Use (MU) zones must comply with the standards in this Section.

(2) *Permit Required.* Structural fences that are seven feet or less in height do not require a building permit. Structural fences over seven feet in height require a building permit from the Building Inspection Division.

(3) *Materials.* Permitted fencing materials include lumber, vinyl, chain-link, masonry, wrought iron, decorative metal, vegetation, or other similar materials. The use of pallets, scrap metal, tarps, or other non-fencing materials is prohibited. Standards for barbed wire and similar fencing types are provided in PCC 9.14.020.

(4) *Maintenance.* Any fence, wall, gate, hedge, or structure that is deteriorated or in disrepair to the extent that it creates a nuisance or hazard must be repaired or replaced.

(5) *Location.* Fences in residential yards are subject to the following:

(a) *Front Yard.* Solid, sight-obscuring walls, fences, or hedges may be built to a maximum height of three feet within any required front yard perimeter. These may slope upward to connect to a taller side yard fence, provided the sloped section does not exceed one fence panel or ten feet in length. Walls, fences, or hedges that are at least 50 percent open may be built to a maximum height of six feet in a front yard.

(b) *Side Yard.* Both sight-obscuring and non-sight-obscuring fences may be built to a maximum height of seven feet in any side yard.

(c) *Rear Yard.* Fences and walls in the rear yard may exceed seven feet in height only if the property owner obtains a building permit from the Building Inspection Division before construction.

(d) *Corner Lots.* A fence up to seven feet in height may be built in the side yard adjacent to a public street on a corner lot, provided it does not extend into the clear vision area as defined in PCC 14.50.090.

(e) *Entryways.* Entry features for private driveways or subdivision entrances may not exceed six feet in height, excluding lamps on pillars, and must comply with PCC 14.50.090. Pillars may extend up to 18 inches above the maximum allowed fence height, provided they are spaced at least six feet apart, measured face to face.

(f) *Grade Differences.* If there is a difference in elevation between adjacent properties, fence height is measured from the natural grade of the property where the fence is located.

(g) *Retaining Walls.* Where a retaining wall protects a cut or fill at a lot line, the wall may be topped by a fence, wall, or hedge of the same height that would be permitted if no retaining wall existed.

(h) *Double Frontage Lots.* A fence or wall up to seven feet in height may be built in the rear yard of a double frontage lot if the rear yard abuts a street only if approved by the Development Services Department.

14.50.090 Clear Vision Area - Corner Lots

In all zones that require a front yard, no structure, fence, or vegetation taller than three feet may be placed on a corner lot within a triangular area formed by the street property lines and a line connecting points located 25 feet from their intersection, except as follows:

(1) Street trees and other landscaping are permitted if they are pruned and maintained to avoid obstructing clear views for motor vehicle drivers, as determined by the City Engineer; and

(2) City wayfinding and traffic control signs are permitted.

14.50.100 Minimum Lot Area - Portion for Public Use

(1) If a portion of a lot or parcel that meets the minimum area requirements of its zone is acquired for public use and the resulting lot area falls below the minimum requirement, the remainder may still be considered compliant if all of the following conditions are met:

(a) the remainder contains a rectangular space of at least 30 by 40 feet, excluding required front and side yards and excluding one-half of the required rear yard. This rectangular space must be usable for a principal use or structure;

(b) the remainder has a total area of at least one-half the minimum required lot area for the zone, except in zones with a minimum lot area of 15,000 square feet or more, where the remainder must be at least 6,000 square feet; and

(c) the remainder has a minimum street frontage of 20 feet.

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

14.50.110 Double Frontage Lots - Two (2) Front Yards

A double frontage or through lot must provide a front yard, as required by the applicable zone, along each street it abuts.

14.50.115 Flag Lots

To encourage efficient land use and increase the housing stock in Provo, flag lots are permitted subject to the following requirements:

(1) *Zoning.* A flag lot may only be located in an A1, RA, or R1 zone.

(2) *Development Justification.* The applicant must provide written and illustrative evidence showing property development with and without the proposed flag lot, demonstrating that:

(a) the flag lot results in a 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 properties;

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

(i) current, proposed, or alternative zoning;

(ii) the potential to incorporate the subject property with adjacent properties to achieve a more unified development and avoid the need for a flag lot;

(iii) alternative street designs and improvements; and

(iv) any other reasonable design options that would eliminate the need for a flag lot;

(d) the flag lot serves as infill development within the general area; and

(e) access to the flag lot is provided through the pole portion of the lot, which may not be located within a primary conservation area as defined in PCC 15.03.010.

(3) *Minimum Design Standards.* Flag lots must meet the following minimum design standards:

(a) the flag lot must have at least 15 feet of frontage on a dedicated public street, which serves as access to the lot.

(i) a single flag lot with 15 feet of frontage must include an adjacent five-foot perpetual private utility easement on the neighboring lot.

(ii) when two adjacent lots are flag lots with adjacent access, the combined frontage may be a minimum of 25, split between the two lots;

(b) the pole portion of the lot may not exceed 149 feet in length unless:

(i) the lot has at least 20 feet of frontage on a public street; or

(ii) a turnaround for fire apparatus is provided;

(c) a dwelling may not be located more than 200 feet from the street unless equipped with a fire suppression system;

(d) the flag (or body) portion of the lot must meet the minimum lot area, width, and depth requirements of the applicable zone;

(e) the front, rear, and side yard setbacks of the flag (or body) portion must conform to the setback requirements of the applicable zone;

(f) no structure may be located on the pole portion of the lot, except for aesthetic entry features such as archways, decorative mailboxes, raised landscape beds, or similar structures;

(g) a hard-surfaced driveway at least 12 feet wide must extend from the street to the required parking area(s). This driveway may be shared between two flag lots with an access agreement; and

(h) unpaved areas of the pole portion must be landscaped in accordance with PCC Chapter 15.20.

(4) *Findings Required.* A flag lot may not be approved as part of a preliminary or final subdivision plat unless staff first find that the applicant has provided sufficient evidence supporting creation of the flag lot and that the lot meets the minimum design standards set forth in this Section.

(5) *Additional Conditions.* In addition to the minimum requirements, staff may impose conditions on a flag lot as part of preliminary or final subdivision plat approval, including but not limited to:

(a) fencing and screening requirements;

(b) location and height of the dwelling;

(c) Installation of one or more fire hydrants; and

(d) additional off-street parking or backup space, designed in accordance with the standards in PCC Chapter 14.44.

(6) *Bonding for Improvements.* Required improvements and any applicable conditions of approval for a flag lot must be bonded for pursuant to PCC 15.03.280 at the time a building permit is issued for construction on the lot.

14.50.120 Swimming Pools

Swimming pools, as defined by the International Swimming Pool and Spa Code, must be set back at least five feet from all property lines. Any pool must also include access gates and a six-foot fence, a barrier, or a safety cover, in accordance with the requirements of the International Swimming Pool and Spa Code.

14.50.130 Caretaker Dwellings as an Accessory Use

In zones where caretaker dwellings are specifically permitted as an accessory use, a caretaker dwelling may be established only if it meets all of the following requirements:

(1) it is accessory to a functioning principal use, with no more than one caretaker dwelling per lot or principal use;

(2) it is located on the same property as the principal use;

(3) it is occupied by only one family;

(4) it contains only one kitchen;

(5) it is subordinate in size to the principal use and does not exceed 1,200 square feet of floor area;

(6) it is designed as part of, and in harmony with, the architecture of the main building(s) on the property;

(7) it is not a manufactured dwelling unit; and

(8) it is occupied or rented only by an employee or subcontractor of the legal entity that owns the principal use. The caretaker must be employed by that entity. Upon request, any person occupying a caretaker dwelling must provide evidence of compliance with this Section.

14.50.140 Residential Facilities

(1) *Residential Facilities for Persons with a Disability.*

(a) Upon application for a license to establish a residential facility for persons with a disability in any zone where the use is permitted, the City will grant a license if the facility meets all of the following conditions:

(i) the facility complies with all building, safety, and health requirements of the PCC that apply to similar structures;

(ii) the facility meets all zoning requirements for the zone in which it is located;

(iii) the operator provides off-street parking as required by PCC 14.44;

(iv) the facility is occupied only to the same extent that a dwelling unit may be occupied in the same zone;

(v) the design and landscaping of the facility is consistent with the residential character of the structure; and

(vi) any new structure will be of a size, scale, and design that is in harmony with other residential uses in the vicinity.

(vii) a residential facility for persons with a disability must maintain applicable licensure or certification required under state law, including under Utah Code Title 26B.

(b) The City intends to regulate residential facilities for persons with a disability only to the extent allowed by:

(i) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;

(ii) The Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601 et seq., and applicable jurisprudence; and

(iii) Section 504 of the Rehabilitation Act of 1973, and applicable jurisprudence.

(c) None of the conditions in this Subsection (1) may be interpreted to limit any reasonable accommodation necessary to allow occupancy of a residential facility for persons with a disability, in accordance with the Fair Housing Amendments Act of 1988.

(d) A license issued under this subsection is nontransferable and terminates if:

(i) the structure is used for a purpose other than a residential facility for persons with a disability; or

(ii) the structure or use fails to comply with any requirement of this Subsection (1).

(2) *Residential Facility for Elderly Persons.*

(a) Upon application for a license to establish a residential facility for elderly persons in any zone where the use is permitted or conditionally permitted, the City will grant a license if the facility complies with the following conditions:

(a) the facility complies with all building, safety, zoning, and health requirements applicable to similar dwellings;

(b) the facility is no closer than 1,000 feet of another such facility;

(c) the operator provides off-street parking as required for one-family residential uses under PCC 14.44;

(d) the facility is usable without structural or landscaping changes that alter its residential character;

(e) no person being treated for alcoholism or drug abuse is placed in the facility;

(f) placement is voluntary and is not used as a substitute for confinement, rehabilitation, or treatment in a correctional facility;

(g) a residential facility for elderly persons may not operate as a business. A facility is not considered a business solely because a fee is charged for food or for the actual and necessary costs of operating and maintaining the facility; and

(h) if applicable, the facility complies with all the conditional use criteria in PCC 14.02.040.

(b) A license issued under this subsection is nontransferable and terminates if:

(i) The structure is used for a purpose other than a residential facility for elderly persons; or

(ii) The structure or use fails to comply with any requirement of this Subsection (2).

(3) *Assisted Living Facilities.*

(a) The following development standards apply to assisted living facilities:

(i) assisted living facilities are permitted in all residential zones, as well as in the Neighborhood Commercial (SC1) and Public Facilities (PF) zones;

(ii) the facility must comply with all building, safety, and health requirements of the PCC applicable to similar structures and occupancies in the applicable zone;

(iii) the facility must comply with all applicable standards of the Utah Department of Health or the Utah Department of Human Services. The owner or operator must obtain all required State licenses; and

(iv) the design and landscaping of the facility must reflect a residential character rather than an office or institutional character.

(b) None of the above conditions may be interpreted or applied in a way that would prevent reasonable accommodations or hinder compliance with:

(i) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;

(ii) The Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601 et seq., and applicable jurisprudence; and

(iii) Section 504 of the Rehabilitation Act of 1973, and applicable jurisprudence.

14.50.150 Design Corridors

Design corridors are established under this Section. The purpose of this Section is to provide design criteria for development located within designated design corridors. If a conflict arises between the standards in this Section and other applicable zoning regulations, the more restrictive standard applies. The Planning Commission may approve modifications to the standards in this Section if the applicant presents substantial evidence that strict compliance would result in unreasonable economic hardship.

(1) *North University Avenue Design Corridor.*

(a) *Creation – Purpose.* The North University Avenue Design Corridor is established for properties fronting University Avenue from 500 North to 960 North. Its purpose is to preserve and enhance the character and value of North University Avenue; protect views, vistas, and significant architectural and historic resources; reduce congestion;

and improve the quality of the built environment. These goals support neighborhood conservation, property value maintenance, enhanced City image, and overall public welfare. All new construction and rehabilitation in the corridor must comply with this Subsection.

(b) *Qualities of the Block.*

(i) *Architecture.* New or redeveloped structures must use architectural styles compatible with traditional corridor structures, including Bungalow (Craftsman and Prairie detail), English Tudor, and Victorian. Contemporary design is allowed if it is compatible in size, scale, color, material, and character.

(ii) *Trees.* Existing Norway Maple trees in the park strip must be preserved. On-site tree planting must include a 50/50 mix of evergreen and deciduous trees.

(iii) *Front Facades.* Buildings must be oriented to the street, the facade must maintain a front appearance through consistent building lines, window patterns, and materials.

(iv) *Spacing.* Building spacing must provide one foot of separation for every 2.2 feet of building frontage. For a long horizontal building, facade bays separated by indentations and landscaping will be treated as separate building frontages when calculating required building separation.

(v) *Setbacks.* Front setbacks must be at least 25 feet. Setbacks must increase one foot for every foot of building height over 35 feet.

(vi) *Scale.* The maximum building height–to–side yard setback ratio is 4:1. For corner lots, the ratio along the street-facing side yard is 2:1.

(vii) *Hard Surface.* The combined area of buildings, parking areas, and access lanes may not exceed 60% of the lot.

(viii) *Open Space.* A minimum of 40% of the lot must be dedicated to open space, which may include landscaping and approved hardscape.

(ix) *Height.* The maximum height is 40 feet.

(c) *Qualities of Building Treatment.*

(i) *Materials.* Brick is the predominant material in the corridor, followed by stucco. New structures must use brick or a brick-stucco combination consistent with surrounding buildings in color and texture. Masonry joints and mortar must be compatible with nearby buildings.

(ii) *Roof Style.* Roof forms must match corridor styles, which include gable, pyramid, and hip. Roof slopes must not exceed 45 degrees.

(iii) *Colors.* Acceptable brick colors are reddish brown, plum, dark gray, burnt orange, rust, brown, yellowish brown, or tan. Trim colors may be used as accents and must harmonize with the primary color.

(d) *Signs and Lighting.*

(i) One sign or nameplate, not exceeding 12 square feet, is allowed on a building or ornamental masonry wall to identify an apartment or nonresidential use. Wall or monument signs must be set back at least five feet from the front property line.

(ii) Back-lit signs are not allowed. Only hooded spotlights that illuminate the sign face are permitted.

(iii) Sign colors must complement the structure. Contrast is permitted to enhance legibility.

(2) *North University Avenue Riverbottoms Design Corridor.*

(a) *Creation – Purpose.* The North University Avenue Riverbottoms Design Corridor is established along North University Avenue from 2230 North to the mouth of Provo Canyon. The criteria in this Subsection apply to all properties with frontage on University Avenue or the Provo River Bikeway within the Corridor, including those properties within developments that front either corridor. All new construction must comply with this Subsection. The purpose of this corridor is to:

(i) preserve and enhance the character and value of University Avenue;

(ii) maintain an “open urban forest landscaped feel”;

(iii) protect natural features and views through a design process that identifies and integrates significant natural elements;

(iv) promote wooded pathways, small urban park features, and preservation of existing vegetation; and

(v) reduce street congestion and enhance the built environment for public health, safety, and general welfare.

(b) *Screening and Landscaping Standards.* Landscape elements regulated under this Subsection include all forms of planting and vegetation, ground forms, rock groupings, water features, and all visible construction except buildings and utilitarian structures.

(i) *Landscaped Buffer Yards.* Landscaped buffer yards must be developed and maintained along University Avenue to:

(A) preserve natural features, such as native tree stands, water features, wetlands, and open country character;

(B) minimize highway noise for adjacent properties and businesses; and

(C) improve and beautify this entryway to the city.

(ii) *Residential Buffer Yard.*

(A) Residential developments, including subdivisions, planned developments, and multi-family developments, that adjoin University Avenue must include the following landscape and screening features:

(I) a minimum 20-foot-wide buffer yard, landscaped with turf, trees, and shrubs;

(II) a six-foot-high decorative wall placed behind the landscaped buffer yard;

(III) one canopy tree (2.5-inch caliper) per 30 linear feet of street frontage;

(IV) one understory tree (1-inch caliper) or one evergreen conifer (minimum six feet tall at maturity) per 30 feet of frontage;

(V) five shrubs (five-gallon minimum size) per 300 square feet of buffer yard; and

(VI) landscaping of the area between the roadway and the property line, unless restricted by the Utah Department of Transportation.

(B) Isolated one-family dwellings may be exempted by the Development Services Director or the Director's designee from the requirements for the decorative wall and landscaping standards described in Subsection (A).

(iii) *Nonresidential Buffer Yard.* Nonresidential properties adjoining University Avenue must include the following landscape and screening features:

(A) all landscaping as required in Subsection (b)(ii); and

(B) a landscaped berm or decorative wall, not exceeding 30 inches in height, along the University Avenue frontage.

(iv) *Preservation of Topographic Patterns.* Where natural or existing topographic features contribute visual or functional value to a development, those features must be preserved and incorporated into the site design. Modifications to topography may be permitted if they enhance the aesthetic appearance of the site.

(v) *Landscape to Enhance Architectural Features.* Landscaping must be used to highlight architectural elements, reinforce significant vistas and visual axes, and provide shade. Landscape elements must be proportional to and in harmony with the proposed building structures.

(vi) *Indigenous Plants.* Landscaping must prioritize plant species that are indigenous to the area or are otherwise hardy, drought-tolerant, and compatible with the overall design. All trees and shrubs must be selected from the list of acceptable species maintained by the City Forester.

(vii) *Plant Protection.* Where landscaping is vulnerable to damage from pedestrian or vehicular traffic, protective measures such as curbs, tree guards, or similar barriers must be installed to prevent injury to the plants.

(viii) *Buffers and Berms.* All vehicular use areas, including parking lots, loading zones, and service drives, must be screened by a vegetative buffer, masonry wall, or earthen berm between 30 and 72 inches in height. The screening must be effective in both summer and winter.

(A) Vehicular use areas larger than 5,000 square feet must include interior landscaping equal to at least 5% of the total area.

(B) Each landscaped area must comply with PCC 15.20.090 and PCC 15.20.100

(ix) *Alternative Materials.* In areas where general planting is impractical, such as narrow strips three feet wide or less, alternative materials may be used, including fences, walls, or pavement surfaces made of wood, brick, stone, gravel, or cobbles. Where feasible, these materials must be complemented by carefully selected plants.

(x) *Preservation of Existing Trees.* Existing mature trees must be preserved wherever practicable and integrated into the site design. If construction or clearing disturbs mature vegetation, additional plantings are required beyond the minimum standards listed above. Larger planting stock may also be required to replace any lost or damaged vegetation.

(c) *Building Appearance and Setbacks.* Architectural style is not restricted, but selected styles must comply with the following general design guidelines:

(i) *Architecture.* Building design must be harmonious with existing permanent development in the surrounding area.

(ii) *Roof Style*. Roof forms must be hip, gable, or pyramid and must suit the selected architectural style.

(iii) *Materials.* Building materials must be durable and appropriate for their use. Acceptable materials are brick, stucco, stone, and wood.

(iv) *Uniformity.* All buildings within a planned development or shopping center, including individual pads, must share a consistent architectural theme and use the same exterior materials for all walls and visible exterior components facing access roads or adjacent residential properties.

(v) *Setbacks.* Minimum setbacks from the front property line on University Avenue are as follows:

(A) all buildings, except one-family dwellings, must be set back at least 50 feet; and

(B) single-family dwellings must be set back at least 30 feet.

(d) *Signs and Lighting.*

(i) An integrated sign design plan is required for all new planned developments, shopping centers, and office complexes.

(ii) Sign colors must complement the principal structure. Contrast may be used to enhance legibility.

(iii) Identification signs that use prototype designs or corporate logos must comply with the same criteria as all other signs.

(iv) All signs must comply with the standards in PCC 14.47.085.

(e) *Pedestrian Amenities and Streetscape Improvements.*

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

(ii) Sidewalks must be at least six feet wide and may meander through the landscaped planter strip rather than running parallel to the street.

(iii) Where feasible and subject to available funding, the city will install pedestrian benches and trash receptacles at convenient locations along the landscaped park strip.

(f) *Traffic Impact Analyses.* A traffic impact analysis is required for nonresidential projects with an aggregate size of 40,000 square feet or more, and for residential projects with more than 50 dwelling units.

(g) *Access Controls.* The City Engineer will provide recommendations to the Utah Department of Transportation regarding vehicular access to University Avenue. The following land use guidelines must inform those recommendations:

(i) residential developments should either back onto University Avenue and take primary access from a side street, or be designed as a planned development with a shared access drive, properly spaced from nearby driveways and intersections; and

(ii) where feasible, adjoining developments should be encouraged to share common driveway approaches to reduce curb cuts and improve traffic safety.

(3) *West Center Street Design Corridor.*

(a) *Creation - Purpose.* The West Center Street Design Corridor is established along West Center Street from Interstate 15 to the eastern edge of Utah Lake. All lots with frontage on this portion of West Center Street are subject to this Section. The corridor's purpose is to preserve and enhance the character and value of West Center Street, maintain property values, improve the City's image, and promote the public's health, safety, and general welfare. All new construction within the corridor must comply with this Subsection.

(b) *Building Setbacks.* All buildings must be set back at least 20 feet from the Center Street property line or 60 feet from the Center Street centerline, whichever is greater.

(c) *Procedure.* Development within the corridor may occur only after the Planning Commission reviews and approves the project plan for the proposed development. The applicant must submit a project plan in accordance with PCC 15.03.310.

(d) *Development Standards.* Project plans must incorporate and preserve significant natural features into the site design. Each project plan, including the existing features (site analysis) plan, must comply with the following site improvement standards. These standards apply in addition to other applicable development requirements.

(i) *Setbacks and Buffering.* Properties adjoining the West Center Street Design Corridor must include a front yard bermed to a height of four feet and landscaped with at least:

(A) one deciduous tree with a minimum two-inch caliper for every 30 feet of street frontage; plus

(B) either one understory tree with a one-inch caliper or one evergreen conifer expected to reach at least six feet at maturity for every 30 feet of street frontage; and

(C) five shrubs in five-gallon containers for every 300 square feet of landscaped buffer yard.

(ii) *Pedestrian Amenities and Streetscape Improvements.* Commercial areas must be designed to accommodate both vehicles and pedestrians. Sidewalks must be at least six feet wide and must meander within the landscaped area, as determined by the City Engineering Department. Combination curb, gutter, and sidewalk construction is prohibited unless the City Engineer determines that such construction is necessary to align with existing improvements.

(iii) *Landscaping of Planting Strip.*

(A) The following requirements apply to the planting strip in addition to the requirements of other sections of the PCC:

(I) at least one deciduous tree with a two-inch caliper must be planted for every 30 feet of street frontage;
(II) tree selection must be coordinated with the Provo City Forester; and
(III) plantings must be located to minimize visibility obstructions at driveways and street intersections as vegetation matures.

(B) For portions of West Center Street classified as a state highway (from Interstate 15 to Geneva Road), an adjoining property owner must enter into an agreement with the Utah Department of Transportation (UDOT) regarding landscaping in the planting strip. That agreement must comply with Subsection (A) unless the owner is unable to reasonably obtain UDOT's agreement with those requirements. A property owner in this area who complies with an agreement with UDOT regarding parking strip landscaping is in compliance with this Subsection (iii).

(iv) *Alternative Materials.* In areas where general planting is not viable, such as planting strips three feet wide or less, other materials may be used, including wood, brick, stone, or cobble paving. When such materials are used, soil sterilization or installation of a weed barrier is required. Where feasible, carefully selected plants must be incorporated alongside these materials.

(v) *Protection of Existing and New Landscaping Features.* Existing mature trees and vegetation must be preserved and incorporated into site landscaping plans, unless the Provo City Forester determines that preservation is not advisable. New and existing plant materials must be protected from damage using curbs, tree guards, or other protective devices. Any plant material that is damaged must be replaced as soon as reasonably possible, based on seasonal and availability constraints, but no later than one year after the damage occurs.

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

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

(viii) *Building Design.* Building design must incorporate predominant architectural features, materials, and colors from existing nearby buildings.

(A) Commercial buildings must have a minimum lot coverage of 25% and may not exceed 60%.

(B) Primary entries must face a public street or designated pedestrian connection. Entrances must be clearly identifiable and designed to create a transition between exterior and interior spaces. Building entries must also include adequate lighting for security.

(C) Building-mounted communications equipment must be attached directly to a wall or parapet. Such equipment must either match the color of the surface on which it is mounted or be designed to align with the building's architectural details.

(D) Architectural detailing must enhance the building's overall character and add visual interest to the development.

(I) Design elements on building elevations, such as distinctive features or color usage, must reflect and continue the project's overall theme or character.

(II) Equipment including, but not limited to, roof-mounted communications or mechanical systems, vending machines, and ice machines must be screened from street view and located in areas specifically designed for their placement as part of the overall project design.

(III) Patio enclosures visible from a public street must be compatible with the project's architectural character.

(IV) Entryways and stairways must be integrated into the building design using similar materials, details, forms, colors, or other architectural features.

(E) Exterior building materials must be durable, low-maintenance, and equal to or higher in quality than those used in surrounding developments.

(I) The texture of building components must contribute to and enhance the overall building design.

(II) Color schemes must be harmonious and compatible with adjacent developments. Accent colors must complement the primary color theme.

(III) Proposed color and material details, including color chips and physical samples, must be included in building plans at the time of project plan application submittal.

(IV) Reflective surfaces may not be used in locations where they could produce excessive glare or reflections.

(V) All pitched roofs visible from a public street must use roofing materials such as tile, architectural-grade asphalt shingles, standing seam metal, or materials of comparable quality.

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

(F) Pre-engineered metal buildings are prohibited.

(G) Project scale must be compatible with adjacent development and may not overwhelm neighboring buildings. Perceived height must be mitigated through roofline variation and changes in building height as needed.

(I) Building scale must align with the scale of adjacent development.

(II) Roofline variations must be used to establish architectural style or character, especially for commercial buildings with limited wall variation due to functional constraints.

(III) Commercial buildings may not exceed 35 feet in height, except for tower elements, which may extend up to 50 feet in height, provided that such towers do not exceed a footprint of 400 square feet.

(IV) Hipped or gabled roofs are required. Flat roofs with decorative front parapet walls may be approved by the Planning Commission. Mansard roofs are prohibited.

(H) Architectural relief must be used in building design to add interest and variety and to avoid monotony. Design elements that create shade and cast shadows may be incorporated to enhance visual depth.

(I) Horizontal and vertical elements of exterior walls must vary in height and projection to provide substantial architectural interest and style. Such features may include, but are not limited to, imaginative treatments of windows, doors, eaves, rooflines, and parapets, subject to approval by the Planning Commission.

(II) Building trim, accents, colors, materials, and styles must be integrated into the primary design themes to promote visual interest.

(III) All exterior elevations must be unified under the project's overall design theme. In particular, upper portions of side and rear walls should incorporate height variation, relief elements that create shadow, and architectural use of features such as scuppers, downspouts, and expansion joints.

(IV) Where feasible, office areas or other functions that do not require a high roofline must be constructed with a lower roofline to provide variety in massing and form.

(I) Window and door placement must be used, where feasible, to create patterns that add variety and interest to building design. Building orientation must emphasize attractive views and minimize exposure to undesirable views. Drive-through windows may not face a public street.

(ix) *Grade Separation.* Where site grading occurs, including landscaping or stormwater retention, grade separations greater than two feet at any property line must be avoided to the greatest extent practicable.

(x) *Timing of Design Corridor Improvements.* For any new development or subdivision constructed within the West Center Street Design Corridor, the developer must install all required site improvements consistent with the standards in Subsection 14.50.290(3) before occupancy of any building.

(xi) *Traffic Impact Analyses.* A traffic impact analysis is required for any project plan that meets the thresholds established in PCC 15.03.040.

(xii) *Access Controls.* Vehicular access to certain segments of West Center Street (from Interstate 15 to Geneva Road) falls under the jurisdiction of the Utah

Department of Transportation (UDOT), with recommendations provided by the City Engineer. The following standards guide the City Engineer's access recommendations:

(A) the number of residential driveways with direct access to West Center Street or Geneva Road must be minimized. Primary access must be from a side street or a shared access drive that is appropriately spaced from other driveways and street intersections; and

(B) development projects on adjacent lots or parcels must share driveway approaches wherever feasible.

(4) *South State Street Design Corridor.*

(a) *Purpose and Intent.* The Provo City General Plan promotes architectural and design excellence. Many properties fronting South State Street are vacant or underdeveloped, creating an opportunity to improve the image of this major gateway into the City. Design guidelines ensure that new development and property improvements enhance the corridor's character and make a positive visual and physical contribution to both South State Street and adjacent neighborhoods. These guidelines aim to:

- Promote attractive development;
- Enhance the image of the South State Street gateway and the city overall;
- Increase property values;
- Attract customers to local businesses;
- Facilitate a walkable, healthy environment that integrates pedestrian and vehicular needs; and
- Streamline the development approval process.

Well-designed buildings will improve quality of life and create a distinct "sense of place" along this southern gateway, benefitting property owners, residents, and the City as a whole.

(b) *Boundaries.* The South State Street Design Guidelines apply to all properties fronting State Street between 900 East to 1860 South on South State Street.

(c) *Applicability.* The requirements of this Subsection apply to all new construction, additions, and exterior alterations to principal or accessory buildings located on property as described in Subsection (4)(b) of this Section, and any public street that intersects South State Street for 100 feet from South State Street within the corridor.

(d) *Approval Authority.* The Planning Commission has authority to approve designs for property development and improvements within the South State Street Corridor. The Planning Commission may waive individual guidelines for specific projects if the waiver

results in a superior design solution. However, the Planning Commission must adopt a finding of overall consistency with the guidelines before approving any application.

(e) *Building Location.* Buildings must be located no closer than ten feet and no farther than 20 feet from the front or street side yard property lines.

(i) The area between the building and the property line must be landscaped as follows:

(A) at least one tree must be provided for every 50 feet of building frontage. Trees may be spaced evenly or grouped;

(B) foundation plantings must achieve a minimum of 50% coverage at maturity. Layered planting is encouraged; and

(C) landscaping must be used to highlight primary entryways.

(ii) Paving within the front or street side yard is limited to driveways that provide direct access to parking located in interior side yards or rear yards. All areas in the front or street side yard not used for driveway access must be landscaped to the same depth as the setback between the principal building and the public street.

(iii) All structures must have at least one primary entry that faces State Street.

(iv) Entryways must serve as a focal point through the use of design elements and variations that provide orientation, transition, and visual interest. Each principal commercial building must have clearly defined, highly visible customer entrances. Entryways must also provide protection from weather by projecting outward from the main façade.

(f) *Roofs.* Roofline variation must be used to reduce the perceived scale of large buildings and add architectural interest. Roof features must complement the character of adjacent neighborhoods, where applicable.

(i) Roof styles are not restricted. However, flat roofs must either incorporate green roof technology or be concealed by a parapet.

(ii) Mechanical equipment located on the roof must be fully screened from public view.

(g) *Building Materials.*

(i) Permitted primary building materials are masonry, stucco, wood, or fiber-cement (or a similar product).

(ii) Vinyl and metal siding may only be used as secondary materials for elements such as trim, soffits, and eaves. These materials may not constitute a dominant portion of the building façade.

(iii) Pitched roofs that are visible from a public street must be constructed using wood, slate, tile, or high-quality composition shingles or shakes. Corrugated metal is prohibited as a roofing material.

(iv) Alterations to exterior materials on an existing residential structure are exempt from the material requirements in this Subsection.

(h) *Driveways and Parking.*

(i) Parking lots must be designed with pedestrians in mind by separating parking areas from primary structures using landscaping and sidewalks.

(ii) Parking may not be located between any principal building and the front or street side yard property lines.

(5) *East Center Street Design Corridor.*

(a) *Creation.* A design corridor is established along East Center Street, from 200 East to the roundabout at Seven Peaks Boulevard and includes both sides of the street. This corridor is known as the East Center Street Design Corridor. All lots with frontage on this section of East Center Street are subject to the requirements of this Section.

(b) *Definitions.* For the purpose of this Section, the following terms are defined:

(i) "*Block"* means both sides of East Center Street between intersecting streets.

(ii) "*Primary material"* means an exterior finish material that covers 80% to 100% of a building's exterior, excluding roofing.

(iii) "*Secondary material"* means an exterior finish material covering no more than 20% of a building's exterior, excluding roofing.

(c) *Purpose.* The East Center Street Design Corridor is established to:

(i) preserve and enhance the character of East Center Street;

(ii) protect important views and significant architectural and historic resources;

(iii) improve the overall quality of the built environment;

(iv) improve pedestrian and bicycle safety; and

(v) promote the public's health, safety, and general welfare.

(d) *Development Standards.*

(i) *Architectural Style.* Architectural styles permitted in the corridor are Victorian, English Tudor, Prairie, Arts and Crafts, Colonial Revival, Period Revival, Neoclassical, Italianate, Early Utah Vernacular, Art Moderne, and International.

(A) New construction or additions must feature a distinctive and identifiable architectural style that is compatible with the size, scale, color, materials, and character of historic properties within the Design Corridor. Mimicking or replicating historic buildings is discouraged.

(B) New development must emphasize and accentuate existing historic homes within the corridor.

(C) *Roof Forms.* Roofs are prominent features of historic buildings and contribute to the visual continuity of the corridor. Permitted roof types are simple gabled, pyramidal, and hipped roof styles are most common.

(I) New or redeveloped structures must use roof forms, slope ratios, and materials that are consistent with those of historic structures in the corridor.

(II) Skylights, solar panels, and other rooftop devices must be minimized and located on roof planes that do not face the street.

(ii) *Building Orientation.* Each building in the Design Corridor must have its principal façade oriented toward Center Street.

(iii) *Building Width.*

(A) The width of any new building must be between 90% and 110% of the average width of all street-facing façades on the same block.

(B) For purposes of calculating the average width of street-facing façades, the façades of courtyard buildings are the front façades of the wings that run perpendicular to the street, as illustrated by measurement A in Figure 14.50.290(5)-1. Each wing is considered a separate street-facing façade.

(iv) *Building Height.* No building may exceed 35 feet in height, measured at each building façade. However, any street-facing façade located within 50 feet of a public right-of-way may not exceed 25 feet in height.

(A) For the purposes of this Section, the height of a street-facing façade is measured from finished grade to the top of the façade wall, regardless of roof type.

(B) In no case may a building include more than two stories on any street-facing façade located within 50 feet of a right-of-way line.

(v) *Building Mass.*

(A) Building mass must be minimized to avoid visually overwhelming adjacent or nearby single-family dwellings.

(B) For multifamily buildings, the principal façade facing Center Street must have a general outline that is similar in shape and scale to single-family homes located within the corridor.

(vi) *Setbacks.*

(A) *Front Yard.* The front yard setback must be a minimum of 30 feet and a maximum of 40 feet, measured from the back of sidewalk.

(B) *Side Yard.* The side yard setback must be a minimum of ten feet.

(C) *Street Side Yard.* The street side yard setback must be a minimum of 20 feet, measured from the back of sidewalk.

(D) *Multiple Buildings on a Single Parcel.* Where multiple buildings are located on a single parcel, side yard setbacks must be calculated as if a property line exists between each building and must provide the same minimum separation required as if each building were located on an individual lot.

(E) *Transition Block - 200 East to 300 East.* Between 200 East and 300 East, smaller setbacks consistent with existing development on the same block face may be approved by the Planning Commission if all of the following conditions are met:

(I) the proposed building receives a positive recommendation from the Landmarks Commission;

(II) at least one pedestrian entrance to a commercial space, lobby, or residential unit is provided for every 50 feet of building frontage along Center Street;

(III) first-floor commercial frontages along Center Street must include at least 40% completely transparent glass. Ground-floor residential buildings must include at least 20% completely transparent glass along Center Street; and

(IV) the proposed setback may not be less than the average existing setback on the same block face and may not be less than 12 feet under any circumstances.

(vii) *Courtyard Buildings.* Buildings with courtyards that open onto Center Street are permitted if they meet all of the following requirements, as illustrated in Figure 14.50.290(5)-1:

(A) the wings perpendicular to Center Street must be separated by distinct landscaped courtyards;

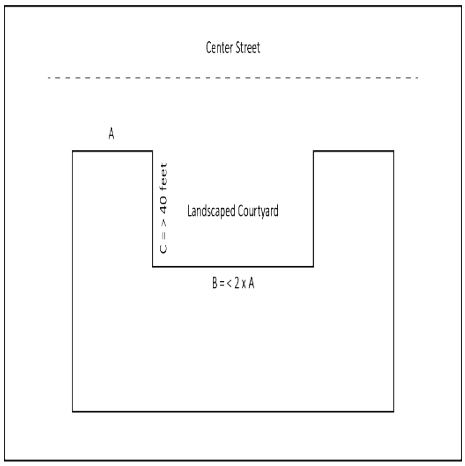
(B) the width of the street-facing façades of the perpendicular wings must comply with PCC 14.50.290(5)(d)(iii)(A), as shown by measurement A in Figure 14.50.290(5)-1;

(C) each landscaped courtyard must be at least 20 feet wide and may not exceed twice the width of the street-facing façades of the perpendicular wings, as illustrated by measurement B in Figure 14.50.290(5)-1;

(D) the rear connecting section must be set back a minimum of 40 feet from the front façade of the perpendicular wings, as illustrated by measurement C in Figure 14.50.290(5)-1; and

(E) parking is prohibited within the courtyard area between the perpendicular wings.

Figure 14.50.290(5)-1



(viii) *Parking.* Parking is not permitted in front, side, or street side yards and must be minimized in rear yards, except for one- and two-family dwellings where a driveway leads directly to a garage or carport, as defined in PCC 14.44.

(A) Parking is prohibited between a primary building and a public street.

(B) Surface parking in rear yards must be screened from adjacent properties using appropriate plant materials and/or fencing.

(C) Entrances to underground parking must be accessed from driveways located along the sides of properties. A front-facing underground garage entry is permitted only if the applicant demonstrates that no feasible alternative exists.

(ix) *Materials and Construction Quality.* Buildings within the Design Corridor must use a range of materials, most commonly brick, followed by clapboard or shiplap siding, and, to a lesser extent, brick combined with plaster or stucco. Foundations vary and may include stone, concrete, or block.

(A) *Building Materials.*

(I) New and redeveloped structures must use materials that are similar to those found in the corridor and must complement surrounding buildings in both color and texture.

(II) The primary exterior finish materials for all new construction must consist of brick, wood, or composite siding.

(III) Vinyl, aluminum, and other non-architectural metal siding are prohibited.

(IV) A variety of secondary materials, including trim materials, may be used as long as they remain clearly subordinate to the primary materials.

(V) Trim details must be functional and may not consist solely of applied ornamentation.

(VI) Permitted roofing materials include wood shingles, slate shingles, clay tile, metal shingles or tile, and high-quality composition shingles.

(B) *Fencing Materials.* Chain link, wire mesh, and vinyl fencing are prohibited.

(x) *Signs and Lighting.*

(A) Backlit signs are prohibited. Signs may only be illuminated by external, downward-facing, stationary, shielded light sources directed solely onto the sign. Lighting must not produce glare.

(B) Sign colors must complement the color palette of the principal structure. Contrasting colors may be used to enhance legibility.

(e) *Review Process.* In addition to all other required reviews and approvals, all new construction proposed within the Design Corridor must be approved by the Landmarks Commission.

14.50.160 Transitional Development Standards

The purpose of this Section is to provide a transitional area between abutting lots zoned for dissimilar uses to prevent incompatible adjoining uses.

(1) *Scope and Application*.

(a) For purposes of this Section, a lot is defined as a "transitional lot" if:

(i) the lot is located in a multifamily residential, commercial, or industrial zone and it abuts a lot in a one-family residential, residential agricultural, or agricultural zone; or

(ii) the lot is located in a business, commercial, or industrial zone and it abuts a lot in a multifamily residential zone.

(b) For purposes of this Section, a lot is defined as an "abutting lot" if it abuts a transitional lot but is not itself a transitional lot.

(c) Except as otherwise stated in this Section, the requirements of this Section apply to all transitional lots.

(2) *Landscaped yard and setback requirements.* Except in the DT1 (General Downtown) or GW (Downtown Gateway) zones:

(a) a landscaped yard at least ten feet wide must be provided on a transitional lot along the property line with an abutting lot. Landscaping must comply with PCC 15.20.110;

(b) the minimum building setback on a transitional lot from an abutting lot must be at least one foot for every two feet of building height. Buildings over 20 feet in height must be set back at least ten feet; and

(c) the landscaped front yard on a transitional lot must be equal in depth to the required front yard of the residential use on an adjacent abutting lot.

(3) *Corner lot side yard setback.* Where the side yard of a commercial or multifamily residential corner lot abuts the same street as the front yard of an adjoining residential lot facing the same street, the minimum side yard setback on the corner lot must be 20 feet from the street right-of-way line.

(4) *Screening of parking areas.* On a transitional lot, any parking lot with four or more spaces, and the portion of the driveway located behind the building line, must be screened from the

street and from any adjoining abutting properties. Screening must consist of one of the following:

(a) a landscape berm at least two feet high at the crown;

(b) a hedgerow that is at least five feet high at maturity; or

(c) a masonry wall not less than three feet high in the front yard and not more than seven feet high in other yards. However, there may not be a gap between the masonry wall and any fence on an adjoining abutting lot.

(5) *Lighting compliance.* See PCC 15.21.

(6) *Prohibited uses.* A use involving open storage of merchandise or equipment, off-premise signs, or any trade or industry that is noxious or offensive due to the emission of odor, smoke, gas, vibration, or noise is strictly prohibited on any transitional lot, regardless of whether the use is otherwise permitted or conditional.

(7) *Overhead door restrictions.* Overhead or bay doors may not be located in a wall on a transitional lot that faces an abutting lot if that wall is within 25 feet of the property line.

(8) *Mechanical equipment location and screening.* On any transitional lot, mechanical equipment, such as air conditioners, fans, or pumps, must be located within the building or on a roof behind parapet walls.

(a) Mechanical equipment located outside a building and within 25 feet of the nearest residential use must be enclosed by a visual and noise barrier, such as a masonry wall or dense landscaping, that fully surrounds the equipment and extends at least one foot above it.

(b) See PCC 9.06.030 for noise regulations.

(9) *Loading dock and delivery area restrictions.* Loading docks and delivery or pickup areas on transitional lots may not be located within 50 feet of a residential use. These areas must be screened from public view by a six-foot masonry wall.

(10) *Trash container setbacks.* Trash containers on a transitional lot must not be located within 25 feet of the side property line of an abutting lot.

(11) *Alternative buffering.* The Planning Commission may approve an alternative buffering arrangement for a transitional lot if it provides equal or greater mitigation than the requirements in this Section. The Planning Commission must make specific findings justifying the alternative.

14.50.170 Residential and Mixed-Use Design Standards

(1) *Purpose and Intent.* This Section establishes design standards to improve the quality and compatibility of new residential and mixed-use development. These standards address yard layout, building location and orientation, driveway and parking design, landscaping, building form, mass and scale, exterior materials, and compatible additions.

(2) *Applicability.* The standards in this Section apply to all new buildings and uses in the Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Campus Residential (CR), Neighborhood Mixed-Use (NMU), and Mixed-Use (MU) zones; as well as townhomes within the DT1 and GW zones.

(a) In approving a project plan, the approving authority may impose reasonable conditions that are consistent with the purpose and intent of this Section. These design standards apply in addition to other requirements of this Title but, except as explicitly stated otherwise in this Section. Where this Section conflicts with other provisions of this Title, this Section controls.

(b) The Planning Commission may approve an alternative design arrangement if it provides equal or greater quality than the standards in this Section. The Planning Commission must make specific findings justifying the alternative.

(3) *Site Design Standards.*

(a) *Front Yards.*

(i) A logical hard-surface pedestrian connection must be provided between the street and the front entry.

(ii) The front yard must be predominantly landscaped with a combination of turf and plants or xeriscape, as described in PCC 15.20. Hard surfaces for driveways and parking must be minimized and may not exceed ordinance requirements.

(iii) Utility boxes may not be located in front yards, street side yards, or park strips unless the applicant demonstrates that no other practical location exists on the site.

(iv) Front yards must provide a visual and spatial transition between the public way and private space on residential frontages. This may be achieved through one or more of the following strategies:

(A) foundation plantings that create separation between residential units and the sidewalk;

(B) porches, stoops, or railings that establish intermediate semi-private spaces; and/or

(C) elevation changes that visually and physically distinguish public space, exterior semi-private space, and interior private space.

(b) *Fences.*

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

(ii) Chain link fences are prohibited in front yards.

(iii) See PCC 14.50.085 for fencing requirements.

(c) *Building Location.*

(i) New structures must be sited in a manner consistent with the front setbacks of adjoining properties to maintain neighborhood compatibility, except in HDR, CR, and MU zones where the zone permits reduced setbacks compared to the existing housing stock.

(ii) *Frontage.*

(A) The front elevation of a building is the elevation that contains the primary or common entrance.

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

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

(D) In developments with six or more townhomes, each unit must front on a street, open space, or pedestrian way.

(iii) In multifamily developments, the majority of new buildings must be sited along the block face rather than within the interior of the block.

(d) *Tree accommodation.* Buildings, including parking structures, must be designed and located to allow for the 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 CR, MU, and NMU Zones.* The following standards apply in the CR, MU, and NMU Zones:

(A) ground floor commercial spaces must be designed for retail or other active uses, with tenant spaces oriented to the street, and storefronts and entries maximized along sidewalks to promote pedestrian activity and maintain street-level interest;

(B) wall openings, such as storefronts, windows, and doors, must comprise at least 60 percent of the street-level façade, measured between the ground plane and the finished floor of the second story; and

(C) open-wall storefronts are encouraged.

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

(A) Except for townhomes, a minimum habitable first-floor depth of 30 feet, measured from the street-facing façade, is required. This standard does not apply to building complexes with fewer than 10 units in the Campus Residential (CR) zone.

(B) Residential units with individual entries must include ground-floor windows that face the street. Wall openings must comprise at least 30 percent of the street-level façade, measured between the ground plane and the finished floor of the second story.

(C) Clear glass must be used for all required wall openings, including doors and windows, along street-level façades to maximize transparency. Tinted, mirrored, or opaque glazing is not permitted.

(D) Ground floors must include articulation and detailing, such as pedestrian entrances, high-quality materials, and decorative features, to promote pedestrian-scaled architecture along the street.

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

(b) *Pedestrian Building Entrances.*

(i) Pedestrian building entrances must:

(A) meet the spatial requirements in Table 14.50.170-1 Pedestrian Building Entrance (PBE) Requirements;

(B) include a door that provides direct pedestrian access into the building;

(C) provide access to an interior and enclosed commercial tenant space, public lobby, or residential unit;

(D) be directly accessible from and adjacent to the sidewalk; and

(E) prevent doors from swinging into the public right-of-way or beyond the front façade line of the building when opened.

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

(c) *Multifamily Primary Entrances.* The primary entrance of a multifamily structure must be clearly defined by a raised porch or a similar entry feature.

(i) The porch or entry feature must face the street.

(ii) The porch or entry feature must be functional in size, not merely decorative.

(d) *Privacy Orientation.* Doors, windows, and balconies in new residential development should be located to respect the privacy of neighboring properties.

Table 14.50.170-1. Pedestrian Building Entrance (PBE) Requirements

Frontage Type	Commercial	Residential
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) *Parking Access.* To preserve front yard space, new developments may not provide more than the minimum driveway access and width required by code.

(i) Driveways must be located near the side property line to avoid bisecting the building with a central driveway to subterranean parking, except for building complexes with fewer than 10 units in the Campus Residential (CR) zone.

(ii) Driveways must be consolidated when adjacent parcels or developments can be served by a shared access. A cross-access easement must guarantee mutual access rights across the shared driveway for both parcels.

(iii) Alley access is permitted to reduce the visual and functional impacts of parking and traffic circulation on the front of the property.

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

(b) *Parking Placement.* Parking may not be located in the front yard and must be minimized in the side yard, except for one- and two-family dwellings where a driveway leads to a garage or carport as defined in PCC 14.44.

(i) Parking is prohibited between a primary building and a public street.

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

(iii) Entrances to structured parking must be accessed from driveways located along the sides of properties and may not face the street.

(iv) Parking must be screened from adjacent public ways, streets, open spaces, or pedestrian ways.

(c) *Parking Visibility.* Except for the minimum frontage required to access parking or loading, no parking or loading may be visible at ground level along any building façade that faces a public right-of-way.

(6) *Landscape Design.*

(a) New landscaping must complement existing neighborhood vegetation and comply with PCC 15.20.

(b) Landscaping must be used to reduce the visual and physical impacts of larger buildings on neighboring properties.

(c) Building and driveway lighting must comply with PCC 15.21.

(7) *Building Form, Mass, and Scale (VLDR, LDR, and NMU Zones Only).* The following standards apply in the VLDR, LDR, and NMU Zones.

(a) Building form, mass, and scale must comply with the following standards:

(i) An attached garage may not be the dominant design feature of the front elevation.

(iii) Sloping roofs, such as gable or hip designs, must be used as the primary roof form.

(Iv) Historic buildings are subject to PCC Title 16.

(b) Building additions must not significantly alter the character of the original structure.

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

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

(8) *Building Form, Mass, and Scale (MDR, HDR, CR, and MU Zones).* The following standards apply in the MDR, HDR, CR, and MU Zones.

(a) *Building Facades.* The façade of any multifamily, apartment, or mixed-use structure must:

(i) be horizontally articulated to create visual interest and enrich the pedestrian experience while contributing to a well-defined street wall;

(ii) be vertically articulated to differentiate the ground floor façade and must feature high-quality materials that add human scale, texture, and variety at the pedestrian level;

(iii) include an identifiable break between the ground floor and upper floors, achieved through a change in materials, a horizontal dividing element, a change in fenestration pattern, or similar design strategies;

(iv) be vertically articulated at the street wall façade by providing distinct treatments for the building's base, middle, and top. Balconies, fenestration, shading devices, or similar architectural elements must be used to create a varied pattern of projections and recesses;

(v) avoid extensive blank walls that diminish the visual quality and activity of the streetscape; and

(vi) provide clearly identifiable public entrances. Each entrance must be marked with architectural or graphic elements that indicate its function and enhance the building's character.

(b) *Stairways and Corridors.* Exterior stairways, corridors, or landings may not be located on the front or street-facing elevation of a building.

(c) *Step-backs in the CR Zone.* Structures in the Campus Residential (CR) zone that exceed six stories in height must step back 15 feet from the first-floor elevation for all stories above the fourth floor on any elevation that fronts a public street, unless the applicant demonstrates that the building's design includes sufficient variation and articulation in the building planes to create visual interest and appeal.

(d) *Building Additions.* Additions to existing buildings must not significantly alter the character of the original structure.

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

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

(9) *Building Materials.*

(a) *Intent.* The purpose of the façade material standards in this Section is to:

(i) establish minimum material standards to ensure the use of durable, high-quality, and well-tested surfaces while allowing a broader range of materials for architectural detailing; and

(ii) promote human-scaled façades by encouraging the use of smaller-scale, less monolithic materials, especially at the ground level.

(b) *Major Materials.* At least 80% of each façade, excluding window and door areas, must consist of permitted major materials as listed in this Section.

(i) *Permitted Major Materials.* Stone, brick, wood, architectural metal panel systems, fiber cement board, glass curtain wall, terra cotta decorative units, and architectural cast stone are permitted as major materials.

(ii) *Prohibited Major Materials.* Face-sealed EIFS synthetic stucco assemblies and decorative architectural elements, synthetic stucco or elastomeric finishes on stucco, unfinished or untreated wood, glass block, vinyl or aluminum siding, plastic panels, fiberglass and acrylic panels may not be used as major materials unless otherwise approved under this Section.

(iii) *Limited-Use Major Materials.* Economy bricks are generally prohibited as major materials, but may be allowed under the following conditions:

(A) brick types larger than three inches in height may be used as a major material only on rear façades, alley façades, or façades facing a rail corridor; and
(B) in these cases, corner bricks must be used to maintain the appearance of a full brick façade.

(c) *Minor Materials.* Permitted minor materials may be used only for trim, detailing, and accent areas, and may not exceed 20% of the total surface area of any façade.

(i) *Use of Major Materials as Minor Materials.* Any material listed as a Permitted major material may also be used as a minor material.

(ii) *Permitted Minor Materials.* The following materials are permitted as minor materials:

(A) metal used for beams, lintels, trim, exposed structural elements, or ornamentation;

(B) split-faced, burnished, glazed, or honed concrete masonry units, and block-cast stone concrete elements;

(C) vinyl, limited to window trim;

(D) cement-based stucco;

(E) face-sealed EIFS synthetic stucco assemblies and decorative architectural elements; and

(F) synthetic stucco.

(d) *Alternative Materials with Approval.* Materials not listed in this Section as Permitted major, limited-use, or minor materials may not be installed on any façade unless approved by the reviewing authority. The reviewing authority may approve alternative materials if the applicant demonstrates that the proposed material meets the intent stated in Subsection (9)(a). The applicant must provide samples and examples of high-quality, successful local installations using the proposed material.

14.50.180 Downtown Development Design Standards

(1) *Purpose and Intent.* This Section establishes design standards to improve the quality and compatibility of new development in downtown Provo. These standards address building form, mass and scale, materials, and compatible additions.

(2) *Applicability.* In addition to all other applicable provisions of PCC Title 14, the standards in this Section apply to all buildings and uses located in the General Downtown (DT1), Downtown Core (DT2), and Downtown Gateway (GW) zones, except for townhomes (see PCC 14.50.170).

(a) In approving a project plan, the approving authority may impose reasonable conditions consistent with the purpose and intent of this Section. These standards apply in addition to other requirements of this Title. Where this Section conflicts with other provisions of this Title, this Section controls.

(b) The Planning Commission may approve an alternative design arrangement if it imposes requirements that are equivalent to or more restrictive than those in this Section.

(3) *Pedestrian Building Entrances.*

(a) A minimum of one pedestrian entrance to a commercial space, lobby, or residential unit must be provided for every 50 feet of building frontage along primary streets, and for every 100 feet along secondary streets.

(b) Properties in the Downtown Gateway (GW) zone must provide at least one pedestrian entrance for every 100 feet of street frontage, but do not need to meet the every 50 feet requirement in Subsection (3)(a).

(c) Any property with frontage on Center Street must include a pedestrian entrance that fronts Center Street.

(d) Any ground floor residential unit must provide a front door with direct access to the public sidewalk.

(4) *Building Facades.*

(a) *Commercial Ground Floors.* First-floor commercial frontages must provide the following levels of completely transparent glass:

(i) at least 40% on primary streets; and

(ii) at least 30% on secondary streets.

(b) *Residential Ground Floors.* Ground-floor residential buildings must provide at least 20% completely transparent glass on façades facing any street.

(c) *Security Grilles.* When security grilles are used on street-facing entries, the following standards apply:

(i) security grilles and housing must be mounted on the interior of the entry;

(ii) when retracted, security grilles must be completely concealed;

(iii) all components must be harmonious with the architecture of the storefront;

(iv) and must provide at least 50% visibility from the sidewalk.

(5) *Building Form, Mass, and Scale.*

(a) *Facades.* The façade of any multifamily, apartment, or mixed-use structure must:

(i) be horizontally articulated to create visual interest, enhance the pedestrian experience, and contribute to a well-defined street wall;

(ii) be vertically articulated to distinguish the ground-floor façade and incorporate high-quality materials that add human scale, texture, and variety at the pedestrian level;

(iii) include a clear visual break between the ground and upper floors, achieved through a change in materials, horizontal dividing elements, a shift in fenestration pattern, or similar techniques;

(iv) be vertically articulated at the street-facing façade to define the building's base, middle, and top. Architectural features such as balconies, fenestration, and shading devices must be used to create a visually engaging rhythm of projections and recesses;

(v) avoid extensive blank walls that detract from an active and appealing streetscape; and

(vi) include clearly marked public entrances enhanced with compatible architectural or graphic elements that visually cue access and use.

(b) *Stairways.* Exterior stairways, corridors, or landings may not be located on the front or street-facing elevation of a building.

(c) *Additions.* Additions to existing buildings may not significantly alter the character of the original structure.

(d) *Compatibility.* Windows, materials, doors, and roof forms must be compatible with those of the original building.

(6) *Building Materials.*

(a) *Intent.* The purpose of the façade material standards in this Section is to:

(i) establish minimum material requirements to ensure the use of well-tested, high-quality, and durable surfaces while allowing a broader range of materials for architectural detailing; and

(ii) promote a high level of architectural detail through the use of smaller-scale, less monolithic materials, particularly at the pedestrian level.

(b) *Prohibited Exterior Materials.* The exterior finish of any building may not include non-architectural metal siding (including sheet or corrugated metal), plywood, manufactured stone, or wood products not intended as an architectural finish product.

(c) *Limited Exterior Materials.* The following materials may not be used on more than 20% of any individual exterior façade:

(i) cement-based stucco;

(ii) face-sealed EIFS synthetic stucco assemblies and decorative architectural elements; or

(iii) synthetic stucco.

(7) *Windows and Doors.*

(a) All windows and doors, except ground-level storefronts, must be square or vertical in proportion.

(b) Sliding doors are prohibited on the ground-floor street-facing frontage and façade.

(8) *Roofs.* Pitched roofs, if provided, must have a minimum slope of 5:12 on all elevations facing a public street. Pitched roofs on residential porches and attached sheds may have a slope as low as 2:12. This standard does not prohibit the use of flat roof designs.

(9) *Balconies.* Balconies with a minimum area of 50 square feet must be provided for at least 50% of all residential units.

(a) Balconies may be inset into the building or may project into the street right-of-way by up to five feet, provided there is at least ten feet of vertical clearance between the sidewalk and the bottom of the balcony.

(b) Balconies that face a side or rear yard must be set back at least eight feet from the adjacent property line, measured from the face of the balcony.

(c) Storage on balconies is limited to outdoor furniture and accessories, such as tables, chairs, and barbecue grills.

(d) As a condition of project approval, all new residential developments must include provisions in their CC&Rs that restrict balcony storage to acceptable items.

(10) *Railroad Right-of-Way.* All new buildings located within 100 feet of a railroad right-of-way must incorporate sound and vibration-attenuating design and materials. Permit applicants must provide documentation from an acoustical engineer or the materials manufacturer demonstrating that best practices for sound and vibration attenuation have been implemented.

(11) *Mechanical Screening.* Mechanical equipment must be screened by an opaque barrier that is architecturally compatible with the primary structure. The screening must be the minimum size necessary to fully conceal the equipment from public view.

14.50.190 Multifamily Amenities

(1) *Amenity Requirement.* Each multifamily zone requires that any new project with a specified number of units allocate a percentage of the residential gross floor area for recreational amenities as established in this Section.

(a) Landscaping in front and street side yards, minimum setbacks, and other required areas, such as distance separations required by the International Building Code, do not count toward satisfying this requirement.

(b) No more than 50% of the required amenity space may be located outdoors at ground level.

(i) Outdoor open space must be massed or aggregated in a manner that is functional as a recreational amenity or gathering space.

(ii) Enclosed amenities may count toward the total required amenity space.

(2) *Amenity Selection and Scoring.* Amenities may be selected in any combination from the table provided, as long as the combined score totals at least sixty points. Multiple instances of the same amenity each receive individual points.

(a) If a developer proposes an amenity not listed in the table, the Department Director or the Director’s designee may authorize the assignment of a point value equal to the most similar listed amenity, with adjustments as appropriate.

(b) All amenities must be maintained throughout the duration of occupancy. If any amenity is removed, the developer, homeowners’ association (HOA), or other responsible party must replace it with one or more amenities that collectively achieve a score of at least 60 points together with other existing amenities.

(c) At the time of application, the developer may submit a written election stating whether parking spaces equipped with electric vehicle charging stations or electric vehicle-ready infrastructure will count toward the amenity square footage requirement or the parking minimums for the zone. Such spaces may not count toward both requirements. If no written election is submitted, the spaces will be counted toward amenity square footage only.

(d) Outdoor features include, but are not limited to, fire pits, pavilions, outdoor cooking equipment, and dining areas. Seating alone does not qualify as an outdoor feature. If seating accompanies another outdoor feature, it is considered part of that feature and may not be counted separately.

TYPE	AMENITY	SCORE
EV	Electric vehicle charging stations (≥5% of spaces)	45
EV	Electric vehicle-ready charging infrastructure (≥5% of spaces)	35
Bikes	Bike repair station	20
Pet	Open space for pets and pet waste	42
Pet	Pet grooming station	10
Gathering	Indoor gather space (within main building)	30
Gathering	Clubhouse (separate from main building)	28
Gathering – Outdoor	Outdoor gathering space with 10+ features	34
Gathering – Outdoor	Outdoor gathering space with 7 – 10 features	32
Gathering – Outdoor	Outdoor gathering space with 4 – 6 features	30

TYPE	AMENITY	SCORE
Gathering – Outdoor	Outdoor gathering space with 1 – 3 features	28
Gathering – Outdoor	Outdoor open area, no features (e.g., field, vacant courtyard)	20
Playground	Playground (if ≥50% of units have 2 or more bedrooms)	28
Playground	Playground (if >50% of units have fewer than 2 bedrooms)	23
Recreation	Pool	28
Recreation	Hot tub	28
Recreation	Gym	24
Recreation	Sport court	24
Recreation	Media Room	5
Storage	Storage areas if ≥50% of units are smaller than 600 sq. ft.	16
Work	Co-work space	10

(3) *Resident-Only Use and Fee Restrictions.* All amenities must be exclusively for the use of the building's residents and may not be used for any commercial purpose. Property owners or managers may not charge residents for the use of any amenity, except for electric vehicle charging.

14.50.200 Second Kitchen in One-Family Dwellings

(1) *General Prohibition.* A one-family dwelling unit may not contain more than one kitchen, except as provided in this Section.

(2) *Accessory Dwelling Units.* Two kitchens, but no more than two, are permitted in a one-family residence if an accessory dwelling unit (ADU) legally exists in compliance with PCC Chapter 14.43, including possession of a valid and current rental dwelling license.

(3) *Additional Kitchens Without an ADU.* In a one-family dwelling unit that does not contain a legal and licensed ADU, one or more additional kitchens are allowed only if the property is located in an A1, RA, or R1 zone (including any associated Performance Development Overlay (PD) zone), and all of the following conditions are met:

(a) the dwelling unit has only one front entrance;

(b) he dwelling unit has only one address;

(c) interior access is maintained throughout the entire dwelling unit to ensure that no accessory apartment is created. The additional kitchen(s) may not be separated from the rest of the dwelling by keyed or deadbolt locks or any other method of limiting access;

(d) the dwelling unit has only one electrical meter;

(e) he additional kitchen(s) is/are located within the primary structure or an accessory building, and no second dwelling unit or accessory apartment is established in either structure;

(f) the residents must allow Provo City staff to inspect the dwelling unit and any accessory building with an additional kitchen, during reasonable hours and upon request, to verify compliance with this Section;

(g) the property owner must sign a notarized agreement, on a form approved by Provo City, affirming that the dwelling unit, including any accessory structure, will not be converted into two or more dwelling units unless permitted under this Title. The agreement must be recorded with the Utah County Recorder prior to the issuance of a certificate of occupancy;

(h) the property owner must limit occupancy to a single family except that the dwelling unit may not include the two additional related or unrelated individuals described in the "family" definition in PCC 14.05.020; and

(i) the additional kitchen must comply with the adopted building code, and construction or remodeling may not begin until a Provo City building permit is issued.

14.50.210 Elderly Persons - Extra Living Space

(1) *Occupancy Allowance.* Notwithstanding any contrary provision in this Title, one or two persons aged 60 or older who own and occupy a one-family dwelling may allow up to two additional persons over the age of 18 and their minor children to occupy extra living space within the dwelling, subject to the provisions of this Section.

(a) The standards in this Section apply to one family detached dwellings in the A1, RA, and R1 zones.

(b) For the purposes of this Section, "*extra living space"* means any area within the existing structure that was originally constructed as a one-family dwelling and that is made available by a resident owner for occupancy by the additional persons described above.

(2) *Registration Required.* Extra living space may not be occupied as described in Subsection (1) unless each owner of the dwelling registers with the Development Services Department.

(a) A registration is valid only if all of the following conditions are met:

(I) each registrant is 60 years of age or older;

(ii) each registrant owns and continuously occupies the one-family dwelling where the extra living space is located; and

(iii) each registrant signs a notarized agreement, on a form prescribed by Provo City, stating that the dwelling unit will not be converted into two or more dwelling units.

(b) For purposes of this Subsection:

(i) "*continuously occupies"* means the person resides in the dwelling and does not maintain any other residence; and

(ii) "*owns"* means the person:

(A) holds fee title to the property, either individually or as a joint tenant; or

(B) serves as trustee of a trust that owns the property and was created for the benefit of that person.

(c) If two persons jointly own and occupy the dwelling, both must be named on the registration.

(3) *Development Standards.* A dwelling with extra living space must comply with all applicable requirements of the zone in which it is located, except as otherwise provided in this Section. The following additional standards apply:

(a) extra living space must be located within the primary dwelling and may not be located in a garage or accessory structure;

(b) interior access must be maintained between the extra living space and all other portions of the dwelling;

(c) exterior structural elements of the dwelling may not be altered;

(d) no additional utility meters or exterior entrances may be installed for the extra living space;

(e) all City-provided utilities and services, including but not limited to power, sewer, water, and solid waste removal, must be maintained in the name of the property owner;

(f) the property address may not be changed, and no new address may be created for the extra living space; and

(g) the number of off-street parking spaces must comply with the minimum requirements of the applicable zone. Additionally, the number of off-street parking spaces must not be fewer than the number of vehicles maintained on the premises.

(4) *Application Requirements.* An application to register extra living space under this Section must include the following:

(a) the name and age of each registrant;

(b) the address of the property where the dwelling with extra living space is located;

(c) documentary evidence demonstrating that each registrant owns and occupies the property, including:

(i) a copy of the recorded deed; and

(ii) copies of any two of the following documents showing the registrant's name and the address of the subject property:

(A) voter registration card;

(B) Utah driver license; or

(C) current City utility bill;

(d) a sworn affidavit from each registrant stating that the registrant:

(i) is age sixty or older;

(ii) currently resides at the subject property; and

(iii) has no other residence;

(e) payment of any applicable fee as listed in the Consolidated Fee Schedule adopted by the Municipal Council;

(f) any additional information reasonably required to enforce the provisions of this Section; and

(g) the notarized agreement required under Subsection (2)(a)(iii), which must include a certification that:

(i) to the best of the registrant's knowledge or belief, the use and occupancy of the dwelling conforms to all applicable ordinance requirements; and

(ii) the registrant agrees to comply with this Section and all other applicable provisions of this Title and the Provo City Code.

(5) *Approval and Duration of Registration.* Upon receipt of a complete registration application, payment of any applicable fee as listed in the Consolidated Fee Schedule adopted by the Municipal Council, and a determination that all requirements of this Section have been met, the City will approve the registration. The extra living space may then be occupied by no more than two additional persons over the age of eighteen and their minor children.

(a) A health and safety inspection of the dwelling is required as a condition of registration. The minimum standards outlined in PCC 6.26.100 must be met to qualify for registration.

(b) The registration expires one year from the date of acceptance and may be renewed upon:

(i) written certification by each registrant that the requirements of this Section have been and will continue to be met; and

(ii) payment of any applicable renewal fee listed in the Consolidated Fee Schedule.

(6) *Nature and Revocation of Registration.* A registration accepted under this Section:

(a) is personal to the registrant(s) to whom it is issued;

(b) does not run with the land; and

(c) may be revoked for noncompliance with this Section or any other applicable provision of the Provo City Code. Prior to revocation, the registrant is entitled to an administrative hearing as provided in PCC Chapter 3.06.

(7) *Recording of Registration.* Upon acceptance by the City, the registration and the notarized agreement described in Subsection (2)(a)(iii) must be recorded with the Utah County Recorder.

(8) *Termination of Use upon Expiration or Revocation.* Upon expiration or revocation of the registration, occupancy of the extra living space must cease, and the one-family dwelling must thereafter be occupied only as permitted in the applicable zone. A kitchen located within the extra living space may be retained, subject to the terms of the agreement required under Subsection (2)(a)(iii). Upon reasonable notice, Provo City personnel may inspect the premises to verify compliance with this Subsection.

(9) *Administrative Regulations.* The Mayor may adopt regulations deemed necessary to implement and enforce the provisions of this Section.

Chapter 14.51
ENFORCEMENT AND PENALTIES

Sections:

14.51.010 Enforcement-Penalties.
14.51.020 Abatement.
14.51.030 Bonding or Guarantees for Delayed Performance.
14.51.040 Additional Fees.

14.51.010 Enforcement-Penalties

(1) All department officials and public employees of Provo City who are authorized to issue permits must comply with the provisions of this Title. No permit, certificate, or license may be issued for any use, building, or purpose that conflicts with this Title. Any such permit, certificate, or license issued in violation of this Title, whether intentionally or unintentionally, is null and void.

(2) The Chief Building Official, the Planning Commission, the Zoning Administrator, the Police Chief, and all subordinate officers and employees (collectively referred to in this Section as *enforcement officers*) are responsible for enforcing this Title as it relates to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure, and the use of any land, building, or premises. Any enforcement officer may investigate any complaint alleging a violation of this Title and take appropriate action in accordance with the procedures set forth in this Chapter.

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

(a) Notify, using methods reasonable under the circumstances and only if notification does not hinder effective enforcement, the owner, tenant, lessee, occupant, architect, builder, contractor, agent, or other responsible person (collectively referred to in this Chapter as *responsible party*) of the violation and require compliance within a reasonable time. If compliance is not achieved, the enforcement officer may issue a citation;

(b) Issue a citation to the responsible party; or

(c) Pursue any other legal or lawful means available to enforce the provisions of this Title.

(4) A violation of this Title or failure to comply with any of its requirements is punishable as provided in PCC 1.03.010.

14.51.020 Abatement

(1) Any building or structure that is set up, erected, constructed, altered, enlarged, converted, moved, or maintained in violation of this Title, and any land use or occupancy of a building or premises established in violation of this Title, is unlawful and constitutes a public nuisance.

(2) Provo City may initiate legal action or other proceedings to abate, remove, or enjoin such violations as provided by law. The city may pursue any remedy available through a court of competent jurisdiction to:

(a) Abate and remove the unlawful building, structure, or use; and

(b) Restrain or enjoin any person, firm, or corporation from continuing, establishing, or maintaining the unlawful building, structure, or use.

(3) The remedies provided in this Section are cumulative and not exclusive.

14.51.030 Bonding or Guarantees for Delayed Performance

(1) In cases where full compliance with this Title is delayed or rendered temporarily impossible due to factors beyond the control of the responsible party, such as extreme weather or material shortages, and where the applicable provisions of the Provo City Code have been substantially met and all health and safety requirements are satisfied, the Chief Building Official or the Planning Commission may authorize temporary occupancy, subject to the following conditions:

(a) The responsible party must submit a written guarantee of performance that specifies:

(i) The work to be completed;
(ii) The time within which the work will be completed;
(iii) The estimated cost of completion; and
(iv) Any other reasonable information required by the City.

(2) Temporary occupancy or use of the premises is permitted only after the posting of a performance bond with the City, in the time and manner required by PCC 15.03.280.

(3) If full compliance is not achieved within the time specified in the written agreement, the City is authorized to use the posted performance bond to complete the required work.

(4) The Chief Building Official or the Planning Commission may extend the completion period for good cause, up to a maximum of 60 days. The extension must be in writing and appended to the original agreement. Verbal extensions or undocumented modifications are not valid.

(5) When reasonably necessary to ensure compliance, the Planning Commission may require a performance bond as a condition of building permit issuance. Such bond must be posted in accordance with PCC 15.03.280.

14.51.040 Additional Fees

Any builder, developer, or other person who makes unauthorized changes to an approved plan or project must pay an additional fee as listed in the Consolidated Fee Schedule adopted by the Municipal Council.

DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: August 12, 2026

***ITEM 6** Development Services requests an Ordinance Text Amendment to replace Title 14 (Provo City Zoning Code). Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLOTA20260414

APPLICANT:	Development Services
APPLICATION TYPE:	Legislative Decision – Planning Commission will make a recommendation to the City Council.

BACKGROUND

Provo City planning staff have been describing the cumbersome, outdated nature of the city zoning ordinance (Title 14) for years, but the time and money associated with such an undertaking were always prohibitive. However, in the summer of 2023, planning staff began an effort to get support for a re-write with the administration and city council. After staff presented a demonstration of how disconnected and convoluted the current zoning code can be in the council work session on August 1, 2023; the decision was made to allocate funds and time to initiate this project.

After funding was secured in late 2023, a request for proposals (RFP) to contract with a consultant who could assist staff with a code assessment and comprehensive re-write was created and posted in January 2024, prompting multiple responses. In March 2024, Psomas was chosen from the responses and in April a contract had been secured.

Work began immediately and an official kickoff meeting between staff and Psomas was held in June 2024 to define a step-by-step process and timeline. Early feedback meetings were held with elected officials, planning commissioners, and key stakeholders in Provo; and work to clean up the Provo City Zoning Code was underway.

SUMMARY

One of the first tasks was to identify unnecessary zones or redundant standards; those that were very similar to each other with minimal differences, no longer essential, or used only once for a specific project. This step provided the framework for a new outline that immediately trimmed down the size of the code and made it less unwieldy.

A quick comparison of the proposed zoning code table of contents will show that the chapters have been cut down from 119 to 51, a 57% reduction (or removal of 68 chapters). The majority of this reduction (39 of the 68 chapters) was possible by removing the Project Redevelopment Option (PRO) zones from the code. These zones were created over the years to build very specific developments and never used again (with one exception) due to their specificity.

(Note: Removing zones from the code will be the first step, as proposed with this application. If successful, a series of staff-initiated zone map amendments will be required to rezone the properties that have a zone that is removed to the closest zone left in the title. Careful consideration will be given to this second step to ensure that development rights are not taken

or opened to something outside the character of existing development.)

Additional work was done to evaluate the sections within the supplementary development standards chapter to identify what could be cleaned up or moved, and to create three of the biggest changes to the code: a simplified permitted land use table, a consolidated development standards table, and a new transit-oriented development (TOD) Zone. The above items are the most visually obvious changes to the code. The following paragraphs summarize the additional changes that are not so apparent.

What Has Changed

Zone Consolidation: As mentioned above, and evident with a quick comparison of the existing and proposed zoning code table of contents, additional zones outside of the PRO zones have been removed or consolidated. The following is a list of the additional zones that have not been carried over to the new zone code:

- R2 (Two-Family Residential) Zone
- PO (Professional Office) Zone
- PFS (Public Facilities School) Zone
- TF (Training Facilities) Zone
- WG (West Gateway) Zone
- ITOD (Interim Transit Oriented Development) Zone
- CA (Automotive Center Commercial) Zone
- FI (Freeway Industrial) Zone
- PIC (Planned Industrial Commercial) Zone
- RC (Residential Conservation) Zone
- R&BPS (Research and Business Park Support) Zone
- SSC (Specialty Support Commercial) Zone
- SDP-1 (Village at Riverwoods Specific Development) Overlay Zone
- SDP-2 (Country Club Villas) Overlay Zone
- SDP-3 (Residential Agricultural Specific Development) Overlay Zone
- SDP-4 (Lakeview Fields Specific Development) Overlay Zone
- SDP-6 (Olde Ivy Specific Development) Overlay Zone

Zone Organization: Both the order of the chapters and the content within the zone chapters have been standardized to create a clear and consistent flow. Generally, permitted uses have been moved to the table in Chapter Eight and lot standards moved to the table in Chapter Seven for ease of use. Language has been revised to be consistent throughout the code, with terms updated for legal clarity.

Standardized Conditional Uses, Definitions, and Transitional Standards: Changes were made to help neighborhood residents, developers, and staff easily understand these standards and provide clear and fair expectations for all.

Incorporation of Best Practices: Working with Psomas provided outside insight from industry experts to help update the zoning title for Provo City to align with city planning best practices, while staying true to Provo vision and values. A summary of this strategy is provided as an attachment to this report (*Attachment 2 - Best Practices Cheat Sheet*).

What Has Not Changed

No substantial policy changes were made with this new zoning code, as that was not within the scope of the project, with the following exceptions:

Simplified Permitted Land Use Table: As mentioned above, the effort to modernize land use categories for zones is a significant shift from the antiquated Standard Land Use numbering system that Provo has used for decades. This change provides clear understanding with updated terminology and will allow quick comparison between zones.

Revised Sign Standards: In addition to clarifying and updating language in the signs and outdoor advertising chapter, the addition of “feather flag signs” was included in certain commercial zones, with careful considerations to develop criteria that will allow this modern sign type to help businesses advertise while preventing sign clutter or nuisances. This effort should be a benefit to economic development and the sales tax base for Provo.

Updated Parking Standards: Standardizing all parking figures to “net” calculations within an easy-to-read table is a shift from the existing code that has inconsistent standards and calculations. In addition to this change, parking minimums for some specific uses (townhomes, industrial uses, and universities) were added or updated to meet standard best practices and realized on-the-ground use, to help the city be more efficient in land use and “right-size” surface parking lots.

New Form-Based Transit Oriented Development (TOD) Zone: Another area that the consultant, Psomas, was critical in creating is the new TOD zone. To create this form-based code Psomas reviewed a past draft by staff, tailored to Provo, from 2013, current best practices, and inside expertise. The result is a carefully crafted zone code with specific districts that are sensitive to surrounding neighborhoods and transition smoothly to the core of the TOD area.

A final review of the Title was completed by the City Attorney and his team, greatly assisting in all the changes noted above. Many hours went into ensuring that a consistent style, appropriate terminology, and legal compliance were met.

STAFF ANALYSIS

Before recommending an amendment, the Commission must find that the amendment serves the public interest and aligns with the General Plan, based on consideration of the following:

(a) Public purpose for the amendment in question;

Applicant Response: To create a clean and consistent zoning code for Provo residents, staff, and developers.

FINDING: Complies.

(b) Confirmation that the public purpose is best served by the amendment in question;

Applicant Response: The proposed zoning code achieves the stated public purpose in providing a clear, consistent, and modern zoning code that will serve the city well for decades to come.

FINDING: Complies.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives;

Applicant Response: Specific General Plan goals and objectives met by this proposal are as follows:

- Chapter 3 (Land Use), goal 3: “Review and revise Provo City Code to make it more consistent and accessible”;
- Chapter 3 (Land Use), goal 4: “Utilize and update design standards to further establish Provo as an attractive, healthy, and high-functioning city”;
- Chapter 4 (Housing), goal 1: “Allow for different types of housing in neighborhoods and allow for a mix of home sizes at different price points, including ADUs”;
- Chapter 4 (Housing), goal 2: “Strive to increase the number of housing units of all types across the whole of Provo in appropriate and balanced ways”;
- Chapter 4 (Housing), goal 3: Better position the city's legislative body for effective rezone application decision-making”;
- Chapter 5 (Economic Development), goal 1: “Employ innovative approaches to promote local business and create community”; and
- Chapter 6 (Transportation), goal 3: “Find the right balance of parking to promote the local economy and encourage alternative transportation”.

FINDING: Complies.

(d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated;

Applicant Response: Not applicable.

FINDING: Complies.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies;

Applicant Response: The proposed amendment will increase attainment of the General Plan articulated policies, as stated above.

FINDING: Complies.

(f) Adverse impacts on adjacent landowners; and

Applicant Response: This is a citywide application with citywide impact but should not result in any adverse impacts on Provo landowners.

FINDING: Complies.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Applicant Response: Not applicable.

FINDING: Complies.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Applicant Response: Not applicable.

FINDING: Complies.

CONCLUSIONS

The 2025 Provo City Zoning Code Update successfully achieves its objectives of simplification, modernization, and alignment with community goals. By reducing complexity while adding flexibility, the updated code positions Provo to manage growth effectively while preserving neighborhood character and promoting economic development. The extensive stakeholder engagement ensures the code reflects both community values and practical development needs.

This comprehensive update provides a solid foundation for Provo's continued growth and prosperity, balancing the needs of residents, businesses, and the development community while maintaining the city's unique character and quality of life.

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may make any of the following findings:

1. **Recommend Approval**: The proposal is consistent with the General Plan. (*Planning Commission recommends that the City Council approves the proposed ordinance text amendment to replace Title 14 of the Provo City Code as written.*)
2. **Recommend Denial**: The proposal is not consistent with the General Plan. (*Planning Commission recommends that the City Council denies the proposed ordinance text amendment to replace Title 14 of the Provo City Code* (state findings)*)*.
3. **Continue**: New information presented at the public hearing or additional study needs to be done. (*Planning Commission moves to continue the proposed ordinance text amendment to replace Title 14 of the Provo City Code to address the following:* (state reasons)*).*

ATTACHMENTS

1. Proposed Tile 14 (electronic version only)
2. Best Practices Cheat Sheet

ATTACHMENT 1 - PROPOSED TITLE 14

TITLE 14
ZONING

Chapters:

14.01 General Provisions
14.02 Administration and Procedures
14.03 Planning Commission
14.04 Board of Adjustment
14.05 Interpretation and Definitions
14.06 Zone Establishment
14.07 Development Standards Table
14.08 Permitted Land Use Table
14.09 PF - Public Facilities Zone
14.10 AIR/AIRI - Airport Zones
14.11 HCF - Health Care Facilities Zone
14.12 OSPR - Open Space, Preservation, and Recreation Zone
14.13 A1 - Agricultural Zones
14.13A AT - Agritourism Overlay Zone
14.14 RA - Residential Agricultural Zone
14.15 R1 - One-Family Residential Zones
14.16 VLDR - Very Low Density Residential Zone
14.17 LDR - Low Density Residential Zone
14.18 MDR - Medium Density Residential Zone
14.19 HDR - High Density Residential Zone
14.20 RM - Residential Manufactured Home Park Zone
14.21 CR - Campus Residential Zone
14.22 MU/NMU - Mixed Use Zones
14.23 TOD - Transit Oriented Development Zone
14.24 CG - General Commercial Zone
14.25 SC1 - Neighborhood Shopping Center Zone
14.26 SC2 - Community Shopping Center Zone
14.27 SC3 - Regional Shopping Center Zone
14.28 FC1 - Freeway Commercial Zone
14.29 FC2 - Freeway Commercial Two Zone
14.30 FC3 - Freeway Commercial Three Zone
14.31 GW - Downtown Gateway Zone
14.32 DT1 - General Downtown Zone
14.33 DT2 - Downtown Core Zone
14.34 RBP - Research and Business Park Zone

14.35 CM - Heavy Commercial Zone
14.36 MP - Manufacturing Park Zone
14.37 M1 - Light Manufacturing Zone
14.37A DC - Data Center Overlay Zone
14.38 M2 - Heavy Manufacturing Zone
14.39 CH - Critical Hillside Overlay Zone
14.40 PD - Performance Development Overlay Zone
14.41 SDP5 - Broadview Shores Overlay Zone
14.42 SOB - Sexually-Oriented Business Overlay Zone
14.43 ADUs - Accessory Dwelling Units
14.44 Off-Street Parking Standards
14.45 Temporary Uses
14.46 Nonconformities
14.47 Signs and Outdoor Advertising
14.48 Relocation of Buildings
14.49 Home Occupations
14.50 Supplementary Development Standards
14.51 Enforcement and Penalties

Chapter 14.01
GENERAL PROVISIONS

Sections:

14.01.010 Short Title.
14.01.020 Purpose.
14.01.030 Conflicting Provisions.
14.01.040 Building Permits Required.
14.01.050 Permits or Licenses May Not Violate Code.
14.01.060 Building Permits - Requirements.
14.01.070 Certificate of Occupancy and Zoning Compliance.
14.01.080 Construction and Use Must Conform to Plans.
14.01.090 Sham Transactions Prohibited.

14.01.010 Short Title

This Title is known as the Planning and Zoning Title of the Provo City Code. It is referred to throughout as “this Title,” and references to “Chapters” and “Sections” mean the chapters and sections of this Title, unless specified otherwise. The term “PCC” means the Provo City Code.

14.01.020 Purpose

This Title, and the regulations and restrictions it contains, are adopted to:

(1) promote the health, safety, community values, prosperity, convenience, and general welfare of current and future residents of Provo City;

(2) encourage and support the orderly growth and development of the City;

(3) provide adequate open space for light and air, improve air quality, prevent overcrowding, and reduce street congestion;

(4) ensure cost-effective municipal expenditures and support adequate public services, including transportation, water, sewerage, schools, parks, vegetation, trees, landscaping, and other public facilities;

(5) enhance home life and foster a more favorable environment for Provo’s residents and visitors;

(6) provide safety from fire, panic, and other dangers;

(7) stabilize and increase property values;

(8) enhance the economic and cultural well-being of residents; and

(9) promote the development of a more functional, attractive, and resource-efficient City.

14.01.030 Conflicting Provisions

This Title does not nullify any more restrictive provisions of the Provo City Code, private covenants or agreements, or other laws or general ordinances of the City. However, it prevails over any provision that is less restrictive.

14.01.040 Building Permits Required

A building or structure may not be constructed, reconstructed, altered, or moved, and the use of land may not be changed, unless the Building Inspection Division issues a permit authorizing the activity.

14.01.050 Permits or Licenses May Not Violate Code

(1) A permit or license may not be issued for any use, building, or purpose that conflicts with this Title. Any permit or license issued in violation of this Title is null and void.

(2) It is unlawful to install a sewer service line, water service line, or electrical utility to serve any premises if the use violates this Title.

14.01.060 Building Permits - Requirements

When property boundaries are unclear or indeterminate, all applications for building permits for new construction, excluding interior remodels, must include the following:

(1) *Site Plan.* A site plan drawn to scale showing the actual dimensions of the lot to be built upon, showing:

(a) the size and location of existing buildings;

(b) the proposed buildings;

(c) existing buildings on adjacent property; and

(d) any additional information required by a city department to enforce this Title.

(2) *Legal description and survey.* A complete and accurate legal description of the property, along with a certified survey identifying any boundary conflicts with adjoining properties, discrepancies in the legal description, or inconsistencies with existing fence lines.

(3) *Title documentation.* A preliminary title search showing legal ownership of the property.

(4) *Authorization to develop.* If the developer is not the legal owner of the property, the developer must also provide written proof of the legal right to develop the property. Acceptable documentation may include options, contracts, or similar agreements. Confidential details, such as payment amounts, may be redacted.

14.01.070 Certificate of Occupancy and Zoning Compliance

(1) *General requirement.* It is unlawful to use or occupy, or to permit the use or occupancy of, any building or premises without a Certificate of Occupancy and Zoning Compliance, referred to in this Section as a "Certificate," issued by Provo City. It is also unlawful to occupy, or to permit the occupancy of, any building with a more intensive use or different occupancy than authorized in the Certificate.

(2) *Issuance of Certificate.* The City will issue a Certificate only after the Building Inspection Division completes and approves the final inspection. A new Certificate is required before:

(a) any change to a more intensive occupancy occurs; or

(b) the number of occupants in an apartment or multiple residential building increases by more than five percent above the number declared in the previously issued Certificate.

(3) *Information required.* An application for a Certificate must include the following:

(a) *Residential Certificates:*

(i) The number of residential units in each building.

(ii) The number of occupants permitted to reside in each unit.

(iii) The number of off-street parking spaces required.

(iv) The number of legal off-street parking spaces provided on the premises.

(v) A signed statement by the property owner or authorized agent:

(A) certifying that the application is accurate and that the stated conditions will be maintained; and

(B) acknowledging that any increase in occupancy above five percent, or any change in use intensity, is unlawful without a new Certificate.

(b) *Commercial, Industrial, and Institutional Certificates:*

(i) The number of employees on the premises.

(ii) The number of off-street parking spaces provided for employees.

(iii) The number of off-street parking spaces provided for customers or visitors.

(iv) The number and type of restroom facilities provided.

(v) The square footage used for each type of occupancy.

(vi) A signed statement by the property owner or authorized agent:

(A) certifying that the application is accurate and that the stated conditions will be maintained; and

(B) acknowledging that any change in occupancy or use intensity is unlawful without a new Certificate.

(4) *Penalty for violations.* It is unlawful to occupy, or allow the occupancy of, any residential, commercial, industrial, or institutional building or premises without a valid Certificate or in a manner not authorized by a previously issued Certificate.

(5) *Nuisance.* Occupancy without a valid Certificate is a nuisance. Occupancy that exceeds the density or use authorized by a Certificate is also a nuisance and is subject to enforcement under PCC 7.01.

14.01.080 Construction and Use Must Conform to Plans

A building permit or Certificate issued based on plans and specifications approved by the Building Inspector authorizes only the use, arrangement, and construction shown in the approved plans and application. No other use, arrangement, or construction is authorized.

14.01.090 Sham Transactions Prohibited

(1) A person may not avoid an owner occupancy requirement established in this Title by engaging in a sham property transaction. A "sham property transaction" means a transaction that:

(a) is designed primarily to circumvent an owner occupancy requirement in this Title;

(b) would be unlikely to occur but for the attempt to avoid the owner occupancy requirement and lacks a commercially reasonable purpose; and

(c) does not fully transfer ownership of the property because:

(i) the original owner retains beneficial title through an oral or written agreement; or

(ii) documents have been executed to return the property to the original owner upon the occurrence of a future event.

(2) A sham transaction is presumed when a property required to be owner-occupied under this Title meets any of the following conditions:

(a) the name of a person who does not occupy the premises appears repeatedly in the chain of title over time;

(b) the person who occupies the premises and claims to be the owner does not appear in any recorded instrument in Utah County granting them at least a fifty-one percent property interest;

(c) a non-occupying owner transfers any interest in the property to another person who:

(i) occupies the premises and agrees to transfer the property back upon vacating; or

(ii) signs documents that transfer title back to the non-occupying owner upon the end of occupancy; or

(d) if the property owner is an LLC or trust, any of the following occur within the first year of ownership, within the first year after applying for a rental license, or repeatedly during the rental period—unless each member or trustor occupies the premises as their primary residence:

(i) ownership changes involving LLC members or trustors; or

(ii) transfer of the property to another LLC or trust, where a member or trustor of the new entity is the same as, or an immediate family member of, a member or trustor of the prior entity.

(3) When a sham transaction is presumed, the burden of proof rests on the parties involved to show otherwise. This burden may be met if each party to the transaction provides a notarized affidavit:

(a) stating they have read and understand the requirements of this Section; and

(b) affirming that the transaction is not a sham and was entered into for a valid, good faith purpose.

(4) A person who participates in a sham transaction is guilty of a class B misdemeanor. A person who knowingly provides a false affidavit under this Section is guilty of a class A misdemeanor.

Chapter 14.02
ADMINISTRATION AND PROCEDURES

Sections:

14.02.010 Hearings - Notice and Procedure.
14.02.015 Notice to Nearby Entities.
14.02.020 Amendments - Procedure.
14.02.030 Variances - Procedure.
14.02.040 Conditional Use Permits.
14.02.045 Standards for Specific Conditional Uses.
14.02.050 Appeals.
14.02.060 Conditional Use Permit Expiration.
14.02.070 Modification or Revocation of Conditional Use Permit.
14.02.080 Annexed Territory - Zoning.

14.02.090 Project Plan Required.
14.02.110 Temporary Regulations.
14.02.120 Pending Ordinance Amendments.

14.02.010 Hearings - Notice and Procedure

(1) *Notice requirements.* Required public hearings must be noticed in accordance with Utah Code Annotated (UCA) Section 10-20-205.

(a) A public hearing is required for:

(i) the first public hearing before the Planning Commission to consider adopting or amending a land use ordinance; or

(ii) any hearing required by this Title before the Planning Commission or the Municipal Council.

(b) Unless specifically required by this Title, meetings of the Municipal Council related to land use ordinances or other matters under this Title are public meetings and must be noticed in accordance with UCA Section 10-20-205.

(2) *Adjacent municipalities.* If the City is required to provide mailed notice of a proposed zoning change to property owners within a specific distance, this requirement includes property owners located in an adjacent municipality within that same distance.

(3) *Discretionary notice.* This Section does not prohibit the Planning Commission, Board of Adjustment, or Municipal Council from providing additional notice when appropriate.

(4) *Challenge to notice.* A notice provided under this Section is considered adequate and proper unless it is challenged in accordance with UCA Section 10-20-1109 within 30 days after the date of the hearing.

(5) *Hearing procedures.* Hearing procedures will follow the bylaws of the Municipal Council, Planning Commission, and Board of Adjustment.

(a) Applicants must submit all written documents and evidence to the Development Services Department no later than 14 days before the scheduled public hearing.

(b) Any issue that may form the basis of an appeal must be raised before the close of the public hearing, either orally or in writing. Failure to do so waives the right to appeal on that issue.

14.02.015 Notice to Nearby Entities

(1) “Predevelopment activity” means a public hearing or other consideration by the Planning Commission or Municipal Council involving:

(a) a proposed zoning designation change; or

(b) a proposed General Plan map amendment.

(2) The Planning Commission or Municipal Council must provide notice of any predevelopment activity to the legislative body of:

(a) each municipality within one mile of the subject property; and

(b) Utah County, if any unincorporated territory lies within one mile of the subject property.

(3) Notice must be provided at least seven days before the scheduled predevelopment activity.

(4) Notice requirements are satisfied by mailing a meeting agenda to each legislative body that identifies the proposed activity and the location of the subject property.

(5) A notice under this Section is deemed adequate and proper unless it is challenged in accordance with Utah Code Annotated Section 10-20-1109 within 30 days of the meeting date.

14.02.020 Amendments – Procedure

(1) The Municipal Council may amend this Title, including the Zoning Map, after receiving a recommendation from the Planning Commission. Amendments must promote the objectives and purposes of this Title and the Provo City General Plan, or correct manifest errors.

(2) A person requesting an amendment must submit a written petition to the Planning Commission that includes:

(a) a description of the specific zone change or proposed amendment to this Title;

(b) a justification for the request, including an explanation of how the change supports the General Plan and this Title;

(c) a complete and accurate legal description of the area proposed for rezoning, or a draft of the proposed amendment;

(d) the applicable filing fee, as set forth in the Consolidated Fee Schedule; and

(e) for a map amendment:

(i) a scaled plan showing the proposed rezoning area and adjacent zones;

(ii) a concept plan that complies with PCC 15.03.300, or a preliminary subdivision plan that complies with PCC 15.04.080, as applicable; and

(iii) signatures from the property owner or authorized agent, or from a majority of affected property owners if the request involves multiple properties.

(3) The Planning Commission must hold a public hearing in accordance with PCC 14.02.010. The Commission may approve, conditionally approve, or deny the concept plan. Before recommending an amendment, the Commission must find that the amendment serves the public interest and aligns with the General Plan, based on consideration of the following:

(a) the public purpose served by the amendment;

(b) the most effective means of achieving that purpose;

(c) compatibility with General Plan goals and policies;

(d) consistency with the timing and sequencing provisions of the General Plan;

(e) potential interference with General Plan implementation;

(f) any adverse impact on nearby properties; and

(g) preference for General Plan policies over the General Plan Map, if the two conflict.

(4) The filing fee is nonrefundable and applies toward the costs of publication, notification, and administrative review.

14.02.030 Variances – Procedure

(1) The Board of Adjustment may grant variances in accordance with the criteria set forth in PCC 14.04.030(9).

(2) An applicant must submit a variance application to the Board of Adjustment that includes:

(a) a description of the requested variance and a citation to the applicable section of this Title;

(b) a site plan showing how the variance would affect the property and surrounding uses;

(c) the applicable filing fee, as set forth in the Consolidated Fee Schedule; and

(d) a written explanation of how the requested variance satisfies the criteria in PCC 14.04.030(9).

(3) The Board of Adjustment will conduct a public meeting in accordance with Utah Code Annotated Section 10-20-1101.

14.02.040 Conditional Use Permits

(1) The Planning Commission or the Planning Commission's designee may approve, conditionally approve, or deny a conditional use permit based on the standards in this Chapter. A conditional use is permitted if it can be appropriately integrated into the community through its design, location, and imposed conditions.

(2) *Standards for conditional use approval*:

(a) A conditional use permit must be approved unless the Planning Commission or the Planning Commission's designee finds that the proposed use would be detrimental to the health, safety, or general welfare of the community or injurious to nearby property.

(b) A use is considered detrimental if it:

(i) creates unreasonable risks related to traffic, parking, large gatherings, or other impacts;

(ii) unreasonably interferes with the lawful use of surrounding property;

(iii) creates a demand for public services that the City cannot reasonably provide; or

(iv) is otherwise detrimental to nearby persons or property.

(c) A change in real estate market value is not a valid basis for denying a conditional use.

(d) If a component of the proposed use does not meet these standards, the applicant may propose specific corrective measures to mitigate the concern.

(3) Applications must be submitted on a form authorized by Development Services and must include:

(a) scaled plans showing the site, buildings, and anticipated impacts; and

(b) the applicable filing fee, as established in the Consolidated Fee Schedule.

(4) The Planning Commission or the Planning Commission's designee may impose conditions on a conditional use permit, including but not limited to:

(a) limitations on the size or shape of buildings;

(b) dedication, relocation, or improvement of streets;

(c) installation or upsizing of utility mains;

(d) screening or landscaping to buffer adjacent properties;

(e) elimination or relocation of windows or doors to reduce impacts;

(f) additional parking; or

(g) other physical or operational modifications.

(5) The Planning Commission or the Planning Commission's designee may require the applicant to record a covenant running with the land to ensure that all conditions are binding on current and future property owners. A building permit may not be issued until the required conditional use permit is obtained.

(6) A use that operates inconsistently with, or without, a required conditional use permit is unlawful and may be enjoined by the City.

(7) An appeal of a Planning Commission decision regarding a conditional use permit must be filed with the Board of Adjustment in accordance with PCC 14.02.050.

14.02.045 Standards for Specific Conditional Uses

A conditional use permit is required for any use identified below as a permitted or conditional use in the applicable zone. The following uses may only be approved in accordance with PCC 14.02.040 and must comply with the standards of this Section and with any additional conditions included in the approved permit.

(1) Bed and Breakfast

(a) The lot must have a minimum frontage of thirty-five feet on a dedicated street, or fifteen feet for a flag lot.

(b) One off-street parking space must be provided for each employee, plus one space per guest room. On-street parking may count toward this requirement at a rate of two spaces per sixty feet of frontage.

(c) Meals may be served only to residents, employees, and overnight guests.

(d) Cooking facilities are not permitted in guest rooms.

(e) The use must comply with all health, safety, and building codes without altering the residential character of the structure.

(f) Alcohol sales are prohibited.

(g) Commercial activity must be incidental to the primary residential use and is limited to no more than five percent of the main floor area.

(h) Only one identification sign is permitted, and it must comply with applicable size, height, and lighting requirements. In addition, the sign:

(i) must be placed on an ornamental masonry wall or monument;

(ii) may not exceed five feet in height, except when located adjacent to an arterial road, in which case it may not exceed ten feet;

(iii) may use hooded spot lighting, but all other lighting, including back-lighting, is prohibited; and

(iv) may, in the A1 and RA zones, be up to sixteen square feet, provided all other applicable requirements are met.

(i) The maximum stay for any guest is seven consecutive days.

(j) A valid business license is required.

(k) On-site management must be present twenty-four hours per day.

(l) Exterior lighting may not shine into adjacent properties.

(m) Receptions, banquets, and catering are prohibited, except when provided for registered lodgers.

(2) Liquor Stores and Private Clubs

(a) The use must be located at least two hundred feet from any residential zone, measured in a straight line from the nearest entrance of the building to the nearest boundary line of a residential zone.

(b) The use is permitted only on collector or arterial streets.

(c) Liquor stores must provide at least one off-street parking space for every one hundred square feet of floor area.

(d) The conditional use permit must be approved directly by the Planning Commission.

(3) Dance Halls

(a) Dance halls are a “commercial entertainment business” subject to PCC 6.15 and must comply with the standards of both this Section and PCC 6.15. If there is a conflict, the standards of this Section control.

(b) Dance halls must comply with the following standards:

(i) One off-street parking space must be provided for every two occupants, based on the maximum occupancy load, or as otherwise determined by the Planning Commission. Parking must comply with PCC 14.44.080.

(ii) The parking lot must have adequate lighting to ensure customer and client safety. Lighting levels will be determined by the Provo City Energy Department in accordance with PCC 15.21.

(iii) Buildings used for this purpose must front on an arterial or collector road or have access to such a road within 300 feet of the building’s main entrance.

(iv) A dance hall may not be located within 400 feet of any public elementary or secondary school or any one-family or two-family residence. This distance is measured in a straight line between the closest property lines of the respective lots.

(v) No musical instrument, stereophonic equipment, sound amplifier, or similar device may be used in a way that causes a noise or vibration disturbance across a property boundary. If sound from any such device is plainly audible on another property or inside a different building and the Police Department confirms a disturbance following a complaint, that is prima facie evidence of a violation.

(c) The Planning Commission may impose additional conditions related to hours of operation, on-site supervision, soundproofing, traffic control, or crowd management if necessary to mitigate adverse impacts.

(4) Car Washes

(a) A car wash may not be located on a parcel smaller than 20,000 square feet.

(b) Stacking lanes accommodating at least six vehicles per wash bay must be provided on site. Stacking lanes for at least two vehicles per vacuum bay must be provided at full-service attendant washes.

(c) Automatic drive-through wash bays must be located as far as possible from adjoining residences, based on overall site design, layout, and predominant traffic patterns.

(d) Noise from vacuums, blowers, compressors, wash equipment, and similar devices may not exceed the levels specified in PCC 9.06.

(e) All vacuum canisters must be constructed of heavy-gauge steel, equipped with vacuum motor mufflers, and fitted with plastic domes to reduce noise levels.

(f) Area lighting of parking lots may not be installed when adjoining a residential property. Lighting may not shine directly into any adjoining residential property. Lighting is allowed at vacuum bays, within wash stalls, signage, and vending machine areas. All building lighting must be recessed in ceilings or eaves and screened by building cornices to prevent light from shining directly onto adjoining properties.

(g) A decorative brick or block wall, at least six feet high, must be constructed along the full length of any property line adjoining a residential dwelling.

(i) Within a front yard setback, the wall may not exceed 36 inches in height.

(ii) Block walls must be stuccoed or painted on both sides.

(iii) All walls must be capped.

(h) Buildings must be architecturally compatible with adjoining residential properties. Compatibility is determined by the use of predominant building materials, colors, roof shapes, and roof materials, and is subject to approval by the Planning Commission.

(i) Street frontages, excluding driveways, must be landscaped in a manner consistent with the requirements of the zone and the streetscape of adjoining properties.

(j) When adjacent to a residential zone, no more than one automatic bay and one self-service bay may operate between the hours of 11:00 p.m. and 7:00 a.m. Those bays must contain all pumping equipment indoors and comply with nighttime noise limits in PCC 9.06.

(5) Police satellite station

(a) Off-street parking must be provided at a rate of four spaces per 1,000 square feet of office area. If City-standard parking lanes exist or are committed to be provided within the public right-of-way, on-street parking may substitute for all or part of the required off-street parking.

(b) Signage must be installed before occupancy to clearly identify the station. All signage must comply with PCC 14.47.

(6) Surplus store

(a) Outdoor storage must be screened by a fence or other screening material at least six feet high.

(b) Hazardous materials may not be stored on site.

(c) Loading areas may not be located adjacent to a residential property.

(7) Day care services

(a) *Family group day care* (as defined in PCC 14.05.020). The provider may care for no more than twelve children and must reside in the residence where services are provided.

(b) *Child day care centers* (as defined in PCC 14.05.020).

(i) A site plan must be submitted showing parking, vehicle circulation, and drop-off and pick-up locations. The Development Services Director, or designee, will ensure that the site plan meets these requirements.

(ii) Outdoor playground areas must be enclosed by a fence at least six feet high and must comply with the clear vision standards of PCC 14.50.090.

(c) Each center must comply with the International Building Code before occupancy and must obtain a license from the State of Utah within 60 days after City approval.

(8) Fraternal associations and lodges

(a) Outdoor lighting may not extend onto adjacent residential properties.

(b) These uses are subject to the standards in PCC 9.06.

(9) Veterinarian services (including animal hospital services, kennels, boarding, breeding, training, and grooming)

(a) Experimental or scientific research activities are prohibited.

(b) On-site disposal or burial of dead animals is prohibited.

(c) Each facility must be located entirely within an air-conditioned and soundproofed building, except for outdoor, on-leash walking areas for no more than two animals at a time that are accompanied by an attendant.

(d) Animal noise may not be audible at the nearest property line.

(e) Overnight boarding is limited to animals receiving treatment on the premises.

(f) Services are limited to small animals only.

(g) Services for poisonous or dangerous animals are prohibited.

(h) Cremation services:

(i) May be provided only as an accessory use;

(ii) Are limited to animals treated at the veterinary clinic or animal hospital where the services are offered; and

(iii) Are contingent upon obtaining a permit from the Utah State Division of Air Quality.

(10) Restaurants with drive-through service

(a) Outdoor lighting must be shielded to prevent light spillage onto adjacent residential properties.

(b) Outdoor dumpsters must be located at least 20 feet from any residential property and must be screened.

(c) Drive-through microphones may not be located adjacent to residential properties.

(d) Sound from drive-through speakers may not exceed 78 decibels.

(e) Screening must be provided to block vehicular headlights in the drive-through when adjacent to a residential property.

(f) Each drive-thru lane must provide six stacking spaces without impacting travel lanes.

(*11) Communications (4715 – Low-power radio communication towers and antennas)*

(a) These requirements apply to both commercial and private low-power radio services, including cellular and PCS (Personal Communication System) communications and paging systems (collectively referred to as "cellular facilities"). All cellular facilities must comply with this Subsection and other applicable City ordinances. However, any modification qualifying as an "eligible facilities request" under 47 C.F.R. § 1.6100 that does not result in a "substantial change" as defined in federal regulations is subject solely to the federally mandated streamlined review process. No additional local requirements apply to such eligible facilities requests.

(b) Cellular facilities consisting solely of wall-mounted or roof-mounted antennas are permitted principal uses in the AIR, AIRI, A1, PF, SC1, SC2, SC3, CG, DT1, DT2, GW, FC1, FC2, TOD, CM, MP, M1, M2, OSPR, and R&BP zones with a building permit, subject to compliance with Subsections (11)(c), (11)(d), (11)(e), and (11)(f). Cellular facilities located on a monopole structure are conditional uses in the same zones and must comply with the requirements of this Subsection.

(c) *Wall-mounted antennas*.

(i) Wall-mounted antennas may not extend more than four feet above the building's roof line, unless the modification qualifies as an eligible facilities request under 47 C.F.R. § 1.6100.

(ii) Antennas and associated equipment must be painted to match the building color.

(iii) Wall-mounted antennas may not exceed 40 square feet, unless exempt due to lack of substantial change under 47 C.F.R. § 1.6100.

(iv) All equipment must be located within the structure or screened from public view.

(v) Ground-mounted equipment must be appropriately landscaped.

(d) *Roof-mounted antennas*.

(i) Roof-mounted antennas are permitted only on structures with flat roofs and must be screened, constructed, or painted to match the structure.

(ii) Roof-mounted antennas must be set back one foot from the roof edge for every foot of antenna height and may not exceed 15 feet in height.

(e) *Monopole structures*.

(i) *Development standards*:

(A) All towers must be monopole type; lattice towers are prohibited.

(B) Monopoles must be engineered to allow co-location by up to three users.

(C) Monopoles may not be located:

(I) Closer to a residential zone boundary than twice the monopole's height; or

(II) Within one-half mile of another monopole, unless a consultant confirms co-location is not technically feasible;

(D) The Planning Commission may approve a location closer than (C)(I) if the monopole is at least 1.25 times its height from the residential boundary and meets one or more of the following:

(I) Reduces visual impact on adjacent residential property;

(II) Matches the height of nearby buildings or structures; or

(III) Allows better access for maintenance due to slopes or natural barriers.

(E) Monopoles may not be located in required front setbacks, landscaped areas, buffers, or parking areas.

(ii) *Removal.* If a monopole becomes obsolete, the operator must remove the antenna, the top three feet of the footing, and all associated equipment within 90 days, and restore the site to its original condition. If the operator fails to do so, the city may remove it at the operator's expense.

(iii) *Application.* An application for a monopole structure must include:

(A) A statement confirming the applicant will allow co-location, comply with Subsection (11)(e)(ii), and that the structure can support co-located antennas; and

(B) Proof of property ownership or a lease agreement permitting antenna placement.

(iv) *Co-location.* Co-location on an existing compliant monopole is a permitted use with a building permit.

(v) *Location Change.* The Planning Commission must approve the monopole's exact location. Any change from the originally approved location requires a new complete application, a new hearing, and notice to all property owners within 500 feet.

(f) *Temporary monopole structures*.

(i) A temporary monopole may be allowed for up to 60 days in a zone where permanent monopoles are conditional uses.

(ii) An application for a permanent structure must be filed before temporary placement.

(iii) Temporary monopoles must meet the development standards in Subsection (11)(e)(i).

(iv) A $500 bond must be posted to ensure removal when:

(A) A permanent monopole is constructed; or

(B) 60 days have passed since installation. A one-time 15-day extension may be granted upon reasonable request.

(g) Additional requirements.

(i) Each cellular facility is treated as a separate use and requires an annual business license.

(ii) In addition to the standards in PCC 14.02.040, to approve a conditional use permit for a cellular facility, the Planning Commission must find that:

(A) The structure is compatible with nearby buildings and utilities;

(B) Co-location is possible without significantly impacting antenna performance;

(C) The antenna blends with surroundings;

(D) The monopole will not harm adjacent properties; and

(E) The facility will not interfere with existing transmissions.

(12) Educational services

(a) Parking requirements must comply with PCC 14.44.060, relating to schools.

(b) The applicant must submit a detailed parking and circulation plan prepared by a professional such as an engineer, architect, or planner. The conditional use may be approved only if the plan demonstrates, to the satisfaction of the Planning Commission or its designee, that the existing or proposed facility will not negatively affect traffic, surrounding land uses, or neighboring properties. The plan must include:

(i) A designated drop-off and pick-up zone sufficient for the student population; and

(ii) Adequate queuing space on site to prevent vehicle back-ups onto public streets during drop-off and pick-up times.

(c) The use must comply with all applicable health, safety, and building codes.

(d) Exterior lighting may not shine directly onto adjoining properties.

(13) Automobile repair

(a) All repair, painting, and bodywork activities—including storage of tools, vehicle parts, and supplies—must occur within an enclosed structure.

(b) No more than 25% of the lot may be used for vehicle storage. All stored vehicles must be located at the rear of the lot and screened by a masonry wall at least six feet high.

(c) Metal buildings are prohibited.

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

(e) If an existing building is converted for the use, its exterior must be upgraded to improve its appearance, and the upgraded structure must be compatible with and superior in appearance to surrounding structures.

(f) Any automobile repair use located in a zone where automobile repair is a conditional use must obtain a conditional use permit for any proposed expansion. The application must comply with this Section. This requirement applies to all automobile repair uses in zones where it is a conditional use, regardless of when the original use was established.

(14) Recreational Vehicle Storage*.*

(a) Recreational vehicle storage is a permitted use in the CM, M1, and M2 zones if it complies with the following standards:

(b) *Screening.* Every recreational vehicle storage area and towing impound yard must be screened on all sides by an opaque wall or fence that meets the following requirements:

(i) Fence or wall height must be at least eight (8) feet for recreational vehicle storage areas and at least six (6) feet for towing impound yards.

(A) A shorter fence is allowed if built on a permanent landscaped berm, provided that the combined height of the berm and fence meets this requirement.

(ii) Permitted fencing materials are “Beauty Link” chain link, wood, masonry, or composite materials. Vinyl fencing is prohibited.

(iii) A masonry wall is required along all sides facing, and within one hundred (100) feet of, a residential zone.

(iv) A masonry wall is required along all sides visible from the public right-of-way of a design corridor listed in PCC 14.50.150.

(v) Gates in walls or fences must be opaque and constructed of wood, metal, or composite materials.

(c) *Landscaping.* Required yards in the underlying zone must be landscaped with a combination of trees, shrubs, hedgerows, turf, ground cover, organic mulches, decorative stone, or native plants. Drought-resistant native species are preferred. Landscaping must be irrigated and permanently maintained.

(d) *Residential Buffers.* When a site adjoins a residential zone boundary, it must include a minimum thirty (30) foot landscaped setback from the boundary. The setback must be located between the residential zone boundary and the wall. Landscape buffer requirements in PCC 15.20.110 apply.

(e) *Parking and Driveways*. All parking areas and driveways must comply with PCC 14.44.090. Gravel parking areas must be kept in a weed-free condition.

(f) *Signs*. One on-premises sign is allowed per street frontage in the front or side yard setback. Signs may not exceed five (5) feet in height or thirty-two (32) square feet in area.

(g) *Lighting*. All lighting must comply with PCC 15.21.

(h) *Towing Operations*. If the site is adjacent to a residential zone, only one towing company may operate on the site.

(i) *Design Corridors*. If the site is located on a design corridor, it must include a minimum twenty (20) foot landscaped setback between the fenced yard and the corridor.

14.02.050 Appeals

Appeals to the Board of Adjustment are governed by PCC 14.04.

14.02.060 Conditional Use Permit Expiration

(1) A conditional use permit expires if not utilized within 12 months from its effective date, unless otherwise specified in the permit or extended under this Section.

(a) Once any portion of the permit is utilized, all other portions and conditions become immediately operative and must be strictly followed.

(b) “Utilization” means any of the following:

(i) Pouring concrete;

(ii) Beginning framing on a structure; or

(iii) Starting the use authorized by the permit.

(2) Subject to Subsection (3), the 12-month utilization period may be extended:

(a) For six months by the Development Services Director or the Director’s designee; or

(b) For 12 months by the Planning Commission.

(i) A permit that has not been utilized within 24 months from its effective date may not be extended. An applicant desiring a permit after that point must file a new application.

(ii) Applications for an extension must be submitted before the initial 12-month expiration date.

(3) To approve an extension, the reviewing authority must find, based on substantial evidence in the record, that:

(a) Substantial progress is being made toward obtaining site plan or building permit approval, as applicable;

(b) The delay in utilization is due to factors beyond the applicant's control;

(c) The original conditions of approval are still viable under current provisions of the Provo City Code; and

(d) No ordinance changes have occurred or are under consideration that would affect the authorized activity or project.

14.02.070 Modification or Revocation of Conditional Use Permit

(1) The Planning Commission may hold a hearing to consider modification or revocation of a conditional use permit on its own initiative, upon staff recommendation, or upon request.

(2) Notice of the hearing must be provided as prescribed in PCC 14.02.010.

(3) An applicant requesting Planning Commission review of a modification or revocation must pay the conditional use permit fee and the public notice fee established in the Consolidated Fee Schedule.

(4) The Planning Commission may modify or revoke a conditional use permit if it finds one or more of the following:

(a) The permit was obtained by misrepresentation or fraud;

(b) The permitted use is not being exercised;

(c) The use has ceased or been suspended for six months;

(d) The conditions of the permit have not been met;

(e) The use is detrimental to the health, safety, or general welfare of nearby residents or injurious to nearby property. A change in real estate market value is not considered an injury to property; or

(f) The use has been materially altered or expanded beyond the original authorization. Examples include, but are not limited to, increases in the number or size of structures, the existence of a nuisance, or changes to the approved project plan.

14.02.080 Annexed Territory – Zoning

(1) Any property not designated on the official Zoning Map as classified in one of the established zones, after the effective date of this Section, is deemed classified in the lowest-density zone permitted by the land use designation for the property in the Provo City General Plan.

(2) Any property undergoing annexation, or being annexed to or consolidated with Provo City, must be classified as described in the Annexation Map and Policies (General Plan Appendix C) adopted by the Municipal Council.

14.02.090 Project Plan Required

See PCC 15.03.300 and PCC 15.03.310.

14.02.110 Temporary Regulations

(1) The Municipal Council may enact ordinances establishing temporary zoning regulations for all or part of the City without a public hearing if either of the following applies:

(a) The Council finds a compelling, countervailing public interest; or

(b) The area is unzoned.

(2) Temporary zoning regulations may prohibit, restrict, or regulate the erection, construction, reconstruction, alteration of buildings or structures, or subdivision approval.

(3) Temporary zoning regulations may not impose impact fees or other financial requirements on building or development.

(4) The Municipal Council may enact an ordinance without a public hearing establishing temporary zoning regulations that prohibit construction, subdivision approval, or other development activities within an area subject to an Environmental Impact Statement or Major Investment Study identifying the area as a proposed highway or transportation corridor. These regulations may be renewed for up to two additional six-month periods upon request from the Utah Transportation Commission, provided the ordinance is enacted before the prior regulation expires. Such regulations remain in effect only while the Environmental Impact Statement or Major Investment Study is ongoing.

(5) Except as provided in Subsection (4), temporary zoning regulations may not exceed six months in duration.

14.02.120 Pending Ordinance Amendments

(1) When a proposed amendment to the zoning map, the text of this Title, or the text of PCC Title 15 is pending, any person filing an application after the amendment becomes pending, and that may be affected by the amendment, is not entitled to rely on the existing zoning map or text.

(a) An amendment is considered "*pending*" once it is placed on a Planning Commission or Municipal Council agenda and properly noticed under this Chapter.

(b) An application is considered "*vested*" when all materials required under this Title or Title 15 have been submitted.

(c) If an applicant does not take substantial action to pursue approval within one year after vesting, the application expires and any vested rights terminate.

(d) "*Substantial action*" means action taken in good faith to diligently pursue any matter necessary for final approval of the application.

(2) Applications affected by a pending amendment are subject to the following:

(a) Final action on the application may not occur until six months after the amendment was first noticed, unless:

(i) The applicant voluntarily amends the application to conform to the proposed amendment; or

(ii) The proposed amendment is enacted or defeated within the six-month period.

(b) If the amendment is enacted within six months of being noticed, affected applications filed while it was pending must conform to the enacted amendment.

(c) If the amendment is not enacted within six months, it is no longer considered pending, and affected applications may be approved under the existing zoning map or text.

(3) The Development Services Department must provide written notice to applicants affected by a pending amendment, stating:

(a) There is pending legislation;

(b) The application may require changes to comply with a proposed zoning map or text amendment; and

(c) Copies of the pending legislation are available from the Development Services office.

Chapter 14.03
PLANNING COMMISSION

Sections:

14.03.010 Planning Commission Created - Chair - Rules.
14.03.020 Planning Commission Duties.
14.03.030 Planning Commission Staff - Organization.
14.03.040 Planning Commission Procedures.
14.03.050 Staff Action on Planning Commission Matters.

14.03.010 Planning Commission Created – Chair – Rules

(1) The Provo City Planning Commission consists of nine members. Each member must be a resident of Provo City and is appointed by the Mayor with the advice and consent of the Municipal Council.

(2) The term of office for each member may not exceed three years. Terms are staggered so that one-third of Commission appointments expire each year. Members may be removed, with or without cause, by the Mayor. Cause for removal includes, but is not limited to:

> (a) using public funds for a political purpose under Title 20A, Chapter 11, Part 12, Political Activities of Public Entities Act;
>
> (b) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and
>
> (c) acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the Planning Commission member's administrative or quasi-judicial duties.
>
> (d) A Planning Commission member deliberating about a specific pending land use application in a Planning Commission meeting with municipal staff, an elected official, or the land use applicant is not cause for removing the Planning Commission member from the Planning Commission.

(3) Members are selected without regard to political affiliation and serve without compensation, except for reimbursement of reasonable expenses.

(4) The Planning Commission must:

> (a) Elect a chair from among its members to serve a one-year term;

(b) Adopt policies and rules for the transaction of business pursuant to PCC 14.03.040, provided the rules do not conflict with the provisions of this Chapter; and

(c) Maintain a public record of its proceedings.

(5) A quorum consists of four members. At least four affirmative votes are required to render a Commission decision. All members present, including the chair, are encouraged to participate in discussion and vote. A Planning Commission member must disclose and recuse from deliberating and voting on a land use application when required by PCC 2.70.010.

(6) If a regularly scheduled and noticed Planning Commission meeting does not occur due to lack of a quorum, all scheduled action items are continued to the next regularly scheduled meeting.

(7) If any member of the Planning Commission files as a candidate for election to a public office, they must take a leave of absence from the Planning Commission immediately upon filing and until the election is over. If any member of the Planning Commission is elected or appointed to any public office, their seat as a member of the Planning Commission becomes vacant upon election or appointment to the public office.

(8) When a member dies or resigns (including resignation by absence), the Executive Director must promptly indicate to the Mayor that a vacancy exists. When a member becomes incapacitated for office permanently or for what appears likely to be a protracted period, or moves from the jurisdiction, or becomes, for any other reason, no longer qualified for office and fails to resign, the Chairman must cause any necessary investigation to be made and must present the facts to the Executive Director and to the Mayor who may declare the office vacant and appoint a replacement.

14.03.020 Planning Commission Authority and Duties

Except where otherwise expressly provided, the Planning Commission:

(1) Performs all functions and duties authorized or required by Chapter 20, Title 10 of the Utah Code, as amended;

(2) Hears and decides all applications for conditional use permits, unless referred to staff under the Planning Commission bylaws;

(3) Reviews and approves or disapproves project plans, unless referred to staff under the Planning Commission bylaws;

(4) Makes decisions required by this Title that are not expressly delegated to another person or board;

(5) Attends annual training meetings provided by City staff; and

(6) Attends, as often as possible, community meetings, open houses, and workshops related to planning issues.

14.03.030 Planning Commission Staff – Organization

(1) *Executive Director.* The Development Services Director, as appointed by the Mayor, serves as the Executive Director of the Planning Commission.

(2) *Duties of Executive Director***.** Under the general direction of the Mayor, the Executive Director is responsible for providing staff services to the Planning Commission in accordance with PCC Titles 14 and 15 and within the budget authority appropriated by the Municipal Council.

(3) *Secretary.* The Executive Director must appoint a Secretary to the Planning Commission from among the staff of the Development Services Department.

(4) *Duties of Secretary.* Under PCC Title 14 and the direction of the Executive Director, the Secretary:

(a) Manages all Commission correspondence;

(b) Sends or publishes all required notices;

(c) Attends all meetings and public hearings of the Commission (unless excused by the Executive Director and having arranged for a temporary replacement);

(d) Compiles records, maintains schedules, minutes, files, and indexes; and

(e) Performs or supervises all clerical work of the Commission.

(5) This Section does not preclude the Mayor from appointing Provo City residents to advise the Planning Commission when additional public input is deemed appropriate, in accordance with PCC 2.10.070.

14.03.040 Planning Commission Procedures

Subject to state law, including the Open and Public Meetings Act, and the provisions of this Title, the Planning Commission may adopt reasonable rules of order and procedure governing its public meetings and other matters within its jurisdiction.

14.03.050 Staff Action on Planning Commission Matters

(1) The Planning Commission may direct that any matter within its jurisdiction be referred, formally or informally, to Development Services staff for review and preparation of recommendations. Such referral may occur through adopted bylaws, by motion of the Commission, or under the direction of the Commission chair.

(2) If a matter is referred to staff under Subsection (1), staff must comply with any instructions or limitations set forth in the referral. Subject to those limitations, staff will review the matter, conduct any necessary hearings, and prepare written recommendations for the Planning Commission, including for conditional use permit applications.

(3) Unless the Planning Commission directs otherwise, an applicant may consent in writing to the staff recommendation and waive further Commission action. If the applicant waives further action, the staff recommendation is deemed approved by the Planning Commission, and the appropriate authorizations and permits may be issued. This Subsection does not apply where state law requires the Planning Commission to take direct action.

Chapter 14.04
BOARD OF ADJUSTMENT

Sections:

14.04.010 Board of Adjustment Created.
14.04.020 Organization of Board.
14.04.030 Appeals to Board - Powers and Duties.
14.04.040 Procedure.
14.04.050 Judicial Appeal.

14.04.010 Board of Adjustment Created

(1) The Board of Adjustment consists of five members appointed by the Mayor with the advice and consent of the Municipal Council. Each member serves a term of up to five years. Initial appointments must be staggered so that one member’s term expires each year. A member may serve no more than three consecutive terms and no more than five total terms.

(2) A member may be removed for cause by the Mayor upon written charges and after a public meeting, if a meeting is requested.

(3) The Mayor, with the advice and consent of the Municipal Council, fills any vacancy for the remainder of the unexpired term.

(4) The Mayor may appoint up to two alternate members with the advice and consent of the Municipal Council.

14.04.020 Organization of Board

(1) The Board of Adjustment must organize, elect a chair, and adopt rules in accordance with this Title.

(2) Meetings are held when called by the chair or at other times determined by the Board. The chair, or acting chair in the chair's absence, may administer oaths and compel the attendance of witnesses. All meetings must be open to the public. The Board must:

(a) Keep minutes of its proceedings, showing each member's vote—or indicating if a member is absent or abstains; and

(b) Maintain records of all examinations and official actions.

(3) *Hearing officer***.** The Mayor may appoint an administrative officer to decide routine and uncontested matters that are before the Board of Adjustment. The Board must:

(a) Designate which matters may be decided by the administrative officer; and

(b) Establish guidelines the administrative officer must follow in making decisions.

14.04.030 Appeals to Board – Powers and Duties

The Board of Adjustment hears and decides appeals from administrative decisions under this Title, considers variances from its terms, and may authorize special exceptions as described below.

(1) An applicant or any person or entity adversely affected by an administrative decision under this Title may appeal that decision by alleging an error in any order, requirement, decision, or determination made in administering or interpreting this Title.

(2) Any officer, department, board, or bureau of the City affected by a building permit decision or other interpretation of this Title may appeal to the Board of Adjustment.

(3) The Board hears and decides appeals from Planning Commission decisions on conditional use permits.

(4) The appellant bears the burden of proving that an error occurred.

(5) Only administrative decisions applying this Title may be appealed.

(6) Amendments to the Provo City Code may not be appealed to the Board.

(7) Appeals may not be used to waive or modify requirements of this Title.

(8) *Interpretation.* The Board may interpret provisions of this Title and determine zone boundaries when uncertain. For floodplain zones, the Board may use the Flood Insurance Rate Map (FIRM) to aid in interpreting floodplain boundaries.

(9) *Variances.*

(a) A person or entity with an ownership or beneficial interest in property may request a variance from the requirements of this Title.

(b) The Board may grant a variance only if all the following criteria are met:

(i) Literal enforcement would cause unreasonable hardship not necessary to carry out the Title's purpose;

(ii) Special circumstances regarding the property exist that do not generally exist for other properties in the same area;

(iii) Granting the variance is essential to enjoy a substantial property right possessed by others in the area;

(iv) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

(v) The spirit of this Title is observed and substantial justice is done.

(c) An unreasonable hardship does not exist unless the alleged hardship:

(i) is located on or associated with the property in question;

(ii) arises from conditions unique to the property, not general to the neighborhood; and

(iii) is not self-imposed or economic in nature.

(d) Special circumstances may not be found unless they:

(i) relate to the hardship; and

(ii) deprive the property of privileges granted to others in the area.

(e) The applicant bears the burden of proving that all variance criteria are met.

(f) Variances run with the land.

(g) The Board may not grant use variances.

(h) The Board may impose conditions to:

(i) Mitigate harmful effects of the variance; or

(ii) Serve the original purpose of the waived or modified standard.

(10) *Special exceptions – height regulations.* The Board may approve a special exception to maximum height regulations for a one-family dwelling if:

(a) The proposed design is better suited to the site than one strictly conforming to the regulations; and

(b) The following criteria are met:

(i) Topography creates practical construction difficulties;

(ii) The design addresses the topographic conditions;

(iii) Height impact on neighbors is identified and reasonably mitigated; and

(iv) Minimum yard depths must increase as follows:

(A) *Front yard*: two feet for each one foot of height over 30 feet measured at the front elevation;

(B) *Rear yard*: two feet for each one foot of height over 35 feet measured at the rear elevation; and

(C) *Side yard*: one foot for each one foot of height over 35 feet measured at the side elevation.

(c) The Board may consider lot size when making findings.

(d) The applicant bears the burden of proving the criteria are met.

(e) The Board may deny the exception if:

(i) The design is intended for level ground but placed on a sloped lot, causing the proposed height issue;

(ii) Design changes or alternate placement on the lot could reduce the need for additional height;

(iii) Additional height substantially impairs adjacent views and could be avoided by modification; or

(iv) The design is inconsistent with neighborhood character.

(11) *Nonconforming uses.* The Board may make determinations regarding the existence, expansion, or modification of nonconforming uses.

(12) *Variances – floodplain zone.*

(a) In considering variances in the floodplain zone, the Board must evaluate technical and all relevant factors, including standards specified in other sections of this Title, and:

(i) Risk of materials being swept onto other lands;

(ii) Risk to life and property from flooding or erosion;

(iii) Susceptibility of the facility and its contents to flood damage;

(iv) Importance of the facility's services to the community;

(v) Availability of alternate, safer locations;

(vi) Compatibility with existing and planned development;

(vii) Safety of access during floods;

(viii) Characteristics of flood waters expected at the site; and

(ix) Government service costs during and after flooding, including maintenance and repair of utilities and infrastructure.

(b) Upon considering the factors outlined in this Section and the purposes of this Title, the Board may impose conditions on the granting of a variance as necessary to further the objectives of this Title. The following provisions apply:

(i) Variances may generally be granted for new construction or substantial improvements on lots one-half acre or smaller that are contiguous to and surrounded by lots with existing structures built below the base flood elevation. As lot size increases beyond one-half acre, greater technical justification is required.

(ii) Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, regardless of the other requirements in this Section.

(iii) Variances may not be granted within a designated floodway if any increase in flood levels during the base flood discharge would result.

(iv) A variance may be granted only if it is determined to be the minimum necessary, based on the flood hazard, to provide relief.

(v) A variance may be granted only upon:

(A) A showing of good and sufficient cause;

(B) A determination that denial of the variance would result in exceptional hardship to the applicant; and

(C) A determination that granting the variance will not:

(I) Increase flood heights;
(II) Pose additional threats to public safety;
(III) Cause extraordinary public expense;
(IV) Create nuisances;
(V) Result in fraud or victimization of the public; or
(VI) Conflict with the Provo City Code or other applicable laws or ordinances.

(vi) An applicant for a variance for construction below the base flood elevation must sign a written acknowledgment that the cost of flood insurance will reflect the increased risk caused by the lower floor elevation.

14.04.040 Procedure

(1) The Board of Adjustment must act in accordance with applicable law and the provisions of this Title.

(2) All appeals and applications to the Board must be submitted in writing, on forms prescribed by the Board, and filed within 14 days of the decision being appealed. The appeal must be filed with the officer from whom the appeal is taken or directly with the Board. The officer must then transmit all records related to the action to the Board without delay.

(3) Each appeal or application must reference the specific PCC provisions involved and clearly state:

(a) The interpretation or decision being challenged or sought; or

(b) The variance being applied for and the grounds for requesting it.

(4) At least 14 days before any meeting, the Board's secretary must send notice of the meeting to the Planning Commission and request an advisory opinion. The Planning Commission must submit its opinion before the meeting.

(5) Filing an appeal stays all related proceedings unless the officer whose decision is being appealed certifies, in writing, that a stay would pose an imminent risk to life or property. In such cases, there is no stay unless the Board or a District Court orders one based on a showing of good cause.

(6) The Board may not take action on a case without providing proper notice and holding a public meeting. Parties may appear in person, by agent, or by attorney.

(7) Every decision of the Board must be made by motion and must include findings specific to the case.

(8) In deciding an appeal, the Board may affirm, reverse, or modify the decision or order being appealed and has all the powers of the original decision-maker. A minimum of three concurring votes is required to reverse or modify a decision, grant an appeal, or approve a variance under this Title.

(9) Board decisions take effect at the meeting where the decision is made, unless another effective date is specified by the Board or in its rules.

(10) Public meeting notices must be published at least 15 calendar days before the meeting. Notices must include the meeting’s time and place, a general explanation of the matter, and a description of the area affected. Additional notice may be provided as deemed necessary.

14.04.050 Judicial Appeal

(1) Any person aggrieved by a decision of the Board of Adjustment may seek judicial relief by filing a petition in District Court within 30 days after the decision is issued.

(2) Filing a petition does not automatically stay the Board's decision.

(3) Before filing in court, the aggrieved party may petition the Board to stay its decision.

(4) The Board may grant a stay pending District Court review if it determines that doing so is in the City’s best interest.

(5) After filing the judicial petition, the petitioner may seek an injunction from the court to stay the Board’s decision.

Chapter 14.05
INTERPRETATION AND DEFINITIONS

Sections:

14.05.010 Rules of Construction and Interpretation.
14.05.020 Definitions.
14.05.030 Illustrations.

14.05.010 Rules of Construction and Interpretation

(1) All provisions, terms, phrases, and expressions contained in this Title must be interpreted in a manner consistent with the intent and purpose of this Title.

(2) *Interpretations.* For the purpose of this Title, words, terms, and provisions are to be interpreted as follows:

(a) words used in the present tense include the future unless the context clearly indicates the contrary;

(b) words in the singular number include the plural and the plural includes the singular as the context and application of this Title may reasonably suggest;

(c) words that are not defined in this Chapter, but that are defined in the Municipal Land Use, Development, and Management Act (MLUDMA) in UCA 10-20-102, as amended, have the meaning defined in MLUDMA;

(d) words that are not defined in this Chapter or MLUDMA, but that are defined in the International Building Code, have the meaning defined in the International Building Code;

(e) chapter and section headings do not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any chapter or section;

(f) unless the context clearly indicates to the contrary, conjunctions are to be interpreted as follows.

(i) **"And"** indicates that all connected items, conditions, provisions or events apply.

(ii) **"Or"** indicates that one (1) or more of the connected items, conditions, provisions or events apply.

(iii) **"Either . . . or"** indicates that the connected items, conditions, provisions or events apply singly but not in combination.

(g) the words "shall" and "must" are always mandatory. The word "should" means the matter described ought to be accomplished if reasonable and possible under the circumstances.

The word “may” is permissive. The phrase “may not” means the thing described is prohibited and unlawful;

(h) words and phrases are to be construed according to the common use and understanding of the language, but technical words and phrases that have acquired a peculiar and appropriate meaning in law must be construed and understood according to such meaning;

(i) in determining compliance with the numerical requirements of this Title, any computation or measurement resulting in a fractional number will be rounded to the nearest whole number, unless explicitly stated otherwise;

(j) all public officials, bodies, and agencies to which reference is made are those of the city of Provo, Utah unless otherwise indicated; and

(k) whenever a provision requires the Mayor, head of a department, or some other officer or employee to do some act or perform some duty, such officer may designate, delegate, and authorize professional-level subordinates to perform the required act or duty, unless the provision or section specifies otherwise.

(3) *Time.* When a period of time is prescribed or allowed by this Title, days are calculated as follow:

(a) the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the period to be calculated is included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not a Saturday, a Sunday, or a legal holiday;

(b) when the period of time described is less than seven days, intermediate Saturdays, Sundays and legal holidays are not counted; and

(c) each a period of time described is a period of consecutive calendar days, unless explicitly stated otherwise;

14.05.020 Definitions

For the purposes of this Title, the words and phrases below have the meanings set forth in this Section.

“Accessory Building” means a building or structure, the use of which is incidental to and subordinate to the main building or structure.

“Accessory Dwelling Unit” or **"ADU"** means a residential dwelling unit that is occupied as a separate unit on the same lot as a primary dwelling unit. An ADU may be located within the same building as the primary dwelling unit (internal ADU), attached to the single-family dwelling, or in a detached building on the same lot. An ADU does not include mobile homes or other portable structures that do not qualify as permanent residential units. See Chapter 14.43.

“Accessory Use” means a use that is incidental and subordinate to a principal use that is permitted in the applicable zone and is actively utilized on the same parcel

“Adult Day Care” means nonresidential care and supervision:

(a) for three or more adults at least four but less than 24 hours a day; and

(b) that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services in a protective setting.

"Alley" means a public thoroughfare for the use of pedestrians and vehicles that affords, or is designated as, or intended to afford, a secondary means of access to abutting properties as set forth in PCC 15.03.

"Apartment" means a dwelling unit located in an apartment building.

"Apartment Building" means a building containing five or more dwelling units.

"Area" means the total square footage of the horizontal plane enclosed within applicable boundaries, measured at the largest horizontal extent of the lot or structure, as applicable.

"Assisted Living Facility" means a residential facility meeting the requirements of a type I or type II assisted living facility as defined by Utah Code Section 26-21-2(5), as amended.

"Automobile Wrecking Yard" means any lot, land, or area used for the storage, keeping, dismantling, or abandonment of automobiles or parts thereof. Any more than one such item on a property constitutes an automobile wrecking yard.

"Baching Singles" means four or more related or unrelated individuals, none of whom is a head of household, who are occupying a baching singles dwelling unit in accordance with the regulations of the applicable zone. The following are considered baching singles:

(a) a group of individuals living together in the same dwelling unit authorized in the applicable zone, if such individuals are:

(i) unrelated adults over the age of 18 years with no minor dependent children occupying the dwelling unit;

(ii) college students over the age of 16 years. A college student is a person who attends, at least half time, any college, university or other institution authorized to confer degrees by the State of Utah; or

(iii) any combination of Subsections (a)(i) and (a)(ii) of this definition.

"Bed and Breakfast" means a building of residential design of historic or neighborhood significance in which three to nine rooms are rented out by the day, offering overnight lodgings to tourists, and where one or more meals are offered to overnight guests.

"Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

"Block Face" means all lots or parcels fronting on one side of a street between the nearest streets that cross or terminate at that side of the street, or between such a street and a railroad right-of-way, waterway, terminus of a dead-end street, city boundary, public park, or other comparable boundary.

A street that terminates at only one side of another street establishes a block-face boundary only on the side where it terminates.

"Boat" means any watercraft, other than a seaplane.

"Buildable Area" means that portion of a lot or parcel that is eligible for placement of a building or structure and complies with the setbacks of the applicable zone.

"Building" means a permanently located structure for the shelter, housing, or enclosure of any person, animal, article, or chattel. When any portion is completely separated from every other portion by a division wall or fire wall, without openings, each such portion is a separate building. "Building" does not include any form of vehicle, even though immobilized. Where this Title requires, or where special authority granted pursuant to this Title requires, that a use be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides."

"Building, Attached" means any buildings separated by six feet or less. Even if not physically connected, such buildings are deemed "attached" for the purposes of this Title and must meet all requirements of this Title as if one building.

"Building Height" means the vertical distance measured from the average elevation of the finished lot grade at each face of the building minus any artificial terracing or earth berming placed by the owner or developer that goes beyond that required for backfill or foundation drainage, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point halfway between the lowest part of the eaves or cornice and the highest point of a pitched or hipped roof; provided that those structures set forth in PCC 14.50.080, are excluded from said measurement. The height of a stepped or terraced building is the maximum height of any segment of the building. Refer to Figure 14.05.030, at the end of this Chapter, for building height illustrations.

"Building Line" means a line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard measured in accordance with the method stated in "Yard-Front" and extending across the whole width of the lot.

"Camping Van" means a van designed, used, and maintained primarily to provide a mobile dwelling, sleeping place, or facilities for human habitation or for camping.

"Cannabis Production Establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory, as defined in Title 4, Chapter 41a of the Utah Code Annotated 1953, as amended.

"Caretaker" means an individual who cares for real property as allowed in certain commercial and industrial zones in accordance with applicable provisions of this Title.

"Caretaker Dwelling" means a dwelling unit located on property for the purpose of providing security or otherwise caring for the property.

"Carport" means a covered area for one or more motor vehicles that:

(a) is not completely enclosed by walls or doors;

(b) conforms to all of the regulations set forth in this Title for a private garage; and

(c) if provided as required covered parking under this Title, is architecturally compatible with the main structure on the lot where the carport is located.

"Center-line of Street" means that line designated as the "Center-line" in any street in the city by the records of the City Engineer.

"Certified Residential Facility for Persons with a Disability" means a dwelling unit certified by the State of Utah for the housing of persons with a disability.

"Child Day Care Center" means a facility in which Day Care Services are provided to 13 or more children ages two to 13 years.

"Coin-operated Amusement Video Game Center (Arcade)" means any business establishment containing more than three coin-operated amusement or video game machines.

"Conditional Use" means a land use that, because of its unique characteristics or potential impact on the city's surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

"Condominium" means a dwelling unit in a multi-unit development in which individual units are separately owned, and the owners hold an undivided interest in the common areas and facilities pursuant to the Utah Condominium Ownership Act.

"Condominium Project" means a real estate condominium project, which is a plan or project in which two or more units, whether contained in existing or proposed apartment, commercial, or industrial buildings or structures, are separately offered or proposed to be offered for sale.

"Convalescent, Rest Home, and Nursing Home Services" means an intermediate care/nursing facility or a skilled nursing facility for the care of adults who due to advanced age, disability, or impairment require assistance and/or supervision by staff. Such facility does not include adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

"Corner Lot" means a lot situated at the intersection of two or more streets that have an angle of intersection of 135 degrees or less.

"Courtyard" means an unoccupied space on the lot other than a required yard, designed to be partially surrounded by a building or group of buildings.

"Day Care Services" means care of a child for a portion of the day that is less than 24 hours, in one's own home by a responsible person or outside of one's home in a child day care center. This includes preschools.

"Disability" means a "handicap" as defined under the Fair Housing Act, 42 U.S.C. § 3602, or a "disability" as defined under the Americans with Disabilities Act, 42 U.S.C. § 12102, as amended, both of which exclude impairment resulting from the current illegal use of a federally controlled substance.

"Double Frontage Lot" means a lot having a street frontage on two parallel or approximately parallel streets. For purposes of this Title, these lots have two street frontages and two front yards.

“Dwelling” means a building or portion thereof designed and used for residential occupancy, including one-family, two-family, multi-family, and apartment buildings; but does not include boarding, rooming, or lodging houses, tents, trailers, mobile home parks, motels, motor courts, motor lodges, cottage camps, or similar structures designed or used primarily for transient residential uses.

“Dwelling Unit” means one or more rooms in a dwelling designed and used for living and sleeping purposes and having a kitchen and a bathroom.

“Efficiency Dwelling Unit” means a dwelling unit with an area of less than 550 square feet that is limited to no more than three occupants. The sleeping area must be a minimum of 70 square feet and the living area a minimum of 220 square feet.

“Family” means:

(a) one individual living alone; or

(b) one, but not more than one at the same time, of the following groups of individuals described in Subsection (b)(i) or (ii) of this definition who together occupy a one-family dwelling unit as one nonprofit housekeeping unit and who share common living, sleeping, cooking and eating facilities:

(i) a head of household and:

(A) All persons related to the head of household as a spouse, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild by blood, marriage, adoption, guardianship, or any other duly authorized custodial relationship; and

(B) not more than two additional related or unrelated persons, including, but not limited to, personal care or personal service providers; or

(ii) three related or unrelated individuals and any children of any such individual, if any.

(c) In applying this definition, the existence of more than one kitchen in a dwelling unit creates a presumption that two housekeeping units exist in the dwelling.

(d) “Family” does not include:

(i) baching singles, as defined in this Section, even if related in a manner described in Subsection (b)(i)(A) of this definition;

(ii) any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;

(iii) any number of individuals whose association is temporary or seasonal in nature; or

(iv) any number of individuals who are in a group living arrangement as a result of criminal offenses.

(e) Notwithstanding this definition, if specific provisions of this Title restrict single-family occupancy to some explicit subset of this definition, those provisions govern occupancy in those situations.

"Family Day Care" means day care services provided within a home for not more than six children.

"Family Group Day Care" means day care services provided within a home for at least seven but less than 13 children.

"Farmers Market" means an establishment providing space for two or more vendors for the sale of fresh produce and related food items on a seasonal basis from the period of May through October.

"Fence" means a structure used as a boundary, screen, separation, means of privacy, protection or confinement that is constructed of posts, rails, and a barrier consisting of lumber, vinyl, wire mesh, masonry or similar fencing materials.

"Finished Grade" means the lowest point of elevation of the finished surface of the ground within the area between the building and a line five feet from building.

"Flag Lot" means an interior lot that does not meet minimum street frontage requirements and that has as part of the lot an access strip (the "flag pole") abutting a public street and connecting the main body of the lot (the "flag") to the street.

"Floor Area" means the sum of all areas of all floors of a building, including basements, mezzanine, and intermediate-floored tiers and penthouses of head room height, measured from the exterior faces of exterior walls or from the centerline of common walls separating buildings. The floor area, however, does not include areas used for parking of vehicles and areas devoted exclusively to the housing of mechanical equipment for heating, ventilating, and other service uses for the building.

"Front Lot Line" means the property line adjacent to the street, except as follows:

(a) for corner lots with single-family detached development, the front lot line is the property line along the street frontage on the same side of the structure as the primary entrance; and

(b) for all other corner lots, the front lot line is the property line along the shortest street frontage.

"Front Yard" means a yard extending across the full width of a lot between the front lot line, or its tangent, and the location of the main building. See Figure 14.05.030, at the end of this Chapter, for examples.

"Garage-private" means an accessory building or an accessory portion of the main building designed and/or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building and is architecturally compatible with the main structure.

"Garage-public" means any premises, except those described as private garage, used for the storage or care of vehicles.

"Garage Sale" See "Yard Sale".

“Group Quarters” are residential facilities where individuals live or stay in a group living arrangement that is owned or managed by an organization providing housing and/or services for the residents. This includes, but is not limited to, nursing homes, and mental health institutions, as well as non-institutional settings such as college dormitories, military barracks, group homes, missions, and shelters. Occupancy in group quarters is limited to one occupant per private bedroom.

“Guest” means any person or persons staying for less than thirty days in a dwelling unit without payment or compensation to the owners, tenants, or full-time inhabitants of the dwelling unit.

“Habitable” means rooms designed and used for living, sleeping, eating, recreational activities, selling merchandise, or conducting office and other business activities and does not include space used for parking, bathrooms, closets, storage rooms, laundry and utility spaces, and similar areas not considered habitable by the International Building Code.

“Head of Household” means one individual who occupies a dwelling unit and who has a parent/child relationship, grandparent/child relationship, or a legal marriage relationship with another individual occupying the same dwelling unit.

“Historic Building” means any building that has been designated on the Provo City Landmarks Register by action of the Provo City Landmarks Commission and the Municipal Council.

“Home Occupation” means the use of a portion of a dwelling as an office, studio, or work room for occupations that are customarily conducted in the home, and that are incidental to the primary use as a home or residence.

“Hotel” means a building designed or used as the temporary abiding place of individuals who are lodged, with or without meals, for compensation and in which there are more than ten sleeping rooms, and in which no provision is made for cooking in guest rooms.

“HUD Code” means the Federal Manufactured Housing Construction & Safety Standards Act, as amended.

“Interior Lot” means a lot other than a corner lot.

“Irregular Lot” means a lot that is not rectangular in shape.

“Junk Yard” means any lot, land, or area used for the storage, keeping, dismantling, or abandonment of junk, household furniture and appliances, machinery, scrap material, or parts thereof. Any more than one such item on a property constitutes a junk yard.

“Kennel” means a place where three or more dogs of four months of age or older are raised, kept, housed, boarded, or commercially bred.

“Kitchen” means any room or space used, or intended or designed to be used, for cooking or for the preparation and/or serving of food, including such areas as wet bars and snack bars, notwithstanding whether such room or space is located within a primary dwelling structure or a structure accessory to the dwelling. Facilities that establish the use of a room or space as a kitchen include refrigerators, stoves, other cooking appliances, built-in cabinets, sinks, garbage disposal units, 220 voltage and/or natural gas supply lines, in any combination intended to permit the room or space to be used for the preparation and/or serving of food.

"Land Use Ordinance" means a Provo City ordinance found in this Title or PCC 15, or a predecessor ordinance, that governs planning, zoning, development, or the subdivision of land, but does not include the General Plan.

"Licensed Residential Facility for Persons with a Disability" means a dwelling unit licensed by the State of Utah for the housing of four or more persons with a disability.

"Liquor Store" means a facility for the sale of packaged liquor that is located on premises owned or leased by the State of Utah and is operated by Utah State employees. (This definition is not to be construed to include package agencies accessory to another main use, or restaurants with mini-bottle licenses.)

"Lot" means any of the following:

(a) real property shown as a delineated piece of land with a number and designation on the final plat of a subdivision recorded in the office of the County Recorder of Utah County;

(b) real property, the dimensions or boundaries of which are defined by a record of survey map recorded in the office of the County Recorder of Utah County in accordance with the law regulating the division of said land; or

(c) real property not described in (a) or (b) above that contains at least the prescribed minimum area required in the zone in which it is located and that abuts at least one public street and is held under one ownership.

"Lot Area" means the total square footage enclosed within the lot lines, measured on a horizontal plane.

"Lot Coverage" means the total horizontal area of a lot covered by any building or occupied structure that extends above the surface of the ground level and including any covered automobile parking spaces. Covered patios, covered walkways, and covered recreation areas that are more than 50% enclosed are also considered in a lot coverage calculation.

"Lot Depth" means the horizontal distance between the front and rear lot lines, measured as a straight line connecting the midpoint of each.

"Lot Frontage" See "Street Frontage".

"Lot Width" means the distance across a lot measured at the interior edge of the required front yard, along a line parallel to the front lot line or, where the front lot line is curved, parallel to the chord of that arc.

"Main Building" means the principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one lot constitutes a main building.

"Manufactured Home" means a factory-built one-family dwelling constructed under 42 U.S.C. § 5401 on a permanent chassis, bearing a HUD certification seal.

“Market” means a retail store. For purposes of this Title, a “neighborhood market” or “convenience market” is a market with less than 18,000 square feet of gross floor area. A “supermarket” is a market with a gross floor area of 18,000 square feet or more.

“Mezzanine” means an intermediate floor level within a story that covers no more than one-third of the floor area of the space below. An intermediate floor level exceeding this area shall be considered a separate story.

“Mobile Home” means a transportable, factory-built home, designed to be used as a year-round residential dwelling and constructed before June 15, 1976, prior to the effective date of the federal HUD Code under 42 U.S.C. § 5401.

“Modular Home” means factory-built housing constructed in sections and assembled onto a permanent foundation at a building site that is certified as meeting the applicable building codes.

“Multi-family Dwelling” means a dwelling arranged, designed for, and occupied by three or four families living independently of each other in separate dwelling units.

“Natural Grade” means the elevation of the surface of the ground that has been created through the action of natural forces and has not resulted from man-made cuts, fills, excavation, grading, or similar earth moving processes. The topographic maps of Provo City are the primary, though not exclusive, reference for determination of natural grade. Natural grade is determined in every necessary instance by the City Engineer.

“Nursery School” means any premises used for the care of six or more children under the age of six years who are not related within the second degree to the operator of said premises.

“Office” means a building or space used primarily for conducting business or professional services, excluding retail sales or on-site storage of merchandise.

“Opening” means a window or door on any building facade.

“One-family Dwelling” means a detached dwelling unit arranged, designed for, and occupied by not more than one family, and which has a kitchen and a bathroom.

“One-family Dwelling, attached (Townhome)” means a one-family dwelling attached to two or more one-family dwellings by common vertical walls.

“One-family Dwelling, semi-detached (Twin Home)” means a one-family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.

“Owner Occupant” means, except as set forth in Subsection (d) of this definition:

(a) an individual who:

(i) possesses, as shown by a recorded deed, 50% or more ownership in a dwelling unit; and

(ii) occupies the dwelling unit with a bonafide intent to make it his or her primary residence; or

(b) an individual who:

(i) is a trustor of a family trust that:

(A) possesses fee title ownership to a dwelling unit;

(B) was created for estate planning purposes by one or more trustors of the trust; and

(ii) occupies the dwelling unit owned by the family trust with a bonafide intent to make it his or her primary residence. Each living trustor of the trust must occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit must nevertheless be the domicile of the trustor during the trustor's temporary absence; or

(c) an LLC that:

(i) is currently registered with the state; and

(ii) each member of the LLC occupies the dwelling unit with a bonafide intent to make it his or her primary residence.

(d) A person who meets the requirements of Subsections (a), (b), or (c) of this definition may not be deemed an owner occupant if the property on which the dwelling unit is located has more than one owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.

(i) A claim that a person is not an owner occupant may be rebutted only by documentation, submitted to the Development Services Department, showing that the person who occupies the dwelling unit has a bona fide intent to make the dwelling unit one's primary residence as indicated by the following documents that show such person:

(A) is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;

(B) has claimed all income, deductions, and depreciation from the property on one's tax returns for the previous year;

(C) is the owner listed on all rental documents and agreements with tenants who occupy the dwelling unit, including any accessory apartment;

(D) is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and

(E) is a full-time resident of Utah for Utah State income tax purposes.

(ii) Any person, or group of persons, who fails, upon request of the Development Services Department, to provide any of the documents set forth in Subsection (d)(i) of this definition or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit means for the purpose of this Title that such person or persons is/are deemed not to be an "owner occupant" of the dwelling unit in question.

(e) The provisions of Subsection (d) of this definition apply to any person who began a period of owner occupancy after March 1, 2009, regardless of when the person purchased the property where the person resides.

"Owner Occupied" means a dwelling unit that is occupied as a primary residence by all persons who hold an ownership interest in the dwelling unit, whether through a recorded deed, a revocable family trust created for estate planning purposes, or an LLC or other entity holding fee title. A dwelling unit is not disqualified solely because an owner is temporarily absent due to disability or infirmity, provided the dwelling unit remains that owner's primary residence during the absence.

"Parcel" means any real property that is not a lot.

"Parking Area" or **"Parking Lot"** means an open area, other than a street or alley, used for the parking of more than four automobiles.

"Parking Space" means a permanently surfaced area measuring as described in PCC 14.44.

"Patio" means a relatively flat outdoor living or recreational area that is no more than 30 inches above grade level whether it is detached or attached to another structure on the property.

"Patio Roof" means a roof structure extending over a patio that is open on at least three sides.

"PCC" means Provo City Code.

"Person" has the same meaning as stated in UCA 10-1-104, as amended.

"Primary Entrance" means main door or other means of ingress/egress designed to facilitate access into habitable areas of the building.

"Primary Residence" means the dwelling unit where a person habitually lives and to which the person intends to return when absent. In determining primary residence, relevant factors include the address shown on the person's driver license, vehicle registration, voter registration, and state and federal tax returns, but no single document or combination of documents is conclusive.

"Primary Street" means University Avenue, Center Street, 100 West, 500 West, 300 South and 600 South.

"Principal Building." See "main building".

"Public" means owned by a federal, state, or local governmental entity.

"Rear Lot Line" means the recorded lot line most distant from and generally opposite the front lot line. Each lot has one rear lot line, determined as follows:

(a) for regular lots, the rear lot line is the lot line parallel to the front lot line;

(b) for irregular lots, the rear lot line is the lot line that:

(i) does not adjoin the front lot line;

(ii) is located to the rear of the lot; and

(iii) is more or less parallel to any portion of the front lot line; and

(c) for triangular or pie-shaped interior lots, the rear lot line is a straight line ten feet in length that is parallel to the front lot line or its chord and connects the two other lot lines at their most distant points from the front lot line.

"Rear Yard" means a yard extending across the full width of a lot between the rear lot line, or its tangent, and the location of the main building. See Figure 14.05.030, at the end of this Chapter, for examples.

"Recreational Vehicle" means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or towed. The term includes travel trailers, camping trailers, motor homes, fifth wheel trailers, and camping vans, among others.

"Regular Lot" means a lot that is rectangular in shape.

"Residential Facility for Elderly Persons" means a one-family or multifamily dwelling unit occupied by eight or fewer elderly persons living together in a family-type arrangement on a twenty-four hour basis, where the facility is owned by a resident or an immediate family member of a resident, or held in trust for a resident. See PCC 14.50.140 for regulations applicable to these facilities.

"Residential Facility for Persons with a Disability" means a dwelling unit occupied by more than one person with a disability in a residential living arrangement. The term does not include facilities that qualify as a residential facility for elderly persons or a health care facility under applicable state law.

"Residential Health Care Facility" means a facility providing assistance with activities of daily living and social care to two or more residents who require protected living arrangements. This type of use includes Residential Health Care Facilities and Residential Care (Type N, up to three patients) facilities as defined and classified by Utah State regulations.

"Road" See definition of "Street."

"Secondary Street" means any other street not defined as a primary street.

"Side Lot Line" means any lot boundary line that is not a front lot line or a rear lot line.

"Side Yard" means a yard between the main building and the side lot line extending from the required front yard, or the front lot line where no front yard is required, to the required rear yard, or the rear lot line where no rear yard is required. See Figure 14.05.030, at the end of this Chapter, for examples.

“Sidewalk Cafe” means an outdoor dining area located on a public sidewalk adjacent to a street-level eating or drinking establishment where patrons may consume food or beverages provided by the abutting establishment.

“Sign” means any word, letter, numeral, phrase, sentence, device, design, picture, trade name, or trademark used to make something known or to designate a firm, association, corporation, profession, business, or service, regardless of whether such is placed on natural objects such as the ground, rocks, trees, or stumps, or on manmade structures such as buildings, walls, roofs, frames, supports, fences, or similar structures, and that is visible from any public street, highway, or road right-of-way.

“Single-family Dwelling” See “one-family dwelling”.

“Story” means the portion of a building between the surface of a floor and the surface of the floor above, or where there is no floor above, between the floor and the ceiling. The term does not include a basement.

“Street” means a public street as defined in Utah Code § 10-20-102, a privately owned roadway within a development that provides the principal means of access to abutting property, or a roadway shown on a plat approved pursuant to law or official action. The term includes all land within the right-of-way, whether improved or unimproved, including pavement, shoulders, gutters, sidewalks, and parking areas. See also PCC 15.03 for different classifications.

“Street Frontage” means the full width of a lot line abutting to a street.

“Structure” means anything constructed or erected that is either located on the ground or attached to something having a location on the ground.

“Subgrade Structure”

(a) means a structure that:

(i) is located primarily below natural grade;

(ii) does not extend more than 2.5 feet above natural grade at any point;

(iii) is completely covered with a minimum of six inches of soil capable of supporting vegetation on its horizontal surface where required by the landscaping provisions of the applicable zone;

(iv) is decoratively finished on any vertical surface not covered with soil; and

(v) within a required front or street side yard, is located entirely beneath a finished grade that does not exceed a 25% slope and is level with the natural grade along all property lines.

(b) A subgrade structure is not subject to lot coverage or setback provisions of this Title, but must meet the landscaping requirements of the applicable zone.

“Structural Alterations” means any change in the supporting member of a building such as bearing walls, columns, beams or girders, and floor joists or roof joists.

“Subdivision” has the same meaning as in UCA 10-20-102.

“Through Lot” See “double frontage lot”.

“Townhome” See “one-family dwelling, attached (townhome)”.

“Trailer” means a vehicle without motive power designed to be towed by a motor vehicle for carrying persons or property and constructed so that no part of its weight rests upon the towing vehicle. This definition does not include vehicles included in the definition of recreational vehicles that would otherwise meet this definition.

“Travel Trailers” means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use. Note that this term is included in the definition of Recreational Vehicle.

“Twin Home” See “one-family dwelling, semi-detached.”

“Two-family Dwelling (Duplex)” means a dwelling arranged, designed for, and occupied by two families living independently of each other in two separate dwelling units.

“Use” the activity or function for which a lot, structure, or portion thereof is occupied, operated, or intended.

“Veterinary Hospital” means an establishment for the care and treatment of animals, including household pets, livestock, and commercial poultry.

“Yard” means a space on a lot that is unoccupied and unobstructed by a structure from the finish grade upwards.

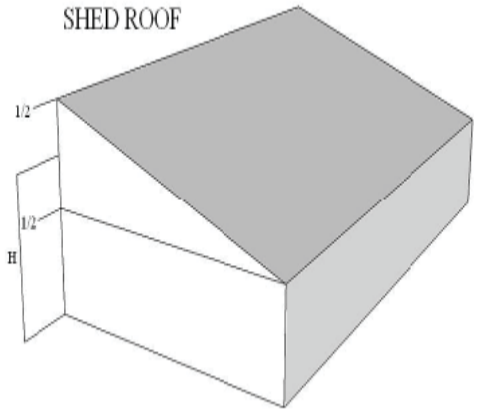
“Yard Sale” means a sale of personal belongings in a residential zone, which sale is conducted by a bona fide resident of the premises.

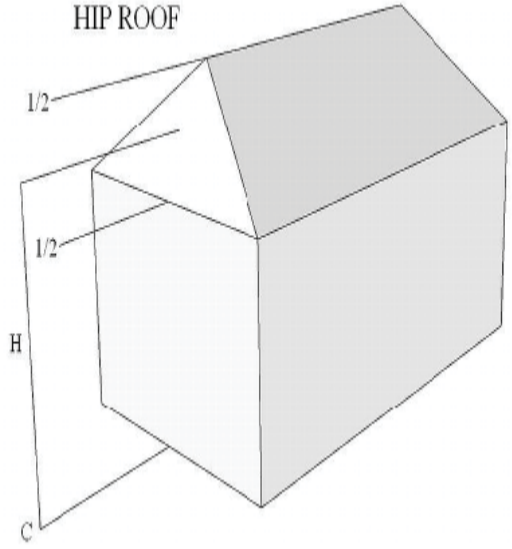
“Zone” means a mapped area of the city, excluding public rights-of-way, within which this Title establishes uniform land use regulations governing permitted uses, dimensional standards, and development requirements.

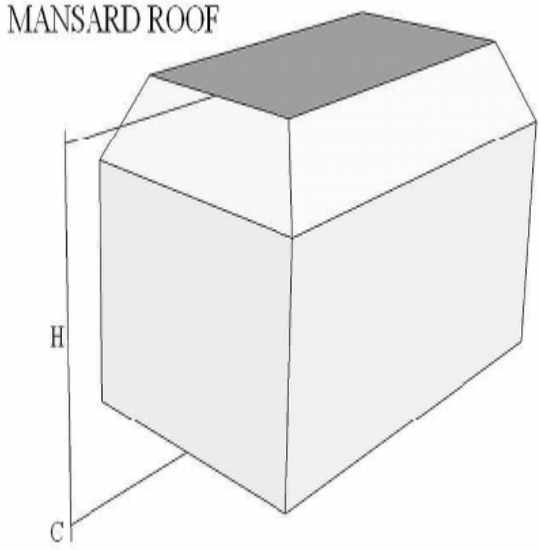
14.05.030 Illustrations

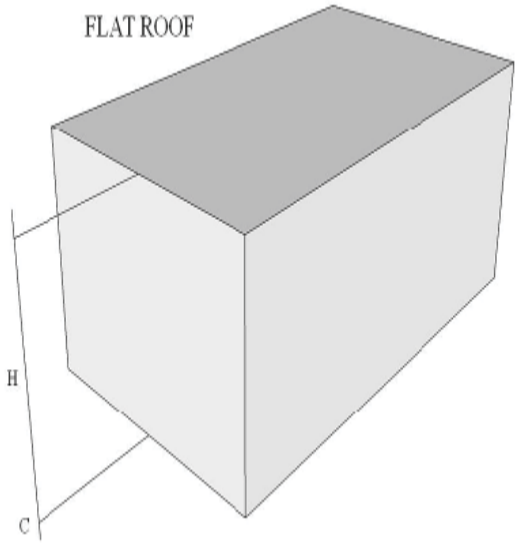
For the convenience of users of this Title, certain terms are illustrated below and elsewhere within this Title. If any conflict arises between an illustration and a definition, the definition applies.

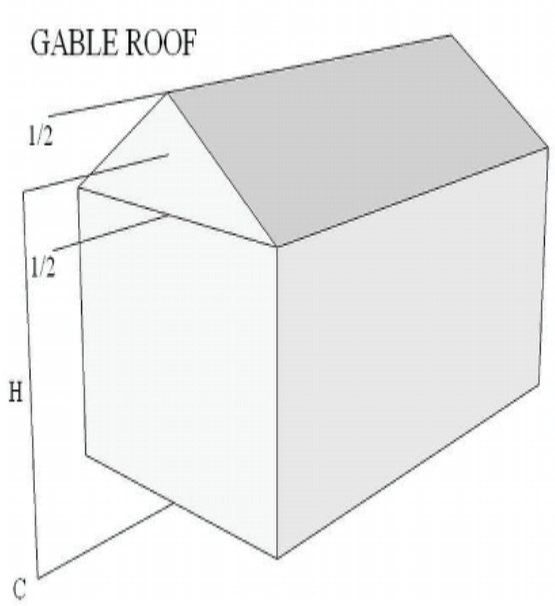
Figure 14.05.030-1 Examples of Building Heights

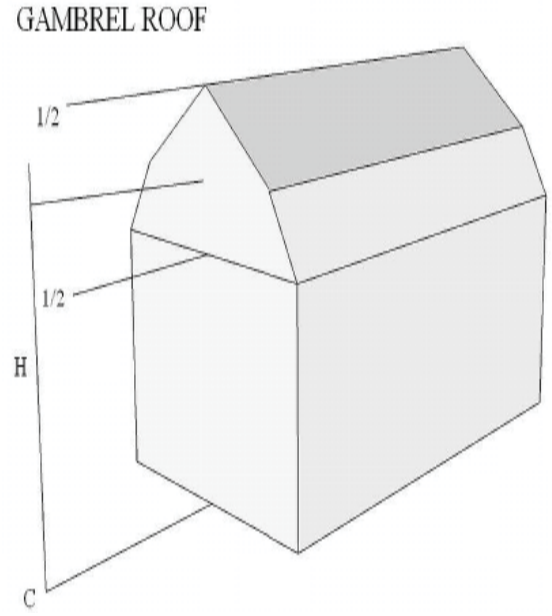

SHED ROOF
1/2
1/2
H


HIP ROOF
1/2
1/2
H
C


MANSARD ROOF
H
C


FLAT ROOF
H
C


GABLE ROOF
1/2
1/2
H
C


GAMBREL ROOF
1/2
1/2
H
C

1/2
1/2
H

1/2
1/2
H

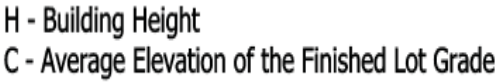
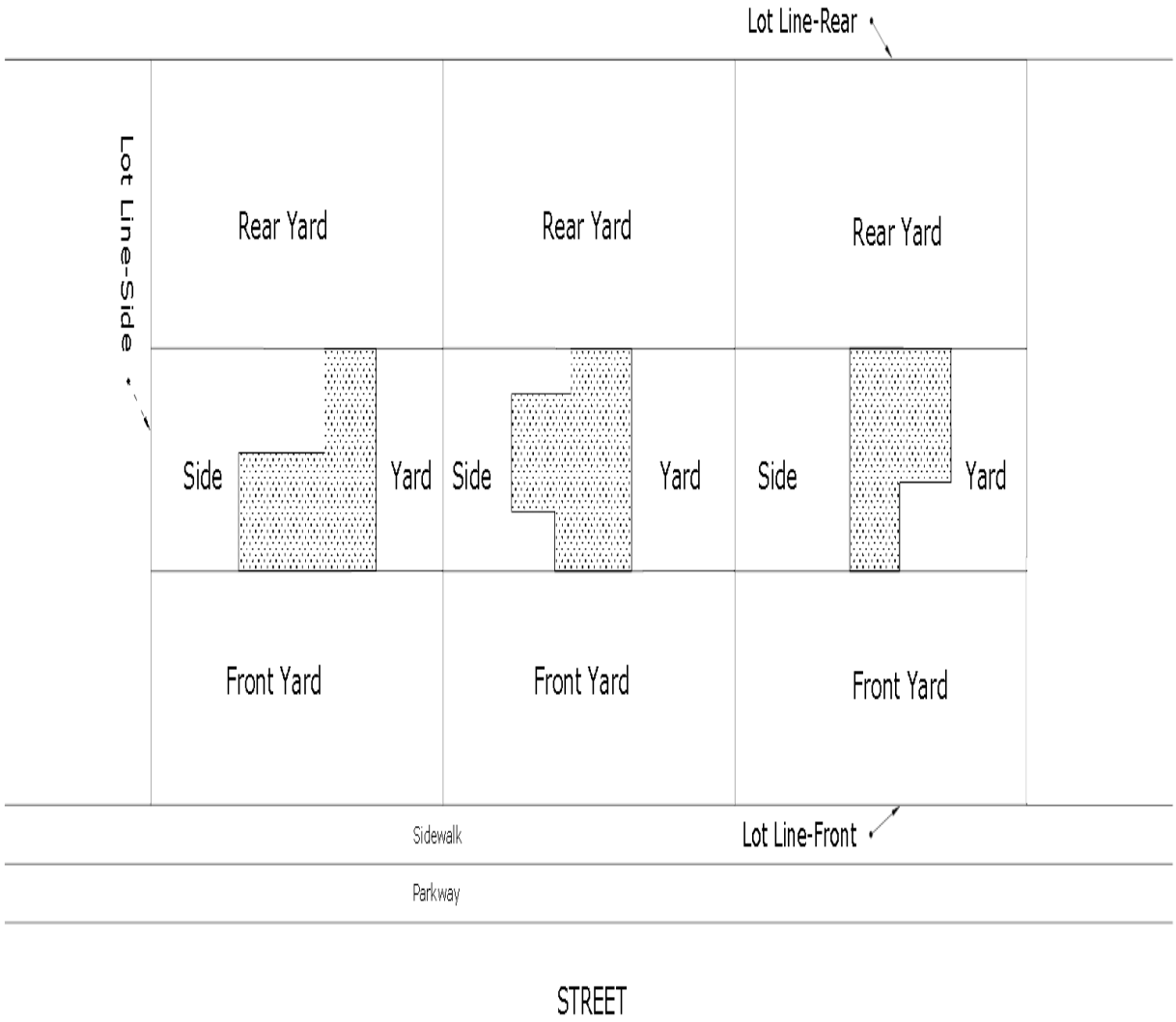
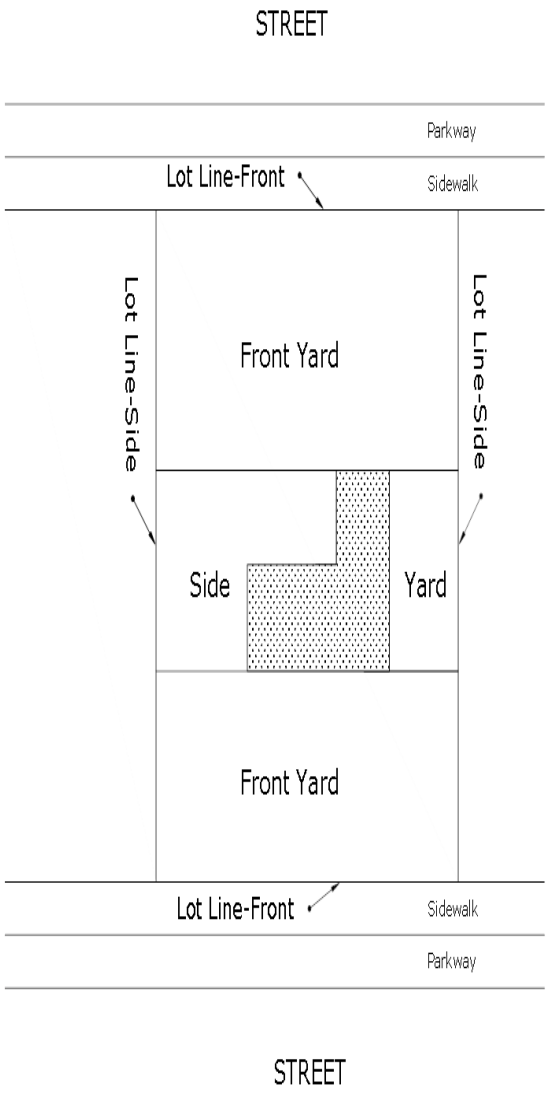
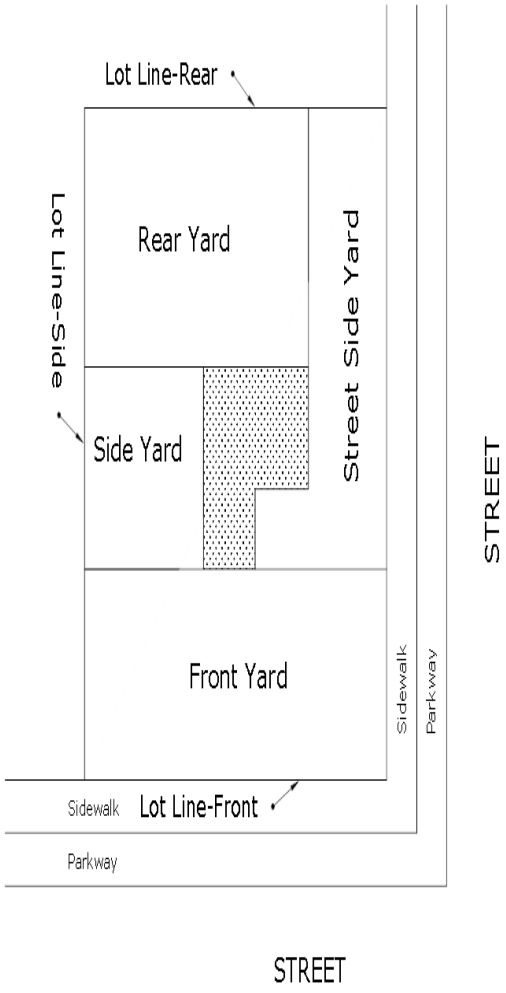


Figure 14.05.030-2 Examples of Types of Yards


Lot Line-Rear
Lot Line-Side
Rear Yard
Rear Yard
Rear Yard
Side
Yard
Side
Yard
Side
Yard
Front Yard
Front Yard
Front Yard
Sidewalk
Lot Line-Front
Parkway
STREET


STREET
Parkway
Lot Line-Front
Sidewalk
Lot Line-Side
Front Yard
Lot Line-Side
Side
Yard
Front Yard
Lot Line-Front
Sidewalk
Parkway
STREET


Lot Line-Rear
Lot Line-Side
Rear Yard
Street Side Yard
Side Yard
Front Yard
Sidewalk
Parkway
STREET
Sidewalk
Lot Line-Front
Parkway
STREET

Chapter 14.06
ZONE ESTABLISHMENT

Sections:

14.06.010 Declaration of Purpose.
14.06.020 Location on Map.
14.06.030 Determining Zone Boundaries.

14.06.010 Declaration of Purpose

To accomplish the purposes of this Title, Provo City is divided into zones. In preparing this Title, due consideration was given to the relative amounts of land needed for particular uses and the suitability of such land for those uses, as well as to existing and anticipated future conditions within the City. The character of each zone was evaluated with the goal of conserving building value and promoting the most appropriate use of land throughout the City.

14.06.020 Location on Map

The location and boundaries of all zones are shown on the Zone Map titled *Zone Map of Provo City, Utah*. All boundaries, notations, and data on the map are adopted as part of this Title and incorporated by reference.

14.06.030 Determining Zone Boundaries

Where uncertainty exists regarding zone boundaries on the Zone Map, the following rules apply:

(1) If boundaries appear to follow streets or alleys, the centerline of the street or alley is the zone boundary.

(2) If boundaries appear to follow lot lines, the lot lines are the zone boundaries unless otherwise indicated.

(3) If boundaries appear to follow canals, watercourses, or other natural features, the centerline of those features is the zone boundary unless otherwise indicated.

(4) If no street, lot line, canal, or natural feature is present, the boundary must be determined using the scale on the Zone Map.

Chapter 14.07
DEVELOPMENT STANDARDS TABLE

ZONES	SECTION	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MINIMUM LOT FRONTAGE	DENSITY	PERMISSABLE LOT COVERAGE
PF	14.09	10,000 sq. ft.	80 ft.	N/A	35 ft.	1 caretaker dwelling per 5,000 sq. ft.	Maximum 60%
AIRP	14.10	10,000 sq. ft. (AI only)	100 ft. (AI only)	100 ft. (AI only)	100 ft. (AI only)	N/A	N/A
HCF	14.11	10,000 sq. ft.	80 ft.	N/A	200 ft.	N/A	Maximum 60%
OSPR	14.12	N/A	N/A	N/A	N/A	N/A	N/A
A1	14.13	A1.1: 1 acre; A1.5: 5 acres; A1.10: 10 acres; A1.20: 20 acres; A1.40: 40 acres	100 ft.	100 ft.	60 ft.	One dwelling per lot	Maximum 20%
RA	14.14	1/2 acre	100 ft.	100 ft.	60 ft.	One dwelling per lot	Maximum 30%
R1	14.15	R1.6: 6,000 sq. ft.; R1.7: 7,000 sq. ft.; R1.8: 8,000 sq. ft.; R1.9: 9,000 sq. ft.; R1.10: 10,000 sq. ft.; R1.15: 15,000 sq. ft.; R1.20: 20,000 sq. ft.	60 ft.	R1.6/R1.7: 75 ft.; R1.8: 80 ft.; R1.9/R1.10/R1.15: 90 ft.; R1.20: 100 ft.	35 ft.	One dwelling per lot	Maximum 40%
VLDR	14.16	One-family detached: 5,000 sq. ft.; Two-Family: 8,000 sq. ft.; One-family attached: 10,000 sq. ft.	40 ft.	One-family detached: 75 ft.; All other uses: 90 ft.	35 ft.	Maximum 7 units per gross acre	Maximum 50%
LDR	14.17	One-family detached: 4,000 sq. ft.; Two-family: 8,000 sq. ft.; One-family attached: 10,000 sq. ft.	40 ft.	One-family detached: 75 ft.; All other uses: 90 ft.	35 ft.	Maximum 12 units per gross acre	Maximum 50%
MDR	14.18	Two-family: 8,000 sq. ft.; One-family attached: 10,000 sq. ft.; Multifamily: 20,000 sq. ft.	40 ft.	90 ft.	35 ft.	Maximum 30 units per gross acre	Maximum 50%
HDR	14.19	One-family attached: 10,000 sq. ft.; Multifamily and Apartments: 20,000 sq. ft.	50 ft.	90 ft.	35 ft.	Maximum 50 units per gross acre	Maximum 75%
RM	14.20	Zone area: 15 acres	50 ft.	N/A	35 ft.	One dwelling per lot or space	N/A
CR	14.21	40,000 sq. ft. (less than 40,000 sq. ft. limited to 40 units per gross acre)	50 ft.	N/A	35 ft.	40 units per gross acre if below minimum lot area	Maximum 75%
MU	14.22	One-family detached: 6,000 sq. ft.; Two-family: 8,000 sq. ft.; One-family attached: 10,000 sq. ft.; Commercial/Mixed-Use: 20,000 sq. ft.	MU: 90 ft.; NMU: 40 ft.	90 ft.	MU: 90 ft.; NMU: 35 ft.	N/A	Maximum 60% (NMU only)
TOD	14.23	See PCC 14.23					
CG	14.24	Zone area: 2 acres	N/A	N/A	35 ft.	N/A	N/A
SC1	14.25	1 acre	200 ft.	N/A	200 ft.	N/A	Maximum 30%
SC2	14.26	5 acres	500 ft.	N/A	500 ft.	N/A	Maximum 50%
SC3	14.27	20 acres	700 ft.	N/A	500 ft.	Maximum 20% of zone area	Maximum 30%
FC1	14.28	5 acres	N/A	N/A	200 ft.	N/A	N/A
FC2	14.29	1 acre	100 ft.	100 ft.	100 ft.	N/A	N/A
FC3	14.30	1 acre	100 ft.	100 ft.	100 ft.	N/A	N/A
GW	14.31	20,000 sq. ft.	90 ft.	90 ft.	90 ft.	N/A	N/A
DT1	14.32	10,000 sq. ft.	65 ft.	90 ft.	65 ft.	N/A	N/A
DT2	14.33	20,000 sq. ft.	90 ft.	90 ft.	90 ft.	N/A	N/A
R&BP	14.34	2 acres	100 ft.	N/A	50 ft.	N/A	Maximum 60 %
CM	14.35	10,000 sq. ft.	70 ft.	N/A	35 ft.	N/A	N/A
MP	14.36	Zone area: 20 acres	N/A	N/A	80 ft.	N/A	N/A
M1	14.37	7,000 sq. ft.	50 ft.	N/A	35 ft.	N/A	N/A
M2	14.38	10,000 sq. ft.	100 ft.	N/A	70 ft.	N/A	N/A

NOTE: A lot legally created before December 12, 1974, may not be denied a building permit solely because it does not comply with the lot requirements of this chapter. In such cases, the City may issue a conditional use permit under PCC 14.02.040 to grant a building permit if all the following conditions are met::
(a) The applicant has demonstrated that consolidating the property to meet the minimum lot requirements is not feasible due to surrounding projects, developments, or buildings;
(b) Requiring a development that meets the minimum lot requirements would result in a project that is inconsistent with the surrounding area's characteristics or the established pattern of existing buildings; and
(c) The applicant has demonstrated that the property can be developed to meet the purposes and requirements of this Title without additional variances or exceptions.

(place holder graphic - formatted table will need to be provided for code publishing)

Chapter 14.08
PERMITTED LAND USE TABLE

	14.09 PF	14.10 ARP	14.11 HCF	14.12 OSPR	14.13 AI	14.14 RA	14.15 R1	14.16 VLR	14.17 LDR	14.18 MDR	14.19 HDR	14.20 RM	14.21 CR	14.22 MU	14.23 TOD	14.24 CG	14.25 SC1	14.26 SC2	14.27 SC3	14.28 FC1	14.29 FC2	14.30 FC3	14.31 GW	14.32 DT1	14.33 DT2	14.34 BARP	14.35 CM	14.36 MP	14.37 MI	14.38 ME
Single Family Dwelling, detached	P(a)		N	N	P	P	P	P	P	P	N	P	N		P	N	N	N	N	N	N	N	P(a)	P(a)	P(a)		N	N	N	N
Single Family Dwelling, attached (Townhome)	N		N	N	N	N	N	P(a)	P(a)	P(a)	P	N	N		P	N	N	N	N	N	N	N	N	P(a)	N		N	N	N	N
Single Family Dwelling, attached to nonresidential use	N		N	N	N	N	N	N	N	N	N	N	N		P	N	N	N	P(a)	N	N	N	P	P	P		N	P(a)	N	N
Mobile Home Single Family Dwelling	N		N	N	N	N	N	N	N	N	N	P	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N
Two Family Dwelling (Duplex)(Includes Two Family Condominium)	N		N	N	N	N	N	P	P	P	N	N	N		P	N	N	N	N	N	N	N	P(a)	P(a)	P(a)		N	N	N	N
Two Family Dwelling (Duplex), attached to nonresidential use	N		N	N	N	N	N	N	N	N	N	N	N		P	N	N	N	N	N	N	N	P	P	P		N	N	N	N
Multi-Family Dwelling (3-4 dwelling units, including 3-4 family Condominiums)	N		N	N	N	N	N	N	N	P	P	N	N		P	N	N	N	P(a)	N	N	N	P(a)	P(a)	P(a)		N	N	N	N
Apartment (Includes Condominiums)	N		N	N	N	N	N	N	N	P	P	N	P		P	N	N	P(a)	N	N	N	N	P	P	P		N	N	N	N
Group Quarters	N		N	N	N	N	N	N	N	N	N	N	N		N	N	C	N	N	N	N	N	N	N	N		N	N	N	N
Child Care Services, commercially operated	N		N	N	N	N	N	N	N	N	N	N	N		P	N	N	N	N	N	N	N	N	P	P		N	N	N	N
Baching Apartments	N		N	N	N	N	N	N	N	N	N	N	P(a)		N	N	N	N	N	N	N	N	N	P	P		N	N	N	N
Short Term Rentals	N		N	N	C	C	N	N	N	N	N	N	N		P	P	N	P	P	P	P	P	P	P	P		N	N	N	N
Residential Facility for Elderly Persons	N		P	N	P(a)	P(a)	N	P(a)	P(a)	N	P(a)	P(a)	P(a)		P(a)	P(a)	N	N	N	N	N	N	P(a)	P(a)	P(a)		N	N	N	N
Residential Facility for Persons with a Disability	P(a)		P	N	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)		P(a)	P(a)	N	N	N	N	N	N	P(a)	P(a)	P(a)		N	N	N	N
Mobile Home Parks or Trailer Courts	N		N	N	N	N	N	N	N	N	N	P	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N
Food Manufacturing	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N	P(a)	N	N	N	N	P(a)	P(a)		P(a)	P	P	P
Consumer Goods Manufacturing	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N		P	P	P	P
Industrial Goods Manufacturing	P		N	N	P(a)	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N		P	P	P	P
Ground Transportation	N		P	N	P	N	N	N	N	N	N	N	N		P	N	N	N	N	N	N	N	N	P	P		P	N	P	P
Air Transportation	N		C	N	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N
Utilities	P		P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P		P	P	P	P
Communications	P(a)		N	P(a)	P(a)	P(a)	P(a)	N	N	N	N	P(a)	P(a)		P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)		P(a)	P(a)	P(a)	P(a)
Wholesale Goods	N		N	N	N	N	N	N	N	N	N	N	N		P	P	P	P	P	P	P	P	P	P	P		P	N	P	P
Department Stores	N		N	N	N	N	N	N	N	N	N	N	P(a)		P	P	P	P	P	P	P	P	P	P	P		P	P	N	N
Retail	N		N	N	N	N	N	N	N	N	N	N	P(a)		P	P	P	P	P	P	P	P	P	P	P		P	N	N	N
Motor Vehicle Sales	N		N	N	N	N	N	N	N	N	N	N	N		N	P	N	N	C	P	P	P	N	N	N		P	N	C	C
Eating Places	N		N	N	N	N	N	N	N	N	N	N	P(a)		P	P	P(a)	P	P	P	P	P	P	P	P		P	P	P	C
Drinking Places - Alcoholic Beverages	N		N	N	N	N	N	N	N	N	N	N	N		P	N	P	P	P	N	N	N	N	P	P		C	N	N	N
Drug and Proprietary	N		N	N	N	N	N	N	N	N	N	N	N		P	P	N	P	P	P	P	P	P	P	P		P	N	N	N
Personal Services	N		N	N	N	N	N	N	N	N	N	N	P(a)		P	P	P	P	P	P	P	P	P	P	P		P	P	P	P
Professional Services	N		P	N	N	N	N	N	N	N	N	N	P(a)		P	P	P	P	P	P	P	P	P	P	P		P	P	N	N
Funeral Parlor, Cemeteries, and Crematory Services	C		N	N	N	C	N	N	N	N	N	N	N		P	C	N	P	N	C	P	N	P	P	P		P	P	N	N
Warehousing or Storage Services	N		N	N	N	N	N	N	N	N	N	N	N		P	N	N	N	N	N	N	N	P(a)	N	N		P(a)	P	P(a)	P(a)
Business Services	N		N	N	N	N	N	N	N	N	N	N	P(a)		P	P	P	P(a)	P	C	C	C	P	P	P		P	P	P	P
Repair Services	N		N	N	N	N	N	N	N	N	N	N	N		P	C	N	C	P	P	P	P	P	P	P		P	P	P(a)	P(a)
Executive, Legislative, and Judicial Functions, Except Military	P		N	N	N	N	C	C	C	C	C	C	P		C	C	P	P	P	P	P	P	P	P	P		P	P	P	P
Correctional Institutions	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N
Military Bases and Reservations	P		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	P
Federally Designated / Protected Lands	N		N	P	N	N	N	N	N	N	N	N	N		P	P	N	N	N	N	N	N	N	N	N		N	N	N	N
Education	P		N	N	N	N	N	N	N	N	N	N	N		P	N	P(a)	P(a)	P(a)	P	P(a)	P	P	P	P		P	C	P(a)	N
Religious Activities	P		P	N	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P		P	P	P	P
Welfare, Civic, and Charitable Services	P		N	N	N	N	N	N	N	N	N	N	N		P	C	N	N	P	C	C	C	N	P	P		P	N	C	C
Cultural and Recreational Activities	P(a)		P	P	C	N	N	N	N	N	N	N	P		P	P	N	P(a)	P(a)	P(a)	P(a)	P(a)	P	P	P		P	N	C	
Agriculture	C		N	N	P	P(a)	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N		N	N	P	P
Undeveloped and Unused land Area	P		P	P	P	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N		N	N	P	P

P Permitted C Conditional P(a) Permited (additional zone regulations - see zone chapter) N Not Permitted

(place holder graphic - formatted table will need to be provided for code publishing)

Chapter 14.09
PF - PUBLIC FACILITIES ZONE

Sections:

14.09.010 Purpose and Objectives.
14.09.020 Permitted Uses.
14.09.030 Lot Standards.
14.09.040 Yard/Setback Requirements.
14.09.050 Projections into Yards.
14.09.060 Building Height and Distance.
14.09.070 Parking, Loading, and Access.
14.09.080 Project Plan Approval.
14.09.100 Athletic Field Scoreboards.
14.09.110 Re-Use of Public Facilities.
14.09.120 Other Requirements.

14.09.010 Purpose and Objectives

The Public Facilities (PF) zone provides space for facilities that serve the public and require relatively large land areas. These facilities may be publicly or privately owned and operate for public convenience and necessity. Typical uses include electricity, gas, communications, transportation, water, sewage treatment, renewable energy facilities, electric vehicle charging stations, smart city infrastructure, education, religious activities, public assembly, cultural activities, parks, city services, and recreation.

14.09.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions*:

(a) Single Family Dwelling, Detached - permitted only for housing provided by the Housing Authority.

(b) Residential Facility for Persons with a Disability - permitted subject to PCC 14.50.140(1).

(c) Communications - permitted subject to PCC 14.02.045(11).

(d) Cultural and recreational activities - permitted, except for firearm and archery uses.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples include, but are not limited to:

(a) Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) A detached one-family residence used only by a caretaker, watchman, or similar employee of a permitted use, when located on the same site as the permitted use;

(d) Dormitories, fraternity and sorority buildings, other college housing owned by the college or university, recreational and service facilities, and office buildings customarily associated with an educational or institutional use, when such facilities are accessory and incidental to the primary land use; and

(e) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the construction site and limited to the construction period and 30 days after it.

14.09.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.09.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated:

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: no requirement.

14.09.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;
(ii) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(iv) Be located in a front or street side yard; or

(v) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.09.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height unless one of the following conditions is met:

(a) The horizontal setback from the nearest residential zone boundary is at least twice the height of the building; or

(b) A special exception for greater height for a one-family dwelling has been granted under PCC 14.04.030(10).

(2) Notwithstanding Subsection (1), a building located on City-owned property at or adjacent to the Provo City Airport may have a maximum height of 55 feet.

(3) Any accessory building must be at least 10 feet from the principal structure.

14.09.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.09.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.09.100 Athletic field scoreboards

Scoreboards for educational facility athletic fields are exempt from the height and setback requirements of the PF zone if:

(1) The Development Services Director, or the Director's designee, approves the exemption through an administrative hearing process that includes public comment; and

(2) All of the following standards are met:

(a) The scoreboard is designed as an integral element of the athletic field and is scaled appropriately to the athletic field and campus;

(b) Electronic messages and displays face the athletic field and not the public street or neighboring properties;

(c) Messages visible from public streets or neighboring properties include only the school's name, logo, and one sponsor logo. These displays must be static and may be illuminated only during official games or major events; and

(d) Sponsor logos must be smaller than and visually subordinate to the school name or logo.

14.09.110 Re-use of public facilities

(1) Before any structure in the public facility zone may be reused for a different use, a conditional use permit must be obtained from the Planning Commission in accordance with PCC 14.02.040. The proposed new use must be a permitted or conditional use in the PF zone.

(2) A change in use may be denied if the Planning Commission determines that the new use will have more intense impacts that cannot be mitigated through reasonable conditions. Impacts that may require mitigation include:

(a) Increased daily or peak-hour traffic;

(b) Changes in circulation patterns on or near the site;

(c) Significant increases in parking demand;

(d) Higher on-site population density;

(e) Expanded hours of operation; and

(f) Increased environmental impacts, including:

(i) Noise;

(ii) Air pollution;

(iii) Offensive odors; or

(iv) Excessive illumination or glare.

14.09.120 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

Chapter 14.10
AIR/AIRI - AIRPORT ZONES

Sections:

14.10.010 Purpose and Objectives.
14.10.020 Permitted Uses.
14.10.030 Lot Standards.
14.10.040 Yard/Setback Requirements.
14.10.050 Projections into Yards.
14.10.060 Building Height and Distance.

14.10.070 Parking, Loading, and Access.
14.10.080 Project Plan Approval.
14.10.090 Design Standards.
14.10.100 Prohibited Uses.
14.10.110 Airport Adjacent Development Design Standards.
14.10.120 Other Requirements.

14.10.010 Purpose and Objectives

The purpose of the Airport (AIR) and Airport Industrial (AIRI) zones is to accommodate land uses that support and complement the operations and services of the Provo Municipal Airport. These zones also aim to minimize conflicts with uses that are incompatible with airport operations and to promote economic development in Provo. For efficiency, regulations for both zones are consolidated in this Chapter. The specific purposes of each zone are as follows:

(1) *Airport (AIR) zone.* This zone supports high-quality, airport-focused development and applies only to the area designated as the Provo Municipal Airport by the City.

(2) *Airport Industrial (AIRI) zone.* This zone allows a range of uses compatible with the airport and intended to encourage its use. Uses in this zone must consider impacts such as noise, traffic, and aesthetics on nearby residential areas. This zone may only be applied to areas designated in the General Plan as Airport Related (AR).

14.10.020 Permitted Uses

(1) *Permitted principal uses.* The following principal uses, and no others, are permitted in the airport zones as indicated in Table 14.10.1:

Table 14.10.1. Permitted Uses in Airport Zones

Key: P = Permitted, C = Conditional, N = Not Permitted			
Uses	**AIR**	**AIRI**	**Standards/Additional Info**
Agriculture and agriculture-related activities	N	P	
Air cargo terminal and package delivery facility	P	P	See PCC 13.06

Key: P = Permitted, C = Conditional, N = Not Permitted			
Aircraft maintenance facilities and related activities	P	P	
Airport and related activities	P	N	See PCC 13 (Aviation); Ramp, hangar and other facilities see PCC 13.10
Airport rescue and firefighting (ARFF) facilities	P	N	
Airports, flying fields and other air transportation	P	N	
Antenna – communication tower	P	P	Subject to PCC 14.02.045(11) and 14.50.080
Eating places, restaurants	P	P	Subject to PCC 14.02.045(10)
Federal agencies	P	N	Inside the airport terminal only
Hotels	N	P	
Miscellaneous manufacturing	N	P	
Professional office	N	P	
Police station (branch only)	P	N	Inside airport terminal only
Professional office related to airport activities	N	P	
Transportation terminal including bus and rail	P	N	
Vehicle parking – off site	N	P	
Utility right-of-way	P	P	

Key: P = Permitted, C = Conditional, N = Not Permitted			
Vehicle rental facility	P	P	If this use is located in the AIR zone, long-term storage must be provided off site
Vocational training school (related to aviation)	P	P	
Warehouse	N	P	

(2) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure.

14.10.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.10.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed in Table 14.17D.3. All distances are measured from the property line unless otherwise stated.

Table 14.17D.3. Yard Requirements

	AIR		**AIRI**	
	Minimum	Maximum	Minimum	Maximum
Front yard	No requirement		10 feet	No requirement
Side yard, corner lot			10 feet	No requirement
Side yard, interior			10 feet	No requirement

	AIR		AIRI	
Rear			20 feet	No requirement
Driveway access	16 feet	45 feet	12 feet	45 feet

14.10.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

(5) This Section is not applicable to the AIR zone, which is subject instead to FAA regulations.

14.10.060 Building Height and Distance

Building height requirements for the airport zones are provided in Table 14.17D.4. Airport communication towers are exempt from these requirements, subject to PCC 14.50.080.

Table 14.10D.4. Building Height

	AIR	AIRI
Total maximum building height	65 feet	55 feet
Maximum number of building stories	3 stories	
Minimum first story height	12 feet floor to ceiling	
Maximum main floor elevation	30 inches above highest adjacent curb elevation	

14.10.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) *Parking in the AIR zone.* The Airport Director, or the Director's designee, will determine the number of parking spaces required based on the demand generated by the permitted use.

(4) *Parking lot lighting.* See PCC 15.21.

14.10.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.10.090 Design Standards

(1) AIRI zone standards. All buildings in the AIRI zone must comply with the standards set forth in PCC 14.10.110.

(2) AIR zone standards. All development in the AIR zone must comply with PCC 13.10.

14.10.100 Prohibited uses

(1) *Uses prohibited in the AIRI zone.* Notwithstanding any other provision regarding permitted uses, the following uses are prohibited in the AIRI zone:

(a) Uses that interfere with navigational signals or radio communication between airport flight controllers and aircraft;

(b) Uses that may cause visual interference, including glare, dust, or other conditions that obscure visibility or make it difficult for pilots to distinguish airport lights;

(c) Uses that attract bird concentrations, creating a hazard to aircraft during landing or takeoff;

(d) Overhead transmission lines;

(e) Uses that create nuisances such as excessive light, glare, noise, smoke, odor, dust, gas, or other emissions, excluding fire abatement chemicals; and

(f) The storage, treatment, processing, or manufacture of hazardous materials (excluding aviation fuel), where such activities are not accessory to a permitted use.

(2) *Restrictions in the AIR zone.* Business activity in the AIR zone is prohibited without a lease agreement with the Airport Manager.

14.10.110 Airport adjacent development design standards

The following standards apply in the AIRI zone:

(1) *Building orientation.* The primary entrance of structures fronting Lakeview Parkway or Center Street must face those corridors.

(2) *Design.* Buildings must incorporate architectural elements found along downtown Center Street between 500 West and 100 East.

(a) All sides of a structure must include architectural detailing. Blank facades without detailing are prohibited.

(b) Architectural elements must include:

(i) Masonry wall surfaces;

(ii) Decorative cornices;

(iii) Steel and beam construction; and

(iv) Ground-floor storefronts.

(3) *Materials.*

(a) Wall materials may be combined horizontally only and heavier materials (by weight or appearance) must be placed below lighter materials. For example, stone may not be placed above stucco, and brick may not be located below concrete.

(b) No single material may span more than 60 horizontal feet on any facade.
(c) Exterior finishes may not include vinyl, metal siding (including sheet or corrugated metal), plywood, particle board, or other wood products not designed as architectural finishes.

(d) Notwithstanding subsection (c), air cargo terminals, package delivery facilities, aircraft maintenance facilities, miscellaneous manufacturing, and warehouse uses may use metal composite materials.

(4) *Transparency.* Each first-floor commercial frontage along a primary street must provide at least 40% completely transparent glass. On secondary streets, at least 30% transparent glass is required.

(5) *Window and door proportions.* All windows and doors, except for ground-level storefronts, must be square or vertically proportioned.

(6) Windows, doors, and glass above the first story may not exceed 50% of the total building wall area per facade.

(7) *Mechanical equipment screening.* All mechanical equipment must be screened with an opaque barrier that is architecturally compatible with the primary structure. Screening must be limited to the minimum size needed to fully shield the equipment.

14.10.120 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*.

(a) AIRI Zone - See PCC 14.47.

(b) AIR Zone – See PCC 13.11

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.*

(a) Chain-link fencing is prohibited along street frontages in the AIRI zone.

(b) Fencing must comply with FAA requirements in the AIR zone.

(c) Clear vision area requirements must be met. See PCC 14.50.090.

(d) A decorative masonry wall at least six feet in height must be constructed along property lines adjacent to residential zones. If both owners of subject properties in the AIRI zone and the adjacent residential zone mutually agree to alternate, suitable fencing materials, a signed agreement must be submitted to the Planning Commission, or its designee, for approval. In the absence of a mutual agreement and City approval, a masonry wall is required.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Temporary uses.* Temporary uses are not permitted.

(8) *Aviation standards.* For additional standards related to aviation, see PCC Title 13.

(9) *Aeronautical business standards in the AIR zone.* See PCC 13.03.

(10) *Commercial aeronautical applications in the AIR zone.* See PCC 13.09.

(11) *FAA notification.* Any development within one mile of the airport must submit FAA Form 7460-1 (Notice of Proposed Construction or Alteration) to the FAA.

(12) *State compliance.* Any development within 5,000 feet of an airport runway must comply with Utah Code 72-10-4.

Chapter 14.11
HCF - HEALTH CARE FACILITIES ZONE

Sections:

14.11.010 Purpose and Objectives.
14.11.020 Permitted Uses.
14.11.030 Lot Standards.
14.11.040 Yard/Setback Requirements.
14.11.050 Projections into Yards.
14.11.060 Building Height and Distance.

14.11.070 Parking, Loading, and Access.
14.11.080 Project Plan Approval.
14.11.090 Zone Frontage.
14.11.100 Single Ownership and Area of Zone.
14.11.110 Other Requirements.

14.11.010 Purpose and Objectives

The Health Care Facilities (HCF) zone provides areas for healthcare facilities operated under public or private control that require relatively large land areas. This zone primarily supports principal structures and related facilities that offer healthcare services. Typical permitted uses include hospitals, physician offices, medical centers, dental offices, medical training facilities, rehabilitation centers, laboratories, and research facilities that are reasonably related, incidental, or ancillary to allowed medical uses.

14.11.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Such accessory uses and structures must be located on the same lot or parcel as the principal use, unless otherwise specified. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it; and

(b) Concealed storage of materials or equipment used in conjunction with permitted uses. Open storage that is visible from public or private streets is not permitted.

14.11.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.11.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated:

(1) Lot perimeter setback: 10 feet.

(2) Setbacks are also subject to PCC 14.11.110.

14.11.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no other, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports, provided the carport:

(i) Is no more than one story in height; and

(ii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Clear vision areas.* See PCC 14.50.090.

14.11.060 Building Height and Distance

(1) No building or structure may exceed 55 feet in height unless the horizontal setback from the nearest residential zone boundary is at least twice the building's height. In no case may a building exceed 200 feet in height.

(2) Any accessory building must be at least 10 feet from the principal structure.

14.11.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) *Parking setbacks from public streets.* Parking spaces may not be located within 15 feet of a property line adjacent to a public street. However, parking spaces, excluding parking structures, may be located as close as 10 feet from the property line if all of the following buffer conditions are met:

(a) An innovative landscaping design is submitted that is demonstrably superior to what would result from applying the minimum required standards;

(b) The buffer is at least six feet wide and extends the full length of the parking lot;

(c) The buffer achieves 80% full shrub coverage at plant maturity without extending over the adjacent sidewalk;

(d) The buffer includes at least 60% evergreen shrubs. Seasonal interest is encouraged. Any deciduous shrubs must have dense winter branching to ensure effective screening;

(e) A minimum one-foot berm is included; and

(f) One shade tree is planted for every 30 feet of street frontage, offset from the spacing used for parkway trees.

14.11.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.11.090 Zone Frontage

The HCF zone must front an arterial street for at least 200 feet, measured along a line parallel to the street centerline.

14.11.100 Single Ownership and Area of Zone

(1) *Minimum zone area.* The minimum area of an HCF zone must be 10 acres.

(2) *Unified ownership or control.* Land within a single instance of an HCF zone must be under single ownership or under single control to ensure integrated healthcare campus development.

14.11.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Transitional development standards*. Where a lot in this zone borders a residential zone, the more restrictive standards between this Section and PCC 14.50.160 apply.

Chapter 14.12
OPEN SPACE, PRESERVATION AND RECREATION ZONE

Sections:

14.12.010 Purpose and Objectives.
14.12.020 Permitted Uses.
14.12.030 Building Height and Distance.
14.12.040 Parking, Loading and Access.
14.12.050 Project Plan Approval.
14.12.060 Other Requirements.

14.12.010 Purpose and Objectives

The Open Space, Preservation, and Recreation (OSPR) zone protects public land for outdoor recreation, education, and scenic enjoyment. It supports the community's social and physical needs through access to public open space. This zone applies to parks, trails, and environmentally sensitive lands to preserve them for future generations. Permitted uses may range from small urban pocket parks to large regional parks. The OSPR zone reinforces Provo City's identity by promoting the health and well-being of its residents through diverse recreational opportunities.

14.12.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.* Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following: utilities, restrooms, playgrounds, pavilions, clubhouses, seating bleachers, greenhouses, grounds maintenance sheds, and similar structures customarily used in conjunction with a principal use or structure.

14.12.030 Building Height and Distance

No building or structure may exceed two stories or 35 feet in height.

14.12.040 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) The Parks and Recreation Director, or the Director's designee, determines the number of parking spaces required based on the demand of the permitted use.

14.12.050 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.12.060 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping.* See PCC 15.20.

Chapter 14.13
A1 - AGRICULTURAL ZONE

Sections:

14.13.010 Purpose and Objectives.
14.13.020 Permitted Uses.
14.13.030 Lot Standards.
14.13.040 Yard/Setback Requirements.
14.13.050 Projections into Yards.
14.13.060 Building Height and Distance.
14.13.070 Parking, Loading, and Access.
14.13.080 Project Plan Approval
14.13.090 Other Requirements.

14.13.010 Purpose and Objectives

The Agricultural Zone (A1) is intended to provide areas that support and encourage agricultural uses within the city. The zone protects agricultural activities from premature urban development until residential, commercial, or industrial uses become necessary and appropriate. Uses allowed in the A1 zone, in addition to agricultural uses, must be incidental to agriculture and may not alter the basic agricultural character of the zone. Conversion from the A1 zone to zones that allow urban development must occur in an orderly, progressive manner and may not result in leap-frog development patterns.

14.13.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Industrial Goods Manufacturing - Drugs (cannabis production establishments only, and only in A1.10).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Agricultural stands for the sale of farm products produced on site products grown or produced on the premises. The stand may not exceed 300 square feet of ground coverage and is limited to one stand per parcel;

(g) Windmills, silos, tank houses, buildings or shelters for farm equipment and machinery, water wheels, water reservoirs, and storage tanks;

(h) Structures required for the housing, nurture, confinement, or storage of:

(i) animals permitted in the zone; and

(ii) the equipment necessary for the care and keeping of such animals; and

(i) Up to two caretaker dwellings for established long-term recreational vehicle storage facilities greater than 10 acres.

(4) *Conditional Uses.* Storage of Recreational Vehicles – Permitted subject to PCC 14.50.050.

14.13.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.13.040 Yard/Setback Requirements

The following minimum yard/setback requirements apply, with all required distances measured from the property line unless otherwise noted:

(1) Front yard: 30 feet.

(2) Side yard – corner lots: 30 feet.

(3) Side yard – interior: 10 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 30 feet.

14.13.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) The required side yard of an accessory building is the same as that required for a principal building.

(b) An accessory building may be located on the rear property line if:

(i) It provides for all roof drainage to be retained on the subject lot or parcel; and

(ii) It is not used for housing animals or poultry.

(c) Notwithstanding any provision to the contrary in this Section, accessory buildings used for housing animals or poultry must be located at least 100 feet from any dwelling.

(4) *Clear vision areas.* See PCC 14.50.090.

14.13.060 Building Height and Distance

(1) No building or structure may exceed two stories or 35 feet in height, except as provided in this Section.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) *Agricultural Buildings.* Silos, windmills, and other accessory structures customarily associated with an agricultural use may exceed 35 feet in height upon specific approval by the Planning Commission.

(4) Any accessory building must be at least 20 feet from a dwelling.

14.13.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.13.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.13.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Flag Lots.* See PCC 14.50.115.

(3) *Signs*. See PCC 14.47.

(4) *Landscaping*. See PCC 15.20.

(5) *Trash storage*. See PCC 14.50.070.

(6) *Fencing Standards.* See PCC 14.50.200.

Chapter 14.13A
AT – AGRITOURISM OVERLAY ZONE

Sections:

14.13A.010 Purpose and Objectives.
14.13A.020 Permitted Uses.
14.13A.030 Lot Standards.
14.13A.040 Parking, Loading, and Access.

14.13A.050 Project Plan Approval.
14.13A.060 Development Standards.
14.13A.070 Design Standards.
14.13A.080 Hours of Operation.
14.13A.090 Event Hall Requirements.
14.13A.100 Other Requirements.

14.13A.010 Purpose and Objectives

The Agritourism Overlay Zone (AT Overlay) allows limited commercial activities within an agricultural setting to attract visitors to farms, ranches, and other agricultural operations and to support the continued use and preservation of agricultural land within the City.

14.13A.020 Permitted Uses

Permitted uses include all uses permitted in the A1 Zone and the following:

(1) Commercial tours;

(2) Educational classes;

(3) Museums;

(4) Event halls, subject to PCC 14.13A.090.

14.13A.030 Lot Standards

(1) Each lot or parcel in the AT Overlay must contain a minimum of one acre. The AT Overlay may not be applied to an agricultural parcel that does not meet this requirement.

(2) The total area of permitted uses listed in PCC 14.13A.020 may not exceed thirty-three percent of the lot.

14.13A.040 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.13A.050 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.13A.060 Development Standards

The AT Overlay may only be combined with A1 Zones. Development within the AT Overlay must comply with the development standards of the underlying zone unless otherwise specified in this Chapter.

14.13A.070 Design Standards

(1) Non-architectural metal may not be used as a façade material for agritourism buildings and may be used only as a roofing material.

(2) Building design and architecture must be consistent with the agricultural setting and agricultural uses.

(3) For purposes of this Chapter, “non-architectural metal” means metal that is bare, untreated, or corrugated.

14.13A.080 Hours of Operation

Permitted uses in the AT Overlay must cease operation during the following hours:

(1) Sunday through Thursday: from 10:00 p.m. until 8:00 a.m. the following day; and

(2) Friday and Saturday: from 11:00 p.m. until 8:00 a.m. the following day.

14.13A.090 Event Hall Requirements

(1) *On-site security.* Event halls must provide one privately contracted and licensed on-site security officer for every seventy-five adult patrons when one or more of the following conditions exists:

(a) Amplified music occurs at the event; or

(b) Alcohol is consumed at the event.

(2) *Distance requirements.* A structure used for farm animals, feed, or waste may not be constructed or maintained within fifty feet of an event hall.

14.13A.100 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) The operator of a use permitted in this Chapter must comply with all other license requirements of the city or any public agency related to the use.

(3) Noise levels for any event must comply with PCC 9.06.

Chapter 14.14
RA - RESIDENTIAL AGRICULTURAL ZONE

Sections:

14.14.010 Purpose and Objectives.
14.14.020 Permitted Uses.
14.14.030 Lot Standards.
14.14.040 Yard/Setback Requirements.
14.14.050 Projections into Yards.
14.14.060 Building Height and Distance.
14.14.070 Parking, Loading, and Access.
14.14.080 Project Plan Approval.
14.14.090 Other Requirements.

14.14.010 Purpose and Objectives

The Residential Agricultural (RA) zone is established to provide areas on the fringe of Provo City where residential uses integrate with incidental agricultural pursuits. This zone allows the keeping of farm animals and fowl in conjunction with one-family dwellings, in proportion to the amount of land available. The RA zone is also intended to retain parcels large enough to support efficient and attractive development as urban uses expand in an orderly manner.

In addition, the RA zone accommodates residential developments oriented to an equestrian lifestyle. Such developments may include noncommercial stables, training areas, and equestrian trails as integral features of the community.

14.14.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Veterinarian Services - permitted subject to PCC 14.02.045(9).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

(4) *Keeping of Animals.* The following limitations on the keeping and maintenance of animals and fowl apply in the RA zone:

(a) *Horses.* No more than four horses are permitted per acre of land that is used exclusively for their care and keeping;

(b) *Bovine animals, sheep, or goats.* No more than two such animals are permitted per acre of land that is used exclusively for their care and keeping;

(c) *Poultry, rabbits, chinchillas, hamsters, and other small animals.* No more than twenty-five (25) such animals are permitted on the premises;

(d) *Animal kennels, boarding, breeding, training, and grooming.* No more than 10 small animals may be maintained on the premises of such facilities; and

(e) Nothing in this Section authorizes the keeping of animals capable of inflicting harm or endangering the health and safety of any person or property.

14.14.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.14.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 30 feet.

(2) Side yard – corner lots: 25 feet.

(3) Side yard – interior: 10 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 30 feet.

14.14.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(c) A building used to house animals or poultry may not be located within 100 feet of any dwelling.

(4) *Clear vision areas.* See PCC 14.50.090.

14.14.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any accessory building must be at least 20 feet from the principal structure.

14.14.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.14.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.14.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Flag Lots*. See Pcc.14.50.115.

Chapter 14.15
R1 - ONE-FAMILY RESIDENTIAL

Sections:

14.15.010 Purpose and Objectives.
14.15.020 Permitted Uses.
14.15.030 Lot Standards.
14.15.040 Yard/Setback Requirements.
14.15.050 Projections into Yards.

14.15 060 Building Height and Distance.
14.15.070 Parking, Loading, and Access.
14.15.080 Project Plan Approval.
14.15.090 Storage of Commercial Vehicles – Residential Zone.
14.15.100 Other Requirements.

14.15.010 Purpose and Objectives

The One-Family Residential (R1) Zone provides areas that promote an environment for family life by allowing one-family detached dwellings on individual lots within an open space setting. This Zone features attractively landscaped lots and open spaces, including lawns, shrubs, small orchards, and sustainable landscaping practices that promote water conservation and the use of native plant species.

14.15.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor’s office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) Accessory Dwelling Units, subject to PCC 14.43.

14.15.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.15.040 Yard/Setback Requirements

The following minimum yard/setback requirements apply, with all required distances measured from the property line unless otherwise noted:

(1) Front yard: 14 feet, except as follows:

(a) Front-facing garages and carports: 20 feet behind sidewalk or curb.

(2) Side yard – corner lots: See PCC 14.15.040(1).

(3) Side yard – interior: 10 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

14.15.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses;

(iv) Not be closer to the front property line than the main building; and

(v) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Cover more than 10% of the entire lot area of the property;

(ii) Be less than three feet from any property line;

(iii) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(iv) Exceed 12 feet in height within 10 feet of a property line;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.15.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height, as measured at each building façade.

(2) Special exceptions. A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any accessory building must be at least six feet from the principal structure.

14.15.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) All parking spaces must have paved access from a public street.

(4) No parking space may be provided between the street and the main dwelling, except for driveway parking that complies with PCC 14.44.080(1)(c).

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

14.15.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.15.090 Storage of commercial vehicles — Residential zone.

A truck, motor vehicle, or commercial trailer that with a gross vehicle weighted rating (GVWR) exceeding 16,000 pounds may not be stored or parked on any lot or parcel in the zone. No contracting or earthmoving equipment may be stored or parked on any lot or parcel in the zone.

14.15.100 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Flag Lots*. See Pcc.14.50.115.

Chapter 14.16
VLDR - VERY LOW DENSITY RESIDENTIAL ZONE

Sections:

14.16.010 Purpose and Objectives.
14.16.020 Permitted Uses.
14. 16.030 Lot Standards.
14.16.050 Yard/Setback Requirements.
14.16.060 Projections into Yards.
14.16.070 Building Height and Distance.
14.16.080 Parking, Loading, and Access.
14.16.080 Project Plan Approval.
14.16.090 Other Requirements.

14.16.010 Purpose and objectives

The Very Low Density Residential (VLDR) zone provides a residential environment characterized by sustainably landscaped one-family (detached or attached) and two-

family residential lots and structures. The zone limits residential density to a level lower than the Low Density Residential (LDR) zone.

14.16.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Single-family Dwelling, attached (Townhome) – permitted, up to 6 units in one building.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) Accessory Dwelling Units, subject to PCC 14.43.

14.16.030 Lot standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.16.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 20 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are found to 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.

14.16.050 Projections into yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.16.060 Building Height and Distance

(1) No building or structure may exceed 30 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any building must be located at least 15 feet from any other building on the same parcel.

14.16.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.16.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.16.090 Other requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Multifamily Amenities.* Any new project of ten or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.17
LDR - LOW DENSITY RESIDENTIAL ZONE

Sections:

14.17.010 Purpose and Objectives.
14.17.020 Permitted Uses.
14.17.030 Lot Standards.
14.17.040 Yard/Setback Requirements.
14.17.050 Projections into Yards.
14.17.060 Building Height and Distance.
14.17.070 Parking, Loading, and Access.
14.17.080 Project Plan Approval.
14.17.090 Other Requirements.

14.17.010 Purpose and Objectives

The Low Density Residential (LDR) Zone provides a residential environment with attractively landscaped lots and one-family (detached or attached) and two-family dwellings. The LDR Zone allows a higher residential density than the R1 Zone while maintaining a residential character that is compatible with one-family housing. The zone promotes sustainable development practices, enhances walkability, and integrates green space and community amenities to improve residents' quality of life.

14.17.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Single-family Dwelling, attached (Townhome) – permitted, up to 6 units in one building.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) Accessory Dwelling Units, subject to PCC 14.43.

14.17.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.17.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 20 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are found to 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.

14.17.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.17.060 Building Height and Distance

(1) No building or structure may exceed 30 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any building must be located at least 15 feet from any other building on the same parcel.

14.17.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.17.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.17.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.18
MDR - MEDIUM DENSITY RESIDENTIAL ZONE

Sections:

14.18.010 Purpose and Objectives.
14.18.020 Permitted Uses.
14.18.030 Lot Standards.
14.18.040 Yard/Setback Requirements.
14.18.050 Projections into Yards.
14.18.060 Building Height and Distance.
14.18.070 Parking, Loading, and Access.
14.18.080 Project Plan Approval.
14.18.090 Other Requirements.

14.18.010 Purpose and Objectives

The Medium Density Residential (MDR) Zone provides an environment for medium-density residential development. The zone is generally located near the City's central area or in areas where the General Plan identifies a need for multi-unit housing. The MDR Zone applies to areas with sufficient street and utility infrastructure to support the allowed density. Typical uses include three- and four-family dwellings, apartments, and baching apartments. The zone promotes sustainable development, enhances walkability, and integrates green space and community amenities to improve residents' quality of life.

14.18.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Single-family Dwelling, attached (Townhome)– permitted, up to 6 units in one building.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.18.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.18.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 20 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are found to 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.

14.18.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.18.060 Building Height and Distance

(1) No building or structure may exceed 45 feet in height.

(2) Accessory buildings may not exceed 12 feet in height.

(3) Any building in the LDR zone must be at least 15 feet from any other building on the same parcel.

14.18.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.18.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.18.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.19
HDR - HIGH DENSITY RESIDENTIAL ZONE

Sections:

14.19.010 Purpose and Objectives.
14.19.020 Permitted Uses.
14.19.030 Lot Standards.
14.19.040 Yard/Setback Requirements.
14.19.050 Projections into Yards.
14.19.060 Building Height and Distance.
14.19.070 Parking, Loading, and Access.
14.19.080 Project Plan Approval.
14.19.090 Other Requirements.

14.19.010 Purpose and Objectives

The High Density Residential (HDR) Zone provides for high-density residential development in areas such as downtown, near Brigham Young University, and in other designated high-density locations. The zone encourages redevelopment for residential use, particularly in areas with high property values where demolition of existing structures may occur.

Typical uses include apartments and condominiums. The HDR Zone promotes sustainable urban growth, enhances walkability, and supports a diverse housing stock that serves students, families, and professionals.

14.19.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.19.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.19.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet (maximum 20 feet).

(2) Side yard – corner lots: 10 feet (maximum 20 feet).

(3) Side yard – interior: 10 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are found to 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.

14.19.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend; and

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.* All accessory buildings must:

(a) Have a footprint and height less than the principal structure;

(b) Comply with applicable lot coverage standards;

(c) Be used only for permitted accessory uses; and

(d) Use architectural materials and colors similar to the principal structure.

(4) *Clear vision areas.* See PCC 14.50.090.

14.19.060 Building Height and Distance

(1) No building or structure may exceed 55 feet in height.

(2) Accessory buildings may not exceed 12 feet in height.

(3) Any building in the HDR zone must be at least 15 feet from any other building on the same parcel.

14.19.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.19.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.19.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.20
RM - RESIDENTIAL MANUFACTURED HOME PARK ZONE

Sections:

14.20.010 Purpose and Objectives.
14.20.020 Permitted Uses.
14.20.030 Lot Standards.
14.20.040 Yard/Setback Requirements.
14.20.050 Projections into Yards.
14.20.060 Building Height and Distance.
14.20.070 Parking, Loading, and Access.
14.20.080 Project Plan Approval.
14.20.090 Building Permits and Business License Required.
14.20.100 Minimum Development Standards.
14.20.110 Other Requirements.
14.20.120 Definitions.

14.20.010 Purpose and Objectives

The Residential Manufactured Home (RM) zone establishes a residential environment that primarily accommodates manufactured homes and modular housing units. Development may occur as manufactured home parks under single ownership and control or as subdivisions with multiple owners, provided the properties are governed by restrictive covenants.

This zone reflects the standards of five-star manufactured home parks and promotes high-quality residential development. Projects in the RM zone must include attractively landscaped units and amenities comparable to those in other residential developments.

The target residential density for this zone is approximately five to seven dwelling units per acre. These provisions support attractive and desirable living environments within Provo City's residential areas.

Properties in the RM zone must be located on, or have reasonable access to, arterial or collector streets that provide efficient freeway access. The City Engineer must review the proposed access,

and the Planning Commission must approve it. The city may require a traffic study to determine whether a proposed location meets these criteria.

14.20.020 Permitted Uses

(1) Permitted Uses are found in PCC 14.08.

(2) *Exceptions*

(a) Residential Facility for Elderly Persons and for Persons with a Disability - permitted subject to PCC 14.50.140

(b) Communications - permitted subject to PCC 14.02.045(11)

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as carports, gardening sheds and similar structures which are customarily used in conjunction with a principal use or structure (and comply with the HUD Code); and

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor’s office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.20.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.20.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property lines or lot, space, or site boundaries unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: 6 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 10 feet.

(6) Any yard – adjacent to public street: 20 feet.

14.20.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.* Accessory buildings:

(a) Are limited to one structure per lot, space or site;

(b) May not be taller than 12 feet in height;

(c) May not have a footprint larger than 200 square feet; and

(d) Must follow a uniform design provided by the manufactured home park owner.

14.20.060 Building Height and Distance

(1) No building or structure may exceed 15 feet in height.

(2) *Special exceptions.* Club houses may not exceed 35 feet in height.

(3) Any accessory building must be at least 6 feet from the principal structure.

14.20.070 Parking, Loading and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Each lot, space, or site in the RM zone must include a paved parking area on the same lot that complies with PCC 14.44.100. The parking area must be located within the buildable area or an interior side yard. The parking area may serve only one lot, space, or site and may not be located less than 10 feet from a parking area on an adjacent lot, space, or site.

(3) Visitor parking must be provided throughout the park at a rate of one space for every five units. Visitor parking must be distributed evenly throughout the park.

(4) Parking on the street is prohibited unless the street width exceeds 24 feet.

(5) In addition to the requirements in this section, the park or subdivision must provide space for the storage of recreational vehicles, boats, personal watercraft, snowmobiles, and similar vehicles. Storage must be provided at a rate of one space for every 10 dwelling units. The storage area must be fully enclosed by a six-foot masonry wall, opaque fence, or other screening material.

(6) A homeowner’s association must provide for the perpetual maintenance of parking facilities.

(7) A manufactured home park must have at least two vehicle access points to public streets. One access point may be a controlled access if the Fire Department approves it.

14.20.080 Project Plan Approval

See PCC 15.03.300 and 15.03.310.

14.20.090 Building Permits and Business License Required

(1) A person must obtain a building permit from the City’s Building Inspection Division before placing, constructing, or relocating a manufactured home, addition, or accessory building within a manufactured home park.

(2) The park owner must obtain a city business license before any home in the park may be occupied. The license must be renewed annually.

14.20.100 Minimum Development Standards.

All developments in the RM zone must comply with the standards and requirements of this chapter. The city will deny permits for any development, application, or use that does not comply with this chapter.

(1) *General Standards.*

(a) *Single ownership or control.* The area proposed for a manufactured home park must remain under single ownership or control during development to ensure full supervision and compliance with this chapter and with conditions imposed on the preliminary and final development plans. Agreements between individuals do not satisfy this requirement. Single ownership by individuals, partnerships, corporations, or other legally recognized entities satisfies this requirement. Cooperative ownership may satisfy this requirement if the Planning Commission verifies compliance with Utah Code and approves the ownership structure.

(b) *Design team.* Preliminary development plans must be prepared by a design team that includes a landscape architect and either an engineer or land surveyor. Each team member must hold a current license to practice in Utah.

(c) *Sensitive Lands.* Projects located in sensitive lands, high water table areas, or floodplains must comply with all applicable provisions of the Sensitive Lands and Floodplain chapters of the PCC and other applicable ordinances.

(d) *Homeowner's Association.* A homeowner's association must be formed, and restrictive covenants must be submitted to and approved by Provo City. The restrictive covenants must be recorded in the Utah County Recorder's Office before or simultaneously with recording the final plan.

(e) *Restrictive Covenants.* The restrictive covenants required by this subsection must:

(i) Include provisions addressing landscaping maintenance, parking restrictions, RV storage, home and yard maintenance, noise, and pet control;

(ii) Establish management procedures to correct noncompliance and allow the homeowners association to charge the homeowner a reasonable fee for corrective action;

(iii) Establish an Architectural Review Committee that reviews homes proposed for placement within the park to ensure compatibility in age, appearance, and style with other homes in the park;

(iv) Be approved by the Planning Commission or its designee; and

(v) Require prior notice to homeowners explaining any proposed amendment and prior approval from the City before the amendment becomes effective.

(f) *Towing hitches and wheels.* All wheels and towing hitches or devices must be removed from a manufactured or modular home before occupancy.

(g) *Compliance.*

(i) A manufactured home may not be placed in the park unless:

(A) The home complies with all applicable requirements of Utah Code; and

(B) At the time of placement, the home is reviewed for compliance with the park's restrictive covenants and approved by the Architectural Review Committee;

(ii) An existing home may not be removed solely because of its age if it otherwise complies with the restrictive covenants.

(2) *Fencing Standards.*

(a) *Fencing.* Fences that are seven feet or less in height do not require a building permit. Fences over seven feet in height require a building permit from the Building Inspection Division. A fence, wall, screen, hedge, or other material that functions as a fence may not create a sight-distance hazard for vehicular or pedestrian traffic, as determined by the City Traffic Engineer. Interior fencing, if permitted by park management, must comply with the restrictive covenants and must use consistent materials throughout the park.

(b) *Perimeter Wall.* A six-foot decorative masonry wall is required around the perimeter of a manufactured home park or subdivision where it fronts a public street. A decorative masonry wall, or an alternative six-foot fence approved by the Planning Commission, is required along the remaining perimeter. Where a park or subdivision fronts a public street, the wall must either be set back at least ten feet from the property line or match the setback required of the adjacent property with the largest required setback, whichever is greater. The setback area must be landscaped in accordance with PCC 14.20.110.

(c) *Grade Differences.* Where properties differ in grade on either side of a fence, wall, or similar structure, the fence height is measured from the natural grade of the property on which the fence is located.

(d) *Retaining Walls.* A retaining wall that protects cuts or fills differing from the natural grade along a property line may be topped by a fence, wall, or hedge up to the maximum height otherwise permitted at that location if no retaining wall existed.

(e) *Double Frontage Lots.* A fence or wall may be erected in the rear yard of a double frontage lot.

(f) *Exceptions.* This section does not apply to fences such as tennis court backstops or patio enclosures if Development Services approves them and they do not create a hazard or violate the PCC. Other exceptions require Planning Commission approval. Standards for barbed wire and similar fencing are located in PCC 9.14.020.

(3) *Entryways.*

(a) Entry masonry walls may not exceed six feet in height, except for lamps mounted on pillars, and must comply with PCC 14.50.090. Fence pillars may extend up to 18 inches above the maximum permitted fence height if the pillars are spaced at least six feet apart, measured face to face.

(b) Entrance treatments must include a monument sign or entrance wall sign that states the name and address of the park or subdivision. The sign may not exceed five feet in height or 32 square feet in area.

(c) Secondary entrances are required as provided in PCC 14.20.070.

(4) *Street Standards.*

(a) Streets must have a minimum width of 36 feet, including curbs and sidewalks.

(b) Streets must include standard (non-rolled) concrete curbs on both sides that are at least two feet wide and designed to prevent vehicles from traveling onto sidewalks except at designated driveways or ADA-required crossings.

(c) Streets must be paved in accordance with City street paving standards.

(5) *Sidewalk Standards.* Sidewalks must be at least six feet wide on both sides of all streets. The development may also include an additional pedestrian circulation system.

(6) *Street Lighting Standards.* Streets must be lighted in accordance with the requirements of the City Energy Department.

(7) *Administrative Office.* Each manufactured home park must include a permanent office and community center building. The building may include a single-family dwelling for the owner or manager. The building must provide adequate space for gatherings and recreational activities sufficient to accommodate at least 20% of park residents.

(8) *Laundry Facilities.* Each manufactured home park or subdivision must provide one or more laundry rooms equipped with automatic washers and dryers unless each home includes its own laundry fixtures.

(9) *Manufactured Home Skirting.* Skirting must fully enclose the open area beneath each home. The materials must be durable, compatible with the exterior finish of the home, and professionally installed.

(10) *Utilities.* All utility distribution facilities, including electrical and television service, must be located underground. Transformers, terminal boxes, meter cabinets, pedestals, and similar equipment may be placed above ground. Each site or lot must be served by water, gas, electricity, and sewer.

(11) *Porches, Decks, and Landings.* Porches and landings located in front of doorways must be covered by an awning that is architecturally compatible and professionally installed. This requirement applies to all structures more than 24 inches in height except decks or similar structures

that are detached from the main home by at least three feet. A porch, deck, or landing located at the main entrance must be at least eight feet by 14 feet and must be fully covered by the required awning.

(12) *Park Management.*

(a) The holder of a business license for a manufactured home park must operate the park in compliance with this Title, maintain facilities and equipment in good repair, and keep the park clean and sanitary.

(b) Park management must notify occupants of applicable PCC provisions and restrictive covenants recorded with the Utah County Recorder.

(c) Park management must supervise the placement of each home, including ensuring proper stability and utility connections.

(d) Park management must ensure that a building permit is obtained before a home is placed or relocated within the park.

(e) Park management must maintain a register of all occupants and make the register available for inspection by authorized City officials.

(f) At least one member of park management must reside within the park.

(g) If a tenant fails to maintain property in compliance with restrictive covenants or park rules, park management must bring the property into compliance after providing 14 days' notice to the tenant. Park management may charge the tenant a reasonable fee for the work performed.

14.20.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

14.20.120 Definitions

As used in this Chapter, the terms in this Section mean the following:

“Awning” means a shade structure supported by posts or columns and partially supported by a home that is installed, erected, or used on a lot. An awning must be architecturally compatible with the main home in color and style and must be professionally installed. See PCC 14.20.100.

“Community Building” means a permanent building that provides management offices, indoor recreation areas, toilet facilities, laundry facilities, and other shared facilities for occupants of a manufactured home park.

“Decorative Masonry Walls” means a wall constructed of brick or concrete block with decorative styles such as split face, scored, fluted, combed, or hi-lite projection shadow block. The wall must include patterns or textures that vary in style. A plain gray cinder block wall is not permitted unless decorative blocks are used in sufficient number to create a pattern and the Planning Commission approves the design. If the Planning Commission requires the wall to be painted, the paint must resist graffiti or allow graffiti to be removed easily.

“Fence” means a barrier such as latticework, screen, wall, hedge, or continuous growth of shrubs or trees that prevents or restricts passage or view across a property line. Fences must be architecturally compatible and must comply with restrictive covenants.

“Manufactured Home” means a transportable factory-built housing unit constructed on or after June 15, 1976, as defined in Utah Code Annotated Title 58, Chapter 56, as amended. For purposes of this chapter, *mobile home* and *manufactured home* have the same meaning.

“Mobile Home” See “Manufactured Home.”

“Permit” means an official written document issued by the Building Inspection Division that authorizes a specific activity.

“Skirting” means a continuation of the exterior facing material of the home, or decorative masonry, block, brick, or vinyl material that is architecturally compatible with the home and professionally installed to enclose the open area beneath the home.

Chapter 14.21
CR - CAMPUS RESIDENTIAL ZONE

Sections:

14.21.010 Purpose and Objectives.
14.21.020 Permitted Uses.
14.21.030 Lot Standards.
14.21.040 Yard/Setback Requirements.
14.21.050 Projections into Yards.
14.21.060 Building Height and Distance.
14.21.070 Parking, Loading, and Access.
14.21.080 Project Plan Approval
14.21.090 Other Requirements.

14.21.010 Purpose and Objectives

The Campus Residential (CR) zone encourages high-density housing and provides the option for a mix of residential and commercial uses near Brigham Young University. The permitted densities are intended to support redevelopment of land for residential uses where property values are high and demolition is necessary. Typical permitted uses in this zone include apartments, baching apartments, and condominiums. Ground-floor neighborhood commercial services are also allowed for the convenience of area residents.

14.21.020 Permitted Uses

(1) Permitted Uses are found in PCC 14.08

(2) *Exceptions*

(a) Baching Apartments – permitted up to six singles per unit.

(b) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(c) Communications - permitted subject to PCC 14.02.045(11).

(d) Nonresidential uses identified in PCC 14.08 are permitted only as part of a mixed-use development and must be ancillary to the residential uses in the same building.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor’s office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not

authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.21.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.21.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front Yard:

(a) Residential frontage: 10 feet minimum, 20 feet maximum.

(b) Commercial frontage: 5 feet minimum, 20 feet maximum.

(2) Side Yard – corner lots:

(a) Residential frontage: 10 feet minimum, 20 feet maximum.

(b) Commercial frontage: 5 feet minimum, 20 feet maximum.

(3) Side yard – interior: 10 feet

(4) Side Yard – driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet

(6) 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 complies with the International Building Code and the Fire Code.

14.21.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.* Accessory buildings may only be located in the rear yard and may not:

(a) Be closer than five feet to an interior side or rear lot line;

(b) Be located closer to the side street than the principal structure on a corner lot; and

(c) Exceed 12 feet in height, measured to the mid-point of a sloped roof.

(4) *Clear vision areas.* See PCC 14.50.090.

14.21.060 Building Height and Distance

(1) No building or structure may exceed 75 feet in height.

(2) The main floor elevation may not be more than 30 inches above the lowest adjacent street curb elevation.

(3) Any building must be at least 15 feet from any other building on the same parcel, except accessory buildings, which must be at least six feet from the principal structure and 15 feet from any other building.

14.21.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.21.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.21.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.220. Landscaping within required setbacks does not count toward meeting the landscaping requirement for this zone.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.22
MU/NMU - MIXED-USE ZONES

Sections:

14.22.010 Purpose and Objectives.
14.22.020 Permitted Uses.
14.22.030 Lot Standards.
14.22.040 Yard/Setback Requirements.
14.22.050 Projections into Yards.
14.22.060 Building Height and Distance.
14.22.070 Parking, Loading, and Access.
14.22.080 Project Plan Approval.
14.22.090 Minimum Residential Unit Size.
14.22.100 Minimum Habitable Main Floor Depth.
14.22.110 Other Requirements.

14.22.010 Purpose and Objectives

Mixed-use development combines two or more types of land use into a building or group of buildings that are physically and functionally integrated and mutually supporting. This may include residential, commercial, office, institutional, or other land uses. Mixed-use areas often include a main street or downtown corridor, an activity center, or a commercial corridor within a neighborhood or district.

Mixed-use zones are intended for areas designated as “mixed-use” in neighborhood plans or the General Plan. These zones are intended to be located along collector or arterial roads and not in areas where they would significantly impact single-family neighborhoods.

For purposes of consolidation, the requirements for the Mixed-Use (MU) zone and the Neighborhood Mixed-Use (NMU) zone are combined into this Chapter. The purpose of each zone is as follows:

(1) *Mixed-Use (MU) Zone.* The MU zone provides high-quality urban development that is pedestrian-friendly and complementary to the surrounding area. The permitted uses and development standards encourage redevelopment of land to provide a mix of residential and commercial uses where property values are high and demolition is

viable. Uses in this zone should not compete with the Downtown Zone but may provide similar types of uses incorporated into the design.

(2) *Neighborhood Mixed-Use (NMU) Zone.* The NMU zone provides a neighborhood center that respects the single-family residential character and offers a range of uses. The permitted uses and development standards encourage redevelopment of land to provide a mix of residential and commercial uses where property values are high and demolition is viable. Uses in this zone should not compete with Downtown or a shopping center but may provide neighborhood-scale support uses, incorporated into a mixed-use design.

(3) *Definition of Mixed-Use Zones.* For purposes of this Chapter, “Mixed-Use zones” refers only to the MU and NMU zones and does not include other zones described as mixed-use in other chapters of the PCC.

14.22.020 Permitted Uses

(1) *Permitted Principal Uses.* The following principal uses listed in Table 14.22.020-1, and no others, are permitted in the Mixed-Use zones:

Table 14.22.020-1. Permitted Uses in Mixed-Use Zones

Key: P = Permitted, C = Conditional, N = Not Permitted			
Uses	**MU**	**NMU**	**Standards/Additional Info**
The following uses are permitted in the Mixed-Use zones:			
Apartments or condominiums with a commercial component included (commercial area must be at least 1,000 square feet OR 10% of the gross residential floor area, whichever is greater)	P	P	
Assisted living facilities	P	P	Subject to the standards of PCC 14.50.140
Live-work dwelling units	P	P	

Key: P = Permitted, C = Conditional, N = Not Permitted			
Uses	**MU**	**NMU**	**Standards/Additional Info**
One-family dwelling – attached (townhomes), not to exceed seven (7) units	P	P	Not to exceed four (4) units in NMU
Police protection and related services, branch (office only)	P	P	
Residential facilities for the elderly or disabled	P	P	Subject to the standards of PCC 14.50.140
Religious activities	P	P	
Utility right-of-way	P	P	
The following residential uses are permitted in the Mixed-Use zones only when the building, or a portion of the building, is adjacent to property in a single-family residential zone:			
One-family dwelling – detached	N	P	
Two-family dwelling	N	P	
The following commercial uses are permitted only as part of a mixed-use development within the same building:			
Arts and cultural activities	P	P	
Banks	P	P	No drive-thru in NMU
Bed and breakfast	N	C	Subject to the standards of PCC 14.02.045(1)
Day care services	C	C	Subject to the standards of PCC 14.02.045(7)

Key: P = Permitted, C = Conditional, N = Not Permitted			
Uses	**MU**	**NMU**	**Standards/Additional Info**
Eating places, restaurants	P	P	No drive-thru in NMU
General retail	P	P	
Medical clinic	P	N	
Personal services (excluding funeral parlors, cemeteries, and crematories)	P	P	
Pharmacy	P	P	
Postal services	P	P	
Professional office	P	P	
Recreational activities	P	P	
Variety stores	P	P	

(2) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor’s office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.22.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.22.040 Yard/Setback Requirements

(1) The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

Yard Type	MU – Minimum	MU – Maximum	NMU – Minimum	NMU – Maximum
Front yard	0 feet	10 feet	10 feet	20 feet
Side yard, corner lot	0 feet	10 feet	10 feet	20 feet
Side yard, interior – One-family detached	N/A	N/A	10 feet	No maximum
Side yard, interior – All other buildings	No minimum	10 feet	No requirement	10 feet

Yard Type	MU – Minimum	MU – Maximum	NMU – Minimum	NMU – Maximum
Rear yard	20 feet	No maximum	20 feet	No maximum
Driveway access	16 feet	30 feet	10 feet	24 feet

(2) *Courtyards.* Courtyards in front or street side yards may extend beyond maximum setback limits if recommended by the Design Review Committee. The approving body must make the following findings before allowing an extension:

(a) The proposed courtyard serves a legitimate public purpose;

(b) The design of the courtyard enhances the public realm and will reasonably attract daily activity;

(c) The courtyard is not raised more than two feet above the street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

14.22.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(3) In the MU zone only, balconies may project up to five feet into the street right-of-way if a minimum of 10 feet of vertical clearance is maintained between the sidewalk and the balcony.

(4) *Clear vision areas.* See PCC 14.50.090.

14.22.060 Building Height and Distance

(1) Buildings in the Mixed-Use zones must comply with the minimum and maximum requirements listed in Table 14.22.060-1.

Table 14.22.060-1. Building Height

Standard	**MU**	**NMU**
Total maximum building height	65 feet	38 feet
Minimum number of building stories	2 stories	2 stories
Maximum number of stories if property is adjacent to R1 or RC zones, or the building is within 50 feet of the zone boundary	2 stories	2 stories
Maximum number of stories for all other buildings	5 stories	3 stories
Maximum parapet/cornice height	5 feet	5 feet

Standard	MU	NMU
Minimum first story height for commercial uses	14 feet floor to ceiling	14 feet floor to ceiling
Maximum first story height	20 feet floor to ceiling	20 feet floor to ceiling
Maximum main floor elevation	30 inches above lowest adjacent curb elevation	30 inches above lowest adjacent curb elevation

(2) *Mechanical equipment.* Roof-mounted mechanical equipment is permitted only if it is completely screened behind an architectural feature of the primary structure.

(3) *Exceptions.* See PCC 14.50.080, Height Limitations – Exceptions, for additional requirements.

(4) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(5) Any accessory building must be at least six feet from the principal structure.

14.22.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking must be located behind the main building. Parking is not permitted between the building and the street.

(4) At-grade parking must be wrapped by habitable space, except at parking entrance and exit points.

14.22.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.22.090 Minimum Residential Unit Size

(1) Each development that includes a residential use must provide a minimum unit size of 500 square feet. This requirement does not apply to institutional housing units, such as elderly housing or assisted living facilities.

14.22.100 Minimum Habitable Main Floor Depth

(1) Each structure in the Mixed-Use zones that fronts a public street must provide a minimum habitable main floor depth of 30 feet along the entire street frontage, except along permitted corner side yards and driveway approaches.

(2) Notwithstanding PCC 14.44, a property on a corner lot that abuts two primary streets may have driveway access from one primary street frontage, subject to approval by the City Engineer.

14.22.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code, as adopted by the Provo Municipal Council (the IBC), apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Amenities.* In any new project with 20 or more residential units, an area equal to at least 10% of the gross lot area must be developed in accordance with PCC 14.50.220. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Uses Within Buildings.*

(a) All uses in the Mixed-Use zones must be conducted entirely within a fully enclosed building, except for swimming pools and uses the Planning Commission determines, by issuance of a conditional use permit, are customarily and appropriately conducted outdoors.

(b) Uses that may be customarily conducted outdoors include, but are not limited to, public assembly and live entertainment.

(c) Open storage visible from a public street or space is prohibited.

(8) *Residential and Mixed-Use Design Standards.* See PCC 14.50.170.

Chapter 14.23

TOD - TRANSIT ORIENTED DEVELOPMENT ZONE

Sections:

14.23.010 Purpose and Objectives.
14.23.015 Regulating Plan and Districts Established.
14.23.020 Permitted Uses.
14.23.030 Lot Standards.
14.23.040 Yard/Setback Requirements.
14.23.050 Projections into Yards.
14.23.060 Building Height and Distance.
14.23.070 Parking, Loading, and Access.
14.23.080 Project Plan Approval.
14.23.090 Block Standards.
14.23.100 Minimum Habitable Main Floor Depth
14.23.110 Minimum and Average Residential Unit Size
14.23.120 Architectural Standards
14.23.130 Other Requirements

14.23.010 Purpose and Objectives

This Chapter promotes health, safety, and general welfare within the Transit Oriented Development (TOD) zone of Provo City. The purposes include protecting the environment; conserving land, energy, and natural resources; reducing vehicular congestion; using public funds efficiently; supporting the health benefits of a pedestrian environment; preserving natural features; supporting education and recreation; reducing sprawl; protecting property rights and values; and improving the built environment.

The Provo City General Plan outlines principles, goals, and benefits that this Chapter is intended to implement. The TOD zone is established to accomplish the following goals and objectives of the General Plan:

(1) Strive for development that will create places for individuals, families, businesses, and institutions to thrive;

(2) Strive to make Provo a desirable and attainable place to live by providing and maintaining a mix of housing for residents in all walks of life;

(3) Strive for a resilient and vibrant economy that supports good jobs and a high quality of life for city residents;

(4) Promote a connected network of streets, lanes, trails, routes, and tracks that efficiently moves people, goods, and services through the city by a variety of means; and

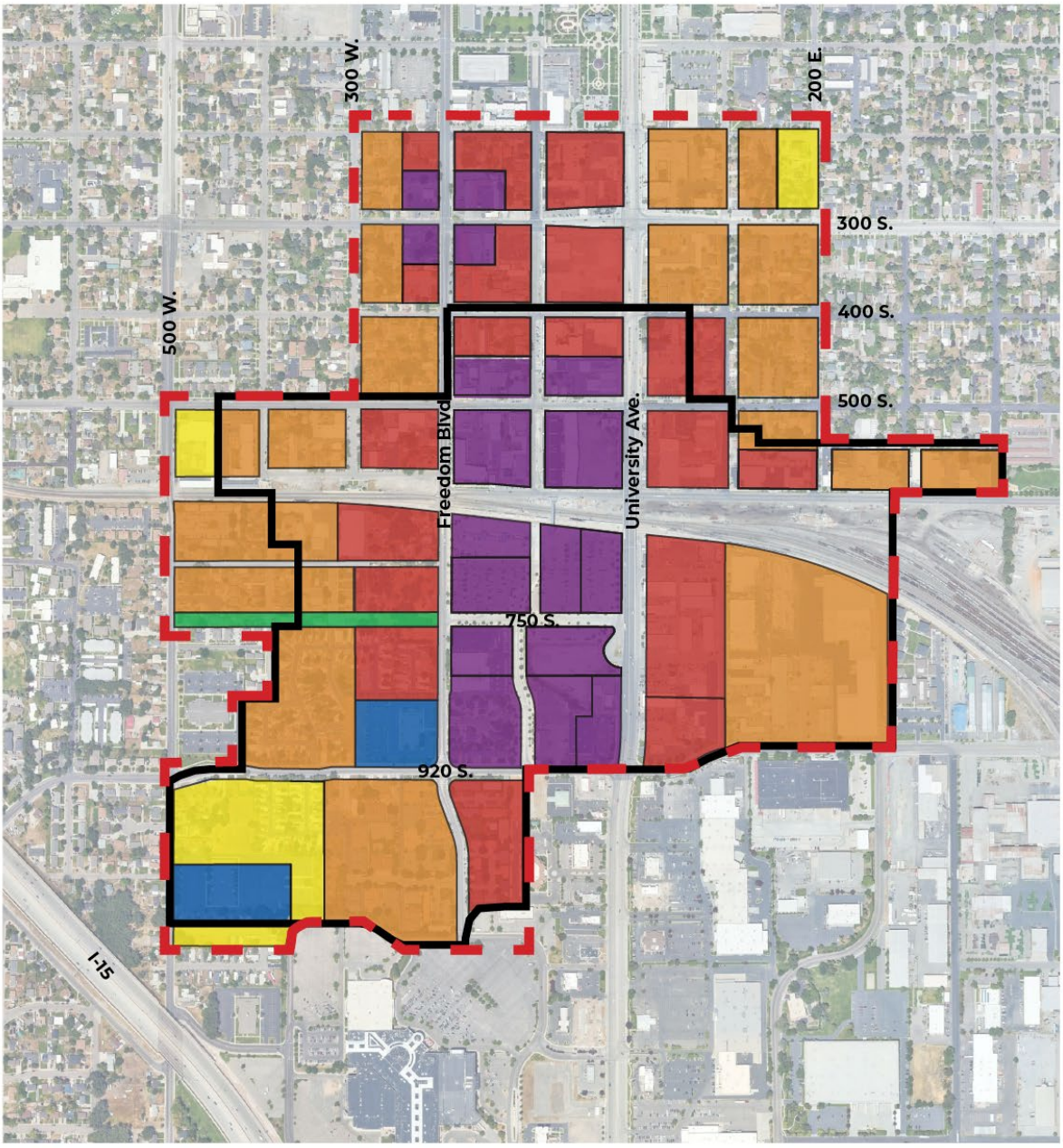
(5) Promote a high quality of life for Provo residents by facilitating a safe city where citizens have reasonable access to basic public services.

~~14.~~23.015 TOD Districts

(1) *Districts.* The TOD zone is organized into six (6) districts.

(a) The TOD districts defined in this Chapter are generally sequential in intensity and density and reflect a range of responses to natural, urban, and suburban conditions. The design of each development component must be appropriate to its district:

(b) The districts within the TOD Zone located around the Provo FrontRunner Station Area are as follows:



TOD DISTRICTS

- CORE
- URBAN VILLAGE
- EDGE
- EXISTING TOD ZONE BOUNDARIES
- NEIGHBORHOOD
- SPECIAL
- OPEN SPACE
- PROPOSED TOD ZONE BOUNDARIES

(2) *District Definitions*

(a) Core (C)

(i) The Core District provides locations for increased commercial intensity. It is located at major intersections and transit stations, serving as a clustered hub for commercial activity and community gathering. The Core District is intended to have the highest intensity and activity in the area.

(ii) The Core District is a mixed-use area characterized by high-intensity commercial development. It may include retail shops, professional offices, and research and development adjacent to major nodes. Open space in the form of urban plazas, squares, and greens is common. Core Districts are typically located within pedestrian sheds, along major arterials, or adjacent to a main civic space.

(b) Urban Village (UV)

(i) The Urban Village District is the business, service, and institutional center shared by neighborhoods. It straddles thoroughfares at active intersections and serves as the seam between neighborhoods, within walking distance of a large residential area.

(ii) The Urban Village District is a high-intensity mixed-use area that may include mid- to high-density residential units adjacent to townhouses. Retail shops and professional offices are common near major nodes. Open space in the form of plazas, greens, and playgrounds is typical. Urban Village Districts are generally located within pedestrian sheds, along major thoroughfares, or adjacent to a main civic space.

(c) Edge (E)

(i) The Edge District is a dense, multi-functional section of a neighborhood, centrally located within walking distance of surrounding residential areas.

(ii) The Edge District is a moderate-intensity area that may include single-use and some mixed-use development. It is characterized mainly by residential units with home businesses, corner shops, and small amounts of retail or office uses. Dwelling types may include townhouses, duplexes, and small single-family houses. Open space in the form of greens or playgrounds is common.

(d) Neighborhood (N)

(i) The Neighborhood District is principally residential and serves as a transition into adjacent residential zones..

(ii) The Neighborhood District is a low-intensity, primarily single-use area characterized mainly by residential development, with a variety of home occupations permitted. Dwelling types typically include twin homes and single-family houses. Open space in the form of greens or playgrounds is common.

(e) Special (S)

(i) The Special District is designated for unique cultural establishments and civic buildings that do not conform to standard development patterns. Uses may include museums, theaters, libraries, and other civic institutions that serve as cultural and community landmarks.

(ii) The Special District enhances the cultural fabric of the area by providing central spaces for gatherings, events, and activities. These districts are strategically located for accessibility and prominence, often near major transit hubs or within pedestrian-friendly zones.

(f) Open Space (O)

(i) The Open Space District is dedicated to creating and preserving pocket parks, plazas, and other open amenities that enhance livability and community character. This district provides essential green spaces for recreation, relaxation, and community interaction.

(ii) Open Space Districts provide residents and visitors accessible and attractive outdoor environments, contributing to the overall aesthetic and ecological health of the community and are often integrated into the urban fabric, offering natural respite within the built environment.

14.23.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Mobile Home Parks – permitted if built and occupied before December 1, 2025.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor’s office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.23.030 Lot Standards

(1) *Lot Area.*

District	Minimum Lot Area
Core (C)	20,000 sq. ft.
Urban Village (UV)	10,000 sq. ft.
Edge (E)	10,000 sq. ft.
Neighborhood (N)	8,000 sq. ft.
Special (S)	Not applicable
Open Space (OS)	Not applicable

(2) *Lot Width.*

District	Minimum Lot Width
Core (C)	100 feet
Urban Village (UV)	90 feet
Edge (E)	60 feet
Neighborhood (N)	80 feet
Special (S)	Not applicable
Open Space (OS)	Not applicable

(3) *Lot Frontage.*

District	Minimum Lot Frontage
Core (C)	100 feet
Urban Village (UV)	90 feet
Edge (E)	60 feet
Neighborhood (N)	80 feet
Special (S)	Not applicable
Open Space (OS)	Not applicable

(4) *Lot Coverage.* There is no lot coverage requirement in the TOD zone, except as needed to accommodate required off-street parking.

14.23.040 Yard/Setback Requirements

The following minimum yard/setback requirements apply, with all required distances measured from the property line unless otherwise noted:

(1) *Front yard.*

District	Minimum	Maximum
Core (C)	—	6 feet
Urban Village (UV)	—	6 feet
Edge (E)	5 feet	14 feet
Neighborhood (N)	10 feet	20 feet
Special (S)	—	6 feet
Open Space (OS)	—	6 feet

(2) *Side yard.*

District	Minimum	Maximum
Core (C)	—	10 feet
Urban Village (UV)	—	10 feet
Edge (E)	—	10 feet
Neighborhood (N)	5 feet	10 feet
Special (S)	—	10 feet
Open Space (OS)	—	10 feet

(a) *Side Yard - corner lots.* On a corner lot, the side yard contiguous to the street must meet the same standards as a *front yard*. This area may not be used for vehicular parking, except for driveways providing access to a garage or carport.

(b) *Side Yard - driveways.* See PCC 14.44.100 for side yard driveway requirements.

(c) *Exception.* If a development cannot provide vehicular access from a rear yard, alley, easement, or other right-of-way, a side yard may be increased to 20 feet.

(3) *Rear Yard.* No requirement.

(4) *Noise buffer setbacks.* Street side yards may be extended beyond the maximum setback when property is located within 100 feet of a railroad track. In approving an increased setback, the Planning Commission must find, that the design of the area within the increased setback enhances the public realm and is necessary to mitigate sound impacts from adjacent railroad tracks.

(5) *Landscaped buffer.* Buffers in the TOD zone located adjacent to property in a single-family residential zone must provide a 20-foot landscaped buffer along the adjacent property line(s).

(6) *Courtyards.* Front or street side yards may extend beyond maximum setback limitations for a public space if all the following standards are met:

(a) The courtyard serves a legitimate public purpose;

(b) The courtyard design enhances the public realm and will reasonably attract daily activity, not only special events;

(c) The courtyard is not raised more than two feet above street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

(7) *Valet drive.* A driveway access for hotels and theaters is permitted within the required yards for vehicular access and valet services if the following standards are met:

(a) Traffic must be one-way;

(b) Parking is not permitted within the courtyard;

(c) Driveways may be no wider than 20 feet;

(d) The outside radius of the driveway may be no greater than 40 feet; and

(e) The space between ingress and egress driveways must be landscaped.

14.23.050 Projections into Yards

(1) *General Projections.* The following projections and structures are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.23.060 Building Height and Distance

(1) *General standards.*

(a) Building height is measured in number of stories, excluding basement areas.

(b) Each building must contain at least two stories.

(c) Each story in the TOD zone may not exceed 14 feet in height, except that first-story commercial space may be up to 20 feet.

(d) Parapet walls and cornices may not exceed 5 feet, except as provided in PCC 14.50.080 or to screen necessary mechanical equipment.

(e) Residential main floor levels may not be more than 6 feet above the street curb elevation.

(f) Commercial main floor levels may not be more than 1 foot above the street curb elevation.

(g) Mechanical equipment must be screened. Screening must be the minimum necessary to fully screen the equipment. Mechanical equipment must be set back so that the screening is not visible from the pedestrian street view, where possible.

(2) *Maximum stories by district.*

District	Maximum Building Height
Core (C)	10 stories
Urban Village (UV)	8 stories
Edge (E)	5 stories
Neighborhood (N)	3 stories
Special (S)	Not applicable
Open Space (OS)	2 stories

(3) *Transitional building height.* The maximum building height for structures in the TOD zone located within 100 feet of, or directly across the street from, a residential zone is three stories, not to exceed 40 feet.

(4) *Distance between buildings.* No requirement except as regulated by the provisions of the adopted version of the International Building Code.

14.23.070 Parking, Loading, and Access

1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Each lot or parcel in the TOD zone must provide at least seventy-five percent of the off-street parking required by PCC 14.44

14.23.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.23.090 Block Standards

(1) *Block standards.*

(a) The following standards apply to all blocks in the TOD zone, regardless of district:

Block Type	Length – Minimum	Length – Maximum	Width – Minimum	Width – Maximum
Square or rectangle	150 feet	400 feet	150 feet	500 feet
Irregular	100 feet	500 feet (average of two longest sides)	100 feet	500 feet (average of two longest sides)

(b) *Pedestrian access.* A block with a length or width greater than 200 feet must include a interior pedestrian accessway so that no point along a block face is more than 200 feet from a pedestrian connection.

(i) Pedestrian accessways must be a minimum ten-foot-wide paved pathway; and

(ii) Provide landscaping in compliance with PCC 15.20 for unpaved areas.

(2) *Interior Parcels.* Parcels not bordered on all four sides by streets, and therefore not considered blocks, must include pedestrian passageways at strategic locations to provide access to community amenities and support walkability.

14.30.100 Minimum Habitable Main Floor Depth

(1) Each structure in the TOD zone along a primary street must provide a minimum habitable main floor depth of 40 feet along the entire frontage line, excluding permitted yards and driveway approaches.

(2) Each structure in the TOD zone along a secondary street must provide a minimum habitable main floor depth of 30 feet along the entire frontage line, excluding permitted yards and driveway approaches.

(3) For purposes of this section, *primary streets* are University Avenue, Freedom Boulevard (200 West), 100 West, and 600 South. All other streets are designated as *secondary streets.*

14.23.110 Minimum and Average Residential Unit Size

(1) Each structure with a residential use must provide a minimum unit size of 500 square feet and an average unit size of at least 800 square feet.

(2) This section does not apply to institutional housing units, such as elderly housing or assisted living facilities.

14.30.120 Architectural Standards

(1) Community Identity

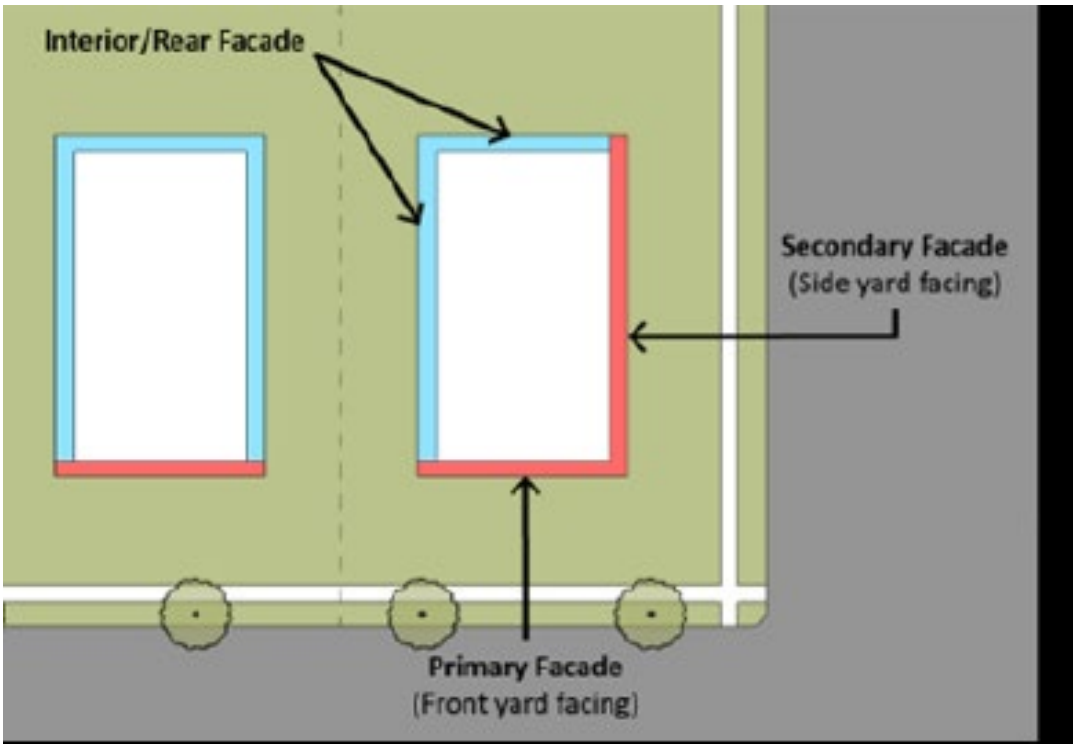
(a) *Unified design.* Development in the TOD zone must be physically unified by common design features, including a coherent variety of building mass and style, roof types, façade treatments, scale, architectural elements, quality of materials, attention to detail, and a coordinated array of colors. The relationship of these features to public spaces and streets must establish an authentic sense of place.

(b) *Mixed-use character.* The mixed-use character of a neighborhood introduces a variety of building types. These types must be harmonious, though not uniform.

(c) *Prohibited motifs.* Historical or period design motifs that are not representative of the local area or that conflict with the standards below are prohibited.

(2) Architectural Massing

(a) *Wall articulation.* Requirements are determined by façade type. The following graphic defines each façade type:



(b) *Wall Breaks on Primary and Secondary Façades*. Walls longer than 30 feet along a primary or secondary façade must include a wall break, such as an architectural recess or protrusion, balcony, patio, or other form of articulation. Wall breaks must extend or be recessed at least three feet from the primary or secondary façade.

(i) All stories of primary or secondary street-facing façades must be articulated or otherwise designed to the above standard.

(ii) Internal and rear façades are not required to include wall breaks. However, they must incorporate windows or openings that establish a rhythm consistent with the fenestration of the primary and secondary façades and that allow daylight into all sides of the building. Windows, doors, decorative features, and architectural openings or projections may be used to reduce blank wall areas. Blank wall sections may not exceed 50 linear feet on rear or internal façades, or 20 linear feet on primary or secondary façades.

(3) Materials

(a) *Primary materials.* The following materials may be used as predominant façade materials: stone, brick, timber or wood (not plywood), shingle siding (not vinyl), lap siding (not vinyl), board and batten siding (not vinyl), ceramic tile, and glass.

(b) *Accent materials.* The following materials may be used as accents only and may not exceed 30 percent of any façade: concrete, metal, stucco, and fiber cement.

(4) Residential Design Standards

(a) Materials on façades must reinforce the logical expression of the structure.

(b) Load-bearing materials, such as brick or stone, must extend to the ground.

(c) Front-loaded garages are not permitted for multifamily buildings.

(d) Windows must be vertically proportioned.

(e) Double-height entrances are not permitted.

(f) *Balconies.* Balconies with a minimum area of 50 square feet must be provided for at least 50 percent of all residential units. Balconies may be inset into the building or project outward. Balconies facing a side or rear yard must maintain a minimum setback of 10 feet from the face of the balcony to the adjacent property line.

(5) Non-Residential Design Standards

(a) *Building massing.*

(i) Two- and three-story building masses along the street must create a street wall that frames the streetscape.

(ii) Building mass must be designed to provide a pedestrian-scale environment with articulation of building mass, openings, and materials.

(iii) Load-bearing materials, such as brick or stone, must extend to the ground.

(b) *Roof form.*

(i) Predominant roof shapes must be slightly pitched with gable ends where appropriate. Flat roof elements may be used sparingly to provide façade variation and visual interest.

(ii) Roof pitches must range between 4:12 and 8:12 on buildings three stories or less, building over three stories may use flat roofs.

(iii) Moderate overhangs up to three feet may be supported by substantial dimensional timber corbels that define the building's upper edge.

(c) *Arcades and storefront structural bays.*

(i) Structural bays must consist of vertically oriented piers and horizontal spandrels with storefront windows between them.

(ii) Ground-floor storefronts must differ significantly from upper-story façades and provide windows scaled and oriented for pedestrian interest. Similar treatments may extend upward to unify the façade.

(iii) Arcades are encouraged as semi-public spaces between the street and storefronts, providing pedestrian weather protection.

(iv) Multiple storefronts with separate windows may be combined within a single façade expanse if they share a consistent architectural style. A single façade expanse cannot exceed 120 feet in length.

(d) *Entrances.* One primary entrance door must be provided for every 50 feet of building frontage.

(e) *Transparency (glazing).*

(i) Ground floor building facades along primary streets, as defined in PCC 14.23.100(3), must consist of at least 50 percent transparent glass.

(ii) Ground floor building facades along secondary streets must consist of at least 40 percent transparent glass.

(f) *Sound attenuation.* All new buildings located within 100 feet of a railroad right-of-way must incorporate sound and vibration attenuation in their design and materials. Applicants must provide documentation from an acoustical engineer confirming that best practices for sound and vibration attenuation have been applied.

(g) *Stairs.* Stairs providing access to commercial ground-floor uses may not project into a public right-of-way and may not be located along a primary or secondary street frontage.

14.23.130 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the

IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(5) *Amenities.* In any new project consisting of twenty (20) or more residential units, an area equivalent to 10% of the residential gross floor area must be developed in accordance with the requirements of PCC 14.50.220. Landscaping within required setbacks does not count toward meeting this requirement.

(6) *Residential Mixed-Use Requirements.* At least 50% of the square footage of any new principal building, and fifty percent of any building addition greater than 5,000 square feet, must consist of residential dwelling units.

Chapter 14.24
CG - GENERAL COMMERCIAL ZONE

Sections:

14.24.010 Purpose and Objectives.
14.24.020 Permitted Uses.
14.24.030 Lot Standards.
14.24.040 Yard/Setback Requirements.
14.24.050 Projections into Yards.
14.24.060 Building Height and Distance.
14.24.070 Parking, Loading, and Access.
14.24.080 Project Plan Approval.
14.24.090 Other Requirements.

14.24.010 Purpose and Objectives

The General Commercial (CG) zone establishes a district primarily for commercial uses located outside the central core of the City and outside integrated shopping centers. The CG zone does

not promote or establish new areas of strip commercial development that conflict with sound planning principles.

The city may apply the CG zone to vacant land for new construction only when integrated shopping center development is not practical or desirable because of size, shape, topography, or other similar site constraints. The location of the CG zone must be near major roadways to provide convenient access for large traffic volumes without creating hazards or requiring travel through residential neighborhoods. The CG zone may not be applied to the interior of residential neighborhoods. The CG zone may also be applied to existing commercial areas that have varied characteristics. The provisions of this zone are intended to improve integrity and aesthetics as these areas are redeveloped, expanded, or improved. Applicants must pursue integrated and coordinated landscaping, parking, access, signage, and building design through the project plan approval process.

New construction must be compatible with surrounding commercial and residential development. Typical uses in this zone include a wide range of retail stores, shops, services, and offices. The zone may also include existing offices, heavy commercial uses, and institutional uses. The intent of the CG zone is to accommodate a mixture of compatible uses.

14.24.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Storage of materials used for construction, including a temporary contractor’s office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it; and

(c) A caretaker dwelling, subject to PCC 14.50.130.

14.24.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.24.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front Yard: 10 feet.

(2) Side Yard: No requirement, except as follows:

(a) Side Yard – adjacent to residential zone: 10 feet.

(b) Side Yard - corner lots: 10 feet.

(c) Side Yard – driveway: See PCC 14.44.100;

(d) Side Yard - Accessory Building: No requirement if all the following conditions are met:

(i) The accessory building has no openings on the wall that is contiguous to the property line, and the wall adjacent to the property line has a four-hour fire-retardant rating; and

(ii) The accessory building includes facilities that discharge all roof drainage onto the lot or parcel where it is located.

(3) Rear Yard: No requirement.

14.24.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(c) Carports and loading docks may be located in a side yard or rear yard if the structure:

(i) Is no more than one story in height; and

(ii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Clear vision areas.* See PCC 14.50.090.

14.24.060 Building Height and Distance

In the CG zone, the height of every building or structure must comply with the most recent edition of the International Building Code, as adopted by the Municipal Council.

14.24.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be provided within a required front yard or in a required side yard adjacent to a public street.

14.24.080 Project Plan Approval

See PCC 15.03.300 and 15.03.310.

14.24.090 Other Requirements

1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses within buildings.* All uses in the CG zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples include service stations, ice skating, miniature golf, and plant nurseries.

(7) *Remodeling in existing CG zones.* If remodeling enlarges the exterior of a building in the CG zone, the landscaping requirements in Subsection (3) apply, except where they conflict with parking requirements, are incompatible with the design of existing buildings, or impair ingress or egress to existing buildings or parking areas.

(8) *Transitional development standards.* Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

Chapter 14.25
SC1 - NEIGHBORHOOD SHOPPING CENTER ZONE

Sections:

14.25.010 Purpose and Objectives.
14.25.020 Permitted Uses.
14.25.025 Single Ownership and Control.
14.25.030 Lot Standards.
14.25.040 Yard/Setback Requirements.
14.25.050 Projections into Yards.
14.25.060 Building Height and Distance.
14.25.070 Parking, Loading, and Access.
14.25.080 Project Plan Approval.
14.25.090 Other Requirements.

14.25.010 Purpose and Objectives

The Neighborhood Shopping Center (SC1) zone provides an area where the primary use of land is for commercial and service uses that serve the daily convenience needs of the surrounding residential neighborhood. The zone is intended to be located on the fringe of neighborhood areas, along a collector or arterial street, and integrated into the residential structure of the neighborhood in a way that minimizes detriment, hazard, or inconvenience to surrounding residential development.

Each SC1 zone must remain small and located within convenient walking distance from the edge of the residential area it serves. The SC1 zone is characterized by a harmonious grouping of commercial stores and shops that are architecturally designed for, and function as, an integrated unit.

Hours of operation must be regulated to maintain compatibility with surrounding residential uses. Clean, well-lit parking lots, attractive and well-maintained shops, and appropriate landscaping are required features of this zone. Architectural design and character must be compatible with the surrounding residential environment.

Uses permitted in the SC1 zone are intended to serve only the daily convenience needs of the surrounding residential neighborhood. SC1 zones must be located in general conformance with the Provo City General Plan but may also be established in other areas deemed appropriate to serve a residential neighborhood, provided the basic requirements for separation of zones are met.

14.25.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted, subject to PCC 14.02.045(11).

(b) Eating Places - permitted, subject to PCC 14.02.045(10).

(c) Day Care Services - permitted, subject to PCC 14.02.045(7).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure; and

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(4) *Maximum Office Usage.* The gross floor area used for offices in an SC1 zone may not exceed 50% of the total floor area.

14.25.025 Single Ownership and Control

All property within an SC1 Zone must be under single ownership or single control to allow integrated development. For purposes of this Section, *single control* includes ownership arrangements that are established through the recording of a plat or record of survey. The plat or record of survey must be approved and recorded before the issuance of any building permits and must comply with all applicable provisions of the PCC and other building codes adopted by Provo City.

If single ownership or single control is not maintained, the City may initiate action to rezone the property to the zone or zones in place before the establishment of the SC1 Zone.

14.25.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.25.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No requirement.

14.25.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.25.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height.

(2) Any accessory building must be at least 10 feet from the principal structure.

14.25.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or within a required side yard adjacent to a public street.

14.25.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.25.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional Development Standards.* Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Hours of Operation.* In the SC1 zone, no permitted or conditionally permitted use may operate or accept deliveries between 11:00 p.m. and 6:00 a.m., unless the Planning Commission authorizes alternative hours as part of a Conditional Use Permit.

Chapter 14.26
SC2 - COMMUNITY SHOPPING CENTER ZONE

Sections:

14.26.010 Purpose and Objectives.
14.26.020 Permitted Uses.
14.26.025 Single Ownership and Control.
14.26.030 Lot Standards.
14.26.040 Yard/Setback Requirements.
14.26.050 Projections into Yards.
14.26.060 Building Height and Distance.
14.26.070 Parking, Loading, and Access.
14.26.080 Project Plan Approval.
14.26.090 Other Requirements.

14.26.010 Purpose and Objectives

The Community Shopping Center (SC2) Zone establishes areas for general shopping center facilities that serve the specialty shopping needs of a community or group of neighborhoods. A community shopping center may not be less than five (5) or more than twenty (20) acres in area, depending on the area served and the range of specialty shops and services provided.

The SC2 Zone is characterized by specialty shops located within an attractively designed shopping center complex surrounded by appropriate landscaping. SC2 zones may only be located adjacent to major thoroughfares or collector streets that provide direct automobile access without requiring passage through residential areas.

14.26.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Vehicle Rental – permitted for passenger cars only. On-site servicing of vehicles is prohibited.

(c) Day Care Services – permitted subject to PCC 14.02.045(7).

(d) Dance Halls - permitted subject to 14.02.045(3).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;
(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

14.26.025 Single Ownership and Control

All property within an SC2 Zone must be under single ownership or single control to allow integrated development. For purposes of this Section, *single control* includes ownership arrangements that are established through the recording of a plat or record of survey. The plat or record of survey must be approved and recorded before the issuance of any building permits and must comply with all applicable provisions of the PCC and other building codes adopted by Provo City.

If single ownership or single control is not maintained, the City may initiate action to rezone the property to the zone or zones in place before the establishment of the SC2 Zone.

14.26.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.26.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No Requirement.

14.26.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) An accessory building may be located on a side property line only if all of the following conditions are met:

(i) The accessory building has no openings on the side adjacent to the property line;

(ii) the wall along the property line has a two (2)-hour fire-resistance rating; and

(iii) the accessory building includes facilities that discharge all roof drainage onto the lot or parcel on which the accessory building is located.

(4) *Clear vision areas.* See PCC 14.50.090.

14.26.060 Building Height and Distance

(1) No building or structure may exceed 65 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any accessory building must be at least 10 feet from the principal structure.

(4) Any accessory building must be located at least 10 feet from a main residential building on an adjacent property.

14.26.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or within a side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission.

14.26.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.26.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

Chapter 14.27
SC3 - REGIONAL SHOPPING CENTER ZONE

Sections:

14.27.010 Purpose and Objectives.
14.27.020 Permitted Uses.
14.27.025 Single Ownership and Control.
14.27.030 Lot Standards.
14.27.040 Yard/Setback Requirements.
14.27.050 Projections into Yards.
14.27.060 Building Height and Distance.
14.27.070 Parking, Loading, and Access.
14.27.080 Project Plan Approval.
14.27.090 Other Requirements.

14.27.010 Purpose and Objectives

The Regional Shopping Center Zone (SC3) provides a district where the primary use of land is for commercial and service uses that serve the needs of residents in the surrounding region and provides employment close to the regional population center. The SC3 Zone may only be located near freeways and adjacent to major arterials to allow convenient access for large traffic volumes without creating hazards or requiring travel through residential neighborhoods.

The zone is characterized by a variety of stores, shops, and service buildings designed with an integrated architectural style. When supported by the General Plan, a mixture of uses is allowed, including residential housing, professional offices, institutional uses, entertainment, and recreational venues. Residential, office, and institutional uses are preferred above the ground level of mixed-use buildings. Where necessary, development must taper bulk and density to create an appropriate transition to less intensive uses that neighbor the district.

14.27.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential uses – permitted subject to PCC 14.27.090(8).

(b) Breweries – permitted only when attached to, and operated as an ancillary use to, a restaurant.

(c) Communications - permitted subject to PCC 14.02.045(11).

(d) Day Care Services – permitted subject to PCC 14.02.045(7).

(e) Dance Halls – permitted subject to PCC 14.02.045(3).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor’s office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.27.025 Single Ownership and Control

All property within an SC3 Zone must be under single ownership or single control to allow integrated development. For purposes of this Section, *single control* includes ownership arrangements that are established through the recording of a plat or record of survey. The plat or record of survey must be approved and recorded before the issuance of any building permits and must comply with all applicable provisions of the PCC and other building codes adopted by Provo City.

14.27.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.27.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: No requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No requirement.

(6) *Setback Reductions:* The Development Services Director, or the Director's designee, may reduce the setbacks of this zone if all of the following conditions are met:

(a) the proposed setback is visually compatible with neighboring development and does not cause an undue burden or harm to adjacent property;

(b) the proposed setback does not violate a required clear vision area, as defined in this Title, or an existing or needed utility easement;

(c) the proposed setback does not cause a violation of the International Building Code or the Fire Code;

(d) the building façade adjacent to the street is articulated with building entrances and glazing equal to at least 25% of the first-floor wall area, and is articulated with projections or offsets of at least 12 inches at intervals no greater than 30 feet along the entire face of the building; and

(e) the reduction in setbacks is in the best interest of Provo City.

14.27.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than ten feet from any main residential building on an adjacent property;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard;

(vi) Have any opening on the side contiguous to the property line;

(vii) Discharge drainage onto an adjacent lot or parcel; or

(viii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.27.060 Building Height and Distance

(1) No building or structure may exceed 75 feet in height.

(2) Any accessory building must be at least 10 feet from the principal structure.

14.27.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Except as provided in this Subsection, parking spaces may not be located in a required front yard or in a side yard adjacent to a public street. Parking may be located in a required front or side yard if:

(a) that yard is adjacent to a street that is interior to the development and not classified as an arterial or collector road;

(b) the conditions of PCC 14.27.040(6) are met;

(c) a landscape buffer is provided that:

(i) features an innovative landscaping design that is superior to the landscaping required by the minimum standards;

(ii) is continuous and at least six feet wide along the entire length of the encroaching parking lot edge;

(iii) consists of berms, shrubs, vegetative groundcover, or a combination thereof, and achieves a minimum height of 30 inches;

(iv) provides at least 90% screening at plant maturity without extending over the adjacent sidewalk. Decorative walls may be incorporated into the buffer area but may not be used exclusively; and

(v) includes around the perimeter of the buffer one shade tree for every 30 feet along the entire length of the parking area, excluding necessary driveway access. Required street trees may not be counted toward this requirement; and

(d) any parking structures that do not contain habitable floor space are not located closer to the street than the average setback of all other structures on the same block face. Such structures must also include additional landscape buffering at a rate of one foot of buffer width for every two feet of structure height, up to the minimum building setback required by this Chapter.

(4) Above-grade parking structures must be architecturally screened to be compatible with adjacent building façades or must provide habitable floor space that meets the following requirements:

(a) Parking structures that front a public or private street must have a habitable main floor depth of at least 30 feet along the entire street frontage, excluding permitted side yards and driveway approaches; and

(b) At least one pedestrian entrance to a commercial space, lobby, or residential unit must be provided for every 100 feet of habitable building street frontage.

(5) Loading spaces must be provided as required by the Planning Commission.

14.27.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.27.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses within buildings.* All uses in the SC3 zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples include service stations, ice skating, miniature golf, and plant nurseries.

(7) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(8) *Residential uses.* Residential uses and necessary supporting facilities, including parking and landscaping, are permitted if they do not exceed 20% of the overall project site area and if they comply with the design standards in PCC 14.21.080.

(a) In any new project with 20 or more residential units, an area equal to 10% of the residential gross floor area must be developed in accordance with the requirements of PCC 14.50.220.

(b) Any amenity required under this Section must be located within or immediately adjacent to the residential portion of the development.

Chapter 14.28
FC1 - FREEWAY COMMERCIAL ZONE

Sections:

14.28.010 Purpose and Objectives.
14.28.020 Permitted Uses.
14.28.030 Lot Standards.
14.28.040 Yard/Setback Requirements.
14.28.050 Projections into Yards.
14.28.060 Building Height and Distance.
14.28.070 Parking, Loading, and Access.
14.28.080 Project Plan Approval.
14.28.090 Other Requirements.

14.28.010 Purpose and Objectives

The Freeway Commercial Zone (FC1) is established to provide a district in which the primary use of the land is for commercial and service uses to serve regional population needs and to provide a place of employment in pleasant surroundings along the Interstate-15 corridor. Required yards and areas surrounding buildings must be attractively landscaped and maintained in harmony with the characteristics of the surrounding residential areas. The uses characteristic of this zone will be a variety of retail and business uses with satellite shops and facilities serving a wide range of goods and services.

14.28.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Dance Halls – permitted subject to PCC 14.02.045(3).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

14.28.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.28.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: No Requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No Requirement.

14.28.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(iv) Be located in a front or street side yard;

(v) Have any opening on the side contiguous to the property line;

(vi) Discharge drainage onto an adjacent lot or parcel; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.28.060 Building Height and Distance

(1) No building or structure may exceed 50 feet in height.

14.28.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or in a side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission.

14.28.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.28.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses Within Buildings.* All uses in the FC1 Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples of such uses include service stations, ice skating rinks, and miniature golf facilities.

(7) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(8) *Building Orientation.* Buildings in the FC1 Zone with frontage on both a public street and Interstate-15 must provide designed entryways on every street and highway frontage. Entryways must include windows, doors, and other architectural design elements. Loading docks are prohibited on any side of a building that fronts a public street or Interstate-15.

Chapter 14.29
FC2 - FREEWAY COMMERCIAL TWO ZONE

Sections:

14.29.010 Purpose and Objectives.
14.29.020 Permitted Uses.
14.29.030 Lot Standards.
14.29.040 Yard/Setback Requirements.
14.29.050 Projections into Yards.
14.29.060 Building Height and Distance.
14.29.070 Parking, Loading, and Access.
14.29.080 Project Plan Approval.
14.29.090 Other Requirements.

14.29.010 Purpose and Objectives

The Freeway Commercial Two (FC2) zone provides a transition between the freeway commercial area and the gateway into downtown. The zone is intended for commercial and service uses that serve both the regional population and local residents. Buildings in this zone must be attractive, well designed, and contribute to an inviting entry to the City. Required yards and areas surrounding buildings must be landscaped and maintained in harmony with nearby residential areas. Uses characteristic of this zone include a variety of medium- to large-scale retail and business establishments, with supporting satellite shops and facilities that provide a wide range of goods and services.

14.29.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Day Care Services – permitted subject to PCC 14.02.045(7).

(c) Dance Halls - permitted subject to PCC 14.02.045(3)

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use

or structure. Examples of 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 customarily used in conjunction with a principal use or structure; or

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it.

14.29.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.29.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: No Requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

14.29.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.29.060 Building Height and Distance

(1) No building or structure may exceed 3 stories or 50 feet in height.

14.29.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be provided within a required front yard or side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission.

14.29.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.29.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses within Buildings.* All uses in the FC1 Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples of such uses include service stations, ice skating rinks, and miniature golf facilities.

(7) *Transitional development standards.* Where a lot in this zone borders a residential zone, both the standards in PCC 14.50.160 and the following apply:

(a) Buildings or portions of buildings located adjacent to a residentially zoned property must be set back at least 20 feet from the nearest property line;

(b) Loading docks may not be located on sides of structures that face a residential property; and

(c) Site design and access must be oriented to direct traffic away from local secondary streets.

(8) *Design standards.* The following design standards apply to the FC2 zone:

(a) Exterior finish materials may not include vinyl or metal siding (including sheet or corrugated metal), plywood, particle board, wood products not intended as architectural finish materials, or manufactured stone;

(b) Building wall materials must be combined on each façade horizontally, with heavier elements below lighter elements. For example, stone may not be placed above stucco, and brick may not be placed below concrete;

(c) Except for ground-level shop fronts, windows and doors must be square or vertical in proportion; and

(d) Buildings in the FC2 zone are not required to be located along a public street. However, buildings that orient the rear of the building toward a public street must treat the rear elevation so it is not immediately recognizable as a rear façade. A minimum of 50% of the rear façade must consist of windows, doors, or other treatments that suggest a building front. A door provided for this requirement does not need to function as a building entrance.

Chapter 14.30
FC3 – FREEWAY COMMERCIAL THREE ZONE

Sections:

14.30.010 Purpose and Objectives.
14.30.020 Permitted Uses.
14.30.030 Lot Standards.
14.30.040 Yard/Setback Requirements.

14.30.050 Projections into Yards.
14.30.060 Building Height and Distance.
14.30.070 Parking, Loading, and Access.
14.30.080 Project Plan Approval.
14.30.090 Transitional Development Standards.
14.30.100 Design Standards.
14.30.110 Other Requirements.

14.30.010 Purpose and Objectives

The Freeway Commercial Three (FC3) zone is established to provide maximum commercial opportunity adjacent to freeway interchanges. The primary use of land in this zone is for commercial and service businesses that serve both regional population needs and local residents. Buildings must be attractive, well designed, and create an inviting entry to the city. Required yards and surrounding areas must be attractively landscaped and maintained in harmony with nearby residential areas. This zone accommodates a variety of medium- to large-scale retail and business uses with satellite shops and facilities that provide a wide range of goods and services.

14.30.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Dance Halls – permitted subject to PCC 14.02.045(3).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure; and

(b) Storage of materials used for construction, including a temporary contractor’s office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it.

14.30.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.30.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: No Requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

14.30.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.* All accessory buildings must:

(a) Have a footprint and height less than the principal structure;

(b) Comply with applicable lot coverage standards;

(c) Be used only for permitted accessory uses; and

(d) Use architectural materials and colors similar to the principal structure.

(4) *Clear vision areas.* See PCC 14.50.090.

14.30.060 Building Height and Distance

(1) No building or structure may exceed 15 stories or 150 feet in height.

(2) A parapet or cornice may not exceed five feet above the maximum building height.

(3) The Development Services Director, or designee, may approve a modification to these requirements if:

(a) The modification is visually compatible with neighboring development; and

(b) The modification does not violate the International Building Code or the Fire Code.

14.30.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission.

14.30.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.30.090 Transitional Development Standards

(1) Buildings or portions of buildings in the FC3 zone that are adjacent to properties in a residential zone must be located at least 20 feet from the nearest property line of the residentially zoned property.

(2) Structures within 100 feet of a single-family property may not exceed four stories or 48 feet in height.

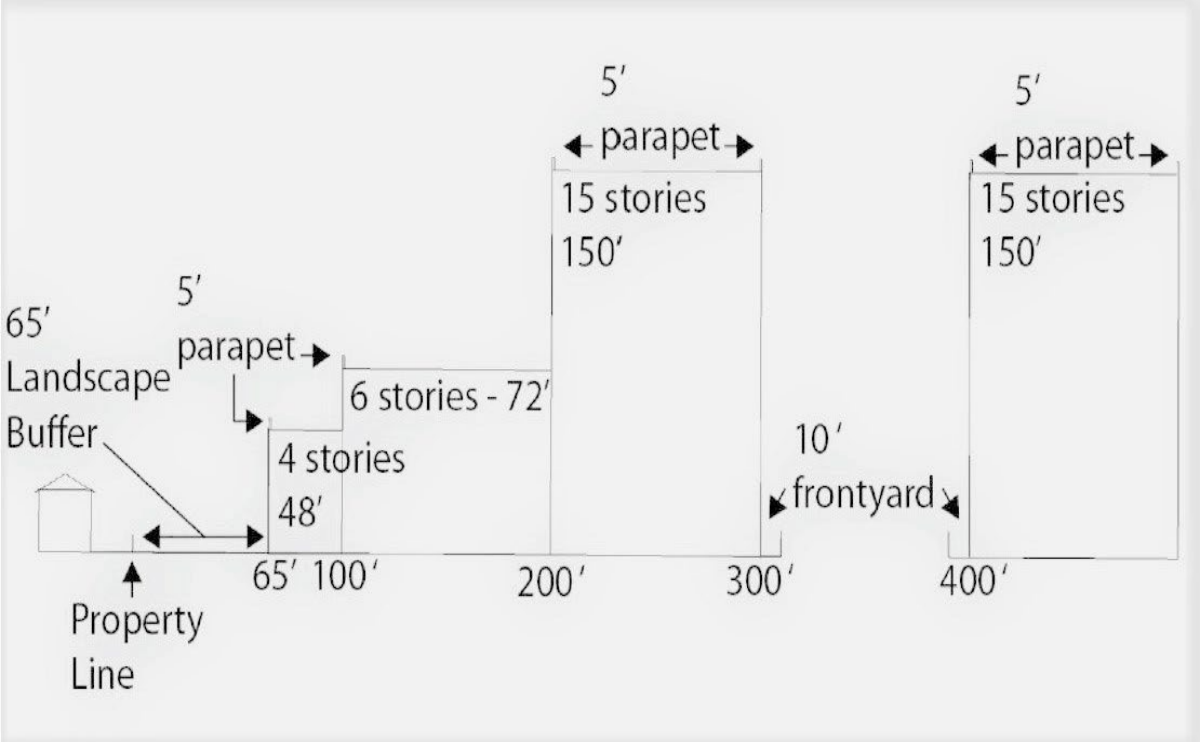
(3) Structures located between 100 feet and 200 feet of a single-family property may not exceed six stories or 72 feet in height.

(4) Loading docks on the sides of structures that face a residential property must be located at least 100 feet from the nearest residential property line.

(5) Site design and access must be oriented to direct traffic away from local secondary streets.

(6) Business, commercial, manufacturing, and industrial development that borders a residential zone must comply with PCC 14.50.160.

(7) Parcels with frontage on Lakeview Parkway must provide a transitional setback of at least 65 feet from the property line of any parcel developed with single-family residential uses. The setback area must be landscaped and maintained in accordance with PCC 15.20.



14.30.100 Design Standards

(1) The following design standards apply in the FC3 zone:

(a) Exterior finish materials may not include vinyl siding, metal siding (including sheet or corrugated metal), plywood, particle board, other wood products not intended as architectural finish materials, or manufactured stone;

(b) Building wall materials must be combined on each façade horizontally only, with heavier elements placed below lighter elements. For example, stone may not be placed above stucco, and brick may not be placed below concrete;

(c) Except for ground-level shop fronts, windows and doors must be square or vertical in proportion;

(d) Buildings in the FC3 zone are not required to front on a public street. However, buildings that orient the rear of the building toward a public street must treat the rear elevation so it is not immediately recognizable as a rear façade. A minimum of 50% of the rear façade must consist of windows, doors, or other treatments that suggest a building front. A door provided for this requirement does not need to function as a building entrance.

(2) Roof-mounted mechanical equipment is permitted if it is fully screened by an architectural feature of the primary structure.

14.30.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses within buildings*. All uses in the FC3 zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Such uses may include, but are not limited to, service stations, ice skating, and miniature golf.

Chapter 14.31
GW – DOWNTOWN GATEWAY

Sections:

14.31.010 Purpose and Objectives.
14.31.020 Permitted Uses.
14.31.030 Lot Standards.
14.31.040 Yard/Setback Requirements.
14.31.050 Projections into Yards.
14.31.060 Building Height and Distance.
14.31.070 Parking, Loading, and Access.
14.31.080 Project Plan Approval.
14.31.090 Minimum Habitable Main Floor Depth.
14.31.100 Other Requirements.

14.31.010 Purpose and Objectives

The Downtown Gateway (GW) zone accommodates restaurants, hotels, and a variety of retail uses that welcome visitors and serve local residents. Properties in this primary entrance to Provo must be inviting, attractive, well designed, and well maintained. New development must comply with the established design guidelines for this zone to create a distinct sense of place.

This zone is not intended for large-scale retail uses. Uses in this zone must consist of smaller-scale downtown and visitor-support uses that are incorporated into a mixed-use design. The Downtown Gateway (GW) zone is generally located along West Center Street between the more intensive downtown zones and Interstate 15.

14.31.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Single-family Dwelling, detached – permitted only if it existed on or before July 7, 2009, or if it is located within one hundred feet of 100 North Street.

(d) Two Family Dwellings – permitted only if it existed on or before July 7, 2009.

(e) Multi-Family Dwelling – permitted only if it is attached to a non-residential use.

(f) Warehousing or Storage Services - permitted only if part of a mixed-use building and may not be on a ground floor that faces Center Street.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

(4) *Uses within buildings*. All uses in the GW zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Such uses may include, but are not limited to, service stations, ice skating, and miniature golf. Open storage within view of a public street or space is prohibited.

14.31.030 Lots Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.31.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet minimum, 20 feet maximum.

(2) Side yard – corner lots: 10 feet minimum, 20 feet maximum.

(3) Side yard – interior: 10 feet maximum.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet minimum.

14.31.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

(5) *Courtyards.* Front or street side yards may extend beyond maximum setback limitations for a public courtyard if recommended by the City Engineer. The approving body must make the following findings before allowing a courtyard:

(a) The courtyard serves a legitimate public purpose;

(b) The courtyard design enhances the public realm and will reasonably attract daily activity, not only special events;

(c) The courtyard is not raised more than two feet above street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

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

(7) Signs may project into a street right-of-way as permitted by PCC 14.47.105.

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

14.31.060 Building Height and Distance

(1) No building or structure may be less than two stories or exceed 50 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any accessory building must be at least six feet from the principal structure.

(4) Roof mounted mechanical equipment must be completely screened behind an architectural feature of the primary structure.

14.31.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls. Parking may not exceed that required by PCC 14.44.

(3) Surface parking may not be located within thirty feet of a front or street side yard property line of any property adjacent to a primary street.

(4) Surface parking may not be located within the first six feet of properties that front secondary streets and must be separated from the street by a berm at least six feet wide and twenty-four inches high.

14.31.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.31.090 Minimum Habitable Main Floor Depth

(1) Each structure in the GW zone that fronts a public street must have a minimum habitable main floor depth of 30 feet along the entire street frontage, except for permitted side yards and driveway approaches. Structured parking may not be located above the minimum habitable floor area along primary streets.

(2) On a corner lot that abuts two primary streets, driveway access to the property may be allowed from one of the primary street frontages, subject to approval by the City Engineer.

14.31.100 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Buildings or portions of buildings in the GW zone that are adjacent to properties in a single-family residential zone must be set back at least 20 feet from the nearest property line of the residentially zoned property.

(7) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(8) *Downtown Development Design Standards.* See PCC 14.50.180.

Chapter 14.32
DT1 - GENERAL DOWNTOWN

Sections:

14.32.010 Purpose and Objectives.
14.32.020 Permitted Uses.
14.32.030 Lot Standards.
14.32.040 Yard/Setback Requirements.
14.32.050 Projections into Yards.
14.32.060 Building Height and Distance.
14.32.070 Parking, Loading, and Access.
14.32.080 Project Plan Approval.
14.32.090 Transitional Development Standards.
14.32.100 Minimum and Average Residential Unit Size.

14.32.110 Minimum Habitable Main Floor Depth.
14.32.120 Facade Step-Back.
14.32.130 Other Requirements.

14.32.010 Purpose and Objectives

The General Downtown (DT1) zone creates a pedestrian-friendly, mixed-use environment that complements and surrounds the more intensive Downtown Core (DT2) zone. The DT1 zone provides a transition in scale between adjacent neighborhoods and higher-density downtown developments.

Regulations in this zone preserve the scale and mass of historic Center Street while supporting a mix of housing and business opportunities near public transit. The intent is to encourage transit use and reduce citywide traffic and congestion.

The DT1 zone is characterized by clean, well-lit streets; ample pedestrian ways; landscaping; inviting residential uses; and well-maintained shops, stores, and offices within a mixed-use design.

14.32.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Single-family Dwelling, attached (Townhome) – permitted if located adjacent to a residential zone and sold individually).

(b) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(c) Communications - permitted subject to PCC 14.02.045(11).

(d) Multi-family Dwelling – permitted only if it is attached to a non-residential use.

(e) Food Manufacturing (breweries only) – permitted only when attached and ancillary to a restaurant.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) One caretaker unit per hotel or motel use, subject to PCC 14.50.130.

(4) *First Floor Commercial*

(a) Except as allowed under Subsection (4)(b) of this Section, the minimal habitable floor depth on the first story of all building frontage on University Avenue or Center Street within the zone must contain nonresidential uses.

(b) For buildings fronting University Avenue south of Center Street, or fronting Center Street west of 500 West or east of 200 East, the first-floor areas must be designed and the shell constructed to allow non-residential uses. However, residential use is permitted until the building owner determines that non-residential use of the area is economically viable.

14.32.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.32.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 0 feet minimum; 10 feet maximum.

(2) Side yard – corner lots: 0 feet minimum; 10 feet maximum.

(3) Side yard – interior: 0 feet minimum; 10 feet maximum.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No requirement.

14.32.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

(5) Buildings may project over required driveways if they provide a minimum of 10 feet of clearance for vehicular access.

(6) Signs may project into a street right-of-way as permitted in PCC 14.47.105.

(7) *Marquees and canopies.* Marquees and canopies may project into the street right-of-way if the owner first receives a license to have the marquee or canopy, which must comply with all of the following provisions:

(a) Marquees or canopies may be supported by posts or columns that are attached to the ground within the public right-of-way, but do not extend beyond the street curb line, and provide a minimum of 10 feet of clearance for pedestrian passage;

(b) The licensee must hold the City harmless from any damage to property or persons arising from the construction or maintenance of marquees or canopies. The licensee is responsible for all costs of installation, maintenance, and removal;

(c) The licensee must agree to pay any damages and hold the City harmless from any claim that arises from the licensee's use of public property for this purpose;

(d) If the City determines that the license should be revoked for any public cause, the City will provide the licensee with 90 days' written notice. Upon revocation, the licensee must remove all improvements from the public right-of-way at the licensee's expense. The licensee must restore the right-of-way to a condition equivalent or better than that existing in the remainder of the block face, and to a condition satisfactory to the City;

(e) Supporting columns or stanchions may not obstruct pedestrian traffic on the sidewalk or materially affect existing landscaping or street furniture in the public right-of-way;

(f) All marquee and canopy installations must comply with the latest edition of the International Building Code as adopted by Provo City and may not be constructed until after the issuance of a building permit;

(g) Canopies and marquees must remain open and unencumbered on three sides, except for required supporting columns, posts, or architectural features;

(h) The public right-of-way may not be used for commercial storage, display, or other private use; and

(i) The construction of a canopy or marquee under this Section may not deprive the public of use of the public right-of-way.

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

(9) *Sidewalk cafés*. Sidewalk cafés are permitted under the following provisions:

(a) At least six feet of clear, unobstructed sidewalk width must remain available for pedestrian use;

(b) A sidewalk café must be separated from the street by either:

(i) a six-inch curb and two-foot setback; or

(ii) bollards spaced no more than six feet apart along the street frontage;

(c) If a sidewalk café includes more than one row of tables and chairs, the café must have a non-sight-obscuring removable barrier no more than three feet high enclosing the seating area. Barrier gates may not swing into the unobstructed sidewalk width required in Subsection (9)(a);

(d) Awnings associated with a café must comply with the International Building Code. Umbrellas lower than seven feet in height may not extend into the unobstructed sidewalk width required in Subsection (9)(a);

(e) The café owner or operator must provide adequate facilities for the storage of trash generated by the café at a convenient location;

(f) The café owner or operator must continuously maintain insurance sufficient to co-insure Provo City against liability associated with the sidewalk café, as reasonably determined by the City. The insurance certificate must name the City as an additional insured. The insurer must give the City at least 30 days' prior notice before canceling the insurance;

(g) The café owner or operator must hold Provo City, its officers, agents, and employees harmless from any claims, injuries, losses, damages, or costs, including attorneys' fees, arising from the operation of the café;

(h) The café owner or operator is responsible for repairing any damage to the public sidewalk caused by the installation or removal of furnishings, barriers, or other café features;

(i) Café hours of operation may not begin earlier than 6:00 a.m. or extend later than 12:00 a.m., and may not exceed the operating hours of the associated eating or drinking establishment;

(j) Music or entertainment must comply with the sound limitations in PCC 9.06;

(k) The café owner or operator must maintain the café and its surroundings in a neat and clean condition at all times;

(l) The café owner or operator must remove café improvements when necessary for sidewalk repair or replacement, utility maintenance, or upon failure to comply with the terms of this section; and

(m) Sidewalk cafés may operate only between March 1 and October 31. All furniture must be removed from the public right-of-way outside these dates.

(10) *Courtyards.* Front or street side yards may extend beyond maximum setback limitations for a public courtyard space if recommended by the City Engineer. The Planning Commission must make the following findings before allowing a courtyard:

(a) The courtyard serves a legitimate public purpose;

(b) The courtyard design enhances the public realm and will reasonably attract daily activity, not only special events;

(c) The courtyard is not raised more than two feet above street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

(11) *Valet drive.* A driveway access for hotels and theaters is permitted within the required yards for vehicular access and valet services if the following standards are met:

(a) Traffic may only be one-way;

(b) Parking is not permitted within the valet drive area;

(c) Driveways may be no wider than 20 feet;

(d) The outside radius of the driveway may be no greater than 40 feet;

(e) The space between ingress and egress driveways must be landscaped;

(f) The valet drive is not located on Center Street or University Avenue; and

(g) Minimum habitable floor area required by PCC 14.32.100 is provided along the increased setback.

14.32.060 Building Height and Distance

(1) Except as provided in this section, no building or structure may be less than two stories or exceed 100 feet in height.

(a) Building height may exceed 100 feet if a written agreement with the City guarantees that the following percentages of units in a residential project are for-sale housing with individual owner-occupancy required for at least one year after each change of ownership:

(i) 10–20% for-sale housing: up to 120 feet;

(ii) 21–30% for-sale housing: up to 140 feet;

(iii) 31–40% for-sale housing: up to 160 feet;

(iv) 41% or more for-sale housing: up to 180 feet.

(b) The written agreement described in this section must include a requirement to record deed restrictions, in a form approved by the City, on the property prohibiting any owner from renting a unit during the first year of their ownership and advising that Provo City will not issue rental dwelling licenses for such units during that period and may criminally prosecute and/or fine owners that rent without a license.

(2) *Additional height standards*. Except as otherwise provided, building height is measured from the top of the street curb and the following standards must be followed:

(a) Maximum parapet or cornice height: five feet.

(b) Commercial buildings.

(i) Maximum main floor elevation: one foot above curb.

(ii) Minimum first story height: 14 feet floor to ceiling.

(iii) Maximum first story height: 20 feet floor to ceiling.

(iv) Maximum upper story height: 14 feet floor to ceiling.

(c) Residential buildings.

(i) Maximum main floor elevation: six feet above curb.

(ii) Minimum first story height: 10 feet floor to ceiling.

(iii) Maximum story height: 14 feet floor to ceiling.

(3) Roof-mounted mechanical equipment is permitted if it is completely screened by an architectural feature of the primary structure.

14.32.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) A lot or parcel in the DT1 zone need only provide 75% of the required off-street parking set forth in PCC 14.44, except as follows:

(a) Buildings or portions of buildings located within the required sixty-foot transitional setback, as provided in PCC 14.32.090, must comply with the following parking requirements:

(i) Residential units must provide a minimum of one and one-half spaces for one bedroom units and two and one-quarter spaces for units with two or more bedrooms. The disabled parking spaces required by PCC 14.44.110 must also be provided and do not count towards the minimums required by this Subsection (3)(a)(i).

(ii) Commercial uses must provide the minimum parking required by PCC 14.44.

(4) Existing structures on properties described in this Subsection (4) are not required to provide new off-street parking due to a change in use if the building is not being expanded. This exception applies to properties that front Center Street between 500 West and 100 East, and properties that front University Avenue between Center Street and 300 North.

(5) *Location.* Surface parking may not be provided within 30 feet of a front or street side yard property line that is adjacent to a primary street. Surface parking on properties that front secondary streets must be separated from the street by a six-foot-wide berm that is at least 24 inches in height.

14.32.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.32.090 Transitional Development Standards

(1) Notwithstanding any other provisions of this Chapter, multi-family, apartment and commercial buildings in the DT1 zone that are located directly across the street from, or adjacent to, property in a residential zone must comply with the following standards:

Standard	Minimum	Maximum
Front Yard	10 feet	20 feet
Street Side Yard	10 feet	20 feet
Building Height	2 stories	3 stories
Parking – One-Bedroom	1.5 spaces	
Parking – Two or More Bedrooms	2.25 spaces	

Standard	Minimum	Maximum
Parking – Commercial	As required in PCC 14.44	

(2) Multi-family, apartment, and commercial buildings, or portions of buildings, in the DT1 zone that are adjacent to a residential zone must maintain a (20 foot setback from the nearest property line of the residential zone.

14.32.100 Minimum and Average Residential Unit Size

(1) Except as provided in Subsections (2) and (3), each development that includes a residential use must provide:

(a) a minimum unit size of 500 square feet; and

(b) a minimum average unit size of 800 square feet.

(2) Subsection (1) does not apply to institutional housing units, including elderly housing and assisted living facilities.

(3) Mixed-use developments with ground floor commercial space fronting Center Street or University Avenue must provide:

(a) a minimum residential unit size of 500 square feet; and

(b) a minimum average unit size of 600 square feet.

14.32.110 Minimum Habitable Main Floor Depth

(1) Excepting townhomes, each structure in the DT1 zone that fronts a public street must provide a minimum habitable main floor depth of 30 feet along the entire street frontage, except for permitted side yards and driveway approaches. Structured parking is not permitted above the minimum habitable floor area along primary streets.

(2) For a corner lot that abuts two primary streets, driveway access may be permitted from one of the primary street frontages, subject to approval by the City Engineer.

14.32.120 Facade Step-Back

(1) Except as provided in Subsection (2), the fourth story and above must step back 20 feet from the first-story building façade along Center Street between 500 West and 100 East. An architectural expression line, such as a cornice or similar feature, must be used at the third-story roofline.

(2) Between 100 East and 200 East, the fourth story and above must step back one foot from the first-story building façade along Center Street. An architectural expression line, such as a cornice or similar feature, must be used at the third-story roofline.

14.32.130 Other Requirements.

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Amenities.* In any new project consisting of 20 or more residential units, an area equivalent to 10% of the residential gross floor area must be developed in accordance with the requirements set forth in PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Downtown Development Design Standards.* See PCC 14.50.180.

Chapter 14.33
DT2 – DOWNTOWN CORE

Sections:

14.33.010 Purpose and Objectives.
14.33.020 Permitted Uses.
14.33.030 Lot Standards.
14.33.040 Yard/Setback Requirements.
14.33.050 Projections into Yards.
14.33.060 Building Height and Distance.
14.33.070 Parking, Loading, and Access.
14.33.080 Project Plan Approval.
14.33.090 Minimum and Average Residential Unit Size.
14.33.100 Minimum Habitable Main Floor Depth.
14.33.110 Facade Step-back.
14.33.120 Other Requirements.

14.33.010 Purpose and Objectives

The Downtown Core (DT2) zone establishes a pedestrian-friendly, regional urban center located around key transportation corridors and regional land uses in the city's central area. The zone's character is shaped by the scale, mass, placement, and form of buildings and their relationship to each other and the public realm.

The DT2 zone serves as the most prominent area of the city. It supports the tallest buildings, the largest building masses, and the highest density of mixed uses compared to adjacent downtown zones. The area is intended to feature clean, well-lit streets, wide pedestrian walkways, and a mix of well-maintained shops, offices, and regional government buildings in a cohesive, mixed-use environment.

The Downtown Core (DT2) zone is generally located in the historic center of Provo and is fully surrounded by the less intensive General Downtown (DT1) zone. The DT2 zone may not directly abut any R1 zone and may only expand where the DT1 zone or another appropriate commercial zone provides a buffer between the DT2 zone and any R1 zone.

14.33.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Multi-Family Dwelling – permitted only if it is attached to a non-residential use.

(d) Food Manufacturing (breweries only) – permitted only when attached and ancillary to a restaurant.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) One caretaker unit per hotel or motel use, subject to PCC 14.50.130.

(4) *First Floor Commercial*

(a) Except as allowed under Subsection (4)(b), the minimum habitable floor depth of the first story of all buildings fronting on University Avenue or Center Street within the zone must contain only nonresidential uses.

(b) For buildings fronting University Avenue south of Center Street or fronting Center Street west of 500 West or east of 200 East, the first-floor areas must be designed and the shell constructed to allow non-residential uses. However, residential use is permitted until the building owner determines that non-residential use of the area is economically viable.

14.33.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.33.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 0 feet minimum; 10 feet maximum.

(2) Side yard – corner lots: 0 feet minimum; 10 feet maximum.

(3) Side yard – interior: 0 feet minimum; 10 feet maximum.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No requirement.

14.33.050 Projections into Yards.

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

(5) Buildings may project over required driveways if they provide a minimum of ten feet of clearance for vehicular access.

(6) Signs may project into a street right-of-way as permitted in PCC 14.47.105.

(7) *Marquees and canopies.* Marquees and canopies may project into the street right-of-way if the owner first receives a permit to have the marquee or canopy, which must comply with all of the following provisions:

(a) A marquee or canopy may be supported by posts or columns that are attached to the ground within the public right-of-way, but do not extend beyond the street curb line, and must provide a minimum of ten feet of clearance for pedestrian passage;

(b) The property owner must hold the City harmless from any damage to property or persons arising from the construction or maintenance of the marquee or canopy. The licensee is responsible for all costs of installation, maintenance, and removal;

(c) The property owner must agree to pay any damages and hold the City harmless from any claim that arises from the owner's use of public property for this purpose;

(d) If the City determines that the license should be revoked for any public cause, the City will provide the property owner with 30 days' written notice. Upon revocation, the property owner must remove all improvements from the public right-of-way at the owner's expense. The owner must restore the right-of-way to a condition equivalent or better than that existing in the remainder of the block face, and to a condition satisfactory to the City;

(e) Supporting columns or stanchions may not obstruct pedestrian traffic on the sidewalk or materially affect existing landscaping or street furniture in the public right-of-way;

(f) Every marquee or canopy installation must comply with the latest edition of the International Building Code as adopted by Provo City and no marquee or canopy may be constructed until after the issuance of a building permit;

(g) A canopy or marquee must remain open and unencumbered on three sides, except for required supporting columns, posts, or architectural features; and

(h) The construction of a canopy or marquee under this Section may not deprive the public of use of the public right-of-way.

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

(9) *Sidewalk cafés*. Sidewalk cafés are permitted under the following provisions:

(a) At least six feet of clear, unobstructed sidewalk width must remain available for pedestrian use;

(b) A sidewalk café must be separated from the street by either:

(i) a six-inch curb and two-foot setback; or

(ii) bollards spaced no more than six feet apart along the street frontage;

(c) If a sidewalk café includes more than one row of tables and chairs, the café must have a non-sight-obscuring removable barrier no more than three feet high enclosing the seating area. Barrier gates may not swing into the unobstructed sidewalk width required in Subsection (9)(a);

(d) Awnings associated with a café must comply with the International Building Code. Umbrellas lower than seven feet in height may not extend into the unobstructed sidewalk width required in Subsection (9)(a);

(e) The café owner or operator must provide adequate facilities for the storage of trash generated by the café at a convenient location;

(f) The café owner or operator must continuously maintain insurance sufficient to co-insure Provo City against liability associated with the sidewalk café, as reasonably determined by the City. The insurance certificate must name the City as an additional insured. The insurer must give the City at least 30 days' prior notice before canceling the insurance;

(g) The café owner or operator must hold Provo City, its officers, agents, and employees harmless from any claims, injuries, losses, damages, or costs, including attorneys' fees, arising from the operation of the café;

(h) The café owner or operator is responsible for repairing any damage to the public sidewalk caused by the installation or removal of furnishings, barriers, or other café features;

(i) Café hours of operation may not begin earlier than 6:00 a.m. or extend later than 12:00 a.m., and may not exceed the operating hours of the associated eating or drinking establishment;

(j) Music or entertainment must comply with the sound limitations in PCC 9.06;

(k) The café owner or operator must maintain the café and its surroundings in a neat and clean condition at all times;

(l) The café owner or operator must remove café improvements at the owner or operator's own expense when necessary for sidewalk repair or replacement, utility maintenance, or upon failure to comply with the terms of this section; and

(m) Sidewalk cafés may operate only between March 1 and October 31. All furniture must be removed from the public right-of-way outside these dates.

(10) *Courtyards.* Front or street side yards may extend beyond maximum setback limitations for a public courtyard space if all the following standards are met:

(a) The courtyard serves a legitimate public purpose;

(b) The courtyard design enhances the public realm and will reasonably attract daily activity, not only special events;

(c) The courtyard is not raised more than two feet above street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

(11) *Valet drive.* A driveway access for hotels and theaters is permitted within the required yards for vehicular access and valet services if the following standards are met:

(a) Traffic may only be one-way;

(b) Parking is not permitted within the valet drive area;

(c) Driveways may be no wider than 20 feet;

(d) The outside radius of the driveway may be no greater than 40 feet;

(e) The space between ingress and egress driveways must be landscaped;

(f) The valet drive is not located on Center Street or University Avenue; and

(g) Minimum habitable floor area required by PCC 14.33.100 is provided along the increased setback.

14.33.060 Building Height and Distance

(1) No building or structure may be less than 3 stories or exceed 180 feet in height.

(2) *Additional height standards*. Except as otherwise provided, building height is measured from the top of the street curb and the following standards must be followed:

(a) Maximum parapet or cornice height: five feet.

(b) Commercial buildings.

(i) Maximum main floor elevation: one foot above curb.

(ii) Minimum first story height: 14 feet floor to ceiling.

(iii) Maximum first story height: 20 feet floor to ceiling.

(iv) Maximum upper story height: 14 feet floor to ceiling.

(c) Residential buildings.

(i) Maximum main floor elevation: three feet above curb.

(ii) Minimum first story height: ten feet floor to ceiling.

(iii) Maximum story height: 14 feet floor to ceiling.

(3) Roof-mounted mechanical equipment is permitted if it is completely screened by an architectural feature of the primary structure.

14.33.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Existing structures on properties described in this Subsection (3) are not required to provide new off-street parking due to a change in use if the building is not being expanded. This exception applies to properties that front Center Street between 500 West and 100 East, and properties that front University Avenue between Center Street and 300 North.

(4) *Location.* Surface parking may not be provided within 30 feet of a front or street side yard property line that is adjacent to a primary street. Surface parking on properties that front secondary streets must be separated from the street by a six-foot-wide berm that is at least 24 inches in height.

(5) For a corner lot that abuts two primary streets, driveway access may be permitted from one of the primary street frontages, subject to approval by the City Engineer.

14.33.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.33.090 Minimum and Average Residential Unit Size

(1) Except as provided in Subsection (2), each development that includes a residential use must provide:

(a) a minimum unit size of 500 square feet; and

(b) a minimum average unit size of 800 square feet.

(2) Subsection (1) does not apply to institutional housing units, including elderly housing and assisted living facilities.

14.33.100 Minimum Habitable Main Floor Depth

Each structure in the DT2 zone that fronts a public street must provide a minimum habitable main floor depth of 30 feet along the entire street frontage, except for permitted side yards and driveway approaches. Structured parking is not permitted above the minimum habitable floor area along primary streets.

14.33.110 Facade Step-back

(1) Except as provided in Subsection (2), the fourth story and above must step back 20 feet from the first-story building façade along Center Street between 500 West and 100 East. An architectural expression line, such as a cornice or similar feature, must be used at the third-story roofline.

(2) Between 100 East and 200 East, the fourth story and above must step back one foot from the first-story building façade along Center Street. An architectural expression line, such as a cornice or similar feature, must be used at the third-story roofline.

14.33.120 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Amenities.* In any new project consisting of 20 or more residential units, an area equivalent to 10% of the residential gross floor area must be developed in accordance with the requirements set forth in PCC 14.50.220. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Downtown Development Design Standards.* See PCC 14.50.180.

Chapter 14.34
R&BP - RESEARCH AND BUSINESS PARK ZONE

Sections:

14.34.010 Purpose and Objectives.
14.34.020 Permitted Uses.
14.34.030 Lot Standards.
14.34.040 Yard/Setback Requirements.
14.34.050 Projections into Yards.
14.34.060 Building Height and Distance.
14.34.070 Parking, Loading, and Access.
14.34.080 Project Plan Approval.
14.34.090 Design Standards.
14.34.100 Transitional Development Standards.
14.34.110 Performance Standards.
14.34.120 Signs.
14.34.130 Guarantees and Covenants.
14.34.140 Other Requirements.

14.34.010 Purpose and Objectives

(1) *Purpose.* The purpose of the Research and Business Park (R&BP) zone is to provide an attractive working environment exclusively for offices, research and development institutions, and certain specialized light manufacturing establishments. The uses allowed in this zone are more limited than in other commercial or manufacturing zones. These restrictions are based on operating characteristics and land use impacts rather than on the type of service or product.

The essential purpose of this zone is to encourage development in a business park setting that benefits property owners, neighbors, and the community. The zone is more restrictive than other commercial and manufacturing zones in order to ensure:

- buildings with architectural excellence,
- grounds with abundant landscaping, and
- land uses that do not create air, ground, noise, or water pollution.

The zone may be located next to high-quality residential development and must be properly screened and landscaped to maximize compatibility. The zone may only be located adjacent to collector or arterial streets. The zone is characterized by attractively designed buildings and off-street parking lots situated among spacious lawns, shrubs, and trees that create a park-like appearance.

It is not the intent of this Chapter for an R&BP zone to become a catalyst for strip commercial development around its perimeter. Unless the General Plan designates a commercial center near the park's boundary, commercial development is prohibited, particularly where the park is adjacent to residential development.

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

(a) Strengthen and sustain the City's economic potential and create jobs;
(b) Promote sound growth and the general welfare;
(c) Implement the policies of the Provo City General Plan;
(d) Ensure efficient, safe, and attractive land development;
(e) Provide a unique work environment that attracts skilled and professional people;
(f) Provide a workplace that is architecturally and aesthetically compatible with surrounding residential areas;
(g) Preserve natural resources and account for the physical constraints of the land;
(h) Provide safe and efficient vehicular and pedestrian circulation;
(i) Require compliance with appropriate design standards to ensure adequate light and air, proper building arrangements, and minimal adverse effect on surrounding property;
(j) Ensure adequate water supply, drainage and stormwater management, sanitary facilities, and other utilities and services; and
(k) Establish safeguards to minimize environmental impacts, including air and water pollution, hazardous waste contamination, noise, soil erosion, and sedimentation.

14.34.020 Permitted Uses

(1) *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 that do not primarily serve the general public;

(c) Communications services, including radio and television broadcasting studios, telephone company offices, recording and sound studios, and motion picture studios;

(d) Finance, insurance, and real estate services; and

(e) Religious activities.

(2) *Permitted accessory uses.* The following accessory uses are permitted, subject to the development and performance standards and conditions set forth in this Chapter. If located in the same building as a permitted principal use, the accessory uses may not occupy more than 49% of the total usable floor area:

(a) Support and maintenance shops serving the permitted uses;

(b) Concessions and services provided for the convenience of building occupants, including corporate lodging, restaurants, and incidental retail uses that support the permitted uses. These uses must be located inside a principal building and may not have exterior evidence such as signs or display windows;

(c) Printing, publishing, and allied industries;

(d) Storage activities and warehouse facilities, but only as part of a principal permitted activity;

(e) Day care centers, subject to PCC 14.02.045(7);

(f) Off-street parking and parking structures incidental to the above building uses; and

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

(3) *Conditional uses.* The following uses and structures are permitted in the R&BP zone only with a conditional use permit, subject to applicable terms and conditions:

(a) Light manufacturing uses, including fabricating, processing, testing, assembling, packaging, and manufacturing of products with high value relative to bulk, using previously prepared materials. This does not include uses involving primary production of wood, metal, petroleum, or chemical products from raw materials. Activities such as large-volume product handling, storage, and distribution, as well as on-site milling, forging, or heavy grinding of parts are prohibited;

(b) Marketing, telemarketing, and advertising services;

(c) Police protection and related office uses, subject to PCC 14.02.045(5); and

(d) Low power radio communication towers and antennas, subject to PCC 14.02.045(11).

14.34.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.34.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 40 feet.

(2) Side yard – corner lots: 40 feet.

(3) Side yard – interior: 20 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

14.34.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend; and

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.34.060 Building Height and Distance

(1) No building or structure may exceed 3 stories or 60 feet in height.

(2) Any accessory building must be at least 20 feet from the principal structure.

14.34.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) *Parking setbacks.* All parking areas must be set back at least 25 feet from any dedicated public street and at least ten feet from any other property line. Where feasible, parking areas should be located to the rear of the building.

(4) *Screening of parking areas.* A landscaped berm at least five feet high, with a maximum slope of 1:2.5, or massed plantings of sufficient height, must be used to screen and buffer parking and loading areas from adjoining public streets and lots.

14.34.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.34.090 Design Standards

(1) *Site design.* Overall unity of site design must be achieved through:

(a) Architectural harmony among buildings and structures;

(b) Integration of the common open space system and storm drainage system;

(c) Unifying themes in the landscaping plan, showing landscaped areas and specifying the species, size, and number of plant materials;

(d) Unified design of street furniture and related features, including street signs, poles, light standards and luminaires, pedestrian benches, bus shelters, project entrances, perimeter

fencing, pavement treatments, plazas, accessible curb ramps, housings for power facilities, telephone service boxes, grouped mailbox stanchions, illumination of buildings, outdoor sculptures, decorative fountains, walkway railings, and steps;

(e) All uses, except surface parking, recreational activities, and utilities, must be conducted inside a completely enclosed building. Storage of products and materials must be inside a building constructed with the same exterior finish as the principal building. Refuse collection must also occur inside a building constructed with the same exterior finish as the principal building;

(f) All utilities must be placed underground;

(g) All mechanical equipment incidental to a building, including roof-mounted equipment, must be fully enclosed or screened so that it forms an integral part of the building's architectural design; and

(h) Loading operations must be conducted either within a building or screened so they are not visible from a public street. Loading must be arranged so that vehicles do not block the passage of other vehicles on the service drive or extend into any public or private drive or street used for traffic circulation.

(2) *Perimeter buffer yards.* Perimeter buffer yards facing an existing or dedicated exterior access road must be at least 50 feet deep. Screening in the buffer yard must consist of a landscaped berm at least six feet in height.

(3) *Floor area ratio.* Maximum development in the R&BP zone may not exceed 13,000 square feet of gross floor area per net acre (excluding streets), which equals a floor area ratio of 0.30.

(a) A developer may request up to an additional 3,000 square feet of floor area per acre if at least 50% of off-street parking is located in a parking structure. This increase results in a maximum floor area ratio of 0.34.

(b) Basement floor area may be excluded from the ratio if used only for mechanical systems or dead storage. If used for other purposes, basement area is included in the ratio. In order to be excluded under this subsection, a deed restriction must be recorded on the property to limit use of the basement to qualifying uses. The restriction must be recorded before final occupancy of the building.

14.34.100 Transitional Development Standards

(1) *Buffer Yards.* Perimeter buffer yards that adjoin a residential zone boundary must be at least 25 feet deep if screened with a decorative masonry wall at least six feet high.

(a) If not screened with a decorative wall, the buffer yard must be at least 100 feet deep and include landscaped berms at least six feet high.

(b) In yards where a screening wall is used, the Business Park must maintain at least ten feet of landscaping on the residential zone side and at least 15 feet of landscaping on the Business Park side.

(2) *Building Height*. Buildings constructed on parcels adjacent to a residential zone may not exceed two stories or 35 feet in height.

14.34.110 Performance Standards

(1) *Waste.* No primary or secondary use may result in the discharge of harmful waste materials:

(a) Into or onto the ground;

(b) Into or within any sanitary or storm sewer system;

(c) Into or within any water system or body of water; or

(d) Into the atmosphere.

(2) The following specific standards apply in the R&BP Zone:

(a) *Incineration*. Incineration of waste materials is prohibited on any site;

(b) *Vibration.* Activities may not cause ground vibrations that are perceptible, without instruments, at the lot boundary;

(c) *Air Pollution.* Emissions may not exceed the limits set by the Utah Bureau of Air Quality. Water vapor is not considered a pollutant. Normal building venting is allowed;

(d) *Noise.* Sound levels must comply with PCC Chapter 9.06, except that the maximum noise level limit between 7:00 a.m. and 10:00 p.m. is 85dBA; and

(e) *Stormwater.* Development plans must include stormwater management systems that prevent any increase in runoff rates. Facilities must be designed to control runoff from at least a 25-year return frequency storm, as certified by a professional engineer.

14.34.120 Signs

(1) All signage must comply with PCC 14.47 and any additional requirements of this Section. If there is a conflict, this Section controls.

(2) Only the following types of signs are permitted:

(a) *Identification Signs*.

(i) *Number.* One identification sign displaying the name and address may be installed at each park entrance.

(ii) *Area.* The sign copy area may not exceed 64 square feet.

(iii) *Placement.* Signs must be monument-style, placed on footings and a foundation, and integrated into the Park’s architectural design.

(iv) *Location.* Signs must be set back at least 25 feet from the street right-of-way.

(v) *Lighting.* Backlit or spotlighting is allowed.

(b) *Monument Signs*.

(i) *Number.* One freestanding monument identification sign is permitted per lot frontage on interior streets.

(ii) *Area.* The sign area may not exceed 32 square feet.

(iii) *Height.* The height may not exceed five feet above street grade.

(iv) *Location.* Signs must be set back at least 25 feet from the street right-of-way.

(c) *Building Wall Signs*.

(i) *Number.* One wall-mounted identification sign is permitted per building.

(ii) *Area.* The sign area may not exceed 32 square feet, measured as the area of a rectangle enclosing all lettering and pictorial elements.

(iii) *Location.* Signs must be placed below the roofline.

(iv) *Projection.* The sign may not project more than 12 inches from the building face.

(v) *Lighting.* Only backlit electronic signs are allowed. Non-illuminated or backlit awnings are not permitted.

(d) *Real Estate Signs*.

(i) *Number.* One temporary sign per lot frontage may be installed to advertise the sale or lease of a facility.

(ii) *Area.* Signs may not exceed six square feet per lot frontage.

(e) *Construction Project Signs*.

(i) *Number.* One sign per park frontage may be installed in conjunction with a construction project to publicize future occupants.

(ii) *Area.* Signs may not exceed 32 square feet and must be removed before final inspection by the Building Inspector.

(f) *Directional Signs*. Directional signs may be installed to guide pedestrian or vehicle movement onto or within private property.

(i) *Area.* Signs may not exceed six square feet in area.

(ii) *Height.* Signs may not exceed three feet in height.

(iii) *Location.* Signs must be located on the property they serve.

14.34.130 Guarantees and Covenants

(1) Before or at the same time as submitting a final development plan for the first building or first phase of an R&BP development, the developer must submit a Declaration of Covenants, Conditions, and Restrictions (CC&Rs) to the Provo City Planning Commission for approval. The approved declaration must then be recorded with the Utah County Recorder. The CC&Rs must include guarantees for the perpetual maintenance of all common open spaces and must ensure compliance

with the standards in this Section to promote health, safety, general welfare, and property values within the development and surrounding area.

(2) The following assurances and standards must be included in the recorded CC&Rs for any R&BP development:

(a) *Management of Common Open Space*. The declaration must:

(i) Establish an association or corporation responsible for maintenance, with authority to assess land parcel or unit owners for costs;

(ii) Establish a management committee and specify:

(A) The number of committee members,
(B) The method of selection, and
(C) The powers and duties of the committee; and

(iii) Include a designated property manager with relevant experience.

(b) *Open Space Easement*. The declaration must convey an easement over all common open spaces, prohibiting future building or use unless approved in the preliminary project plan;

(c) *Landscaping Standards*. The declaration must require individual parcel or unit owners to install landscaping that meets or exceeds the typical landscaping plan approved in the preliminary project plan. Landscaping must be installed within one year of issuance of a Certificate of Occupancy. Common area landscaping must be installed with each development phase;

(d) *Architectural Committee*. The declaration must establish an architectural committee, including:

(i) The number and composition of members, with at least one member selected from the surrounding neighborhood based on nominations from the Neighborhood District Executive Board (minimum of six nominations);

(ii) Requirements for architectural committee approval of all schematic project plans, building elevations, and signage before submission to Provo City; and
(iii) Design guidelines covering site layout, building design, signage, lighting, landscaping, street furniture, fencing, and mechanical equipment;

(e) *Amendments*. The declaration must specify the procedure for amendments;

(f) *Building Coverage*. The declaration must specify the maximum lot coverage by buildings for each land use category identified in the approved preliminary project plan;

(g) *Building Height*. The declaration must specify the maximum building height approved by the Planning Commission;

(h) *Traffic and Parking Management*. The declaration must include a plan to encourage mass transit and carpooling among employees;

(i) *Use Restrictions*. The declaration may include more restrictive, but not more permissive, use regulations than those in the Provo City Zoning Ordinance; and

(j) *City Participation*. The declaration must state the following:
“Provo City, by virtue of ownership of streets, utilities, rights-of-way, or easements in and through the project, is deemed an 'owner' with full voting privileges under this declaration and has authority and standing to enforce provisions and standards deemed to be in the public interest.”

14.34.140 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council’s adoption of the IBC.

(2) *Landscaping*. See PCC 15.20.

(3) *Trash storage*. See PCC 14.50.070.

(4) *Walls and Fences*. To maintain an open, park-like atmosphere, fencing individual lots in the R&BP Zone is prohibited. Decorative walls or fences must be installed as visual screens around the perimeter of the park or along open waterways, as applicable. All such features must comply with PCC 14.34.100, and detailed plans must be submitted with the project plan for approval.

Chapter 14.35
CM - HEAVY COMMERCIAL ZONE

Sections:

14.35.010 Purpose and Objectives.
14.35.020 Permitted Uses.
14.35.030 Lot Standards.
14.35.040 Yard/Setback Requirements.
14.35.050 Projections into Yards.
14.35.060 Building Height and Distance.
14.35.070 Parking, Loading, and Access.

14.35.080 Project Plan Approval.
14.35.090 Other Requirements

14.35.010 Purpose and Objectives

The Heavy Commercial (CM) zone establishes an area for a compatible mix of retail commercial, warehousing, heavy commercial, and light manufacturing uses. It serves primarily as a transitional buffer between industrial zones and residential or lighter commercial areas.

This zone supports manufacturing and warehousing activities that operate in conjunction with, and are incidental to, retail commercial establishments. The CM zone is best located where it can effectively function as a transition zone and has convenient access to major transportation corridors.

To minimize adverse impacts, CM zones must not be located where truck traffic from warehousing or manufacturing would travel through residential neighborhoods or retail areas to access highways or rail facilities.

Typical uses in this zone include warehouses, light manufacturing and assembly plants, machine shops, automobile repair facilities, furniture and appliance repair services, tire recapping operations, and building materials stores and yards.

Development in the CM zone must balance utility with visual appeal. Buildings, parking areas, and loading facilities must incorporate landscaping along all street frontages to soften industrial features and enhance the overall appearance.

14.35.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Food Manufacturing – permitted only when incidental to the on-site retail sale of the same product.

(b) Communications - permitted subject to PCC 14.02.045(11).
(c) Vehicle Storage - permitted subject to PCC 14.02.045(14).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Storage of materials used for construction, including a temporary contractor’s office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(c) Caretaker dwellings, subject to the supplementary development standards for caretaker dwellings set forth in PCC 14.50.130.

14.35.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.35.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: no requirement.

14.35.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard:

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

(b) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.35.060 Building Height and Distance

(1) No building or structure may exceed 3 stories or 55 feet in height.

(2) Any accessory building must be at least 6 feet from the principal structure.

14.35.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or a side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission, using a guideline of one loading space per ten thousand (10,000) square feet of gross building area.

14.35.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.35.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Uses Within Buildings.* All uses in the CM Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples of such uses include service stations, ice skating rinks, and miniature golf facilities. Open storage of materials and equipment is permitted in this zone only if fully screened from public view by an opaque fence or wall. The fence or wall must be approved by the Planning Commission as part of the conditional use permit for the use.

Chapter 14.36
MP - MANUFACTURING PARK ZONE

Sections:

14.36.010 Purpose and Objectives.
14.36.020 Permitted Uses.

14.36.030 Lot Standards.
14.36.040 Yard/Setback Requirements.
14.36.050 Projections into Yards.
14.36.060 Building Height and Distance.
14.36.070 Parking, Loading, and Access.
14.36.080 Project Plan Approval.
14.36.090 Minimum Building Area.
14.36.100 Residential Use Standards.
14.36.110 Other Requirements.

14.36.010 Purpose and Objectives

The Manufacturing Park (MP) zone establishes an environment for high-quality laboratory, processing, and light manufacturing uses in a park-like setting. This zone is more restrictive than conventional manufacturing zones to promote architectural excellence and abundant landscaping.

The MP zone is intended for fringe areas of the city on open, readily developed land. In many cases, it will be located next to high-quality residential development and must include screening and beautification measures to ensure compatibility.

This zone is intended to be characterized by attractively designed buildings and off-street parking lots integrated with spacious lawns, trees, shrubs, and other landscaped features. Its defining characteristic is the park-like appearance of the grounds surrounding buildings and parking areas.

14.36.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Single-family Dwelling, attached to nonresidential use – permitted subject to PCC 14.36.100.

(b) Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(b) Home occupations, subject to PCC 14.49;

(c) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not

authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(d) Cafeterias and snack bars incidental to a permitted use and provided exclusively for employees and their guests on the premises; and

(e) Caretaker dwellings, provided they comply with the supplementary development standards in PCC 14.50.130.

14.36.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.36.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 30 feet.

(2) Side yard – corner lots: 20 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 30 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may approve a reduction of required setbacks in this zone if all of the following conditions are met:

(a) The proposed setback is visually compatible with neighboring development and does not create an undue burden or harm to adjacent property;

(b) The proposed setback does not conflict with an existing or required utility easement; and

(c) The proposed setback does not violate the International Building Code or the Fire Code.

14.36.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to eight feet into a required front or rear yard and up to four feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend; and

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) However, an accessory building may be located on the rear property line if all of the following conditions are met:

(i) The wall along the rear property line has no openings;

(ii) The wall adjacent to the property line is constructed with a one-hour fire-resistance rating;

(iii) Roof drainage is retained entirely on the subject lot or parcel; and

(iv) The materials on the wall adjacent to the rear property line present an attractive architectural appearance and do not negatively impact the adjacent property.

(4) *Clear vision areas.* See PCC 14.50.090.

14.36.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height.

(2) Any building taller than 20 feet must include one additional foot of front yard setback for every foot of height above 20 feet.

(3) Any accessory building must be at least 10 feet from the principal structure.

14.36.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking is not permitted within the front yard of any lot in the MP zone.

14.36.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.36.090 Minimum Building Area

All buildings in the MP zone must have a minimum gross floor area of 5,000 square feet. In a planned business park with two or more buildings, an individual building may be smaller than 5,000 square feet if the buildings are clustered and Covenants, Conditions, and Restrictions (CC&Rs) are recorded to ensure the development remains under single ownership or control.

14.36.100 Residential Use Standards

Single-family dwellings are permitted only when attached to a nonresidential use and are subject to the following standards:

(1) A dwelling may be occupied by only one family as defined by PCC 14.05;

(2) A dwelling is permitted only when attached to a permitted structure where the principal permitted use is operating. Only one dwelling unit is allowed to each permitted structure;

(3) A dwelling unit is not permitted unless approved by the Planning Commission as part of a project plan application;

(4) In any project with ten or more dwelling units, at least 10% of the residential gross floor area must be developed in residential amenities. Acceptable amenities include a common clubhouse, gym, playground, rooftop garden, or similar feature, unless a public park or recreation facility offering equivalent amenities is located within 1,000 feet of the project;

(5) Dwelling units in the Manufacturing Park zone must incorporate sound and vibration attenuating design and materials. The applicant must provide documentation from an acoustical engineer confirming that best practices for sound and vibration attenuation are incorporated; and

(6) Any dwelling unit without frontage on a public street must have a logical, hard-surfaced pedestrian connection to the public street.

14.36.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Uses Conducted Within Buildings.* All uses in the MP zone must be conducted entirely within a fully enclosed building. Outside storage of materials, trash, or equipment is prohibited, except for motor vehicles licensed for street use.

Chapter 14.37
M1 - LIGHT MANUFACTURING ZONE

Sections:

14.37.010 Purpose and Objectives.
14.37.020 Permitted Uses.
14.37.030 Lot Standards.
14.37.040 Yard/Setback Requirements.
14.37.050 Projections into Yards.
14.37.060 Building Height and Distance.
14.37.070 Parking, Loading, and Access.
14.37.080 Project Plan Approval.
14.37.090 Other Requirements.

14.37.010 Purpose and Objectives

The Light Manufacturing (M1) zone establishes areas in the city for light manufacturing uses such as processing, assembling, manufacturing, warehousing, and storage, together with incidental service and public facilities that support the manufacturing area. The zone

encourages orderly and sustainable industrial development while protecting nearby residential and commercial areas from noise and other disturbances.

The M1 zone is characterized by flat, open land suitable for industrial uses due to its proximity to major transportation routes and the availability of utilities necessary for manufacturing operations. Areas designated M1 may also serve as land reserves for future industrial and manufacturing development. Typical uses include light manufacturing, fabrication, processing, storage, warehousing, and wholesale distribution.

The objectives of the M1 zone are to:
(1) Provide space for light manufacturing and processing uses in appropriate locations, and to discourage uses that would degrade the light manufacturing environment or impede industrial development;
(2) Broaden and strengthen the City's economic base;
(3) Encourage new industries that enhance the economic and social well-being of the community; and
(4) Prevent the undesirable mixture of incompatible commercial, industrial, and residential uses.

14.37.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Education (Day Care Services) – permitted subject to PCC 14.02.045(7).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage, supply storage, and similar structures customarily used in conjunction with a principal use or structure;
(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(c) Caretaker dwellings, provided that the dwellings comply with the supplementary development standards for caretaker dwellings in PCC 14.50.130; and

(d) Natural or manufactured gas storage or distribution facilities, provided that any storage tank does not exceed 500 gallons.

(e) Uses that generate excessive noise, vibration, smoke, odor, dust, fumes, or a risk of explosion are prohibited in this zone.

14.37.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.37.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: no requirement.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are met:

(a) The proposed setback is visually compatible with nearby development and does not create an undue burden or harm to adjacent properties;

(b) The proposed setback does not conflict with any existing or required utility easement; and

(c) The proposed setback complies with the International Building Code and the Fire Code.

14.37.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses;

(iv) Use architectural materials and colors similar to the principal structure; and

(v) Have no openings on the side adjoining the property line when the building is located on a property line.

(4) *Clear vision areas.* See PCC 14.50.090.

14.37.060 Building Height and Distance

No requirement except as may be imposed by the provisions of the latest edition of the International Building Code adopted by Provo City.

14.37.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Loading spaces must be provided as required by the Planning Commission.

(4) Parking may not be located within a required setback.

14.37.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.37.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a

conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Uses Within Buildings.* All uses in the M1 Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Open storage of materials and equipment is permitted in this zone only if fully screened from public view by an opaque fence or wall. The fence or wall must be approved by the Planning Commission as part of a project plan.

(8) *Recreational Vehicle Storage (Includes Boats, Trailers, and Recreational Vehicles) and Towing Impound Yards.* See PCC 14.50.050.

Chapter 14.37A
DC – DATA CENTER OVERLAY ZONE

Sections:

14.37A.010 Purpose and Objectives.
14.37A.020 Permitted Uses.
14.37A.030 Lot Standards.
14.37A.040 Project Plan Approval.
14.37A.050 Development Standards for Data Centers.
14.37A.060 Other Requirements.

14.37A.010 Purpose and Objectives

The Data Center Overlay Zone (DC Overlay) establishes development standards for data centers and similar digital infrastructure facilities. The intent of this zone is to ensure prudent siting and

operation of such uses while minimizing adverse environmental impacts, particularly those affecting air quality, water use, and energy demand.

For purposes of this Title, "*data center"* means a dedicated building or facility designed primarily to house networked servers and computing infrastructure for continuous operation. The term does not include facilities primarily used for cryptocurrency mining, blockchain validation, or other distributed ledger technology operations.

14.37A.020 Permitted Uses

The following principal uses, and no others, are permitted in the Data Center Overlay Zone:
(1) Data centers

14.37A.030 Lot Standards

Each lot or parcel in the Data Center Overlay Zone must comply with the standards of the underlying zone and with PCC 15.03.100

14.37A.040 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.37A.050 Development Standards for Data Centers

(1) *Applicable zones.* The Data Center Overlay Zone may only be applied in conjunction with the Light Manufacturing (M1) Zone. Development within the Data Center Overlay Zone must comply with the development standards of the underlying zone unless otherwise specified in this Chapter.

(2) *Policy compliance.* Data centers must comply with all requirements in Provo City's Data Center Policy and Application Procedures and with Utah Municipal Power Agency (UMPA) Data Center Policies.

(3) *Separation from sensitive uses.* A data center may not be located closer than two hundred (200) feet to any school, park, or residential property.

(4) *Financial assurance.* A data center must establish a financial mechanism, such as a performance bond, consistent with UMPA Data Center Policies, to offset risks to taxpayers.

(5) *Cooling.* Data centers must use non-evaporative cooling methods and may not discharge treated water used for cooling into the municipal systems.

(6) *Zone Map Amendment submittal requirements.* The following materials must be included with an application for a Zone Map Amendment involving a data center:

(a) A project narrative and development timeline, including construction milestones and phasing;

(b) Legal entity disclosures;

(c) A Community Benefit Plan describing workforce training, infrastructure investments, renewable energy projects, and projected tax revenue;

(d) A statement describing how the data center supports the environmental goals of the Provo City General Plan and the Conservation and Resiliency Plan;

(e) An agreement with UMPA ensuring adequate compensation for the use of UMPA and Provo Power transmission and distribution infrastructure;

(f) A detailed power load plan;

(g) A site plan identifying all utility infrastructure, including electric, water, and wastewater;

(h) An assessment of operational vibrations and a description of mitigation measures, such as vibration isolation systems, floating floors, or structural dampening;

(i) An environmental review that identifies and evaluates conservation strategies addressing:

(i) Energy efficiency (e.g., server clustering, high-efficiency cooling systems);

(ii) Water and wastewater management (e.g., water reuse strategies, pretreatment details); and

(iii) A comparison of water and power use between data centers of similar scale and other similarly sized industrial facilities;

(j) An estimation of the amount of pollutants that would be produced that includes CO_2, NO_x, VOCs, ozone, $PM_{2.5}$, PM_{10}, methane, and other site-specific pollutants and comparison against the estimated emissions of a similarly sized office building; and

(k) An end-of-life plan for all technological waste, requiring disposal at an e-waste recycling facility licensed by the Utah Department of Environmental Quality.

14.37A.060 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) The operator of any use permitted under this Chapter must comply with all applicable licensing requirements of the city and any other public agency with jurisdiction over the use.

(3) Data centers must comply with the noise limits in PCC 9.06.040.

Chapter 14.38
M2 - HEAVY MANUFACTURING ZONE

Sections:

14.38.010 Purpose and Objectives.
14.38.020 Permitted Uses.
14.38.030 Lot Standards.
14.38.040 Yard/Setback Requirements.
14.38.050 Projections into Yards.
14.38.060 Building Height and Distance.
14.38.070 Parking, Loading, and Access.
14.38.080 Project Plan Approval.
14.38.090 Other Requirements.

14.38.010 Purpose and Objectives

The Heavy Manufacturing (M2) Zone establishes areas in the community for heavy industrial, manufacturing, and extractive uses. The zone provides locations where such uses can operate without conflict from surrounding commercial and residential areas, while minimizing the effects of odor, dust, noise, and similar impacts on nearby properties.

The zone may only be located near rail lines and major highways to ensure efficient access and transportation. The zone must also be located in areas that protect air and water quality and prevent hazards to adjacent residential, commercial, or light manufacturing areas.

The M2 Zone is characterized by open and enclosed manufacturing, processing, and assembly uses that may create potential hazards, nuisances, or disturbances. These uses must be situated to minimize impacts on other areas of the community and to maintain an environment that is functional and visually orderly. Peripheral landscaping is required to reduce adverse impacts and enhance the overall appearance of the zone.

14.38.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage, and similar structures customarily used in conjunction with a principal use or structure;

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it; and

(c) Caretaker Dwellings, subject to PCC 14.50.130.

14.38.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.38.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: no requirement.

14.38.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.* All accessory buildings must:

(a) Have a footprint and height less than the principal structure;

(b) Comply with applicable lot coverage standards;

(c) Be used only for permitted accessory uses; and

(d) Use architectural materials and colors similar to the principal structure.

(4) *Clear vision areas.* See PCC 14.50.090.

14.38.060 Building Height and Distance

No requirement except as may be imposed by the provisions of the latest edition of the International Building Code adopted by Provo City.

14.38.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Loading spaces must be provided as required by the Planning Commission.

(4) Parking may not be located within a required setback.

(5) Truck traffic generated within the M2 Zone must not enter or exit through residential neighborhoods or commercial districts.

14.38.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.38.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Uses Within Buildings.* All uses in the M2 Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Open storage of materials and equipment is permitted in this zone only if fully screened from public view by an opaque fence or wall. The fence or wall must be approved by the Planning Commission as part of a project plan.

(8) *Recreational Vehicle Storage (Includes Boats, Trailers, and Recreational Vehicles) and Towing Impound Yards.* See PCC 14.50.050

Chapter 14.39
CH – CRITICAL HILLSIDE OVERLAY ZONE

Sections:

14.39.010 Purpose and Objectives.
14.39.020 Definitions.
14.39.030 Applicability.
14.39.040 Permitted Uses.
14.39.050 Project Plan Approval
14.39.060 Limits of Disturbance (LOD).
14.39.070 Slope Protection and Stability.
14.39.080 Detention Basin Design.
14.39.090 Ridgelines.
14.39.100 Streets and Access.
14.39.110 Trails and Public Accesses.
14.39.120 Fences.
14.39.130 Tree and Vegetation Protection.
14.39.140 Sensitive Lands Compliance.

14.39.150 Stream Corridor and Wetland Protection.
14.39.160 Traffic Requirements.
14.39.170 Parking Requirements.
14.39.180 Design Standards.
14.39.190 Cluster Developments.
14.39.200 Other Requirements.

14.39.010 Purpose and Objectives

The Critical Hillside (CH) Overlay Zone establishes development standards to protect the sensitive hillside areas along Provo City's east bench. The requirements of this overlay apply in addition to, and prevail over, the standards of the underlying zone.

The CH Overlay Zone is intended to:
(1) Protect ridgelines and maintain the visual integrity of Provo's hillsides;
(2) Preserve slope stability and natural drainage patterns;
(3) Protect existing public access points and trail corridors;
(4) Preserve existing vegetation and require revegetation of disturbed areas; and
(5) Mitigate potential slope, fire, and other natural hazards associated with hillside development.

Trees and other vegetation are recognized as essential to both slope stability and visual quality. The provisions of this zone require the preservation and restoration of vegetation and include design standards that complement the natural beauty and ecological health of Provo's hillside areas.

14.39.020 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

"Approved fire protection plan" means the fire protection plan approved by the applicable fire authority.

"Bench" means a naturally occurring, broad, generally flat, elevated terrace landform with an abrupt slope on one side.

"Caliper" means a standard trunk diameter measurement for nursery-grown trees, taken six inches above the ground for trees up to and including four inches in caliper size, and 12 inches above the ground for larger trees.

"Cluster development" means the grouping of residential properties on lots smaller than those allowed in the underlying zone to reduce infrastructure costs and environmental impacts and to reserve otherwise developable land for open space.

"Defensible space" means the required area between a structure and a wildland area that, under normal conditions, creates a sufficient buffer to slow or stop the spread of wildfire to the structure.

"Density bonus" means a residential density increase, beyond that allowed by the underlying zoning, obtained by constructing and dedicating a trail or trailhead to the City or by clustering development as provided in this Chapter.

"Developed parcel" means a parcel with a dwelling.

"Drip line" means a vertical line extending from the outermost edge of a tree canopy or shrub branch to the ground.

"Hard surface" means asphalt, concrete, or other similar impervious materials.

"Limits of disturbance (LOD)" means the area or areas of a development within which all construction and development activity must be contained. Natural areas, ponds, streams, trees, and vegetation where no grading occurs must be excluded from the limits of disturbance.

"Natural open space" means land in an open and undeveloped condition that is suitable for:
(1) Natural areas, wildlife, or native plant habitat;
(2) Important wetlands or watershed lands;
(3) Stream corridors;
(4) Passive, low-impact recreational activities;
(5) Areas with little or no land disturbance; or
(6) Natural trails for nonmotorized activities.

"Net developable acreage" means land that meets all of the following conditions:
(1) Has a slope of no more than 30%, unless an exception is granted as provided in PCC Title 14 or Title 15;
(2) Is located the minimum distance from any stream corridor or wetland as established in this Chapter;
(3) Is not located within 100 feet (map distance) on either side of the crest of a ridgeline designated for protection by the City (as shown in figure 14.39.1);
(4) Is not a right-of-way or road; and
(5) Is not prohibited from development under:
    (a) The provisions of PCC Title 15, including PCC 15.05 (Geological and Natural Hazards), or other applicable provisions of the PCC, state law, or federal law; or
    (b) A recorded, legally binding document prohibiting development on the property.

"Non-sight-obscuring fence" means a fence that is more than 50% open.

"Open space" means any area of a lot that is free and unobstructed by structures or parking areas.

"Ordinary high-water mark" means the line on a bank to which the high water of a stream ordinarily rises annually, as indicated by soil or vegetation changes, or other appropriate indicators based on surrounding conditions. Where the ordinary high-water mark cannot be identified, the top of the channel bank must be used. In braided channels, the ordinary high-water mark, or substitute channel bank, includes the entire stream feature.

"Ridge" means the elongated crest at the highest point of intersection between two opposing slopes of a hill or mountain.

"Ridgeline" means a line, designated for protection by the City, connecting the highest points along a ridge and separating drainage basins or smaller drainage systems. A bench is not a ridgeline.

"Significant trees" means live trees with a caliper of six inches or greater; groves of five or more smaller live trees; or clumps of live oak or maple covering at least 50 square feet to the drip line perimeter.

"Slope" means the level of land inclination from the horizontal plane, expressed as a percentage, calculated by dividing the vertical rise by the horizontal run.

"Stream" means a natural watercourse containing flowing water at least intermittently.

"Stream corridor" means the area defined by the ordinary high-water mark of a constant or intermittent stream.

"Tree" means a woody plant with a distinct central trunk.

"Vegetation" means living plant material, including trees, shrubs, flowers, grasses, herbs, and ground cover.

"Water-wise plant species" means vegetation with low water use requirements.

14.39.030 Applicability

(1) *Underlying Zone.* The Critical Hillside (CH) Overlay Zone applies in combination with existing conventional zones and may not be applied as a stand-alone zone.

(2) *Conflict.* If a conflict exists between the provisions of this Chapter and other requirements of PCC Title 14 or Title 15, the provisions of this Chapter take precedence, unless this Chapter explicitly provides for a provision of another Chapter or Title to control.

(3) *Development Plan.* Property within the CH Overlay Zone may only be developed in conformance with the applicable, approved project plan, subdivision, or other approved development plan.

(a) All development within the CH Overlay Zone, including grading, clearing, and excavation, must comply with the provisions of this Chapter.

(b) All maps, plans, narratives, and other materials necessary to demonstrate compliance with this Chapter must be submitted to the Coordinator Review Committee for review.

(4) *Naming.* Written references to a zone overlain by the CH Overlay Zone, including those on the Provo City Zone Map, will include both the underlying zone designation and the CH Overlay acronym, such as R1.10(CH).

(5) *Modifications.* Subject to verification by Provo City Engineering of the requirements of this Subsection (5) and the execution of an agreement documenting the terms of any exceptions granted under this Subsection, the provisions of this Chapter may be modified for parcels that do not have any of the following development constraints:

(a) Slopes steeper than a 20% grade covering more than 15% of the parcel;

(b) Hazardous or unstable soils;

(c) Faults;

(d) Ridgelines; or

(e) Other hazardous building conditions.

(6) *Exemptions.* The provisions of this Chapter do not apply to the following:

(a) Parcels or lots used exclusively for the operation of a public or private cemetery; and

(b) Public parks.

14.39.040 Permitted Uses

Permitted uses in the Critical Hillside (CH) Overlay Zone are limited to those permitted in the underlying zone with which the CH Overlay is combined.

14.39.050 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.39.060 Limits of Disturbance (LOD)

(1) *Identification.* The proposed limits of disturbance (LOD) must be shown on all development plans and must clearly identify the specific areas where construction and development activity will occur.

(a) LOD plans must be stamped by a licensed engineer to verify accuracy.

(b) No construction or development activity may begin until the City has approved the LOD in accordance with the requirements of this Chapter.

(c) Once the LOD has been approved by the City, no construction or development activity may take place outside the LOD.

(2) *Extent of disturbance.* The LOD may be divided into separate areas, but no more than 40% of a development site may be included within the LOD. A dwelling site may include up to an additional ten percent LOD for landscaping purposes, including the use of nonnative vegetation.

(3) *Administrative relief.* Upon request by the applicant the Development Services Director may grant up to a ten percent modification to the standards in this Section if one of the following findings is made:

(a) The modification results in more effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site; or
(b) Strict application of the standard would prevent any reasonable development of the property.

14.39.070 Slope Protection and Stability

(1) *Compliance with other codes.* All development within the CH Overlay Zone must comply with the grading, fill, excavation, material relocation, and drainage requirements of PCC Title 15 and PCC Title 18.

(2) *Setbacks from steep slopes.* Structures must be set back from ascending or descending slopes greater than 30% as required by the currently adopted building code.

(3) *Protection of steep slopes.* Except as expressly allowed in PCC Title 14 or Title 15, all areas with a slope greater than 30% must remain as natural private or natural public open space. Nothing in this Chapter eliminates the exceptions in PCC 15.05 that allow grading or development of slopes exceeding 30%.

(4) *Recontouring of slopes.* All human-made cut, fill, and graded slopes created or disturbed through development activities must be recontoured to reflect the natural, varied contour of the surrounding terrain prior to the final certificate of occupancy.

(5) *Retaining and vertical walls.* Terraced retaining walls may be used to reduce the steepness of human-made slopes and to create planting pockets suitable for revegetation. The following standards apply to terraced and vertical walls:

(a) Terraces between retaining walls must be permanently landscaped or revegetated;

(b) Terracing is limited to three walls, each with a maximum vertical height of eight feet;

(i) The terrace width must be at least equal to the height of the wall, measured from the back of the lower wall to the face of the upper wall.

(ii) The Development Services Director or the Director’s designee may approve additional terrace walls or increased wall height if the applicant provides documentation, stamped by a Utah-licensed professional engineer, demonstrating that the property would be inaccessible without the modification.

(c) Retaining walls must be faced with stone or earth-colored materials similar to the surrounding natural landscape; and

14.39.080 Detention Basin Design

If detention basins or other stormwater or erosion control facilities are used or required as part of a development, they must comply with the following design standards:

(1) *Natural Design.* Detention basins must have freeform shapes that follow the natural landforms. Where natural forms do not exist, the basin must be shaped to emulate a naturally formed depression;

(2) *Side Slopes.* Redistribution of soils from basin construction to the natural side slopes around the basin perimeter is encouraged. Side slopes should be designed to filter, redirect, or soften views of the basin but do not need to fully screen it. Side slopes must be varied to replicate natural topographic conditions.

(3) *Vegetation and planting.* Detention basins must use naturalized planting themes. Trees and shrubs may be grouped in informal patterns to emulate the surrounding natural environment but may not reduce the basin's required storage volume. Trees, shrubs, or other large woody vegetation are not permitted on basin embankments. Vegetation must be located to allow access and regular maintenance.

(4) *Ground cover.* The basin floor and surrounding disturbed areas must be covered with a native grass mixture or other suitable ground cover approved by the City Engineer. Ground cover should provide a natural appearance and must not require regular mowing or fertilization.

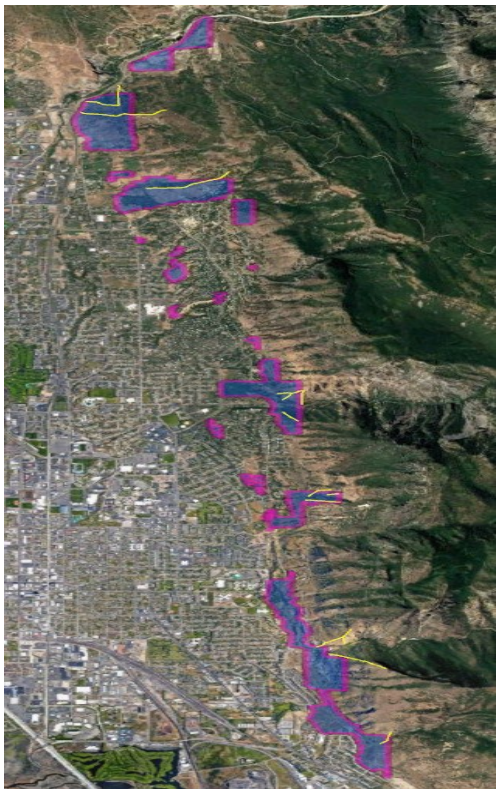
(5) *Vegetation standards.* All vegetation and trees associated with a detention basin must be drought-tolerant and fire-wise, as approved in the applicable fire protection plan.

14.39.090 Ridgelines

(1) No development, including utility infrastructure, may break the horizon line of a ridgeline, defined as the point where the ridgeline visibly meets the sky as viewed from public rights-of-way or trails. (See figure 14.39.1 for protected ridgelines).

(2) No development, including utility infrastructure, may be located within 100 feet (map distance) from either side of the crest of a ridgeline designated for protection by the City, as shown in figure 14.39.1.

Figure 14.39.1. Ridgelines Designated for Protection by Provo City



14.39.100 Streets and Access

(1) All development in the CH Zone must comply with the applicable street and access requirements of PCC 14 and 15.

(2) Streets, roads, alleys, or driveways must follow natural contour lines, where possible, to minimize cuts and fills. (See Figures 14.39.2 and 14.39.3).

(3) An easement must be granted to Provo City over and across all private development roads for utility maintenance and fire and emergency access.

(4) A development of 13 or more lots, or 13 or more dwelling units, must have at least two points of ingress and egress. All developments must be connected to the City's street system at two different access locations. This requirement for second access supersedes any conflicting access requirement in this Code.

(5) Grading for streets, roads, alleys, or driveways is limited to the paved portion of such access and other associated, required access improvements, plus up to an additional ten feet on either side of the pavement and required improvements. However, when developing streets, roads, alleys, or driveways on slopes in excess of 25%, only the paved portion of the access used for vehicular travel, plus the minimum area for any required, associated access improvements, such as curb, gutter or sidewalk, may be graded. The remainder of the access must be left undisturbed.

(6) In the CH Zone, the City Engineer may allow the use of street- or road-side swales, or other similar street construction conventions, instead of curb and gutter, when the City Engineer determines that such swales, or other similar road construction conventions, will provide a more efficient, safe, or practical means of managing water runoff related to a street or road.

(7) Any development that abuts public land and has an existing access to the public land must maintain the access by providing a public access road through the development to the public land.

Figure 14.39.2. Roads in the CH Zone Following Natural Contours – Permitted

Figure 14.39.3. Roads in the CH Zone Following Natural Contours – Not Permitted

14.39.110 Trails and Public Accesses

(1) *Density Bonus.* A density bonus is available for dedicated trail or trailhead improvements that are accepted by the City as follows:

(a) A one percent density bonus for each one percent of land developed and dedicated to Provo City for a hard surface, linear trail up to a maximum bonus of ten percent.

(b) A one-half percent density bonus for each one percent of land developed and dedicated to Provo City for a graveled, linear trail up to a maximum bonus of ten percent.

(c) A three percent density bonus for the construction of a public trailhead dedicated to Provo City that meets the following requirements:

(i) The public trailhead must have a parking lot with a minimum of ten off-street parking spaces.

(ii) The parking lot must be designed in accordance with PCC 14.44.

(d) No development may obtain a density bonus greater than ten percent total under this Section.

(e) In calculating the density bonus, the calculated number will be rounded to the nearest whole number but will in no case be less than one.

(2) *Trail Design.* A trail dedicated to the City must meet the following requirements:

(a) The trail must be constructed according to the applicable Provo City Public Works and Parks and Recreation Department standards;

(b) The dedicated trail right-of-way must be a minimum of 20 feet wide;

(c) The trail improvements and right-of-way must be dedicated to the City prior to issuance of any building permits within the development; and

(d) At least some portion of the trail must be part of a planned City trail system and approved by the Parks and Recreation Department.

(3) *Denials.* After having received the opinion of the Parks and Recreation Department Director, Development Services Director, and the City Engineer regarding the benefit and feasibility of a proffered trail dedication, the Mayor may reject a proffered trail dedication, based on any one or more of the following findings regarding the proffered dedication:

(a) Trail maintenance is not feasible;

(b) The trail dedication length is less than 660 feet; or

(c) A natural hazard, or the susceptibility to a natural hazard, including, but not limited to, slope, cliff, rock fall, or landslide, cannot reasonably be mitigated to safely operate a trail for public use, as per the opinion of the City Engineer.

(4) *Location.* No legally established public access or legally established public right-of-way may be included within the limits of disturbance (LOD) of any development or lot. Every legally established public access and recorded right-of-way must be located and identified on recorded development plats and approved development plans.

14.39.120 Fences

The following fencing requirements apply in the CH Zone:

(1) All fencing that is outside the designated LOD of a parcel or lot, in a front yard, or along a roadway, must be non-sight-obscuring fencing and have a maximum height of five feet. However, livestock fencing may have a maximum height of six feet.

(2) Notwithstanding Subsection (1), the clear vision area requirements of PCC 14.50.090 must be met.

(3) See PCC 14.39.180 for design standards for fencing.

14.39.130 Tree and Vegetation Protection

(1) *Tree/Vegetation Removal.*

(a) No trees or vegetation may be removed outside the approved LOD unless specifically allowed by this Chapter.

(b) Significant trees removed from within the LOD must be replaced as set forth in this Chapter.

(c) No trees or vegetation may be removed solely for the purpose of providing open views to or from structures on a site or solely for the purpose of replacing them with different species.

(d) Appropriate defensible space surrounding a structure is established in the Utah Wildland-Urban Interface Code (WUI). In order to account for trees that must be removed to comply with the applicable requirements of the WUI, the applicant must submit a copy of the approved fire protection plan, along with development plans that incorporate the approved fire protection plan, to the Development Services Director for review.

(e) The following is a list of additional situations when tree and vegetation removal is permitted:

(i) The removal of invasive, dead, or naturally fallen trees or vegetation to protect public health, safety, and welfare; and

(ii) The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections, to install utilities, to perform authorized field survey work, or to protect structures from fire consistent with the Utah Wildland-Urban Interface Code.

(2) *Replacement of Significant Trees.*

(a) When any significant tree is removed from inside the approved LOD and the removal is not required by WUI standards, the developer must meet the following replacement schedule and requirements:

(i) A significant tree that is removed must be replaced by two trees with a minimum size of two-inch caliper for deciduous trees and a minimum height of six feet for coniferous trees in locations on the lot, as set forth in the required revegetation, tree reestablishment, and land reclamation plan; and

(ii) Replacement trees must be maintained through an establishment period of at least two years. The applicant must post a bond in the amount of ten percent of the value of all replacement trees to guarantee their health and survival during the establishment period.

(b) If the remainder of the lot outside the approved LOD is heavily wooded, defined as areas of trees with canopies that cover 80% of the area, and is not suitable to the planting of replacement trees, the requirement to plant replacement trees may be waived by the Development Services Director.

(3) *Revegetation, Tree Reestablishment, and Land Reclamation Plan.*

(a) A revegetation, tree reestablishment, and land reclamation plan must be submitted for any lot or parcel of land that will be altered from its natural condition. This plan must be stamped by an engineer and landscape architect licensed in the State of Utah.

(b) The revegetation, tree reestablishment, and land reclamation plan must contain the following:

(i) Scale and north arrow;

(ii) Location and dimensions of the property;

(iii) Type, size, number, and location of any vegetation and trees to be planted;

(iv) Demonstration that all new trees are spaced no closer than 20 feet on center;

(v) Illustration of how the site will be recontoured with sufficient topsoil to ensure that vegetation is successful;

(vi) Applicable information from the approved fire protection plan;

(vii) A timeframe for revegetation that is acceptable to the City and that takes into account optimal seasonal growing conditions;

(viii) A note detailing compliance with the Vegetation Clearance Guidelines of the Wildland-Urban Interface Code and confirming that all new trees are on the Utah Fire Resistive Species list in the Wildland-Urban Interface Code;

(ix) An irrigation plan demonstrating water-wise irrigation of the revegetated, reestablished, or reclaimed area; and

(x) Any other information necessary to show compliance with this Subsection (3).

(c) All disturbed areas must be revegetated using native or water-wise adapted plant species and materials characteristic of the disturbed area. However, a property owner may establish nonnative or non-water-wise adapted plant species within:

(i) a five-foot-wide perimeter around the edge of all structures, and

(ii) planting beds located not more than 30 feet from the main building(s).

(d) Any slope exposed or created in the development process must be landscaped or revegetated with dryland trees and plant material. New vegetation must be equivalent to or exceed the amount and erosion-control characteristics of the original vegetation cover in order to mitigate adverse environmental and visual effects.

(e) On human-made slopes of 25% or greater, created or disturbed through the applicant’s development activities, plant materials with deep rooting characteristics must be utilized to minimize erosion and reduce surface runoff.

The planting basin must be kept level with a raised berm around the base of the plant to help retain moisture.

(f) Topsoil that is removed during construction may be conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.

(g) Tree cutting for utility corridors must be minimized to reduce visual impacts. All disturbed areas must be revegetated in accordance with the provisions of this Subsection (3).

(h) A performance bond that complies with PCC 15 for improvements related to the revegetation, tree reestablishment, and land reclamation plan must be submitted and remain in place until all work has been completed and final inspection made.

(4) *Tree and Vegetation Protection.*

(a) Prior to any development activities, the applicant must submit a tree and vegetation protection plan. This plan must be stamped by an engineer and landscape architect licensed in the State of Utah and incorporated into the approved, final development plans. The tree and vegetation protection plan must contain the following:

(i) Scale and north arrow;

(ii) Location and dimensions of the property;

(iii) Limits of disturbance (LOD);

(iv) Fencing or other separation methods to delineate the LOD;

(v) Location and size of all existing vegetation, including trees;

(vi) Identification of vegetation and trees to be retained;

(vii) Fencing around each significant tree and around stands of trees to be retained;

(viii) Details of the measures that will be taken to ensure that protected vegetation will be protected from grading, soil compaction, trenching, or other development activity that could have an adverse effect on such vegetation; and

(ix) Any other information necessary to show compliance with this Subsection (4).

(b) Fencing must be placed at the drip line around each significant tree that will not be removed and around stands of 12 or more smaller trees.

(c) No construction, grading, equipment or material storage, or any other activity is allowed inside the drip line of protected trees, and the fencing must remain in place until all land alteration, construction, and development activities are completed.

14.39.140 Sensitive Lands Compliance

The applicable sensitive lands requirements of PCC 15.05, including those related to geological and natural hazards, must be met.

14.39.150 Stream Corridor and Wetland Protection

(1) *Restrictions.* No development activity may be conducted that disturbs, removes, fills, dredges, clears, destroys, or alters, stream corridors or wetlands, including vegetation, except for restoration and maintenance activities allowed by this Code and applicable State or Federal law.

(2) *Authority.* Stream corridor and wetland area delineation must be performed by an engineer licensed in the State of Utah with demonstrated experience and expertise to conduct the required site analysis. The engineer must follow or operate in accordance with any applicable, current Federal manuals, requirements, and laws.

(3) *Setbacks.* The following setback requirements apply:

(a) All buildings, structures, and parking lots must be set back at least 50 feet horizontally from the ordinary high-water mark of stream corridors. (See Figure 14.39.4 and Figure 14.39.5).

Figure 14.39.4. Setback from Stream Corridor – Permitted

Figure 14.39.5. Setback from Stream Corridor – Not Permitted

(b) All buildings, structures, and parking lots must be set back at least 50 feet horizontally from the delineated edge of a wetland.

14.39.160 Traffic Requirements

Development in the CH Zone is subject to the traffic study requirements of PCC 15.03.040.

14.39.170 Parking Requirements

(1) *Snow Storage.* Outdoor parking facilities must provide adequate snow storage areas, as follows:

(a) A snow storage area must consist of an area that is at least 20% of the area of the outdoor parking facility;

(b) A snow storage area must be sited in a manner that is accessible and usable for snowplow equipment;

(c) Snow storage may not encumber required parking spaces or encroach into sidewalk or pedestrian pathways;

(d) Snow storage areas must be clearly visible and identifiable in winter conditions; and

(e) Snow storage areas may not be located on top of storm drain inlets.

(2) *Parking Count Standards.* Development in the CH Zone is subject to the parking requirements of PCC 14.44.

(3) *Parking Design Standards.* See PCC 14.39.180 for parking design standards.

14.39.180 Design Standards

(1) In the event that the design standards of this Section conflict with the other design standards and guidelines of PCC 14 or 15, the standards of this Section take precedence.

(2) *Buildings.* The following design standards apply for new buildings proposed in the CH Zone:

(a) Buildings must be designed to follow natural contours rather than modifying the land to accept a building design not tailored to the site. (See Figure 14.39.6 and Figure 14.39.7).

Figure 14.39.6. Buildings to Follow Natural Contours – Permitted

Figure 14.39.7. Buildings to Follow Natural Contours – Not Permitted

(b) Building designs that require a strong structural statement, such as extensive cantilevers or cuts and fills, are prohibited on slopes that are greater than 30%.

(c) The massing or grouping of buildings must be scaled to harmonize and achieve balance with the natural features of the specific site.

(d) Roof lines and building mass must echo the angles and shapes repeated in the natural landscape.

(e) Building mass and wall lines must be broken up to complement natural settings and slopes.

(f) The use of building materials in colors that blend harmoniously with the surrounding natural settings is required. Brash, contrasting color combinations are prohibited.

(g) Flammable wood roofing shingles are prohibited.

(3) *Landscaping.* The following landscaping design standards apply in relation to permit applications for new main buildings and new developments proposed in the CH Zone:

(a) Landscaping must incorporate natural features such as trees, significant vegetative patterns, interesting landforms, rocks, water, views, and orientation. (See Figure 14.39.8 and Figure 14.39.9).

Figure 14.39.8. Incorporation of Natural Features into Landscaping – Permitted

Figure 14.39.9. Incorporation of Natural Features into Landscaping – Not Permitted

(b) All disturbed areas must be revegetated using native or water-wise adapted plant species and materials characteristic of the disturbed area. However, this requirement does not preclude a property owner from establishing non-native or non-water-wise adapted plant species within:

(i) A five-foot-wide perimeter around the edge of all structures; and

(ii) Planting beds located not more than 30 feet from the main building(s).

(4) *Fencing.* The following fencing design standards apply in the CH Zone:

(a) Fencing used to screen patios, other outdoor areas, and service areas within the LOD may be composed of the following fencing materials:

(i) Natural or stained wood;

(ii) Brick;

(iii) Rock;

(iv) Stone;

(v) Pre-cast fences or walls textured and colored to imitate any of the above materials;

(vi) Wrought iron;

(vii) Vinyl rail;

(viii) Rammed earth; or

(ix) Powder or dull coat chain link fencing (permitted only for telecommunications facilities, public utility compounds, and other related or similar facilities).

(b) The following fencing materials are prohibited in the CH Zone:

(i) Solid board;

(ii) Concrete or concrete block;

(iii) Plywood; and

(iv) Painted materials.

(5) *Parking.* The following parking design standards apply in the CH Zone:

(a) When visible from public streets and private development roads, parking facilities must be screened to blend into the natural environment. (See Figure 14.39.10 and Figure 14.39.11).

Figure 14.39.10. Screening Parking Facilities – Permitted

Figure 14.39.11. Screening Parking Facilities – Not Permitted

(6) *Utility Infrastructure.*

(a) Insofar as possible, utility infrastructure, including water tanks, must be screened from public rights-of-way or designed to blend into the natural environment. However, such screening or design (to blend into the natural environment) may not compromise maintenance access to such facilities.

(b) Insofar as possible, above-grade utility poles, if allowed by other provisions of this Code, may not be sited, or left after the completion of development activities, on small, elevated mounds of earth or other materials, but must be sited such that the bottom of the utility poles (portion of poles that intersect land) are generally located on the same grade (no more than a five foot deviation in elevation) as the surrounding land in every direction for a distance of at least 25 feet. (See Figure 14.39.12).

Figure 14.39.12. Above-Grade Utility Poles – Not Permitted

(7) *Cluster Development.* See PCC 14.39.190 for design standards applicable to cluster developments.

14.39.190 Cluster Developments

(1) *Cluster Proposal Review.* The Planning Commission may approve a request for the clustering of a proposed development in the CH Zone, as set forth herein, if all of the following standards are met:

(a) At least 25% of the proposed cluster development is preserved as passive or active natural open space as recorded on the plat or by deed restrictions;

(b) The applicant must submit a report that has been stamped by an engineer and landscape architect that attests the clustering proposal will have no adverse impact on adjacent properties, or, if such impacts are anticipated, such report must detail these impacts and recommend mitigation measures, such as landscape, screening, illumination standards, and other design features. No work of an engineer or landscape architect under this Section may be accepted unless the engineer or architect is licensed in Utah. If the report indicates impacts are anticipated, the applicant must enter into an agreement with the City to implement and maintain appropriate mitigation measures, subject to the approval of the City Engineer, to buffer and protect adjacent properties from the proposed clustered development. The developer's engineer and landscape architect must verify that the recommended mitigation measures have been incorporated into the development.

(c) The Planning Commission, based upon the findings of a report submitted by the applicant and stamped by an engineer and landscape architect, finds that the

clustering proposal, compared with a conventional development, better attains the policies and objectives of the CH Zone, such as providing more natural open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, geological sensitive areas, prominent ridgelines, wetlands, and steep slopes; and

(d) The Planning Commission finds that the architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape and are compatible with adjacent properties or development.

(2) *Density Bonus.* To encourage the clustering of development, a density bonus is provided, as follows:

(a) In the A1 Zones, RA Zone, and R1 Zones (except the R1.6 and R1.7 Zones); a density bonus of 25% over the base density is permitted for those cluster developments that satisfy the standards in Subsection (1). To facilitate clustering, the area, width, and depth of lots may be reduced by up to 25% from the standard requirements in the base zone. However, in no case may the depth of a lot be less than 75 feet.

(b) The allowable density bonus for a cluster development is calculated based on net developable acreage. The resulting number will be rounded to the nearest whole number but will be at least one.

(3) *Cluster Design.* Cluster developments must meet the following design standards, and applicants must provide the written opinion of a landscape architect and/or engineer that the following design standards have been met:

(a) The undeveloped area of the development site must be preserved as active or passive natural open space. Natural open space areas must provide contiguity with adjacent natural open space and/or conservation areas; protect unique natural, historical, or cultural site features and resources; avoid fragmentation of open space areas within the site; and preserve existing, legal public access;

(b) No more than 30 lots are allowed in a single cluster. Each cluster must be separated from other residential clusters by a minimum of 100 feet;

(c) The layout of a cluster development must protect significant natural resources within the proposed development. Natural resources include riparian areas, wetlands, ecological resources, steep slopes, and ridgelines. The overall site design must employ the site’s natural topography to hide multiple residential clusters from the sight of adjacent clusters; and

(d) Cluster development must preserve the following:

(i) Open sky backdrop above those ridgelines designated for protection by the Planning Commission; and

(ii) Significant views of the natural landscape as viewed from adjacent streets.

14.39.200 Other Requirements

(1) *Signs.* See PCC 14.47.

(2) *Landscaping.* In addition to the landscaping requirements of this Chapter, development in the CH Zone must meet the applicable requirements of PCC 15.20, as well as any landscaping requirements of the underlying zone.

(3) *Trash Storage.* See PCC 14.50.070.

(4) *Lighting.* Streetlights shall be hooded and direct light to the ground to alleviate light emanation into sensitive areas. Light poles shall be no higher than 20 feet.

Chapter 14.40
PD - PERFORMANCE DEVELOPMENT OVERLAY ZONE

Sections:

14.40.010 Purpose and Objectives.
14.40.020 Definitions.
14.40.030 Applicability.
14.40.040 Permitted Uses.
14.40.050 Lot Standards.
14.40.060 Yard/Setback Requirements.
14.40.070 Project Plan Approval.
14.40.080 Density Determination.
14.40.090 Density Bonus.
14.40.100 Minimum Performance Standards.
14.40.110 Guarantees and Covenants.

14.40.010 Purpose and Objectives

The purpose of the Performance Development Overlay Zone is to encourage imaginative and efficient land use, foster a sense of community, and ensure compatibility with surrounding neighborhoods and the environment. This overlay zone provides greater flexibility in building placement, consolidates open space, and supports the clustering of dwelling units to promote more attractive and desirable residential environments in Provo City.

Use of the Performance Development (PD) Overlay is only permitted for a residential project planned as a unified, single development. The development must incorporate a defined theme that includes usable open spaces, varied lot design or residential uses, amenities, a well-planned circulation system, and attractive entrances.

14.40.020 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

"**Base density**" means the maximum number of residential units per developable acre in a Performance Development (PD) that could be achieved—without a density bonus—through conventional development under the underlying zoning district.

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

"**Developable land**" means land with slopes less than thirty percent that can be improved, subject to PCC 15.03, with landscaping, recreational facilities, buildings, or parking. Land used for street rights-of-way (including the area from back-of-curb to back-of-curb on private streets) may not be considered developable land and must be excluded from the total acreage before calculating density. Access aisles in parking lots and driveways are not considered private streets for purposes of this section.

*"***Developed common activity area**" means open green space designed for use by all residents, including playgrounds, recreational courts, picnic pavilions, gazebos, and water features. These areas must be either:

- Held in common ownership through a homeowner association, or
- Available for use by all residents if the development is held in single ownership.

"**Driveway**" means a paved surface used for vehicle access between a street and a building, structure, or facility.

"**Gross acreage**" means the total land area included in a PD Zone.

"**Net acreage**" means the total land area in a PD Zone excluding land used for rights-of-way or roads.

"**Open green space**" means a planned, open area for relaxation, recreation, or landscaping that is unoccupied and free from primary buildings.

"**Parking lot aisle**" means the drive lane that allows vehicles to enter or exit parking spaces. Standards for aisle width are provided in PCC 14.44.100. Parking aisles are not considered streets under this Chapter.

"**Periphery**" means a 100-foot-wide area around the perimeter of a PD, measured inward from the property line.

14.40.030 Applicability

The Performance Development (PD) Overlay Zone may be applied only in combination with the A1, RA, or R1 zones. The provisions of the PD Overlay Zone are supplementary to those of the underlying zone and do not function independently. The PD Overlay may not be applied as a standalone zone. Property with a PD Overlay must be developed in accordance with an approved plan. When combined with a designated zone, the PD designation (PD) becomes a suffix to the base zone and is shown in parentheses.

14.40.040 Permitted Uses

(1) Permitted uses in the Performance Development (PD) Overlay Zone are limited to those allowed in the underlying zone with which the PD Overlay is combined.

(2) *Exceptions:*

(a) Single-family dwelling, attached — Permitted, subject to the following conditions:

(i) No more than six consecutively attached units are allowed;

(ii) Units may have no more than two common walls; and

(iii) No unit may be located above another unit.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.40.050 Lot Standards

When the Performance Development (PD) Overlay Zone is combined with an underlying zone, variations from the lot standards of that zone may be permitted. Such variations must be explicitly approved as part of the project plan or supporting documents. However, a single-family lot may not be smaller than 4,000 square feet.

14.40.060 Yard/Setback Requirements

When the Performance Development (PD) Overlay Zone is combined with an underlying zone, variations from the yard/setback requirements of that zone may be permitted. Such variations must be explicitly approved as part of the project plan or supporting documents. However, a setback may not be less than five feet.

14.40.070 Project Plan Approval

(1) See PCC 15.03.300 and PCC 15.03.310.

(2) A project plan may be submitted in phases, provided each phase can function as an independent development project that meets all requirements and standards of this Chapter and of the underlying zone combined with the PD Overlay. Each phase must be capable of standing alone without causing harm to the overall performance development or to adjacent properties if the remaining phases are not completed.

14.40.080 Density Determination

Density in a Performance Development (PD) must be calculated using the *developable land* within the entire proposed development.

14.40.090 Density Bonus

PD developments may qualify for a density bonus based on additional amenities provided, as described below. Each amenity corresponds to a specified percentage increase in the number of dwelling units permitted above the base density of the underlying zone. The total density bonus for any project may not exceed 40% above the underlying zone's base density.

(1) *Building variety*. A development that provides four or more distinct housing models—defined by variations in floor plans, exterior materials, or roof lines—is eligible for a ten percent increase in density.

(2) *Affordable housing*. A PD that includes deed-restricted affordable housing for households earning no more than 80% of the area median income (AMI) may be eligible for a density bonus. The bonus must be proportional to the percentage of affordable units provided, up to a maximum of 40% above the underlying zone's base density.

14.40.100 Minimum Performance Standards

A performance development established under this Chapter must conform to the standards in this Section. Project plans will be approved or denied based on how well the proposed development meets the performance standards adopted under this Chapter.

(1) *General Standards.*

(a) *Development control*. The area proposed for a performance development must be under single ownership or the control of a single developer throughout the development process. This ensures unified oversight and compliance with all provisions and conditions of the approved development plans. Ownership or control may be held by individuals, partnerships, corporations, or other legally recognized entities.

(b) *Scope of plan*. The development plan must cover the entire area proposed for development. Upon approval, the project must be constructed strictly in accordance with the approved plan. Any land not proposed for development must be designated as open space and meet the minimum landscaping requirements of this Chapter. Any undevelopable land may be left as natural open space so long as it is maintained to not constitute a hazard.

(c) *Changes to approved plan.* Minor adjustments to building location, siting, or height may be approved by City staff without additional public hearings if necessitated by engineering or other unforeseen circumstances. Any change approved under this subsection may not result in:

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

(ii) An increase in overall coverage of structures;

(iii) An increase in the intensity of use;

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

(v) A reduction in approved open space;

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

(vii) A reduction in required pavement widths.

(d) *Design team*. Final development plans must be prepared by a team that includes a licensed architect, a licensed landscape architect, and a licensed engineer or land surveyor, all authorized to practice in the State of Utah.

(e) *Minimum Area.* The minimum land area for a performance development is:

A1 zone: 5 acres

RA zone: 5 acres

R1 zone: 2 acres

(f) *Hazardous conditions*. If the development is located in an area designated as sensitive lands, high water table, or floodplain, it must comply with all applicable provisions in the Sensitive Lands, Critical Hillside, or Floodplain sections of the Provo City Code.

(g) *Setbacks*. Garages with entrances facing directly onto public or private streets, whether located in a front or side yard, must be set back at least 20 feet from the property line, or be placed within five feet of the property line.

(h) *Natural features.* Developments must preserve and incorporate the site's natural features into the design. Natural features include drainage swales, wetlands, rock outcroppings, streams, and native stands of mature shrubs or trees.

(i) *Utilities.* All utilities, including telephone, electrical, and television cables, must be installed underground. Dwelling units under separate ownership must have individual utility meters, unless otherwise approved by the Energy and Water Departments.

(j) *Phasing.* If the project will be completed in phases, no remnant or undevelopable parcels may be created. Any land not included in a development phase must be designated as open space.

(k) *Air Quality.* The use of coal or wood-burning furnaces, fireplaces, or other heating devices that burn coal is prohibited unless equipped with devices proven to reduce air pollution.

(l) *Water conservation.* All irrigation systems must be low-volume and controlled automatically. Acceptable systems include low-volume sprinkler heads, drip emitters, and bubbler emitters.

(2) *Compatibility Standards.*

(a) *Transitional Development Standards.* See PCC 14.50.160.

(b) *Curb appeal.* Units located along the periphery of the project must face the bordering public streets. Corner units may front either street. The Planning Commission may waive this requirement if unusual topographic or site conditions exist, provided the waiver does not negatively affect the continuity of the existing streetscape.

(c) *Height.* The maximum building height within the performance development is the same as permitted in the underlying zone.

(d) *Garages.* Required off-street parking, excluding visitor and recreational vehicle (RV) parking, must comply with the standards of the underlying zone and be provided in enclosed garages or carports that are architecturally compatible with the principal structures. Carports will not be approved unless the applicant demonstrates, to the Planning Commission's satisfaction, that carports are predominant in the surrounding neighborhood and that the proposed development offers a more attractive and livable environment than a conventional subdivision. Garage sizes must comply with PCC 14.44.100.

(e) *Refuse bins.* Refuse bins must be stored within screened enclosures that are architecturally consistent in style and materials with the development. Enclosures must be located out of view from public circulation areas and must not obstruct vehicular access or parking.

(f) *Glare reduction.* Exterior lighting must be designed to obscure light sources sufficiently to prevent excessive glare into adjacent residential areas.

(3) *Design Theme.*

(a) *Entry statement.* Each development must include a defined entrance design. At a minimum, this includes a monument sign identifying the development, surrounded by a mix of ground cover, shrubs, and trees.

(b) *Visual Relief.* Attached dwelling units must have visual relief in facade and roof line which adds variety and rhythm to the design and avoids monotonous straight lines.

(c) *Unified design.* Architectural and landscaping elements must be unified throughout the project. Developers must submit detailed landscaping plans along with building elevations and floor plans. Design guidelines or recorded covenants may be submitted in place of individual building or landscaping plans.

(4) *Open Space.*

(a) *Area.* At least ten percent of the total gross acreage in a PD must be devoted to *Open Green Space*, as defined in PCC 14.40.020. This space must be consolidated and may not include required yards or building setbacks.

(b) *Phasing.* Each phase of development must include its proportionate share of the required Open Green Space until the total required open space has been met.

(c) *Hardscape.* Open Green Space may include walkways, patios, recreational areas, picnic pavilions, gazebos, and water features, provided hard surfaces do not exceed 15% of the required Open Green Space.

(d) *Common Activity Areas.*

(i) Open Green Space must include either a playground with play equipment or pathways with benches and tables through a natural or landscaped area.

(ii) For subdivided one-family lots, the development must provide common activity areas at a minimum of 1,000 square feet per lot.

(e) *Preservation of existing trees.* Developments must be designed to incorporate existing large trees, tree clusters, or large shrubs into the site design.

(i) The Planning Commission will review any proposal to remove such vegetation. The Commission may approve removal based on:

(A) The benefits of retaining existing vegetation based on a report from the Urban Forester;
(B) The design effort made to preserve such vegetation;
(C) Any construction-related or safety concerns;
(D) Site topography; or
(E) The impact of removal on neighborhood character.

(ii) Because preserving natural features is a core purpose of the PD Overlay, the Planning Commission may deny a PD application if it determines that significant vegetation was removed prior to submittal.

(f) *Landscaping Per Unit.*

(i) A minimum of three deciduous trees (1.5-inch caliper) or evergreen trees (four feet tall), and four shrubs must be planted per lot, along with appropriate foundation plantings such as shrubs, flowers, or ground cover. Landscaping within park strips in the right-of-way must follow a unified design theme.

(ii) Tree placement must account for seasonal benefits, using deciduous trees to provide summer shade and winter solar access, and evergreen trees for windbreaks, screening, and year-round visual interest.

(g) *Water conservation.* The landscaping plan must emphasize water-conserving plants and organize plantings into zones based on water needs to ensure efficient irrigation and minimize waste.

(i) Turf grass may only be used in high-traffic and play areas, or other appropriate locations as determined by the Planning Commission. Other landscaped areas must use ground cover, shrubs, or trees.

(ii) Regulated drip irrigation systems designed for efficient and targeted watering must be used for all shrub and tree areas.

(5) *Streets.*

(a) *Circulation.*

(i) The type and layout of roadways surrounding or adjacent to a performance development must comply with the Master Street Plan, the Official Map, and any applicable Local Policy Street Maps for the area.

(ii) Projects located on or adjacent to a collector or arterial street must be designed so that the public street continues logically and safely through the development. Projects located at the terminus of stubbed public streets may be required to extend the street through the development, based on the circulation needs of the area, as determined by the Planning Commission and City Engineer.

(b) *Street Standards.* All streets, whether private or dedicated public streets, must be constructed to City standards, including required widths, as outlined in PCC 15.03.200.

14.40.110 Guarantees and Covenants

(1) *Codes, Covenants and Restrictions.* Adequate guarantees must be provided to ensure the permanent retention and maintenance of all open space areas within a performance development. The Chief Building Official may not issue a Certificate of Occupancy until all required guarantees have been submitted to and approved by the Planning Commission. The required open space guarantees include the following:

(a) The developer must furnish and record protective covenants that guarantee the retention of open space.

(b) The developer must develop and maintain all open space areas, unless the space is contiguous to an existing park and the City Parks and Recreation Department agrees to accept dedication of the property.

(c) In the case of private open space reservations, the developer must convey an open space easement to the City as a condition of project approval. This easement must restrict future construction or uses, except as shown on the approved project plan.

(d) The developer must ensure the care and maintenance of open space by establishing a private association or corporation responsible for ongoing upkeep. This entity must levy the cost of maintenance as an assessment on the property owners within the development. Ownership and tax liability for private open space must be defined in a manner acceptable to the City and included as a condition of final plan approval.

(e) Open space maintenance must be managed by an individual, partnership, or corporate entity with sufficient expertise and experience in property management to ensure maintenance is performed efficiently and to a high standard.

(2) *Bonds.* To ensure that the performance development is completed in an acceptable manner, the applicant must post a performance bond in accordance with the City’s bonding policy.

(3) *Condominiums.* If a performance development is proposed as a condominium project under the Condominium Ownership Act of Utah (or any subsequent amendments), the applicant must submit a declaration of covenants, conditions, and restrictions (CC&Rs) to the Planning Commission before conveying any unit. This document becomes part of the final development plan and must be recorded to run with the land. The CC&Rs must include management policies that define the required quality of maintenance and designate the party responsible for maintaining the condominium development. At a minimum, the document must include:

(a) Provisions identifying the type of occupancy, either family or baching singles, based on available parking and the standards of the underlying zone.

(b) Establishment of a private association or corporation responsible for all maintenance, with authority to levy assessments on each unit owner to cover maintenance costs.

(c) Establish a management committee and specify:

(i) The number of committee members,

(ii) The method of selection, and

(iii) The powers and duties of the committee; and

(iii) A designated property manager with relevant experience.

(d) Procedures for calling meetings of the association or corporation, and quorum requirements for conducting business.

(e) Methods for maintaining, repairing, and replacing common areas and facilities, along with a system for distributing associated costs.

(f) Procedures for maintaining all private streets and private utilities, along with acknowledgment that maintenance responsibility lies with the homeowner association or corporation.

(g) The process for collecting each unit owner’s share of common expenses and the method of assessment.

(h) Voting requirements, by percentage of ownership interest, for decisions to rebuild, repair, restore, or sell property in the event of damage or destruction.

(i) Procedures for amending the declaration. All declarations, amendments, and related documents affecting the project or any unit must be approved by the Planning Commission and recorded with the County Recorder. No declaration or amendment is valid until both approved and recorded. These documents must be maintained as part of the project plan for the performance development.

(4) If the applicant fails to comply with any conditions or regulations applicable to a performance development, Development Services may not issue a Certificate of Zoning Compliance. Ongoing failure to meet requirements or to maintain the buildings and premises in accordance with the approved conditions is a violation of this Chapter.

Chapter 14.41
SPD5 - BROADVIEW SHORES OVERLAY ZONE

Sections:

14.41.010 Purpose and Objectives.
14.41.020 Permitted Uses.
14.41.030 Lot Standards.
14.41.040 Yard/Setback Requirements.
14.41.050 Projections into Yards.
14.41.060 Building Height and Distance.
14.41.070 Parking, Loading, and Access.
14.41.080 Project Plan Approval.
14.41.090 Parks and Open Space.
14.41.100 Architectural Standards.
14.41.110 Signs.
14.41.120 Landscaping Requirements.
14.41.130 Existing Agricultural Uses.
14.41.140 Guarantees and Covenants.
14.41.150 Other Requirements.

14.41.010 Purpose and Objectives

(1) Broadview Shores is a residential and commercial mixed-use development located in the North Lakeview Neighborhood. The development features a wide variety of housing types, significant open space, parks, trails, and amenities throughout. The development is divided into areas with different density and use allowances, each called a “Village” as shown in Appendix O of the General Plan. A Village commercial center may include residential mixed-use, retail, office, and service uses in a walkable, community-oriented setting.

(2) A diverse mix of residential dwellings will be provided through various building types and architectural forms, unified by an overall design theme. Each residential Village within the development should reflect a distinct character and meet the housing needs of different income levels, age groups, and lifestyles.

(3) The standards in this Chapter are intended to promote walkability within neighborhoods and reduce automobile reliance for travel between residential areas and Village commercial uses. The commercial component should support a variety of small-scale retail and service uses that serve nearby neighborhoods and the broader community.

14.41.020 Permitted Uses

(1) *Permitted Principal Uses.* The following principal and conditional uses, and no others, are permitted within the designated Villages as described. Commercial uses are only permitted within Village 7:

(a) *Residential Uses.* Residential uses are permitted only within the individual Villages as specifically designated. Accessory dwelling units are not permitted.

TABLE OF USES – RESIDENTIAL VILLAGES

Key: P = Permitted, C = Conditional, N = Not Permitted			
USE	**Low Density Single-Family Villages 1, 3, 5**	**Medium Density Single-Family Village 2**	**Medium Density Single-Family, Multi-Family and Cluster Single-Family Villages 4, 6, 7**
RESIDENTIAL DWELLING TYPES			
Single-Family Dwelling	P	P	P
Two-Family Dwelling	N	N	P
Multi-Family Dwelling (3-4 dwelling units, including 3-4 family Condominiums)	N	N	P
Apartments/Condominiums	N	N	P
Townhomes	N	N	P
PUBLIC/CIVIC USES			

Key: P = Permitted, C = Conditional, N = Not Permitted			
USE	**Low Density Single-Family Villages 1, 3, 5**	**Medium Density Single-Family Village 2**	**Medium Density Single-Family, Multi-Family and Cluster Single-Family Villages 4, 6, 7**
Religious Activities	C	C	C
Golf Courses and Country Clubs	P	C	C
Parks, Playgrounds, Open Space, Trails and Greenways	P	P	P
Public/Civic Buildings	P	P	P
Sports Fields	P	P	P
UTILITIES			
Electrical Substations and Power Transmission Lines, Municipal	P	P	P
Electrical Substations and Power Transmission Lines, Non-Municipal	C	C	C
Oil and Gas Transmission Lines	C	C	C

Key: P = Permitted, C = Conditional, N = Not Permitted			
USE	**Low Density Single-Family Villages 1, 3, 5**	**Medium Density Single-Family Village 2**	**Medium Density Single-Family, Multi-Family and Cluster Single-Family Villages 4, 6, 7**
Public Utility Buildings, Lines, Structures and Rights-of-Way, Municipal	P	P	P
Public Utility Buildings, Lines, Structures and Rights-of-Way, Non-Municipal	C	C	C
OTHER USES			
Adult Day Care	N	N	C
Agriculture (Horticulture)	P	P	P
Assisted Living Facility	N	N	C
Bed and Breakfast Inn	C	C	C
Child Day Care (Commercial)	N	N	C
Greenhouses (Private, as an Accessory Use)	P	C	C
Model Home	P	P	P

Key: P = Permitted, C = Conditional, N = Not Permitted			
USE	**Low Density Single-Family Villages 1, 3, 5**	**Medium Density Single-Family Village 2**	**Medium Density Single-Family, Multi-Family and Cluster Single-Family Villages 4, 6, 7**
Residential Facilities for Elderly Persons	C	C	C
Rest Home, Nursing Home	N	N	C
Retirement Home/Retirement Center	N	N	C
Private Recreation Facilities	P	P	P
Temporary Construction Buildings and Yards (12 Months Maximum)	P	P	P
Temporary Sales Office (12 Months Maximum)	P	P	P

(b) *Commercial Uses.* The commercial uses listed below are permitted only within Village 7. All commercial activities must occur within enclosed buildings, except for uses customarily conducted outdoors.

TABLE OF USES – COMMERCIAL AND NONRESIDENTIAL DISTRICTS

Key: P = Permitted, C = Conditional, N = Not Permitted

	Village 7
COMMERCIAL/NONRESIDENTIAL USES	
Accessory Buildings and Uses Incidental to an Authorized Use	P
Adult Day Care	C
Artisan Shop	P
Athletic Instruction, Including Dance, Gymnastics, and Martial Arts	P
Automobile Sales/Rental	C
Automobile Service and Repair	C
Building Maintenance Services	C
Building Materials Supply Store with No Outside Storage	P
Building Materials Supply Store with Outside Storage	C
Car Wash	P
Check Cashing, Title Loans and Other Credit Services	C
Commercial Laundries, Linen Service, Diaper Service	P
Commercial Parking Lot/Structure	P
Commercial Recreational Facility	P
Conference Center, Convention Center	C

Key: P = Permitted, C = Conditional, N = Not Permitted

	Village 7
Convenience Store, With or Without Gasoline Sales	P
Child Day Care (Commercial)	C
Construction Sales and Service	C
Construction Service	C
Equipment Sales and Rental	C
Financial Institutions and Services	P
Financial Institutions and Services with Drive-Through Facilities	P
Funeral Home	P
Furniture Repair	P
Hardware Store with No Outside Storage	P
Hardware Store with Outside Storage	C
Health Care Facility	P
Health Club	P
Heliport	C
Hotels and Motels	C
Hospital (Small Animal)	C

Key: P = Permitted, C = Conditional, N = Not Permitted

	Village 7
Laboratory, Medical, Dental, Optical	P
Launderette, Laundromat	P
Medical Research Facility	C
Medical and Dental Clinics	P
Model Home	P
Moving and Storage Facilities	C
Neighborhood Commercial/Retail Sales Including General Retail and Pharmacies (maximum 5,000 square foot bld. footprint or as approved by Planning Commission)	P
Nightclub	C
Offices, Professional	P
Offices, Warehouse	C
Outdoor Sales, Display and Storage (excluding junk yards and salvage yards)	C
Outdoor Storage of Materials, Products and Equipment Incidental to an Allowed Use (excluding junk yards and salvage yards)	C
Pawn Shops	C
Personal Services	P
Personal Services Including a Body Art Facility	C

Key: P = Permitted, C = Conditional, N = Not Permitted

	Village 7
Photofinishing Lab	P
Plant Nursery with Outside Display	P
Public Dance Hall	C
Racetracks for Go-Carts, ATV and Motocross or Motorized Sports Recreational Facilities (includes private or commercial)	C
Recreational Vehicle Sales and Services	C
Regional Commercial/Retail Sales (minimum 10-acre site)	P
Restaurant	P
Restaurant, Fast Food with Drive-Up Window(s)	P
Research and Development Facilities	P
Retail Facilities and Services Accessory to a Principal Use	P
Retail Facilities and Services with Drive-Up Window(s)	P
Retail Sales, General and Goods Establishments Including General Retail, Department Store, Grocery Store, Drug Store, Variety Store	P
Rock Crushers	C
Schools – Vocational and Technical	P
Service Station	C

Key: P = Permitted, C = Conditional, N = Not Permitted	
	Village 7
Storage-Mini (storage units)	C
Temporary Construction Buildings and Yards (12 months maximum)	C
Temporary Sales Office (12 months maximum)	P
Theater	P

(2) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.41.030 Lot Standards

Lots must comply with the standards described below:

	Low Density Single-Family Villages 1, 3, and 5	**Medium Density Single-Family Village 2**	**Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7**	**Medium Density Multi-Family Villages 4, 6, 7**	**High Density Multi-Family Villages 4, 6**
Minimum Lot Size	single-family dwelling: 6,000 sq. ft. other allowed uses: 8,000 sq. ft.	single-family dwelling: 3,500 sq. ft. other allowed uses: 8,000 sq. ft.	single-family dwelling: 2,000 sq. ft. other allowed uses: 8,000 sq. ft.	attached, stacked, or clustered units: no requirement. other allowed uses: 8,000 sq. ft.	attached, stacked, or clustered units: no requirement. other allowed uses: 8,000 sq. ft.
Maximum Dwelling Units Per Acre	4	10	15	20	45
Minimum Lot Width	50 ft.	single- family: 32 ft. other uses: no requirement.	single-family: 30 ft. other uses: no requirement.	NA	NA
Minimum Finished Floor Area per Residential Unit	1,000 sq. ft. (the ground floor of a 2-story single-family detached unit with an attached 2-car garage may not be less than 850 sq. ft.)	900 sq. ft (however, stacked units must have a minimum of 1,300 sq. ft. finished floor area with not less than 300 sq. ft. on the ground floor)	900 sq. ft. (however, stacked units must have a minimum of 1,300 sq. ft. finished floor area with not less than 300 sq. ft. on the ground floor)	900 sq. ft. (however, stacked units must have a minimum of 1,000 sq. ft. finished floor area with not less than 200 sq. ft. on the ground floor)	500 sq. ft.

	Low Density Single-Family Villages 1, 3, and 5	Medium Density Single-Family Village 2	Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7	Medium Density Multi-Family Villages 4, 6, 7	High Density Multi-Family Villages 4, 6
Maximum Permissible Building Coverage on Lot	50%	60%	75%	80%	100%

14.41.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

	Low Density Single-Family Villages 1, 3, and 5	Medium Density Single-Family Village 2	Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7	Medium Density Multi-Family Villages 4, 6, 7	High Density Multi-Family Villages 4, 6
Minimum Front Yard	9 ft. 20 ft. to front loaded garage from back of sidewalk	9 ft. 18 ft. to front loaded garage from back of sidewalk	2 ft. 18 ft. to front loaded garage from back of sidewalk	NA	NA
Minimum Rear Yard (Interior Lots)	15 ft. rear load garage with driveway: 18	10 ft. rear load garage with driveway: 18	6 ft. rear load garage with driveway: 18	NA	NA

	Low Density Single-Family Villages 1, 3, and 5	**Medium Density Single-Family Village 2**	**Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7**	**Medium Density Multi-Family Villages 4, 6, 7**	**High Density Multi-Family Villages 4, 6**
	ft. from top back curb/sidewalk. rear load garage without driveway: maximum 6 ft. from top back curb/sidewalk.	ft. from top back curb/sidewalk. rear load garage without driveway: maximum 6 ft. from top back curb/sidewalk.	ft. from top back curb/sidewalk. rear load garage without driveway: maximum 6 ft. from top back curb/sidewalk.		
Minimum Rear Yard (Corner Lots)	15 ft. rear load garage with driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 5 ft. from top back curb/sidewalk.	10 ft. rear load garage with driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 5 ft. from top back curb/sidewalk.	2 ft. rear load garage with driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 5 ft. from top back curb/sidewalk.	NA	NA
Minimum Side Yard – Residential Uses	5 ft.	0 ft. (total side yards - not less than 5 ft.)	0 ft. (total side yards - not less than 5 ft.)	0 ft. (total side yards - not less than 10 ft.)	0 ft. (total side yards - not less than 10 ft.)
Minimum Side Yard – Non-	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.

	Low Density Single-Family Villages 1, 3, and 5	**Medium Density Single-Family Village 2**	**Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7**	**Medium Density Multi-Family Villages 4, 6, 7**	**High Density Multi-Family Villages 4, 6**
Residential Uses					
Minimum Side Yard (Corner Lot)	10 ft.	5 ft.	2 ft.	NA	NA

14.41.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.41.060 Building Height and Distance

No building or structure may exceed the height and distance standards described below:

	Low Density Single-Family Villages 1, 3, and 5	**Medium Density Single-Family Villages 2, 4, 7**	**Medium Density Single-Family and Cluster Single-Family**	**Medium Density Multi-Family Villages 4, 6, 7**	**High Density Multi-Family Villages 4, 6**

			Villages 2, 4, 6, 7		
Maximum Height	40 ft. or 2 stories.	40 ft. or 2 stories.	52 ft. or 3 stories.	52 ft. or 5 stories.	72 ft. or 5 stories.
Minimum Distance Between Buildings	5 ft.	5 ft.	5 ft.	10 ft.	10 ft.

14.41.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.41.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.41.090 Parks and Open Space

(1) Broadview Shores is designed to include multiple parks and open space areas throughout the development. All parks and open space:

(a) Must be installed within one year of final plat approval for each individual phase;

(b) Are considered private and must be maintained by a Village homeowners association, unless the areas are formally dedicated to and accepted by Provo City.

(2) Permitted accessory uses within parks and open space include amenities such as ball fields, play areas, tot lots, amphitheaters, water features, fountains, statues, flower gardens, and sports courts.

(3) All trails must be paved and have a minimum width of six feet. Landscaping must comply with the requirements in PCC 14.41.120.

14.41.100 Architectural Standards

The following architectural standards apply within the Broadview Shores Overlay Zone:

(1) *Building Materials.*

(a) Vinyl and aluminum siding may not be used, except for soffits, gutters, and window trim.

(b) Permitted exterior building materials include stucco, stone, brick, fiber cement siding (e.g., Hardiboard), metal, wood trim, composition roofing, and other materials that contribute to a unified architectural design.

(2) *Fence and Walls.*

(a) Fencing that is adjacent to collector or arterial streets other than Geneva Road must consist of solid vinyl elements and include masonry or stone pillars spaced at intervals no greater than 20 feet. Each pillar may extend up to 18 inches above the allowable fence height. A full masonry fence may be used in place of vinyl fencing with pillars.

(b) Fences adjacent to residential lots along Geneva Road must be constructed of brick, stone, or a combination of both. The fence must be coated with a graffiti-resistant material and installed by the developer as part of the applicable development phase. The required height is six feet.

(c) *Maximum height.*

(i) A fence or wall may not exceed three feet in height within any required front yard setback.

(ii) An entry fence or wall at a Village entrance may not exceed ten feet in height,

(iii) A fence or wall in any other location may not exceed six feet in height.

(3) *Village entrance treatments.* Lamps mounted on pillars on an entry fence or wall at a Village entrance may exceed the height limitation in Subsection (2) as provided in this subsection. Each pillar may extend up to 18 inches above the maximum permitted fence or wall height. The pillars must be spaced at least six feet apart, measured face to face. All entrance treatments must comply with PCC 14.50.090.

(4) *Materials.* Fences, walls, and entrance features must be constructed of vinyl, brick, stone, concrete, or masonry. The type of fencing must be consistent within each individual Village. Fence colors must be consistent throughout the community and approved at the time of final plat approval. Pillars must be constructed of uniform masonry or stone materials that contribute to the overall architectural design of the development.

(5) *Overhead Doors.* No overhead or bay doors may be located on any building wall that faces a residential, residential-agricultural, or agricultural zone if the wall is located within 25 feet of the property line.

(6) *Mechanical Equipment.* All mechanical equipment, including air conditioners, fans, and pumps, must be located within the building or on the roof behind parapet walls. Mechanical equipment installed outside a building and within 25 feet of the nearest residential use must be fully enclosed by a visual and noise barrier—such as a masonry wall or dense landscaping—that surrounds the equipment and extends at least one foot above it. Noise from mechanical equipment may not exceed the limits established in PCC 9.06.030.

(7) *Loading Docks.* No loading dock or delivery pickup area may be located within 50 feet of a residential use. These areas must be screened from public view by a masonry wall at least six feet in height.

(8) *Building Footprint.* Individual buildings may not exceed a ground-floor footprint of 15,000 square feet, unless a larger footprint is approved by the Planning Commission through a conditional use permit.

14.41.110 Signs

Except as provided in this section, signs on private property within the Broadview Shores Overlay Zone must comply with PCC 14.47 or be explicitly permitted by state or federal law. Only the signs described in this section may be placed within the overlay zone.

(1) The following sign regulations apply in Villages 1 through 6:

(a) One nameplate may be installed on the wall of the building, not to exceed two square feet in area. The nameplate may display only the name and address of the occupant;

(b) One monument sign may be installed at the entrance to each Village. The sign may not exceed 32 square feet in area and may only be placed on an ornamental masonry wall. Any such sign must, at a minimum, identify the name and/or address of the Village or building group. The sign design must be architecturally compatible with the surrounding development.

(2) The following sign regulations apply in Village 7.

(a) One freestanding sign, not exceeding 20 feet in height, may be located at the entrance of the commercial center. The sign must meet the following requirements:

(i) Sign area must comply with PCC 14.47.130. The sign must display the name of the center, and may also include the names of one or more tenants or businesses within the center;

(ii) The sign may not project over any property line and may not extend more than five feet into any required front yard;

(iii) The sign may only be illuminated with interior or exterior soft lighting;

(iv) Up to 25% of the sign area may consist of electronic messages as regulated in PCC 6.06; and

(v) If located where pedestrians may walk beneath it, the bottom of the sign cabinet must be at least eight feet above ground level;

(b) Each business or tenant in the Village Town Center may install wall signs in accordance with the following standards:

(i) Sign area must comply with PCC 14.47.140;

(ii) Each business or tenant is permitted one wall sign on the front face of the building. An additional wall sign is allowed on a rear face if it includes a public entrance;

(iii) No part of a wall sign may extend above the top of the wall to which it is attached; and

(iv) No wall sign, including any structural element or light box, may project more than 18 inches from the building façade. No copy is permitted on the sides of projecting signs;

(c) All signs must be architecturally compatible with the design elements, materials, colors, and overall design theme of the development;

(d) Special purpose signs, as described in PCC 14.47.050, may be permitted. These signs may not exceed three feet in height or 12 square feet in area and must be architecturally compatible with the surrounding development; and

(e) One flag or banner, no larger than two feet by three feet, may be attached to a utility pole related to the development. These signs may not advertise individual businesses or retail merchandise. All such signs must be reviewed and approved by the Development Services Department prior to installation. Written permission must be obtained from the utility company for attachment to a utility pole.

(3) A building permit is required for any new sign.

14.41.120 Landscaping Requirements

(1) A detailed landscaping plan for all open space and common areas must be submitted for review at the time of final plat or project plan approval.

(2) The provisions of this section apply in addition to the requirements of PCC 15.20.

(3) *General requirements*.

(a) All open areas, except for driveways, parking areas, walkways, utility areas, decks, patios, porches, and similar hardscape, must be landscaped with a combination of plants, shrubs, trees, grass, or similar materials.

(b) A minimum of two deciduous trees (1.5-inch caliper) or evergreen trees (six feet tall) and four shrubs (five-gallon size) must be planted for each lot or pad. Building foundation planting must include appropriate shrubs, flowers, or ground cover. Sod must be installed in all designated grass areas.

(c) The developer must install landscaping and an automatic sprinkler system in each front and side yard for all lots smaller than 5,000 square feet, weather permitting. If installation is not feasible due to seasonal conditions, the developer must post a bond in accordance with PCC 15.20.130. Landscaping of the adjacent park strip is also required.

(d) For lots larger than 5,000 square feet, the property owner must install landscaping and a sprinkler system that complies with PCC 15.20 and the requirements above.

(e) All parking lots must be landscaped in accordance with PCC 15.20.090.

(4) *Village 7*. The following landscaping requirements apply only to Village 7.

(a) A minimum of 15 trees per acre must be installed. Trees must be either deciduous (2-inch caliper) or evergreen (six feet tall), or a combination thereof.

(b) All shrubs must be a minimum of five-gallon size.

(5) *Park strips*.

(a) Park strips adjacent to HOA-maintained lots must be maintained by the HOA.

(b) Park strips adjacent to lots maintained by homeowners must be maintained by the homeowner.

(c) Street trees must be planted in all park strips in addition to lawn or waterwise landscaping, as required in PCC 15.20.

(6) Parks and open space.

(a) Parks and open space must be landscaped with grass, trees, and other approved landscaping materials.

(b) The developer must install landscaping for parks and open space as part of each development phase, as approved by the Planning Commission.

(c) All amenities shown on the approved plans must be installed with the corresponding phase (Village).

(d) A minimum of 15 trees per acre must be installed. Trees must be either deciduous (1.5-inch caliper) or evergreen (six feet tall), or a combination thereof.

14.41.130 Existing Agricultural Uses

(1) Any agricultural use that was legally established as of August 9, 2022 is considered a permitted, conforming use and may continue under the Utah County zoning provisions in effect at the time the property was annexed into the City.

(2) These uses may continue until the property is developed in accordance with the Broadview Shores Overlay. Upon development, such uses will be classified as legal nonconforming uses.

14.41.140 Guarantees and Covenants

(1) Homeowners Association – Guarantees and Covenants.

(a) Adequate guarantees and recorded covenants must be provided to ensure the permanent retention and maintenance of all parks, open space, trails, and other common amenities within the Broadview Shores development. No final plat may be approved until restrictive covenants have been submitted to and approved by the Development Services Department.

(2) Guarantees must include the following:

(a) A homeowners association must be established for the entire development;

(b) The developer must ensure the maintenance of all open space reservations by establishing a private association or corporation responsible for ongoing maintenance. The association must levy the cost of maintenance as an assessment on all property owners within Broadview Shores. Ownership and tax liability for the private open space must be defined in a manner acceptable to the City and made part of the final plan approval; and

(c) Maintenance of open space must be managed by an individual, partnership, or corporate entity with sufficient expertise and experience in property management to ensure high-quality, efficient maintenance.

(3) Parking and occupancy requirements, association financial obligations, and initial maintenance estimates and funding plans must be disclosed to potential purchasers before any property within the development is sold.

(4) All ongoing maintenance fees to be assessed must be disclosed to potential purchasers prior to the sale or lease of any property.

14.41.150 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Trash storage*. See PCC 14.50.070.

(3) *Lighting.* See PCC 15.21.

Chapter 14.42
SOB - SEXUALLY-ORIENTED BUSINESS OVERLAY ZONE

Sections:

14.42.010 Purpose and Objectives.
14.42.020 Definitions.
14.42.030 Zoning and Location Requirements.
14.42.040 Development Standards.

14.42.010 Purpose and Objectives

The purpose of this Chapter is to establish a Sexually-Oriented Business (SOB) Overlay Zone to reasonably regulate the location of sexually-oriented businesses and mitigate adverse secondary effects associated with their operation. This Chapter must be interpreted to advance the governmental interests identified in this chapter while remaining consistent with the protections afforded by the United States Constitution and the Utah Constitution.

14.42.020 Definitions

Terms related to sexually-oriented businesses have the meanings set forth in PCC 9.60.

14.42.030 Zoning and Location Requirements

(1) Any sexually-oriented business licensed as an adult business or semi-nude entertainment business is permitted only within the Sexually-Oriented Business (SOB) Overlay Zone, as shown on the Provo City Zone Map.

(2) A sexually-oriented business may not operate within 1,000 feet of any of the following:

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

(b) The property boundary of any church, public park, public library, or school; or

(c) The boundary of any property for which a sexually-oriented business license has been issued and remains valid.

(3) No church, public park, public library, or school may be established within 1,000 feet of a sexually-oriented business.

(4) For the purposes of this Section, distance must be measured in a straight line from the nearest point on the boundary of the property where the sexually-oriented business is or will be located to the nearest residential zone boundary or the nearest property line of a church, public park, public library, or school, as applicable.

14.42.040 Development Standards

(1) All sexually-oriented businesses are subject to the development standards of the underlying zone, including but not limited to requirements for setbacks, building height, and projections.

(2) Off-street parking must be provided in accordance with the applicable land use classification in PCC 14.44, *Off-Street Parking Standards*, that most closely corresponds to the use of the sexually-oriented business.

(3) Signs for sexually-oriented businesses are subject to the following restrictions:

(a) All signs must be flat wall signs.

(b) The total sign area may not exceed one square foot per linear foot of building frontage on a public street.

(4) Merchandise, promotional materials, or images of products or entertainment may not be displayed in any window or in any area visible from a public sidewalk.

Chapter 14.43
ADUs - ACCESSORY DWELLING UNITS

Sections:

14.43.010 Purpose and Objectives.
14.43.015 Definitions.
14.43.020 Permitted Use of Accessory Dwelling Units.
14.43.030 Accessory Dwelling Unit (ADU) Development Standards.

14.43.010 Purpose and Objectives

The purpose of the Accessory Dwelling Unit (ADU) development standards is to support family life by allowing ADUs in conjunction with one-family detached dwellings on individual lots. These standards are intended to promote the use of ADUs, provide flexibility in housing arrangements due to life cycle changes, offer financial support for homeowners, and enhance housing options for aging residents.

14.43.015 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

"Accessory dwelling unit (ADU)" has the same meaning defined in PCC Chapter 14.05.

“Areas zoned primarily for residential use" means the RA, R1, VLDR, LDR, MDR, HDR, CR, and RM zones.

14.43.020 Permitted Use of Accessory Dwelling Units

(1) The use of an ADU is a permitted use in all areas zoned primarily for residential use, except as otherwise provided in this Section.

(2) Except as provided in subsection (3), ADUs are prohibited in:

(a) the Broadview Shores Overlay Zone; and

(b) all areas east of Interstate 15 that are zoned RM, R16, R17, R18, R19, R110, or R2PD, including those with a Performance Development Overlay.

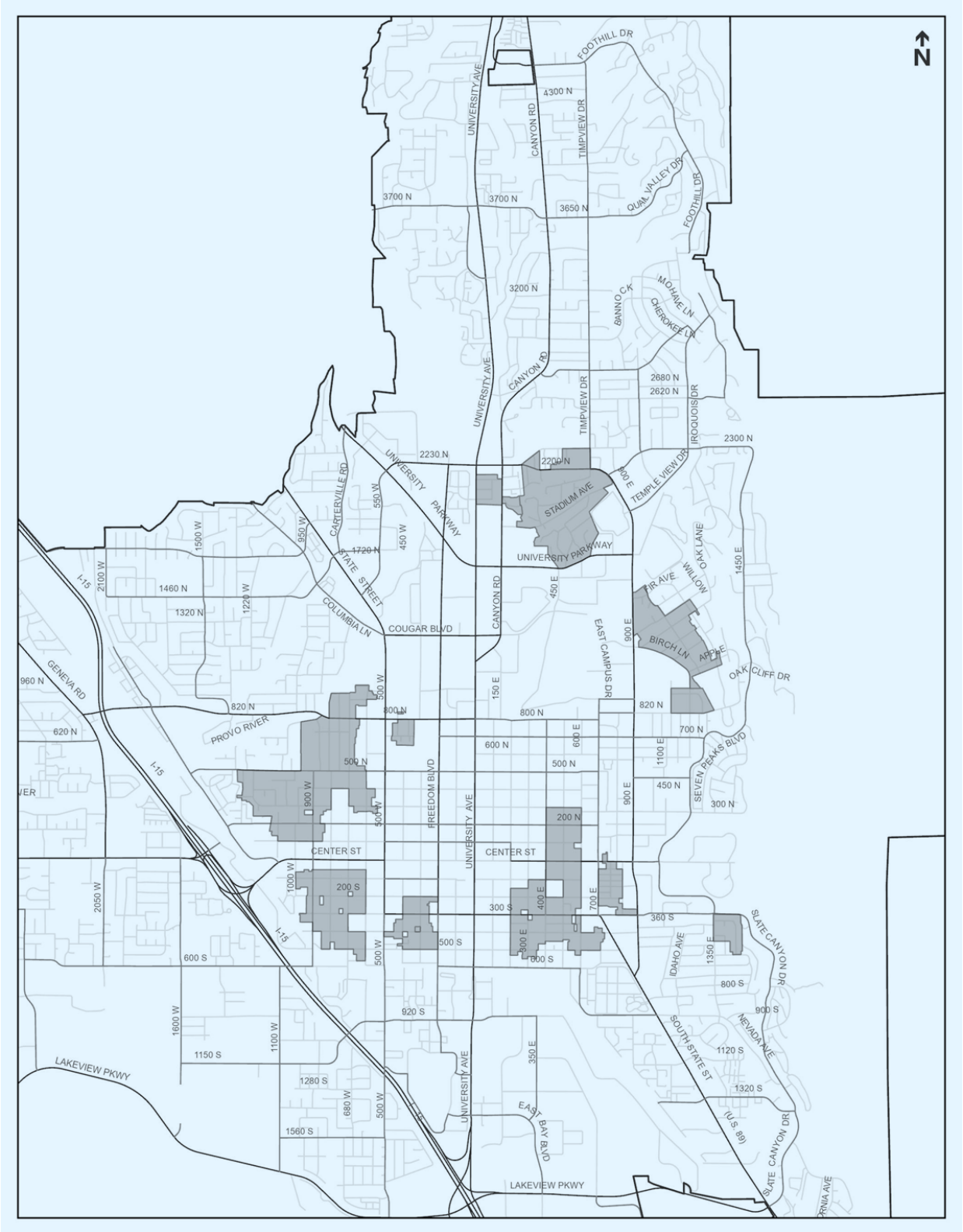
(3) Notwithstanding Subsection (2), ADUs are permitted in certain areas that subsection (2) would otherwise prohibit, as shown on the following map. This map is not a comprehensive map of areas where ADUs are permitted. It shows only areas where ADUs would otherwise be prohibited under subsection (2).

(4) So long as it is required by UCA 10-21-304(1), as amended, external ADUs are permitted on any lot or parcel that would otherwise be prohibited under Subsection (2) if the lot or parcel:

(a) is in a zone that permits single-family dwellings;

(b) contains a single-family dwelling; and

(c) is 11,000 square feet or larger.



14.43.030 Accessory Dwelling Unit (ADU) Development Standards

Accessory dwelling units (ADUs) are subject to the following development standards:

(1) *Number*. No more than one ADU is permitted in conjunction with each one-family detached dwelling.

(2) *Location*. An ADU may only be located in the following locations:

(a) Over an attached garage, provided the ADU has access to required parking and does not interfere with required covered parking;

(b) Inside a one-family detached dwelling;

(c) In an addition to a one-family detached dwelling, provided the addition does not alter the one-family character of the building; or

(d) As a detached accessory structure, or within a detached accessory structure including detached garages, located in the rear or side yard, subject to the following requirements:

(i) All accessory structures and primary dwelling combined may not cover more than 40% of the total parcel area;

(ii) The accessory structure's height must be smaller than the main dwelling. The minimum area of the structure must be at least 200 square feet;

(iii) The detached ADU or structure must be set back at least 10 feet from any property line, or match the existing setback of the primary dwelling from that same property line, whichever is less;

(iv) For detached ADUs that are permitted under Subsection 14.43.020(4), the accessory structure containing the ADU must:

(A) have a height less than the main dwelling and less than 25 feet; and

(B) meet the side and rear yard setbacks for the property's zone plus an additional setback of one foot for each foot of height over 16 feet (any height in excess of a whole number is rounded to the next foot);

(v) The accessory structure must be architecturally compatible with the main dwelling;

(vi) The structure must be permanently affixed to a site-built foundation and comply with all applicable Provo City building codes; and

(vii) Shipping containers may not be used as ADUs unless they comply with all applicable building codes and are clad with materials that are architecturally compatible with those of the main dwelling.

(3) *Appearance*. The ADU must not alter the appearance of the structure as a one-family detached dwelling or resemble any form of two-family dwelling, including side-by-side, side-to-back, or back-to-back configurations. From the street, any visible evidence of multiple-family occupancy is prohibited.

(4) *Occupancy*. A one-family dwelling with an authorized and conforming ADU is considered to consist of two parts: the main dwelling unit and the accessory dwelling unit. These two units must be occupied as follows:

(a) Owner occupancy.

(i) Except as provided in Subsection (a)(ii), either the main dwelling unit or the ADU must be occupied by an owner occupant, as defined in PCC 14.05.020. If this requirement is not met, the ADU is not permitted.

(ii) Owner occupancy is not required if the owner has submitted a temporary absence application before the absence begins and meets the following conditions:

(A) The owner has a bona fide, temporary absence of three years or less for purposes such as temporary job assignments, sabbaticals, military service, or voluntary service. Indefinite absences do not qualify.

(B) The owner is residing in a hospital, nursing home, assisted living facility, or similar institution.

(C) The owner has lived in the residence for at least one year prior to the start of the temporary absence.

(b) The occupancy of the main dwelling unit is limited to one “family” as defined in PCC 14.05.020. However, if the ADU is also occupied, the main dwelling unit may not include the additional two related or unrelated individuals otherwise permitted under Subsection (b)(i)(B) of the “family” definition in that Section.

(c) The ADU may not be occupied by more than three related or unrelated adults, along with any minor children of those adults.

(5) *Parking*. A one-family dwelling with an ADU must provide at least four off-street parking spaces. However, for properties with a detached ADU, if the provisions of UCA 10-21-304(3), as amended, limit the parking that may be required, the property must provide the maximum number of off-street parking spaces that may be required under that statute.

(a) Two tandem parking spaces (front to rear) are permitted.

(b) Parking spaces may be located on a driveway within the required front yard if:

(i) The driveway leads to the minimum number of required covered off-street parking spaces; or

(ii) The property is listed on the Provo City Landmarks Registry.

(c) Parking spaces allowed under Subsection (5)(b) may not be located between the primary dwelling and the street.

(d) In no case may the number of off-street parking spaces be less than the number of vehicles maintained on the premises.

(e) All parking must comply with the requirements of PCC 14.44.

(6) *Utility meters*. A one-family dwelling with an internal ADU must have at least one but no more than two meters for each water, gas, and electricity service, and each meter must be in the property owner's name

(7) *Addresses*. The ADU must be assigned its own address by Provo City.

(8) *Outside entrances*. Exterior entrances to the ADU must be located on the side or rear of the building. Only one front entrance may be visible from the front yard.

(9) *Building codes*. All existing construction and remodeling must comply with the building codes in effect at the time the work was completed. Newly constructed ADUs must comply with all current building codes.

(10) *Rental Dwelling License.* In accordance with PCC 6.26, any person operating an accessory dwelling unit (ADU) under this Chapter must obtain a rental dwelling license (RDL). This license is required in addition to any necessary building permits.

(a) In addition to complying with the requirements of PCC 6.26, an applicant for a rental dwelling license for an ADU must:

(i) Submit a site plan drawn to scale showing property lines and dimensions, the location of existing and proposed buildings and entrances, distances from structures to property lines, the location of parking stalls, and utility meters;

(ii) Submit detailed floor plans drawn to scale with labeled room uses and clearly marked interior connections between the main dwelling and the ADU;

(iii) Pay the application fee established in the Consolidated Fee Schedule adopted by the Municipal Council;

(iv) Cooperate with the Development Services Department in recording a deed restriction with the County Recorder outlining the conditions under which the ADU is constructed and occupied. The restriction must run with the land as long as the ADU remains on the property;

(v) Renew the rental dwelling license annually; and

(vi) Establish, at the time of initial application and at each renewal, that the dwelling is the owner's primary residence.

(b) Noncompliance with this Section is grounds for denial or revocation of the rental dwelling license. Revocation procedures are found in PCC 6.01 and PCC 6.26.

(c) Notwithstanding PCC 6.01.090, a rental dwelling license for an ADU automatically expires one year after issuance or upon transfer of the property to a new owner, whichever occurs first.

Chapter 14.44
OFF-STREET PARKING STANDARDS

Sections:

14.44.010 General Provisions.
14.44.020 Nonconforming Facilities.
14.44.030 Reduction in Off-Street Parking Requirements.

14.44.040 Required Improvement and Maintenance.
14.44.050 Location Standards.
14.44.060 Parking Spaces Required.
14.44.065 Bicycle Parking Spaces Required.
14.44.070 Parking Requirements for Uses Not Specified.
14.44.080 Parking Design Standards.
14.44.085 Bicycle Parking Design Standards.
14.44.090 Disabled Parking Spaces.

14.44.010 General Provisions

(1) *Parking Minimum.* The number of off-street parking spaces provided for any land use must not be less than the minimums established in this Chapter, except as modified by the permitted reductions in PCC 14.44.030 or as otherwise allowed by the applicable zone chapter.

(2) *Permanent Parking to be Provided.* Every building, structure, improvement, or use that is constructed, reconstructed, or enlarged must include permanently maintained parking spaces as required by this Chapter, based on the area of the construction, reconstruction, or enlargement.

(3) *Continuing Obligation.* Required off-street parking facilities are a continuing obligation of the property owner for as long as the associated use remains in operation. It is unlawful for any property owner to eliminate or discontinue required parking without first providing alternative parking that complies with the requirements of this Chapter.

(4) *Submission of Plans.* Plans for any proposed parking area or expansion of an existing parking area must be submitted to the Development Services Department for Project Plan approval.

(a) The plans must clearly show the proposed development, including the location, size, shape, design, curb cuts, lighting, landscaping, and any other features or improvements associated with the parking lot.

(b) As a condition of Project Plan approval, the applicant must post a bond, in an amount determined by the Engineering Department, to guarantee the completion of all improvements and compliance with the approved conditions.

(5) *No Parking as an Accessory Use Unless a Permitted Use Is in Force.* A parking area may be permitted or required in any zone as an accessory use to a principal permitted or conditional use located on the same lot or parcel. However, no accessory parking use is permitted in any residential zone unless it serves a principal use that is located on the same parcel.

(6) *Fractional calculations.* When calculating required parking, round any fractional result up to the nearest whole number.

14.44.020 Nonconforming Facilities

A use of property that, on the effective date of this Chapter or any subsequent amendment, is nonconforming solely with respect to off-street parking requirements may continue as if the parking facilities were conforming. However, such existing parking facilities may not be reduced or altered unless brought into compliance with the requirements of this Chapter.

14.44.030 Reduction in Off-Street Parking Requirements

(1) *Previous Agreements.* Transportation Demand Management (TDM) program agreements recorded between property owners and Provo City governing the provision of parking on subject lots prior to August 11, 2026, remain in effect pursuant to the terms of the agreements and are subject to the provisions of this Section.

(2) *Noncompliance with TDM Agreements.* For property where a TDM exists, failure by the property owner to abide by the agreement is unlawful. In addition to other legal remedies available to the City, a determination by the Planning Commission, after a duly noticed hearing, that the owner has violated the agreement, means that any parking reduction allowed as the result of the TDM program is no longer allowed for that property and the property must meet the parking requirements otherwise required by Provo City Code at the time of project approval.

(3) *Reduction for Affordable Housing.* When a multifamily or apartment development project receives public funding that requires affordable housing for a target population for at least 30 years, and the developer enters into an agreement with Provo City that restricts occupancy to prohibit unrelated individuals from sharing a unit, the required off-street parking for three- and four-bedroom units may be reduced by one space per unit below the amount otherwise required. These developments must also provide 0.25 visitor parking spaces per unit, regardless of the street type serving the project. The occupancy agreement must include the following provisions:

> (a) The project must be designed so that landscaped areas may be converted into parking spaces that comply with this Subsection if the City determines that the initial parking is inadequate. Parking is “inadequate” when the number of vehicles parked on-site exceeds by ten percent the number of approved parking spaces, as shown on an approved project plan, during four out of any seven days.
>
> (b) The area that would otherwise be used for parking, if not for this exception, must be landscaped according to City standards and must include at least one playground with a reasonable amount of equipment.
>
> (c) If the City determines that parking is inadequate under Subsection (a), the developer must install enough parking spaces to remedy the inadequacy found.

(d) If the developer fails to provide the additional parking required under Subsection (c), the developer will be in breach of the agreement, and the city may revoke the rental dwelling license for the property.

(e) A property manager must be locally available to enforce the agreement's provisions.

(f) The agreement must include binding community rules addressing occupancy limits, parking, any other restrictions, and enforcement procedures. These rules must be posted conspicuously on the premises.

(4) *Joint Use.* The Planning Commission may, upon application by the property owner or lessee, authorize joint use of parking facilities as specified in this Subsection. Up to 50% of the parking required for a use that primarily operates at night may be provided by the parking facilities of a use that primarily operates during the day, if:

(a) The parking areas for both uses are contiguous; and

(b) An agreement between the property owners is recorded with the City.

14.44.040 Required Improvement and Maintenance

(1) Except as otherwise provided in this Title, every lot or portion of a lot used as a public or private parking area must be surfaced with asphalt, concrete, pavers, gravel stabilized with a grid system, "grasscrete", or a similar material approved by the Development Services Director. The surface must be maintained to prevent dust and mud, and must be sealed, resurfaced, graded, and drained to dispose of or infiltrate all surface water. Surface water may not cross a public sidewalk.

(2) *Surfacing Standards.* Plans must include a pavement cross-section drawing and support a vehicle weighing at least 75,000 pounds.

(a) *Asphalt.* When asphalt is used, the pavement must consist of at least two inches of asphalt over six inches of road base. For parking areas with more than 40 spaces, the pavement must consist of at least three inches of asphalt over eight inches of road base.

(b) *Concrete.* When concrete is used, the pavement must be at least six inches thick.

(c) *Gravel.* When gravel is used, stones must be at least three-quarters of an inch in diameter and secured with a paver grid to prevent tracking and outflow.

(3) *Accessible Surfaces.* Accessible parking spaces and walkways must be constructed using asphalt, concrete, or brick pavers.

(4) *Wheel Stops and Curbing.* Except for single-family residential properties, all public and private parking areas must include wheel stops or curbing approved by the Planning Commission or its designee.

(a) Wheel stops or curbing must prevent vehicles from extending over property lines, sidewalks, or landscaped areas.

(b) Curbing must be maintained in a functional and safe condition.

(5) *Striping.* Except for single-family residential properties, public and private parking areas must be striped before use to clearly mark required parking spaces. Striping must be maintained in a functional condition, with lines at least three inches wide painted in white or yellow with paint intended for that purpose.

(6) *Visitor Parking Identification.* Where visitor parking is required, each visitor space must be clearly identified by signage or curb/pavement markings that read “Visitor Parking Only.”

(a) The signage or markings must be legible and routinely maintained.

(b) The property owner must enforce the visitor parking requirements of this Title.

(7) *Driveway Grades.* Driveways serving public or private parking lots may not exceed a grade of 15%.

14.44.050 Location Standards

The following general provisions apply to off-street parking requirements in this Chapter:

(1) *Location.* Off-street parking facilities must be located as follows:

(a) For one-family, duplex, and multifamily dwellings, required parking must be located on the same lot as the building it serves.

(b) For all other uses, including commercial uses, required parking must be located on the same lot or on an abutting lot.

(c) Required parking may not be located across a public street or with an intervening property, except by conditional use permit approved by the Planning Commission pursuant to this Subsection (c).

(i) Application may only be made for an exception under this subsection if:

(A) the proposed off-street parking:

(I) is located such that the nearest property line of the parking lot is within 400 feet of the nearest property line of the lot containing the land use activity it serves, measured along the shortest pedestrian route; or

(II) is located on a lot in any DT zone that is located within the area bounded by University Avenue, 200 South, 300 West, and 200 North, in which case the parking must be within 800 feet of the building it serves, measured along the shortest pedestrian route; and

(B) In cases where the parking lot is across the street from the use it serves, the parking lot is within 200 feet of a regulated intersection or approved crosswalk in the direction of pedestrian traffic;

(ii) An applicant for an exception under this Subsection must:

(A) at their own expense, submit a report from a qualified Traffic Engineer assessing probable vehicular and pedestrian impacts from the off-site parking lot and including any safety mitigation recommendations;

(B) assume full responsibility for the parking lot, including costs for any safety-related improvements; and

(C) record a lease with the Utah County Recorder demonstrating the lawful use of the parking area if the owner of the property being served by the parking is not the owner of the lot to be used for parking.

(iii) The Planning Commission will grant the permit if, after staff review, the off-site lot poses no significant traffic safety concerns and complies with all other provisions of this Title;

(d) Off-street parking is not permitted in a required front yard or street side yard with the following exceptions:

(i) Parking spaces for a one-family dwelling, a one-family dwelling with an accessory dwelling unit, or a two-family dwelling may be located on a driveway in a required front yard if:

(A) The driveway leads to the minimum number of required covered off-street parking spaces located behind the required front setback; and

(B) The parking spaces are not located between the street and the dwelling.

(ii) Covered parking requirements are eliminated, and parking may be located on a driveway in the required front yard of a one-family dwelling if:

(A) The dwelling is one story and was originally constructed with 1,000 square feet or less of habitable space on the main level. The Development Services Director or the Director’s designee may approve an exception of up to 10 percent;

(B) All existing side yards are insufficient to provide driveway access to the side or rear yard;

(C) The parking meets the design standards in PCC 14.44.080, without projecting over public sidewalks or pedestrian areas;

(D) The parking on the front yard driveway does not exceed three total spaces;

(E) The parking is not located in front of the primary dwelling entry; and

(F) If created after May 19, 2009, the paved parking and access in the front yard do not violate applicable lot coverage requirements in this Title.

(2) *Mixed Occupancies in a Building.* For buildings or lots with mixed uses, the total off-street parking requirement is the sum of the parking requirements for each use, calculated separately. Off-street parking provided for one use may not be counted toward the required parking for another use, except as allowed under joint use provisions in Section 14.44.030.

14.44.060 Parking Spaces Required

Except as otherwise provided in this Title, the required number of off-street parking spaces for each use is as follows:

Land Use Type	**Parking Requirement (minimum)**	**Additional Requirement**
Single-family dwelling – detached	3 per unit	4 spaces with ADU present
Single-family dwelling – attached (townhome)	2 per unit	Visitor parking: .5 additional spaces per unit
Multi-family / Apartment / Condo	*Studio / One-bedroom:* 1.5 per unit	
	Two-bedroom: 2.25 per unit	
	Three-bedroom: 2.5 per unit	
	Four-bedroom: 4 per unit	
Group Quarters	1 per room	Visitor parking: 1 additional space per 10 rooms
Baching Apartments	1 per tenant	
Short Term Lodging	1 per guest room	
Residential Care Facilities	1 space per 3 beds	
Mobile Home Park	2 spaces per home	See PCC 14.20 for additional regulations

Manufacturing	1 per 400 sq. ft. net floor area	
Retail	1 per 250 sq. ft. net floor area	
Eating Places	1 per 100 sq. ft. net floor area	Drive-thru: 6 stacking spaces per window
Professional Services	1 per 300 sq. ft. net floor area	
Funeral Home	1 per 50 sq. ft. assembly area	
Warehousing / Storage	1 per 800 sq. ft. net floor area	
Business Services	1 per 250 sq. ft. net floor area	
Personal Services	1 per 300 sq. ft. net floor area	
Repair Services	1 per 300 sq. ft. net floor area	
Government	1 per 200 sq. ft. gross floor area	
Education	*Elementary:* 1 per 200 sq. ft. net floor area	
	High School / Trade: 3 per room plus 1 per 4 students	
	Other: 1 per 200 sq. ft. classroom space	Daycare: See PCC 14.02.045
	University: 1 per office plus 1 per 3 students	
Religious Activities	1 per 100 sq. ft. net floor area	
Cultural / Recreational	1 per 4 persons based on maximum occupancy	

14.44.065 Bicycle Parking Spaces Required

Except as otherwise provided in this Title, the required minimum number of bicycle parking spaces for both covered and uncovered facilities for each land use is as follows:

Land Use Type	**Required Covered Facilities**	**Required Uncovered Facilities**
Residential		
Single-family dwelling / Two-family dwelling	No spaces required	No spaces required
Multi-Family / Apartment / Condo		
(a) With private garage	No spaces required	2 spaces
(b) Without private garage	1 space per unit	2 spaces
(c) Senior housing	2 spaces	2 spaces
Cultural / Recreational		
Nonassembly cultural (library, government, etc.)	1 space per 10 employees	1 space per 10,000 sq. ft. of floor area
Assembly (churches, theaters, stadiums, etc.)	1 space per 20 employees	2% of maximum occupancy
Parks	No spaces required	0.5 spaces per acre
Healthcare	1 space per 20 employees	1 space per 20,000 sq. ft. of floor area
Education		
(a) Day care centers (12+ children)	1 space per 20 employees	1 space per 20 children
(b) Nursery school, kindergarten, and elementary (grades 1-3)	1 space per 10 employees	1 space per 20 students

(c) Elementary school (grades 4-6), middle school, high school	1 space per 10 employees plus 1 space per 20 students	1 space per 20 students
(d) College and University	1 space per 10 employees plus 1 space per 10 students	1 space per 10 students
Transit Stations		
Rail station, bus terminal, airport	5% of projected a.m. peak period daily use	1.5% of projected a.m. peak period daily use
Retail		
Grocery	1 space per 12,000 sq. ft. of floor area	1 space per 2,000 sq. ft. of floor area
General Retail	1 space per 12,000 sq. ft. of floor area	1 space per 5,000 sq. ft. of floor area
Office		
All office uses	1 space per 10,000 sq. ft. of floor area	1 space per 20,000 sq. ft. of floor area
Auto Related		
Automotive sales, rental, service, repair, and cleaning	1 space per 12,000 sq. ft. of floor area	1 space per 20,000 sq. ft. of floor area
Parking lots / public garages	1 space per 20 automobile spaces	1 per 20 automobile spaces, except for unattended surface lots
Industrial / Manufacturing		
Manufacturing and production	1 space per 15,000 sq. ft. of floor area	As prescribed by Development Services Director

14.44.070 Parking Requirements for Uses Not Specified

The Development Services Director will determine the parking requirements for land uses not specified in this Chapter. The determination will be based on the parking requirements for the most comparable specified use.

14.44.080 Parking Design Standards

All off-street parking facilities must comply with Table 14.44.080-1, as shown at the end of this Section, and with the following design standards, except as otherwise provided in Subsection (14) of this Section:

(1) *Minimum dimensions.* All parking spaces must meet the minimum dimensions indicated in Table 14.44.080-1. The City Engineer may approve parking angles and set minimum dimensions for angles not listed in the table.

(2) *Garage or carport dimensions.* Garages and carports used to meet parking requirements must provide:

(a) A minimum interior unobstructed width and length of 20 feet for two parking spaces; or

(b) A minimum interior unobstructed width of 10 feet and length of 20 feet for one parking space.

(3) *Backing space.* Parking areas with four or more spaces must provide backing space so vehicles do not back into a public street or alley. Public sidewalks may not be used as backing space.

(4) *Acute angle parking.* Parking between one and 89 degrees must be designed for one-way traffic only.

(5) *One-way parking exits.* Separate exits are required for acute angle and one-way parallel parking lots with four or more spaces.

(6) *Driveway width for fewer than four spaces.* Driveways serving fewer than four parking spaces must be at least 12 feet wide and provide paved access to a public street.

(7) *Driveway width in certain residential zones.* In A1, RA, R1, VLDR, LDR, and NMU zones, driveways serving four or more spaces must be a minimum of:

(a) 12 feet wide for one-way traffic; or

(b) 16 feet wide for two-way traffic.

(8) *Driveway width in other zones.* In all other residential, commercial, professional office, public facility, and industrial zones, driveways serving four or more spaces must be a minimum of:

(a) 12 feet wide for one-way traffic; and

(b) 20 feet wide for two-way traffic.

(9) *Exclusive use.* Required parking for a residential development may not be rented, leased, or otherwise counted towards the requirements of any other unit or development.

(10) *Dead-end aisles.* A hammerhead or equivalent backup area must be provided at the end of any dead-end parking aisle.

(11) *Sub-grade structures.* The average grade of sub-grade parking structures may not exceed 15% from the property line to the finished floor, to ensure safe and accessible parking year-round.

(12) *Parking Structures.* In parking structures, the dimensions in Table 14.44.080-1 are modified as follows:

(a) Parking located adjacent to a wall must be one foot wider to allow door clearance and vehicle maneuverability;

(b) Parking located adjacent to a column must be one foot wider, unless the column is within four feet of the front or back of the stall;

(c) Corner stalls adjacent to a parking row must be two feet wider;

(d) Stall width must be measured as the clear width from inside column to inside column;

(e) Backup areas must be a minimum of 26 feet from supporting column to supporting column;

(f) All parking spaces must be free of obstructions; and

(g) The Development Services Director may reduce the requirements of this Subsection if:

(i) Individual circumstances make meeting the standard infeasible or unreasonable; and

(ii) The reduction does not create a health or safety hazard.

(13) *Reductions for nonconforming one-family dwellings.*

(a) The standards in Subsections (1) through (12) may be reduced for a nonconforming one-family detached dwelling, or one constructed on a nonconforming lot, in order to expand the dwelling or establish an accessory apartment, provided:

(i) The standard for an existing driveway, garage, carport, or parking area cannot reasonably be met without substantially altering a landscaped yard, the design of an existing improvement, or other dwelling feature;

(ii) The reduced design standard is equal to the greater of:

(A) The standard in effect when the dwelling was constructed; or
(B) The standard to which the existing improvement was constructed; and

(iii) The property is:

(A) Located within the Dixon, Franklin, Joaquin, Maeser, or Timp Neighborhoods as shown on the Official Neighborhood Map referenced in PCC 2.29.010(1); and
(B) Not located in an RA, R1.20, R1.15, or R1.10 zone.

(b) A property owner for a property described in (13)(a)(iii) who is adversely affected by a decision made under this Subsection may request a variance or appeal the decision to the Board of Adjustment as provided in PCC 14.04.

(c) A reduction for a new driveway, garage, carport, or parking area (other than a replacement for an existing improvement as provided in Subsection (13)(b) may only be granted by variance approved by the Board of Adjustment under PCC 14.04.

TABLE 14.44.080 - 1

x°	Stall Width a	Stall Depth b	Aisle Width c
90°	8'-6" 9'-0"	18'-0" 18'-0"	24'-0" 23'-0"
60°	8'-6" 9'-0"	18'-0" 17'-0"	18'-0" 17'-0"
45°	8'-6" 9'-0"	18'-8" 19'-1"	12'-0" 11'-0"
30°	8'-6" 9'-0"	16'-6" 16'-10"	12'-0" 11'-0"
0°	8'-6" 9'-0"	22'-0" 22'-0"	18'-0" 16'-0"

14.44.085 Bicycle Parking Design Standards

All off-street bicycle parking facilities must comply with the following design standards. Developers are encouraged to refer to the Association of Pedestrian and Bicycle Professionals' *Essentials of Bike Parking* guide for best practices in selecting bicycle parking facilities.

(1) *Uncovered bicycle parking.* Uncovered bicycle parking serves trips lasting less than two hours, such as errands or short visits. The following standards apply:

(a) Uncovered racks may be placed on sidewalks, in front of stores, or within parking structures, but must not obstruct pedestrian movement, block doorways, or interfere with ADA accessibility;

(b) Racks must be located no more than 50 feet from the primary entrance of the building served;

(c) Only the following rack types (shown in Figures 1-4 below) are permitted unless otherwise approved by the Development Services Department:

(i) Bike docks;

(ii) Inverted U racks;

(iii) Post and ring racks; and

(iv) Stadium racks or bike corrals;

(d) Racks must be spaced at least 36 inches from any fixed object, including other bike racks, and at least 24 inches from the curb, to ensure ease of use;

(e) Whenever feasible, racks should be weather-protected by locating them under existing structures; and

(f) All racks must be securely anchored to the ground by:

(i) Embedding them below grade in concrete; or

(ii) Using concrete spikes, concrete wedge anchors, or similar methods to mount them into concrete, asphalt, pavers, or other hard surfaces.

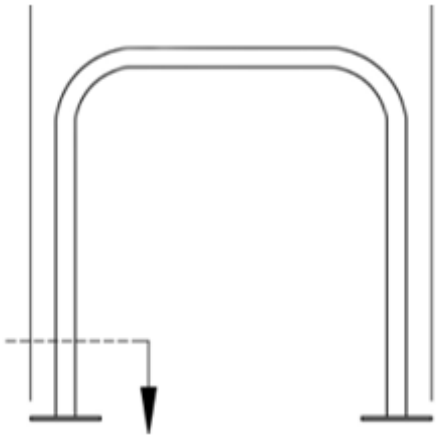


Figure 1. Bike Dock

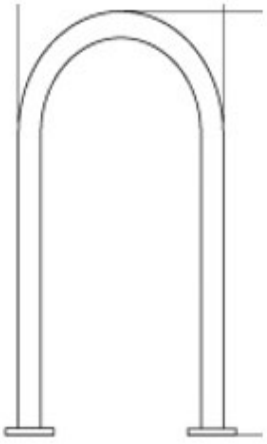


Figure 2. Inverted U Rack

Figure 3. Post and Ring Rack

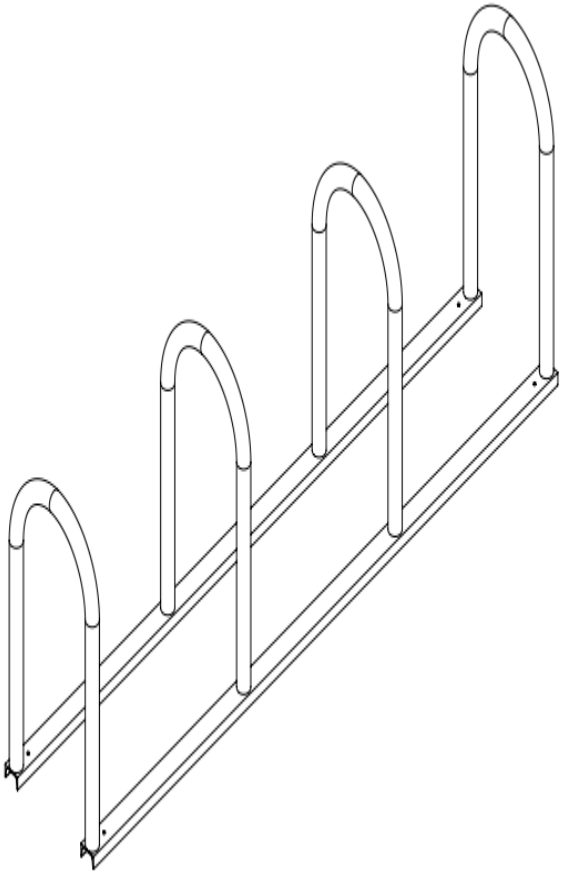


Figure 4. Bike Corral or Stadium Rack

(2) *Covered bicycle parking.* Covered bicycle parking provides storage for trips longer than two hours, including all-day commuter use and overnight stays. The following standards apply:

(a) Covered bicycle facilities must protect the entire bicycle from theft and inclement weather, including snow and wind-driven rain;

(b) Only the following facilities qualify as covered bicycle parking:

(i) Bike rooms;

(ii) Dedicated bicycle parking areas; and

(iii) Bicycle lockers;

(c) All racks must be spaced at least 36 inches from any fixed object, including other bike racks, to ensure easy loading and unloading; and

(d) Covered bicycle facilities must be located on the ground level, in an elevator-accessible area, or within a ramped garage. Users may not be required to carry bicycles over stairs to access covered parking.

14.44.090 Disabled Parking Spaces

(1) *General requirement.* Structures required by the International Building Code to provide accessibility features must also provide off-street parking for individuals with disabilities, as outlined in this Section. These requirements represent minimum standards and may be increased or modified by the Planning Commission for good cause.

(2) *Required number of accessible spaces.* The number of accessible parking spaces must meet or exceed the following:

Total Number of Parking Spaces in Lot or Garage	**Required Accessible Spaces**
1–25	1
26–50	2
51–75	3
76–100	4
101–150	5
151–200	6
201–300	7
301–400	8

Total Number of Parking Spaces in Lot or Garage	Required Accessible Spaces
401–500	9
501–999	2% of total spaces
1,000 or more	20 spaces plus 1 for every 100 spaces (or fraction thereof) over 1,000

(3) *Identification.* Accessible parking spaces must be set aside and clearly marked with signage meeting the requirements of UCA 41-1a-414, as amended, indicating that they are reserved for individuals with physical disabilities.

(4) *Location and dimensions.* Accessible parking spaces must:

(a) Be at least 8.5 feet wide; and

(b) Be located as close as practicable to the main public or primary entrance of the building served, or centrally located in shared parking lots serving multiple buildings.

(5) *Passenger loading zones.*

(a) Each accessible space must include a protected passenger loading zone at least five feet wide on one side of the space, with direct access to a hard-surfaced walkway by level surface or curbed ramp.

(b) One van-accessible space must be provided for every eight accessible spaces required. Each van-accessible space must include a protected passenger loading zone at least eight feet wide on one side of the space, with direct access to a hard-surfaced walkway by level surface or curbed ramp.

(6) *Marking requirements.* The loading zone must be clearly marked using colored diagonal striping that is four inches wide and spaced six inches apart, painted over the finished surface of the loading area.

Chapter 14.45
TEMPORARY USES

Sections:

14.45.010 Purpose and Objectives.
14.45.020 Permitted Temporary Uses.
14.45.030 Prior Approval Required.

14.45.040 Standards and Requirements.
14.45.050 Administrative Approval.
14.45.060 Revocation of Permit.
14.45.070 Business License Required.
14.45.080 Fees.

14.45.010 Purpose and Objectives

The purpose of this Chapter is to accommodate land uses or structures that are temporary in nature and not listed as permitted or conditional uses in any zone. These uses require specific conditions to protect adjacent properties and to safeguard the health, safety, and welfare of Provo residents. Any building or structure that is not explicitly classified as temporary under this Chapter is considered a permanent land use and must comply with all applicable building, health, fire, zoning, and related codes.

14.45.020 Permitted Temporary Uses

(1) *Zones.* Temporary uses are limited to the following zones: PF, SC1, SC2, SC3, DT1, DT2, GW, FC1, FC2, FC3, TOD, CG, CM, M1, and M2.

(2) The following uses allowed on a temporary basis under this Chapter are as follows:

(a) carnivals;

(b) circuses;

(c) fireworks stands and displays, subject to Subsection (6);

(d) Christmas tree lots, subject to Subsection (5);

(e) shaved ice stands;

(f) farmers markets, subject to Subsection (4);

(g) promotional sales and displays;

(h) garage sales (except as exempted in Subsection (3);

(i) tents for religious services;

(j) political rallies; and

(k) campaign headquarters.

(3) *Garage Sales.* A temporary use permit is not required for a garage sale, provided the sale:

(a) Does not operate for more than five days in any calendar year;

(b) Is conducted by bona fide residents of the premises;

(c) Offers only the personal belongings of the residents; and

(d) Goods are not placed on a public sidewalk or in a public right-of-way.

(4) *Farmers Market.* Farmers market operators must obtain a temporary use permit under this Chapter. The applicant must:

(a) Pay the applicable fee; and

(b) Submit a site plan that:

(i) Identifies the number and type of vendors;

(ii) Provides a signage plan for the proposed uses;

(iii) Shows the parking layout; and

(iv) Designates vehicular access points.

(5) *Christmas Tree Sales*. A permit must be obtained in accordance with the requirements of this Chapter.

(a) A permit may only allow tree sales from the day before Thanksgiving through December 25 of the same year.

(b) The fee for this permit is in lieu of a business license fee and is listed in the Consolidated Fee Schedule adopted by the Municipal Council. However, no permit fee is required if the applicant:

(i) Holds a current business license for which the applicable fee has been paid;

(ii) Complies with all other provisions of this Chapter, excluding the permit fee;

(iii) Provides documentation showing that the trees for sale were lawfully cut and are owned by the applicant; and

(iv) Sells trees as a secondary activity to a principal commercial use.

(6) *Fireworks.* Fireworks stands and fireworks displays are prohibited unless a permit is obtained from the Fire Department in accordance with that Department's rules and regulations.

14.45.030 Prior Approval Required

Unless otherwise provided in Section 14.45.020, before establishing any temporary use, the applicant must obtain a temporary use permit from Provo City. The application must comply with the requirements of PCC 14.45.040 and be submitted by the property owner, an authorized agent, or the applicant for the temporary use. Provo City will grant a permit only if the applicant shows to the City's satisfaction that:

(1) The proposed use will not create detrimental effects on adjacent properties and is generally compatible with surrounding uses;

(2) The proposed use will not create excessive traffic hazards on adjacent streets, and any required traffic control will be provided at the applicant's expense; and

(3) The applicant has adequate liability insurance for the proposed use or event.

14.45.040 Standards and Requirements

A temporary use established under this Chapter must comply with the following standards and requirements:

(1) *Duration.* A temporary use may operate for a maximum of thirty days per calendar year, except:

(a) Shaved ice stands may operate from April 1 through October 31; and

(b) Farmers markets may operate from May 1 through October 31.

(2) *Water and Sewer Service.* Except as provided in this subsection, any structure that requires sanitary facilities under building, fire, health, or other applicable codes must provide the required sanitary facilities by means of independent water and sewer service. However, sanitary facilities may be provided by a host structure, under the following conditions:

(a) There is no indoor seating for patrons in the temporary structure;

(b) The applicant provides written evidence that a host structure will make permanent sanitary facilities available for employees or customers, that such facilities are within 300 feet of the structure, and that they are accessible during all operating hours; and

(c) The applicant submits written evidence from the City/County Health Department showing that:

(i) All food will be prepared and delivered from an approved commissary; and

(ii) All waste from the use will be properly disposed of.

(3) *Parking.* A minimum of two parking spaces is required. Additional parking may be required as reasonable but may not reduce the amount of parking already required for other uses on the site. All parking must comply with the off-street parking standards in PCC 14.44.

(4) *Site Plan.* The layout of the proposed use must be compatible with access, parking, circulation, and other key elements of any existing use or structure on the site.

(5) *Anchoring.* All structures must be securely anchored to the ground as directed by the Chief Building Official. This must consist of no fewer than four anchor points.

(6) *Property Owner Permission.* The applicant must secure the right to occupy the site through a written agreement with the property owner and any host structure owner.

(a) The agreement must address employee restroom access, maintenance responsibilities, and site restoration upon the end of the temporary use.

(b) A copy of this agreement must be included in the application.

(7) *Expiration.* Each temporary use permit must include an expiration date based on the nature of the use.

(a) No temporary use may be approved for more than 30 days, except for farmers markets and shaved ice stands.
(b) All temporary structures must be removed within 15 days after the temporary use ends or the permit expires, whichever comes first.

(8) *Bonding.* The property owner or responsible party must provide a cash bond to restore the site to its original condition, including cleanup, facility replacement, and removal of all structures, in the following amounts:

(a) Circuses, carnivals, or similar uses: $1,000.

(b) All other temporary uses: $300.

14.45.050 Administrative Approval

A temporary use that meets the requirements of this Chapter must be approved. A use that does not meet these requirements must be denied, unless the City determines that the use can be made compatible through specific conditions. Conditions may include limitations on hours of operation or other measures necessary to prevent harm to persons or property.

14.45.060 Revocation of Permit

The City may revoke a temporary use permit if the applicant or use violates any provision of this Chapter or any condition of the permit.

14.45.070 Business License Required

A temporary use permit is not a business license and does not relieve the permit holder of any other licensing requirements imposed by the city or any other public agency.

14.45.080 Fees

Applicants must pay a fee as listed in the Consolidated Fee Schedule adopted by the Municipal Council.

Chapter 14.46
NONCONFORMITIES

Sections:

14.46.010 Purpose and Objectives.
14.46.020 Definitions.
14.46.030 Nonconformities Generally.
14.46.040 Nonconforming Uses.
14.46.050 Nonconforming Structures.
14.46.060 Nonconforming Lots.
14.46.070 Other Nonconformities.
14.46.080 Reconstruction or Restoration.
14.46.090 Nonconformities Resulting from Public Action.
14.46.100 Termination of Nonconforming Uses and Noncomplying Structures.
14.46.110 Abandonment of Nonconforming Use.

14.46.120 Determination of Nonconforming Status – Effect of Determination.
14.46.130 Residential Structures Originally Constructed as a One-family Dwelling - Status Determination.
14.46.140 Multiple-Family Dwellings and Apartment Complexes Constructed Prior to 1974 - Status Determination.
14.46.150 Billboards Exempt.
14.46.160 Appeals.

14.46.010 Purpose and Objectives

The purpose of this Chapter is to regulate legal nonconformities, as defined in this Chapter. This Chapter aims to balance the interests of property owners with the City's goal of limiting the expansion or unreasonable continuation of legal nonconformities.

14.46.020 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

"Noncomplying structure" has the meaning defined in UCA 10-20-102, as amended;

"Nonconforming lot" means a lot that:

(a) does not comply with the applicable requirements of this Title; and

(b) legally existed before the enactment of the requirements with which it does not comply.

"Nonconforming use" has the meaning defined in UCA 10-20-102, as amended;

"Nonconformity" means any noncomplying structure, nonconforming use, nonconforming lot, or other nonconforming circumstance; and

"Other nonconforming circumstance" means any other circumstance that:

(a) does not comply with the applicable requirements of this Title; and

(b) legally existed before the enactment of the requirements with which it does not comply.

14.46.030 Nonconformities Generally

(1) *Scope.* The provisions of this Chapter apply to all nonconformities in the City, regardless of when the nonconformity was established.

(2) *Exclusions.* Any nonconformity must have legally existed prior to the enactment of the requirement of this Title or land use designation with which it does not comply in order to qualify as a nonconformity. Any structure, use, lot, or other circumstances that

does not meet this requirement is not a nonconformity. Such structure, use, lot, or other circumstance is unlawful and must be terminated immediately.

(3) *Continuation.* Except as otherwise provided in this Chapter, a nonconformity may be continued by the present or a future property owner.

(4) *Limitations.* A nonconformity may not be established, restored, reconstructed, extended, altered, expanded, substituted, moved, or modified, except as expressly permitted in this Chapter or as required by law.

(5) *Changes in nonconformity.* A nonconformity may may be modified to bring it into compliance with this Title. If a nonconforming use is changed to a less intensive nonconforming use, it may not be changed back to the prior, or any other, more intensive nonconforming use. If a nonconformity is changed to comply with this Title, it may not later be changed to the prior, or any other, nonconformity.

14.46.040 Nonconforming Uses

(1) A nonconforming use may be extended through the same building, but only if no structural alteration of the building is proposed or made for the purpose of the extension.

(2) A complying structure containing a nonconforming use may not be moved unless the use complies with the zoning regulations of the district into which it is moved. Before moving such a structure, the applicant must submit an application and complete the procedures described in PCC 14.48.

(3) See PCC Section 14.46.080 regarding restoration or reconstruction of a structure where a nonconforming use is located.

14.46.050 Noncomplying Structures

(1) *Maintenance.* A noncomplying structure must be maintained. Repairs and structural alterations are allowed only within the existing footprint. Repairs and structural alterations may not increase the degree of noncompliance.

(2) *Expansion.* Expansion of a noncomplying structure that increases the degree of noncompliance is prohibited, except as provided in this Subsection or as required by law.

> (a) A one-family dwelling that is noncomplying only as to height, area, or yard regulations may be enlarged, but only if the addition complies with all other applicable requirements of this Title.

(b) A one-family dwelling that does not comply with side yard requirements but has a minimum side yard of at least three feet may be extended along the same noncomplying building line for up to one-half the length of the existing dwelling. The extension may only be for the purpose of enlarging and maintaining the existing dwelling unit and must comply with all other requirements of the applicable zone.

(3) *Relocation.* A noncomplying structure relocated within the city must fully comply with this Title, including the procedures in PCC 14.48.

(4) *Reconstruction.* See PCC Section 14.46.080 regarding reconstruction or restoration of a noncomplying structure.

14.46.060 Nonconforming Lots

(1) *New Construction.* New construction of a structure is permitted on a nonconforming lot that is nonconforming only as to area, frontage, or width, but only if the structure complies with all other requirements of this Title and other applicable codes, and the structure is:

(a) a new dwelling constructed in a residential zone; or

(b) a new building in a nonresidential zone.

(2) *Expansion.* If a nonconforming lot does not contain any other nonconformity, the owner may continue its legal use and may expand a complying structure on the lot, but only if the expansion complies with applicable requirements of this Title.

(3) *Accessory Structures.* An accessory building customarily incidental to a principal structure may be constructed on a nonconforming lot, but only if the accessory building and its location meet all other applicable building and zoning requirements, and the principal structure is:

(a) an already existing complying structure; or

(b) developed together with the accessory building and is permitted under Subsection (1).

14.46.070 Other Nonconformities

(1) This Section applies to any other nonconforming circumstance, including but not limited to: fence height or location; lack of required buffers or screening; insufficient or missing landscaping; inadequate or missing off-street parking; and similar circumstances. The degree of such other nonconforming circumstance may not be increased.

(2) Except as provided in Subsection (3), any other nonconforming circumstance may not continue and must be brought into compliance if any of the following occur:

(a) An expansion of a structure that increases the floor area of the premises by more than 30%;

(b) A series of expansions of a structure over time that, in total, increase the floor area by more than 30% of the original premises; or

(c) For lots in commercial or industrial zones, a change in use that requires a new certificate of occupancy.

(3) *Exempt Zones.* This Section does not apply to properties located in the DT1, DT2, or TOD zones.

14.46.080 Reconstruction or Restoration

(1) Except as provided in Subsection (3):

(a) a nonconforming use within a structure must be terminated; and

(b) a noncomplying structure may not be reconstructed or restored.

(2) Subsection (1) applies where:

(a) the structure or use has been abandoned as defined in this chapter;

(b) the property owner has voluntarily demolished a majority of the structure; or

(c) the structure is allowed to deteriorate to a condition that renders the structure uninhabitable and:

(i) the City has served written notice that the structure is uninhabitable and the noncomplying structure or nonconforming use will be lost if repair or restoration is not completed within six months; and

(ii) repair or restoration is not completed within six months after the day on which the notice was served on the property owner.

(3) A nonconforming use or noncomplying structure that is involuntarily destroyed in whole or in part due to fire or other calamity may be continued, reconstructed, or restored so long as restoration is complete within one year of the event.

14.46.090 Noncompliance Resulting from Public Action

When the area or yard setbacks of a legally established lot are reduced due to a conveyance of land to a federal, state, or local government for a public purpose, the lot and its yards are deemed to comply with the minimum lot size and yard setback standards of this Title. No variance is required and no nonconformity is created.

14.46.100 Termination of Nonconforming Uses and Noncomplying Structures

(1) A nonconforming use that is abandoned is unlawful and must be terminated.

(2) See PCC 14.46.080 regarding reconstruction or restoration of certain structures and the termination of nonconforming uses within them.

(3) The nonconforming status of a school district or charter school use or structure is terminated if the property is not used for school district or charter school purposes for more than twelve months.

14.46.110 Abandonment of Nonconforming Use

(1) *Burden of Proof.* Any party claiming that a nonconforming use has been abandoned bears the burden of proving the abandonment.

(2) *Presumption of Abandonment.* Abandonment of a nonconforming use may be presumed if:

(a) a majority of the primary structure associated with the nonconforming use is voluntarily demolished without a prior written agreement with the City regarding continuation of the use;

(b) the use has been discontinued for at least one year; or

(c) the primary structure associated with the nonconforming use remains vacant for at least one year.

(3) *Rebutting Presumption of Abandonment.* A property owner may rebut the presumption of abandonment under Subsection (2) but bears the burden of proving that abandonment has not occurred.

14.46.120 Determination of Nonconformity – Effect of Determination

(1) *Procedure.* The Zoning Administrator, or the Administrator's designee, determines whether a nonconformity exists, has been expanded, or has been modified, as follows:

(a) A property owner or the owner's designee may request a determination of nonconformity by applying for Zone Verification with the Development Services Department. The Zoning Administrator will review the factual and legal history of the property and issue a written determination.

(b) Notice of the determination will be provided to the property owner.

(c) If, within ten days after mailing the notice, the Zoning Administrator receives information that may affect the validity of the determination, the Administrator may issue an amended determination. Notice of the amended determination must be given in the same manner as in Subsection (b).

(d) The notice must include a statement that the determination may be appealed to the Board of Adjustment as provided in PCC 14.04 and must state the deadline for filing an appeal.

(2) *Burden of Proof.* The property owner bears the burden of proving by substantial evidence that a nonconformity was established.

(a) "Substantial evidence" means evidence that:

(i) is beyond a scintilla; and

(ii) a reasonable mind would accept as adequate to support a conclusion.

(b) Evidence that may be used to establish legal status includes, but is not limited to:

(i) the date the condition was created;

(ii) applicable zoning, building, or other code provisions in effect at the time of creation;

(iii) authorizing documentation, such as building permits, correspondence, or official minutes showing discussion or approval of the condition;

(iv) property inspection reports showing the degree of compliance with applicable codes at the time of creation; and

(v) affidavits from individuals with personal knowledge of the condition's creation.

(c) If a land use ordinance was in effect at the time the condition was created and it did not permit the condition, that fact is prima facie evidence that the condition was not legally established.

(d) The fact that a lot, structure, use, or other circumstance has existed or been used for an extended period does not establish legal status if it was not legally established under applicable ordinances at the time.

(3) *Abatement or Compliance.* If the property owner does not demonstrate that the noncompliant condition was legally established, it is deemed illegal and must be abated or brought into compliance with this Title.

(a) Abatement or compliance must be completed within 30 days, unless the necessary work cannot reasonably be completed within that time.

(b) If abatement or compliance cannot reasonably be completed within 30 days, the property owner must enter into a binding agreement with the City to follow a schedule that achieves compliance as soon as reasonably practicable, and no later than six months from the date of the agreement.

14.46.130 Residential Structures Originally Constructed as a One-family Dwelling - Status Determination

(1) *Purpose.* In addition to the other provisions of this Chapter, this Section establishes the process for determining whether a residential structure that was originally built as a one-family dwelling, but is now used for other, nonpermitted purposes, is a nonconforming structure, houses a nonconforming use, or both.

(2) *Building Permit Record.* If building permits were issued to authorize one or more dwelling units in addition to the original unit, and construction was substantially completed under those permits, the permits constitute prima facie evidence that any noncomplying circumstance regarding the structure or the use legally existed at the time it was built, thus creating a nonconformity.

(3) *No Building Permit Record.* If no building permits exist, the determination of nonconforming status must follow the process outlined below. The Zoning Administrator may consider the findings of the inspection by the Chief Building Official, or their designee, in making the determination:

(a) The Chief Building Official, or their designee, must conduct a physical inspection of the premises to determine whether each dwelling unit substantially complies with the zoning and building code requirements in effect when the additional unit was established, including those in PCC 14.46.100.

(i) If substantial compliance is found, the noncomplying condition is deemed legally established.

(ii) If substantial compliance is not found, the noncomplying condition is not deemed legally established and any unlawful elements of the structure or use must be abated or brought into compliance with the applicable zoning and building codes in effect at the time the additional unit was created, except as provided in PCC 14.46.100.

(b) The presence of an interior connection between upper, lower, or adjoining portions of the dwelling creates a presumption that the structure was originally authorized as a single dwelling unit; unless the connection was clearly intended as a vestibule, lobby, or passage between separate units. Evidence supporting legal establishment of multiple units, including the types described in PCC 14.46.120(2)(b), may be submitted to the Zoning Administrator for review.

14.46.140 Multiple-Family Dwellings and Apartment Complexes Constructed Prior to 1974 - Status Determination

(1) *Nonconforming Status.* A project consisting of one or more multiple-family dwellings or apartment buildings constructed before January 1, 1974, and located in a zone where such dwellings or apartments are not currently permitted, is deemed nonconforming if all of the following conditions are met:

(a) the buildings were originally constructed substantially as they currently exist;

(b) the buildings were not originally constructed and occupied as one-family dwellings that were later converted to multiple-family or apartment dwellings;

(c) all apartment units are owned by the same individual, association, firm, partnership, or other legal entity; and

(d) the complex is managed by a property manager or management company located in Provo City.

(2) *Zone Verification.* The owner of an apartment complex that meets the conditions in Subsection (1) may request zoning verification from the Development Services Department.

14.46.150 Nonconforming Billboards

Nonconforming billboards are governed by the applicable provisions of UCA Title 10, Chapter 20, as amended. If those provisions are repealed, nonconforming billboards are subject to the requirements of this Chapter.

14.46.160 Appeals

Any person aggrieved by a decision of the Zoning Administrator or other official enforcing this Chapter may appeal to the Board of Adjustment, as provided in this Title. A person aggrieved by a decision of the Board of Adjustment may appeal to the District Court in accordance with PCC 14.04.050.

Chapter 14.47
SIGNS AND OUTDOOR ADVERTISING

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14.47.160 Definitions Pertaining to Signs.

14.47.170 Off-Premises Signs and Outdoor Advertising Structures (Billboards).

14.47.010 General Requirements

The following general requirements apply to all signs and outdoor advertising structures which may be erected or maintained within the City of Provo.

(1) *Sign Approval.* Except as otherwise provided, it is unlawful and a class C misdemeanor to erect or maintain any sign or outdoor advertising structure without first obtaining a building permit. Permit issuance is based on the requirements of this Title.

(2) *Permits.* Permit applications are reviewed by the Building Inspection Division. All signs must be constructed, and all permits issued, in accordance with the International Building Code. Permit applications must include:

(a) the name of the sign owner and the property owner;

(b) all relevant dates regarding lease expiration or lease option expiration;

(c) the date and cost of sign construction and of any modifications;

(d) the fair market value of the sign as appraised for property tax purposes; and

(e) any other information reasonably required by the Building Division.

(3) *Electronic Display and Animated Signs.* Except as otherwise provided in this Chapter:

(a) all animated signs are prohibited;

(b) on-premises electronic display signs are prohibited in the Downtown Historic District and the A1, RA, R1, VLDR, LDR, MDR, HDR, CR, MU, and NMU zones, but are permitted in other zones;

(c) businesses using electronic display signs are subject to the licensing regulations in PCC 6.06; and

(d) on-premises short hold time electronic display signs are prohibited in all zones, except as provided in PCC 14.47.025.

(4) *Sound or Emissions.* A sign may not emit sound, smoke, or steam.

(5) *Movable Signs, Banners, and A-Frame Signs.* Except as otherwise provided in this Chapter, movable signs, banners, and A-frame signs are prohibited. This includes signs mounted or painted on vehicles or trailers that are parked to advertise a person, place, or thing.

(6) *Canopy Signs.*

(a) Signs on building-attached canopies count toward the total allowable wall sign area for the wall the canopy projects from.

(b) Signs on freestanding canopies count toward the total allowable freestanding sign area for the use.

(7) *Lighting.* See PCC 15.21.

(8) *Violations.* It is unlawful to erect or maintain a sign that violates this Chapter. Signs not explicitly allowed in a zone are prohibited.

(a) If a violation occurs, the Building Division may:

(i) order correction of the defect within a specified time not exceeding 30 days, if the correction brings the sign into compliance; or

(ii) if the violation is not reasonably correctable in such a way that no violation remains, or if the owner has already failed to correct within the specified time, order the sign removed by the sign owner, at the owner's expense, within a specified time not exceeding 30 days.

(b) A sign owner may appeal an order of the Building Division to the Zoning Board of Adjustment, in accordance with the procedures in this Title.

(c) If a sign owner fails or refuses to remove the sign after exhausting administrative remedies, the city may remove the sign. Removal will be at the owner’s expense, and the city may seek judgment for the removal cost, including reasonable attorneys’ fees and costs.

(d) A permit may be revoked and a sign removed under Subsection (8) if the applicant makes a false or misleading statement in the application or renewal.

(9) *Nonconforming Signs.* Requirements of this Chapter that became effective after the installation of a legally existing nonconforming sign do not apply to that sign so long as it is not abandoned or altered. However, any changes to the size, height, or location of such a sign must comply with this Chapter.

14.47.020 Commercial Signs on Premises

Except as provided in the applicable zones or otherwise expressly authorized in this Chapter, a commercial sign is permitted only if it advertises:

(1) ownership, sale, or lease of the property on which the sign is located;

(2) a business conducted on the premises;

(3) services rendered on the premises;

(4) goods produced or sold on the premises; or

(5) another lawful activity conducted on the premises.

14.47.025 On-Premises Short Hold Time Electronic Display Sign Standards

(1) *Permitted Locations.* On-premises short hold time electronic display signs are prohibited in all areas of the City except for properties located in the GW, FC1, FC2, FC3, CG, CM, SC1, SC2, SC3, M1, M2, MP, and PF zones with frontage on the following streets:

(a) University Parkway, from 100 West northwesterly to the city boundary;

(b) North State Street, from Cougar Boulevard (1230 North) northwesterly to 1720 North;

(c) Cougar Boulevard, from Canyon Road (200 East) westward to North State Street;

(d) Freedom Boulevard, from 100 North northward to University Parkway;

(e) 820 North Street, from I-15 eastward to 1350 West;

(f) Draper Lane, from 820 North to 600 South;

(g) University Avenue, from 600 South southward to Lakeview Parkway (1860 South);

(h) 4800 North, from the Provo River to University Avenue;

(i) Towne Centre Boulevard; and

(j) University Avenue, from 4800 North to 5200 North.

(2) *Spacing Along Interstate 15.* Properties described in Subsection (1) that have frontage along Interstate 15 (I-15) may not have any on-premises short hold time electronic display sign located closer than 1,200 feet to another such sign.

(3) *General Requirements.* All on-premises short hold time electronic display signs must:

(a) comply with all applicable provisions of the underlying zone, including the sign regulations in this Chapter;

(b) comply with all requirements in PCC 6.06 regarding minimum hold times and the use of electronic display signs by businesses; and

(c) submit, prior to permit issuance for construction or conversion, a certification from the sign manufacturer stating that the sign can comply with the illumination and brightness standards in PCC 6.06.

14.47.030 Exceptions

The signs described in this Section are exempt from the requirements of this Chapter except for those found in this Section.

(1) *Public Notices.* Signs used exclusively for official notices by a court, public body, or official; signs posted by a public officer performing a duty; or signs posted to provide legal notice.

(2) *Informational Signs.* Directional, warning, or informational signs of a public or semi-public nature, when directed and maintained by an official body or public utility.

(3) *Barber Poles.* Barber poles located on private property that do not exceed six feet in height and do not include advertising copy or messages.

(4) Noncommercial signs used to protect the health, safety, or welfare of the general public.

(5) *Flags.* Official flags, pennants, or insignia of any nation, state, city, or other political entity.

(6) *Temporary Signs.* Temporary signs, provided they are not placed in the public right-of-way or on public property, subject to the following standards:

(a) the sign is not greater than six square feet in residential zones;

(b) the sign is not greater than thirty-two square feet in nonresidential zones;

(c) is limited to one sign per property; and

(d) is not displayed for more than six months in a calendar year.

(7) *Directory Signs.* In all zones where group occupancies in office, commercial, or industrial buildings are allowed, a directory sign may display the names of occupants engaged in professional, business, or industrial uses. The sign must:

(a) be set back at least two feet from the property line;

(b) not exceed twelve feet in height;

(c) not exceed 100 square feet in area; and

(d) not be placed within a clear-vision area of a corner lot, as defined in PCC 14.50.090.

(8) *Construction Project Signs.* A sign may be erected on the property of an active construction project to identify future occupants and project participants (e.g., architects, engineers, contractors). The sign must:

(a) not exceed 32 square feet in residential zones;

(b) not exceed 64 square feet in other zones; and

(c) not exceed twelve feet in height if freestanding.

(9) *On-Site Directional Signs.* Directional signs that assist or manage pedestrian or vehicle traffic may be installed on the relevant property. These signs may not exceed six square feet.

(10) *Church and Quasi-Public Organization Identification Signs.* Churches and quasi-public organizations may erect one sign per premises. These signs:

(a) may not exceed 32 square feet; and

(b) may be mounted on a wall or as a monument sign no greater than five feet in height.

(11) *Bus Bench and Shelter Signs.* One sign may be placed on a bus bench or shelter at each designated transit stop if:

(a) the owner is authorized by the UTA; and

(b) the sign area does not exceed 24 square feet.

(12) *Development Promotional and Directional Signs.* One promotional sign may be placed at each subdivision, planned development, or condominium project with five or more approved lots or units.

(a) *Area.* The maximum area of a promotional sign is:

(i) 64 square feet; plus

(ii) five additional square feet per lot or unit beyond five, up to a total maximum area of 300 square feet.

(b) *Number.* A project with 50 or more approved lots or dwelling units and at least two major access points may have one additional promotional sign, subject to the same area limits.

(c) *Off-Site Signs.* Two off-site directional signs are allowed per development, limited to:

(i) a maximum of 12 square feet each; and

(ii) locations outside the public right-of-way.

(d) *Sign Removal.* All signs under this subsection must be removed:

(i) within 30 days after all lots or units are sold; and

(ii) before the Building Inspector grants final inspection.

(13) *Name Plates.* One name plate or marker up to two square feet is allowed per dwelling to identify the occupant.

14.47.040 Location Standards

All signs and outdoor advertising structures must comply with the location requirements in this Section.

(1) *Fire Escapes.* A sign may not be installed in a way that interferes with the use of any fire escape, exit, or standpipe, or obstructs a required stairway, door, ventilator, or window.

(2) *Traffic Visibility.* No freestanding or projecting sign may be installed in the Clear Vision Area as defined in PCC 14.50.090, unless:

(a) the entire sign is:

(i) located less than three feet or more than eight feet above curb grade; and

(ii) no part of its support structure exceeds one foot in horizontal dimension; or

(b) the sign is located in an area where a building or structure is permitted by the applicable zoning provisions.

(3) *Utility Lines.* A sign must maintain the minimum horizontal and vertical clearance from communication and electrical power lines as required by Utah state law or administrative rules.

(4) *Pedestrian Clearance.* A sign that extends over a public or private walkway must maintain a minimum clearance of ten feet between the walkway surface and the lowest point of the sign or its support structure.

14.47.050 Classification of Signs

Each sign erected or proposed within the City will be classified by the Development Services Department in accordance with the definitions provided in this Chapter. If a sign does not clearly fall within a defined classification, the Department will assign it to the classification that most closely aligns with its design, location, and purpose.

14.47.060 Signs Permitted – Agricultural (A1) and Residential (RA, R1, RM, VLDR, LDR, MDR, and HDR) Zones

Signs permitted in the Agricultural (A1), Residential Agricultural (RA), One-Family Residential (R1), Residential Manufactured Home Park (RM), Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR), and High Density Residential (HDR) zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *A1 Zone (Agricultural).* The signs described in this Subsection are permitted in the A1 Zone.

(a) *Name Plate.* One name plate not exceeding two square feet that displays only the name and address of the occupant.

(b) *Goods Production.* One unlighted sign not exceeding four square feet that identifies the premises as part of a trade organization or as producing goods under a trade name or symbol.

(c) *Product Sales.* Two signs advertising products lawfully produced on the premises, not exceeding ten square feet each.

(d) *Historic Landmark.* Signs or monuments identifying historic points of interest on properties listed on the local or national historic register.

(i) Signs under two square feet are permitted by right.

(ii) Signs larger than two square feet or monuments are prohibited unless the size and location is approved by the Landmarks Commission.

(2) *RA. R1, VLDR, LDR, MDR, and HDR Zones (Residential).* The signs described in this Subsection are permitted in the RA, R1, VLDR, LDR, MDR, and HDR Zones.

(a) *Name Plate.* One name plate not exceeding two square feet that displays only the name and address of the occupant.

(b) *Historic Landmark.* Signs or monuments identifying historic points of interest on properties listed on the local or national historic register.

(i) Signs under two square feet are permitted by right.

(ii) Signs larger than two square feet or monuments are prohibited unless the size and location is approved by the Landmarks Commission.

(c) *Apartments.* One sign not exceeding 32 square feet to identify the name of the apartment complex.

(3) *RM Zone (Residential Manufactured Home Park).* The signs described in this Subsection are permitted in the RM Zone.

(a) *Bulletin Board.* Each manufactured home park must have a bulletin board listing each manufactured home site and the name of its occupant. The bulletin board must:

(i) be located near the office or administration building; and

(ii) be illuminated at night.

(b) *Park Map.* Adequate signage and markings must direct residents and visitors to parking areas, recreation areas, telephones, and laundry facilities. Each directional sign may not exceed six square feet.

(c) *Name Plate.* One name plate per subdivision parcel or manufactured home space is permitted. Each name plate may not exceed two square feet and must display only the name and address of the occupant.

14.47.070 Signs Permitted in Public Facilities (PF), Open Space, Preservation and Recreation (OSPR), and Health Care Facilities (HCF) Zones

Signs permitted in the PF, OSPR, and HCF zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Name Plate.* Name plates may be mounted on a building to identify the name and/or address of a structure or complex. Each name plate may not exceed 50 square feet.

(2) *Monument Signs.*

(a) *Number.* One monument sign identifying a point of interest or building complex may be placed on an ornamental masonry wall.

(b) *Area.* A monument sign may not exceed 32 square feet in area.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Frontage.* Monument signs are allowed at the following frequency:

(i) one sign per property frontage; and

(ii) one additional sign for each 200 feet of property frontage on a public street beyond the initial 200 feet, with signs placed no closer than 100 feet apart.

(3) *Wall Signs.*

(a) *Number.* One wall sign per building face fronting a public street.

(b) *Area.* Must comply with PCC 14.47.140.

(c) *Location.* A wall sign may not extend above the top of the wall on which it is mounted.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than one foot from the wall face. Sign copy is not permitted on the sides.

(4) *Pole Signs.* On-premises freestanding signs taller than five feet must meet the following requirements:

(a) *Number.* One pole sign is permitted per frontage on a public street.

(b) *Area.* Must comply with PCC 14.47.130.

(c) *Height.* A pole sign may not exceed 25 feet in height.

(5) *Projections.* Signs may not project over a property line.

(6) *Lighting.* Only indirectly or diffusely lit signs are permitted. Lighting fixtures not integral to a sign must be directed away from adjacent properties and traffic. Flashing or rotating lights are prohibited.

(7) *Temporary Promotional Signs.* Temporary signs promoting an event may be attached to structures if securely mounted and consistent with the public purposes of the occupying entity.

(a) *Number:* One temporary sign is allowed per building face fronting a public street.

(b) *Area:* Must comply with PCC 14.47.140.

(c) *Removal.* Temporary signs must be removed within 48 hours after the conclusion of the promoted event.

(8) *Interior Signs.* Signs located more than 500 feet from the nearest public road and within the interior of a public facility are exempt from the requirements of this Section specific to the applicable sign type. However, only types of signs described in this Section are permitted.

14.47.075 Signs Permitted in the Airport Industrial (AIRI) Zone

Signs permitted in the Airport Industrial (AIRI) zone are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in that zone.

(1) *Wall Signs.* Wall signs must meet the following requirements:

(a) *Number.* One wall sign is permitted per building face fronting a public street. Multi-tenant buildings may have one wall sign per tenant.

(b) *Area.* Must comply with 14.47.140.

(c) *Location.* A wall sign may not extend above the top of the wall on which it is mounted.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than 18 inches from the wall face. Sign copy is not permitted on the sides.

(e) *Illumination.* Only indirect or internal illumination is allowed.

(2) *Monument Signs.* Freestanding monument signs are permitted subject to the following standards:

(a) *Number.* One monument sign is permitted per frontage, with one additional sign allowed for each 200 feet of lot frontage on a public street beyond the initial 200 feet. Signs must be at least 50 feet apart.

(b) *Area.* Must comply with PCC 14.47.120. In no case may a monument sign exceed 60 square feet in area.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Placement.* Monument signs must be flush with the ground and may not be pole-mounted. Signs may be placed on berms, provided the total height does not exceed five feet above finished grade.

(e) *Location.* Signs must be set back:

(i) at least 15 feet from the front property line; and

(ii) at least five feet from side property lines on corner lots.

(f) *Materials.* Sign materials must be compatible with the exterior materials of the associated structure.

(g) *Illumination.* Only internal illumination is permitted.

14.47.080 Signs Permitted in Commercial (CG, FC1, FC2, and CM) Zones

Signs permitted in the CG, FC1, FC2, and CM zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Monument Signs.* Freestanding monument signs are permitted subject to the following standards:

(a) *Number.* One monument sign is permitted per lot frontage.

(i) One additional sign is permitted for each 100 feet of lot frontage on a public street beyond the initial 100 feet.

(ii) Signs must be placed at least 50 feet apart.

(iii) In the case of multi-tenant properties with shared frontage, the frontage is calculated based on the entire shared parcel.

(b) *Area.* Must comply with PCC 14.47.120.

(c) *Height.* A monument sign may not exceed five feet in height.

(2) *Pole Signs.* On-premises freestanding signs taller than five feet must meet the following requirements:

(a) *Number.* One pole sign is permitted per street frontage.

(i) One additional sign is permitted is permitted for each 200 feet of lot frontage on a public street beyond the initial 200 feet. This additional sign allowance does not apply in the FC1 and FC2 zones.

(ii) For purposes of area calculation under PCC 14.47.130, only the portion of the frontage exceeding 200 feet is counted toward the size of any additional sign.

(b) *Area.* Must comply with PCC 14.47.130.

(c) *Height.* A pole sign may not exceed 35 feet in height.

(d) *Projection.* A pole sign may not project over a property line.

(3) *Feather Flags.* Feather flags are permitted subject to the following standards:

(a) *Number.* One feather flag sign is permitted per lot frontage.

(i) *Multi-Tenant Buildings.* A maximum of one feather flag is permitted per business in multi-tenant buildings.

(ii) *Spacing.* Feather flags must be placed at least 25 feet apart.

(b) *Height.* Each feather flag may not exceed 12 feet in height.

(c) *Location.* Feather flags must be set back:

(i) at least five feet from any property line; and

(ii) at least five feet from any building or parking space.

(d) *Permit Exemption.* Feather flag signs do not require a building permit.

14.47.085 North University Avenue Riverbottoms Design Corridor Sign Standards

Regardless of the zoning of the property and sign regulations specific to that zone, signs permitted in the North University Avenue Riverbottoms Design Corridor (as described in PCC 14.50.150(2)) are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in this design corridor.

(1) *Integrated Sign Design.* Each new development, shopping center, or office complex located within the North University Avenue Riverbottoms Design Corridor must submit an integrated sign design scheme that complies with this Section and PCC 14.50.150(2).

(2) *Monument Signs.* Monument signs are permitted in commercial centers and professional office complexes as described in this Subsection.

(a) *Number.* One monument sign is permitted for each 300 feet of lot frontage.

(b) *Area.* The area of a monument sign may not exceed 60 square feet per side.

(c) *Height.* Monument signs, including the base and pedestal, may not exceed ten feet in height above the adjacent street-grade sidewalk.

(d) *Spacing.* Sign structures must be spaced at least 150 feet apart.

(d *Design.* The monument structure must complement the building’s architecture using similar materials and stylistic themes.

(e) *Location.*

(i) Except as provided in Subsection (2)(e)(ii), each monument sign must be located on private property, outside the clear vision area as defined in PCC 14.50.090, and may not project over any property line.

(ii) A sign on a corner lot or parcel abutting University Avenue may project up to 12 feet into the University Avenue right-of-way from the adjacent property line, but not closer than six feet to any sidewalk or paved trail, but only if:

(A) the controlling government agency provides written approval;

(B) the sign’s visibility, if located on private property, would be obstructed by utility boxes or semaphore poles not controlled by the property owner, as observed at eye level from within 100 feet of the sign location; and

(C) the City Traffic Engineer determines the sign does not create a sight distance hazard based on traffic conditions and City safety standards.

(f) *Illumination.* Internal illumination is permitted for translucent sign faces and for individually lit letters, characters, or figures that cause the face or characters to glow.

(3) *Wall Signs.* Each business or tenant in a shopping center or professional office facility not in a SC3 zone may install wall signs subject to requirements of this Subsection.

(a) *Number.* One wall sign is permitted on the front face of each business or tenant. An additional wall sign is allowed on a rear or side face if that elevation includes a public entrance.

(b) *Area.*

(i) For buildings set back less than 200 feet from the street, the wall sign area is limited to one square foot per linear foot of building or tenant frontage on the applicable side.

(ii) For buildings with a setback of 200 feet or more, the allowable area increases to 1.25 square feet per linear foot of frontage.

(c) *Location.* A wall sign may not extend above the top level of the wall to which it is attached.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than 18 inches from the wall face. Sign copy is not permitted on the sides.

(e) *Illumination.* Internal illumination is permitted for translucent sign faces or for individual letters, characters, or figures that emit a glow.

(4) *Shopping Center (SC3 Zone) Signs.* The sign types described in this Subsection are permitted within shopping centers located in the SC3 zone within the design corridor.

(a) *Entry Archways.* Archways displaying the shopping center’s name and logo may be installed over driveways, streets, or pedestrian entrances, subject to the requirements of this Subsection (4)(a).

(i) *Number.* One sign and one archway structure are permitted per entrance, up to a maximum of four entrances.

(ii) *Area.* The sign area may not exceed 60 square feet.

(iii) *Height.* The archway structure may not exceed 25 feet in height. All archways must provide adequate vehicular and pedestrian clearance as determined by Provo City.

(iv) *Location.* The archway must be located on private property, outside the clear vision area as defined in PCC 14.50.090, and may not project over a property line.

(v) *Materials.* The structure must use materials compatible with those used on buildings within the shopping center.

(vi) *Illumination.* Internal illumination is permitted.

(b) *Entry Identification Monument Signs.* Monument signs identifying only the name of the shopping center or displaying public greetings may be located at development entrances, subject to the requirements of this Subsection (4)(b).

(i) *Number.* No more than two signs are permitted per driveway entrance.

(ii) *Area.* Each sign may not exceed six square feet.

(iii) *Height.* The total height of the sign, including the monument and pedestal, may not exceed ten feet above the adjacent street-grade sidewalk.

(iv) *Location.* Signs must be placed on private property, outside the clear vision area, and may not project over any property line.

(v) *Materials.* Materials must be compatible with building exteriors within the shopping center.

(vi) *Illumination.* Internal illumination is permitted.

(c) *Commercial Monument Signs.* Commercial monument signs are allowed only along 4800 North, subject to the requirements of this Subsection (4)(c).

(i) *Number.* One sign is allowed per 300 feet of street frontage, not to exceed two signs for frontages greater than 600 feet.

(ii) *Area.* Each sign face may not exceed 60 square feet. Monument structures must use materials and themes that complement the building’s architecture.

(iii) *Spacing.* Signs must be spaced at least 150 feet apart.

(iv) *Height.* Signs may not exceed ten feet in height, including the monument and pedestal.

(v) *Location.* Signs must be located on private property, outside the clear vision area, and may not project over any property line.

(vi) *Materials.* Materials must be compatible with those used on buildings within the shopping center.

(vii) *Illumination.* Internal illumination is permitted.

(d) *Shopping Center Commercial Signs.* Larger commercial identification signs may be installed along University Avenue, subject to the requirements of this Subsection (4)(d).

(i) *Number.* One sign is allowed per 300 feet of frontage on University Avenue, up to a maximum of two signs for frontages greater than 600 feet.

(ii) *Area.* Each sign face may not exceed 300 square feet. The name and logo of the shopping center are excluded from the area calculation.

(iii) *Spacing.* Signs must be spaced at least 150 feet apart.

(iv) *Height.* Each sign may not exceed 25 feet in height.

(v) *Location.* These signs may be placed within the University Avenue public right-of-way (trail system), only if written permission is obtained from the controlling government agency.

(vi) *Materials.* Materials must be compatible with the architecture and finishes used within the shopping center.

(vii) *Illumination.* Internal illumination is permitted

(5) *Research and Business Park Zone (RB&P).* Monument signs are permitted in the RB&P zone within the design corridor, but only along the frontage of University Avenue and subject to the requirements of this Subsection (5).

(a) *Number.* One sign is permitted for every 300 feet of street frontage.

(b) *Area.* Each sign face may not exceed 60 square feet. The monument structure must complement the architecture of the building by using the same materials and stylistic themes.

(c) *Spacing.* A minimum spacing of 150 feet is required between monument signs.

(d) *Height.* Signs may not exceed ten feet in height, including the monument structure and pedestal, as measured from the adjacent street-grade sidewalk.

(e) *Location.* One monument sign may be placed on each corner of River Park Drive. Each sign must be located at least 15 feet from the back of the University Avenue street curb and may be placed within the public right-of-way only with written permission from the controlling government agency.

(f) *Materials.* Sign materials must be compatible with the exterior materials used within the Research and Business Park.

(g) *Illumination.* Internal illumination and electronic display signs are prohibited.

14.47.090 Signs Permitted in Neighborhood Shopping Center (SC1) and Community Shopping Center (SC2) Zones

Signs permitted in the SC1 and SC2 zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Pole Signs.* Freestanding signs over five feet in height are permitted within shopping center facilities established in these zones, subject to the requirements of this Subsection (1).

(a) *Number.* One pole sign is permitted per lot frontage. No additional pole signs may be located along the same frontage.

(b) *Area.* The primary sign area identifying the shopping center must comply with PCC 14.47.130. An additional sign area, not to exceed one-half of the allowed area, may be used to identify one or more tenants or businesses within the shopping center.

(c) *Height.* Pole signs may not exceed 35 feet in height.

(d) *Projection.* Signs may not project over any property line or more than five feet into a required front yard.

(2) *Wall Signs.* Wall signs and painted wall signs are permitted for each business or tenant within the shopping center, subject to the requirements of this Subsection (2).

(a) *Number.* One wall sign is permitted on the front face of each tenant space. An additional sign is allowed on the rear face of the building if it includes a public entrance.

(b) *Area.* Must comply with PCC 14.47.140.

(c) *Location.* Signs may not extend above the top of the wall to which they are attached.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than 18 inches from the wall face. Sign copy is not permitted on the sides

(3) *Monument Signs.* Freestanding signs under five feet in height may be permitted on individual development pads, subject to the requirements of this Subsection (3).

(a) *Number.* One monument sign is permitted per lot frontage. No additional monument signs may be located along the same frontage.

(b) *Area.* Must comply with PCC 14.47.120.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Design.* Signs must be architecturally compatible with the primary structure, using similar building materials and colors.

(e) *Setback.* Signs must be placed on private property, outside the clear vision area, and may not project over any property line..

(f) *Base Treatment.* Each sign must include an opaque pedestal that conceals any pole support. The pedestal must extend the full width and depth of the sign, with no exposed area between the base and the ground or landscaped surface.

(4) *Feather Flags.* Feather flags are permitted subject to the requirements of this Subsection (4).

(a) *Number.* One feather flag sign is permitted per street frontage.

(i) *Multi-Tenant Buildings.* A maximum of one feather flag is permitted per business.

(ii) *Spacing.* Feather flags must be placed at least 25 feet apart.

(b) *Height.* Each feather flag may not exceed 12 feet in height.

(c) *Location.* Feather flags must be set back:

(i) at least five feet from any property line; and

(ii) at least five feet from any building or parking space.

(d) *Permit Exemption.* Feather flag signs do not require a building permit.

14.47.095 Signs Permitted in Regional Shopping Center (SC3) and Freeway Commercial Three (FC3) Zones

Signs permitted in the SC3 and FC3 zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Pole Signs.* Each shopping center facility in an SC3 or FC3 zone may have a freestanding sign over five feet in height subject to the requirements of this Subsection (1).

(a) *Number.* One pole sign is permitted per frontage.

(i) A second sign may be allowed if the facility has more than 500 lineal feet of frontage.

(ii) No more than two pole signs may be erected for a shopping center facility.

(b) *Area.* Except as otherwise provided in this Subsection (1), the sign area must comply with PCC 14.47.130.

(i) If the shopping center frontage exceeds 250 lineal feet, the Planning Commission may approve a sign larger than 320 square feet based on:

(A) how well the sign and landscaping blend architecturally and aesthetically with the shopping center and its landscaping;

(B) the volume and speed of vehicular traffic passing the facility; and

(C) the total number of tenants and major tenants in the center.

(ii) The sign area may increase by no more than 32 square feet for every 25 lineal feet of frontage beyond 250 feet.

(iii) The maximum area of any one sign is 720 square feet.

(c) *Height.* Except as otherwise provided in this Subsection (1), no sign may exceed 40 feet in height.

(d) *Exception.* A facility with more than 1,100 linear feet of frontage adjacent to Interstate 15 (including freeway ramp frontage) may have one freestanding sign that:

(i) does not exceed 1,400 square feet;

(ii) does not exceed 90 feet in height;

(iii) is located adjacent to Interstate 15; and

(iv) complies with the message transition timing in PCC 6.06.

(2) *Wall Signs.* Each business or tenant in a shopping center may have wall or painted wall signs subject to the requirements of this Subsection (2).

(a) *Number.* Only one sign is allowed per building face.

(b) *Area.* A sign may not exceed 15% of the total wall area.

(c) *Location.* No part of a sign may extend above the top level of the wall or roof. However, signs on independent pads may extend up to five feet above the top level.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than five feet from the wall face. Sign copy is not permitted on the sides.

(3) *Monument Signs.* Individual development pads may have one freestanding sign under five feet in height subject to the requirements of this Subsection (3).

(a) *Number.* Each pad may have no more than one such sign.

(b) *Area.* Must comply with PCC 14.47.120.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Materials.* The sign must use materials compatible with those used on the associated building.

(4) *Feather Flags.* Feather flags are permitted subject to the requirements of this Subsection (4).

(a) *Number.* One feather flag sign is permitted per street frontage.

(i) *Multi-Tenant Buildings.* A maximum of one feather flag is permitted per business.

(ii) *Spacing.* Feather flags must be placed at least 25 feet apart.

(b) *Height.* Each feather flag may not exceed 12 feet in height.

(c) *Location.* Feather flags must be set back:

(i) at least five feet from any property line; and

(ii) at least five feet from any building or parking space.

(d) *Permit Exemption.* Feather flag signs do not require a building permit.

14.47.100 Signs Permitted in Industrial (M1 and M2) Zones

Signs permitted in the M1 and M2 zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Monument signs.* Freestanding signs under five feet in height are permitted in these zones subject to the requirements of this Subsection (1).

(a) *Number.* One monument sign is allowed per parcel.

(b) *Area.* Must comply with PCC 14.47.120.

(c) *Height.* A monument sign may not exceed five feet in height.

(2) *Wall signs.* Wall signs and painted wall signs are permitted in industrial zones subject to the requirements of this Subsection (2).

(a) *Number.* One sign is permitted per building face that fronts a public street.

(b) *Area.* Must comply with PCC 14.47.140.

(c) *Height.* No part of a sign may extend above the wall or building face on which it is mounted or painted.

(d) *Projection.* Signs, including light boxes or structural components, may not project more than 18 inches from the building face. Copy is not permitted on the sides of such signs.

14.47.105 Signs Permitted in the Manufacturing Park (MP) Zone

Signs permitted in the MP zone are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in that zone.

(1) *Monument Signs.* Freestanding signs under five feet in height are permitted in the MP zone subject to the requirements of this Subsection (1).

(a) *Number.* One freestanding monument identification sign is permitted per lot frontage on a public street.

(b) *Area.* Each monument sign may not exceed thirty-two square feet.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Location.* Each monument sign must be set back at least five feet from the street right-of-way.

(2) *Wall Signs.* Wall signs and painted wall signs are permitted in the MP zone subject to the requirements of this Subsection (2).

(a) *Number.* Two signs are permitted per building.

(b) *Area.* Each wall sign may not exceed two hundred square feet and must be mounted flat on the building wall.

(c) *Lighting.* Wall signs may be illuminated only by an indirect light source.

14.47.110 Signs Permitted in the Downtown (DT1, DT2, TOD, and GW) Zones

Signs permitted in the DT1, DT2, TOD, and GW zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Wall Signs.*

(a) Ground level businesses with individual front door entrances fronting public streets in these zones may have wall signs subject to the requirements of this Subsection (1)(a).

(i) *Number.* One sign is permitted per business storefront.

(ii) *Area.* Maximum sign area is two square feet of signage per linear foot of building façade.

(iii) *Location.* Signs may only be located on the first or second-story façade.

(iv) *Projection.* Signs may not project more than 18 inches from the façade.

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(b) Building identification signs for buildings three to four stories in height in these zones may have wall signs subject to the requirements of this Subsection (1)(b).

(i) *Number.* One sign is permitted per building façade, consisting of individual letters.

(A) Signs may not use sign cabinets.

(B) No building is considered to have more than four façades.

(ii) *Area.* Maximum sign area is two square feet of signage per linear foot of building façade. Text may not exceed two feet in height.

(iii) *Location.* Signs must be located on the top story.

(iv) *Projection.* Signs may not project more than 18 inches from the façade

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(c) Building identification signs for buildings more than four stories in height in these zones may have wall signs subject to the requirements of this Subsection (1)(c).

(i) *Number.* One sign is permitted per building façade, consisting of individual letters.

(A) Signs may not use sign cabinets.

(B) No building is considered to have more than four façades.

(ii) *Area.* Maximum sign area is four square feet of signage per linear foot of building façade. Text must not exceed four feet in height.

(iii) *Location.* Signs must be located on one of the top two stories and may not project above the wall line.

(iv) *Projection.* Signs may not project more than 18 inches from the façade.

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(d) *Tenant Identification Signs.* Upper floor tenants without individual ground-floor entrances may have wall signs subject to the requirements of this Subsection (d).

(i) *Number.*

(A) For buildings two to four stories in height, one sign is permitted per building façade facing a public street.

(B) For buildings five stories or taller, two signs are permitted per building façade facing a public street.

(C) Signs must consist of individual letters or logos. Sign cabinets are not permitted.

(ii) *Area.* Each sign may not exceed 50 square feet. Text may not exceed three feet in height.

(iii) *Location.* Signs must be located on the story immediately below the building step-back, if present. If not step-back is present, signs much be located on the second floor of a two-story building or on any floor below the top floor of a building taller than two stories.

(iv) *Projection.* Signs may not project more than 18 inches from the façade

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(e) *Building Directory Signs*. Multi-tenant buildings in these zones with a common entrance may have a building directory sign subject to the requirements of this Subsection (e).

(i) *Number.* One directory sign is permitted per building façade with a public entrance.

(ii) *Area.* If located on an exterior wall, signs may not exceed nine square feet. Text must not exceed one inch in height.

(iii) *Location.* Directory signs may be located on an exterior wall next to a public entrance or within the building’s common entrance.

(2) *Projecting signs.* Projecting signs are permitted for street-level businesses in these zones with a public entrance or street-level parking lot entry with street frontage, subject to the requirements of this Subsection (2).

(a) *Number.* One projecting sign is allowed per street-level business or street-level parking lot entry with street frontage.

(b) *Area.* Signs may not exceed nine square feet. Text must not exceed one foot in height.

(c) *Location.* Signs must be placed below the finished floor of the second level or at a maximum height of 15 feet above final grade, whichever is lower.

(d) *Clearance.* There must be a minimum of eight feet of clearance from the bottom of the sign structure to the ground directly below.

(e) *Projection.* Including mounting hardware, signs may not project more than four feet from the building face.

(f) *Thickness.* Signs, including the cabinet, may not exceed five inches in thickness.

(g) *Materials.* Exposed surfaces of the sign must be constructed of materials that are architecturally compatible with the building exterior.

(h) *Lighting.* Signs may be illuminated internally or externally. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(i) *Hold harmless agreement.* If a sign extends over a public right-of-way, the sign owner must sign a hold harmless agreement before the sign is approved and installed.

(3) *Parking Entry Sign.* Parking entry signs are permitted for surface-level or structured parking lots in these zones, subject to the requirements of this Subsection (3).

(a) *Number.* One sign is permitted per parking entryway along a public street, with a maximum of one sign per street frontage.

(b) *Area.* Signs may not exceed nine square feet.

(c) *Height.* The maximum height may not exceed 12 feet from the natural grade of the lot.

(d) *Projection.* Signs may not project over the property line into the public right-of-way.

(4) *Awning Signs.* Each first-floor awning in these zones may include signage subject to the requirements of this Subsection (4).

(a) *Number.* One sign is permitted on each awning located over a first-floor window or door.

(b) *Area.* One square foot of signage is allowed per linear foot of awning.

(c) *Location.* Signs must be located on the vertical valance of the awning that faces a public street or right-of-way. Graphics may not exceed one foot in height.

(d) *Projection.* Awnings may project up to six feet into the public right-of-way from the property line.

(5) *Window Signs.* Window signs are permitted on or inside first-floor windows of commercial establishments in these zones, subject to the requirements of this Subsection (5).

(a) *Area.* Signs may not cover more than 25% of the total window area on the first-floor façade where they are located.

(b) *Location.* Signs are permitted only in windows that face a public street.

(6) *Monument Signs.* Freestanding signs under five feet are permitted in the landscaped front yard or street side yard of any property, subject to the requirements of this Subsection (6).

(a) *Number.* One sign is permitted per landscaped front yard or street side yard.

(b) *Area.* Signs may not exceed 50 square feet, except as follows:

(i) for multi-tenant properties, an additional ten square feet of signage is permitted per tenant; and

(ii) no individual sign may exceed 100 square feet in total area.

(c) *Height.* The maximum height may not exceed five feet.

(d) *Projection.* Signs may not project over the property line into the public right-of-way.

(e) *Design.* Signs must be constructed of materials similar to and architecturally compatible with the main building.

(7) *A-Frame Signs.* A-frame signs are permitted for ground-level businesses in theses zones with individual front door entrances on a public street, subject to the requirements of this Subsection (7).

(a) *Number.* One A-frame sign is permitted per ground-level business with an individual front door facing a public street.

(b) *Size.*

(i) The maximum sign face size is two feet wide by three feet tall.

(ii) The maximum sign stand frame size is 27 inches wide by 47 inches tall when closed, with a maximum depth of three feet when opened.

(c) *Sign Type.* Sign faces must be flat and lie in the same plane as the sign stand frame. Signs may not be electrified or illuminated.

(d) *Location.* Signs may only be placed:

(i) immediately in front of and between the side walls of the associated business; or

(ii) adjacent to the front façade of the business or within the park strip, provided a minimum six-foot-wide pedestrian path is maintained on the sidewalk.

(e) *Time of Display.* Signs may only be displayed during the business's hours of operation.

(f) *Permit Exemption.* A-frame signs do not require a building permit.

(8) *Marquee signs.* Marquee signs are permitted for each block face in these zones with street frontage, subject to the requirements of this Subsection (8).

(a) *Number.* No more than three marquee signs are permitted per block face.

(b) *Location.* Each sign must be located above the first floor of the business storefront.

(c) *Area.* Signs may not exceed 100 square feet.

(d) *Thickness.* Signs, including the cabinet, may not exceed one foot in thickness.

(e) *Lighting.* Marquee signs may be illuminated internally or externally. All lighting must be stationary and shielded to direct light solely onto the sign without causing glare. Neon lighting is not permitted.

(f) *Hold harmless.* If a marquee sign extends over a public right-of-way, the sign owner must sign a hold harmless agreement before the sign is approved and installed.

(g) *Sign type.* Marquee signs may not include electronic display.

14.47.115 Signs Permitted in Mixed-Use (MU, NMU, and CR) Zones

Signs permitted in the MU, NMU, and CR zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Wall Signs.* Wall signs are permitted in these zones subject to the requirements of this Subsection (1).

(a) Ground level businesses with individual front door entrances fronting public streets in these zones may have wall signs subject to the requirements of this Subsection (1)(a).

(i) *Number.* One sign is permitted per business storefront.

(ii) *Area.* Maximum sign area is two square feet of signage per linear foot of building façade.

(iii) *Location.* Signs must be located on the first or second-story façade.

(iv) *Projection.* Signs may not project more than 18 inches from the façade.

(v) *Illumination.* Internal or external illumination is permitted.

(A) Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(B) Signs are permitted to be illuminated only between the hours of 6:00 a.m. and 11:00 p.m.

(b) Building identification signs for buildings three to four stories in height in these zones may have wall signs subject to the requirements of this Subsection (1)(b).

(i) *Number.* One sign is permitted per building façade, consisting of individual letters.

(A) Signs may not use sign cabinets.

(B) No building is considered to have more than four façades.

(ii) *Area.* Maximum sign area is two square feet of signage per linear foot of building façade. Text may not exceed two feet in height.

(iii) *Location.* Signs must be located on the top story.

(iv) *Projection.* Signs may not project more than 18 inches from the façade

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(c) Building identification signs for buildings more than four stories in height in these zones may have wall signs subject to the requirements of this Subsection (1)(c).

(i) *Number.* One sign is permitted per building façade, consisting of individual letters.

(A) Signs may not use sign cabinets.

(B) No building is considered to have more than four façades.

(ii) *Area.* Maximum sign area is four square feet of signage per linear foot of building façade. Text must not exceed four feet in height.

(iii) *Location.* Signs must be located on one of the top two stories and may not project above the wall line.

(iv) *Projection.* Signs may not project more than 18 inches from the façade.

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(d) *Building Directory Signs*. Multi-tenant buildings with a common entrance may have a building directory sign subject to the following standards:

(i) *Number.* One directory sign is permitted per building façade with a public entrance.

(ii) *Area.* If located on an exterior wall, signs may not exceed nine square feet. Text must not exceed one inch in height.

(iii) *Location.* Directory signs may be located on an exterior wall next to a public entrance or within the building’s common entrance.

(2) *Projecting signs.* Projecting signs are allowed for street-level businesses in these zones with a public entrance or street-level parking lot entry with street frontage, subject to the requirements of this Subsection (2).

(a) *Number.* One projecting sign is permitted per street-level business or street-level parking lot entry with street frontage

(b) *Area.* Signs may not exceed nine square feet. Text may not exceed one foot in height.

(c) *Location.* Signs must be placed below the finished floor of the second level or at a maximum height of 15 feet above final grade, whichever is lower.

(d) *Clearance.* There must be a minimum of eight feet of clearance from the bottom of the sign structure to the ground directly below.

(e) *Projection.* Including mounting hardware, signs may not project more than four feet from the building face.

(f) *Thickness.* Signs, including the cabinet, may not exceed five inches in thickness.

(g) *Materials.* Exposed surfaces of the sign must be constructed of materials that are architecturally compatible with the building exterior.

(h) *Lighting.* Signs may be illuminated internally or externally. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(i) *Hold harmless agreement.* If a sign extends over a public right-of-way, the sign owner must sign a hold harmless agreement before the sign is approved and installed.

(3) *Parking Entry Sign.* Parking entry signs are permitted for surface-level or structured parking lots, subject to the requirements of this Subsection (3).

(a) *Number.* One sign is permitted per parking entryway along a public street, with a maximum of one sign per frontage.

(b) *Area.* Signs may not exceed nine square feet.

(c) *Height.* The maximum height may not exceed 12 feet from the natural grade of the lot.

(d) *Projection.* Signs may not project over the property line into the public right-of-way.

(4) *Awning Signs.* Each first-floor awning may include signage subject to the requirements of this Subsection (4):

(a) *Number.* One sign is permitted on each awning located over a first-floor window or door.

(b) *Area.* One square foot of signage is allowed per linear foot of awning.

(c) *Location.* Signs must be located on the vertical valance of the awning that faces a public street or right-of-way. Graphics must not exceed one foot in height.

(d) *Projection.* Awnings may project up to six feet into the public right-of-way from the property line.

(5) *Monument Signs.* Freestanding signs under five feet are permitted in the landscaped front yard or street side yard of any property, subject to the requirements of this Section (5):

(a) *Number.* One sign is permitted per landscaped front yard or street side yard.

(b) *Area.* Signs may not exceed 50 square feet, except as follows:

(i) for multi-tenant properties, an additional ten square feet of signage is permitted per tenant.

(ii) No individual sign may exceed 100 square feet in total area.

(c) *Height.* The maximum height may not exceed five feet.

(d) *Projection.* Signs may not project over the property line into the public right-of-way.

(e) *Design.* Signs must be constructed of materials similar to and architecturally compatible with the main building.

(6) *A-Frame Signs.* A-frame signs are permitted for ground-level businesses in theses zones with individual front door entrances on a public street, subject to the requirements of this Subsection (6).

(a) *Number.* One A-frame sign is permitted per ground-level business with an individual front door facing a public street.

(b) *Size.*

(i) The maximum sign face size is two feet wide by three feet tall.

(ii) The maximum sign stand frame size is 27 inches wide by 47 inches tall when closed, with a maximum depth of three feet when opened.

(c) *Sign Type.* Sign faces must be flat and lie in the same plane as the sign stand frame. Signs may not be electrified or illuminated.

(d) *Location.* Signs may only be placed:

(i) immediately in front of and between the side walls of the associated business; or

(ii) adjacent to the front façade of the business or within the park strip, provided a minimum six-foot-wide pedestrian path is maintained on the sidewalk.

(e) *Time of Display.* Signs may only be displayed during the business's hours of operation.

(f) *Permit Exemption.* A-frame signs do not require a building permit.

14.47.120 Size of Monument Signs

Maximum sign face area for ground-mounted signs up to five feet in height is determined by the property's street frontage, measured in linear feet, as shown in the following table:

Frontage of Lot	Maximum Area of Sign Face
Up to 10 linear feet	20 square feet
11 to 30 linear feet	30 square feet
31 to 50 linear feet	40 square feet
51 to 70 linear feet	50 square feet
71 to 90 linear feet	60 square feet
91 to 110 linear feet	70 square feet
111 to 150 linear feet	80 square feet
Over 150 linear feet	90 square feet

14.47.130 Size of Pole Signs

Maximum sign face area for ground-mounted signs over five feet in height is determined by the property's street frontage, measured in linear feet, as shown in the following table:

Frontage of Lot	Maximum Area of Sign Face
Up to 30 linear feet	50 square feet
31 to 60 linear feet	70 square feet
61 to 80 linear feet	90 square feet
81 to 100 linear feet	120 square feet
101 to 120 linear feet	140 square feet
121 to 140 linear feet	160 square feet
141 to 160 linear feet	180 square feet
161 to 180 linear feet	210 square feet

Frontage of Lot	Maximum Area of Sign Face
Over 180 linear feet	230 square feet

14.47.140 Size of Wall Signs and Painted Wall Signs

Maximum sign face area for wall signs is determined by the area of the wall on which the sign is to be placed, measured in square feet, as shown in the following table:

Area of Wall	Maximum Area of Sign Face
Up to 200 square feet	20 square feet
201 to 400 square feet	45 square feet
401 to 600 square feet	70 square feet
601 to 800 square feet	90 square feet
801 to 1,000 square feet	100 square feet
1,001 to 1,300 square feet	120 square feet
1,301 to 1,700 square feet	140 square feet
1,701 to 2,100 square feet	160 square feet
2,101 to 2,600 square feet	180 square feet
2,601 to 3,200 square feet	200 square feet
3,201 to 4,100 square feet	220 square feet

Area of Wall	Maximum Area of Sign Face
4,101 to 4,800 square feet	240 square feet
Over 4,800 square feet	260 square feet

14.47.145 Size of Other Signs

If maximum sign face area for a sign is not otherwise regulated in this Title, the maximum area is determined by the property's street frontage, measured in linear feet, as shown in the following table:

Street Frontage	Maximum Sign Area
85 feet or less	20 square feet
86 – 90 feet	25 square feet
91 – 99 feet	30 square feet
100 feet or more	35 square feet

14.47.150 Nonconforming Signs

All legally existing nonconforming on-premises signs are subject to the requirements of this Section.

(1) *Unsafe signs.* Any sign, or portion of a sign, declared unsafe by a proper public authority must be restored to a safe condition or removed within 30 days after notice of the unsafe condition is provided.

(2) *Alterations.* A nonconforming sign may not be reconstructed, raised, moved, placed, extended, or enlarged unless brought into full compliance with this Title.

(3) *Restoration.* A nonconforming sign that deteriorates or is damaged by fire, explosion, or any other cause to more than 60% of its assessed value must be repaired or rebuilt in full compliance with this Chapter or removed.

14.47.160 Definitions Pertaining to Signs

The following terms, when used in this Title, have the meanings set forth in this Section:

"A-frame sign" means a sign or structure composed of two sign faces mounted or attached back-to-back in a manner that forms a triangular vertical cross-section.

“Animated sign” means a sign with action, motion, or moving parts—including devices activated by wind or forced air—and signs that revolve or convey messages through movement or a sequence of progressive changes in parts or lights. This definition excludes electronic display signs.

“Building face” means the visible outer surface of a main exterior wall of a building. The face includes the total area of the surface, including doors and windows that open into the surface.

“Canopy”. means a sign that is pained or otherwise affixed to the visible surface of an attached or free-standing awning*”.*

“Convert,” “converted,” or “conversion” means a change from a nondigital or nonelectronic display to an electronic display sign. Any remodeling, repair, or maintenance that results in the sign becoming an electronic display sign is considered a conversion.

“Electronic display sign” means a sign, or portion of a sign, that displays electronic images, graphics, or pictures—with or without text—that can be changed by electronic means. These signs use a fixed display screen composed of illumination devices such as LEDs, fiber optics, plasma displays, or other similar technology. This includes computer-programmable or microprocessor-controlled digital displays.

“Erect” means to build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display a sign. This does not include normal maintenance such as refinishing, provided the sign copy is not changed or altered.

“Feather sign” means a temporary sign made of fabric or lightweight material attached to a pole anchored into the ground.

“Freestanding sign” means a sign that stands on or is erected into the ground, usually supported by one or more poles or posts. A sign supported by uprights that pass through the roof of a structure is considered a *roof sign*.

“Frontage” means the length of a lot that faces a street or other principal public thoroughfare. Frontage does not include sides along alleys, watercourses, railroads, or streets with no permitted access.

“Long hold time electronic display sign” means an electronic display sign with a minimum hold time of at least one hour.

“Marquee” means a roofed structure attached to and supported by a building that projects over public property.

“Monument sign” a free-standing sign supported by one or more upright poles or braces anchored into the ground and fully enclosed.

“Movable sign” means a sign that is not affixed to or erected into the ground.

“Off-premises electronic display sign” means an off-premises sign that is also an electronic display sign, as defined in this Section.

“Off-premises sign” means a sign that advertises products, services, or business establishments not located, conducted, manufactured, or sold on the same premises where the sign is erected.

“On-premises sign” means a sign that advertises products, services, or business establishments located, conducted, manufactured, or sold on the same premises where the sign is erected.

“Outdoor advertising structure” means a structure erected and maintained for advertising purposes, designed to display posters, bills, prints, or painted messages that promote products, goods, services, or businesses not located on the premises.

“Projecting sign” means a sign attached to a building or structural wall that extends horizontally outward from the wall more than 18 inches.

“Property” means land or real estate, with or without structures. It does not include goods or services.

“Residential zone” means any zone that includes the word *residential* in its description in this Title.

“Roof sign” means a sign erected on or above the roof or parapet of a building or structure.

“Short hold time electronic display sign” means an electronic display sign with a minimum hold time of less than one hour.

“Sign” means any word, letter, numeral, phrase, sentence, device, design, picture, trade name, or trademark used to make something known or to designate a firm, association, corporation, profession, business, or service, regardless of whether such is placed on natural objects such as the ground, rocks, trees, or stumps, or on manmade structures such as buildings, walls, roofs, frames, supports, fences, or similar structures, and that is visible from any public street, highway, or road right-of-way.

“Sign area” means the area of a sign used for display purposes For back-to-back or double-faced signs covering the same subject, only one face is included in the area calculation if the faces are parallel or diverge from a common edge by no more than 45 degrees. For signs without a frame or defined background, the area is calculated using the smallest rectangle, triangle, or circle that fully encloses the display.

“Sign face area” means the entire surface area on which messaging or information is displayed or intended to be displayed, including names, logos, addresses, and similar elements affixed to the sign structure.

“Wall sign” means a sign posted on, painted on, suspended from, or otherwise attached to a wall, fascia, canopy, or marquee in a vertical orientation, with the sign face generally parallel to the surface to which it is attached.

14.47.170 Off-Premises Signs and Outdoor Advertising Structures (Billboards)

(1) *Prohibition of New Off-Premises Signs.* Except as permitted in Subsection (2), no permits may be issued for the construction of off-premises signs or outdoor advertising structures. All lawfully existing off-premises signs and outdoor advertising structures are nonconforming uses in all zones of the city.

(2) *Prohibition of Conversion of Off-Premises Signs to Electronic Display Signs.* Off-premises signs may not be converted into electronic display signs, except as permitted in this Subsection (2).

(a) A conversion is ineligible for a permit unless the area of the off-premises electronic display sign will not exceed that of the original sign.

(b) The off-premises electronic display sign overlay zone (sign overlay zone) is established to provide areas of the city in which an off-premises sign may be converted into an off-premises electronic display sign. Off-premises signs may not be converted into electronic display signs in any location except those within the sign overlay zone.

(c) The sign overlay zone applies only to properties that are not zoned residential and that front the following roads:

(i) that portion of I-15 within the boundaries of Provo;

(ii) University Avenue, between 680 South and the I-15 interchange generally located at 1860 South;

(iii) State Street, between Cougar Boulevard and the boundary line of Provo on the north; and

(iv) Center Street, between I-15 and 900 West.

(d) Off-premises signs may not be converted unless the application demonstrates how the sign will comply with all the applicable provisions of this Chapter and affirms that the sign will always be operated in compliance with this Chapter.

(3) Off-premises electronic display signs must comply with the following standards:

(a) at no time may the light level exceed 300 nits.

(b) signs must be equipped with both a dimmer control and a photocell that automatically adjust brightness based on ambient light levels. A default mechanism must turn off the display within 24 hours of a reported malfunction;

(c) messages must be static and displayed for a minimum of eight seconds. No part of the message may flash, scroll, twirl, change color, fade in or out, or simulate movement. Transitions must be instantaneous;

(d) each message must be complete in itself and may not continue into another message or across multiple signs;

(e) electronic display signs must be located at least 300 linear feet from any non-electronic off-premises sign; at least 1,200 linear feet from any other electronic display sign on the same side of the street; and at least 500 linear feet from an interstate exchange, measured from any part of the sign to the nearest portion of another sign or to the nearest right-of-way line of the interchange;

(f) signs must be located at least 1,600 linear feet from any electronic display sign on the opposite side of the street, measured from any part of the signs; and

(g) signs must be located at least 300 feet from any residence, as measured to the nearest property line. This distance may be reduced to 150 feet if the sign face is not visible from the residence.

(4) *Acquisition of Interests.* The city may acquire title to nonconforming off-premises signs or outdoor advertising structures by gift, purchase, agreement, exchange, or eminent domain, and may amortize such signs as permitted by state or federal law.

(5) *Public Information and Logo Signs.*

(a) Public information signs, as defined in Utah State Code, are permitted to direct the traveling public to points of interest, historical sites, and other notable destinations. These signs must comply with the specifications set forth in the Manual on Uniform Traffic Control Devices as adopted by the city.

(b) Off-premises logo signs, as defined in Utah State Code, are permitted to direct the traveling and general public to business establishments that provide lodging, food, camping, gas, or similar services. Referred to by the Utah Department of Transportation as the “Logo Sign Program,” these signs must comply with the regulations in this Subsection (b)

(i) *Logo Sign Program.* The owner and installation contractor must comply with all applicable state and federal laws and regulations, as well as Utah Department of Transportation policy and procedures, when constructing or maintaining logo signs. No logo sign may be placed within the City, except along the Interstate 15 right-of-way, unless approved by the City before installation.

(ii) *Logo Structures.* All logo structures must conform to the specifications in Utah Department of Transportation–approved drawings or must be approved by the Planning Commission.

(iii) *Directional Signs.* Directional signs may not exceed forty-two inches by forty-eight inches and may display no more than two businesses.

(iv) *Placement.* Placement of logo signs within the City must follow the guidelines in Attachment C, Section H of State Contract No. 90-3392. Contractors must obtain all required City approvals and permits before installation.

(v) *Height.* No sign may exceed twelve feet in height, measured from ground level.

(vi) *Offset.* Logo signs must match the setback of legally existing signage within the right-of-way. If no signage exists, the setback must be no less than eight feet. All sign locations must be reviewed and approved by the City Traffic Engineer for traffic safety.

(vii) *Design.* Business logo sign design may only include the business name, trademark, or symbol, and may not resemble any traffic sign, symbol, or device. The logo must be consistent on all signs for that business, may not include supplemental advertising, and must be uniform in size. Each logo plate must measure eighteen inches by twenty-four inches, as specified in State Contract No. 90-3392.

(viii) *Number.* There may not be more than one directional sign per service type (camping, gas, lodging, food, etc.) per location.

(ix) *Removal.* Removal of a logo sign, or a business' logo from a sign containing other logos, is required within fifteen days of a business's closure. If a sign is declared a traffic hazard by the City Traffic Engineer, it must be removed regardless of business status. Failure to remove the sign within the required timeframe is unlawful, constitutes a nuisance, and authorizes the City to remove the sign and recover the cost of removal from the owner.

Chapter 14.48
RELOCATION OF BUILDINGS

Sections:

14.48.010 Purpose and Objectives.
14.48.020 Planning Commission Approval.
14.48.030 Application.
14.48.040 Fee.
14.48.050 Public Hearing.
14.48.060 Standards for Relocation.
14.48.070 Conditional Approval.
14.48.080 Performance Bond.
14.48.090 Inspection of Work.
14.48.100 Other Permits Required.

14.48.010 Purpose and Objectives

The purpose of this Chapter is to ensure that buildings relocated from one location to another do not negatively affect property values or the neighborhood environment at the new site. Relocated buildings must harmonize with and support the existing and planned development of the surrounding area.

14.48.020 Planning Commission Approval

(1) A person may not place, move onto, or affix to land any building that was previously located on another site without first obtaining approval from the Planning Commission. As used in this Section, "building" means any structure designed, built, or occupied as a shelter or enclosed space for persons, animals, or property, and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes.

(2) This Chapter does not apply to accessory structures with a floor area of less than 200 square feet, or to modular homes or new construction buildings as defined in this Title.

14.48.030 Application

A person seeking Planning Commission approval under this Chapter must file an application with the Development Services Department that includes the following:

(1) *Description.* A description of the building to be relocated, including construction materials, dimensions, number of rooms, condition of the exterior and interior, year of construction, and an estimate of current value;

(2) *Location.* The current location of the building, including the city and street address or a legal description of the site;

(3) *Legal Description.* A complete legal description of the lot to which the building is proposed to be relocated, along with the street address;

(4) *Site Plan.* A site plan of the proposed relocation site, showing all boundary lines, adjacent lots, existing structures and improvements, access points, and the proposed building placement;

(5) *Photographs.* Photographs of the building showing front, rear, and side elevations, along with any additional photographs that illustrate the proposal; and

(6) Any other information the Planning Commission determines necessary to fairly evaluate the application.

14.48.040 Fee

The application must be accompanied by a fee for each building to be relocated, as set forth in the Consolidated Fee Schedule adopted by the Municipal Council.

14.48.050 Public Hearing

A public hearing before the Planning Commission is required. The decision of the Planning Commission may be appealed to the Board of Adjustment as provided in PCC 14.04.030.

14.48.060 Standards for Relocation

Before approving any application under this Chapter, the Planning Commission must determine that all of the following conditions are met:

(1) *Zoning compliance.* The building will conform to all applicable zoning regulations at the proposed site.

(2) *Neighborhood compatibility.* The building is of a size and architectural style that is compatible with existing development in the neighborhood. If the area is undergoing development or redevelopment, the Planning Commission may also consider improvements that are planned or anticipated by property owners in the area.

(3) *No detrimental impact.* The building will not have a detrimental effect on the environment or on property values in the area where it is to be relocated.

(4) *No conflict with public plans.* The relocation will not adversely affect any planned streets or other public improvements and does not conflict with any adopted City plan.

14.48.070 Conditional Approval

(1) The Planning Commission may approve a proposed relocation subject to conditions it finds warranted under the circumstances. Conditions may include specific requirements for landscaping, exterior finishing, dedication and improvement of adjacent streets and alleys, and deadlines for completing required work and improvements.

(2) Conditional approval does not take effect, and no action may be taken under it, until the applicant furnishes a performance bond as required by this Chapter.

14.48.080 Performance Bond

If the Planning Commission grants approval subject to performance conditions, the applicant must post a performance bond with Provo City. The bond must comply with the requirements set forth in this Title and must guarantee completion of all conditions imposed by the Planning Commission.

14.48.090 Inspection of Work

(1) The performance bond may not be released or exonerated, and the relocated building may not be occupied, until the Chief Building Official certifies that all required work and improvements have been satisfactorily completed in accordance with the conditions established by the Planning Commission and the current city construction codes.

(2) No Certificate of Occupancy or Certificate of Zoning Compliance may be issued until the inspection is complete and all applicable code requirements and conditions have been met.

14.48.100 Other Permits Required

Approval or conditional approval by the Planning Commission does not constitute a building permit and does not relieve the applicant of the requirement to obtain all necessary building permits.

Chapter 14.49
HOME OCCUPATIONS

Sections:

14.49.010 Purpose and Intent.
14.49.020 Definitions.
14.49.030 Procedure.
14.49.040 Conditions.
14.49.050 Minor Home Occupations.
14.49.060 Major Home Occupations.
14.49.070 Noncompliance.
14.49.080 Appeal.
14.49.090 Business License Required.

14.49.010 Purpose and Intent

Home occupations are permitted as defined in this chapter, but with restrictions to ensure that most business activities occur in appropriate commercial zones. A resident may conduct limited business activities within a dwelling if those activities comply with the standards of this Section. All home occupations must be secondary and incidental to the residential use. The occupational use must be conducted in a manner that would not make its presence apparent to neighbors under normal conditions. Home occupations are a temporary privilege and may be revoked if they disrupt the residential character of the neighborhood.

14.49.020 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

“Customer" means any individual who visits a home occupation for a business-related purpose, including but not limited to clients, students, delivery personnel, and

spectators. Each visitor is considered a separate customer, regardless of any personal relationship or corporate affiliation among them.

"Employee" means any person who works for a home occupation, whether paid or unpaid.

14.49.030 Procedure

The Development Services Department may issue a Home Occupation License upon application. The License must identify the permitted home occupation, any conditions of approval, and any limitations on the use. The Department may not issue the License unless it determines that the applicant will meet all of the conditions listed in this Chapter.

14.49.040 Conditions

Each of the following conditions must be observed at all times by the holder of a Home Occupation License:

(1) *Nonresident employment.* Unless otherwise provided in this Chapter, a person who is not a bona fide resident of the premises may not be employed at the premises.

(2) *Floor area and location.* The home occupation may not exceed 49% of the total floor area of the home and may not be conducted outdoors. Use of the garage for the home occupation is allowed only if sufficient on-site parking is available to meet the requirements of PCC 14.44.060.

(3) *Promotional meetings.* Promotional meetings for selling merchandise or taking orders may exceed customer limits otherwise allowed in this Section, but may not occur more than once per month and may include no more than 12 customers.

(4) *Sales and customer visits.* The home occupation may include the sale of commodities. Sales must be limited to items produced on the premises or items incidental to the service provided (e.g., a beautician who sells hair care products). Retail sales of products or services are allowed at the home, with a maximum of two customers per hour between 8:00 a.m. and 9:00 p.m., provided such activity does not unreasonably disturb the peace and quiet of the neighborhood.

(5) *Signage.* No sign or advertising may be displayed on the premises, except name plates as permitted by PCC 14.47.

(6) *Visibility.* No business-related display may be visible from the exterior of the premises.

(7) *Vehicles and deliveries.* Only one vehicle may be used in association with the home occupation, and it must be stored entirely within a building. The vehicle may not exceed a gross vehicle weight rating of 16,000 pounds. A home occupation may not require the receipt or delivery of goods or equipment by vehicles other than passenger cars or standard parcel carriers. Deliveries by semi-tractor/trailer are not permitted.

(8) *Code compliance.* The home occupation and the residence in which it is located must comply with the Provo City Code, as well as all applicable fire, building, plumbing, electrical, and health codes, and all relevant state and city laws.

(9) *Municipal impact.* The home occupation may not generate demand for municipal or utility services or community facilities that exceeds levels customarily associated with residential uses.

(10) *Residential character.* The home occupation may not alter the residential character of the premises or unreasonably disturb the neighborhood, including interference with radio or television reception, through color, design, materials, construction, lighting, noise, or vibrations.

(11) *Permit renewal.* A Home Occupation License is valid for one year and may be renewed annually, provided there have been no reported violations, complaints, or detrimental conditions that, in the opinion of the Development Services Department, warrant termination of the License.

(12) *Accessibility waivers.* A person with a disability may request a waiver from one or more of these conditions through the Zoning Administrator to support self-sufficiency.

(13) *Accessory dwelling units.* If the home includes an accessory dwelling unit, a major home occupation is not permitted unless use of the accessory dwelling unit is terminated.

(14) *Parking.* Sufficient off-street parking must be provided for all business-related vehicles that park at the premises, including those of the applicant, employees, customers, clients, and business visitors.

(15) *Prohibited home occupations*. To minimize traffic and parking impacts, and to avoid health and sanitation risks from the disposal of medical waste, offices for medical, dental, and other health professionals are not permitted as home occupations.

14.49.050 Minor Home Occupations

(1) Home occupations that meet the standards in 14.49.040 are considered minor home occupations.

(2) *Permitted home occupations.* Permitted minor home occupations include any home office that complies with PCC 14.49.040, and the following:

(a) Artists, authors, architectural services, and advertising;
(b) Barber and beauty shops;
(c) Consulting services and craft sales;
(d) Dance studios, aerobic exercise, music lessons, tutoring, and general educational instruction, provided no more than two students are present at a time;
(e) Direct sales distribution and desktop publishing;
(f) Data processing, computer programming, and computer services;
(g) Family day care for no more than six children;
(h) Home crafts;
(i) Garden produce;
(j) Janitorial services;
(k) Insurance sales, brokerage, and interior design;
(l) Mail order businesses;
(m) Real estate sales, brokerage, or appraisal services;
(n) Sales representatives; and
(o) Contractors, provided there is no outdoor storage of equipment and no more than one company vehicle is stored on site.

14.49.060 Major Home Occupations

A Major Home Occupation is a conditional use and is permitted only with the issuance of a conditional use permit and must comply with the standards in PCC 14.49.040, as well as the requirements in this Section and any additional conditions imposed by the Development Services Department through a conditional use hearing. Upon approval of a Conditional Use Permit, the Development Services Department may authorize increased intensity in the following areas:

(1) *Customer visits.* Up to six customers per hour may visit the dwelling unit between 8:00 a.m. and 5:00 p.m., and up to two customers per hour between 5:00 p.m. and 9:00 p.m., provided the visits do not unreasonably disturb the peace and quiet of the neighborhood.

(2) *Commercial vehicles.* A commercial vehicle with a gross vehicle weight rating of up to 17,500 pounds may be used, provided it is parked on private property and is adequately screened from view.

(3) *Outside employees.* Employees who do not reside on the premises may be allowed during daytime business hours (8:00 a.m. to 5:00 p.m.), subject to one of the following conditions:

(a) One outside employee may be present at a time on a lot that is at least 8,000 square feet. One additional employee may be allowed for each additional increment of 30,000 square feet.

(b) As an alternative to Subsection (3)(a), a home occupation that does not bring customers to the premises may have up to two outside employees at a time, if the lot is at least 8,000 square feet and sufficient off-street parking is provided. One additional employee may be allowed for each additional increment of 30,000 square feet.

(c) A home occupation that does not bring customers to the premises may allow extended hours for outside employees authorized under this Section, from 8:00 a.m. to 9:00 p.m.

(4) *Promotional meetings.* Promotional meetings for selling merchandise, taking orders, or conducting training may exceed the limits on customers and employees in this Section, but may not occur more than four times per month and must be limited to a combined total of 12 customers and employees per meeting.

14.49.070 Noncompliance

The Development Services Department may revoke a Major Home Occupation Conditional Use Permit in accordance with PCC 14.02.070.

14.49.080 Appeal

A person may appeal the denial or revocation of a Major Home Occupation Conditional Use Permit or object to any condition placed on the permit, by filing an appeal with the Board of Adjustment in accordance with PCC 14.02.050.

14.49.090 Business License Required

A Major Home Occupation Conditional Use Permit is not a business license. Granting the permit does not relieve the permit holder of any requirement to obtain a business license from the city or any other applicable public agency.

Chapter 14.50
SUPPLEMENTARY DEVELOPMENT STANDARDS

Sections:

14.50.010 Purpose.
14.50.020 Establishment of Uses Not Specified.
14.50.030 Clarification of Ambiguity.
14.50.040 Public Utilities - Exception.
14.50.050 Boats, Recreational Vehicles, and Trailers.
14.50.060 Location of Mobile Homes.
14.50.070 Trash Storage, Abandoned, Wrecked, or Junked Vehicles; Miscellaneous Materials.
14.50.075 Portable Storage Containers.
14.50.080 Height Limitations - Exceptions.
14.50.085 Fencing Standards for Residential Zones.
14.50.090 Clear Vision Area - Corner Lots.
14.50.100 Minimum Lot Area - Portion for Public Use.
14.50.110 Double Frontage Lots - Two (2) Front Yards.
14.50.115 Flag Lots.
14.50.120 Swimming Pools.
14.50.130 Caretaker Dwellings as an Accessory Use.
14.50.140 Residential Facilities.
14.50.150 Design Corridors.
14.50.160 Transitional Development Standards.
14.50.170 Residential and Mixed-Use Design Standards.
14.50.180 Downtown Development Design Standards.
14.50.190 Multifamily Amenities.
14.50.200 Second Kitchen in One-family Dwellings.
14.50.210 Elderly Persons - Extra Living Space.

14.50.010 Purpose

The purpose of this Chapter is to establish land development standards that apply citywide, unless explicitly stated otherwise in this Chapter, regardless of zone. These requirements supplement the property development standards for each applicable zone.

If a provision in this Chapter conflicts with a provision in another Chapter, the standards in this Chapter govern.

14.50.020 Establishment of Uses Not Specified

(1) *Discretionary Authorization by Planning Commission.* When a use is not specifically listed as permitted in a zone but shares the same general character and intensity as other permitted uses, the Planning Commission may, upon request, authorize the establishment of the use if it finds all of the following:

(a) The use aligns with the purposes of the zone in which it is proposed;

(b) The use is appropriate for the zone because it has the same basic characteristics as other permitted uses;

(c) The use does not harm public health, safety, or welfare;

(d) The use does not adversely affect the character of the zone;

(e) The use does not generate more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, visual blight, or other objectionable impacts than uses already permitted in the zone; and

(f) The use does not pose a greater risk of fire or explosion than is typical of other permitted uses in the zone.

(2) *Referral for Code Amendment.* If the Planning Commission authorizes the establishment of a use under this Section, it must, at the same regular meeting, schedule a public hearing in accordance with PCC 14.02.010 to consider recommending the use for addition to the list of permitted uses in the applicable zone through a text amendment to this Title.

14.50.030 Clarification of Ambiguity

If ambiguity arises regarding the classification of a use under this Title, or concerning height, yard requirements, area requirements, or zone boundaries, especially due to unforeseen circumstances such as technological changes or material processing, the Planning Commission must determine all relevant facts and issue findings and interpretations. Those findings and interpretations govern until formal changes to the Code clarify or eliminate the ambiguity.

14.50.040 Public Utilities - Exception

(1) *Public Utility Exemption.* This Title does not apply to poles, lines, or other structures or facilities used exclusively by a utility company to distribute electricity or communication services. It also does not limit or interfere with the installation, maintenance, or operation of public pipelines, electric or telephone distribution and transmission lines, or railroads, when located in accordance with applicable local and state regulations.

(2) *Required Approvals.* All transmission lines, electric substations, storage yards, and public utility buildings are subject to project plan approval if required by the applicable zone. Low-power radio communication towers and antennas are subject to the standards in PCC 14.02.045.

14.50.050 Boats, Recreational Vehicles, and Trailers

(1) In any zone, boats, recreational vehicles, or trailers may not be placed, kept, or maintained within the clear vision area of a corner lot, as defined in PCC 14.50.090. In any residential zone, a boat, recreational vehicle, or trailer may not be kept in a front or street side yard unless all of the following conditions are met:

(a) It is parked on a driveway or a paved parking area that complies with PCC 14.44.040;

(b) Any portion of the boat, recreational vehicle, or trailer taller than three feet is set back at least 12.5 feet from the inside edge of the sidewalk, or from the property line if no sidewalk exists; and

(c) It does not encroach into any public right-of-way.

(2) A boat, recreational vehicle, or trailer may be parked in a rear yard or in a side yard that is not a street side yard.

(3) A recreational vehicle may not be occupied while located on a lot in a residential zone, except under the following conditions:

(a) No more than one recreational vehicle may be occupied at a time on the same lot;

(b) The occupied recreational vehicle must be parked off the street and in compliance with Subsection (1) or (2);

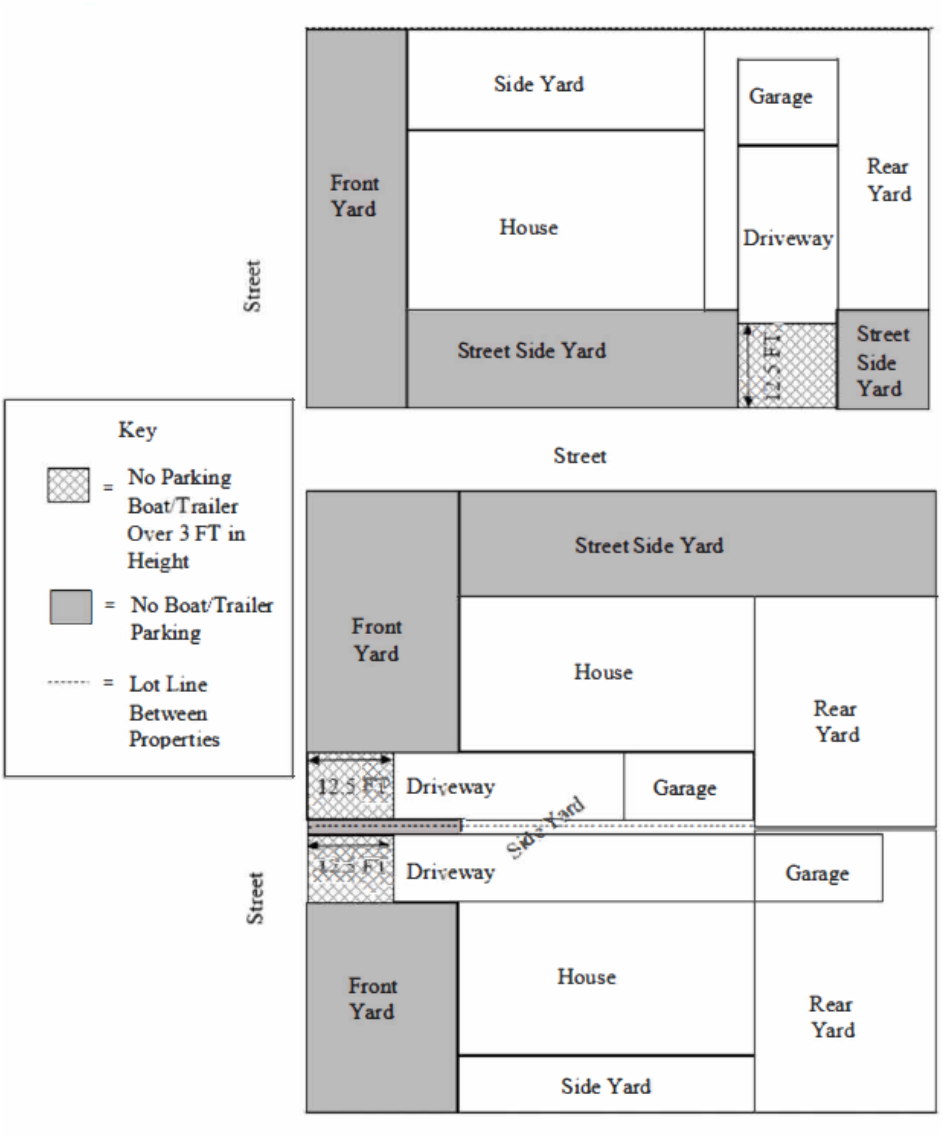
(c) The recreational vehicle may not be occupied for more than seven consecutive days;

(d) The total time any recreational vehicle may be occupied on the same lot may not exceed 30 days per calendar year; and

(e) All sewage (black water) waste must be discharged at a dump station. Discharging sewage anywhere else is unlawful.

(4) For reference, this Section includes illustrative diagrams below (Figure 14.50.050-1). In the event of a conflict between an illustration and a definition, the definition governs.

Figure 14.50.050-1. Restricted Parking Locations for Boats, Recreational Vehicles, and Trailers



14.50.060 Location of Mobile Homes

(1) *General Prohibition.* No person may place, keep, maintain, or permit a mobile home to be placed, kept, or maintained on any lot, piece, or parcel of land in the city, except in a mobile home park or mobile home subdivision, unless one of the following exceptions applies:

(2) *Temporary Placement.* A mobile home may be temporarily placed or stored on a lot, outside the clear vision area defined in PCC 14.50.090, for:

(a) up to 24 hours for loading or unloading; or

(b) up to seven days for temporary storage, provided the mobile home is not occupied.

(2) *Active Building Permit.* A mobile home may be located on the rear half of a lot in a residential zone during the construction of a permanent single-family residence, provided:

(a) a building permit for the permanent residence is issued before the mobile home is placed on site; and

(b) the mobile home is removed no later than final inspection of the permanent residence, and in no case remains on site for more than one year.

(3) *Construction Office.* A mobile home may be used as a temporary construction office on the construction site of a building other than a single-family residence. The mobile home must be removed within 10 days after the final inspection is granted.

(4) *Commercial Use.* A mobile home may be used for temporary expansion of an existing commercial or industrial use if approved by the Planning Commission and subject to the following:

(a) approval may be granted for no more than one year, with a one-time extension of up to one additional year, if requested by the property owner and approved by the Planning Commission;

(b) the mobile home may be located in a side or rear yard only, and must be made as inconspicuous as possible; and

(c) the mobile home must comply with all applicable yard requirements and be located according to a project plan approved by the Planning Commission.

(5) *Performance Bond Required.* A mobile home or trailer used under Subsections (2), (3), or (4) must be secured by a performance bond to ensure its removal by the end of the approved period.

(a) The bond must be paid in cash before moving the mobile home or trailer onto the site. If not paid in advance, a bond in double the required amount is required.

(b) The bond amount is $250 for a single-wide and $2,500 for a double-wide mobile home.

(c) The bond must require removal of the mobile home or trailer by the expiration of the authorized period, or by the end of an approved extension.

14.50.070 Trash Storage, Abandoned, Wrecked, or Junked Vehicles; Miscellaneous Materials

(1) *Storing of Inoperable Vehicles.* It is unlawful to park, store, or leave, or permit the parking, storing, or leaving of, any motor vehicle or part thereof, whether licensed or unlicensed, that is wrecked, junked, partially dismantled, inoperative, or abandoned on private property in the City for more than 72 hours, except as follows:

(a) up to two such vehicles or parts may be stored if kept within a building or behind an opaque screening fence; and

(b) such vehicles or parts may be located in a legally established junkyard or automobile wrecking yard in accordance with this Title.

(2) *Nuisance.* Accumulating or storing more than two such vehicles or parts on private property, except as permitted above, constitutes a nuisance that is detrimental to public health, safety, and welfare. The owner, lessee, or person in possession of the property must remove the vehicles or take other remedial action as directed by the City.

(3) *Outside Storage.* No trash, used materials, junk, household furniture, appliances, scrap material, equipment, or parts may be stored in an open area. Accumulation of more than one such item constitutes a junkyard as defined in PCC 14.05 and must be removed, stored within an enclosed building, or located in an M2 zone. Storing commercial goods or materials is prohibited unless allowed by the underlying zone.

(4) *Trash Containers.* Trash storage containers must be placed in a location approved by the Planning Commission as part of a project plan or in accordance with PCC 11.03.090. Trash container locations approved with a project plan must meet the following requirements:

(a) Containers must be screened using durable materials that are architecturally compatible with the primary structure or perimeter fence or wall on the lot. Containers must be screened from view of any abutting lot or public street;

(b) Enclosures may not project into a required yard unless authorized by a conditional use permit under PCC 14.02;

(c) Containers on lots used for nonresidential purposes that abut a residential zone must comply with the setback requirements in PCC 14.50.160;

(d) The following considerations apply, in order of priority, when determining the location of trash storage containers:

(i) Ease of access by trash removal vehicles;

(ii) Setbacks and screening to minimize odor and visual impacts; and

(iii) Ease of access by users of the containers.

(e) This Subsection applies only to trash containers of two cubic yards or larger. It does not apply to 90-gallon containers provided by Provo City.

14.50.075 Portable Storage Containers

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

(2) *Active Building Permit.* If a building permit has been issued for construction or remodeling of a dwelling unit in an agricultural or residential zone, one portable storage container may be located on the same lot or parcel while the permit remains valid, subject to the following requirements:

(a) The portable storage container may be placed on a driveway, or in an interior side yard or rear yard, provided the container may not be located within a parking circulation aisle or lane, fire access lane, public utility easement, or public right-of-way, including a public street or sidewalk; and

(b) The portable storage container must be removed before the City issues a certificate of occupancy.

(3) *Temporary Placement.* If no building permit has been issued, one portable storage container may be placed on a lot or parcel in an agricultural or residential zone for up to 30 days in any 12-month period, if it complies with Subsection (2)(a).

(4) *Stacking.* In any zone, vertical stacking of portable storage containers or placement of any other materials on top of a portable storage container is prohibited.

14.50.080 Height Limitations - Exceptions

(1) *Point of Measurement.* Where doubt exists regarding the height of a fence, hedge, masonry wall, retaining wall, or similar structure regulated by this Title, height is measured from the average finished grade of the yard in which the structure is located.

(2) *Height Exceptions.* The height limitations of this Title do not apply to the following structures, provided they are not used for human occupancy:

(a) Church spires, belfries, cupolas, or domes; and

(b) Chimneys, ventilators, skylights, water tanks, silos, cornices without windows, parapet walls, antennas, radio towers, or properly screened mechanical equipment typically located above a building's roofline.

(3) *Aircraft Concession.* No building, tree, smokestack, chimney, flagpole, wire, tower, or other structure, or any attachments, may be constructed, built, or established if it creates a hazard or obstruction to aircraft navigation, landing, or takeoff at a publicly used airport. In such areas, regulations of the Federal Aviation Administration constitute the minimum acceptable standards.

14.50.085 Fencing Standards for Residential Zones

(1) *Applicability.* Fences in the One-Family Residential (R1), Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Campus Residential (CR), Neighborhood Mixed-Use (NMU), and Mixed-Use (MU) zones must comply with the standards in this Section.

(2) *Permit Required.* Structural fences that are seven feet or less in height do not require a building permit. Structural fences over seven feet in height require a building permit from the Building Inspection Division.

(3) *Materials.* Permitted fencing materials include lumber, vinyl, chain-link, masonry, wrought iron, decorative metal, vegetation, or other similar materials. The use of pallets, scrap metal, tarps, or other non-fencing materials is prohibited. Standards for barbed wire and similar fencing types are provided in PCC 9.14.020.

(4) *Maintenance.* Any fence, wall, gate, hedge, or structure that is deteriorated or in disrepair to the extent that it creates a nuisance or hazard must be repaired or replaced.

(5) *Location.* Fences in residential yards are subject to the following:

(a) *Front Yard.* Solid, sight-obscuring walls, fences, or hedges may be built to a maximum height of three feet within any required front yard perimeter. These may slope upward to connect to a taller side yard fence, provided the sloped

section does not exceed one fence panel or ten feet in length. Walls, fences, or hedges that are at least 50 percent open may be built to a maximum height of six feet in a front yard.

(b) *Side Yard.* Both sight-obscuring and non-sight-obscuring fences may be built to a maximum height of seven feet in any side yard.

(c) *Rear Yard.* Fences and walls in the rear yard may exceed seven feet in height only if the property owner obtains a building permit from the Building Inspection Division before construction.

(d) *Corner Lots.* A fence up to seven feet in height may be built in the side yard adjacent to a public street on a corner lot, provided it does not extend into the clear vision area as defined in PCC 14.50.090.

(e) *Entryways.* Entry features for private driveways or subdivision entrances may not exceed six feet in height, excluding lamps on pillars, and must comply with PCC 14.50.090. Pillars may extend up to 18 inches above the maximum allowed fence height, provided they are spaced at least six feet apart, measured face to face.

(f) *Grade Differences.* If there is a difference in elevation between adjacent properties, fence height is measured from the natural grade of the property where the fence is located.

(g) *Retaining Walls.* Where a retaining wall protects a cut or fill at a lot line, the wall may be topped by a fence, wall, or hedge of the same height that would be permitted if no retaining wall existed.

(h) *Double Frontage Lots.* A fence or wall up to seven feet in height may be built in the rear yard of a double frontage lot if the rear yard abuts a street only if approved by the Development Services Department.

14.50.090 Clear Vision Area - Corner Lots

In all zones that require a front yard, no structure, fence, or vegetation taller than three feet may be placed on a corner lot within a triangular area formed by the street property lines and a line connecting points located 25 feet from their intersection, except as follows:

(1) Street trees and other landscaping are permitted if they are pruned and maintained to avoid obstructing clear views for motor vehicle drivers, as determined by the City Engineer; and

(2) City wayfinding and traffic control signs are permitted.

14.50.100 Minimum Lot Area - Portion for Public Use

(1) If a portion of a lot or parcel that meets the minimum area requirements of its zone is acquired for public use and the resulting lot area falls below the minimum requirement, the remainder may still be considered compliant if all of the following conditions are met:

(a) the remainder contains a rectangular space of at least 30 by 40 feet, excluding required front and side yards and excluding one-half of the required rear yard. This rectangular space must be usable for a principal use or structure;

(b) the remainder has a total area of at least one-half the minimum required lot area for the zone, except in zones with a minimum lot area of 15,000 square feet or more, where the remainder must be at least 6,000 square feet; and

(c) the remainder has a minimum street frontage of 20 feet.

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

14.50.110 Double Frontage Lots - Two (2) Front Yards

A double frontage or through lot must provide a front yard, as required by the applicable zone, along each street it abuts.

14.50.115 Flag Lots

To encourage efficient land use and increase the housing stock in Provo, flag lots are permitted subject to the following requirements:

(1) *Zoning.* A flag lot may only be located in an A1, RA, or R1 zone.

(2) *Development Justification.* The applicant must provide written and illustrative evidence showing property development with and without the proposed flag lot, demonstrating that:

(a) the flag lot results in a 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 properties;

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

(i) current, proposed, or alternative zoning;

(ii) the potential to incorporate the subject property with adjacent properties to achieve a more unified development and avoid the need for a flag lot;

(iii) alternative street designs and improvements; and

(iv) any other reasonable design options that would eliminate the need for a flag lot;

(d) the flag lot serves as infill development within the general area; and

(e) access to the flag lot is provided through the pole portion of the lot, which may not be located within a primary conservation area as defined in PCC 15.03.010.

(3) *Minimum Design Standards.* Flag lots must meet the following minimum design standards:

(a) the flag lot must have at least 15 feet of frontage on a dedicated public street, which serves as access to the lot.

(i) a single flag lot with 15 feet of frontage must include an adjacent five-foot perpetual private utility easement on the neighboring lot.

(ii) when two adjacent lots are flag lots with adjacent access, the combined frontage may be a minimum of 25, split between the two lots;

(b) the pole portion of the lot may not exceed 149 feet in length unless:

(i) the lot has at least 20 feet of frontage on a public street; or

(ii) a turnaround for fire apparatus is provided;

(c) a dwelling may not be located more than 200 feet from the street unless equipped with a fire suppression system;

(d) the flag (or body) portion of the lot must meet the minimum lot area, width, and depth requirements of the applicable zone;

(e) the front, rear, and side yard setbacks of the flag (or body) portion must conform to the setback requirements of the applicable zone;

(f) no structure may be located on the pole portion of the lot, except for aesthetic entry features such as archways, decorative mailboxes, raised landscape beds, or similar structures;

(g) a hard-surfaced driveway at least 12 feet wide must extend from the street to the required parking area(s). This driveway may be shared between two flag lots with an access agreement; and

(h) unpaved areas of the pole portion must be landscaped in accordance with PCC Chapter 15.20.

(4) *Findings Required.* A flag lot may not be approved as part of a preliminary or final subdivision plat unless staff first find that the applicant has provided sufficient evidence supporting creation of the flag lot and that the lot meets the minimum design standards set forth in this Section.

(5) *Additional Conditions.* In addition to the minimum requirements, staff may impose conditions on a flag lot as part of preliminary or final subdivision plat approval, including but not limited to:

(a) fencing and screening requirements;

(b) location and height of the dwelling;

(c) Installation of one or more fire hydrants; and

(d) additional off-street parking or backup space, designed in accordance with the standards in PCC Chapter 14.44.

(6) *Bonding for Improvements.* Required improvements and any applicable conditions of approval for a flag lot must be bonded for pursuant to PCC 15.03.280 at the time a building permit is issued for construction on the lot.

14.50.120 Swimming Pools

Swimming pools, as defined by the International Swimming Pool and Spa Code, must be set back at least five feet from all property lines. Any pool must also include access gates and a six-foot fence, a barrier, or a safety cover, in accordance with the requirements of the International Swimming Pool and Spa Code.

14.50.130 Caretaker Dwellings as an Accessory Use

In zones where caretaker dwellings are specifically permitted as an accessory use, a caretaker dwelling may be established only if it meets all of the following requirements:

(1) it is accessory to a functioning principal use, with no more than one caretaker dwelling per lot or principal use;

(2) it is located on the same property as the principal use;

(3) it is occupied by only one family;

(4) it contains only one kitchen;

(5) it is subordinate in size to the principal use and does not exceed 1,200 square feet of floor area;

(6) it is designed as part of, and in harmony with, the architecture of the main building(s) on the property;

(7) it is not a manufactured dwelling unit; and

(8) it is occupied or rented only by an employee or subcontractor of the legal entity that owns the principal use. The caretaker must be employed by that entity. Upon request, any person occupying a caretaker dwelling must provide evidence of compliance with this Section.

14.50.140 Residential Facilities

(1) *Residential Facilities for Persons with a Disability.*

(a) Upon application for a license to establish a residential facility for persons with a disability in any zone where the use is permitted, the City will grant a license if the facility meets all of the following conditions:

(i) the facility complies with all building, safety, and health requirements of the PCC that apply to similar structures;

(ii) the facility meets all zoning requirements for the zone in which it is located;

(iii) the operator provides off-street parking as required by PCC 14.44;

(iv) the facility is occupied only to the same extent that a dwelling unit may be occupied in the same zone;

(v) the design and landscaping of the facility is consistent with the residential character of the structure; and

(vi) any new structure will be of a size, scale, and design that is in harmony with other residential uses in the vicinity.

(vii) a residential facility for persons with a disability must maintain applicable licensure or certification required under state law, including under Utah Code Title 26B.

(b) The City intends to regulate residential facilities for persons with a disability only to the extent allowed by:

(i) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;

(ii) The Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601 et seq., and applicable jurisprudence; and

(iii) Section 504 of the Rehabilitation Act of 1973, and applicable jurisprudence.

(c) None of the conditions in this Subsection (1) may be interpreted to limit any reasonable accommodation necessary to allow occupancy of a residential facility for persons with a disability, in accordance with the Fair Housing Amendments Act of 1988.

(d) A license issued under this subsection is nontransferable and terminates if:

(i) the structure is used for a purpose other than a residential facility for persons with a disability; or

(ii) the structure or use fails to comply with any requirement of this Subsection (1).

(2) *Residential Facility for Elderly Persons.*

(a) Upon application for a license to establish a residential facility for elderly persons in any zone where the use is permitted or conditionally permitted, the City will grant a license if the facility complies with the following conditions:

(a) the facility complies with all building, safety, zoning, and health requirements applicable to similar dwellings;

(b) the facility is no closer than 1,000 feet of another such facility;

(c) the operator provides off-street parking as required for one-family residential uses under PCC 14.44;

(d) the facility is usable without structural or landscaping changes that alter its residential character;

(e) no person being treated for alcoholism or drug abuse is placed in the facility;

(f) placement is voluntary and is not used as a substitute for confinement, rehabilitation, or treatment in a correctional facility;

(g) a residential facility for elderly persons may not operate as a business. A facility is not considered a business solely because a fee is charged for food or for the actual and necessary costs of operating and maintaining the facility; and

(h) if applicable, the facility complies with all the conditional use criteria in PCC 14.02.040.

(b) A license issued under this subsection is nontransferable and terminates if:

(i) The structure is used for a purpose other than a residential facility for elderly persons; or

(ii) The structure or use fails to comply with any requirement of this Subsection (2).

(3) *Assisted Living Facilities.*

(a) The following development standards apply to assisted living facilities:

(i) assisted living facilities are permitted in all residential zones, as well as in the Neighborhood Commercial (SC1) and Public Facilities (PF) zones;

(ii) the facility must comply with all building, safety, and health requirements of the PCC applicable to similar structures and occupancies in the applicable zone;

(iii) the facility must comply with all applicable standards of the Utah Department of Health or the Utah Department of Human Services. The owner or operator must obtain all required State licenses; and

(iv) the design and landscaping of the facility must reflect a residential character rather than an office or institutional character.

(b) None of the above conditions may be interpreted or applied in a way that would prevent reasonable accommodations or hinder compliance with:

(i) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;

(ii) The Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601 et seq., and applicable jurisprudence; and

(iii) Section 504 of the Rehabilitation Act of 1973, and applicable jurisprudence.

14.50.150 Design Corridors

Design corridors are established under this Section. The purpose of this Section is to provide design criteria for development located within designated design corridors. If a conflict arises between the standards in this Section and other applicable zoning regulations, the more restrictive standard applies. The Planning Commission may approve modifications to the standards in this Section if the applicant presents substantial evidence that strict compliance would result in unreasonable economic hardship.

(1) *North University Avenue Design Corridor.*

(a) *Creation – Purpose.* The North University Avenue Design Corridor is established for properties fronting University Avenue from 500 North to 960 North. Its purpose is to preserve and enhance the character and value of North University Avenue; protect views, vistas, and significant architectural and historic resources; reduce congestion; and improve the quality of the built environment. These goals support neighborhood conservation, property value maintenance, enhanced City image, and overall public welfare. All new construction and rehabilitation in the corridor must comply with this Subsection.

(b) *Qualities of the Block.*

(i) *Architecture.* New or redeveloped structures must use architectural styles compatible with traditional corridor structures, including Bungalow (Craftsman and Prairie detail), English Tudor, and Victorian. Contemporary design is allowed if it is compatible in size, scale, color, material, and character.

(ii) *Trees.* Existing Norway Maple trees in the park strip must be preserved. On-site tree planting must include a 50/50 mix of evergreen and deciduous trees.

(iii) *Front Facades.* Buildings must be oriented to the street, the facade must maintain a front appearance through consistent building lines, window patterns, and materials.

(iv) *Spacing.* Building spacing must provide one foot of separation for every 2.2 feet of building frontage. For a long horizontal building, facade bays separated by indentations and landscaping will be treated as separate building frontages when calculating required building separation.

(v) *Setbacks.* Front setbacks must be at least 25 feet. Setbacks must increase one foot for every foot of building height over 35 feet.

(vi) *Scale.* The maximum building height–to–side yard setback ratio is 4:1. For corner lots, the ratio along the street-facing side yard is 2:1.

(vii) *Hard Surface.* The combined area of buildings, parking areas, and access lanes may not exceed 60% of the lot.

(viii) *Open Space.* A minimum of 40% of the lot must be dedicated to open space, which may include landscaping and approved hardscape.

(ix) *Height.* The maximum height is 40 feet.

(c) *Qualities of Building Treatment.*

(i) *Materials.* Brick is the predominant material in the corridor, followed by stucco. New structures must use brick or a brick-stucco combination consistent with surrounding buildings in color and texture. Masonry joints and mortar must be compatible with nearby buildings.

(ii) *Roof Style.* Roof forms must match corridor styles, which include gable, pyramid, and hip. Roof slopes must not exceed 45 degrees.

(iii) *Colors.* Acceptable brick colors are reddish brown, plum, dark gray, burnt orange, rust, brown, yellowish brown, or tan. Trim colors may be used as accents and must harmonize with the primary color.

(d) *Signs and Lighting.*

(i) One sign or nameplate, not exceeding 12 square feet, is allowed on a building or ornamental masonry wall to identify an apartment or nonresidential use. Wall or monument signs must be set back at least five feet from the front property line.

(ii) Back-lit signs are not allowed. Only hooded spotlights that illuminate the sign face are permitted.

(iii) Sign colors must complement the structure. Contrast is permitted to enhance legibility.

(2) *North University Avenue Riverbottoms Design Corridor.*

(a) *Creation – Purpose.* The North University Avenue Riverbottoms Design Corridor is established along North University Avenue from 2230 North to the mouth of Provo Canyon. The criteria in this Subsection apply to all properties

with frontage on University Avenue or the Provo River Bikeway within the Corridor, including those properties within developments that front either corridor. All new construction must comply with this Subsection. The purpose of this corridor is to:

(i) preserve and enhance the character and value of University Avenue;

(ii) maintain an “open urban forest landscaped feel”;

(iii) protect natural features and views through a design process that identifies and integrates significant natural elements;

(iv) promote wooded pathways, small urban park features, and preservation of existing vegetation; and

(v) reduce street congestion and enhance the built environment for public health, safety, and general welfare.

(b) *Screening and Landscaping Standards.* Landscape elements regulated under this Subsection include all forms of planting and vegetation, ground forms, rock groupings, water features, and all visible construction except buildings and utilitarian structures.

(i) *Landscaped Buffer Yards.* Landscaped buffer yards must be developed and maintained along University Avenue to:

(A) preserve natural features, such as native tree stands, water features, wetlands, and open country character;

(B) minimize highway noise for adjacent properties and businesses; and

(C) improve and beautify this entryway to the city.

(ii) *Residential Buffer Yard.*

(A) Residential developments, including subdivisions, planned developments, and multi-family developments, that adjoin University Avenue must include the following landscape and screening features:

(I) a minimum 20-foot-wide buffer yard, landscaped with turf, trees, and shrubs;

(II) a six-foot-high decorative wall placed behind the landscaped buffer yard;

(III) one canopy tree (2.5-inch caliper) per 30 linear feet of street frontage;

(IV) one understory tree (1-inch caliper) or one evergreen conifer (minimum six feet tall at maturity) per 30 feet of frontage;

(V) five shrubs (five-gallon minimum size) per 300 square feet of buffer yard; and

(VI) landscaping of the area between the roadway and the property line, unless restricted by the Utah Department of Transportation.

(B) Isolated one-family dwellings may be exempted by the Development Services Director or the Director's designee from the requirements for the decorative wall and landscaping standards described in Subsection (A).

(iii) *Nonresidential Buffer Yard.* Nonresidential properties adjoining University Avenue must include the following landscape and screening features:

(A) all landscaping as required in Subsection (b)(ii); and

(B) a landscaped berm or decorative wall, not exceeding 30 inches in height, along the University Avenue frontage.

(iv) *Preservation of Topographic Patterns.* Where natural or existing topographic features contribute visual or functional value to a development, those features must be preserved and incorporated into the site design. Modifications to topography may be permitted if they enhance the aesthetic appearance of the site.

(v) *Landscape to Enhance Architectural Features.* Landscaping must be used to highlight architectural elements, reinforce significant vistas and visual axes, and provide shade. Landscape elements must be proportional to and in harmony with the proposed building structures.

(vi) *Indigenous Plants.* Landscaping must prioritize plant species that are indigenous to the area or are otherwise hardy, drought-tolerant, and compatible with the overall design. All trees and shrubs must be selected from the list of acceptable species maintained by the City Forester.

(vii) *Plant Protection.* Where landscaping is vulnerable to damage from pedestrian or vehicular traffic, protective measures such as curbs, tree guards, or similar barriers must be installed to prevent injury to the plants.

(viii) *Buffers and Berms.* All vehicular use areas, including parking lots, loading zones, and service drives, must be screened by a vegetative buffer, masonry wall, or earthen berm between 30 and 72 inches in height. The screening must be effective in both summer and winter.

(A) Vehicular use areas larger than 5,000 square feet must include interior landscaping equal to at least 5% of the total area.

(B) Each landscaped area must comply with PCC 15.20.090 and PCC 15.20.100

(ix) *Alternative Materials.* In areas where general planting is impractical, such as narrow strips three feet wide or less, alternative materials may be used, including fences, walls, or pavement surfaces made of wood, brick, stone, gravel, or cobbles. Where feasible, these materials must be complemented by carefully selected plants.

(x) *Preservation of Existing Trees.* Existing mature trees must be preserved wherever practicable and integrated into the site design. If construction or clearing disturbs mature vegetation, additional plantings are required beyond the minimum standards listed above. Larger planting stock may also be required to replace any lost or damaged vegetation.

(c) *Building Appearance and Setbacks.* Architectural style is not restricted, but selected styles must comply with the following general design guidelines:

(i) *Architecture.* Building design must be harmonious with existing permanent development in the surrounding area.

(ii) *Roof Style.* Roof forms must be hip, gable, or pyramid and must suit the selected architectural style.

(iii) *Materials.* Building materials must be durable and appropriate for their use. Acceptable materials are brick, stucco, stone, and wood.

(iv) *Uniformity.* All buildings within a planned development or shopping center, including individual pads, must share a consistent architectural theme and use the same exterior materials for all walls and visible exterior components facing access roads or adjacent residential properties.

(v) *Setbacks.* Minimum setbacks from the front property line on University Avenue are as follows:

(A) all buildings, except one-family dwellings, must be set back at least 50 feet; and

(B) single-family dwellings must be set back at least 30 feet.

(d) *Signs and Lighting.*

(i) An integrated sign design plan is required for all new planned developments, shopping centers, and office complexes.

(ii) Sign colors must complement the principal structure. Contrast may be used to enhance legibility.

(iii) Identification signs that use prototype designs or corporate logos must comply with the same criteria as all other signs.

(iv) All signs must comply with the standards in PCC 14.47.085.

(e) *Pedestrian Amenities and Streetscape Improvements.*

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

(ii) Sidewalks must be at least six feet wide and may meander through the landscaped planter strip rather than running parallel to the street.

(iii) Where feasible and subject to available funding, the city will install pedestrian benches and trash receptacles at convenient locations along the landscaped park strip.

(f) *Traffic Impact Analyses.* A traffic impact analysis is required for nonresidential projects with an aggregate size of 40,000 square feet or more, and for residential projects with more than 50 dwelling units.

(g) *Access Controls.* The City Engineer will provide recommendations to the Utah Department of Transportation regarding vehicular access to University Avenue. The following land use guidelines must inform those recommendations:

(i) residential developments should either back onto University Avenue and take primary access from a side street, or be designed as a planned development with a shared access drive, properly spaced from nearby driveways and intersections; and

(ii) where feasible, adjoining developments should be encouraged to share common driveway approaches to reduce curb cuts and improve traffic safety.

(3) *West Center Street Design Corridor.*

(a) *Creation - Purpose.* The West Center Street Design Corridor is established along West Center Street from Interstate 15 to the eastern edge of Utah Lake. All lots with frontage on this portion of West Center Street are subject to this Section. The corridor's purpose is to preserve and enhance the character and value of West Center Street, maintain property values, improve the City's image, and promote the public's health, safety, and general welfare. All new construction within the corridor must comply with this Subsection.

(b) *Building Setbacks.* All buildings must be set back at least 20 feet from the Center Street property line or 60 feet from the Center Street centerline, whichever is greater.

(c) *Procedure.* Development within the corridor may occur only after the Planning Commission reviews and approves the project plan for the proposed development. The applicant must submit a project plan in accordance with PCC 15.03.310.

(d) *Development Standards.* Project plans must incorporate and preserve significant natural features into the site design. Each project plan, including the existing features (site analysis) plan, must comply with the following site improvement standards. These standards apply in addition to other applicable development requirements.

(i) *Setbacks and Buffering.* Properties adjoining the West Center Street Design Corridor must include a front yard bermed to a height of four feet and landscaped with at least:

(A) one deciduous tree with a minimum two-inch caliper for every 30 feet of street frontage; plus

(B) either one understory tree with a one-inch caliper or one evergreen conifer expected to reach at least six feet at maturity for every 30 feet of street frontage; and

(C) five shrubs in five-gallon containers for every 300 square feet of landscaped buffer yard.

(ii) *Pedestrian Amenities and Streetscape Improvements.* Commercial areas must be designed to accommodate both vehicles and pedestrians.

Sidewalks must be at least six feet wide and must meander within the landscaped area, as determined by the City Engineering Department. Combination curb, gutter, and sidewalk construction is prohibited unless the City Engineer determines that such construction is necessary to align with existing improvements.

(iii) *Landscaping of Planting Strip.*

(A) The following requirements apply to the planting strip in addition to the requirements of other sections of the PCC:

(I) at least one deciduous tree with a two-inch caliper must be planted for every 30 feet of street frontage;
(II) tree selection must be coordinated with the Provo City Forester; and
(III) plantings must be located to minimize visibility obstructions at driveways and street intersections as vegetation matures.

(B) For portions of West Center Street classified as a state highway (from Interstate 15 to Geneva Road), an adjoining property owner must enter into an agreement with the Utah Department of Transportation (UDOT) regarding landscaping in the planting strip. That agreement must comply with Subsection (A) unless the owner is unable to reasonably obtain UDOT's agreement with those requirements. A property owner in this area who complies with an agreement with UDOT regarding parking strip landscaping is in compliance with this Subsection (iii).

(iv) *Alternative Materials.* In areas where general planting is not viable, such as planting strips three feet wide or less, other materials may be used, including wood, brick, stone, or cobble paving. When such materials are used, soil sterilization or installation of a weed barrier is required. Where feasible, carefully selected plants must be incorporated alongside these materials.

(v) *Protection of Existing and New Landscaping Features.* Existing mature trees and vegetation must be preserved and incorporated into site landscaping plans, unless the Provo City Forester determines that preservation is not advisable. New and existing plant materials must be protected from damage using curbs, tree guards, or other protective devices. Any plant material that is damaged must be replaced as soon as reasonably possible, based on seasonal and availability constraints, but no later than one year after the damage occurs.

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

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

(viii) *Building Design.* Building design must incorporate predominant architectural features, materials, and colors from existing nearby buildings.

(A) Commercial buildings must have a minimum lot coverage of 25% and may not exceed 60%.

(B) Primary entries must face a public street or designated pedestrian connection. Entrances must be clearly identifiable and designed to create a transition between exterior and interior spaces. Building entries must also include adequate lighting for security.

(C) Building-mounted communications equipment must be attached directly to a wall or parapet. Such equipment must either match the color of the surface on which it is mounted or be designed to align with the building’s architectural details.

(D) Architectural detailing must enhance the building’s overall character and add visual interest to the development.

(I) Design elements on building elevations, such as distinctive features or color usage, must reflect and continue the project’s overall theme or character.

(II) Equipment including, but not limited to, roof-mounted communications or mechanical systems, vending machines, and ice machines must be screened from street view and located in areas specifically designed for their placement as part of the overall project design.

(III) Patio enclosures visible from a public street must be compatible with the project's architectural character.

(IV) Entryways and stairways must be integrated into the building design using similar materials, details, forms, colors, or other architectural features.

(E) Exterior building materials must be durable, low-maintenance, and equal to or higher in quality than those used in surrounding developments.

(I) The texture of building components must contribute to and enhance the overall building design.

(II) Color schemes must be harmonious and compatible with adjacent developments. Accent colors must complement the primary color theme.

(III) Proposed color and material details, including color chips and physical samples, must be included in building plans at the time of project plan application submittal.

(IV) Reflective surfaces may not be used in locations where they could produce excessive glare or reflections.

(V) All pitched roofs visible from a public street must use roofing materials such as tile, architectural-grade asphalt shingles, standing seam metal, or materials of comparable quality.

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

(F) Pre-engineered metal buildings are prohibited.

(G) Project scale must be compatible with adjacent development and may not overwhelm neighboring buildings. Perceived height must be mitigated through roofline variation and changes in building height as needed.

(I) Building scale must align with the scale of adjacent development.

(II) Roofline variations must be used to establish architectural style or character, especially for commercial buildings with limited wall variation due to functional constraints.

(III) Commercial buildings may not exceed 35 feet in height, except for tower elements, which may extend up to 50 feet in height, provided that such towers do not exceed a footprint of 400 square feet.

(IV) Hipped or gabled roofs are required. Flat roofs with decorative front parapet walls may be approved by the Planning Commission. Mansard roofs are prohibited.

(H) Architectural relief must be used in building design to add interest and variety and to avoid monotony. Design elements that create shade and cast shadows may be incorporated to enhance visual depth.

(I) Horizontal and vertical elements of exterior walls must vary in height and projection to provide substantial architectural interest and style. Such features may include, but are not limited to, imaginative treatments of windows, doors, eaves, rooflines, and parapets, subject to approval by the Planning Commission.

(II) Building trim, accents, colors, materials, and styles must be integrated into the primary design themes to promote visual interest.

(III) All exterior elevations must be unified under the project's overall design theme. In particular, upper portions of side and rear walls should incorporate height variation, relief elements that create shadow, and architectural use of features such as scuppers, downspouts, and expansion joints.

(IV) Where feasible, office areas or other functions that do not require a high roofline must be constructed with a lower roofline to provide variety in massing and form.

(I) Window and door placement must be used, where feasible, to create patterns that add variety and interest to building design. Building orientation must emphasize attractive views and minimize exposure to undesirable views. Drive-through windows may not face a public street.

(ix) *Grade Separation.* Where site grading occurs, including landscaping or stormwater retention, grade separations greater than two feet at any property line must be avoided to the greatest extent practicable.

(x) *Timing of Design Corridor Improvements.* For any new development or subdivision constructed within the West Center Street Design Corridor, the developer must install all required site improvements consistent with the standards in Subsection 14.50.290(3) before occupancy of any building.

(xi) *Traffic Impact Analyses.* A traffic impact analysis is required for any project plan that meets the thresholds established in PCC 15.03.040.

(xii) *Access Controls.* Vehicular access to certain segments of West Center Street (from Interstate 15 to Geneva Road) falls under the jurisdiction of the Utah Department of Transportation (UDOT), with recommendations provided by the City Engineer. The following standards guide the City Engineer's access recommendations:

(A) the number of residential driveways with direct access to West Center Street or Geneva Road must be minimized. Primary access must be from a side street or a shared access drive that is appropriately spaced from other driveways and street intersections; and

(B) development projects on adjacent lots or parcels must share driveway approaches wherever feasible.

(4) *South State Street Design Corridor.*

(a) *Purpose and Intent.* The Provo City General Plan promotes architectural and design excellence. Many properties fronting South State Street are vacant or underdeveloped, creating an opportunity to improve the image of this major gateway into the City. Design guidelines ensure that new development and property improvements enhance the corridor's character and make a positive visual and physical contribution to both South State Street and adjacent neighborhoods. These guidelines aim to:

- Promote attractive development;

- Enhance the image of the South State Street gateway and the city overall;
- Increase property values;
- Attract customers to local businesses;
- Facilitate a walkable, healthy environment that integrates pedestrian and vehicular needs; and
- Streamline the development approval process.

Well-designed buildings will improve quality of life and create a distinct “sense of place” along this southern gateway, benefitting property owners, residents, and the City as a whole.

(b) *Boundaries.* The South State Street Design Guidelines apply to all properties fronting State Street between 900 East to 1860 South on South State Street.

(c) *Applicability.* The requirements of this Subsection apply to all new construction, additions, and exterior alterations to principal or accessory buildings located on property as described in Subsection (4)(b) of this Section, and any public street that intersects South State Street for 100 feet from South State Street within the corridor.

(d) *Approval Authority.* The Planning Commission has authority to approve designs for property development and improvements within the South State Street Corridor. The Planning Commission may waive individual guidelines for specific projects if the waiver results in a superior design solution. However, the Planning Commission must adopt a finding of overall consistency with the guidelines before approving any application.

(e) *Building Location.* Buildings must be located no closer than ten feet and no farther than 20 feet from the front or street side yard property lines.

(i) The area between the building and the property line must be landscaped as follows:

(A) at least one tree must be provided for every 50 feet of building frontage. Trees may be spaced evenly or grouped;

(B) foundation plantings must achieve a minimum of 50% coverage at maturity. Layered planting is encouraged; and

(C) landscaping must be used to highlight primary entryways.

(ii) Paving within the front or street side yard is limited to driveways that provide direct access to parking located in interior side yards or rear yards. All areas in the front or street side yard not used for driveway access must be landscaped to the same depth as the setback between the principal building and the public street.

(iii) All structures must have at least one primary entry that faces State Street.

(iv) Entryways must serve as a focal point through the use of design elements and variations that provide orientation, transition, and visual interest. Each principal commercial building must have clearly defined, highly visible customer entrances. Entryways must also provide protection from weather by projecting outward from the main façade.

(f) *Roofs.* Roofline variation must be used to reduce the perceived scale of large buildings and add architectural interest. Roof features must complement the character of adjacent neighborhoods, where applicable.

(i) Roof styles are not restricted. However, flat roofs must either incorporate green roof technology or be concealed by a parapet.

(ii) Mechanical equipment located on the roof must be fully screened from public view.

(g) *Building Materials.*

(i) Permitted primary building materials are masonry, stucco, wood, or fiber-cement (or a similar product).

(ii) Vinyl and metal siding may only be used as secondary materials for elements such as trim, soffits, and eaves. These materials may not constitute a dominant portion of the building façade.

(iii) Pitched roofs that are visible from a public street must be constructed using wood, slate, tile, or high-quality composition shingles or shakes. Corrugated metal is prohibited as a roofing material.

(iv) Alterations to exterior materials on an existing residential structure are exempt from the material requirements in this Subsection.

(h) *Driveways and Parking.*

(i) Parking lots must be designed with pedestrians in mind by separating parking areas from primary structures using landscaping and sidewalks.

(ii) Parking may not be located between any principal building and the front or street side yard property lines.

(5) *East Center Street Design Corridor.*

(a) *Creation.* A design corridor is established along East Center Street, from 200 East to the roundabout at Seven Peaks Boulevard and includes both sides of the street. This corridor is known as the East Center Street Design Corridor. All lots with frontage on this section of East Center Street are subject to the requirements of this Section.

(b) *Definitions.* For the purpose of this Section, the following terms are defined:

(i) "*Block"* means both sides of East Center Street between intersecting streets.

(ii) "*Primary material"* means an exterior finish material that covers 80% to 100% of a building's exterior, excluding roofing.

(iii) "*Secondary material"* means an exterior finish material covering no more than 20% of a building's exterior, excluding roofing.

(c) *Purpose.* The East Center Street Design Corridor is established to:

(i) preserve and enhance the character of East Center Street;

(ii) protect important views and significant architectural and historic resources;

(iii) improve the overall quality of the built environment;

(iv) improve pedestrian and bicycle safety; and

(v) promote the public's health, safety, and general welfare.

(d) *Development Standards.*

(i) *Architectural Style.* Architectural styles permitted in the corridor are Victorian, English Tudor, Prairie, Arts and Crafts, Colonial Revival, Period Revival, Neoclassical, Italianate, Early Utah Vernacular, Art Moderne, and International.

(A) New construction or additions must feature a distinctive and identifiable architectural style that is compatible with the size, scale, color, materials, and character of historic properties within the

Design Corridor. Mimicking or replicating historic buildings is discouraged.

(B) New development must emphasize and accentuate existing historic homes within the corridor.

(C) *Roof Forms.* Roofs are prominent features of historic buildings and contribute to the visual continuity of the corridor. Permitted roof types are simple gabled, pyramidal, and hipped roof styles are most common.

(I) New or redeveloped structures must use roof forms, slope ratios, and materials that are consistent with those of historic structures in the corridor.

(II) Skylights, solar panels, and other rooftop devices must be minimized and located on roof planes that do not face the street.

(ii) *Building Orientation.* Each building in the Design Corridor must have its principal façade oriented toward Center Street.

(iii) *Building Width.*

(A) The width of any new building must be between 90% and 110% of the average width of all street-facing façades on the same block.

(B) For purposes of calculating the average width of street-facing façades, the façades of courtyard buildings are the front façades of the wings that run perpendicular to the street, as illustrated by measurement A in Figure 14.50.290(5)-1. Each wing is considered a separate street-facing façade.

(iv) *Building Height.* No building may exceed 35 feet in height, measured at each building façade. However, any street-facing façade located within 50 feet of a public right-of-way may not exceed 25 feet in height.

(A) For the purposes of this Section, the height of a street-facing façade is measured from finished grade to the top of the façade wall, regardless of roof type.

(B) In no case may a building include more than two stories on any street-facing façade located within 50 feet of a right-of-way line.

(v) *Building Mass.*

(A) Building mass must be minimized to avoid visually overwhelming adjacent or nearby single-family dwellings.

(B) For multifamily buildings, the principal façade facing Center Street must have a general outline that is similar in shape and scale to single-family homes located within the corridor.

(vi) *Setbacks.*

(A) *Front Yard.* The front yard setback must be a minimum of 30 feet and a maximum of 40 feet, measured from the back of sidewalk.

(B) *Side Yard.* The side yard setback must be a minimum of ten feet.

(C) *Street Side Yard.* The street side yard setback must be a minimum of 20 feet, measured from the back of sidewalk.

(D) *Multiple Buildings on a Single Parcel.* Where multiple buildings are located on a single parcel, side yard setbacks must be calculated as if a property line exists between each building and must provide the same minimum separation required as if each building were located on an individual lot.

(E) *Transition Block - 200 East to 300 East.* Between 200 East and 300 East, smaller setbacks consistent with existing development on the same block face may be approved by the Planning Commission if all of the following conditions are met:

(I) the proposed building receives a positive recommendation from the Landmarks Commission;

(II) at least one pedestrian entrance to a commercial space, lobby, or residential unit is provided for every 50 feet of building frontage along Center Street;

(III) first-floor commercial frontages along Center Street must include at least 40% completely transparent glass. Ground-floor residential buildings must include at least 20% completely transparent glass along Center Street; and

(IV) the proposed setback may not be less than the average existing setback on the same block face and may not be less than 12 feet under any circumstances.

(vii) *Courtyard Buildings.* Buildings with courtyards that open onto Center Street are permitted if they meet all of the following requirements, as illustrated in Figure 14.50.290(5)-1:

(A) the wings perpendicular to Center Street must be separated by distinct landscaped courtyards;

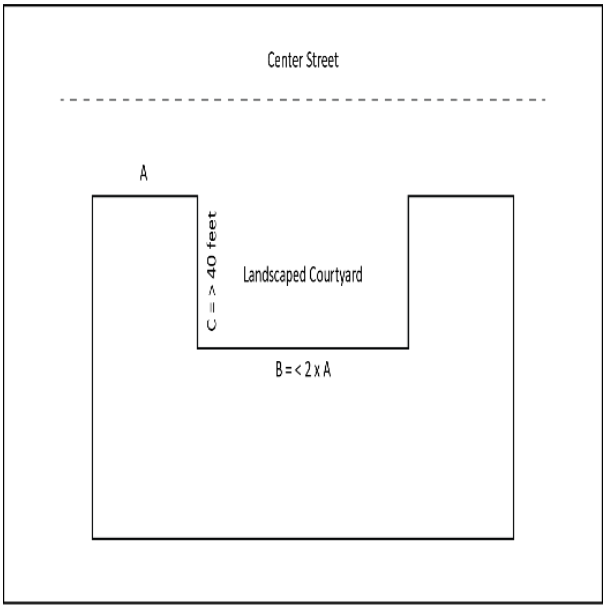
(B) the width of the street-facing façades of the perpendicular wings must comply with PCC 14.50.290(5)(d)(iii)(A), as shown by measurement A in Figure 14.50.290(5)-1;

(C) each landscaped courtyard must be at least 20 feet wide and may not exceed twice the width of the street-facing façades of the perpendicular wings, as illustrated by measurement B in Figure 14.50.290(5)-1;

(D) the rear connecting section must be set back a minimum of 40 feet from the front façade of the perpendicular wings, as illustrated by measurement C in Figure 14.50.290(5)-1; and

(E) parking is prohibited within the courtyard area between the perpendicular wings.

Figure 14.50.290(5)-1



(viii) *Parking.* Parking is not permitted in front, side, or street side yards and must be minimized in rear yards, except for one- and two-family dwellings where a driveway leads directly to a garage or carport, as defined in PCC 14.44.

(A) Parking is prohibited between a primary building and a public street.

(B) Surface parking in rear yards must be screened from adjacent properties using appropriate plant materials and/or fencing.

(C) Entrances to underground parking must be accessed from driveways located along the sides of properties. A front-facing underground garage entry is permitted only if the applicant demonstrates that no feasible alternative exists.

(ix) *Materials and Construction Quality.* Buildings within the Design Corridor must use a range of materials, most commonly brick, followed by clapboard or shiplap siding, and, to a lesser extent, brick combined with plaster or stucco. Foundations vary and may include stone, concrete, or block.

(A) *Building Materials.*

(I) New and redeveloped structures must use materials that are similar to those found in the corridor and must complement surrounding buildings in both color and texture.

(II) The primary exterior finish materials for all new construction must consist of brick, wood, or composite siding.

(III) Vinyl, aluminum, and other non-architectural metal siding are prohibited.

(IV) A variety of secondary materials, including trim materials, may be used as long as they remain clearly subordinate to the primary materials.

(V) Trim details must be functional and may not consist solely of applied ornamentation.

(VI) Permitted roofing materials include wood shingles, slate shingles, clay tile, metal shingles or tile, and high-quality composition shingles.

(B) *Fencing Materials.* Chain link, wire mesh, and vinyl fencing are prohibited.

(x) *Signs and Lighting.*

(A) Backlit signs are prohibited. Signs may only be illuminated by external, downward-facing, stationary, shielded light sources directed solely onto the sign. Lighting must not produce glare.

(B) Sign colors must complement the color palette of the principal structure. Contrasting colors may be used to enhance legibility.

(e) *Review Process.* In addition to all other required reviews and approvals, all new construction proposed within the Design Corridor must be approved by the Landmarks Commission.

14.50.160 Transitional Development Standards

The purpose of this Section is to provide a transitional area between abutting lots zoned for dissimilar uses to prevent incompatible adjoining uses.

(1) *Scope and Application*.

(a) For purposes of this Section, a lot is defined as a “transitional lot” if:

(i) the lot is located in a multifamily residential, commercial, or industrial zone and it abuts a lot in a one-family residential, residential agricultural, or agricultural zone; or

(ii) the lot is located in a business, commercial, or industrial zone and it abuts a lot in a multifamily residential zone.

(b) For purposes of this Section, a lot is defined as an “abutting lot” if it abuts a transitional lot but is not itself a transitional lot.

(c) Except as otherwise stated in this Section, the requirements of this Section apply to all transitional lots.

(2) *Landscaped yard and setback requirements.* Except in the DT1 (General Downtown) or GW (Downtown Gateway) zones:

(a) a landscaped yard at least ten feet wide must be provided on a transitional lot along the property line with an abutting lot. Landscaping must comply with PCC 15.20.110;

(b) the minimum building setback on a transitional lot from an abutting lot must be at least one foot for every two feet of building height. Buildings over 20 feet in height must be set back at least ten feet; and

(c) the landscaped front yard on a transitional lot must be equal in depth to the required front yard of the residential use on an adjacent abutting lot.

(3) *Corner lot side yard setback.* Where the side yard of a commercial or multifamily residential corner lot abuts the same street as the front yard of an adjoining residential lot facing the same street, the minimum side yard setback on the corner lot must be 20 feet from the street right-of-way line.

(4) *Screening of parking areas.* On a transitional lot, any parking lot with four or more spaces, and the portion of the driveway located behind the building line, must be screened from the street and from any adjoining abutting properties. Screening must consist of one of the following:

(a) a landscape berm at least two feet high at the crown;

(b) a hedgerow that is at least five feet high at maturity; or

(c) a masonry wall not less than three feet high in the front yard and not more than seven feet high in other yards. However, there may not be a gap between the masonry wall and any fence on an adjoining abutting lot.

(5) *Lighting compliance.* See PCC 15.21.

(6) *Prohibited uses.* A use involving open storage of merchandise or equipment, off-premise signs, or any trade or industry that is noxious or offensive due to the emission of odor, smoke, gas, vibration, or noise is strictly prohibited on any transitional lot, regardless of whether the use is otherwise permitted or conditional.

(7) *Overhead door restrictions.* Overhead or bay doors may not be located in a wall on a transitional lot that faces an abutting lot if that wall is within 25 feet of the property line.

(8) *Mechanical equipment location and screening.* On any transitional lot, mechanical equipment, such as air conditioners, fans, or pumps, must be located within the building or on a roof behind parapet walls.

(a) Mechanical equipment located outside a building and within 25 feet of the nearest residential use must be enclosed by a visual and noise barrier, such as a masonry wall or dense landscaping, that fully surrounds the equipment and extends at least one foot above it.

(b) See PCC 9.06.030 for noise regulations.

(9) *Loading dock and delivery area restrictions.* Loading docks and delivery or pickup areas on transitional lots may not be located within 50 feet of a residential use. These areas must be screened from public view by a six-foot masonry wall.

(10) *Trash container setbacks.* Trash containers on a transitional lot must not be located within 25 feet of the side property line of an abutting lot.

(11) *Alternative buffering.* The Planning Commission may approve an alternative buffering arrangement for a transitional lot if it provides equal or greater mitigation than the requirements in this Section. The Planning Commission must make specific findings justifying the alternative.

14.50.170 Residential and Mixed-Use Design Standards

(1) *Purpose and Intent.* This Section establishes design standards to improve the quality and compatibility of new residential and mixed-use development. These standards address yard layout, building location and orientation, driveway and parking design, landscaping, building form, mass and scale, exterior materials, and compatible additions.

(2) *Applicability.* The standards in this Section apply to all new buildings and uses in the Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Campus Residential (CR), Neighborhood Mixed-Use (NMU), and Mixed-Use (MU) zones; as well as townhomes within the DT1 and GW zones.

(a) In approving a project plan, the approving authority may impose reasonable conditions that are consistent with the purpose and intent of this Section. These design standards apply in addition to other requirements of this Title but, except as explicitly stated otherwise in this Section. Where this Section conflicts with other provisions of this Title, this Section controls.

(b) The Planning Commission may approve an alternative design arrangement if it provides equal or greater quality than the standards in this Section. The Planning Commission must make specific findings justifying the alternative.

(3) *Site Design Standards.*

(a) *Front Yards.*

(i) A logical hard-surface pedestrian connection must be provided between the street and the front entry.

(ii) The front yard must be predominantly landscaped with a combination of turf and plants or xeriscape, as described in PCC 15.20. Hard surfaces for driveways and parking must be minimized and may not exceed ordinance requirements.

(iii) Utility boxes may not be located in front yards, street side yards, or park strips unless the applicant demonstrates that no other practical location exists on the site.

(iv) Front yards must provide a visual and spatial transition between the public way and private space on residential frontages. This may be achieved through one or more of the following strategies:

(A) foundation plantings that create separation between residential units and the sidewalk;

(B) porches, stoops, or railings that establish intermediate semi-private spaces; and/or

(C) elevation changes that visually and physically distinguish public space, exterior semi-private space, and interior private space.

(b) *Fences.*

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

(ii) Chain link fences are prohibited in front yards.

(iii) See PCC 14.50.085 for fencing requirements.

(c) *Building Location.*

(i) New structures must be sited in a manner consistent with the front setbacks of adjoining properties to maintain neighborhood compatibility, except in HDR, CR, and MU zones where the zone permits reduced setbacks compared to the existing housing stock.

(ii) *Frontage.*

(A) The front elevation of a building is the elevation that contains the primary or common entrance.

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

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

(D) In developments with six or more townhomes, each unit must front on a street, open space, or pedestrian way.

(iii) In multifamily developments, the majority of new buildings must be sited along the block face rather than within the interior of the block.

(d) *Tree accommodation.* Buildings, including parking structures, must be designed and located to allow for the 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 CR, MU, and NMU Zones.* The following standards apply in the CR, MU, and NMU Zones:

(A) ground floor commercial spaces must be designed for retail or other active uses, with tenant spaces oriented to the street, and storefronts and entries maximized along sidewalks to promote pedestrian activity and maintain street-level interest;

(B) wall openings, such as storefronts, windows, and doors, must comprise at least 60 percent of the street-level façade, measured between the ground plane and the finished floor of the second story; and

(C) open-wall storefronts are encouraged.

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

(A) Except for townhomes, a minimum habitable first-floor depth of 30 feet, measured from the street-facing façade, is required. This standard does not apply to building complexes with fewer than 10 units in the Campus Residential (CR) zone.

(B) Residential units with individual entries must include ground-floor windows that face the street. Wall openings must comprise at least 30 percent of the street-level façade, measured between the ground plane and the finished floor of the second story.

(C) Clear glass must be used for all required wall openings, including doors and windows, along street-level façades to maximize transparency. Tinted, mirrored, or opaque glazing is not permitted.

(D) Ground floors must include articulation and detailing, such as pedestrian entrances, high-quality materials, and decorative features, to promote pedestrian-scaled architecture along the street.

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

(b) *Pedestrian Building Entrances.*

(i) Pedestrian building entrances must:

(A) meet the spatial requirements in Table 14.50.170-1 Pedestrian Building Entrance (PBE) Requirements;

(B) include a door that provides direct pedestrian access into the building;

(C) provide access to an interior and enclosed commercial tenant space, public lobby, or residential unit;

(D) be directly accessible from and adjacent to the sidewalk; and

(E) prevent doors from swinging into the public right-of-way or beyond the front façade line of the building when opened.

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

(c) *Multifamily Primary Entrances.* The primary entrance of a multifamily structure must be clearly defined by a raised porch or a similar entry feature.

(i) The porch or entry feature must face the street.

(ii) The porch or entry feature must be functional in size, not merely decorative.

(d) *Privacy Orientation.* Doors, windows, and balconies in new residential development should be located to respect the privacy of neighboring properties.

Table 14.50.170-1. Pedestrian Building Entrance (PBE) Requirements

Frontage Type	Commercial	Residential
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) *Parking Access.* To preserve front yard space, new developments may not provide more than the minimum driveway access and width required by code.

(i) Driveways must be located near the side property line to avoid bisecting the building with a central driveway to subterranean parking, except for building complexes with fewer than 10 units in the Campus Residential (CR) zone.

(ii) Driveways must be consolidated when adjacent parcels or developments can be served by a shared access. A cross-access easement must guarantee mutual access rights across the shared driveway for both parcels.

(iii) Alley access is permitted to reduce the visual and functional impacts of parking and traffic circulation on the front of the property.

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

(b) *Parking Placement.* Parking may not be located in the front yard and must be minimized in the side yard, except for one- and two-family dwellings where a driveway leads to a garage or carport as defined in PCC 14.44.

(i) Parking is prohibited between a primary building and a public street.

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

(iii) Entrances to structured parking must be accessed from driveways located along the sides of properties and may not face the street.

(iv) Parking must be screened from adjacent public ways, streets, open spaces, or pedestrian ways.

(c) *Parking Visibility.* Except for the minimum frontage required to access parking or loading, no parking or loading may be visible at ground level along any building façade that faces a public right-of-way.

(6) *Landscape Design.*

(a) New landscaping must complement existing neighborhood vegetation and comply with PCC 15.20.

(b) Landscaping must be used to reduce the visual and physical impacts of larger buildings on neighboring properties.

(c) Building and driveway lighting must comply with PCC 15.21.

(7) *Building Form, Mass, and Scale (VLDR, LDR, and NMU Zones Only).* The following standards apply in the VLDR, LDR, and NMU Zones.

(a) Building form, mass, and scale must comply with the following standards:

(i) An attached garage may not be the dominant design feature of the front elevation.

(iii) Sloping roofs, such as gable or hip designs, must be used as the primary roof form.

(Iv) Historic buildings are subject to PCC Title 16.

(b) Building additions must not significantly alter the character of the original structure.

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

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

(8) *Building Form, Mass, and Scale (MDR, HDR, CR, and MU Zones).* The following standards apply in the MDR, HDR, CR, and MU Zones.

(a) *Building Facades.* The façade of any multifamily, apartment, or mixed-use structure must:

(i) be horizontally articulated to create visual interest and enrich the pedestrian experience while contributing to a well-defined street wall;

(ii) be vertically articulated to differentiate the ground floor façade and must feature high-quality materials that add human scale, texture, and variety at the pedestrian level;

(iii) include an identifiable break between the ground floor and upper floors, achieved through a change in materials, a horizontal dividing element, a change in fenestration pattern, or similar design strategies;

(iv) be vertically articulated at the street wall façade by providing distinct treatments for the building's base, middle, and top. Balconies, fenestration, shading devices, or similar architectural elements must be used to create a varied pattern of projections and recesses;

(v) avoid extensive blank walls that diminish the visual quality and activity of the streetscape; and

(vi) provide clearly identifiable public entrances. Each entrance must be marked with architectural or graphic elements that indicate its function and enhance the building's character.

(b) *Stairways and Corridors.* Exterior stairways, corridors, or landings may not be located on the front or street-facing elevation of a building.

(c) *Step-backs in the CR Zone.* Structures in the Campus Residential (CR) zone that exceed six stories in height must step back 15 feet from the first-floor elevation for all stories above the fourth floor on any elevation that fronts a public street, unless the applicant demonstrates that the building's design includes sufficient variation and articulation in the building planes to create visual interest and appeal.

(d) *Building Additions.* Additions to existing buildings must not significantly alter the character of the original structure.

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

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

(9) *Building Materials.*

(a) *Intent.* The purpose of the façade material standards in this Section is to:

(i) establish minimum material standards to ensure the use of durable, high-quality, and well-tested surfaces while allowing a broader range of materials for architectural detailing; and

(ii) promote human-scaled façades by encouraging the use of smaller-scale, less monolithic materials, especially at the ground level.

(b) *Major Materials.* At least 80% of each façade, excluding window and door areas, must consist of permitted major materials as listed in this Section.

(i) *Permitted Major Materials.* Stone, brick, wood, architectural metal panel systems, fiber cement board, glass curtain wall, terra cotta decorative units, and architectural cast stone are permitted as major materials.

(ii) *Prohibited Major Materials.* Face-sealed EIFS synthetic stucco assemblies and decorative architectural elements, synthetic stucco or elastomeric finishes on stucco, unfinished or untreated wood, glass block, vinyl or aluminum siding, plastic panels, fiberglass and acrylic panels may not be used as major materials unless otherwise approved under this Section.

(iii) *Limited-Use Major Materials.* Economy bricks are generally prohibited as major materials, but may be allowed under the following conditions:

(A) brick types larger than three inches in height may be used as a major material only on rear façades, alley façades, or façades facing a rail corridor; and
(B) in these cases, corner bricks must be used to maintain the appearance of a full brick façade.

(c) *Minor Materials.* Permitted minor materials may be used only for trim, detailing, and accent areas, and may not exceed 20% of the total surface area of any façade.

(i) *Use of Major Materials as Minor Materials.* Any material listed as a Permitted major material may also be used as a minor material.

(ii) *Permitted Minor Materials.* The following materials are permitted as minor materials:

(A) metal used for beams, lintels, trim, exposed structural elements, or ornamentation;

(B) split-faced, burnished, glazed, or honed concrete masonry units, and block-cast stone concrete elements;

(C) vinyl, limited to window trim;

(D) cement-based stucco;

(E) face-sealed EIFS synthetic stucco assemblies and decorative architectural elements; and

(F) synthetic stucco.

(d) *Alternative Materials with Approval.* Materials not listed in this Section as Permitted major, limited-use, or minor materials may not be installed on any façade unless approved by the reviewing authority. The reviewing authority may approve alternative materials if the applicant demonstrates that the proposed material meets the intent stated in Subsection (9)(a). The applicant must provide samples and examples of high-quality, successful local installations using the proposed material.

14.50.180 Downtown Development Design Standards

(1) *Purpose and Intent.* This Section establishes design standards to improve the quality and compatibility of new development in downtown Provo. These standards address building form, mass and scale, materials, and compatible additions.

(2) *Applicability.* In addition to all other applicable provisions of PCC Title 14, the standards in this Section apply to all buildings and uses located in the General Downtown (DT1), Downtown Core (DT2), and Downtown Gateway (GW) zones, except for townhomes (see PCC 14.50.170).

(a) In approving a project plan, the approving authority may impose reasonable conditions consistent with the purpose and intent of this Section. These standards apply in addition to other requirements of this Title. Where this Section conflicts with other provisions of this Title, this Section controls.

(b) The Planning Commission may approve an alternative design arrangement if it imposes requirements that are equivalent to or more restrictive than those in this Section.

(3) *Pedestrian Building Entrances.*

(a) A minimum of one pedestrian entrance to a commercial space, lobby, or residential unit must be provided for every 50 feet of building frontage along primary streets, and for every 100 feet along secondary streets.

(b) Properties in the Downtown Gateway (GW) zone must provide at least one pedestrian entrance for every 100 feet of street frontage, but do not need to meet the every 50 feet requirement in Subsection (3)(a).

(c) Any property with frontage on Center Street must include a pedestrian entrance that fronts Center Street.

(d) Any ground floor residential unit must provide a front door with direct access to the public sidewalk.

(4) *Building Facades.*

(a) *Commercial Ground Floors.* First-floor commercial frontages must provide the following levels of completely transparent glass:

(i) at least 40% on primary streets; and

(ii) at least 30% on secondary streets.

(b) *Residential Ground Floors.* Ground-floor residential buildings must provide at least 20% completely transparent glass on façades facing any street.

(c) *Security Grilles.* When security grilles are used on street-facing entries, the following standards apply:

(i) security grilles and housing must be mounted on the interior of the entry;

(ii) when retracted, security grilles must be completely concealed;

(iii) all components must be harmonious with the architecture of the storefront;

(iv) and must provide at least 50% visibility from the sidewalk.

(5) *Building Form, Mass, and Scale.*

(a) *Facades.* The façade of any multifamily, apartment, or mixed-use structure must:

(i) be horizontally articulated to create visual interest, enhance the pedestrian experience, and contribute to a well-defined street wall;

(ii) be vertically articulated to distinguish the ground-floor façade and incorporate high-quality materials that add human scale, texture, and variety at the pedestrian level;

(iii) include a clear visual break between the ground and upper floors, achieved through a change in materials, horizontal dividing elements, a shift in fenestration pattern, or similar techniques;

(iv) be vertically articulated at the street-facing façade to define the building’s base, middle, and top. Architectural features such as balconies,

fenestration, and shading devices must be used to create a visually engaging rhythm of projections and recesses;

(v) avoid extensive blank walls that detract from an active and appealing streetscape; and

(vi) include clearly marked public entrances enhanced with compatible architectural or graphic elements that visually cue access and use.

(b) *Stairways.* Exterior stairways, corridors, or landings may not be located on the front or street-facing elevation of a building.

(c) *Additions.* Additions to existing buildings may not significantly alter the character of the original structure.

(d) *Compatibility.* Windows, materials, doors, and roof forms must be compatible with those of the original building.

(6) *Building Materials.*

(a) *Intent.* The purpose of the façade material standards in this Section is to:

(i) establish minimum material requirements to ensure the use of well-tested, high-quality, and durable surfaces while allowing a broader range of materials for architectural detailing; and

(ii) promote a high level of architectural detail through the use of smaller-scale, less monolithic materials, particularly at the pedestrian level.

(b) *Prohibited Exterior Materials.* The exterior finish of any building may not include non-architectural metal siding (including sheet or corrugated metal), plywood, manufactured stone, or wood products not intended as an architectural finish product.

(c) *Limited Exterior Materials.* The following materials may not be used on more than 20% of any individual exterior façade:

(i) cement-based stucco;

(ii) face-sealed EIFS synthetic stucco assemblies and decorative architectural elements; or

(iii) synthetic stucco.

(7) *Windows and Doors.*

(a) All windows and doors, except ground-level storefronts, must be square or vertical in proportion.

(b) Sliding doors are prohibited on the ground-floor street-facing frontage and façade.

(8) *Roofs.* Pitched roofs, if provided, must have a minimum slope of 5:12 on all elevations facing a public street. Pitched roofs on residential porches and attached sheds may have a slope as low as 2:12. This standard does not prohibit the use of flat roof designs.

(9) *Balconies.* Balconies with a minimum area of 50 square feet must be provided for at least 50% of all residential units.

(a) Balconies may be inset into the building or may project into the street right-of-way by up to five feet, provided there is at least ten feet of vertical clearance between the sidewalk and the bottom of the balcony.

(b) Balconies that face a side or rear yard must be set back at least eight feet from the adjacent property line, measured from the face of the balcony.

(c) Storage on balconies is limited to outdoor furniture and accessories, such as tables, chairs, and barbecue grills.

(d) As a condition of project approval, all new residential developments must include provisions in their CC&Rs that restrict balcony storage to acceptable items.

(10) *Railroad Right-of-Way.* All new buildings located within 100 feet of a railroad right-of-way must incorporate sound and vibration-attenuating design and materials. Permit applicants must provide documentation from an acoustical engineer or the materials manufacturer demonstrating that best practices for sound and vibration attenuation have been implemented.

(11) *Mechanical Screening.* Mechanical equipment must be screened by an opaque barrier that is architecturally compatible with the primary structure. The screening must be the minimum size necessary to fully conceal the equipment from public view.

14.50.190 Multifamily Amenities

(1) *Amenity Requirement.* Each multifamily zone requires that any new project with a specified number of units allocate a percentage of the residential gross floor area for recreational amenities as established in this Section.

(a) Landscaping in front and street side yards, minimum setbacks, and other required areas, such as distance separations required by the International Building Code, do not count toward satisfying this requirement.

(b) No more than 50% of the required amenity space may be located outdoors at ground level.

(i) Outdoor open space must be massed or aggregated in a manner that is functional as a recreational amenity or gathering space.

(ii) Enclosed amenities may count toward the total required amenity space.

(2) *Amenity Selection and Scoring.* Amenities may be selected in any combination from the table provided, as long as the combined score totals at least sixty points. Multiple instances of the same amenity each receive individual points.

(a) If a developer proposes an amenity not listed in the table, the Department Director or the Director's designee may authorize the assignment of a point value equal to the most similar listed amenity, with adjustments as appropriate.

(b) All amenities must be maintained throughout the duration of occupancy. If any amenity is removed, the developer, homeowners' association (HOA), or other responsible party must replace it with one or more amenities that collectively achieve a score of at least 60 points together with other existing amenities.

(c) At the time of application, the developer may submit a written election stating whether parking spaces equipped with electric vehicle charging stations or electric vehicle-ready infrastructure will count toward the amenity square footage requirement or the parking minimums for the zone. Such spaces may not count toward both requirements. If no written election is submitted, the spaces will be counted toward amenity square footage only.

(d) Outdoor features include, but are not limited to, fire pits, pavilions, outdoor cooking equipment, and dining areas. Seating alone does not qualify as an outdoor feature. If seating accompanies another outdoor feature, it is considered part of that feature and may not be counted separately.

TYPE	**AMENITY**	**SCORE**
EV	Electric vehicle charging stations (≥5% of spaces)	45
EV	Electric vehicle-ready charging infrastructure (≥5% of spaces)	35

TYPE	AMENITY	SCORE
Bikes	Bike repair station	20
Pet	Open space for pets and pet waste	42
Pet	Pet grooming station	10
Gathering	Indoor gather space (within main building)	30
Gathering	Clubhouse (separate from main building)	28
Gathering – Outdoor	Outdoor gathering space with 10+ features	34
Gathering – Outdoor	Outdoor gathering space with 7 – 10 features	32
Gathering – Outdoor	Outdoor gathering space with 4 – 6 features	30
Gathering – Outdoor	Outdoor gathering space with 1 – 3 features	28
Gathering – Outdoor	Outdoor open area, no features (e.g., field, vacant courtyard)	20
Playground	Playground (if ≥50% of units have 2 or more bedrooms)	28
Playground	Playground (if >50% of units have fewer than 2 bedrooms)	23
Recreation	Pool	28
Recreation	Hot tub	28
Recreation	Gym	24

TYPE	AMENITY	SCORE
Recreation	Sport court	24
Recreation	Media Room	5
Storage	Storage areas if ≥50% of units are smaller than 600 sq. ft.	16
Work	Co-work space	10

(3) *Resident-Only Use and Fee Restrictions.* All amenities must be exclusively for the use of the building's residents and may not be used for any commercial purpose. Property owners or managers may not charge residents for the use of any amenity, except for electric vehicle charging.

14.50.200 Second Kitchen in One-Family Dwellings

(1) *General Prohibition.* A one-family dwelling unit may not contain more than one kitchen, except as provided in this Section.

(2) *Accessory Dwelling Units.* Two kitchens, but no more than two, are permitted in a one-family residence if an accessory dwelling unit (ADU) legally exists in compliance with PCC Chapter 14.43, including possession of a valid and current rental dwelling license.

(3) *Additional Kitchens Without an ADU.* In a one-family dwelling unit that does not contain a legal and licensed ADU, one or more additional kitchens are allowed only if the property is located in an A1, RA, or R1 zone (including any associated Performance Development Overlay (PD) zone), and all of the following conditions are met:

(a) the dwelling unit has only one front entrance;

(b) he dwelling unit has only one address;

(c) interior access is maintained throughout the entire dwelling unit to ensure that no accessory apartment is created. The additional kitchen(s) may not be separated from the rest of the dwelling by keyed or deadbolt locks or any other method of limiting access;

(d) the dwelling unit has only one electrical meter;

(e) he additional kitchen(s) is/are located within the primary structure or an accessory building, and no second dwelling unit or accessory apartment is established in either structure;

(f) the residents must allow Provo City staff to inspect the dwelling unit and any accessory building with an additional kitchen, during reasonable hours and upon request, to verify compliance with this Section;

(g) the property owner must sign a notarized agreement, on a form approved by Provo City, affirming that the dwelling unit, including any accessory structure, will not be converted into two or more dwelling units unless permitted under this Title. The agreement must be recorded with the Utah County Recorder prior to the issuance of a certificate of occupancy;

(h) the property owner must limit occupancy to a single family except that the dwelling unit may not include the two additional related or unrelated individuals described in the “family” definition in PCC 14.05.020; and

(i) the additional kitchen must comply with the adopted building code, and construction or remodeling may not begin until a Provo City building permit is issued.

14.50.210 Elderly Persons - Extra Living Space

(1) *Occupancy Allowance.* Notwithstanding any contrary provision in this Title, one or two persons aged 60 or older who own and occupy a one-family dwelling may allow up to two additional persons over the age of 18 and their minor children to occupy extra living space within the dwelling, subject to the provisions of this Section.

(a) The standards in this Section apply to one family detached dwellings in the A1, RA, and R1 zones.

(b) For the purposes of this Section, “*extra living space”* means any area within the existing structure that was originally constructed as a one-family dwelling and that is made available by a resident owner for occupancy by the additional persons described above.

(2) *Registration Required.* Extra living space may not be occupied as described in Subsection (1) unless each owner of the dwelling registers with the Development Services Department.

(a) A registration is valid only if all of the following conditions are met:

(I) each registrant is 60 years of age or older;

(ii) each registrant owns and continuously occupies the one-family dwelling where the extra living space is located; and

(iii) each registrant signs a notarized agreement, on a form prescribed by Provo City, stating that the dwelling unit will not be converted into two or more dwelling units.

(b) For purposes of this Subsection:

(i) "*continuously occupies"* means the person resides in the dwelling and does not maintain any other residence; and

(ii) "*owns"* means the person:

(A) holds fee title to the property, either individually or as a joint tenant; or

(B) serves as trustee of a trust that owns the property and was created for the benefit of that person.

(c) If two persons jointly own and occupy the dwelling, both must be named on the registration.

(3) *Development Standards.* A dwelling with extra living space must comply with all applicable requirements of the zone in which it is located, except as otherwise provided in this Section. The following additional standards apply:

(a) extra living space must be located within the primary dwelling and may not be located in a garage or accessory structure;

(b) interior access must be maintained between the extra living space and all other portions of the dwelling;

(c) exterior structural elements of the dwelling may not be altered;

(d) no additional utility meters or exterior entrances may be installed for the extra living space;

(e) all City-provided utilities and services, including but not limited to power, sewer, water, and solid waste removal, must be maintained in the name of the property owner;

(f) the property address may not be changed, and no new address may be created for the extra living space; and

(g) the number of off-street parking spaces must comply with the minimum requirements of the applicable zone. Additionally, the number of off-street parking spaces must not be fewer than the number of vehicles maintained on the premises.

(4) *Application Requirements.* An application to register extra living space under this Section must include the following:

(a) the name and age of each registrant;

(b) the address of the property where the dwelling with extra living space is located;

(c) documentary evidence demonstrating that each registrant owns and occupies the property, including:

(i) a copy of the recorded deed; and

(ii) copies of any two of the following documents showing the registrant's name and the address of the subject property:

(A) voter registration card;

(B) Utah driver license; or

(C) current City utility bill;

(d) a sworn affidavit from each registrant stating that the registrant:

(i) is age sixty or older;

(ii) currently resides at the subject property; and

(iii) has no other residence;

(e) payment of any applicable fee as listed in the Consolidated Fee Schedule adopted by the Municipal Council;

(f) any additional information reasonably required to enforce the provisions of this Section; and

(g) the notarized agreement required under Subsection (2)(a)(iii), which must include a certification that:

(i) to the best of the registrant's knowledge or belief, the use and occupancy of the dwelling conforms to all applicable ordinance requirements; and

(ii) the registrant agrees to comply with this Section and all other applicable provisions of this Title and the Provo City Code.

(5) *Approval and Duration of Registration.* Upon receipt of a complete registration application, payment of any applicable fee as listed in the Consolidated Fee Schedule adopted by the Municipal Council, and a determination that all requirements of this Section have been met, the City will approve the registration. The extra living space may then be occupied by no more than two additional persons over the age of eighteen and their minor children.

(a) A health and safety inspection of the dwelling is required as a condition of registration. The minimum standards outlined in PCC 6.26.100 must be met to qualify for registration.

(b) The registration expires one year from the date of acceptance and may be renewed upon:

(i) written certification by each registrant that the requirements of this Section have been and will continue to be met; and

(ii) payment of any applicable renewal fee listed in the Consolidated Fee Schedule.

(6) *Nature and Revocation of Registration.* A registration accepted under this Section:

(a) is personal to the registrant(s) to whom it is issued;

(b) does not run with the land; and

(c) may be revoked for noncompliance with this Section or any other applicable provision of the Provo City Code. Prior to revocation, the registrant is entitled to an administrative hearing as provided in PCC Chapter 3.06.

(7) *Recording of Registration.* Upon acceptance by the City, the registration and the notarized agreement described in Subsection (2)(a)(iii) must be recorded with the Utah County Recorder.

(8) *Termination of Use upon Expiration or Revocation.* Upon expiration or revocation of the registration, occupancy of the extra living space must cease, and the one-family dwelling must thereafter be occupied only as permitted in the applicable zone. A kitchen located within the extra living space may be retained, subject to the terms of the agreement required under Subsection (2)(a)(iii). Upon reasonable notice, Provo City personnel may inspect the premises to verify compliance with this Subsection.

(9) *Administrative Regulations.* The Mayor may adopt regulations deemed necessary to implement and enforce the provisions of this Section.

Chapter 14.51
ENFORCEMENT AND PENALTIES

Sections:

14.51.010 Enforcement-Penalties.
14.51.020 Abatement.
14.51.030 Bonding or Guarantees for Delayed Performance.
14.51.040 Additional Fees.

14.51.010 Enforcement-Penalties

(1) All department officials and public employees of Provo City who are authorized to issue permits must comply with the provisions of this Title. No permit, certificate, or license may be issued for any use, building, or purpose that conflicts with this Title. Any such permit, certificate, or license issued in violation of this Title, whether intentionally or unintentionally, is null and void.

(2) The Chief Building Official, the Planning Commission, the Zoning Administrator, the Police Chief, and all subordinate officers and employees (collectively referred to in this Section as *enforcement officers*) are responsible for enforcing this Title as it relates to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure, and the use of any land, building, or premises. Any enforcement officer may investigate any complaint alleging a violation of this Title and take appropriate action in accordance with the procedures set forth in this Chapter.

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

(a) Notify, using methods reasonable under the circumstances and only if notification does not hinder effective enforcement, the owner, tenant, lessee, occupant, architect, builder, contractor, agent, or other responsible person (collectively referred to in this Chapter as *responsible party*) of the violation and require compliance within a reasonable time. If compliance is not achieved, the enforcement officer may issue a citation;

(b) Issue a citation to the responsible party; or

(c) Pursue any other legal or lawful means available to enforce the provisions of this Title.

(4) A violation of this Title or failure to comply with any of its requirements is punishable as provided in PCC 1.03.010.

14.51.020 Abatement

(1) Any building or structure that is set up, erected, constructed, altered, enlarged, converted, moved, or maintained in violation of this Title, and any land use or occupancy of a building or premises established in violation of this Title, is unlawful and constitutes a public nuisance.

(2) Provo City may initiate legal action or other proceedings to abate, remove, or enjoin such violations as provided by law. The city may pursue any remedy available through a court of competent jurisdiction to:

(a) Abate and remove the unlawful building, structure, or use; and

(b) Restrain or enjoin any person, firm, or corporation from continuing, establishing, or maintaining the unlawful building, structure, or use.

(3) The remedies provided in this Section are cumulative and not exclusive.

14.51.030 Bonding or Guarantees for Delayed Performance

(1) In cases where full compliance with this Title is delayed or rendered temporarily impossible due to factors beyond the control of the responsible party, such as extreme weather or material shortages, and where the applicable provisions of the Provo City Code have been substantially met and all health and safety requirements are satisfied, the Chief Building Official or the Planning Commission may authorize temporary occupancy, subject to the following conditions:

(a) The responsible party must submit a written guarantee of performance that specifies:

(i) The work to be completed;
(ii) The time within which the work will be completed;
(iii) The estimated cost of completion; and
(iv) Any other reasonable information required by the City.

(2) Temporary occupancy or use of the premises is permitted only after the posting of a performance bond with the City, in the time and manner required by PCC 15.03.280.

(3) If full compliance is not achieved within the time specified in the written agreement, the City is authorized to use the posted performance bond to complete the required work.

(4) The Chief Building Official or the Planning Commission may extend the completion period for good cause, up to a maximum of 60 days. The extension must be in writing and appended to the original agreement. Verbal extensions or undocumented modifications are not valid.

(5) When reasonably necessary to ensure compliance, the Planning Commission may require a performance bond as a condition of building permit issuance. Such bond must be posted in accordance with PCC 15.03.280.

14.51.040 Additional Fees

Any builder, developer, or other person who makes unauthorized changes to an approved plan or project must pay an additional fee as listed in the Consolidated Fee Schedule adopted by the Municipal Council.

ATTACHMENT 2 – BEST PRACTICES CHEAT SHEET

2025 Provo Zoning Code Update:

Best Practices Cheat Sheet

1. Organization: Keeping code well-organized helps maintain clarity and readability. This involves structuring code logically, using consistent naming conventions, sections, and grouping related functions together. Implementing this practice ensures that the code is easier to navigate for the development community, City Staff, and elected officials, and makes it easier to maintain/update.
2. Consolidated Tables: Consolidating tables reduces redundancy and improves data management. This practice involves combining related tables into a single table where possible, which simplifies finding and interpreting code and standards. Putting the table in a central location allows for a comparison of zones, which otherwise would be cumbersome. This also reduces the amount of inquiries by phone or at the desk (by the development community).
3. Images/Graphics: Using images and graphics can make code documentation more understandable. This involves incorporating visual aids like diagrams and flowcharts to illustrate complex concepts, making it easier for developers to grasp the process and see examples of how they can be implemented. Images/graphics appeal to a wider group of people.
4. Third Party Developer Review: Having third-party developers review the code provides another perspective and helps identify potential issues. This practice involves inviting external development experts with local interest to evaluate the code, ensuring development is feasible and attractive. It also allows for opportunities of mutual benefit to the city and development community (win-win scenarios).
5. Simplification of Code / Zoning: Simplifying code and zoning helps reduce complexity and removes redundancy across zoning districts. This involves finding similarities or ranges that could be consolidated into a single or a few zones as opposed to several. This adds flexibility and resiliency to help decision makers administer the code. It also reduces the need for zone changes due to small inconsistencies between zones.
6. Land Use Flexibility/ Generalization: Moving away from the standard four-digit land use codes and implementing more generalized categories allows for City Staff and elected officials to have more discretion over land use applications. This added flexibility allows the city to change and adapt with new land uses, changing cultural landscapes, and circumstances.
7. Context-Specific Review: Conducting context-specific reviews ensures that the code meets the specific needs of a range of real-world projects. This involves spot-checking the code by applying it to specific properties and testing if it functions as intended. This helps staff identify any potential issues and make necessary adjustments.

8. Elimination or Reduction of Non-conforming Uses: Reducing non-conforming uses by standardizing and simplifying zones helps maintain consistency and compliance with standards. This reduces the amount of specific criteria that would cause rezoned or consolidated zones to fall under non-conforming status.

9. Hybrid Form-Based Code with Euclidian Parameters: Combining form-based code with Euclidian parameters provides a balanced approach to code writing. This offers the best of both code types, by adding exact standards when needed (Euclidian) combined with design criteria (form-based), to improve the overall quality of development. This marriage between the two forms ensures city functions are maintained while still achieving high-quality design. This approach integrates better with surrounding development.

10. Use of Smart References: Incorporating smart references on the digital version of the City Code allows for linking and navigating to related sections, making the code easier to use and understand. Every time there is a reference to another section of code, ensure the link functions and if possible, opens in a new browser tab.

11. Elimination and Prohibiting of One-off Developer-Created Zones (PRO and PUD Zones): Prohibiting one-off developer-created zones reduces the overall number of zones and simplifies the administration of the zoning code. This helps development conform to the cities' character as opposed to the city conforming to the developers' product. This ensures consistency of development with the city's general plan and overall vision. The zones must also be flexible enough to accommodate most development types to reduce the need for exceptions to the existing zones.

12. Easy to Update / Amend: Making the code easy to update and amend ensures that it remains relevant and in line with current development best practices. This practice involves writing modular, standardized, and well-documented processes that can be easily implemented and taught to new city staff and elected officials. Streamlining trainings and the time required to bring people up to speed on the cities code and processes.

13. Development Community Engagement & Feasibility Checks: Engaging the development community helps gather valuable feedback and insights, which reduces between the city, its residents, and the development community (e.g. reducing referendums, heated meetings, and lawsuits). This practice involves actively involving developers in the code writing process, encouraging collaboration and ensuring that the code meets the needs of all users, in terms of constructability, cost, and livability. Conducting feasibility checks with the city and developers ensures that the code is practical and implementable.

14. Education on Code Reform to Councils & Commissions: Educating councils and commissions on code reform helps ensure informed decision-making. This practice involves providing regular trainings and resources to these groups, helping them understand the code and city processes (e.g. what does a zone change mean, what factors should be considered when amending the code or zones, etc.)

15. Notice Community for Structural Changes, Engage Community for Zoning Changes / Substantial Content Revisions: If the code change is organizational or cosmetic in nature, staff need only meet basic noticing requirements. If code change is substantive, or involves a zone change, staff should engage with the public and incorporate feedback.

16. Establish Exact Criteria for Conditional Use Permits: Establishing exact criteria for conditional use permits ensures consistency and fairness to the property owner. This

involves defining clear, detailed, and objective criteria for granting conditional use permits, making the process transparent and predictable. Conditional use permit criteria can be prohibitive and permissive (e.g. certain criteria can prevent a conditional use permit from being granted, and other criteria can trigger the permit to be granted.)

17. Create Specific Criteria for/Against Zone Change Applications: Creating specific criteria for zone change applications ensures that decisions are based on objective, pre-established standards. This practice involves developing clear guidelines for evaluating zone change applications, ensuring that decisions are consistent, fair, predictable, and well-founded. This helps the developer reduce risk and ambiguity for a zone change application. Zone change criteria can be prohibitive and permissive. For example, if a property meets four of seven criteria (or more), and has no prohibitive measures, a zone-change request has a higher likelihood of being approved. Conversely, if one or two of the prohibitive measures are found, the zone change has a lesser likelihood of being approved.

18. Create a Help Guide with Examples: Integrating helpful guides and examples that respond to specific inputs by a user on the Provo code website. This guide should incorporate emerging AI technologies to help users find case studies close to their own development parameters, thus simplifying their process.

19. Digital Codes, Plans, and Processes: Digitize all codes, plans, and processes. Make sure they are linked, easy to find, and simple to understand. Ensure all digital assets are easy to read on multiple devices (especially mobile).

20. Share lists of Amendments to Code: Create a running list of zone or code changes as they occur with their respective dates and sections. Put in an easily-accessible place and keep current for all changes within last three years.

Provo City Planning Commission

Report of Action

August 12, 2026

*ITEM 6 Development Services requests an Ordinance Text Amendment to replace Title 14 (Provo City Zoning Code). Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLOTA20260414

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 12, 2026:

RECOMMENDED APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Jon Lyons
Second By: Melissa Kendall
Votes in Favor of Motion: Jon Lyons, Melissa Kendall, Matthew Wheelwright, Joel Temple, Jonathon Hill, Tosh Metzger
Matthew Wheelwright 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 District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.
- No neighbors or other interested parties were present or addressed 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.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Planning Staff and Chris Hupp from Psomas responded to questions from the Planning Commission regarding changes to the code and next steps.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The commission discussed the time they have already spent in study meetings reviewing the proposal, asked some additional questions about specific changes, and how staff will handle changes in the future.
- Commissioners felt good about the proposal and are eager to have the new zoning code adopted.

Planning Commission Chair

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 the Development Services Department, 445 W Center Street, 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

TITLE 14
ZONING

Chapters:

14.01 General Provisions
14.02 Administration and Procedures
14.03 Planning Commission
14.04 Board of Adjustment
14.05 Interpretation and Definitions
14.06 Zone Establishment
14.07 Development Standards Table
14.08 Permitted Land Use Table
14.09 PF - Public Facilities Zone
14.10 AIR/AIRI - Airport Zones
14.11 HCF - Health Care Facilities Zone
14.12 OSPR - Open Space, Preservation, and Recreation Zone
14.13 A1 - Agricultural Zones
14.13A AT - Agritourism Overlay Zone
14.14 RA - Residential Agricultural Zone
14.15 R1 - One-Family Residential Zones
14.16 VLDR - Very Low Density Residential Zone
14.17 LDR - Low Density Residential Zone
14.18 MDR - Medium Density Residential Zone
14.19 HDR - High Density Residential Zone
14.20 RM - Residential Manufactured Home Park Zone
14.21 CR - Campus Residential Zone
14.22 MU/NMU - Mixed Use Zones
14.23 TOD - Transit Oriented Development Zone
14.24 CG - General Commercial Zone
14.25 SC1 - Neighborhood Shopping Center Zone
14.26 SC2 - Community Shopping Center Zone
14.27 SC3 - Regional Shopping Center Zone
14.28 FC1 - Freeway Commercial Zone
14.29 FC2 - Freeway Commercial Two Zone
14.30 FC3 - Freeway Commercial Three Zone
14.31 GW - Downtown Gateway Zone
14.32 DT1 - General Downtown Zone
14.33 DT2 - Downtown Core Zone
14.34 RBP - Research and Business Park Zone
14.35 CM - Heavy Commercial Zone
14.36 MP - Manufacturing Park Zone
14.37 M1 - Light Manufacturing Zone
14.37A DC - Data Center Overlay Zone

14.38 M2 - Heavy Manufacturing Zone
14.39 CH - Critical Hillside Overlay Zone
14.40 PD - Performance Development Overlay Zone
14.41 SDP5 - Broadview Shores Overlay Zone
14.42 SOB - Sexually-Oriented Business Overlay Zone
14.43 ADUs - Accessory Dwelling Units
14.44 Off-Street Parking Standards
14.45 Temporary Uses
14.46 Nonconformities
14.47 Signs and Outdoor Advertising
14.48 Relocation of Buildings
14.49 Home Occupations
14.50 Supplementary Development Standards
14.51 Enforcement and Penalties

Chapter 14.01
GENERAL PROVISIONS

Sections:

14.01.010 Short Title.
14.01.020 Purpose.
14.01.030 Conflicting Provisions.
14.01.040 Building Permits Required.
14.01.050 Permits or Licenses May Not Violate Code.
14.01.060 Building Permits - Requirements.
14.01.070 Certificate of Occupancy and Zoning Compliance.
14.01.080 Construction and Use Must Conform to Plans.
14.01.090 Sham Transactions Prohibited.

14.01.010 Short Title

This Title is known as the Planning and Zoning Title of the Provo City Code. It is referred to throughout as “this Title,” and references to “Chapters” and “Sections” mean the chapters and sections of this Title, unless specified otherwise. The term “PCC” means the Provo City Code.

14.01.020 Purpose

This Title, and the regulations and restrictions it contains, are adopted to:

(1) promote the health, safety, community values, prosperity, convenience, and general welfare of current and future residents of Provo City;

(2) encourage and support the orderly growth and development of the City;

(3) provide adequate open space for light and air, improve air quality, prevent overcrowding, and reduce street congestion;

(4) ensure cost-effective municipal expenditures and support adequate public services, including transportation, water, sewerage, schools, parks, vegetation, trees, landscaping, and other public facilities;

(5) enhance home life and foster a more favorable environment for Provo’s residents and visitors;

(6) provide safety from fire, panic, and other dangers;

(7) stabilize and increase property values;

(8) enhance the economic and cultural well-being of residents; and

(9) promote the development of a more functional, attractive, and resource-efficient City.

14.01.030 Conflicting Provisions

This Title does not nullify any more restrictive provisions of the Provo City Code, private covenants or agreements, or other laws or general ordinances of the City. However, it prevails over any provision that is less restrictive.

14.01.040 Building Permits Required

A building or structure may not be constructed, reconstructed, altered, or moved, and the use of land may not be changed, unless the Building Inspection Division issues a permit authorizing the activity.

14.01.050 Permits or Licenses May Not Violate Code

(1) A permit or license may not be issued for any use, building, or purpose that conflicts with this Title. Any permit or license issued in violation of this Title is null and void.

(2) It is unlawful to install a sewer service line, water service line, or electrical utility to serve any premises if the use violates this Title.

14.01.060 Building Permits - Requirements

When property boundaries are unclear or indeterminate, all applications for building permits for new construction, excluding interior remodels, must include the following:

(1) *Site Plan.* A site plan drawn to scale showing the actual dimensions of the lot to be built upon, showing:

(a) the size and location of existing buildings;

(b) the proposed buildings;

(c) existing buildings on adjacent property; and

(d) any additional information required by a city department to enforce this Title.

(2) *Legal description and survey.* A complete and accurate legal description of the property, along with a certified survey identifying any boundary conflicts with adjoining properties, discrepancies in the legal description, or inconsistencies with existing fence lines.

(3) *Title documentation.* A preliminary title search showing legal ownership of the property.

(4) *Authorization to develop.* If the developer is not the legal owner of the property, the developer must also provide written proof of the legal right to develop the property. Acceptable documentation may include options, contracts, or similar agreements. Confidential details, such as payment amounts, may be redacted.

14.01.070 Certificate of Occupancy and Zoning Compliance

(1) *General requirement.* It is unlawful to use or occupy, or to permit the use or occupancy of, any building or premises without a Certificate of Occupancy and Zoning Compliance, referred to in this Section as a "Certificate," issued by Provo City. It is also unlawful to occupy, or to permit the occupancy of, any building with a more intensive use or different occupancy than authorized in the Certificate.

(2) *Issuance of Certificate.* The City will issue a Certificate only after the Building Inspection Division completes and approves the final inspection. A new Certificate is required before:

(a) any change to a more intensive occupancy occurs; or

(b) the number of occupants in an apartment or multiple residential building increases by more than five percent above the number declared in the previously issued Certificate.

(3) *Information required.* An application for a Certificate must include the following:

(a) *Residential Certificates:*

(i) The number of residential units in each building.

(ii) The number of occupants permitted to reside in each unit.

(iii) The number of off-street parking spaces required.

(iv) The number of legal off-street parking spaces provided on the premises.

(v) A signed statement by the property owner or authorized agent:

(A) certifying that the application is accurate and that the stated conditions will be maintained; and

(B) acknowledging that any increase in occupancy above five percent, or any change in use intensity, is unlawful without a new Certificate.

(b) *Commercial, Industrial, and Institutional Certificates:*

(i) The number of employees on the premises.

(ii) The number of off-street parking spaces provided for employees.

(iii) The number of off-street parking spaces provided for customers or visitors.

(iv) The number and type of restroom facilities provided.

(v) The square footage used for each type of occupancy.

(vi) A signed statement by the property owner or authorized agent:

(A) certifying that the application is accurate and that the stated conditions will be maintained; and

(B) acknowledging that any change in occupancy or use intensity is unlawful without a new Certificate.

(4) *Penalty for violations.* It is unlawful to occupy, or allow the occupancy of, any residential, commercial, industrial, or institutional building or premises without a valid Certificate or in a manner not authorized by a previously issued Certificate.

(5) *Nuisance.* Occupancy without a valid Certificate is a nuisance. Occupancy that exceeds the density or use authorized by a Certificate is also a nuisance and is subject to enforcement under PCC 7.01.

14.01.080 Construction and Use Must Conform to Plans

A building permit or Certificate issued based on plans and specifications approved by the Building Inspector authorizes only the use, arrangement, and construction shown in the approved plans and application. No other use, arrangement, or construction is authorized.

14.01.090 Sham Transactions Prohibited

(1) A person may not avoid an owner occupancy requirement established in this Title by engaging in a sham property transaction. A "sham property transaction" means a transaction that:

(a) is designed primarily to circumvent an owner occupancy requirement in this Title;

(b) would be unlikely to occur but for the attempt to avoid the owner occupancy requirement and lacks a commercially reasonable purpose; and

(c) does not fully transfer ownership of the property because:

(i) the original owner retains beneficial title through an oral or written agreement; or

(ii) documents have been executed to return the property to the original owner upon the occurrence of a future event.

(2) A sham transaction is presumed when a property required to be owner-occupied under this Title meets any of the following conditions:

(a) the name of a person who does not occupy the premises appears repeatedly in the chain of title over time;

(b) the person who occupies the premises and claims to be the owner does not appear in any recorded instrument in Utah County granting them at least a fifty-one percent property interest;

(c) a non-occupying owner transfers any interest in the property to another person who:

(i) occupies the premises and agrees to transfer the property back upon vacating; or

(ii) signs documents that transfer title back to the non-occupying owner upon the end of occupancy; or

(d) if the property owner is an LLC or trust, any of the following occur within the first year of ownership, within the first year after applying for a rental license, or repeatedly during the rental period—unless each member or trustor occupies the premises as their primary residence:

(i) ownership changes involving LLC members or trustors; or

(ii) transfer of the property to another LLC or trust, where a member or trustor of the new entity is the same as, or an immediate family member of, a member or trustor of the prior entity.

(3) When a sham transaction is presumed, the burden of proof rests on the parties involved to show otherwise. This burden may be met if each party to the transaction provides a notarized affidavit:

(a) stating they have read and understand the requirements of this Section; and

(b) affirming that the transaction is not a sham and was entered into for a valid, good faith purpose.

(4) A person who participates in a sham transaction is guilty of a class B misdemeanor. A person who knowingly provides a false affidavit under this Section is guilty of a class A misdemeanor.

Chapter 14.02
ADMINISTRATION AND PROCEDURES

Sections:

14.02.010 Hearings - Notice and Procedure.
14.02.015 Notice to Nearby Entities.
14.02.020 Amendments - Procedure.
14.02.030 Variances - Procedure.
14.02.040 Conditional Use Permits.
14.02.045 Standards for Specific Conditional Uses.
14.02.050 Appeals.
14.02.060 Conditional Use Permit Expiration.
14.02.070 Modification or Revocation of Conditional Use Permit.
14.02.080 Annexed Territory - Zoning.
14.02.090 Project Plan Required.
14.02.110 Temporary Regulations.
14.02.120 Pending Ordinance Amendments.

14.02.010 Hearings - Notice and Procedure

(1) *Notice requirements.* Required public hearings must be noticed in accordance with Utah Code Annotated (UCA) Section 10-20-205.

(a) A public hearing is required for:

(i) the first public hearing before the Planning Commission to consider adopting or amending a land use ordinance; or

(ii) any hearing required by this Title before the Planning Commission or the Municipal Council.

(b) Unless specifically required by this Title, meetings of the Municipal Council related to land use ordinances or other matters under this Title are public meetings and must be noticed in accordance with UCA Section 10-20-205.

(2) *Adjacent municipalities.* If the City is required to provide mailed notice of a proposed zoning change to property owners within a specific distance, this requirement includes property owners located in an adjacent municipality within that same distance.

(3) *Discretionary notice.* This Section does not prohibit the Planning Commission, Board of Adjustment, or Municipal Council from providing additional notice when appropriate.

(4) *Challenge to notice.* A notice provided under this Section is considered adequate and proper unless it is challenged in accordance with UCA Section 10-20-1109 within 30 days after the date of the hearing.

(5) *Hearing procedures.* Hearing procedures will follow the bylaws of the Municipal Council, Planning Commission, and Board of Adjustment.

(a) Applicants must submit all written documents and evidence to the Development Services Department no later than 14 days before the scheduled public hearing.

(b) Any issue that may form the basis of an appeal must be raised before the close of the public hearing, either orally or in writing. Failure to do so waives the right to appeal on that issue.

14.02.015 Notice to Nearby Entities

(1) "Predevelopment activity" means a public hearing or other consideration by the Planning Commission or Municipal Council involving:

(a) a proposed zoning designation change; or

(b) a proposed General Plan map amendment.

(2) The Planning Commission or Municipal Council must provide notice of any predevelopment activity to the legislative body of:

(a) each municipality within one mile of the subject property; and

(b) Utah County, if any unincorporated territory lies within one mile of the subject property.

(3) Notice must be provided at least seven days before the scheduled predevelopment activity.

(4) Notice requirements are satisfied by mailing a meeting agenda to each legislative body that identifies the proposed activity and the location of the subject property.

(5) A notice under this Section is deemed adequate and proper unless it is challenged in accordance with Utah Code Annotated Section 10-20-1109 within 30 days of the meeting date.

14.02.020 Amendments – Procedure

(1) The Municipal Council may amend this Title, including the Zoning Map, after receiving a recommendation from the Planning Commission. Amendments must promote the objectives and purposes of this Title and the Provo City General Plan, or correct manifest errors.

(2) A person requesting an amendment must submit a written petition to the Planning Commission that includes:

(a) a description of the specific zone change or proposed amendment to this Title;

(b) a justification for the request, including an explanation of how the change supports the General Plan and this Title;

(c) a complete and accurate legal description of the area proposed for rezoning, or a draft of the proposed amendment;

(d) the applicable filing fee, as set forth in the Consolidated Fee Schedule; and

(e) for a map amendment:

(i) a scaled plan showing the proposed rezoning area and adjacent zones;

(ii) a concept plan that complies with PCC 15.03.300, or a preliminary subdivision plan that complies with PCC 15.04.080, as applicable; and

(iii) signatures from the property owner or authorized agent, or from a majority of affected property owners if the request involves multiple properties.

(3) The Planning Commission must hold a public hearing in accordance with PCC 14.02.010. The Commission may approve, conditionally approve, or deny the concept plan. Before recommending an amendment, the Commission must find that the amendment serves the public interest and aligns with the General Plan, based on consideration of the following:

(a) the public purpose served by the amendment;

(b) the most effective means of achieving that purpose;

(c) compatibility with General Plan goals and policies;

(d) consistency with the timing and sequencing provisions of the General Plan;

(e) potential interference with General Plan implementation;

(f) any adverse impact on nearby properties; and

(g) preference for General Plan policies over the General Plan Map, if the two conflict.

(4) The filing fee is nonrefundable and applies toward the costs of publication, notification, and administrative review.

14.02.030 Variances – Procedure

(1) The Board of Adjustment may grant variances in accordance with the criteria set forth in PCC 14.04.030(9).

(2) An applicant must submit a variance application to the Board of Adjustment that includes:

(a) a description of the requested variance and a citation to the applicable section of this Title;

(b) a site plan showing how the variance would affect the property and surrounding uses;

(c) the applicable filing fee, as set forth in the Consolidated Fee Schedule; and

(d) a written explanation of how the requested variance satisfies the criteria in PCC 14.04.030(9).

(3) The Board of Adjustment will conduct a public meeting in accordance with Utah Code Annotated Section 10-20-1101.

14.02.040 Conditional Use Permits

(1) The Planning Commission or the Planning Commission's designee may approve, conditionally approve, or deny a conditional use permit based on the standards in this Chapter. A conditional use is permitted if it can be appropriately integrated into the community through its design, location, and imposed conditions.

(2) *Standards for conditional use approval*:

(a) A conditional use permit must be approved unless the Planning Commission or the Planning Commission's designee finds that the proposed use would be detrimental to the health, safety, or general welfare of the community or injurious to nearby property.

(b) A use is considered detrimental if it:

(i) creates unreasonable risks related to traffic, parking, large gatherings, or other impacts;

(ii) unreasonably interferes with the lawful use of surrounding property;

(iii) creates a demand for public services that the City cannot reasonably provide; or

(iv) is otherwise detrimental to nearby persons or property.

(c) A change in real estate market value is not a valid basis for denying a conditional use.

(d) If a component of the proposed use does not meet these standards, the applicant may propose specific corrective measures to mitigate the concern.

(3) Applications must be submitted on a form authorized by Development Services and must include:

(a) scaled plans showing the site, buildings, and anticipated impacts; and

(b) the applicable filing fee, as established in the Consolidated Fee Schedule.

(4) The Planning Commission or the Planning Commission's designee may impose conditions on a conditional use permit, including but not limited to:

(a) limitations on the size or shape of buildings;

(b) dedication, relocation, or improvement of streets;

(c) installation or upsizing of utility mains;

(d) screening or landscaping to buffer adjacent properties;

(e) elimination or relocation of windows or doors to reduce impacts;

(f) additional parking; or

(g) other physical or operational modifications.

(5) The Planning Commission or the Planning Commission's designee may require the applicant to record a covenant running with the land to ensure that all conditions are binding on current and future property owners. A building permit may not be issued until the required conditional use permit is obtained.

(6) A use that operates inconsistently with, or without, a required conditional use permit is unlawful and may be enjoined by the City.

(7) An appeal of a Planning Commission decision regarding a conditional use permit must be filed with the Board of Adjustment in accordance with PCC 14.02.050.

14.02.045 Standards for Specific Conditional Uses

A conditional use permit is required for any use identified below as a permitted or conditional use in the applicable zone. The following uses may only be approved in accordance with PCC 14.02.040 and must comply with the standards of this Section and with any additional conditions included in the approved permit.

(1) Bed and Breakfast

(a) The lot must have a minimum frontage of thirty-five feet on a dedicated street, or fifteen feet for a flag lot.

(b) One off-street parking space must be provided for each employee, plus one space per guest room. On-street parking may count toward this requirement at a rate of two spaces per sixty feet of frontage.

(c) Meals may be served only to residents, employees, and overnight guests.

(d) Cooking facilities are not permitted in guest rooms.

(e) The use must comply with all health, safety, and building codes without altering the residential character of the structure.

(f) Alcohol sales are prohibited.

(g) Commercial activity must be incidental to the primary residential use and is limited to no more than five percent of the main floor area.

(h) Only one identification sign is permitted, and it must comply with applicable size, height, and lighting requirements. In addition, the sign:

(i) must be placed on an ornamental masonry wall or monument;

(ii) may not exceed five feet in height, except when located adjacent to an arterial road, in which case it may not exceed ten feet;

(iii) may use hooded spot lighting, but all other lighting, including back-lighting, is prohibited; and

(iv) may, in the A1 and RA zones, be up to sixteen square feet, provided all other applicable requirements are met.

(i) The maximum stay for any guest is seven consecutive days.

(j) A valid business license is required.

(k) On-site management must be present twenty-four hours per day.

(l) Exterior lighting may not shine into adjacent properties.

(m) Receptions, banquets, and catering are prohibited, except when provided for registered lodgers.

(2) Liquor Stores and Private Clubs

(a) The use must be located at least two hundred feet from any residential zone, measured in a straight line from the nearest entrance of the building to the nearest boundary line of a residential zone.

(b) The use is permitted only on collector or arterial streets.

(c) Liquor stores must provide at least one off-street parking space for every one hundred square feet of floor area.

(d) The conditional use permit must be approved directly by the Planning Commission.

(3) Dance Halls

(a) Dance halls are a “commercial entertainment business” subject to PCC 6.15 and must comply with the standards of both this Section and PCC 6.15. If there is a conflict, the standards of this Section control.

(b) Dance halls must comply with the following standards:

(i) One off-street parking space must be provided for every two occupants, based on the maximum occupancy load, or as otherwise determined by the Planning Commission. Parking must comply with PCC 14.44.080.

(ii) The parking lot must have adequate lighting to ensure customer and client safety. Lighting levels will be determined by the Provo City Energy Department in accordance with PCC 15.21.

(iii) Buildings used for this purpose must front on an arterial or collector road or have access to such a road within 300 feet of the building’s main entrance.

(iv) A dance hall may not be located within 400 feet of any public elementary or secondary school or any one-family or two-family residence. This distance is measured in a straight line between the closest property lines of the respective lots.

(v) No musical instrument, stereophonic equipment, sound amplifier, or similar device may be used in a way that causes a noise or vibration disturbance across a property boundary. If sound from any such device is plainly audible on another property or inside a different building and the Police Department confirms a disturbance following a complaint, that is prima facie evidence of a violation.

(c) The Planning Commission may impose additional conditions related to hours of operation, on-site supervision, soundproofing, traffic control, or crowd management if necessary to mitigate adverse impacts.

(4) Car Washes

(a) A car wash may not be located on a parcel smaller than 20,000 square feet.

(b) Stacking lanes accommodating at least six vehicles per wash bay must be provided on site. Stacking lanes for at least two vehicles per vacuum bay must be provided at full-service attendant washes.

(c) Automatic drive-through wash bays must be located as far as possible from adjoining residences, based on overall site design, layout, and predominant traffic patterns.

(d) Noise from vacuums, blowers, compressors, wash equipment, and similar devices may not exceed the levels specified in PCC 9.06.

(e) All vacuum canisters must be constructed of heavy-gauge steel, equipped with vacuum motor mufflers, and fitted with plastic domes to reduce noise levels.

(f) Area lighting of parking lots may not be installed when adjoining a residential property. Lighting may not shine directly into any adjoining residential property. Lighting is allowed at vacuum bays, within wash stalls, signage, and vending machine areas. All building lighting must be recessed in ceilings or eaves and screened by building cornices to prevent light from shining directly onto adjoining properties.

(g) A decorative brick or block wall, at least six feet high, must be constructed along the full length of any property line adjoining a residential dwelling.

(i) Within a front yard setback, the wall may not exceed 36 inches in height.

(ii) Block walls must be stuccoed or painted on both sides.

(iii) All walls must be capped.

(h) Buildings must be architecturally compatible with adjoining residential properties. Compatibility is determined by the use of predominant building materials, colors, roof shapes, and roof materials, and is subject to approval by the Planning Commission.

(i) Street frontages, excluding driveways, must be landscaped in a manner consistent with the requirements of the zone and the streetscape of adjoining properties.

(j) When adjacent to a residential zone, no more than one automatic bay and one self-service bay may operate between the hours of 11:00 p.m. and 7:00 a.m. Those bays must contain all pumping equipment indoors and comply with nighttime noise limits in PCC 9.06.

(5) Police satellite station

(a) Off-street parking must be provided at a rate of four spaces per 1,000 square feet of office area. If City-standard parking lanes exist or are committed to be provided within the public right-of-way, on-street parking may substitute for all or part of the required off-street parking.

(b) Signage must be installed before occupancy to clearly identify the station. All signage must comply with PCC 14.47.

(6) Surplus store

(a) Outdoor storage must be screened by a fence or other screening material at least six feet high.

(b) Hazardous materials may not be stored on site.

(c) Loading areas may not be located adjacent to a residential property.

(7) Day care services

(a) *Family group day care* (as defined in PCC 14.05.020). The provider may care for no more than twelve children and must reside in the residence where services are provided.

(b) *Child day care centers* (as defined in PCC 14.05.020).

(i) A site plan must be submitted showing parking, vehicle circulation, and drop-off and pick-up locations. The Development Services Director, or designee, will ensure that the site plan meets these requirements.

(ii) Outdoor playground areas must be enclosed by a fence at least six feet high and must comply with the clear vision standards of PCC 14.50.090.

(c) Each center must comply with the International Building Code before occupancy and must obtain a license from the State of Utah within 60 days after City approval.

(8) Fraternal associations and lodges

(a) Outdoor lighting may not extend onto adjacent residential properties.

(b) These uses are subject to the standards in PCC 9.06.

(9) Veterinarian services (including animal hospital services, kennels, boarding, breeding, training, and grooming)

(a) Experimental or scientific research activities are prohibited.

(b) On-site disposal or burial of dead animals is prohibited.

(c) Each facility must be located entirely within an air-conditioned and soundproofed building, except for outdoor, on-leash walking areas for no more than two animals at a time that are accompanied by an attendant.

(d) Animal noise may not be audible at the nearest property line.

(e) Overnight boarding is limited to animals receiving treatment on the premises.

(f) Services are limited to small animals only.

(g) Services for poisonous or dangerous animals are prohibited.

(h) Cremation services:

(i) May be provided only as an accessory use;

(ii) Are limited to animals treated at the veterinary clinic or animal hospital where the services are offered; and

(iii) Are contingent upon obtaining a permit from the Utah State Division of Air Quality.

(10) Restaurants with drive-through service

(a) Outdoor lighting must be shielded to prevent light spillage onto adjacent residential properties.

(b) Outdoor dumpsters must be located at least 20 feet from any residential property and must be screened.

(c) Drive-through microphones may not be located adjacent to residential properties.

(d) Sound from drive-through speakers may not exceed 78 decibels.

(e) Screening must be provided to block vehicular headlights in the drive-through when adjacent to a residential property.

(f) Each drive-thru lane must provide six stacking spaces without impacting travel lanes.

(*11) Communications (4715 – Low-power radio communication towers and antennas)*

(a) These requirements apply to both commercial and private low-power radio services, including cellular and PCS (Personal Communication System) communications and paging systems (collectively referred to as "cellular facilities"). All cellular facilities must comply with this Subsection and other applicable City ordinances. However, any modification qualifying as an "eligible facilities request" under 47 C.F.R. § 1.6100 that does not result in a "substantial change" as defined in federal regulations is subject solely to the federally mandated streamlined review process. No additional local requirements apply to such eligible facilities requests.

(b) Cellular facilities consisting solely of wall-mounted or roof-mounted antennas are permitted principal uses in the AIR, AIRI, A1, PF, SC1, SC2, SC3, CG, DT1, DT2, GW, FC1, FC2, TOD, CM, MP, M1, M2, OSPR, and R&BP zones with a building permit, subject to compliance with Subsections (11)(c), (11)(d), (11)(e), and (11)(f). Cellular facilities located on a monopole structure are conditional uses in the same zones and must comply with the requirements of this Subsection.

(c) *Wall-mounted antennas*.

(i) Wall-mounted antennas may not extend more than four feet above the building's roof line, unless the modification qualifies as an eligible facilities request under 47 C.F.R. § 1.6100.

(ii) Antennas and associated equipment must be painted to match the building color.

(iii) Wall-mounted antennas may not exceed 40 square feet, unless exempt due to lack of substantial change under 47 C.F.R. § 1.6100.

(iv) All equipment must be located within the structure or screened from public view.

(v) Ground-mounted equipment must be appropriately landscaped.

(d) *Roof-mounted antennas*.

(i) Roof-mounted antennas are permitted only on structures with flat roofs and must be screened, constructed, or painted to match the structure.

(ii) Roof-mounted antennas must be set back one foot from the roof edge for every foot of antenna height and may not exceed 15 feet in height.

(e) *Monopole structures*.

(i) *Development standards*:

(A) All towers must be monopole type; lattice towers are prohibited.

(B) Monopoles must be engineered to allow co-location by up to three users.

(C) Monopoles may not be located:

(I) Closer to a residential zone boundary than twice the monopole's height; or

(II) Within one-half mile of another monopole, unless a consultant confirms co-location is not technically feasible;

(D) The Planning Commission may approve a location closer than (C)(I) if the monopole is at least 1.25 times its height from the residential boundary and meets one or more of the following:

(I) Reduces visual impact on adjacent residential property;

(II) Matches the height of nearby buildings or structures; or

(III) Allows better access for maintenance due to slopes or natural barriers.

(E) Monopoles may not be located in required front setbacks, landscaped areas, buffers, or parking areas.

(ii) *Removal.* If a monopole becomes obsolete, the operator must remove the antenna, the top three feet of the footing, and all associated equipment within 90 days, and restore the site to its original condition. If the operator fails to do so, the city may remove it at the operator's expense.

(iii) *Application.* An application for a monopole structure must include:

(A) A statement confirming the applicant will allow co-location, comply with Subsection (11)(e)(ii), and that the structure can support co-located antennas; and

(B) Proof of property ownership or a lease agreement permitting antenna placement.

(iv) *Co-location.* Co-location on an existing compliant monopole is a permitted use with a building permit.

(v) *Location Change.* The Planning Commission must approve the monopole's exact location. Any change from the originally approved location requires a new complete application, a new hearing, and notice to all property owners within 500 feet.

(f) *Temporary monopole structures*.

(i) A temporary monopole may be allowed for up to 60 days in a zone where permanent monopoles are conditional uses.

(ii) An application for a permanent structure must be filed before temporary placement.

(iii) Temporary monopoles must meet the development standards in Subsection (11)(e)(i).

(iv) A $500 bond must be posted to ensure removal when:

(A) A permanent monopole is constructed; or

(B) 60 days have passed since installation. A one-time 15-day extension may be granted upon reasonable request.

(g) Additional requirements.

(i) Each cellular facility is treated as a separate use and requires an annual business license.

(ii) In addition to the standards in PCC 14.02.040, to approve a conditional use permit for a cellular facility, the Planning Commission must find that:

(A) The structure is compatible with nearby buildings and utilities;

(B) Co-location is possible without significantly impacting antenna performance;

(C) The antenna blends with surroundings;

(D) The monopole will not harm adjacent properties; and

(E) The facility will not interfere with existing transmissions.

(12) Educational services

(a) Parking requirements must comply with PCC 14.44.060, relating to schools.

(b) The applicant must submit a detailed parking and circulation plan prepared by a professional such as an engineer, architect, or planner. The conditional use may be approved only if the plan demonstrates, to the satisfaction of the Planning Commission or its designee, that the existing or proposed facility will not negatively affect traffic, surrounding land uses, or neighboring properties. The plan must include:

(i) A designated drop-off and pick-up zone sufficient for the student population; and

(ii) Adequate queuing space on site to prevent vehicle back-ups onto public streets during drop-off and pick-up times.

(c) The use must comply with all applicable health, safety, and building codes.

(d) Exterior lighting may not shine directly onto adjoining properties.

(13) Automobile repair

(a) All repair, painting, and bodywork activities—including storage of tools, vehicle parts, and supplies—must occur within an enclosed structure.

(b) No more than 25% of the lot may be used for vehicle storage. All stored vehicles must be located at the rear of the lot and screened by a masonry wall at least six feet high.

(c) Metal buildings are prohibited.

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

(e) If an existing building is converted for the use, its exterior must be upgraded to improve its appearance, and the upgraded structure must be compatible with and superior in appearance to surrounding structures.

(f) Any automobile repair use located in a zone where automobile repair is a conditional use must obtain a conditional use permit for any proposed expansion. The application must comply with this Section. This requirement applies to all automobile repair uses in zones where it is a conditional use, regardless of when the original use was established.

(14) Recreational Vehicle Storage*.*

(a) Recreational vehicle storage is a permitted use in the CM, M1, and M2 zones if it complies with the following standards:

(b) *Screening.* Every recreational vehicle storage area and towing impound yard must be screened on all sides by an opaque wall or fence that meets the following requirements:

(i) Fence or wall height must be at least eight (8) feet for recreational vehicle storage areas and at least six (6) feet for towing impound yards.

(A) A shorter fence is allowed if built on a permanent landscaped berm, provided that the combined height of the berm and fence meets this requirement.

(ii) Permitted fencing materials are “Beauty Link” chain link, wood, masonry, or composite materials. Vinyl fencing is prohibited.

(iii) A masonry wall is required along all sides facing, and within one hundred (100) feet of, a residential zone.

(iv) A masonry wall is required along all sides visible from the public right-of-way of a design corridor listed in PCC 14.50.150.

(v) Gates in walls or fences must be opaque and constructed of wood, metal, or composite materials.

(c) *Landscaping.* Required yards in the underlying zone must be landscaped with a combination of trees, shrubs, hedgerows, turf, ground cover, organic mulches, decorative stone, or native plants. Drought-resistant native species are preferred. Landscaping must be irrigated and permanently maintained.

(d) *Residential Buffers.* When a site adjoins a residential zone boundary, it must include a minimum thirty (30) foot landscaped setback from the boundary. The setback must be located between the residential zone boundary and the wall. Landscape buffer requirements in PCC 15.20.110 apply.

(e) *Parking and Driveways*. All parking areas and driveways must comply with PCC 14.44.090. Gravel parking areas must be kept in a weed-free condition.

(f) *Signs*. One on-premises sign is allowed per street frontage in the front or side yard setback. Signs may not exceed five (5) feet in height or thirty-two (32) square feet in area.

(g) *Lighting*. All lighting must comply with PCC 15.21.

(h) *Towing Operations*. If the site is adjacent to a residential zone, only one towing company may operate on the site.

(i) *Design Corridors*. If the site is located on a design corridor, it must include a minimum twenty (20) foot landscaped setback between the fenced yard and the corridor.

14.02.050 Appeals

Appeals to the Board of Adjustment are governed by PCC 14.04.

14.02.060 Conditional Use Permit Expiration

(1) A conditional use permit expires if not utilized within 12 months from its effective date, unless otherwise specified in the permit or extended under this Section.

(a) Once any portion of the permit is utilized, all other portions and conditions become immediately operative and must be strictly followed.

(b) “Utilization” means any of the following:

(i) Pouring concrete;

(ii) Beginning framing on a structure; or

(iii) Starting the use authorized by the permit.

(2) Subject to Subsection (3), the 12-month utilization period may be extended:

(a) For six months by the Development Services Director or the Director’s designee; or

(b) For 12 months by the Planning Commission.

(i) A permit that has not been utilized within 24 months from its effective date may not be extended. An applicant desiring a permit after that point must file a new application.

(ii) Applications for an extension must be submitted before the initial 12-month expiration date.

(3) To approve an extension, the reviewing authority must find, based on substantial evidence in the record, that:

(a) Substantial progress is being made toward obtaining site plan or building permit approval, as applicable;

(b) The delay in utilization is due to factors beyond the applicant's control;

(c) The original conditions of approval are still viable under current provisions of the Provo City Code; and

(d) No ordinance changes have occurred or are under consideration that would affect the authorized activity or project.

14.02.070 Modification or Revocation of Conditional Use Permit

(1) The Planning Commission may hold a hearing to consider modification or revocation of a conditional use permit on its own initiative, upon staff recommendation, or upon request.

(2) Notice of the hearing must be provided as prescribed in PCC 14.02.010.

(3) An applicant requesting Planning Commission review of a modification or revocation must pay the conditional use permit fee and the public notice fee established in the Consolidated Fee Schedule.

(4) The Planning Commission may modify or revoke a conditional use permit if it finds one or more of the following:

(a) The permit was obtained by misrepresentation or fraud;

(b) The permitted use is not being exercised;

(c) The use has ceased or been suspended for six months;

(d) The conditions of the permit have not been met;

(e) The use is detrimental to the health, safety, or general welfare of nearby residents or injurious to nearby property. A change in real estate market value is not considered an injury to property; or

(f) The use has been materially altered or expanded beyond the original authorization. Examples include, but are not limited to, increases in the number or size of structures, the existence of a nuisance, or changes to the approved project plan.

14.02.080 Annexed Territory – Zoning

(1) Any property not designated on the official Zoning Map as classified in one of the established zones, after the effective date of this Section, is deemed classified in the lowest-density zone permitted by the land use designation for the property in the Provo City General Plan.

(2) Any property undergoing annexation, or being annexed to or consolidated with Provo City, must be classified as described in the Annexation Map and Policies (General Plan Appendix C) adopted by the Municipal Council.

14.02.090 Project Plan Required

See PCC 15.03.300 and PCC 15.03.310.

14.02.110 Temporary Regulations

(1) The Municipal Council may enact ordinances establishing temporary zoning regulations for all or part of the City without a public hearing if either of the following applies:

(a) The Council finds a compelling, countervailing public interest; or

(b) The area is unzoned.

(2) Temporary zoning regulations may prohibit, restrict, or regulate the erection, construction, reconstruction, alteration of buildings or structures, or subdivision approval.

(3) Temporary zoning regulations may not impose impact fees or other financial requirements on building or development.

(4) The Municipal Council may enact an ordinance without a public hearing establishing temporary zoning regulations that prohibit construction, subdivision approval, or other development activities within an area subject to an Environmental Impact Statement or Major Investment Study identifying the area as a proposed highway or transportation corridor. These regulations may be renewed for up to two additional six-month periods upon request from the Utah Transportation Commission, provided the ordinance is enacted before the prior regulation expires. Such regulations remain in effect only while the Environmental Impact Statement or Major Investment Study is ongoing.

(5) Except as provided in Subsection (4), temporary zoning regulations may not exceed six months in duration.

14.02.120 Pending Ordinance Amendments

(1) When a proposed amendment to the zoning map, the text of this Title, or the text of PCC Title 15 is pending, any person filing an application after the amendment becomes pending, and that may be affected by the amendment, is not entitled to rely on the existing zoning map or text.

(a) An amendment is considered "*pending*" once it is placed on a Planning Commission or Municipal Council agenda and properly noticed under this Chapter.

(b) An application is considered "*vested*" when all materials required under this Title or Title 15 have been submitted.

(c) If an applicant does not take substantial action to pursue approval within one year after vesting, the application expires and any vested rights terminate.

(d) "*Substantial action*" means action taken in good faith to diligently pursue any matter necessary for final approval of the application.

(2) Applications affected by a pending amendment are subject to the following:

(a) Final action on the application may not occur until six months after the amendment was first noticed, unless:

(i) The applicant voluntarily amends the application to conform to the proposed amendment; or

(ii) The proposed amendment is enacted or defeated within the six-month period.

(b) If the amendment is enacted within six months of being noticed, affected applications filed while it was pending must conform to the enacted amendment.

(c) If the amendment is not enacted within six months, it is no longer considered pending, and affected applications may be approved under the existing zoning map or text.

(3) The Development Services Department must provide written notice to applicants affected by a pending amendment, stating:

(a) There is pending legislation;

(b) The application may require changes to comply with a proposed zoning map or text amendment; and

(c) Copies of the pending legislation are available from the Development Services office.

Chapter 14.03
PLANNING COMMISSION

Sections:

14.03.010 Planning Commission Created - Chair - Rules.
14.03.020 Planning Commission Duties.
14.03.030 Planning Commission Staff - Organization.
14.03.040 Planning Commission Procedures.
14.03.050 Staff Action on Planning Commission Matters.

14.03.010 Planning Commission Created – Chair – Rules

(1) The Provo City Planning Commission consists of nine members. Each member must be a resident of Provo City and is appointed by the Mayor with the advice and consent of the Municipal Council.

(2) The term of office for each member may not exceed three years. Terms are staggered so that one-third of Commission appointments expire each year. Members may be removed, with or without cause, by the Mayor. Cause for removal includes, but is not limited to:

(a) using public funds for a political purpose under Title 20A, Chapter 11, Part 12, Political Activities of Public Entities Act;

(b) violating a provision of Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act; and

(c) acting with the intent to influence a land use decision or an appeal of a pending land use application in a manner that creates actual impermissible bias or an unacceptable risk of impermissible bias in the Planning Commission member's administrative or quasi-judicial duties.

(d) A Planning Commission member deliberating about a specific pending land use application in a Planning Commission meeting with municipal staff, an elected official, or the land use applicant is not cause for removing the Planning Commission member from the Planning Commission.

(3) Members are selected without regard to political affiliation and serve without compensation, except for reimbursement of reasonable expenses.

(4) The Planning Commission must:

(a) Elect a chair from among its members to serve a one-year term;

(b) Adopt policies and rules for the transaction of business pursuant to PCC 14.03.040, provided the rules do not conflict with the provisions of this Chapter; and

(c) Maintain a public record of its proceedings.

(5) A quorum consists of four members. At least four affirmative votes are required to render a Commission decision. All members present, including the chair, are encouraged to participate in discussion and vote. A Planning Commission member must disclose and recuse from deliberating and voting on a land use application when required by PCC 2.70.010.

(6) If a regularly scheduled and noticed Planning Commission meeting does not occur due to lack of a quorum, all scheduled action items are continued to the next regularly scheduled meeting.

(7) If any member of the Planning Commission files as a candidate for election to a public office, they must take a leave of absence from the Planning Commission immediately upon filing and until the election is over. If any member of the Planning Commission is elected or appointed to any public office, their seat as a member of the Planning Commission becomes vacant upon election or appointment to the public office.

(8) When a member dies or resigns (including resignation by absence), the Executive Director must promptly indicate to the Mayor that a vacancy exists. When a member becomes incapacitated for office permanently or for what appears likely to be a protracted period, or moves from the jurisdiction, or becomes, for any other reason, no longer qualified for office and fails to resign, the Chairman must cause any necessary investigation

to be made and must present the facts to the Executive Director and to the Mayor who may declare the office vacant and appoint a replacement.

14.03.020 Planning Commission Authority and Duties

Except where otherwise expressly provided, the Planning Commission:

(1) Performs all functions and duties authorized or required by Chapter 20, Title 10 of the Utah Code, as amended;

(2) Hears and decides all applications for conditional use permits, unless referred to staff under the Planning Commission bylaws;

(3) Reviews and approves or disapproves project plans, unless referred to staff under the Planning Commission bylaws;

(4) Makes decisions required by this Title that are not expressly delegated to another person or board;

(5) Attends annual training meetings provided by City staff; and

(6) Attends, as often as possible, community meetings, open houses, and workshops related to planning issues.

14.03.030 Planning Commission Staff – Organization

(1) *Executive Director.* The Development Services Director, as appointed by the Mayor, serves as the Executive Director of the Planning Commission.

(2) *Duties of Executive Director***.** Under the general direction of the Mayor, the Executive Director is responsible for providing staff services to the Planning Commission in accordance with PCC Titles 14 and 15 and within the budget authority appropriated by the Municipal Council.

(3) *Secretary.* The Executive Director must appoint a Secretary to the Planning Commission from among the staff of the Development Services Department.

(4) *Duties of Secretary.* Under PCC Title 14 and the direction of the Executive Director, the Secretary:

(a) Manages all Commission correspondence;

(b) Sends or publishes all required notices;

(c) Attends all meetings and public hearings of the Commission (unless excused by the Executive Director and having arranged for a temporary replacement);

(d) Compiles records, maintains schedules, minutes, files, and indexes; and

(e) Performs or supervises all clerical work of the Commission.

(5) This Section does not preclude the Mayor from appointing Provo City residents to advise the Planning Commission when additional public input is deemed appropriate, in accordance with PCC 2.10.070.

14.03.040 Planning Commission Procedures

Subject to state law, including the Open and Public Meetings Act, and the provisions of this Title, the Planning Commission may adopt reasonable rules of order and procedure governing its public meetings and other matters within its jurisdiction.

14.03.050 Staff Action on Planning Commission Matters

(1) The Planning Commission may direct that any matter within its jurisdiction be referred, formally or informally, to Development Services staff for review and preparation of recommendations. Such referral may occur through adopted bylaws, by motion of the Commission, or under the direction of the Commission chair.

(2) If a matter is referred to staff under Subsection (1), staff must comply with any instructions or limitations set forth in the referral. Subject to those limitations, staff will review the matter, conduct any necessary hearings, and prepare written recommendations for the Planning Commission, including for conditional use permit applications.

(3) Unless the Planning Commission directs otherwise, an applicant may consent in writing to the staff recommendation and waive further Commission action. If the applicant waives further action, the staff recommendation is deemed approved by the Planning Commission, and the appropriate authorizations and permits may be issued. This Subsection does not apply where state law requires the Planning Commission to take direct action.

Chapter 14.04
BOARD OF ADJUSTMENT

Sections:

14.04.010 Board of Adjustment Created.
14.04.020 Organization of Board.
14.04.030 Appeals to Board - Powers and Duties.
14.04.040 Procedure.
14.04.050 Judicial Appeal.

14.04.010 Board of Adjustment Created

(1) The Board of Adjustment consists of five members appointed by the Mayor with the advice and consent of the Municipal Council. Each member serves a term of up to five years. Initial appointments must be staggered so that one member's term expires each year. A member may serve no more than three consecutive terms and no more than five total terms.

(2) A member may be removed for cause by the Mayor upon written charges and after a public meeting, if a meeting is requested.

(3) The Mayor, with the advice and consent of the Municipal Council, fills any vacancy for the remainder of the unexpired term.

(4) The Mayor may appoint up to two alternate members with the advice and consent of the Municipal Council.

14.04.020 Organization of Board

(1) The Board of Adjustment must organize, elect a chair, and adopt rules in accordance with this Title.

(2) Meetings are held when called by the chair or at other times determined by the Board. The chair, or acting chair in the chair's absence, may administer oaths and compel the attendance of witnesses. All meetings must be open to the public. The Board must:

(a) Keep minutes of its proceedings, showing each member's vote—or indicating if a member is absent or abstains; and

(b) Maintain records of all examinations and official actions.

(3) *Hearing officer***.** The Mayor may appoint an administrative officer to decide routine and uncontested matters that are before the Board of Adjustment. The Board must:

(a) Designate which matters may be decided by the administrative officer; and

(b) Establish guidelines the administrative officer must follow in making decisions.

14.04.030 Appeals to Board – Powers and Duties

The Board of Adjustment hears and decides appeals from administrative decisions under this Title, considers variances from its terms, and may authorize special exceptions as described below.

(1) An applicant or any person or entity adversely affected by an administrative decision under this Title may appeal that decision by alleging an error in any order, requirement, decision, or determination made in administering or interpreting this Title.

(2) Any officer, department, board, or bureau of the City affected by a building permit decision or other interpretation of this Title may appeal to the Board of Adjustment.

(3) The Board hears and decides appeals from Planning Commission decisions on conditional use permits.

(4) The appellant bears the burden of proving that an error occurred.

(5) Only administrative decisions applying this Title may be appealed.

(6) Amendments to the Provo City Code may not be appealed to the Board.

(7) Appeals may not be used to waive or modify requirements of this Title.

(8) *Interpretation.* The Board may interpret provisions of this Title and determine zone boundaries when uncertain. For floodplain zones, the Board may use the Flood Insurance Rate Map (FIRM) to aid in interpreting floodplain boundaries.

(9) *Variances.*

(a) A person or entity with an ownership or beneficial interest in property may request a variance from the requirements of this Title.

(b) The Board may grant a variance only if all the following criteria are met:

(i) Literal enforcement would cause unreasonable hardship not necessary to carry out the Title's purpose;

(ii) Special circumstances regarding the property exist that do not generally exist for other properties in the same area;

(iii) Granting the variance is essential to enjoy a substantial property right possessed by others in the area;

(iv) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

(v) The spirit of this Title is observed and substantial justice is done.

(c) An unreasonable hardship does not exist unless the alleged hardship:

(i) is located on or associated with the property in question;

(ii) arises from conditions unique to the property, not general to the neighborhood; and

(iii) is not self-imposed or economic in nature.

(d) Special circumstances may not be found unless they:

(i) relate to the hardship; and

(ii) deprive the property of privileges granted to others in the area.

(e) The applicant bears the burden of proving that all variance criteria are met.

(f) Variances run with the land.

(g) The Board may not grant use variances.

(h) The Board may impose conditions to:

(i) Mitigate harmful effects of the variance; or

(ii) Serve the original purpose of the waived or modified standard.

(10) *Special exceptions – height regulations.* The Board may approve a special exception to maximum height regulations for a one-family dwelling if:

(a) The proposed design is better suited to the site than one strictly conforming to the regulations; and

(b) The following criteria are met:

(i) Topography creates practical construction difficulties;

(ii) The design addresses the topographic conditions;

(iii) Height impact on neighbors is identified and reasonably mitigated; and

(iv) Minimum yard depths must increase as follows:

(A) *Front yard*: two feet for each one foot of height over 30 feet measured at the front elevation;

(B) *Rear yard*: two feet for each one foot of height over 35 feet measured at the rear elevation; and

(C) *Side yard*: one foot for each one foot of height over 35 feet measured at the side elevation.

(c) The Board may consider lot size when making findings.

(d) The applicant bears the burden of proving the criteria are met.

(e) The Board may deny the exception if:

(i) The design is intended for level ground but placed on a sloped lot, causing the proposed height issue;

(ii) Design changes or alternate placement on the lot could reduce the need for additional height;

(iii) Additional height substantially impairs adjacent views and could be avoided by modification; or

(iv) The design is inconsistent with neighborhood character.

(11) *Nonconforming uses.* The Board may make determinations regarding the existence, expansion, or modification of nonconforming uses.

(12) *Variances – floodplain zone.*

(a) In considering variances in the floodplain zone, the Board must evaluate technical and all relevant factors, including standards specified in other sections of this Title, and:

(i) Risk of materials being swept onto other lands;

(ii) Risk to life and property from flooding or erosion;

(iii) Susceptibility of the facility and its contents to flood damage;

(iv) Importance of the facility's services to the community;

(v) Availability of alternate, safer locations;

(vi) Compatibility with existing and planned development;

(vii) Safety of access during floods;

(viii) Characteristics of flood waters expected at the site; and

(ix) Government service costs during and after flooding, including maintenance and repair of utilities and infrastructure.

(b) Upon considering the factors outlined in this Section and the purposes of this Title, the Board may impose conditions on the granting of a variance as necessary to further the objectives of this Title. The following provisions apply:

(i) Variances may generally be granted for new construction or substantial improvements on lots one-half acre or smaller that are contiguous to and surrounded by lots with existing structures built below the base flood elevation. As lot size increases beyond one-half acre, greater technical justification is required.

(ii) Variances may be granted for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, regardless of the other requirements in this Section.

(iii) Variances may not be granted within a designated floodway if any increase in flood levels during the base flood discharge would result.

(iv) A variance may be granted only if it is determined to be the minimum necessary, based on the flood hazard, to provide relief.

(v) A variance may be granted only upon:

(A) A showing of good and sufficient cause;

(B) A determination that denial of the variance would result in exceptional hardship to the applicant; and

(C) A determination that granting the variance will not:

(I) Increase flood heights;
(II) Pose additional threats to public safety;
(III) Cause extraordinary public expense;
(IV) Create nuisances;
(V) Result in fraud or victimization of the public; or
(VI) Conflict with the Provo City Code or other applicable laws or ordinances.

(vi) An applicant for a variance for construction below the base flood elevation must sign a written acknowledgment that the cost of flood insurance will reflect the increased risk caused by the lower floor elevation.

14.04.040 Procedure

(1) The Board of Adjustment must act in accordance with applicable law and the provisions of this Title.

(2) All appeals and applications to the Board must be submitted in writing, on forms prescribed by the Board, and filed within 14 days of the decision being appealed. The appeal must be filed with the officer from whom the appeal is taken or directly with the Board. The officer must then transmit all records related to the action to the Board without delay.

(3) Each appeal or application must reference the specific PCC provisions involved and clearly state:

(a) The interpretation or decision being challenged or sought; or

(b) The variance being applied for and the grounds for requesting it.

(4) At least 14 days before any meeting, the Board's secretary must send notice of the meeting to the Planning Commission and request an advisory opinion. The Planning Commission must submit its opinion before the meeting.

(5) Filing an appeal stays all related proceedings unless the officer whose decision is being appealed certifies, in writing, that a stay would pose an imminent risk to life or property. In such cases, there is no stay unless the Board or a District Court orders one based on a showing of good cause.

(6) The Board may not take action on a case without providing proper notice and holding a public meeting. Parties may appear in person, by agent, or by attorney.

(7) Every decision of the Board must be made by motion and must include findings specific to the case.

(8) In deciding an appeal, the Board may affirm, reverse, or modify the decision or order being appealed and has all the powers of the original decision-maker. A minimum of three concurring votes is required to reverse or modify a decision, grant an appeal, or approve a variance under this Title.

(9) Board decisions take effect at the meeting where the decision is made, unless another effective date is specified by the Board or in its rules.

(10) Public meeting notices must be published at least 15 calendar days before the meeting. Notices must include the meeting’s time and place, a general explanation of the matter, and a description of the area affected. Additional notice may be provided as deemed necessary.

14.04.050 Judicial Appeal

(1) Any person aggrieved by a decision of the Board of Adjustment may seek judicial relief by filing a petition in District Court within 30 days after the decision is issued.

(2) Filing a petition does not automatically stay the Board's decision.

(3) Before filing in court, the aggrieved party may petition the Board to stay its decision.

(4) The Board may grant a stay pending District Court review if it determines that doing so is in the City’s best interest.

(5) After filing the judicial petition, the petitioner may seek an injunction from the court to stay the Board's decision.

Chapter 14.05
INTERPRETATION AND DEFINITIONS

Sections:

14.05.010 Rules of Construction and Interpretation.
14.05.020 Definitions.
14.05.030 Illustrations.

14.05.010 Rules of Construction and Interpretation

(1) All provisions, terms, phrases, and expressions contained in this Title must be interpreted in a manner consistent with the intent and purpose of this Title.

(2) *Interpretations.* For the purpose of this Title, words, terms, and provisions are to be interpreted as follows:

(a) words used in the present tense include the future unless the context clearly indicates the contrary;

(b) words in the singular number include the plural and the plural includes the singular as the context and application of this Title may reasonably suggest;

(c) words that are not defined in this Chapter, but that are defined in the Municipal Land Use, Development, and Management Act (MLUDMA) in UCA 10-20-102, as amended, have the meaning defined in MLUDMA;

(d) words that are not defined in this Chapter or MLUDMA, but that are defined in the International Building Code, have the meaning defined in the International Building Code;

(e) chapter and section headings do not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any chapter or section;

(f) unless the context clearly indicates to the contrary, conjunctions are to be interpreted as follows.

(i) **"And"** indicates that all connected items, conditions, provisions or events apply.

(ii) **"Or"** indicates that one (1) or more of the connected items, conditions, provisions or events apply.

(iii) **"Either . . . or"** indicates that the connected items, conditions, provisions or events apply singly but not in combination.

(g) the words "shall" and "must" are always mandatory. The word "should" means the matter described ought to be accomplished if reasonable and possible under the circumstances. The word "may" is permissive. The phrase "may not" means the thing described is prohibited and unlawful;

(h) words and phrases are to be construed according to the common use and understanding of the language, but technical words and phrases that have acquired a peculiar and appropriate meaning in law must be construed and understood according to such meaning;

(i) in determining compliance with the numerical requirements of this Title, any computation or measurement resulting in a fractional number will be rounded to the nearest whole number, unless explicitly stated otherwise;

(j) all public officials, bodies, and agencies to which reference is made are those of the city of Provo, Utah unless otherwise indicated; and

(k) whenever a provision requires the Mayor, head of a department, or some other officer or employee to do some act or perform some duty, such officer may designate, delegate, and authorize professional-level subordinates to perform the required act or duty, unless the provision or section specifies otherwise.

(3) *Time.* When a period of time is prescribed or allowed by this Title, days are calculated as follow:

(a) the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the period to be calculated is included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not a Saturday, a Sunday, or a legal holiday;

(b) when the period of time described is less than seven days, intermediate Saturdays, Sundays and legal holidays are not counted; and

(c) each a period of time described is a period of consecutive calendar days, unless explicitly stated otherwise;

14.05.020 Definitions

For the purposes of this Title, the words and phrases below have the meanings set forth in this Section.

“Accessory Building” means a building or structure, the use of which is incidental to and subordinate to the main building or structure.

“Accessory Dwelling Unit” or **"ADU"** means a residential dwelling unit that is occupied as a separate unit on the same lot as a primary dwelling unit. An ADU may be located within the same building as the primary dwelling unit (internal ADU), attached to the single-family dwelling, or in a detached building on the same lot. An ADU does not include mobile homes or other portable structures that do not qualify as permanent residential units. See Chapter 14.43.

“Accessory Use” means a use that is incidental and subordinate to a principal use that is permitted in the applicable zone and is actively utilized on the same parcel

“Adult Day Care” means nonresidential care and supervision:

(a) for three or more adults at least four but less than 24 hours a day; and

(b) that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services in a protective setting.

"Alley" means a public thoroughfare for the use of pedestrians and vehicles that affords, or is designated as, or intended to afford, a secondary means of access to abutting properties as set forth in PCC 15.03.

"Apartment" means a dwelling unit located in an apartment building.

"Apartment Building" means a building containing five or more dwelling units.

"Area" means the total square footage of the horizontal plane enclosed within applicable boundaries, measured at the largest horizontal extent of the lot or structure, as applicable.

"Assisted Living Facility" means a residential facility meeting the requirements of a type I or type II assisted living facility as defined by Utah Code Section 26-21-2(5), as amended.

"Automobile Wrecking Yard" means any lot, land, or area used for the storage, keeping, dismantling, or abandonment of automobiles or parts thereof. Any more than one such item on a property constitutes an automobile wrecking yard.

"Baching Singles" means four or more related or unrelated individuals, none of whom is a head of household, who are occupying a baching singles dwelling unit in accordance with the regulations of the applicable zone. The following are considered baching singles:

(a) a group of individuals living together in the same dwelling unit authorized in the applicable zone, if such individuals are:

(i) unrelated adults over the age of 18 years with no minor dependent children occupying the dwelling unit;

(ii) college students over the age of 16 years. A college student is a person who attends, at least half time, any college, university or other institution authorized to confer degrees by the State of Utah; or

(iii) any combination of Subsections (a)(i) and (a)(ii) of this definition.

"Bed and Breakfast" means a building of residential design of historic or neighborhood significance in which three to nine rooms are rented out by the day, offering overnight lodgings to tourists, and where one or more meals are offered to overnight guests.

"Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

"Block Face" means all lots or parcels fronting on one side of a street between the nearest streets that cross or terminate at that side of the street, or between such a street and a railroad right-of-way, waterway, terminus of a dead-end street, city boundary, public park, or other comparable boundary. A street that terminates at only one side of another street establishes a block-face boundary only on the side where it terminates.

"Boat" means any watercraft, other than a seaplane.

"Buildable Area" means that portion of a lot or parcel that is eligible for placement of a building or structure and complies with the setbacks of the applicable zone.

"Building" means a permanently located structure for the shelter, housing, or enclosure of any person, animal, article, or chattel. When any portion is completely separated from every other portion by a division wall or fire wall, without openings, each such portion is a separate building. "Building" does not include any form of vehicle, even though immobilized. Where this Title requires, or where special authority granted pursuant to this Title requires, that a use be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides."

"Building, Attached" means any buildings separated by six feet or less. Even if not physically connected, such buildings are deemed "attached" for the purposes of this Title and must meet all requirements of this Title as if one building.

"Building Height" means the vertical distance measured from the average elevation of the finished lot grade at each face of the building minus any artificial terracing or earth berming placed by the owner or developer that goes beyond that required for backfill or foundation drainage, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point halfway between the lowest part of the eaves or cornice and the highest point of a pitched or hipped roof; provided that those structures set forth in PCC 14.50.080, are excluded from said measurement. The height of a stepped or terraced building is the maximum height of any segment of the building. Refer to Figure 14.05.030, at the end of this Chapter, for building height illustrations.

"Building Line" means a line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard measured in accordance with the method stated in "Yard-Front" and extending across the whole width of the lot.

"Camping Van" means a van designed, used, and maintained primarily to provide a mobile dwelling, sleeping place, or facilities for human habitation or for camping.

"Cannabis Production Establishment" means a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory, as defined in Title 4, Chapter 41a of the Utah Code Annotated 1953, as amended.

"Caretaker" means an individual who cares for real property as allowed in certain commercial and industrial zones in accordance with applicable provisions of this Title.

"Caretaker Dwelling" means a dwelling unit located on property for the purpose of providing security or otherwise caring for the property.

"Carport" means a covered area for one or more motor vehicles that:

(a) is not completely enclosed by walls or doors;

(b) conforms to all of the regulations set forth in this Title for a private garage; and

(c) if provided as required covered parking under this Title, is architecturally compatible with the main structure on the lot where the carport is located.

"Center-line of Street" means that line designated as the "Center-line" in any street in the city by the records of the City Engineer.

"Certified Residential Facility for Persons with a Disability" means a dwelling unit certified by the State of Utah for the housing of persons with a disability.

“Child Day Care Center” means a facility in which Day Care Services are provided to 13 or more children ages two to 13 years.

“Coin-operated Amusement Video Game Center (Arcade)” means any business establishment containing more than three coin-operated amusement or video game machines.

“Conditional Use” means a land use that, because of its unique characteristics or potential impact on the city’s surrounding neighbors, or adjacent land uses, may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

“Condominium” means a dwelling unit in a multi-unit development in which individual units are separately owned, and the owners hold an undivided interest in the common areas and facilities pursuant to the Utah Condominium Ownership Act.

“Condominium Project” means a real estate condominium project, which is a plan or project in which two or more units, whether contained in existing or proposed apartment, commercial, or industrial buildings or structures, are separately offered or proposed to be offered for sale.

“Convalescent, Rest Home, and Nursing Home Services” means an intermediate care/nursing facility or a skilled nursing facility for the care of adults who due to advanced age, disability, or impairment require assistance and/or supervision by staff. Such facility does not include adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

“Corner Lot” means a lot situated at the intersection of two or more streets that have an angle of intersection of 135 degrees or less.

“Courtyard” means an unoccupied space on the lot other than a required yard, designed to be partially surrounded by a building or group of buildings.

“Day Care Services” means care of a child for a portion of the day that is less than 24 hours, in one’s own home by a responsible person or outside of one’s home in a child day care center. This includes preschools.

“Disability” means a “handicap” as defined under the Fair Housing Act, 42 U.S.C. § 3602, or a “disability” as defined under the Americans with Disabilities Act, 42 U.S.C. § 12102, as amended, both of which exclude impairment resulting from the current illegal use of a federally controlled substance.

“Double Frontage Lot” means a lot having a street frontage on two parallel or approximately parallel streets. For purposes of this Title, these lots have two street frontages and two front yards.

“Dwelling” means a building or portion thereof designed and used for residential occupancy, including one-family, two-family, multi-family, and apartment buildings; but does not include boarding, rooming, or lodging houses, tents, trailers, mobile home parks, motels, motor courts, motor lodges, cottage camps, or similar structures designed or used primarily for transient residential uses.

“Dwelling Unit” means one or more rooms in a dwelling designed and used for living and sleeping purposes and having a kitchen and a bathroom.

“Efficiency Dwelling Unit” means a dwelling unit with an area of less than 550 square feet that is limited to no more than three occupants. The sleeping area must be a minimum of 70 square feet and the living area a minimum of 220 square feet.

“Family” means:

(a) one individual living alone; or

(b) one, but not more than one at the same time, of the following groups of individuals described in Subsection (b)(i) or (ii) of this definition who together occupy a one-family dwelling unit as one nonprofit housekeeping unit and who share common living, sleeping, cooking and eating facilities:

(i) a head of household and:

(A) All persons related to the head of household as a spouse, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild by blood, marriage, adoption, guardianship, or any other duly authorized custodial relationship; and

(B) not more than two additional related or unrelated persons, including, but not limited to, personal care or personal service providers; or

(ii) three related or unrelated individuals and any children of any such individual, if any.

(c) In applying this definition, the existence of more than one kitchen in a dwelling unit creates a presumption that two housekeeping units exist in the dwelling.

(d) “Family” does not include:

(i) baching singles, as defined in this Section, even if related in a manner described in Subsection (b)(i)(A) of this definition;

(ii) any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;

(iii) any number of individuals whose association is temporary or seasonal in nature; or

(iv) any number of individuals who are in a group living arrangement as a result of criminal offenses.

(e) Notwithstanding this definition, if specific provisions of this Title restrict single-family occupancy to some explicit subset of this definition, those provisions govern occupancy in those situations.

“Family Day Care” means day care services provided within a home for not more than six children.

“Family Group Day Care” means day care services provided within a home for at least seven but less than 13 children.

“Farmers Market” means an establishment providing space for two or more vendors for the sale of fresh produce and related food items on a seasonal basis from the period of May through October.

“Fence” means a structure used as a boundary, screen, separation, means of privacy, protection or confinement that is constructed of posts, rails, and a barrier consisting of lumber, vinyl, wire mesh, masonry or similar fencing materials.

“Finished Grade” means the lowest point of elevation of the finished surface of the ground within the area between the building and a line five feet from building.

"Flag Lot" means an interior lot that does not meet minimum street frontage requirements and that has as part of the lot an access strip (the "flag pole") abutting a public street and connecting the main body of the lot (the "flag") to the street.

"Floor Area" means the sum of all areas of all floors of a building, including basements, mezzanine, and intermediate-floored tiers and penthouses of head room height, measured from the exterior faces of exterior walls or from the centerline of common walls separating buildings. The floor area, however, does not include areas used for parking of vehicles and areas devoted exclusively to the housing of mechanical equipment for heating, ventilating, and other service uses for the building.

"Front Lot Line" means the property line adjacent to the street, except as follows:

(a) for corner lots with single-family detached development, the front lot line is the property line along the street frontage on the same side of the structure as the primary entrance; and

(b) for all other corner lots, the front lot line is the property line along the shortest street frontage.

"Front Yard" means a yard extending across the full width of a lot between the front lot line, or its tangent, and the location of the main building. See Figure 14.05.030, at the end of this Chapter, for examples.

"Garage-private" means an accessory building or an accessory portion of the main building designed and/or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building and is architecturally compatible with the main structure.

"Garage-public" means any premises, except those described as private garage, used for the storage or care of vehicles.

"Garage Sale" See "Yard Sale".

"Group Quarters" are residential facilities where individuals live or stay in a group living arrangement that is owned or managed by an organization providing housing and/or services for the residents. This includes, but is not limited to, nursing homes, and mental health institutions, as well as non-institutional settings such as college dormitories, military barracks, group homes, missions, and shelters. Occupancy in group quarters is limited to one occupant per private bedroom.

"Guest" means any person or persons staying for less than thirty days in a dwelling unit without payment or compensation to the owners, tenants, or full-time inhabitants of the dwelling unit.

"Habitable" means rooms designed and used for living, sleeping, eating, recreational activities, selling merchandise, or conducting office and other business activities and does not include space used for parking, bathrooms, closets, storage rooms, laundry and utility spaces, and similar areas not considered habitable by the International Building Code.

"Head of Household" means one individual who occupies a dwelling unit and who has a parent/child relationship, grandparent/child relationship, or a legal marriage relationship with another individual occupying the same dwelling unit.

"Historic Building" means any building that has been designated on the Provo City Landmarks Register by action of the Provo City Landmarks Commission and the Municipal Council.

“Home Occupation” means the use of a portion of a dwelling as an office, studio, or work room for occupations that are customarily conducted in the home, and that are incidental to the primary use as a home or residence.

“Hotel” means a building designed or used as the temporary abiding place of individuals who are lodged, with or without meals, for compensation and in which there are more than ten sleeping rooms, and in which no provision is made for cooking in guest rooms.

“HUD Code” means the Federal Manufactured Housing Construction & Safety Standards Act, as amended.

“Interior Lot” means a lot other than a corner lot.

“Irregular Lot” means a lot that is not rectangular in shape.

“Junk Yard” means any lot, land, or area used for the storage, keeping, dismantling, or abandonment of junk, household furniture and appliances, machinery, scrap material, or parts thereof. Any more than one such item on a property constitutes a junk yard.

“Kennel” means a place where three or more dogs of four months of age or older are raised, kept, housed, boarded, or commercially bred.

“Kitchen” means any room or space used, or intended or designed to be used, for cooking or for the preparation and/or serving of food, including such areas as wet bars and snack bars, notwithstanding whether such room or space is located within a primary dwelling structure or a structure accessory to the dwelling. Facilities that establish the use of a room or space as a kitchen include refrigerators, stoves, other cooking appliances, built-in cabinets, sinks, garbage disposal units, 220 voltage and/or natural gas supply lines, in any combination intended to permit the room or space to be used for the preparation and/or serving of food.

“Land Use Ordinance” means a Provo City ordinance found in this Title or PCC 15, or a predecessor ordinance, that governs planning, zoning, development, or the subdivision of land, but does not include the General Plan.

“Licensed Residential Facility for Persons with a Disability” means a dwelling unit licensed by the State of Utah for the housing of four or more persons with a disability.

“Liquor Store” means a facility for the sale of packaged liquor that is located on premises owned or leased by the State of Utah and is operated by Utah State employees. (This definition is not to be construed to include package agencies accessory to another main use, or restaurants with mini-bottle licenses.)

“Lot” means any of the following:

(a) real property shown as a delineated piece of land with a number and designation on the final plat of a subdivision recorded in the office of the County Recorder of Utah County;

(b) real property, the dimensions or boundaries of which are defined by a record of survey map recorded in the office of the County Recorder of Utah County in accordance with the law regulating the division of said land; or

(c) real property not described in (a) or (b) above that contains at least the prescribed minimum area required in the zone in which it is located and that abuts at least one public street and is held under one ownership.

“Lot Area” means the total square footage enclosed within the lot lines, measured on a horizontal plane.

“Lot Coverage” means the total horizontal area of a lot covered by any building or occupied structure that extends above the surface of the ground level and including any covered automobile parking spaces. Covered patios, covered walkways, and covered recreation areas that are more than 50% enclosed are also considered in a lot coverage calculation.

“Lot Depth” means the horizontal distance between the front and rear lot lines, measured as a straight line connecting the midpoint of each.

“Lot Frontage” See “Street Frontage”.

“Lot Width” means the distance across a lot measured at the interior edge of the required front yard, along a line parallel to the front lot line or, where the front lot line is curved, parallel to the chord of that arc.

“Main Building” means the principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one lot constitutes a main building.

“Manufactured Home” means a factory-built one-family dwelling constructed under 42 U.S.C. § 5401 on a permanent chassis, bearing a HUD certification seal.

“Market” means a retail store. For purposes of this Title, a “neighborhood market” or “convenience market” is a market with less than 18,000 square feet of gross floor area. A “supermarket” is a market with a gross floor area of 18,000 square feet or more.

“Mezzanine” means an intermediate floor level within a story that covers no more than one-third of the floor area of the space below. An intermediate floor level exceeding this area shall be considered a separate story.

“Mobile Home” means a transportable, factory-built home, designed to be used as a year-round residential dwelling and constructed before June 15, 1976, prior to the effective date of the federal HUD Code under 42 U.S.C. § 5401.

“Modular Home” means factory-built housing constructed in sections and assembled onto a permanent foundation at a building site that is certified as meeting the applicable building codes.

“Multi-family Dwelling” means a dwelling arranged, designed for, and occupied by three or four families living independently of each other in separate dwelling units.

“Natural Grade” means the elevation of the surface of the ground that has been created through the action of natural forces and has not resulted from man-made cuts, fills, excavation, grading, or similar earth moving processes. The topographic maps of Provo City are the primary, though not exclusive, reference for determination of natural grade. Natural grade is determined in every necessary instance by the City Engineer.

“Nursery School” means any premises used for the care of six or more children under the age of six years who are not related within the second degree to the operator of said premises.

“Office” means a building or space used primarily for conducting business or professional services, excluding retail sales or on-site storage of merchandise.

“Opening” means a window or door on any building facade.

“One-family Dwelling” means a detached dwelling unit arranged, designed for, and occupied by not more than one family, and which has a kitchen and a bathroom.

“One-family Dwelling, attached (Townhome)” means a one-family dwelling attached to two or more one-family dwellings by common vertical walls.

“One-family Dwelling, semi-detached (Twin Home)” means a one-family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.

“Owner Occupant” means, except as set forth in Subsection (d) of this definition:

(a) an individual who:

(i) possesses, as shown by a recorded deed, 50% or more ownership in a dwelling unit; and

(ii) occupies the dwelling unit with a bonafide intent to make it his or her primary residence; or

(b) an individual who:

(i) is a trustor of a family trust that:

(A) possesses fee title ownership to a dwelling unit;

(B) was created for estate planning purposes by one or more trustors of the trust; and

(ii) occupies the dwelling unit owned by the family trust with a bonafide intent to make it his or her primary residence. Each living trustor of the trust must occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit must nevertheless be the domicile of the trustor during the trustor’s temporary absence; or

(c) an LLC that:

(i) is currently registered with the state; and

(ii) each member of the LLC occupies the dwelling unit with a bonafide intent to make it his or her primary residence.

(d) A person who meets the requirements of Subsections (a), (b), or (c) of this definition may not be deemed an owner occupant if the property on which the dwelling unit is located has more than one owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.

(i) A claim that a person is not an owner occupant may be rebutted only by documentation, submitted to the Development Services Department, showing that the person who occupies the dwelling unit has a bona fide intent to make the dwelling unit one’s primary residence as indicated by the following documents that show such person:

(A) is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;

(B) has claimed all income, deductions, and depreciation from the property on one's tax returns for the previous year;

(C) is the owner listed on all rental documents and agreements with tenants who occupy the dwelling unit, including any accessory apartment;

(D) is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and

(E) is a full-time resident of Utah for Utah State income tax purposes.

(ii) Any person, or group of persons, who fails, upon request of the Development Services Department, to provide any of the documents set forth in Subsection (d)(i) of this definition or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit means for the purpose of this Title that such person or persons is/are deemed not to be an "owner occupant" of the dwelling unit in question.

(e) The provisions of Subsection (d) of this definition apply to any person who began a period of owner occupancy after March 1, 2009, regardless of when the person purchased the property where the person resides.

"Owner Occupied" means a dwelling unit that is occupied as a primary residence by all persons who hold an ownership interest in the dwelling unit, whether through a recorded deed, a revocable family trust created for estate planning purposes, or an LLC or other entity holding fee title. A dwelling unit is not disqualified solely because an owner is temporarily absent due to disability or infirmity, provided the dwelling unit remains that owner's primary residence during the absence.

"Parcel" means any real property that is not a lot.

"Parking Area" or **"Parking Lot"** means an open area, other than a street or alley, used for the parking of more than four automobiles.

"Parking Space" means a permanently surfaced area measuring as described in PCC 14.44.

"Patio" means a relatively flat outdoor living or recreational area that is no more than 30 inches above grade level whether it is detached or attached to another structure on the property.

"Patio Roof" means a roof structure extending over a patio that is open on at least three sides.

"PCC" means Provo City Code.

"Person" has the same meaning as stated in UCA 10-1-104, as amended.

"Primary Entrance" means main door or other means of ingress/egress designed to facilitate access into habitable areas of the building.

“Primary Residence” means the dwelling unit where a person habitually lives and to which the person intends to return when absent. In determining primary residence, relevant factors include the address shown on the person’s driver license, vehicle registration, voter registration, and state and federal tax returns, but no single document or combination of documents is conclusive.

“Primary Street” means University Avenue, Center Street, 100 West, 500 West, 300 South and 600 South.

”Principal Building.” See “main building”.

“Public” means owned by a federal, state, or local governmental entity.

“Rear Lot Line” means the recorded lot line most distant from and generally opposite the front lot line. Each lot has one rear lot line, determined as follows:

(a) for regular lots, the rear lot line is the lot line parallel to the front lot line;

(b) for irregular lots, the rear lot line is the lot line that:

(i) does not adjoin the front lot line;

(ii) is located to the rear of the lot; and

(iii) is more or less parallel to any portion of the front lot line; and

(c) for triangular or pie-shaped interior lots, the rear lot line is a straight line ten feet in length that is parallel to the front lot line or its chord and connects the two other lot lines at their most distant points from the front lot line.

“Rear Yard” means a yard extending across the full width of a lot between the rear lot line, or its tangent, and the location of the main building. See Figure 14.05.030, at the end of this Chapter, for examples.

“Recreational Vehicle” means a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or towed. The term includes travel trailers, camping trailers, motor homes, fifth wheel trailers, and camping vans, among others.

“Regular Lot” means a lot that is rectangular in shape.

“Residential Facility for Elderly Persons” means a one-family or multifamily dwelling unit occupied by eight or fewer elderly persons living together in a family-type arrangement on a twenty-four hour basis, where the facility is owned by a resident or an immediate family member of a resident, or held in trust for a resident. See PCC 14.50.140 for regulations applicable to these facilities.

“Residential Facility for Persons with a Disability” means a dwelling unit occupied by more than one person with a disability in a residential living arrangement. The term does not include facilities that qualify as a residential facility for elderly persons or a health care facility under applicable state law.

“Residential Health Care Facility” means a facility providing assistance with activities of daily living and social care to two or more residents who require protected living arrangements. This type of use includes Residential Health Care Facilities and Residential Care (Type N, up to three patients) facilities as defined and classified by Utah State regulations.

“Road” See definition of “Street.”

"Secondary Street" means any other street not defined as a primary street.

"Side Lot Line" means any lot boundary line that is not a front lot line or a rear lot line.

"Side Yard" means a yard between the main building and the side lot line extending from the required front yard, or the front lot line where no front yard is required, to the required rear yard, or the rear lot line where no rear yard is required. See Figure 14.05.030, at the end of this Chapter, for examples.

"Sidewalk Cafe" means an outdoor dining area located on a public sidewalk adjacent to a street-level eating or drinking establishment where patrons may consume food or beverages provided by the abutting establishment.

"Sign" means any word, letter, numeral, phrase, sentence, device, design, picture, trade name, or trademark used to make something known or to designate a firm, association, corporation, profession, business, or service, regardless of whether such is placed on natural objects such as the ground, rocks, trees, or stumps, or on manmade structures such as buildings, walls, roofs, frames, supports, fences, or similar structures, and that is visible from any public street, highway, or road right-of-way.

"Single-family Dwelling" See "one-family dwelling".

"Story" means the portion of a building between the surface of a floor and the surface of the floor above, or where there is no floor above, between the floor and the ceiling. The term does not include a basement.

"Street" means a public street as defined in Utah Code § 10-20-102, a privately owned roadway within a development that provides the principal means of access to abutting property, or a roadway shown on a plat approved pursuant to law or official action. The term includes all land within the right-of-way, whether improved or unimproved, including pavement, shoulders, gutters, sidewalks, and parking areas. See also PCC 15.03 for different classifications.

"Street Frontage" means the full width of a lot line abutting to a street.

"Structure" means anything constructed or erected that is either located on the ground or attached to something having a location on the ground.

"Subgrade Structure"

(a) means a structure that:

(i) is located primarily below natural grade;

(ii) does not extend more than 2.5 feet above natural grade at any point;

(iii) is completely covered with a minimum of six inches of soil capable of supporting vegetation on its horizontal surface where required by the landscaping provisions of the applicable zone;

(iv) is decoratively finished on any vertical surface not covered with soil; and

(v) within a required front or street side yard, is located entirely beneath a finished grade that does not exceed a 25% slope and is level with the natural grade along all property lines.

(b) A subgrade structure is not subject to lot coverage or setback provisions of this Title, but must meet the landscaping requirements of the applicable zone.

“Structural Alterations” means any change in the supporting member of a building such as bearing walls, columns, beams or girders, and floor joists or roof joists.

“Subdivision” has the same meaning as in UCA 10-20-102.

“Through Lot” See “double frontage lot”.

“Townhome” See “one-family dwelling, attached (townhome)”.

“Trailer” means a vehicle without motive power designed to be towed by a motor vehicle for carrying persons or property and constructed so that no part of its weight rests upon the towing vehicle. This definition does not include vehicles included in the definition of recreational vehicles that would otherwise meet this definition.

“Travel Trailers” means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use. Note that this term is included in the definition of Recreational Vehicle.

“Twin Home” See “one-family dwelling, semi-detached.”

“Two-family Dwelling (Duplex)” means a dwelling arranged, designed for, and occupied by two families living independently of each other in two separate dwelling units.

“Use” the activity or function for which a lot, structure, or portion thereof is occupied, operated, or intended.

“Veterinary Hospital” means an establishment for the care and treatment of animals, including household pets, livestock, and commercial poultry.

“Yard” means a space on a lot that is unoccupied and unobstructed by a structure from the finish grade upwards.

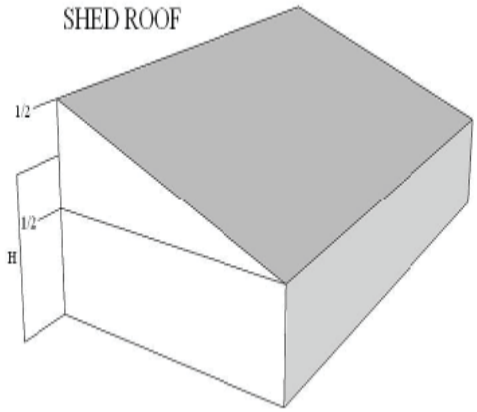
“Yard Sale” means a sale of personal belongings in a residential zone, which sale is conducted by a bona fide resident of the premises.

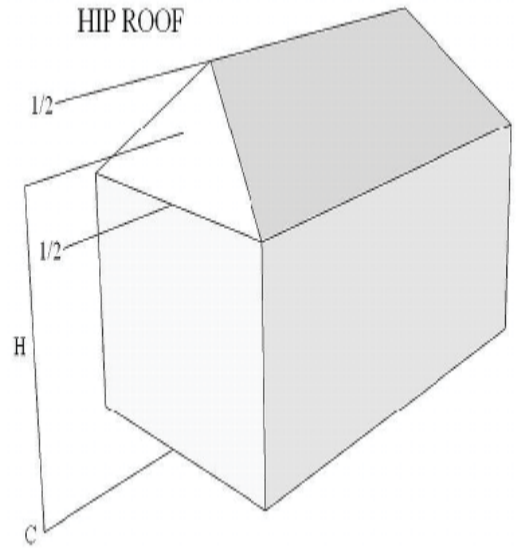
“Zone” means a mapped area of the city, excluding public rights-of-way, within which this Title establishes uniform land use regulations governing permitted uses, dimensional standards, and development requirements.

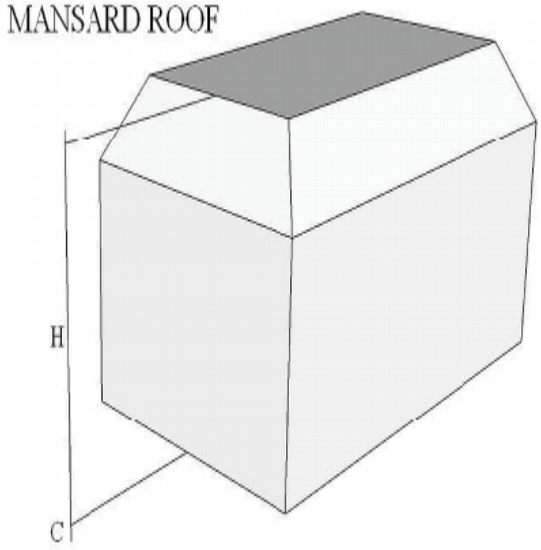
14.05.030 Illustrations

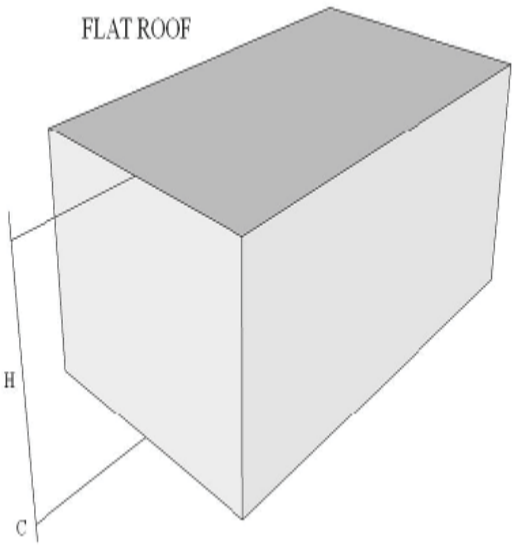
For the convenience of users of this Title, certain terms are illustrated below and elsewhere within this Title. If any conflict arises between an illustration and a definition, the definition applies.

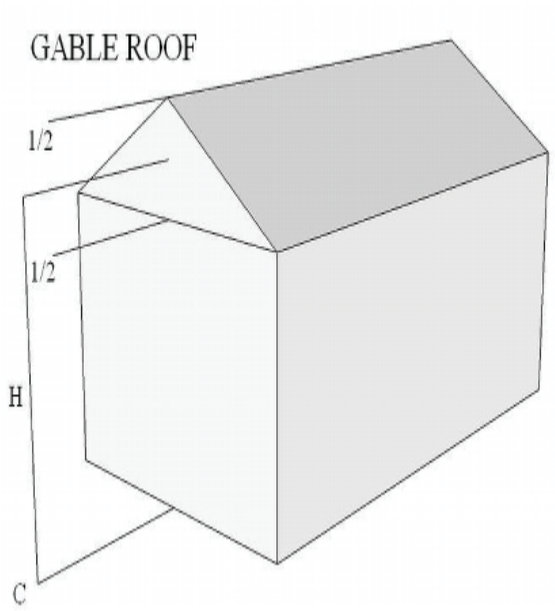
Figure 14.05.030-1 Examples of Building Heights

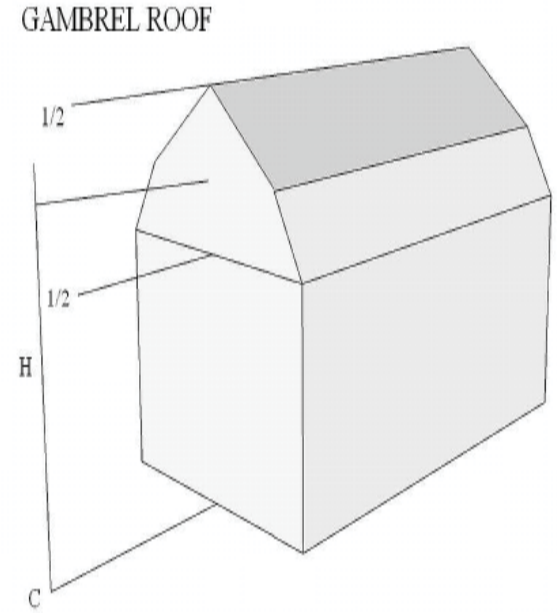

SHED ROOF
1/2
1/2
H


HIP ROOF
1/2
1/2
H
C


MANSARD ROOF
H
C


FLAT ROOF
H
C


GABLE ROOF
1/2
1/2
H
C

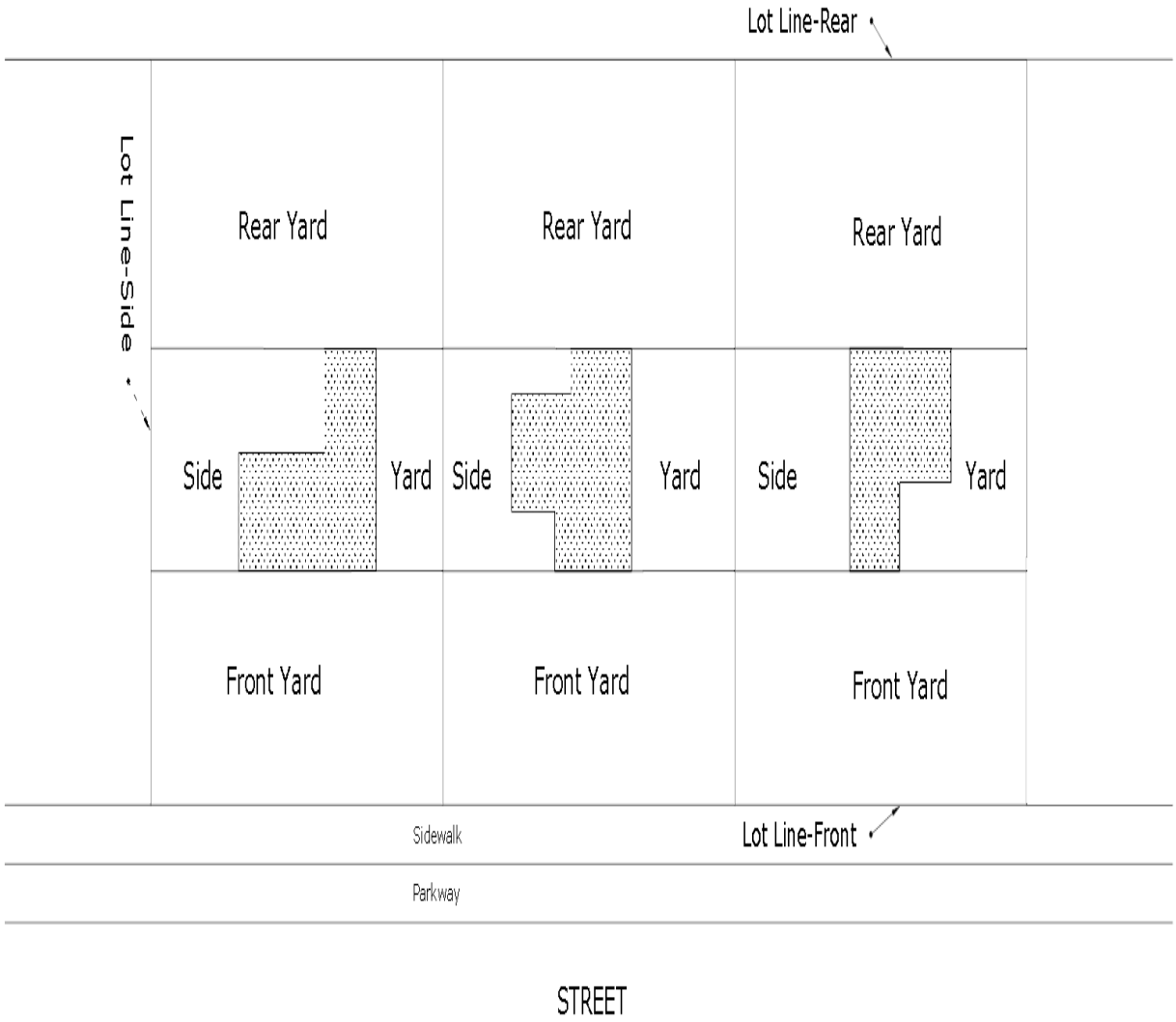

GAMBREL ROOF
1/2
1/2
H
C

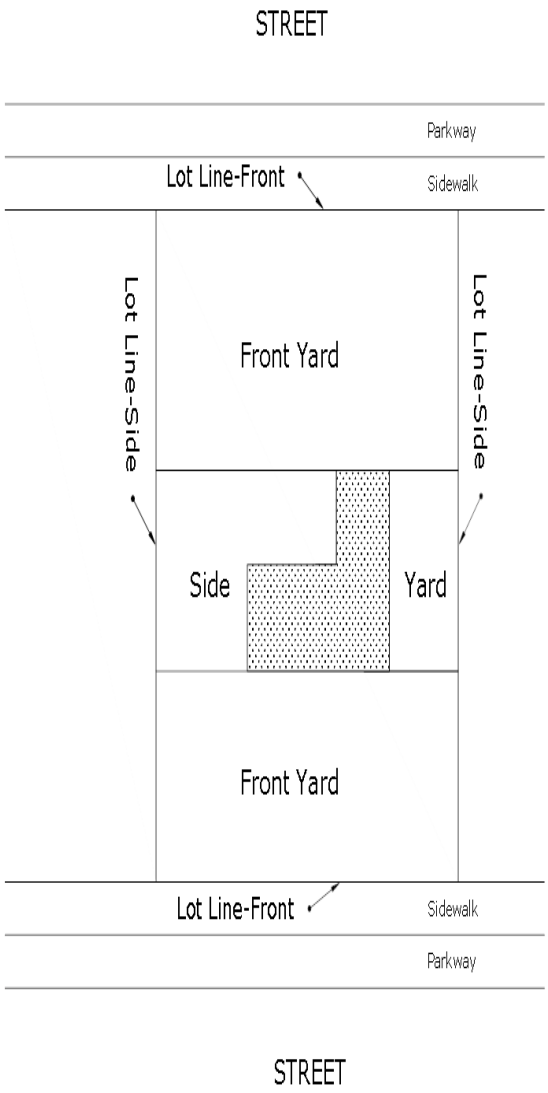
1/2
1/2
H

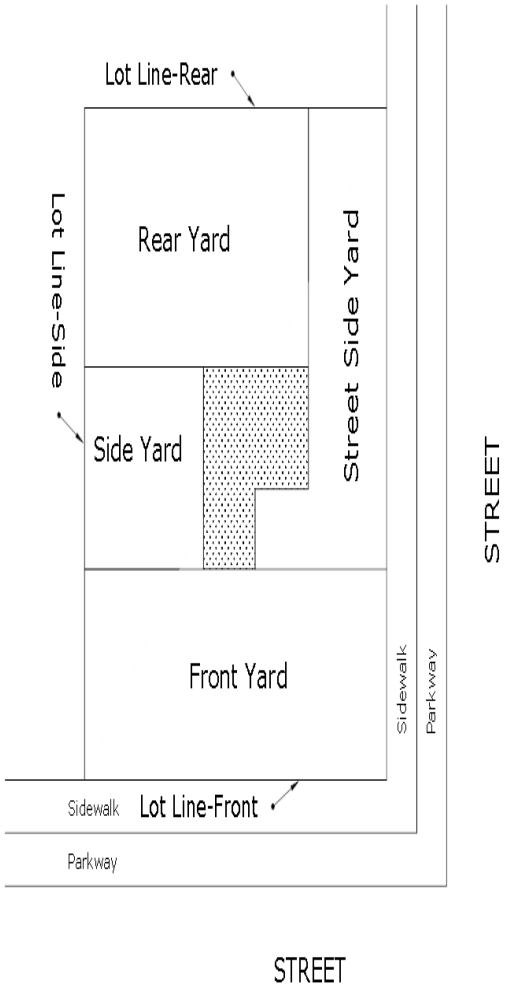
1/2
1/2
H

H - Building Height
C - Average Elevation of the Finished Lot Grade

Figure 14.05.030-2 Examples of Types of Yards


Lot Line-Rear
Lot Line-Side
Rear Yard
Rear Yard
Rear Yard
Side
Yard
Side
Yard
Side
Yard
Front Yard
Front Yard
Front Yard
Sidewalk
Lot Line-Front
Parkway
STREET


STREET
Parkway
Lot Line-Front
Sidewalk
Lot Line-Side
Front Yard
Lot Line-Side
Side
Yard
Front Yard
Lot Line-Front
Sidewalk
Parkway
STREET


Lot Line-Rear
Lot Line-Side
Rear Yard
Street Side Yard
Side Yard
Front Yard
Sidewalk
Parkway
STREET
Sidewalk
Lot Line-Front
Parkway
STREET

Chapter 14.06
ZONE ESTABLISHMENT

Sections:

14.06.010 Declaration of Purpose.
14.06.020 Location on Map.
14.06.030 Determining Zone Boundaries.

14.06.010 Declaration of Purpose

To accomplish the purposes of this Title, Provo City is divided into zones. In preparing this Title, due consideration was given to the relative amounts of land needed for particular uses and the suitability of such land for those uses, as well as to existing and anticipated future conditions within the City. The character of each zone was evaluated with the goal of conserving building value and promoting the most appropriate use of land throughout the City.

14.06.020 Location on Map

The location and boundaries of all zones are shown on the Zone Map titled *Zone Map of Provo City, Utah*. All boundaries, notations, and data on the map are adopted as part of this Title and incorporated by reference.

14.06.030 Determining Zone Boundaries

Where uncertainty exists regarding zone boundaries on the Zone Map, the following rules apply:

(1) If boundaries appear to follow streets or alleys, the centerline of the street or alley is the zone boundary.

(2) If boundaries appear to follow lot lines, the lot lines are the zone boundaries unless otherwise indicated.

(3) If boundaries appear to follow canals, watercourses, or other natural features, the centerline of those features is the zone boundary unless otherwise indicated.

(4) If no street, lot line, canal, or natural feature is present, the boundary must be determined using the scale on the Zone Map.

Chapter 14.07
DEVELOPMENT STANDARDS TABLE

ZONES	SECTION	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH	MINIMUM LOT FRONTAGE	DENSITY	PERMISSABLE LOT COVERAGE
PF	14.09	10,000 sq. ft.	80 ft.	N/A	35 ft.	1 caretaker dwelling per 5,000 sq. ft.	Maximum 60%
AIRP	14.10	10,000 sq. ft. (AI only)	100 ft. (AI only)	100 ft. (AI only)	100 ft. (AI only)	N/A	N/A
HCF	14.11	10,000 sq. ft.	80 ft.	N/A	200 ft.	N/A	Maximum 60%
OSPR	14.12	N/A	N/A	N/A	N/A	N/A	N/A
A1	14.13	A1.1: 1 acre; A1.5: 5 acres; A1.10: 10 acres; A1.20: 20 acres; A1.40: 40 acres	100 ft.	100 ft.	60 ft.	One dwelling per lot	Maximum 20%
RA	14.14	1/2 acre	100 ft.	100 ft.	60 ft.	One dwelling per lot	Maximum 30%
R1	14.15	R1.6: 6,000 sq. ft.; R1.7: 7,000 sq. ft.; R1.8: 8,000 sq. ft.; R1.9: 9,000 sq. ft.; R1.10: 10,000 sq. ft.; R1.15: 15,000 sq. ft.; R1.20: 20,000 sq. ft.	60 ft.	R1.6/R1.7: 75 ft.; R1.8: 80 ft.; R1.9/R1.10/R1.15: 90 ft.; R1.20: 100 ft.	35 ft.	One dwelling per lot	Maximum 40%
VLDR	14.16	One-family detached: 5,000 sq. ft.; Two-Family: 8,000 sq. ft.; One-family attached: 10,000 sq. ft.	40 ft.	One-family detached: 75 ft.; All other uses: 90 ft.	35 ft.	Maximum 7 units per gross acre	Maximum 50%
LDR	14.17	One-family detached: 4,000 sq. ft.; Two-family: 8,000 sq. ft.; One-family attached: 10,000 sq. ft.	40 ft.	One-family detached: 75 ft.; All other uses: 90 ft.	35 ft.	Maximum 12 units per gross acre	Maximum 50%
MDR	14.18	Two-family: 8,000 sq. ft.; One-family attached: 10,000 sq. ft.; Multifamily: 20,000 sq. ft.	40 ft.	90 ft.	35 ft.	Maximum 30 units per gross acre	Maximum 50%
HDR	14.19	One-family attached: 10,000 sq. ft.; Multifamily and Apartments: 20,000 sq. ft.	50 ft.	90 ft.	35 ft.	Maximum 50 units per gross acre	Maximum 75%
RM	14.20	Zone area: 15 acres	50 ft.	N/A	35 ft.	One dwelling per lot or space	N/A
CR	14.21	40,000 sq. ft. (less than 40,000 sq. ft. limited to 40 units per gross acre)	50 ft.	N/A	35 ft.	40 units per gross acre if below minimum lot area	Maximum 75%
MU	14.22	One-family detached: 6,000 sq. ft.; Two-family: 8,000 sq. ft.; One-family attached: 10,000 sq. ft.; Commercial/Mixed-Use: 20,000 sq. ft.	MU: 90 ft.; NMU: 40 ft.	90 ft.	MU: 90 ft.; NMU: 35 ft.	N/A	Maximum 60% (NMU only)
TOD	14.23	See PCC 14.23					
CG	14.24	Zone area: 2 acres	N/A	N/A	35 ft.	N/A	N/A
SC1	14.25	1 acre	200 ft.	N/A	200 ft.	N/A	Maximum 30%
SC2	14.26	5 acres	500 ft.	N/A	500 ft.	N/A	Maximum 50%
SC3	14.27	20 acres	700 ft.	N/A	500 ft.	Maximum 20% of zone area	Maximum 30%
FC1	14.28	5 acres	N/A	N/A	200 ft.	N/A	N/A
FC2	14.29	1 acre	100 ft.	100 ft.	100 ft.	N/A	N/A
FC3	14.30	1 acre	100 ft.	100 ft.	100 ft.	N/A	N/A
GW	14.31	20,000 sq. ft.	90 ft.	90 ft.	90 ft.	N/A	N/A
DT1	14.32	10,000 sq. ft.	65 ft.	90 ft.	65 ft.	N/A	N/A
DT2	14.33	20,000 sq. ft.	90 ft.	90 ft.	90 ft.	N/A	N/A
R&BP	14.34	2 acres	100 ft.	N/A	50 ft.	N/A	Maximum 60 %
CM	14.35	10,000 sq. ft.	70 ft.	N/A	35 ft.	N/A	N/A
MP	14.36	Zone area: 20 acres	N/A	N/A	80 ft.	N/A	N/A
M1	14.37	7,000 sq. ft.	50 ft.	N/A	35 ft.	N/A	N/A
M2	14.38	10,000 sq. ft.	100 ft.	N/A	70 ft.	N/A	N/A

NOTE: A lot legally created before December 12, 1974, may not be denied a building permit solely because it does not comply with the lot requirements of this chapter. In such cases, the City may issue a conditional use permit under PCC 14.02.040 to grant a building permit if all the following conditions are met::

(a) The applicant has demonstrated that consolidating the property to meet the minimum lot requirements is not feasible due to surrounding projects, developments, or buildings;

(b) Requiring a development that meets the minimum lot requirements would result in a project that is inconsistent with the surrounding area's characteristics or the established pattern of existing buildings; and

(c) The applicant has demonstrated that the property can be developed to meet the purposes and requirements of this Title without additional variances or exceptions.

(place holder graphic - formatted table will need to be provided for code publishing)

Chapter 14.08
PERMITTED LAND USE TABLE

	14.09 PF	14.10 AIRP	14.11 HCF	14.12 OSPR	14.13 A1	14.14 RA	14.15 R1	14.16 VLDR	14.17 LDR	14.18 MDR	14.19 HDR	14.20 RM	14.21 CR	14.22 MU	14.23 TOD	14.24 CG	14.25 SC1	14.26 SC2	14.27 SC3	14.28 FC1	14.29 FC2	14.30 FC3	14.31 GW	14.32 DT1	14.33 DT2	14.34 R&BP	14.35 CM	14.36 MP	14.37 M1	14.38 M2
Single Family Dwelling, detached	P(a)	SEE FOOTNOTE 14.10	N	N	P	P	P	P	P	P	N	P	N	SEE FOOTNOTE 14.22	P	N	N	N	N	N	N	N	P(a)	P(a)	P(a)	SEE FOOTNOTE 14.34	N	N	N	N
Single Family Dwelling, attached (Townhome)	N		N	N	N	N	N	P(a)	P(a)	P(a)	P	N	N		P	N	N	N	N	N	N	N	N	P(a)	N		N	N	N	N
Single Family Dwelling, attached to nonresidential use	N		N	N	N	N	N	N	N	N	N	N	N		P	N	N	N	P(a)	N	N	N	P	P	P		N	P(a)	N	N
Mobile Home Single Family Dwelling	N		N	N	N	N	N	N	N	N	N	P	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N
Two Family Dwelling (Duplex) Includes Two Family Condominium)	N		N	N	N	N	N	P	P	P	N	N	N		P	N	N	N	N	N	N	N	P(a)	P(a)	P(a)		N	N	N	N
Two Family Dwelling (Duplex), attached to nonresidential use	N		N	N	N	N	N	N	N	N	N	N	N		P	N	N	N	N	N	N	N	P	P	P		N	N	N	N
Multi-Family Dwelling (3-4 dwelling units, including 3-4 family Condominiums)	N		N	N	N	N	N	N	N	P	P	N	N		P	N	N	N	P(a)	N	N	N	P(a)	P(a)	P(a)		N	N	N	N
Apartment (includes Condominiums)	N		N	N	N	N	N	N	N	P	P	N	P		P	N	N	N	P(a)	N	N	N	P	P	P		N	N	N	N
Group Quarters	N		N	N	N	N	N	N	N	N	N	N	N		N	N	C	N	N	N	N	N	N	N	N		N	N	N	N
Child Care Services, commercially operated	N		N	N	N	N	N	N	N	N	N	N	N		P	N	N	N	N	N	N	N	N	P	P		N	N	N	N
Baching Apartments	N		N	N	N	N	N	N	N	N	N	N	P(a)		N	N	N	N	N	N	N	N	N	P	P		N	N	N	N
Short Term Rentals	N		N	N	C	C	N	N	N	N	N	N	N		P	P	N	P	P	P	P	P	P	P	P		N	N	N	N
Residential Facility for Elderly Persons	N		P	N	P(a)	P(a)	N	P(a)	P(a)	N	P(a)	P(a)	P(a)		P(a)	P(a)	N	N	N	N	N	N	P(a)	P(a)	P(a)		N	N	N	N
Residential Facility for Persons with a Disability	P(a)		P	N	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)		P(a)	P(a)	N	N	N	N	N	N	P(a)	P(a)	P(a)		N	N	N	N
Mobile Home Parks or Trailer Courts	N		N	N	N	N	N	N	N	N	N	P	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N
Food Manufacturing	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N	P(a)	N	N	N	N	P(a)	P(a)		P(a)	P	P	P
Consumer Goods Manufacturing	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N		P	P	P	P
Industrial Goods Manufacturing	P		N	P(a)	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N		P	P	P	P
Ground Transportation	N		P	N	P	N	N	N	N	N	N	N	N		P	N	N	N	N	N	N	N	N	P	P		P	N	P	P
Air Transportation	N		C	N	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N
Utilities	P		P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P		P	P	P	P
Communications	P(a)		N	P(a)	P(a)	P(a)	P(a)	N	N	N	N	P(a)	P(a)		P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)	P(a)		P(a)	P(a)	P(a)	P(a)
Wholesale Goods	N		N	N	N	N	N	N	N	N	N	N	N		P	P	P	P	P	P	P	P	P	P	P		P	N	P	P
Department Stores	N		N	N	N	N	N	N	N	N	N	N	P(a)		P	P	P	P	P	P	P	P	P	P	P		P	P	N	N
Retail	N		N	N	N	N	N	N	N	N	N	N	P(a)		P	P	P	P	P	P	P	P	P	P	P		P	N	N	N
Motor Vehicle Sales	N		N	N	N	N	N	N	N	N	N	N	N		N	P	N	N	C	P	P	P	N	N	N		P	N	C	C
Eating Places	N		N	N	N	N	N	N	N	N	N	N	P(a)		P	P	P(a)	P	P	P	P	P	P	P	P		P	P	P	C
Drinking Places - Alcoholic Beverages	N		N	N	N	N	N	N	N	N	N	N	N		P	N	P	P	P	N	N	N	N	P	P		C	N	N	N
Drug and Proprietary	N		N	N	N	N	N	N	N	N	N	N	N		P	P	N	P	P	P	P	P	P	P	P		P	N	N	N
Personal Services	N		N	N	N	N	N	N	N	N	N	N	P(a)		P	P	P	P	P	P	P	P	P	P	P		P	P	P	P
Professional Services	N		P	N	N	N	N	N	N	N	N	N	P(a)		P	P	P	P	P	P	P	P	P	P	P		P	P	N	N
Funeral Parlor, Cemeteries, and Crematory Services	C		N	N	N	C	N	N	N	N	N	N	N		P	C	N	P	N	C	P	N	P	P	P		P	P	N	N
Warehousing or Storage Services	N		N	N	N	N	N	N	N	N	N	N	N		P	N	N	N	N	N	N	N	P(a)	N	N		P(a)	P	P(a)	P(a)
Business Services	N		N	N	N	N	N	N	N	N	N	N	P(a)		P	P	P	P(a)	P	C	C	C	P	P	P		P	P	P	P
Repair Services	N		N	N	N	N	N	N	N	N	N	N	N		P	C	N	C	P	P	P	P	P	P	P		P	P	P(a)	P(a)
Executive, Legislative, and Judicial Functions, Except Military	P		N	N	N	N	C	C	C	C	C	C	P		C	C	P	P	P	P	P	P	P	P	P		P	P	P	P
Correctional Institutions	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N
Military Bases and Reservations	P		N	N	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N		N	N	N	P
Federally Designated / Protected Lands	N		N	P	N	N	N	N	N	N	N	N	N		P	P	N	N	N	N	N	N	N	N	N		N	N	N	N
Education	P		N	N	N	N	N	N	N	N	N	N	N		P	N	P(a)	P(a)	P(a)	P	P(a)	P	P	P	P		P	C	P(a)	N
Religious Activities	P		P	N	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P		P	P	P	P
Welfare, Civic, and Charitable Services	P		N	N	N	N	N	N	N	N	N	N	N		P	C	N	N	P	C	C	C	N	P	P		P	N	C	C
Cultural and Recreational Activities	P(a)		P	P	C	N	N	N	N	N	N	N	P		P	P	N	P(a)	P(a)	P(a)	P(a)	P(a)	P	P	P		P	N	N	C
Agriculture	C		N	N	P	P(a)	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N		N	N	P	P
Undeveloped and Unused Land Area	P		P	P	P	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N		N	N	P	P

P Permitted | C Conditional | P(a) Permited (additional zone regulations - see zone chapter) | N Not Permitted

(place holder graphic - formatted table will need to be provided for code publishing)

Chapter 14.09
PF - PUBLIC FACILITIES ZONE

Sections:

14.09.010 Purpose and Objectives.
14.09.020 Permitted Uses.
14.09.030 Lot Standards.
14.09.040 Yard/Setback Requirements.
14.09.050 Projections into Yards.
14.09.060 Building Height and Distance.
14.09.070 Parking, Loading, and Access.
14.09.080 Project Plan Approval.
14.09.100 Athletic Field Scoreboards.
14.09.110 Re-Use of Public Facilities.
14.09.120 Other Requirements.

14.09.010 Purpose and Objectives

The Public Facilities (PF) zone provides space for facilities that serve the public and require relatively large land areas. These facilities may be publicly or privately owned and operate for public convenience and necessity. Typical uses include electricity, gas, communications, transportation, water, sewage treatment, renewable energy facilities, electric vehicle charging stations, smart city infrastructure, education, religious activities, public assembly, cultural activities, parks, city services, and recreation.

14.09.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions*:

(a) Single Family Dwelling, Detached - permitted only for housing provided by the Housing Authority.

(b) Residential Facility for Persons with a Disability - permitted subject to PCC 14.50.140(1).

(c) Communications - permitted subject to PCC 14.02.045(11).

(d) Cultural and recreational activities - permitted, except for firearm and archery uses.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples include, but are not limited to:

(a) Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) A detached one-family residence used only by a caretaker, watchman, or similar employee of a permitted use, when located on the same site as the permitted use;

(d) Dormitories, fraternity and sorority buildings, other college housing owned by the college or university, recreational and service facilities, and office buildings customarily associated with an educational or institutional use, when such facilities are accessory and incidental to the primary land use; and

(e) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the construction site and limited to the construction period and 30 days after it.

14.09.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.09.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated:

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.
(5) Rear yard: no requirement.

14.09.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;
(ii) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(iv) Be located in a front or street side yard; or

(v) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.09.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height unless one of the following conditions is met:

(a) The horizontal setback from the nearest residential zone boundary is at least twice the height of the building; or

(b) A special exception for greater height for a one-family dwelling has been granted under PCC 14.04.030(10).

(2) Notwithstanding Subsection (1), a building located on City-owned property at or adjacent to the Provo City Airport may have a maximum height of 55 feet.

(3) Any accessory building must be at least 10 feet from the principal structure.

14.09.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.09.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.09.100 Athletic field scoreboards

Scoreboards for educational facility athletic fields are exempt from the height and setback requirements of the PF zone if:

(1) The Development Services Director, or the Director's designee, approves the exemption through an administrative hearing process that includes public comment; and

(2) All of the following standards are met:

(a) The scoreboard is designed as an integral element of the athletic field and is scaled appropriately to the athletic field and campus;

(b) Electronic messages and displays face the athletic field and not the public street or neighboring properties;

(c) Messages visible from public streets or neighboring properties include only the school's name, logo, and one sponsor logo. These displays must be static and may be illuminated only during official games or major events; and

(d) Sponsor logos must be smaller than and visually subordinate to the school name or logo.

14.09.110 Re-use of public facilities

(1) Before any structure in the public facility zone may be reused for a different use, a conditional use permit must be obtained from the Planning Commission in accordance with PCC 14.02.040. The proposed new use must be a permitted or conditional use in the PF zone.

(2) A change in use may be denied if the Planning Commission determines that the new use will have more intense impacts that cannot be mitigated through reasonable conditions. Impacts that may require mitigation include:

(a) Increased daily or peak-hour traffic;

(b) Changes in circulation patterns on or near the site;

(c) Significant increases in parking demand;

(d) Higher on-site population density;

(e) Expanded hours of operation; and

(f) Increased environmental impacts, including:

(i) Noise;

(ii) Air pollution;

(iii) Offensive odors; or

(iv) Excessive illumination or glare.

14.09.120 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

Chapter 14.10
AIR/AIRI - AIRPORT ZONES

Sections:

14.10.010 Purpose and Objectives.
14.10.020 Permitted Uses.
14.10.030 Lot Standards.
14.10.040 Yard/Setback Requirements.
14.10.050 Projections into Yards.
14.10.060 Building Height and Distance.
14.10.070 Parking, Loading, and Access.
14.10.080 Project Plan Approval.
14.10.090 Design Standards.
14.10.100 Prohibited Uses.
14.10.110 Airport Adjacent Development Design Standards.
14.10.120 Other Requirements.

14.10.010 Purpose and Objectives

The purpose of the Airport (AIR) and Airport Industrial (AIRI) zones is to accommodate land uses that support and complement the operations and services of the Provo Municipal Airport. These zones also aim to minimize conflicts with uses that are incompatible with airport operations and to promote economic development in Provo. For efficiency, regulations for both zones are consolidated in this Chapter. The specific purposes of each zone are as follows:

(1) *Airport (AIR) zone.* This zone supports high-quality, airport-focused development and applies only to the area designated as the Provo Municipal Airport by the City.

(2) *Airport Industrial (AIRI) zone.* This zone allows a range of uses compatible with the airport and intended to encourage its use. Uses in this zone must consider impacts such as noise, traffic, and aesthetics on nearby residential areas. This zone may only be applied to areas designated in the General Plan as Airport Related (AR).

14.10.020 Permitted Uses

(1) *Permitted principal uses.* The following principal uses, and no others, are permitted in the airport zones as indicated in Table 14.10.1:

Table 14.10.1. Permitted Uses in Airport Zones

Key: P = Permitted, C = Conditional, N = Not Permitted			
Uses	**AIR**	**AIRI**	**Standards/Additional Info**

Key: P = Permitted, C = Conditional, N = Not Permitted			
Agriculture and agriculture-related activities	N	P	
Air cargo terminal and package delivery facility	P	P	See PCC 13.06
Aircraft maintenance facilities and related activities	P	P	
Airport and related activities	P	N	See PCC 13 (Aviation); Ramp, hangar and other facilities see PCC 13.10
Airport rescue and firefighting (ARFF) facilities	P	N	
Airports, flying fields and other air transportation	P	N	
Antenna – communication tower	P	P	Subject to PCC 14.02.045(11) and 14.50.080
Eating places, restaurants	P	P	Subject to PCC 14.02.045(10)
Federal agencies	P	N	Inside the airport terminal only
Hotels	N	P	
Miscellaneous manufacturing	N	P	
Professional office	N	P	
Police station (branch only)	P	N	Inside airport terminal only
Professional office related to airport activities	N	P	
Transportation terminal including bus and rail	P	N	
Vehicle parking – off site	N	P	
Utility right-of-way	P	P	

Key: P = Permitted, C = Conditional, N = Not Permitted			
Vehicle rental facility	P	P	If this use is located in the AIR zone, long-term storage must be provided off site
Vocational training school (related to aviation)	P	P	
Warehouse	N	P	

(2) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure.

14.10.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.10.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed in Table 14.17D.3. All distances are measured from the property line unless otherwise stated.

Table 14.17D.3. Yard Requirements

	AIR		AIRI	
	Minimum	Maximum	Minimum	Maximum
Front yard	No requirement		10 feet	No requirement
Side yard, corner lot			10 feet	No requirement
Side yard, interior			10 feet	No requirement
Rear			20 feet	No requirement
Driveway access	16 feet	45 feet	12 feet	45 feet

14.10.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

(5) This Section is not applicable to the AIR zone, which is subject instead to FAA regulations.

14.10.060 Building Height and Distance

Building height requirements for the airport zones are provided in Table 14.17D.4. Airport communication towers are exempt from these requirements, subject to PCC 14.50.080.

Table 14.10D.4. Building Height

	AIR	**AIRI**
Total maximum building height	65 feet	55 feet
Maximum number of building stories	3 stories	
Minimum first story height	12 feet floor to ceiling	
Maximum main floor elevation	30 inches above highest adjacent curb elevation	

14.10.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) *Parking in the AIR zone.* The Airport Director, or the Director's designee, will determine the number of parking spaces required based on the demand generated by the permitted use.

(4) *Parking lot lighting.* See PCC 15.21.

14.10.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.10.090 Design Standards

(1) AIRI zone standards. All buildings in the AIRI zone must comply with the standards set forth in PCC 14.10.110.

(2) AIR zone standards. All development in the AIR zone must comply with PCC 13.10.

14.10.100 Prohibited uses

(1) *Uses prohibited in the AIRI zone.* Notwithstanding any other provision regarding permitted uses, the following uses are prohibited in the AIRI zone:

(a) Uses that interfere with navigational signals or radio communication between airport flight controllers and aircraft;

(b) Uses that may cause visual interference, including glare, dust, or other conditions that obscure visibility or make it difficult for pilots to distinguish airport lights;

(c) Uses that attract bird concentrations, creating a hazard to aircraft during landing or takeoff;

(d) Overhead transmission lines;

(e) Uses that create nuisances such as excessive light, glare, noise, smoke, odor, dust, gas, or other emissions, excluding fire abatement chemicals; and

(f) The storage, treatment, processing, or manufacture of hazardous materials (excluding aviation fuel), where such activities are not accessory to a permitted use.

(2) *Restrictions in the AIR zone.* Business activity in the AIR zone is prohibited without a lease agreement with the Airport Manager.

14.10.110 Airport adjacent development design standards

The following standards apply in the AIRI zone:

(1) *Building orientation.* The primary entrance of structures fronting Lakeview Parkway or Center Street must face those corridors.

(2) *Design.* Buildings must incorporate architectural elements found along downtown Center Street between 500 West and 100 East.

(a) All sides of a structure must include architectural detailing. Blank facades without detailing are prohibited.

(b) Architectural elements must include:

(i) Masonry wall surfaces;

(ii) Decorative cornices;

(iii) Steel and beam construction; and

(iv) Ground-floor storefronts.

(3) *Materials.*

(a) Wall materials may be combined horizontally only and heavier materials (by weight or appearance) must be placed below lighter materials. For example, stone may not be placed above stucco, and brick may not be located below concrete.

(b) No single material may span more than 60 horizontal feet on any facade.

(c) Exterior finishes may not include vinyl, metal siding (including sheet or corrugated metal), plywood, particle board, or other wood products not designed as architectural finishes.

(d) Notwithstanding subsection (c), air cargo terminals, package delivery facilities, aircraft maintenance facilities, miscellaneous manufacturing, and warehouse uses may use metal composite materials.

(4) *Transparency.* Each first-floor commercial frontage along a primary street must provide at least 40% completely transparent glass. On secondary streets, at least 30% transparent glass is required.

(5) *Window and door proportions.* All windows and doors, except for ground-level storefronts, must be square or vertically proportioned.

(6) Windows, doors, and glass above the first story may not exceed 50% of the total building wall area per facade.

(7) *Mechanical equipment screening.* All mechanical equipment must be screened with an opaque barrier that is architecturally compatible with the primary structure. Screening must be limited to the minimum size needed to fully shield the equipment.

14.10.120 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*.

(a) AIRI Zone - See PCC 14.47.

(b) AIR Zone – See PCC 13.11

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.*

(a) Chain-link fencing is prohibited along street frontages in the AIRI zone.

(b) Fencing must comply with FAA requirements in the AIR zone.

(c) Clear vision area requirements must be met. See PCC 14.50.090.

(d) A decorative masonry wall at least six feet in height must be constructed along property lines adjacent to residential zones. If both owners of subject properties in the AIRI zone and the adjacent residential zone mutually agree to alternate, suitable fencing materials, a signed agreement must be submitted to the Planning Commission, or its designee, for approval. In the absence of a mutual agreement and City approval, a masonry wall is required.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Temporary uses.* Temporary uses are not permitted.

(8) *Aviation standards.* For additional standards related to aviation, see PCC Title 13.

(9) *Aeronautical business standards in the AIR zone.* See PCC 13.03.

(10) *Commercial aeronautical applications in the AIR zone.* See PCC 13.09.

(11) *FAA notification.* Any development within one mile of the airport must submit FAA Form 7460-1 (Notice of Proposed Construction or Alteration) to the FAA.

(12) *State compliance.* Any development within 5,000 feet of an airport runway must comply with Utah Code 72-10-4.

Chapter 14.11
HCF - HEALTH CARE FACILITIES ZONE

Sections:

14.11.010 Purpose and Objectives.
14.11.020 Permitted Uses.
14.11.030 Lot Standards.
14.11.040 Yard/Setback Requirements.
14.11.050 Projections into Yards.
14.11.060 Building Height and Distance.

14.11.070 Parking, Loading, and Access.
14.11.080 Project Plan Approval.
14.11.090 Zone Frontage.
14.11.100 Single Ownership and Area of Zone.
14.11.110 Other Requirements.

14.11.010 Purpose and Objectives

The Health Care Facilities (HCF) zone provides areas for healthcare facilities operated under public or private control that require relatively large land areas. This zone primarily supports principal structures and related facilities that offer healthcare services. Typical permitted uses include hospitals, physician offices, medical centers, dental offices, medical training facilities, rehabilitation centers, laboratories, and research facilities that are reasonably related, incidental, or ancillary to allowed medical uses.

14.11.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Such accessory uses and structures must be located on the same lot or parcel as the principal use, unless otherwise specified. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it; and

(b) Concealed storage of materials or equipment used in conjunction with permitted uses. Open storage that is visible from public or private streets is not permitted.

14.11.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.11.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated:

(1) Lot perimeter setback: 10 feet.

(2) Setbacks are also subject to PCC 14.11.110.

14.11.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no other, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports, provided the carport:

(i) Is no more than one story in height; and

(ii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Clear vision areas.* See PCC 14.50.090.

14.11.060 Building Height and Distance

(1) No building or structure may exceed 55 feet in height unless the horizontal setback from the nearest residential zone boundary is at least twice the building's height. In no case may a building exceed 200 feet in height.

(2) Any accessory building must be at least 10 feet from the principal structure.

14.11.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) *Parking setbacks from public streets.* Parking spaces may not be located within 15 feet of a property line adjacent to a public street. However, parking spaces, excluding parking structures, may be located as close as 10 feet from the property line if all of the following buffer conditions are met:

(a) An innovative landscaping design is submitted that is demonstrably superior to what would result from applying the minimum required standards;

(b) The buffer is at least six feet wide and extends the full length of the parking lot;

(c) The buffer achieves 80% full shrub coverage at plant maturity without extending over the adjacent sidewalk;

(d) The buffer includes at least 60% evergreen shrubs. Seasonal interest is encouraged. Any deciduous shrubs must have dense winter branching to ensure effective screening;

(e) A minimum one-foot berm is included; and

(f) One shade tree is planted for every 30 feet of street frontage, offset from the spacing used for parkway trees.

14.11.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.11.090 Zone Frontage

The HCF zone must front an arterial street for at least 200 feet, measured along a line parallel to the street centerline.

14.11.100 Single Ownership and Area of Zone

(1) *Minimum zone area.* The minimum area of an HCF zone must be 10 acres.

(2) *Unified ownership or control.* Land within a single instance of an HCF zone must be under single ownership or under single control to ensure integrated healthcare campus development.

14.11.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Transitional development standards*. Where a lot in this zone borders a residential zone, the more restrictive standards between this Section and PCC 14.50.160 apply.

Chapter 14.12
OPEN SPACE, PRESERVATION AND RECREATION ZONE

Sections:

14.12.010 Purpose and Objectives.
14.12.020 Permitted Uses.
14.12.030 Building Height and Distance.
14.12.040 Parking, Loading and Access.
14.12.050 Project Plan Approval.
14.12.060 Other Requirements.

14.12.010 Purpose and Objectives

The Open Space, Preservation, and Recreation (OSPR) zone protects public land for outdoor recreation, education, and scenic enjoyment. It supports the community's social and physical needs through access to public open space. This zone applies to parks, trails, and environmentally sensitive lands to preserve them for future generations. Permitted uses may range from small urban pocket parks to large regional parks. The OSPR zone reinforces Provo City's identity by promoting the health and well-being of its residents through diverse recreational opportunities.

14.12.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.* Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following: utilities, restrooms, playgrounds, pavilions, clubhouses, seating bleachers, greenhouses, grounds maintenance sheds, and similar structures customarily used in conjunction with a principal use or structure.

14.12.030 Building Height and Distance

No building or structure may exceed two stories or 35 feet in height.

14.12.040 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) The Parks and Recreation Director, or the Director's designee, determines the number of parking spaces required based on the demand of the permitted use.

14.12.050 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.12.060 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping.* See PCC 15.20.

Chapter 14.13
A1 - AGRICULTURAL ZONE

Sections:

14.13.010 Purpose and Objectives.
14.13.020 Permitted Uses.
14.13.030 Lot Standards.
14.13.040 Yard/Setback Requirements.
14.13.050 Projections into Yards.
14.13.060 Building Height and Distance.
14.13.070 Parking, Loading, and Access.
14.13.080 Project Plan Approval
14.13.090 Other Requirements.

14.13.010 Purpose and Objectives

The Agricultural Zone (A1) is intended to provide areas that support and encourage agricultural uses within the city. The zone protects agricultural activities from premature urban development until residential, commercial,

or industrial uses become necessary and appropriate. Uses allowed in the A1 zone, in addition to agricultural uses, must be incidental to agriculture and may not alter the basic agricultural character of the zone. Conversion from the A1 zone to zones that allow urban development must occur in an orderly, progressive manner and may not result in leap-frog development patterns.

14.13.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Industrial Goods Manufacturing - Drugs (cannabis production establishments only, and only in A1.10).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Agricultural stands for the sale of farm products produced on site products grown or produced on the premises. The stand may not exceed 300 square feet of ground coverage and is limited to one stand per parcel;

(g) Windmills, silos, tank houses, buildings or shelters for farm equipment and machinery, water wheels, water reservoirs, and storage tanks;

(h) Structures required for the housing, nurture, confinement, or storage of:

(i) animals permitted in the zone; and

(ii) the equipment necessary for the care and keeping of such animals; and

(i) Up to two caretaker dwellings for established long-term recreational vehicle storage facilities greater than 10 acres.

(4) *Conditional Uses.* Storage of Recreational Vehicles – Permitted subject to PCC 14.50.050.

14.13.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.13.040 Yard/Setback Requirements

The following minimum yard/setback requirements apply, with all required distances measured from the property line unless otherwise noted:

(1) Front yard: 30 feet.

(2) Side yard – corner lots: 30 feet.

(3) Side yard – interior: 10 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 30 feet.

14.13.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) The required side yard of an accessory building is the same as that required for a principal building.

(b) An accessory building may be located on the rear property line if:

(i) It provides for all roof drainage to be retained on the subject lot or parcel; and

(ii) It is not used for housing animals or poultry.

(c) Notwithstanding any provision to the contrary in this Section, accessory buildings used for housing animals or poultry must be located at least 100 feet from any dwelling.

(4) *Clear vision areas.* See PCC 14.50.090.

14.13.060 Building Height and Distance

(1) No building or structure may exceed two stories or 35 feet in height, except as provided in this Section.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) *Agricultural Buildings.* Silos, windmills, and other accessory structures customarily associated with an agricultural use may exceed 35 feet in height upon specific approval by the Planning Commission.

(4) Any accessory building must be at least 20 feet from a dwelling.

14.13.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.13.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.13.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter,

the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Flag Lots.* See PCC 14.50.115.

(3) *Signs*. See PCC 14.47.

(4) *Landscaping*. See PCC 15.20.

(5) *Trash storage*. See PCC 14.50.070.

(6) *Fencing Standards.* See PCC 14.50.200.

Chapter 14.13A
AT – AGRITOURISM OVERLAY ZONE

Sections:

14.13A.010 Purpose and Objectives.
14.13A.020 Permitted Uses.
14.13A.030 Lot Standards.
14.13A.040 Parking, Loading, and Access.
14.13A.050 Project Plan Approval.
14.13A.060 Development Standards.
14.13A.070 Design Standards.
14.13A.080 Hours of Operation.
14.13A.090 Event Hall Requirements.
14.13A.100 Other Requirements.

14.13A.010 Purpose and Objectives

The Agritourism Overlay Zone (AT Overlay) allows limited commercial activities within an agricultural setting to attract visitors to farms, ranches, and other agricultural operations and to support the continued use and preservation of agricultural land within the City.

14.13A.020 Permitted Uses

Permitted uses include all uses permitted in the A1 Zone and the following:

(1) Commercial tours;

(2) Educational classes;

(3) Museums;

(4) Event halls, subject to PCC 14.13A.090.

14.13A.030 Lot Standards

(1) Each lot or parcel in the AT Overlay must contain a minimum of one acre. The AT Overlay may not be applied to an agricultural parcel that does not meet this requirement.

(2) The total area of permitted uses listed in PCC 14.13A.020 may not exceed thirty-three percent of the lot.

14.13A.040 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.13A.050 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.13A.060 Development Standards

The AT Overlay may only be combined with A1 Zones. Development within the AT Overlay must comply with the development standards of the underlying zone unless otherwise specified in this Chapter.

14.13A.070 Design Standards

(1) Non-architectural metal may not be used as a façade material for agritourism buildings and may be used only as a roofing material.

(2) Building design and architecture must be consistent with the agricultural setting and agricultural uses.

(3) For purposes of this Chapter, “non-architectural metal” means metal that is bare, untreated, or corrugated.

14.13A.080 Hours of Operation

Permitted uses in the AT Overlay must cease operation during the following hours:

(1) Sunday through Thursday: from 10:00 p.m. until 8:00 a.m. the following day; and

(2) Friday and Saturday: from 11:00 p.m. until 8:00 a.m. the following day.

14.13A.090 Event Hall Requirements

(1) *On-site security.* Event halls must provide one privately contracted and licensed on-site security officer for every seventy-five adult patrons when one or more of the following conditions exists:

(a) Amplified music occurs at the event; or

(b) Alcohol is consumed at the event.

(2) *Distance requirements.* A structure used for farm animals, feed, or waste may not be constructed or maintained within fifty feet of an event hall.

14.13A.100 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) The operator of a use permitted in this Chapter must comply with all other license requirements of the city or any public agency related to the use.

(3) Noise levels for any event must comply with PCC 9.06.

Chapter 14.14
RA - RESIDENTIAL AGRICULTURAL ZONE

Sections:

14.14.010 Purpose and Objectives.
14.14.020 Permitted Uses.
14.14.030 Lot Standards.
14.14.040 Yard/Setback Requirements.
14.14.050 Projections into Yards.
14.14.060 Building Height and Distance.
14.14.070 Parking, Loading, and Access.
14.14.080 Project Plan Approval.
14.14.090 Other Requirements.

14.14.010 Purpose and Objectives

The Residential Agricultural (RA) zone is established to provide areas on the fringe of Provo City where residential uses integrate with incidental agricultural pursuits. This zone allows the keeping of farm animals and fowl in conjunction with one-family dwellings, in proportion to the amount of land available. The RA zone is also intended to retain parcels large enough to support efficient and attractive development as urban uses expand in an orderly manner.

In addition, the RA zone accommodates residential developments oriented to an equestrian lifestyle. Such developments may include noncommercial stables, training areas, and equestrian trails as integral features of the community.

14.14.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Veterinarian Services - permitted subject to PCC 14.02.045(9).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

(4) *Keeping of Animals.* The following limitations on the keeping and maintenance of animals and fowl apply in the RA zone:

(a) *Horses.* No more than four horses are permitted per acre of land that is used exclusively for their care and keeping;

(b) *Bovine animals, sheep, or goats.* No more than two such animals are permitted per acre of land that is used exclusively for their care and keeping;

(c) *Poultry, rabbits, chinchillas, hamsters, and other small animals.* No more than twenty-five (25) such animals are permitted on the premises;

(d) *Animal kennels, boarding, breeding, training, and grooming.* No more than 10 small animals may be maintained on the premises of such facilities; and

(e) Nothing in this Section authorizes the keeping of animals capable of inflicting harm or endangering the health and safety of any person or property.

14.14.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.14.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 30 feet.

(2) Side yard – corner lots: 25 feet.

(3) Side yard – interior: 10 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 30 feet.

14.14.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(c) A building used to house animals or poultry may not be located within 100 feet of any dwelling.

(4) *Clear vision areas.* See PCC 14.50.090.

14.14.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any accessory building must be at least 20 feet from the principal structure.

14.14.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.14.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.14.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Flag Lots*. See Pcc.14.50.115.

Chapter 14.15
R1 - ONE-FAMILY RESIDENTIAL

Sections:

14.15.010 Purpose and Objectives.
14.15.020 Permitted Uses.
14.15.030 Lot Standards.
14.15.040 Yard/Setback Requirements.
14.15.050 Projections into Yards.
14.15 060 Building Height and Distance.
14.15.070 Parking, Loading, and Access.
14.15.080 Project Plan Approval.
14.15.090 Storage of Commercial Vehicles – Residential Zone.

14.15.100 Other Requirements.

14.15.010 Purpose and Objectives

The One-Family Residential (R1) Zone provides areas that promote an environment for family life by allowing one-family detached dwellings on individual lots within an open space setting. This Zone features attractively landscaped lots and open spaces, including lawns, shrubs, small orchards, and sustainable landscaping practices that promote water conservation and the use of native plant species.

14.15.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) Accessory Dwelling Units, subject to PCC 14.43.

14.15.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.15.040 Yard/Setback Requirements

The following minimum yard/setback requirements apply, with all required distances measured from the property line unless otherwise noted:

(1) Front yard: 14 feet, except as follows:

(a) Front-facing garages and carports: 20 feet behind sidewalk or curb.

(2) Side yard – corner lots: See PCC 14.15.040(1).

(3) Side yard – interior: 10 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

14.15.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses;

(iv) Not be closer to the front property line than the main building; and

(v) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Cover more than 10% of the entire lot area of the property;

(ii) Be less than three feet from any property line;

(iii) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(iv) Exceed 12 feet in height within 10 feet of a property line;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.15.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height, as measured at each building façade.

(2) Special exceptions. A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any accessory building must be at least six feet from the principal structure.

14.15.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) All parking spaces must have paved access from a public street.

(4) No parking space may be provided between the street and the main dwelling, except for driveway parking that complies with PCC 14.44.080(1)(c).

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

14.15.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.15.090 Storage of commercial vehicles — Residential zone.

A truck, motor vehicle, or commercial trailer that with a gross vehicle weighted rating (GVWR) exceeding 16,000 pounds may not be stored or parked on any lot or parcel in the zone. No contracting or earthmoving equipment may be stored or parked on any lot or parcel in the zone.

14.15.100 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Flag Lots*. See Pcc.14.50.115.

Chapter 14.16
VLDR - VERY LOW DENSITY RESIDENTIAL ZONE

Sections:

14.16.010 Purpose and Objectives.
14.16.020 Permitted Uses.

14. 16.030 Lot Standards.
14.16.050 Yard/Setback Requirements.
14.16.060 Projections into Yards.
14.16.070 Building Height and Distance.
14.16.080 Parking, Loading, and Access.
14.16.080 Project Plan Approval.
14.16.090 Other Requirements.

14.16.010 Purpose and objectives

The Very Low Density Residential (VLDR) zone provides a residential environment characterized by sustainably landscaped one-family (detached or attached) and two-family residential lots and structures. The zone limits residential density to a level lower than the Low Density Residential (LDR) zone.

14.16.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Single-family Dwelling, attached (Townhome) – permitted, up to 6 units in one building.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) Accessory Dwelling Units, subject to PCC 14.43.

14.16.030 Lot standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.16.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 20 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are found to 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.

14.16.050 Projections into yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.16.060 Building Height and Distance

(1) No building or structure may exceed 30 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any building must be located at least 15 feet from any other building on the same parcel.

14.16.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.16.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.16.090 Other requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Multifamily Amenities.* Any new project of ten or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.17
LDR - LOW DENSITY RESIDENTIAL ZONE

Sections:

14.17.010 Purpose and Objectives.
14.17.020 Permitted Uses.
14.17.030 Lot Standards.
14.17.040 Yard/Setback Requirements.
14.17.050 Projections into Yards.
14.17.060 Building Height and Distance.
14.17.070 Parking, Loading, and Access.
14.17.080 Project Plan Approval.
14.17.090 Other Requirements.

14.17.010 Purpose and Objectives

The Low Density Residential (LDR) Zone provides a residential environment with attractively landscaped lots and one-family (detached or attached) and two-family dwellings. The LDR Zone allows a higher residential density than the R1 Zone while maintaining a residential character that is compatible with one-family housing. The zone promotes sustainable development practices, enhances walkability, and integrates green space and community amenities to improve residents' quality of life.

14.17.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Single-family Dwelling, attached (Townhome) – permitted, up to 6 units in one building.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) Accessory Dwelling Units, subject to PCC 14.43.

14.17.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.17.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 20 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are found to 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.

14.17.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.17.060 Building Height and Distance

(1) No building or structure may exceed 30 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any building must be located at least 15 feet from any other building on the same parcel.

14.17.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.17.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.17.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.18
MDR - MEDIUM DENSITY RESIDENTIAL ZONE

Sections:

14.18.010 Purpose and Objectives.
14.18.020 Permitted Uses.
14.18.030 Lot Standards.
14.18.040 Yard/Setback Requirements.
14.18.050 Projections into Yards.
14.18.060 Building Height and Distance.
14.18.070 Parking, Loading, and Access.
14.18.080 Project Plan Approval.
14.18.090 Other Requirements.

14.18.010 Purpose and Objectives

The Medium Density Residential (MDR) Zone provides an environment for medium-density residential development. The zone is generally located near the City's central area or in areas where the General Plan identifies a need for multi-unit housing. The MDR Zone applies to areas with sufficient street and utility infrastructure to support the allowed density. Typical uses include three- and four-family dwellings, apartments, and baching apartments. The zone promotes sustainable development, enhances walkability, and integrates green space and community amenities to improve residents' quality of life.

14.18.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Single-family Dwelling, attached (Townhome)– permitted, up to 6 units in one building.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.18.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.18.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 20 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are found to 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.

14.18.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.18.060 Building Height and Distance

(1) No building or structure may exceed 45 feet in height.

(2) Accessory buildings may not exceed 12 feet in height.

(3) Any building in the LDR zone must be at least 15 feet from any other building on the same parcel.

14.18.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.18.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.18.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.19
HDR - HIGH DENSITY RESIDENTIAL ZONE

Sections:

14.19.010 Purpose and Objectives.
14.19.020 Permitted Uses.
14.19.030 Lot Standards.
14.19.040 Yard/Setback Requirements.
14.19.050 Projections into Yards.
14.19.060 Building Height and Distance.
14.19.070 Parking, Loading, and Access.
14.19.080 Project Plan Approval.
14.19.090 Other Requirements.

14.19.010 Purpose and Objectives

The High Density Residential (HDR) Zone provides for high-density residential development in areas such as downtown, near Brigham Young University, and in other designated high-density locations. The zone encourages redevelopment for residential use, particularly in areas with high property values where demolition of existing structures may occur.

Typical uses include apartments and condominiums. The HDR Zone promotes sustainable urban growth, enhances walkability, and supports a diverse housing stock that serves students, families, and professionals.

14.19.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.19.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.19.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet (maximum 20 feet).

(2) Side yard – corner lots: 10 feet (maximum 20 feet).

(3) Side yard – interior: 10 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are found to 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.

14.19.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend; and

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.* All accessory buildings must:

(a) Have a footprint and height less than the principal structure;

(b) Comply with applicable lot coverage standards;

(c) Be used only for permitted accessory uses; and

(d) Use architectural materials and colors similar to the principal structure.

(4) *Clear vision areas.* See PCC 14.50.090.

14.19.060 Building Height and Distance

(1) No building or structure may exceed 55 feet in height.

(2) Accessory buildings may not exceed 12 feet in height.

(3) Any building in the HDR zone must be at least 15 feet from any other building on the same parcel.

14.19.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.19.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.19.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.20
RM - RESIDENTIAL MANUFACTURED HOME PARK ZONE

Sections:

14.20.010 Purpose and Objectives.
14.20.020 Permitted Uses.
14.20.030 Lot Standards.

14.20.040 Yard/Setback Requirements.
14.20.050 Projections into Yards.
14.20.060 Building Height and Distance.
14.20.070 Parking, Loading, and Access.
14.20.080 Project Plan Approval.
14.20.090 Building Permits and Business License Required.
14.20.100 Minimum Development Standards.
14.20.110 Other Requirements.
14.20.120 Definitions.

14.20.010 Purpose and Objectives

The Residential Manufactured Home (RM) zone establishes a residential environment that primarily accommodates manufactured homes and modular housing units. Development may occur as manufactured home parks under single ownership and control or as subdivisions with multiple owners, provided the properties are governed by restrictive covenants.

This zone reflects the standards of five-star manufactured home parks and promotes high-quality residential development. Projects in the RM zone must include attractively landscaped units and amenities comparable to those in other residential developments.

The target residential density for this zone is approximately five to seven dwelling units per acre. These provisions support attractive and desirable living environments within Provo City's residential areas.

Properties in the RM zone must be located on, or have reasonable access to, arterial or collector streets that provide efficient freeway access. The City Engineer must review the proposed access, and the Planning Commission must approve it. The city may require a traffic study to determine whether a proposed location meets these criteria.

14.20.020 Permitted Uses

(1) Permitted Uses are found in PCC 14.08.

(2) *Exceptions*

(a) Residential Facility for Elderly Persons and for Persons with a Disability - permitted subject to PCC 14.50.140

(b) Communications - permitted subject to PCC 14.02.045(11)

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as carports, gardening sheds and similar structures which are customarily used in conjunction with a principal use or structure (and comply with the HUD Code); and

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.20.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.20.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property lines or lot, space, or site boundaries unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: 6 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 10 feet.

(6) Any yard – adjacent to public street: 20 feet.

14.20.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.* Accessory buildings:

(a) Are limited to one structure per lot, space or site;

(b) May not be taller than 12 feet in height;

(c) May not have a footprint larger than 200 square feet; and

(d) Must follow a uniform design provided by the manufactured home park owner.

14.20.060 Building Height and Distance

(1) No building or structure may exceed 15 feet in height.

(2) *Special exceptions.* Club houses may not exceed 35 feet in height.

(3) Any accessory building must be at least 6 feet from the principal structure.

14.20.070 Parking, Loading and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Each lot, space, or site in the RM zone must include a paved parking area on the same lot that complies with PCC 14.44.100. The parking area must be located within the buildable area or an interior side yard. The parking area may serve only one lot, space, or site and may not be located less than 10 feet from a parking area on an adjacent lot, space, or site.

(3) Visitor parking must be provided throughout the park at a rate of one space for every five units. Visitor parking must be distributed evenly throughout the park.

(4) Parking on the street is prohibited unless the street width exceeds 24 feet.

(5) In addition to the requirements in this section, the park or subdivision must provide space for the storage of recreational vehicles, boats, personal watercraft, snowmobiles, and similar vehicles. Storage must be provided at a rate of one space for every 10 dwelling units. The storage area must be fully enclosed by a six-foot masonry wall, opaque fence, or other screening material.

(6) A homeowner's association must provide for the perpetual maintenance of parking facilities.

(7) A manufactured home park must have at least two vehicle access points to public streets. One access point may be a controlled access if the Fire Department approves it.

14.20.080 Project Plan Approval

See PCC 15.03.300 and 15.03.310.

14.20.090 Building Permits and Business License Required

(1) A person must obtain a building permit from the City's Building Inspection Division before placing, constructing, or relocating a manufactured home, addition, or accessory building within a manufactured home park.

(2) The park owner must obtain a city business license before any home in the park may be occupied. The license must be renewed annually.

14.20.100 Minimum Development Standards.

All developments in the RM zone must comply with the standards and requirements of this chapter. The city will deny permits for any development, application, or use that does not comply with this chapter.

(1) *General Standards.*

(a) *Single ownership or control.* The area proposed for a manufactured home park must remain under single ownership or control during development to ensure full supervision and compliance with this chapter and with conditions imposed on the preliminary and final development plans. Agreements between individuals do not satisfy this requirement. Single ownership by individuals, partnerships, corporations, or other legally recognized entities satisfies this requirement. Cooperative ownership may satisfy this requirement if the Planning Commission verifies compliance with Utah Code and approves the ownership structure.

(b) *Design team.* Preliminary development plans must be prepared by a design team that includes a landscape architect and either an engineer or land surveyor. Each team member must hold a current license to practice in Utah.

(c) *Sensitive Lands.* Projects located in sensitive lands, high water table areas, or floodplains must comply with all applicable provisions of the Sensitive Lands and Floodplain chapters of the PCC and other applicable ordinances.

(d) *Homeowner's Association.* A homeowner's association must be formed, and restrictive covenants must be submitted to and approved by Provo City. The restrictive covenants must be recorded in the Utah County Recorder's Office before or simultaneously with recording the final plan.

(e) *Restrictive Covenants.* The restrictive covenants required by this subsection must:

(i) Include provisions addressing landscaping maintenance, parking restrictions, RV storage, home and yard maintenance, noise, and pet control;

(ii) Establish management procedures to correct noncompliance and allow the homeowners association to charge the homeowner a reasonable fee for corrective action;

(iii) Establish an Architectural Review Committee that reviews homes proposed for placement within the park to ensure compatibility in age, appearance, and style with other homes in the park;

(iv) Be approved by the Planning Commission or its designee; and

(v) Require prior notice to homeowners explaining any proposed amendment and prior approval from the City before the amendment becomes effective.

(f) *Towing hitches and wheels.* All wheels and towing hitches or devices must be removed from a manufactured or modular home before occupancy.

(g) *Compliance.*

(i) A manufactured home may not be placed in the park unless:

(A) The home complies with all applicable requirements of Utah Code; and

(B) At the time of placement, the home is reviewed for compliance with the park's restrictive covenants and approved by the Architectural Review Committee;

(ii) An existing home may not be removed solely because of its age if it otherwise complies with the restrictive covenants.

(2) *Fencing Standards.*

(a) *Fencing.* Fences that are seven feet or less in height do not require a building permit. Fences over seven feet in height require a building permit from the Building Inspection Division. A fence, wall, screen, hedge, or other material that functions as a fence may not create a sight-distance hazard for vehicular or pedestrian traffic, as determined by the City Traffic Engineer. Interior fencing, if permitted by park management, must comply with the restrictive covenants and must use consistent materials throughout the park.

(b) *Perimeter Wall.* A six-foot decorative masonry wall is required around the perimeter of a manufactured home park or subdivision where it fronts a public street. A decorative masonry wall, or an alternative six-foot fence approved by the Planning Commission, is required along the remaining perimeter. Where a park or subdivision fronts a public street, the wall must either be set back at least ten feet from the property line or match the setback required of the adjacent property with the largest required setback, whichever is greater. The setback area must be landscaped in accordance with PCC 14.20.110.

(c) *Grade Differences.* Where properties differ in grade on either side of a fence, wall, or similar structure, the fence height is measured from the natural grade of the property on which the fence is located.

(d) *Retaining Walls.* A retaining wall that protects cuts or fills differing from the natural grade along a property line may be topped by a fence, wall, or hedge up to the maximum height otherwise permitted at that location if no retaining wall existed.

(e) *Double Frontage Lots.* A fence or wall may be erected in the rear yard of a double frontage lot.

(f) *Exceptions.* This section does not apply to fences such as tennis court backstops or patio enclosures if Development Services approves them and they do not create a hazard or violate the PCC. Other exceptions require Planning Commission approval. Standards for barbed wire and similar fencing are located in PCC 9.14.020.

(3) *Entryways.*

(a) Entry masonry walls may not exceed six feet in height, except for lamps mounted on pillars, and must comply with PCC 14.50.090. Fence pillars may extend up to 18 inches above the maximum permitted fence height if the pillars are spaced at least six feet apart, measured face to face.

(b) Entrance treatments must include a monument sign or entrance wall sign that states the name and address of the park or subdivision. The sign may not exceed five feet in height or 32 square feet in area.

(c) Secondary entrances are required as provided in PCC 14.20.070.

(4) *Street Standards.*

(a) Streets must have a minimum width of 36 feet, including curbs and sidewalks.

(b) Streets must include standard (non-rolled) concrete curbs on both sides that are at least two feet wide and designed to prevent vehicles from traveling onto sidewalks except at designated driveways or ADA-required crossings.

(c) Streets must be paved in accordance with City street paving standards.

(5) *Sidewalk Standards.* Sidewalks must be at least six feet wide on both sides of all streets. The development may also include an additional pedestrian circulation system.

(6) *Street Lighting Standards.* Streets must be lighted in accordance with the requirements of the City Energy Department.

(7) *Administrative Office.* Each manufactured home park must include a permanent office and community center building. The building may include a single-family dwelling for the owner or manager. The building must provide adequate space for gatherings and recreational activities sufficient to accommodate at least 20% of park residents.

(8) *Laundry Facilities.* Each manufactured home park or subdivision must provide one or more laundry rooms equipped with automatic washers and dryers unless each home includes its own laundry fixtures.

(9) *Manufactured Home Skirting.* Skirting must fully enclose the open area beneath each home. The materials must be durable, compatible with the exterior finish of the home, and professionally installed.

(10) *Utilities.* All utility distribution facilities, including electrical and television service, must be located underground. Transformers, terminal boxes, meter cabinets, pedestals, and similar equipment may be placed above ground. Each site or lot must be served by water, gas, electricity, and sewer.

(11) *Porches, Decks, and Landings.* Porches and landings located in front of doorways must be covered by an awning that is architecturally compatible and professionally installed. This requirement applies to all structures more than 24 inches in height except decks or similar structures that are detached from the main home by at least three feet. A porch, deck, or landing located at the main entrance must be at least eight feet by 14 feet and must be fully covered by the required awning.

(12) *Park Management.*

(a) The holder of a business license for a manufactured home park must operate the park in compliance with this Title, maintain facilities and equipment in good repair, and keep the park clean and sanitary.

(b) Park management must notify occupants of applicable PCC provisions and restrictive covenants recorded with the Utah County Recorder.

(c) Park management must supervise the placement of each home, including ensuring proper stability and utility connections.

(d) Park management must ensure that a building permit is obtained before a home is placed or relocated within the park.

(e) Park management must maintain a register of all occupants and make the register available for inspection by authorized City officials.

(f) At least one member of park management must reside within the park.

(g) If a tenant fails to maintain property in compliance with restrictive covenants or park rules, park management must bring the property into compliance after providing 14 days' notice to the tenant. Park management may charge the tenant a reasonable fee for the work performed.

14.20.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

14.20.120 Definitions

As used in this Chapter, the terms in this Section mean the following:

“Awning” means a shade structure supported by posts or columns and partially supported by a home that is installed, erected, or used on a lot. An awning must be architecturally compatible with the main home in color and style and must be professionally installed. See PCC 14.20.100.

“Community Building” means a permanent building that provides management offices, indoor recreation areas, toilet facilities, laundry facilities, and other shared facilities for occupants of a manufactured home park.

“Decorative Masonry Walls” means a wall constructed of brick or concrete block with decorative styles such as split face, scored, fluted, combed, or hi-lite projection shadow block. The wall must include patterns or textures that vary in style. A plain gray cinder block wall is not permitted unless decorative blocks are used in sufficient number to create a pattern and the Planning Commission approves the design. If the Planning Commission requires the wall to be painted, the paint must resist graffiti or allow graffiti to be removed easily.

“Fence” means a barrier such as latticework, screen, wall, hedge, or continuous growth of shrubs or trees that prevents or restricts passage or view across a property line. Fences must be architecturally compatible and must comply with restrictive covenants.

“Manufactured Home” means a transportable factory-built housing unit constructed on or after June 15, 1976, as defined in Utah Code Annotated Title 58, Chapter 56, as amended. For purposes of this chapter, *mobile home* and *manufactured home* have the same meaning.

“Mobile Home” See “Manufactured Home.”

“Permit” means an official written document issued by the Building Inspection Division that authorizes a specific activity.

“Skirting” means a continuation of the exterior facing material of the home, or decorative masonry, block, brick, or vinyl material that is architecturally compatible with the home and professionally installed to enclose the open area beneath the home.

Chapter 14.21
CR - CAMPUS RESIDENTIAL ZONE

Sections:

14.21.010 Purpose and Objectives.
14.21.020 Permitted Uses.
14.21.030 Lot Standards.
14.21.040 Yard/Setback Requirements.
14.21.050 Projections into Yards.
14.21.060 Building Height and Distance.
14.21.070 Parking, Loading, and Access.
14.21.080 Project Plan Approval
14.21.090 Other Requirements.

14.21.010 Purpose and Objectives

The Campus Residential (CR) zone encourages high-density housing and provides the option for a mix of residential and commercial uses near Brigham Young University. The permitted densities are intended to support redevelopment of land for residential uses where property values are high and demolition is necessary. Typical permitted uses in this zone include apartments, baching apartments, and condominiums. Ground-floor neighborhood commercial services are also allowed for the convenience of area residents.

14.21.020 Permitted Uses

(1) Permitted Uses are found in PCC 14.08

(2) *Exceptions*

(a) Baching Apartments – permitted up to six singles per unit.

(b) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(c) Communications - permitted subject to PCC 14.02.045(11).

(d) Nonresidential uses identified in PCC 14.08 are permitted only as part of a mixed-use development and must be ancillary to the residential uses in the same building.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.21.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.21.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front Yard:

(a) Residential frontage: 10 feet minimum, 20 feet maximum.

(b) Commercial frontage: 5 feet minimum, 20 feet maximum.

(2) Side Yard – corner lots:

(a) Residential frontage: 10 feet minimum, 20 feet maximum.

(b) Commercial frontage: 5 feet minimum, 20 feet maximum.

(3) Side yard – interior: 10 feet

(4) Side Yard – driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet

(6) 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 complies with the International Building Code and the Fire Code.

14.21.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.* Accessory buildings may only be located in the rear yard and may not:

(a) Be closer than five feet to an interior side or rear lot line;

(b) Be located closer to the side street than the principal structure on a corner lot; and

(c) Exceed 12 feet in height, measured to the mid-point of a sloped roof.

(4) *Clear vision areas.* See PCC 14.50.090.

14.21.060 Building Height and Distance

(1) No building or structure may exceed 75 feet in height.

(2) The main floor elevation may not be more than 30 inches above the lowest adjacent street curb elevation.

(3) Any building must be at least 15 feet from any other building on the same parcel, except accessory buildings, which must be at least six feet from the principal structure and 15 feet from any other building.

14.21.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.21.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.21.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.220. Landscaping within required setbacks does not count toward meeting the landscaping requirement for this zone.

(7) *Residential and mixed-use design standards.* See PCC 14.50.170.

Chapter 14.22
MU/NMU - MIXED-USE ZONES

Sections:

14.22.010 Purpose and Objectives.
14.22.020 Permitted Uses.
14.22.030 Lot Standards.
14.22.040 Yard/Setback Requirements.
14.22.050 Projections into Yards.
14.22.060 Building Height and Distance.
14.22.070 Parking, Loading, and Access.
14.22.080 Project Plan Approval.
14.22.090 Minimum Residential Unit Size.
14.22.100 Minimum Habitable Main Floor Depth.
14.22.110 Other Requirements.

14.22.010 Purpose and Objectives

Mixed-use development combines two or more types of land use into a building or group of buildings that are physically and functionally integrated and mutually supporting. This may include residential, commercial, office, institutional, or other land uses. Mixed-use areas often include a main street or downtown corridor, an activity center, or a commercial corridor within a neighborhood or district.

Mixed-use zones are intended for areas designated as “mixed-use” in neighborhood plans or the General Plan. These zones are intended to be located along collector or arterial roads and not in areas where they would significantly impact single-family neighborhoods.

For purposes of consolidation, the requirements for the Mixed-Use (MU) zone and the Neighborhood Mixed-Use (NMU) zone are combined into this Chapter. The purpose of each zone is as follows:

(1) *Mixed-Use (MU) Zone.* The MU zone provides high-quality urban development that is pedestrian-friendly and complementary to the surrounding area. The permitted uses and development standards encourage redevelopment of land to provide a mix of residential and commercial uses where property values are high and demolition is viable. Uses in this zone should not compete with the Downtown Zone but may provide similar types of uses incorporated into the design.

(2) *Neighborhood Mixed-Use (NMU) Zone.* The NMU zone provides a neighborhood center that respects the single-family residential character and offers a range of uses. The permitted uses and development standards encourage redevelopment of land to provide a mix of residential and commercial uses where property values are high and demolition is viable. Uses in this zone should not compete with Downtown or a shopping center but may provide neighborhood-scale support uses, incorporated into a mixed-use design.

(3) *Definition of Mixed-Use Zones.* For purposes of this Chapter, “Mixed-Use zones” refers only to the MU and NMU zones and does not include other zones described as mixed-use in other chapters of the PCC.

14.22.020 Permitted Uses

(1) *Permitted Principal Uses.* The following principal uses listed in Table 14.22.020-1, and no others, are permitted in the Mixed-Use zones:

Table 14.22.020-1. Permitted Uses in Mixed-Use Zones

Key: P = Permitted, C = Conditional, N = Not Permitted			
Uses	**MU**	**NMU**	**Standards/Additional Info**
The following uses are permitted in the Mixed-Use zones:			
Apartments or condominiums with a commercial component included	P	P	

Key: P = Permitted, C = Conditional, N = Not Permitted			
Uses	**MU**	**NMU**	**Standards/Additional Info**
(commercial area must be at least 1,000 square feet OR 10% of the gross residential floor area, whichever is greater)			
Assisted living facilities	P	P	Subject to the standards of PCC 14.50.140
Live-work dwelling units	P	P	
One-family dwelling – attached (townhomes), not to exceed seven (7) units	P	P	Not to exceed four (4) units in NMU
Police protection and related services, branch (office only)	P	P	
Residential facilities for the elderly or disabled	P	P	Subject to the standards of PCC 14.50.140
Religious activities	P	P	
Utility right-of-way	P	P	
The following residential uses are permitted in the Mixed-Use zones only when the building, or a portion of the building, is adjacent to property in a single-family residential zone:			
One-family dwelling – detached	N	P	
Two-family dwelling	N	P	
The following commercial uses are permitted only as part of a mixed-use development within the same building:			

Key: P = Permitted, C = Conditional, N = Not Permitted			
Uses	**MU**	**NMU**	**Standards/Additional Info**
Arts and cultural activities	P	P	
Banks	P	P	No drive-thru in NMU
Bed and breakfast	N	C	Subject to the standards of PCC 14.02.045(1)
Day care services	C	C	Subject to the standards of PCC 14.02.045(7)
Eating places, restaurants	P	P	No drive-thru in NMU
General retail	P	P	
Medical clinic	P	N	
Personal services (excluding funeral parlors, cemeteries, and crematories)	P	P	
Pharmacy	P	P	
Postal services	P	P	
Professional office	P	P	
Recreational activities	P	P	
Variety stores	P	P	

(2) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.22.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.22.040 Yard/Setback Requirements

(1) The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

Yard Type	**MU – Minimum**	**MU – Maximum**	**NMU – Minimum**	**NMU – Maximum**
Front yard	0 feet	10 feet	10 feet	20 feet
Side yard, corner lot	0 feet	10 feet	10 feet	20 feet
Side yard, interior – One-family detached	N/A	N/A	10 feet	No maximum

Yard Type	MU – Minimum	MU – Maximum	NMU – Minimum	NMU – Maximum
Side yard, interior – All other buildings	No minimum	10 feet	No requirement	10 feet
Rear yard	20 feet	No maximum	20 feet	No maximum
Driveway access	16 feet	30 feet	10 feet	24 feet

(2) *Courtyards.* Courtyards in front or street side yards may extend beyond maximum setback limits if recommended by the Design Review Committee. The approving body must make the following findings before allowing an extension:

(a) The proposed courtyard serves a legitimate public purpose;

(b) The design of the courtyard enhances the public realm and will reasonably attract daily activity;

(c) The courtyard is not raised more than two feet above the street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

14.22.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(3) In the MU zone only, balconies may project up to five feet into the street right-of-way if a minimum of 10 feet of vertical clearance is maintained between the sidewalk and the balcony.

(4) *Clear vision areas.* See PCC 14.50.090.

14.22.060 Building Height and Distance

(1) Buildings in the Mixed-Use zones must comply with the minimum and maximum requirements listed in Table 14.22.060-1.

Table 14.22.060-1. Building Height

Standard	**MU**	**NMU**
Total maximum building height	65 feet	38 feet
Minimum number of building stories	2 stories	2 stories
Maximum number of stories if property is adjacent to R1 or RC zones, or the building is within 50 feet of the zone boundary	2 stories	2 stories
Maximum number of stories for all other buildings	5 stories	3 stories
Maximum parapet/cornice height	5 feet	5 feet
Minimum first story height for commercial uses	14 feet floor to ceiling	14 feet floor to ceiling
Maximum first story height	20 feet floor to ceiling	20 feet floor to ceiling
Maximum main floor elevation	30 inches above lowest adjacent curb elevation	30 inches above lowest adjacent curb elevation

(2) *Mechanical equipment.* Roof-mounted mechanical equipment is permitted only if it is completely screened behind an architectural feature of the primary structure.

(3) *Exceptions.* See PCC 14.50.080, Height Limitations – Exceptions, for additional requirements.

(4) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(5) Any accessory building must be at least six feet from the principal structure.

14.22.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking must be located behind the main building. Parking is not permitted between the building and the street.

(4) At-grade parking must be wrapped by habitable space, except at parking entrance and exit points.

14.22.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.22.090 Minimum Residential Unit Size

(1) Each development that includes a residential use must provide a minimum unit size of 500 square feet. This requirement does not apply to institutional housing units, such as elderly housing or assisted living facilities.

14.22.100 Minimum Habitable Main Floor Depth

(1) Each structure in the Mixed-Use zones that fronts a public street must provide a minimum habitable main floor depth of 30 feet along the entire street frontage, except along permitted corner side yards and driveway approaches.

(2) Notwithstanding PCC 14.44, a property on a corner lot that abuts two primary streets may have driveway access from one primary street frontage, subject to approval by the City Engineer.

14.22.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code, as adopted by the Provo Municipal Council (the IBC), apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Amenities.* In any new project with 20 or more residential units, an area equal to at least 10% of the gross lot area must be developed in accordance with PCC 14.50.220. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Uses Within Buildings.*

(a) All uses in the Mixed-Use zones must be conducted entirely within a fully enclosed building, except for swimming pools and uses the Planning Commission determines, by issuance of a conditional use permit, are customarily and appropriately conducted outdoors.

(b) Uses that may be customarily conducted outdoors include, but are not limited to, public assembly and live entertainment.

(c) Open storage visible from a public street or space is prohibited.

(8) *Residential and Mixed-Use Design Standards.* See PCC 14.50.170.

Chapter 14.23

TOD - TRANSIT ORIENTED DEVELOPMENT ZONE

Sections:

14.23.010 Purpose and Objectives.
14.23.015 Regulating Plan and Districts Established.
14.23.020 Permitted Uses.
14.23.030 Lot Standards.
14.23.040 Yard/Setback Requirements.
14.23.050 Projections into Yards.
14.23.060 Building Height and Distance.
14.23.070 Parking, Loading, and Access.
14.23.080 Project Plan Approval.
14.23.090 Block Standards.
14.23.100 Minimum Habitable Main Floor Depth
14.23.110 Minimum and Average Residential Unit Size
14.23.120 Architectural Standards
14.23.130 Other Requirements

14.23.010 Purpose and Objectives

This Chapter promotes health, safety, and general welfare within the Transit Oriented Development (TOD) zone of Provo City. The purposes include protecting the environment; conserving land, energy, and natural resources; reducing vehicular congestion; using public funds efficiently; supporting the health benefits of a pedestrian environment; preserving natural features; supporting education and recreation; reducing sprawl; protecting property rights and values; and improving the built environment.

The Provo City General Plan outlines principles, goals, and benefits that this Chapter is intended to implement. The TOD zone is established to accomplish the following goals and objectives of the General Plan:

(1) Strive for development that will create places for individuals, families, businesses, and institutions to thrive;

(2) Strive to make Provo a desirable and attainable place to live by providing and maintaining a mix of housing for residents in all walks of life;

(3) Strive for a resilient and vibrant economy that supports good jobs and a high quality of life for city residents;

(4) Promote a connected network of streets, lanes, trails, routes, and tracks that efficiently moves people, goods, and services through the city by a variety of means; and

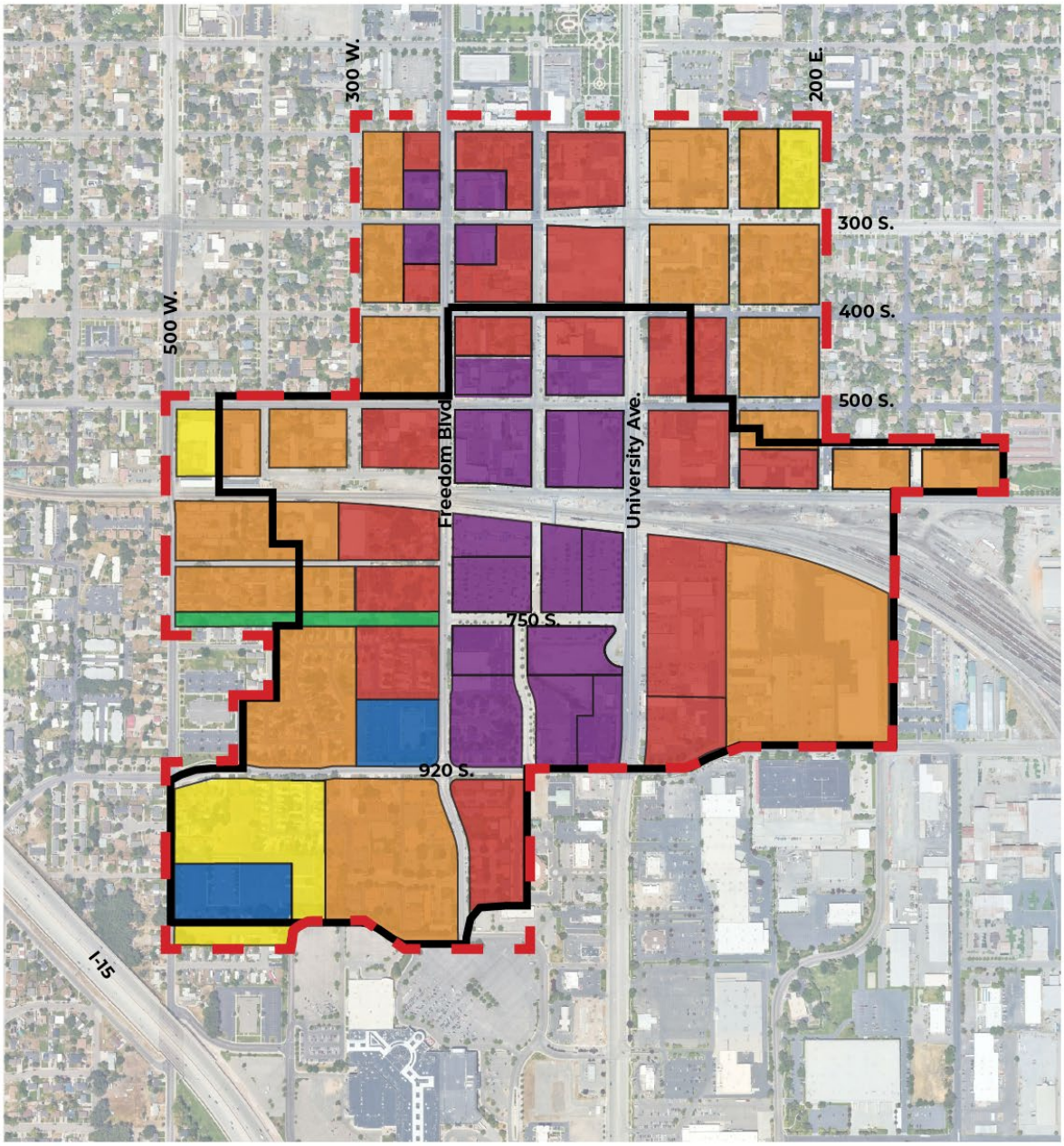
(5) Promote a high quality of life for Provo residents by facilitating a safe city where citizens have reasonable access to basic public services.

14.23.015 TOD Districts

(1) *Districts.* The TOD zone is organized into six (6) districts.

(a) The TOD districts defined in this Chapter are generally sequential in intensity and density and reflect a range of responses to natural, urban, and suburban conditions. The design of each development component must be appropriate to its district:

(b) The districts within the TOD Zone located around the Provo FrontRunner Station Area are as follows:



TOD DISTRICTS

- CORE
- URBAN VILLAGE
- EDGE
- EXISTING TOD ZONE BOUNDARIES
- NEIGHBORHOOD
- SPECIAL
- OPEN SPACE
- PROPOSED TOD ZONE BOUNDARIES

(2) *District Definitions*

(a) Core (C)

(i) The Core District provides locations for increased commercial intensity. It is located at major intersections and transit stations, serving as a clustered hub for commercial activity and community gathering. The Core District is intended to have the highest intensity and activity in the area.

(ii) The Core District is a mixed-use area characterized by high-intensity commercial development. It may include retail shops, professional offices, and research and development adjacent to major nodes. Open space in the form of urban plazas, squares, and greens is common. Core Districts are typically located within pedestrian sheds, along major arterials, or adjacent to a main civic space.

(b) Urban Village (UV)

(i) The Urban Village District is the business, service, and institutional center shared by neighborhoods. It straddles thoroughfares at active intersections and serves as the seam between neighborhoods, within walking distance of a large residential area.

(ii) The Urban Village District is a high-intensity mixed-use area that may include mid- to high-density residential units adjacent to townhouses. Retail shops and professional offices are common near major nodes. Open space in the form of plazas, greens, and playgrounds is typical. Urban Village Districts are generally located within pedestrian sheds, along major thoroughfares, or adjacent to a main civic space.

(c) Edge (E)

(i) The Edge District is a dense, multi-functional section of a neighborhood, centrally located within walking distance of surrounding residential areas.

(ii) The Edge District is a moderate-intensity area that may include single-use and some mixed-use development. It is characterized mainly by residential units with home businesses, corner shops, and small amounts of retail or office uses. Dwelling types may include townhouses, duplexes, and small single-family houses. Open space in the form of greens or playgrounds is common.

(d) Neighborhood (N)

(i) The Neighborhood District is principally residential and serves as a transition into adjacent residential zones..

(ii) The Neighborhood District is a low-intensity, primarily single-use area characterized mainly by residential development, with a variety of home occupations permitted. Dwelling types typically include twin homes and single-family houses. Open space in the form of greens or playgrounds is common.

(e) Special (S)

(i) The Special District is designated for unique cultural establishments and civic buildings that do not conform to standard development patterns. Uses may include museums, theaters, libraries, and other civic institutions that serve as cultural and community landmarks.

(ii) The Special District enhances the cultural fabric of the area by providing central spaces for gatherings, events, and activities. These districts are strategically located for accessibility and prominence, often near major transit hubs or within pedestrian-friendly zones.

(f) Open Space (O)

(i) The Open Space District is dedicated to creating and preserving pocket parks, plazas, and other open amenities that enhance livability and community character. This district provides essential green spaces for recreation, relaxation, and community interaction.

(ii) Open Space Districts provide residents and visitors accessible and attractive outdoor environments, contributing to the overall aesthetic and ecological health of the community and are often integrated into the urban fabric, offering natural respite within the built environment.

14.23.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Mobile Home Parks – permitted if built and occupied before December 1, 2025.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.23.030 Lot Standards

(1) *Lot Area.*

District	Minimum Lot Area
Core (C)	20,000 sq. ft.
Urban Village (UV)	10,000 sq. ft.
Edge (E)	10,000 sq. ft.
Neighborhood (N)	8,000 sq. ft.

District	Minimum Lot Area
Special (S)	Not applicable
Open Space (OS)	Not applicable

(2) *Lot Width.*

District	Minimum Lot Width
Core (C)	100 feet
Urban Village (UV)	90 feet
Edge (E)	60 feet
Neighborhood (N)	80 feet
Special (S)	Not applicable
Open Space (OS)	Not applicable

(3) *Lot Frontage.*

District	Minimum Lot Frontage
Core (C)	100 feet
Urban Village (UV)	90 feet
Edge (E)	60 feet
Neighborhood (N)	80 feet
Special (S)	Not applicable
Open Space (OS)	Not applicable

(4) *Lot Coverage.* There is no lot coverage requirement in the TOD zone, except as needed to accommodate required off-street parking.

14.23.040 Yard/Setback Requirements

The following minimum yard/setback requirements apply, with all required distances measured from the property line unless otherwise noted:

(1) *Front yard.*

District	Minimum	Maximum
Core (C)	—	6 feet

District	Minimum	Maximum
Urban Village (UV)	—	6 feet
Edge (E)	5 feet	14 feet
Neighborhood (N)	10 feet	20 feet
Special (S)	—	6 feet
Open Space (OS)	—	6 feet

(2) *Side yard.*

District	Minimum	Maximum
Core (C)	—	10 feet
Urban Village (UV)	—	10 feet
Edge (E)	—	10 feet
Neighborhood (N)	5 feet	10 feet
Special (S)	—	10 feet
Open Space (OS)	—	10 feet

(a) *Side Yard - corner lots.* On a corner lot, the side yard contiguous to the street must meet the same standards as a *front yard*. This area may not be used for vehicular parking, except for driveways providing access to a garage or carport.

(b) *Side Yard - driveways.* See PCC 14.44.100 for side yard driveway requirements.

(c) *Exception.* If a development cannot provide vehicular access from a rear yard, alley, easement, or other right-of-way, a side yard may be increased to 20 feet.

(3) *Rear Yard.* No requirement.

(4) *Noise buffer setbacks.* Street side yards may be extended beyond the maximum setback when property is located within 100 feet of a railroad track. In approving an increased setback, the Planning Commission must find, that the design of the area within the increased setback enhances the public realm and is necessary to mitigate sound impacts from adjacent railroad tracks.

(5) *Landscaped buffer.* Buildings in the TOD zone located adjacent to property in a single-family residential zone must provide a 20-foot landscaped buffer along the adjacent property line(s).

(6) *Courtyards.* Front or street side yards may extend beyond maximum setback limitations for a public space if all the following standards are met:

(a) The courtyard serves a legitimate public purpose;

(b) The courtyard design enhances the public realm and will reasonably attract daily activity, not only special events;

(c) The courtyard is not raised more than two feet above street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

(7) *Valet drive.* A driveway access for hotels and theaters is permitted within the required yards for vehicular access and valet services if the following standards are met:

(a) Traffic must be one-way;

(b) Parking is not permitted within the courtyard;

(c) Driveways may be no wider than 20 feet;

(d) The outside radius of the driveway may be no greater than 40 feet; and

(e) The space between ingress and egress driveways must be landscaped.

14.23.050 Projections into Yards

(1) *General Projections.* The following projections and structures are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.23.060 Building Height and Distance

(1) *General standards.*

(a) Building height is measured in number of stories, excluding basement areas.

(b) Each building must contain at least two stories.

(c) Each story in the TOD zone may not exceed 14 feet in height, except that first-story commercial space may be up to 20 feet.

(d) Parapet walls and cornices may not exceed 5 feet, except as provided in PCC 14.50.080 or to screen necessary mechanical equipment.

(e) Residential main floor levels may not be more than 6 feet above the street curb elevation.

(f) Commercial main floor levels may not be more than 1 foot above the street curb elevation.

(g) Mechanical equipment must be screened. Screening must be the minimum necessary to fully screen the equipment. Mechanical equipment must be set back so that the screening is not visible from the pedestrian street view, where possible.

(2) *Maximum stories by district.*

District	Maximum Building Height
Core (C)	10 stories
Urban Village (UV)	8 stories
Edge (E)	5 stories
Neighborhood (N)	3 stories
Special (S)	Not applicable
Open Space (OS)	2 stories

(3) *Transitional building height.* The maximum building height for structures in the TOD zone located within 100 feet of, or directly across the street from, a residential zone is three stories, not to exceed 40 feet.

(4) *Distance between buildings.* No requirement except as regulated by the provisions of the adopted version of the International Building Code.

14.23.070 Parking, Loading, and Access

1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Each lot or parcel in the TOD zone must provide at least seventy-five percent of the off-street parking required by PCC 14.44

14.23.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.23.090 Block Standards

(1) *Block standards.*

(a) The following standards apply to all blocks in the TOD zone, regardless of district:

Block Type	Length – Minimum	Length – Maximum	Width – Minimum	Width – Maximum
Square or rectangle	150 feet	400 feet	150 feet	500 feet

Block Type	Length – Minimum	Length – Maximum	Width – Minimum	Width – Maximum
Irregular	100 feet	500 feet (average of two longest sides)	100 feet	500 feet (average of two longest sides)

(b) *Pedestrian access.* A block with a length or width greater than 200 feet must include a interior pedestrian accessway so that no point along a block face is more than 200 feet from a pedestrian connection.

(i) Pedestrian accessways must be a minimum ten-foot-wide paved pathway; and

(ii) Provide landscaping in compliance with PCC 15.20 for unpaved areas.

(2) *Interior Parcels.* Parcels not bordered on all four sides by streets, and therefore not considered blocks, must include pedestrian passageways at strategic locations to provide access to community amenities and support walkability.

14.30.100 Minimum Habitable Main Floor Depth

(1) Each structure in the TOD zone along a primary street must provide a minimum habitable main floor depth of 40 feet along the entire frontage line, excluding permitted yards and driveway approaches.

(2) Each structure in the TOD zone along a secondary street must provide a minimum habitable main floor depth of 30 feet along the entire frontage line, excluding permitted yards and driveway approaches.

(3) For purposes of this section, *primary streets* are University Avenue, Freedom Boulevard (200 West), 100 West, and 600 South. All other streets are designated as *secondary streets.*

14.23.110 Minimum and Average Residential Unit Size

(1) Each structure with a residential use must provide a minimum unit size of 500 square feet and an average unit size of at least 800 square feet.

(2) This section does not apply to institutional housing units, such as elderly housing or assisted living facilities.

14.30.120 Architectural Standards

(1) Community Identity

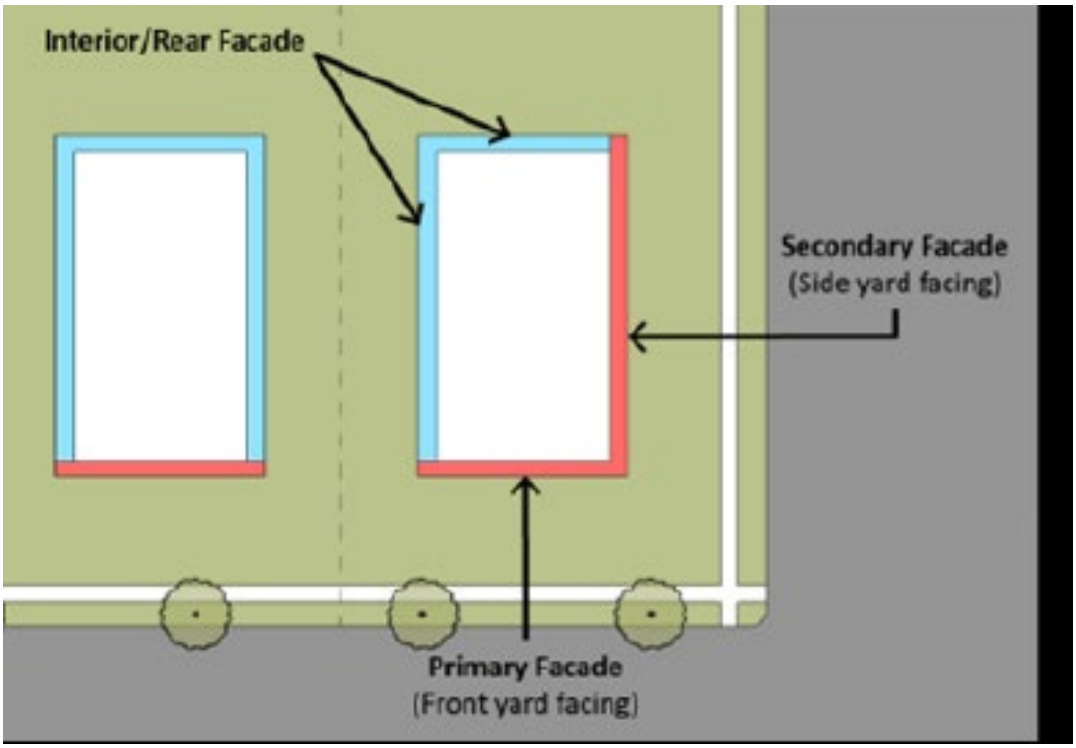
(a) *Unified design.* Development in the TOD zone must be physically unified by common design features, including a coherent variety of building mass and style, roof types, façade treatments, scale, architectural elements, quality of materials, attention to detail, and a coordinated array of colors. The relationship of these features to public spaces and streets must establish an authentic sense of place.

(b) *Mixed-use character.* The mixed-use character of a neighborhood introduces a variety of building types. These types must be harmonious, though not uniform.

(c) *Prohibited motifs.* Historical or period design motifs that are not representative of the local area or that conflict with the standards below are prohibited.

(2) Architectural Massing

(a) *Wall articulation.* Requirements are determined by façade type. The following graphic defines each façade type:



(b) *Wall Breaks on Primary and Secondary Façades*. Walls longer than 30 feet along a primary or secondary façade must include a wall break, such as an architectural recess or protrusion, balcony, patio, or other form of articulation. Wall breaks must extend or be recessed at least three feet from the primary or secondary façade.

(i) All stories of primary or secondary street-facing façades must be articulated or otherwise designed to the above standard.

(ii) Internal and rear façades are not required to include wall breaks. However, they must incorporate windows or openings that establish a rhythm consistent with the fenestration of the primary and secondary façades and that allow daylight into all sides of the building. Windows, doors, decorative features, and architectural openings or projections may be used to reduce blank wall areas. Blank wall sections may not exceed 50 linear feet on rear or internal façades, or 20 linear feet on primary or secondary façades.

(3) Materials

(a) *Primary materials.* The following materials may be used as predominant façade materials: stone, brick, timber or wood (not plywood), shingle siding (not vinyl), lap siding (not vinyl), board and batten siding (not vinyl), ceramic tile, and glass.

(b) *Accent materials.* The following materials may be used as accents only and may not exceed 30 percent of any façade: concrete, metal, stucco, and fiber cement.

(4) Residential Design Standards

(a) Materials on façades must reinforce the logical expression of the structure.

(b) Load-bearing materials, such as brick or stone, must extend to the ground.

(c) Front-loaded garages are not permitted for multifamily buildings.

(d) Windows must be vertically proportioned.

(e) Double-height entrances are not permitted.

(f) *Balconies.* Balconies with a minimum area of 50 square feet must be provided for at least 50 percent of all residential units. Balconies may be inset into the building or project outward. Balconies facing a side or rear yard must maintain a minimum setback of 10 feet from the face of the balcony to the adjacent property line.

(5) Non-Residential Design Standards

(a) *Building massing.*

(i) Two- and three-story building masses along the street must create a street wall that frames the streetscape.

(ii) Building mass must be designed to provide a pedestrian-scale environment with articulation of building mass, openings, and materials.

(iii) Load-bearing materials, such as brick or stone, must extend to the ground.

(b) *Roof form.*

(i) Predominant roof shapes must be slightly pitched with gable ends where appropriate. Flat roof elements may be used sparingly to provide façade variation and visual interest.

(ii) Roof pitches must range between 4:12 and 8:12 on buildings three stories or less, building over three stories may use flat roofs.

(iii) Moderate overhangs up to three feet may be supported by substantial dimensional timber corbels that define the building's upper edge.

(c) *Arcades and storefront structural bays.*

(i) Structural bays must consist of vertically oriented piers and horizontal spandrels with storefront windows between them.

(ii) Ground-floor storefronts must differ significantly from upper-story façades and provide windows scaled and oriented for pedestrian interest. Similar treatments may extend upward to unify the façade.

(iii) Arcades are encouraged as semi-public spaces between the street and storefronts, providing pedestrian weather protection.

(iv) Multiple storefronts with separate windows may be combined within a single façade expanse if they share a consistent architectural style. A single façade expanse cannot exceed 120 feet in length.

(d) *Entrances.* One primary entrance door must be provided for every 50 feet of building frontage.

(e) *Transparency (glazing).*

(i) Ground floor building facades along primary streets, as defined in PCC 14.23.100(3), must consist of at least 50 percent transparent glass.

(ii) Ground floor building facades along secondary streets must consist of at least 40 percent transparent glass.

(f) *Sound attenuation.* All new buildings located within 100 feet of a railroad right-of-way must incorporate sound and vibration attenuation in their design and materials. Applicants must provide documentation from an acoustical engineer confirming that best practices for sound and vibration attenuation have been applied.

(g) *Stairs.* Stairs providing access to commercial ground-floor uses may not project into a public right-of-way and may not be located along a primary or secondary street frontage.

14.23.130 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(5) *Amenities.* In any new project consisting of twenty (20) or more residential units, an area equivalent to 10% of the residential gross floor area must be developed in accordance with the requirements of PCC 14.50.220. Landscaping within required setbacks does not count toward meeting this requirement.

(6) *Residential Mixed-Use Requirements.* At least 50% of the square footage of any new principal building, and fifty percent of any building addition greater than 5,000 square feet, must consist of residential dwelling units.

Chapter 14.24
CG - GENERAL COMMERCIAL ZONE

Sections:

14.24.010 Purpose and Objectives.

14.24.020 Permitted Uses.
14.24.030 Lot Standards.
14.24.040 Yard/Setback Requirements.
14.24.050 Projections into Yards.
14.24.060 Building Height and Distance.
14.24.070 Parking, Loading, and Access.
14.24.080 Project Plan Approval.
14.24.090 Other Requirements.

14.24.010 Purpose and Objectives

The General Commercial (CG) zone establishes a district primarily for commercial uses located outside the central core of the City and outside integrated shopping centers. The CG zone does not promote or establish new areas of strip commercial development that conflict with sound planning principles.

The city may apply the CG zone to vacant land for new construction only when integrated shopping center development is not practical or desirable because of size, shape, topography, or other similar site constraints. The location of the CG zone must be near major roadways to provide convenient access for large traffic volumes without creating hazards or requiring travel through residential neighborhoods. The CG zone may not be applied to the interior of residential neighborhoods. The CG zone may also be applied to existing commercial areas that have varied characteristics. The provisions of this zone are intended to improve integrity and aesthetics as these areas are redeveloped, expanded, or improved. Applicants must pursue integrated and coordinated landscaping, parking, access, signage, and building design through the project plan approval process.

New construction must be compatible with surrounding commercial and residential development. Typical uses in this zone include a wide range of retail stores, shops, services, and offices. The zone may also include existing offices, heavy commercial uses, and institutional uses. The intent of the CG zone is to accommodate a mixture of compatible uses.

14.24.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it; and

(c) A caretaker dwelling, subject to PCC 14.50.130.

14.24.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.24.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front Yard: 10 feet.

(2) Side Yard: No requirement, except as follows:

(a) Side Yard – adjacent to residential zone: 10 feet.

(b) Side Yard - corner lots: 10 feet.

(c) Side Yard – driveway: See PCC 14.44.100;

(d) Side Yard - Accessory Building: No requirement if all the following conditions are met:

(i) The accessory building has no openings on the wall that is contiguous to the property line, and the wall adjacent to the property line has a four-hour fire-retardant rating; and

(ii) The accessory building includes facilities that discharge all roof drainage onto the lot or parcel where it is located.

(3) Rear Yard: No requirement.

14.24.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(c) Carports and loading docks may be located in a side yard or rear yard if the structure:

(i) Is no more than one story in height; and

(ii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Clear vision areas.* See PCC 14.50.090.

14.24.060 Building Height and Distance

In the CG zone, the height of every building or structure must comply with the most recent edition of the International Building Code, as adopted by the Municipal Council.

14.24.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be provided within a required front yard or in a required side yard adjacent to a public street.

14.24.080 Project Plan Approval

See PCC 15.03.300 and 15.03.310.

14.24.090 Other Requirements

1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses within buildings.* All uses in the CG zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples include service stations, ice skating, miniature golf, and plant nurseries.

(7) *Remodeling in existing CG zones.* If remodeling enlarges the exterior of a building in the CG zone, the landscaping requirements in Subsection (3) apply, except where they conflict with parking requirements, are incompatible with the design of existing buildings, or impair ingress or egress to existing buildings or parking areas.

(8) *Transitional development standards.* Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

Chapter 14.25
SC1 - NEIGHBORHOOD SHOPPING CENTER ZONE

Sections:

14.25.010 Purpose and Objectives.
14.25.020 Permitted Uses.
14.25.025 Single Ownership and Control.
14.25.030 Lot Standards.
14.25.040 Yard/Setback Requirements.
14.25.050 Projections into Yards.
14.25.060 Building Height and Distance.
14.25.070 Parking, Loading, and Access.
14.25.080 Project Plan Approval.
14.25.090 Other Requirements.

14.25.010 Purpose and Objectives

The Neighborhood Shopping Center (SC1) zone provides an area where the primary use of land is for commercial and service uses that serve the daily convenience needs of the surrounding residential neighborhood. The zone is intended to be located on the fringe of neighborhood areas, along a collector or arterial street, and integrated into the residential structure of the neighborhood in a way that minimizes detriment, hazard, or inconvenience to surrounding residential development.

Each SC1 zone must remain small and located within convenient walking distance from the edge of the residential area it serves. The SC1 zone is characterized by a harmonious grouping of commercial stores and shops that are architecturally designed for, and function as, an integrated unit.

Hours of operation must be regulated to maintain compatibility with surrounding residential uses. Clean, well-lit parking lots, attractive and well-maintained shops, and appropriate landscaping are required features of this zone. Architectural design and character must be compatible with the surrounding residential environment.

Uses permitted in the SC1 zone are intended to serve only the daily convenience needs of the surrounding residential neighborhood. SC1 zones must be located in general conformance with the Provo City General Plan but may also be established in other areas deemed appropriate to serve a residential neighborhood, provided the basic requirements for separation of zones are met.

14.25.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted, subject to PCC 14.02.045(11).

(b) Eating Places - permitted, subject to PCC 14.02.045(10).

(c) Day Care Services - permitted, subject to PCC 14.02.045(7).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure; and

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(4) *Maximum Office Usage.* The gross floor area used for offices in an SC1 zone may not exceed 50% of the total floor area.

14.25.025 Single Ownership and Control

All property within an SC1 Zone must be under single ownership or single control to allow integrated development. For purposes of this Section, *single control* includes ownership arrangements that are established through the recording of a plat or record of survey. The plat or record of survey must be approved and recorded before the issuance of any building permits and must comply with all applicable provisions of the PCC and other building codes adopted by Provo City.

If single ownership or single control is not maintained, the City may initiate action to rezone the property to the zone or zones in place before the establishment of the SC1 Zone.

14.25.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.25.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No requirement.

14.25.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.25.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height.

(2) Any accessory building must be at least 10 feet from the principal structure.

14.25.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or within a required side yard adjacent to a public street.

14.25.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.25.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional Development Standards.* Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Hours of Operation.* In the SC1 zone, no permitted or conditionally permitted use may operate or accept deliveries between 11:00 p.m. and 6:00 a.m., unless the Planning Commission authorizes alternative hours as part of a Conditional Use Permit.

Chapter 14.26
SC2 - COMMUNITY SHOPPING CENTER ZONE

Sections:

14.26.010 Purpose and Objectives.
14.26.020 Permitted Uses.
14.26.025 Single Ownership and Control.
14.26.030 Lot Standards.
14.26.040 Yard/Setback Requirements.
14.26.050 Projections into Yards.
14.26.060 Building Height and Distance.
14.26.070 Parking, Loading, and Access.
14.26.080 Project Plan Approval.
14.26.090 Other Requirements.

14.26.010 Purpose and Objectives

The Community Shopping Center (SC2) Zone establishes areas for general shopping center facilities that serve the specialty shopping needs of a community or group of neighborhoods. A community shopping center may not be less than five (5) or more than twenty (20) acres in area, depending on the area served and the range of specialty shops and services provided.

The SC2 Zone is characterized by specialty shops located within an attractively designed shopping center complex surrounded by appropriate landscaping. SC2 zones may only be located adjacent to major thoroughfares or collector streets that provide direct automobile access without requiring passage through residential areas.

14.26.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Vehicle Rental – permitted for passenger cars only. On-site servicing of vehicles is prohibited.

(c) Day Care Services – permitted subject to PCC 14.02.045(7).

(d) Dance Halls - permitted subject to 14.02.045(3).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;
(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

14.26.025 Single Ownership and Control

All property within an SC2 Zone must be under single ownership or single control to allow integrated development. For purposes of this Section, *single control* includes ownership arrangements that are established through the recording of a plat or record of survey. The plat or record of survey must be approved and recorded before the issuance of any building permits and must comply with all applicable provisions of the PCC and other building codes adopted by Provo City.

If single ownership or single control is not maintained, the City may initiate action to rezone the property to the zone or zones in place before the establishment of the SC2 Zone.

14.26.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.26.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: 10 feet

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No Requirement.

14.26.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) An accessory building may be located on a side property line only if all of the following conditions are met:

(i) The accessory building has no openings on the side adjacent to the property line;

(ii) the wall along the property line has a two (2)-hour fire-resistance rating; and

(iii) the accessory building includes facilities that discharge all roof drainage onto the lot or parcel on which the accessory building is located.

(4) *Clear vision areas.* See PCC 14.50.090.

14.26.060 Building Height and Distance

(1) No building or structure may exceed 65 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any accessory building must be at least 10 feet from the principal structure.

(4) Any accessory building must be located at least 10 feet from a main residential building on an adjacent property.

14.26.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or within a side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission.

14.26.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.26.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

Chapter 14.27
SC3 - REGIONAL SHOPPING CENTER ZONE

Sections:

14.27.010 Purpose and Objectives.
14.27.020 Permitted Uses.
14.27.025 Single Ownership and Control.
14.27.030 Lot Standards.
14.27.040 Yard/Setback Requirements.
14.27.050 Projections into Yards.
14.27.060 Building Height and Distance.
14.27.070 Parking, Loading, and Access.
14.27.080 Project Plan Approval.
14.27.090 Other Requirements.

14.27.010 Purpose and Objectives

The Regional Shopping Center Zone (SC3) provides a district where the primary use of land is for commercial and service uses that serve the needs of residents in the surrounding region and provides employment close to the regional population center. The SC3 Zone may only be located near freeways and adjacent to major arterials to allow convenient access for large traffic volumes without creating hazards or requiring travel through residential neighborhoods.

The zone is characterized by a variety of stores, shops, and service buildings designed with an integrated architectural style. When supported by the General Plan, a mixture of uses is allowed, including residential housing, professional offices, institutional uses, entertainment, and recreational venues. Residential, office, and institutional uses are preferred above the ground level of mixed-use buildings. Where necessary, development must taper bulk and density to create an appropriate transition to less intensive uses that neighbor the district.

14.27.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential uses – permitted subject to PCC 14.27.090(8).

(b) Breweries – permitted only when attached to, and operated as an ancillary use to, a restaurant.

(c) Communications - permitted subject to PCC 14.02.045(11).

(d) Day Care Services – permitted subject to PCC 14.02.045(7).

(e) Dance Halls – permitted subject to PCC 14.02.045(3).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.27.025 Single Ownership and Control

All property within an SC3 Zone must be under single ownership or single control to allow integrated development. For purposes of this Section, *single control* includes ownership arrangements that are established through the recording of a plat or record of survey. The plat or record of survey must be approved and recorded before the issuance of any building permits and must comply with all applicable provisions of the PCC and other building codes adopted by Provo City.

14.27.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.27.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 20 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: No requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No requirement.

(6) *Setback Reductions:* The Development Services Director, or the Director's designee, may reduce the setbacks of this zone if all of the following conditions are met:

(a) the proposed setback is visually compatible with neighboring development and does not cause an undue burden or harm to adjacent property;

(b) the proposed setback does not violate a required clear vision area, as defined in this Title, or an existing or needed utility easement;

(c) the proposed setback does not cause a violation of the International Building Code or the Fire Code;

(d) the building façade adjacent to the street is articulated with building entrances and glazing equal to at least 25% of the first-floor wall area, and is articulated with projections or offsets of at least 12 inches at intervals no greater than 30 feet along the entire face of the building; and

(e) the reduction in setbacks is in the best interest of Provo City.

14.27.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than ten feet from any main residential building on an adjacent property;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard;

(vi) Have any opening on the side contiguous to the property line;

(vii) Discharge drainage onto an adjacent lot or parcel; or

(viii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.27.060 Building Height and Distance

(1) No building or structure may exceed 75 feet in height.

(2) Any accessory building must be at least 10 feet from the principal structure.

14.27.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Except as provided in this Subsection, parking spaces may not be located in a required front yard or in a side yard adjacent to a public street. Parking may be located in a required front or side yard if:

(a) that yard is adjacent to a street that is interior to the development and not classified as an arterial or collector road;

(b) the conditions of PCC 14.27.040(6) are met;

(c) a landscape buffer is provided that:

(i) features an innovative landscaping design that is superior to the landscaping required by the minimum standards;

(ii) is continuous and at least six feet wide along the entire length of the encroaching parking lot edge;

(iii) consists of berms, shrubs, vegetative groundcover, or a combination thereof, and achieves a minimum height of 30 inches;

(iv) provides at least 90% screening at plant maturity without extending over the adjacent sidewalk. Decorative walls may be incorporated into the buffer area but may not be used exclusively; and

(v) includes around the perimeter of the buffer one shade tree for every 30 feet along the entire length of the parking area, excluding necessary driveway access. Required street trees may not be counted toward this requirement; and

(d) any parking structures that do not contain habitable floor space are not located closer to the street than the average setback of all other structures on the same block face. Such structures must also include additional landscape buffering at a rate of one foot of buffer width for every two feet of structure height, up to the minimum building setback required by this Chapter.

(4) Above-grade parking structures must be architecturally screened to be compatible with adjacent building façades or must provide habitable floor space that meets the following requirements:

(a) Parking structures that front a public or private street must have a habitable main floor depth of at least 30 feet along the entire street frontage, excluding permitted side yards and driveway approaches; and

(b) At least one pedestrian entrance to a commercial space, lobby, or residential unit must be provided for every 100 feet of habitable building street frontage.

(5) Loading spaces must be provided as required by the Planning Commission.

14.27.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.27.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses within buildings.* All uses in the SC3 zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples include service stations, ice skating, miniature golf, and plant nurseries.

(7) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(8) *Residential uses.* Residential uses and necessary supporting facilities, including parking and landscaping, are permitted if they do not exceed 20% of the overall project site area and if they comply with the design standards in PCC 14.21.080.

(a) In any new project with 20 or more residential units, an area equal to 10% of the residential gross floor area must be developed in accordance with the requirements of PCC 14.50.220.

(b) Any amenity required under this Section must be located within or immediately adjacent to the residential portion of the development.

Chapter 14.28
FC1 - FREEWAY COMMERCIAL ZONE

Sections:

14.28.010 Purpose and Objectives.
14.28.020 Permitted Uses.
14.28.030 Lot Standards.

14.28.040 Yard/Setback Requirements.
14.28.050 Projections into Yards.
14.28.060 Building Height and Distance.
14.28.070 Parking, Loading, and Access.
14.28.080 Project Plan Approval.
14.28.090 Other Requirements.

14.28.010 Purpose and Objectives

The Freeway Commercial Zone (FC1) is established to provide a district in which the primary use of the land is for commercial and service uses to serve regional population needs and to provide a place of employment in pleasant surroundings along the Interstate-15 corridor. Required yards and areas surrounding buildings must be attractively landscaped and maintained in harmony with the characteristics of the surrounding residential areas. The uses characteristic of this zone will be a variety of retail and business uses with satellite shops and facilities serving a wide range of goods and services.

14.28.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Dance Halls – permitted subject to PCC 14.02.045(3).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

14.28.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.28.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: No Requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No Requirement.

14.28.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(iv) Be located in a front or street side yard;

(v) Have any opening on the side contiguous to the property line;

(vi) Discharge drainage onto an adjacent lot or parcel; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.28.060 Building Height and Distance

(1) No building or structure may exceed 50 feet in height.

14.28.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or in a side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission.

14.28.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.28.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses Within Buildings.* All uses in the FC1 Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples of such uses include service stations, ice skating rinks, and miniature golf facilities.

(7) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(8) *Building Orientation.* Buildings in the FC1 Zone with frontage on both a public street and Interstate-15 must provide designed entryways on every street and highway frontage. Entryways must include windows, doors, and other architectural design elements. Loading docks are prohibited on any side of a building that fronts a public street or Interstate-15.

Chapter 14.29
FC2 - FREEWAY COMMERCIAL TWO ZONE

Sections:

14.29.010 Purpose and Objectives.
14.29.020 Permitted Uses.
14.29.030 Lot Standards.
14.29.040 Yard/Setback Requirements.
14.29.050 Projections into Yards.
14.29.060 Building Height and Distance.
14.29.070 Parking, Loading, and Access.
14.29.080 Project Plan Approval.
14.29.090 Other Requirements.

14.29.010 Purpose and Objectives

The Freeway Commercial Two (FC2) zone provides a transition between the freeway commercial area and the gateway into downtown. The zone is intended for commercial and service uses that serve both the regional population and local residents. Buildings in this zone must be attractive, well designed, and contribute to an inviting entry to the City. Required yards and areas surrounding buildings must be landscaped and maintained in harmony with nearby residential areas. Uses characteristic of this zone include a variety of medium- to large-scale retail and business establishments, with supporting satellite shops and facilities that provide a wide range of goods and services.

14.29.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Day Care Services – permitted subject to PCC 14.02.045(7).

(c) Dance Halls - permitted subject to PCC 14.02.045(3)

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure; or

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it.

14.29.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.29.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet

(3) Side yard – interior: No Requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

14.29.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main building, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.29.060 Building Height and Distance

(1) No building or structure may exceed 3 stories or 50 feet in height.

14.29.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be provided within a required front yard or side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission.

14.29.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.29.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses within Buildings.* All uses in the FC1 Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples of such uses include service stations, ice skating rinks, and miniature golf facilities.

(7) *Transitional development standards.* Where a lot in this zone borders a residential zone, both the standards in PCC 14.50.160 and the following apply:

(a) Buildings or portions of buildings located adjacent to a residentially zoned property must be set back at least 20 feet from the nearest property line;

(b) Loading docks may not be located on sides of structures that face a residential property; and

(c) Site design and access must be oriented to direct traffic away from local secondary streets.

(8) *Design standards.* The following design standards apply to the FC2 zone:

(a) Exterior finish materials may not include vinyl or metal siding (including sheet or corrugated metal), plywood, particle board, wood products not intended as architectural finish materials, or manufactured stone;

(b) Building wall materials must be combined on each façade horizontally, with heavier elements below lighter elements. For example, stone may not be placed above stucco, and brick may not be placed below concrete;

(c) Except for ground-level shop fronts, windows and doors must be square or vertical in proportion; and

(d) Buildings in the FC2 zone are not required to be located along a public street. However, buildings that orient the rear of the building toward a public street must treat the rear elevation so it is not immediately recognizable as a rear façade. A minimum of 50% of the rear façade must consist of windows, doors, or other treatments that suggest a building front. A door provided for this requirement does not need to function as a building entrance.

Chapter 14.30
FC3 – FREEWAY COMMERCIAL THREE ZONE

Sections:

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14.30.010 Purpose and Objectives

The Freeway Commercial Three (FC3) zone is established to provide maximum commercial opportunity adjacent to freeway interchanges. The primary use of land in this zone is for commercial and service businesses that serve both regional population needs and local residents. Buildings must be attractive, well designed, and create an inviting entry to the city. Required yards and surrounding areas must be attractively landscaped and maintained in harmony with nearby residential areas. This zone accommodates a variety of

medium- to large-scale retail and business uses with satellite shops and facilities that provide a wide range of goods and services.

14.30.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Dance Halls – permitted subject to PCC 14.02.045(3).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure; and

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it.

14.30.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.30.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: No Requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

14.30.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.* All accessory buildings must:

(a) Have a footprint and height less than the principal structure;

(b) Comply with applicable lot coverage standards;

(c) Be used only for permitted accessory uses; and

(d) Use architectural materials and colors similar to the principal structure.

(4) *Clear vision areas.* See PCC 14.50.090.

14.30.060 Building Height and Distance

(1) No building or structure may exceed 15 stories or 150 feet in height.

(2) A parapet or cornice may not exceed five feet above the maximum building height.

(3) The Development Services Director, or designee, may approve a modification to these requirements if:

(a) The modification is visually compatible with neighboring development; and

(b) The modification does not violate the International Building Code or the Fire Code.

14.30.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission.

14.30.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.30.090 Transitional Development Standards

(1) Buildings or portions of buildings in the FC3 zone that are adjacent to properties in a residential zone must be located at least 20 feet from the nearest property line of the residentially zoned property.

(2) Structures within 100 feet of a single-family property may not exceed four stories or 48 feet in height.

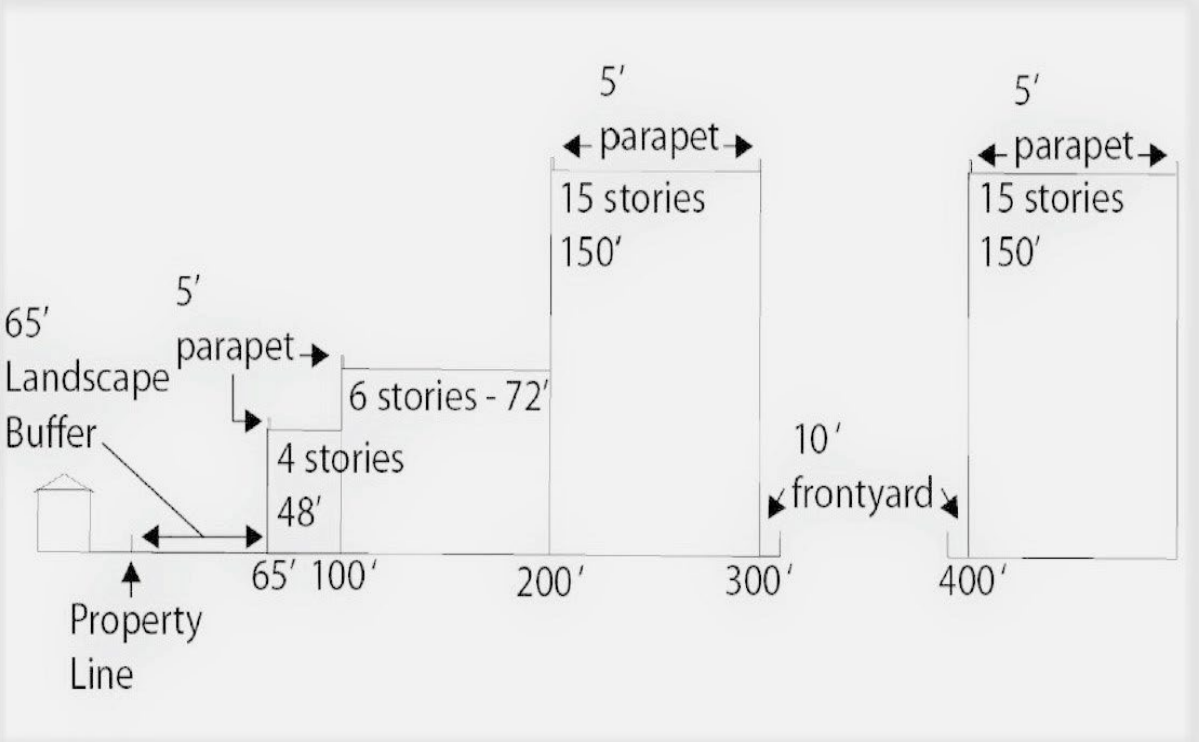
(3) Structures located between 100 feet and 200 feet of a single-family property may not exceed six stories or 72 feet in height.

(4) Loading docks on the sides of structures that face a residential property must be located at least 100 feet from the nearest residential property line.

(5) Site design and access must be oriented to direct traffic away from local secondary streets.

(6) Business, commercial, manufacturing, and industrial development that borders a residential zone must comply with PCC 14.50.160.

(7) Parcels with frontage on Lakeview Parkway must provide a transitional setback of at least 65 feet from the property line of any parcel developed with single-family residential uses. The setback area must be landscaped and maintained in accordance with PCC 15.20.



14.30.100 Design Standards

(1) The following design standards apply in the FC3 zone:

(a) Exterior finish materials may not include vinyl siding, metal siding (including sheet or corrugated metal), plywood, particle board, other wood products not intended as architectural finish materials, or manufactured stone;

(b) Building wall materials must be combined on each façade horizontally only, with heavier elements placed below lighter elements. For example, stone may not be placed above stucco, and brick may not be placed below concrete;

(c) Except for ground-level shop fronts, windows and doors must be square or vertical in proportion;

(d) Buildings in the FC3 zone are not required to front on a public street. However, buildings that orient the rear of the building toward a public street must treat the rear elevation so it is not immediately recognizable as a rear façade. A minimum of 50% of the rear façade must consist of windows, doors, or other treatments that suggest a building front. A door provided for this requirement does not need to function as a building entrance.

(2) Roof-mounted mechanical equipment is permitted if it is fully screened by an architectural feature of the primary structure.

14.30.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Uses within buildings*. All uses in the FC3 zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Such uses may include, but are not limited to, service stations, ice skating, and miniature golf.

Chapter 14.31
GW – DOWNTOWN GATEWAY

Sections:

14.31.010 Purpose and Objectives.
14.31.020 Permitted Uses.
14.31.030 Lot Standards.
14.31.040 Yard/Setback Requirements.
14.31.050 Projections into Yards.
14.31.060 Building Height and Distance.
14.31.070 Parking, Loading, and Access.
14.31.080 Project Plan Approval.
14.31.090 Minimum Habitable Main Floor Depth.
14.31.100 Other Requirements.

14.31.010 Purpose and Objectives

The Downtown Gateway (GW) zone accommodates restaurants, hotels, and a variety of retail uses that welcome visitors and serve local residents. Properties in this primary entrance to Provo must be inviting, attractive, well designed, and well maintained. New development must comply with the established design guidelines for this zone to create a distinct sense of place.

This zone is not intended for large-scale retail uses. Uses in this zone must consist of smaller-scale downtown and visitor-support uses that are incorporated into a mixed-use design. The Downtown Gateway (GW) zone is generally located along West Center Street between the more intensive downtown zones and Interstate 15.

14.31.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Single-family Dwelling, detached – permitted only if it existed on or before July 7, 2009, or if it is located within one hundred feet of 100 North Street.

(d) Two Family Dwellings – permitted only if it existed on or before July 7, 2009.

(e) Multi-Family Dwelling – permitted only if it is attached to a non-residential use.

(f) Warehousing or Storage Services - permitted only if part of a mixed-use building and may not be on a ground floor that faces Center Street.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

(4) *Uses within buildings*. All uses in the GW zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Such uses may include, but are not limited to, service stations, ice skating, and miniature golf. Open storage within view of a public street or space is prohibited.

14.31.030 Lots Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.31.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet minimum, 20 feet maximum.

(2) Side yard – corner lots: 10 feet minimum, 20 feet maximum.

(3) Side yard – interior: 10 feet maximum.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet minimum.

14.31.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

(5) *Courtyards.* Front or street side yards may extend beyond maximum setback limitations for a public courtyard if recommended by the City Engineer. The approving body must make the following findings before allowing a courtyard:

(a) The courtyard serves a legitimate public purpose;

(b) The courtyard design enhances the public realm and will reasonably attract daily activity, not only special events;

(c) The courtyard is not raised more than two feet above street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

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

(7) Signs may project into a street right-of-way as permitted by PCC 14.47.105.

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

14.31.060 Building Height and Distance

(1) No building or structure may be less than two stories or exceed 50 feet in height.

(2) *Special exceptions.* A special exception for greater height for a one-family dwelling may be granted under PCC 14.04.030(10).

(3) Any accessory building must be at least six feet from the principal structure.

(4) Roof mounted mechanical equipment must be completely screened behind an architectural feature of the primary structure.

14.31.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls. Parking may not exceed that required by PCC 14.44.

(3) Surface parking may not be located within thirty feet of a front or street side yard property line of any property adjacent to a primary street.

(4) Surface parking may not be located within the first six feet of properties that front secondary streets and must be separated from the street by a berm at least six feet wide and twenty-four inches high.

14.31.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.31.090 Minimum Habitable Main Floor Depth

(1) Each structure in the GW zone that fronts a public street must have a minimum habitable main floor depth of 30 feet along the entire street frontage, except for permitted side yards and driveway approaches. Structured parking may not be located above the minimum habitable floor area along primary streets.

(2) On a corner lot that abuts two primary streets, driveway access to the property may be allowed from one of the primary street frontages, subject to approval by the City Engineer.

14.31.100 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Buildings or portions of buildings in the GW zone that are adjacent to properties in a single-family residential zone must be set back at least 20 feet from the nearest property line of the residentially zoned property.

(7) *Multifamily Amenities.* Any new project of 20 or more residential units must develop at least 10% of the gross lot area in compliance with PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(8) *Downtown Development Design Standards.* See PCC 14.50.180.

Chapter 14.32
DT1 - GENERAL DOWNTOWN

Sections:

14.32.010 Purpose and Objectives.
14.32.020 Permitted Uses.
14.32.030 Lot Standards.
14.32.040 Yard/Setback Requirements.
14.32.050 Projections into Yards.
14.32.060 Building Height and Distance.
14.32.070 Parking, Loading, and Access.

14.32.080 Project Plan Approval.
14.32.090 Transitional Development Standards.
14.32.100 Minimum and Average Residential Unit Size.
14.32.110 Minimum Habitable Main Floor Depth.
14.32.120 Facade Step-Back.
14.32.130 Other Requirements.

14.32.010 Purpose and Objectives

The General Downtown (DT1) zone creates a pedestrian-friendly, mixed-use environment that complements and surrounds the more intensive Downtown Core (DT2) zone. The DT1 zone provides a transition in scale between adjacent neighborhoods and higher-density downtown developments.

Regulations in this zone preserve the scale and mass of historic Center Street while supporting a mix of housing and business opportunities near public transit. The intent is to encourage transit use and reduce citywide traffic and congestion.

The DT1 zone is characterized by clean, well-lit streets; ample pedestrian ways; landscaping; inviting residential uses; and well-maintained shops, stores, and offices within a mixed-use design.

14.32.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Single-family Dwelling, attached (Townhome) – permitted if located adjacent to a residential zone and sold individually).

(b) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(c) Communications - permitted subject to PCC 14.02.045(11).

(d) Multi-family Dwelling – permitted only if it is attached to a non-residential use.

(e) Food Manufacturing (breweries only) – permitted only when attached and ancillary to a restaurant.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) One caretaker unit per hotel or motel use, subject to PCC 14.50.130.

(4) *First Floor Commercial*

(a) Except as allowed under Subsection (4)(b) of this Section, the minimal habitable floor depth on the first story of all building frontage on University Avenue or Center Street within the zone must contain nonresidential uses.

(b) For buildings fronting University Avenue south of Center Street, or fronting Center Street west of 500 West or east of 200 East, the first-floor areas must be designed and the shell constructed to allow non-residential uses. However, residential use is permitted until the building owner determines that non-residential use of the area is economically viable.

14.32.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.32.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 0 feet minimum; 10 feet maximum.

(2) Side yard – corner lots: 0 feet minimum; 10 feet maximum.

(3) Side yard – interior: 0 feet minimum; 10 feet maximum.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No requirement.

14.32.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

(5) Buildings may project over required driveways if they provide a minimum of 10 feet of clearance for vehicular access.

(6) Signs may project into a street right-of-way as permitted in PCC 14.47.105.

(7) *Marquees and canopies.* Marquees and canopies may project into the street right-of-way if the owner first receives a license to have the marquee or canopy, which must comply with all of the following provisions:

(a) Marquees or canopies may be supported by posts or columns that are attached to the ground within the public right-of-way, but do not extend beyond the street curb line, and provide a minimum of 10 feet of clearance for pedestrian passage;

(b) The licensee must hold the City harmless from any damage to property or persons arising from the construction or maintenance of marquees or canopies. The licensee is responsible for all costs of installation, maintenance, and removal;

(c) The licensee must agree to pay any damages and hold the City harmless from any claim that arises from the licensee's use of public property for this purpose;

(d) If the City determines that the license should be revoked for any public cause, the City will provide the licensee with 90 days' written notice. Upon revocation, the licensee must remove all improvements from the public right-of-way at the licensee's expense. The licensee must restore the right-of-way to a condition equivalent or better than that existing in the remainder of the block face, and to a condition satisfactory to the City;

(e) Supporting columns or stanchions may not obstruct pedestrian traffic on the sidewalk or materially affect existing landscaping or street furniture in the public right-of-way;

(f) All marquee and canopy installations must comply with the latest edition of the International Building Code as adopted by Provo City and may not be constructed until after the issuance of a building permit;

(g) Canopies and marquees must remain open and unencumbered on three sides, except for required supporting columns, posts, or architectural features;

(h) The public right-of-way may not be used for commercial storage, display, or other private use; and

(i) The construction of a canopy or marquee under this Section may not deprive the public of use of the public right-of-way.

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

(9) *Sidewalk cafés*. Sidewalk cafés are permitted under the following provisions:

(a) At least six feet of clear, unobstructed sidewalk width must remain available for pedestrian use;

(b) A sidewalk café must be separated from the street by either:

(i) a six-inch curb and two-foot setback; or

(ii) bollards spaced no more than six feet apart along the street frontage;

(c) If a sidewalk café includes more than one row of tables and chairs, the café must have a non-sight-obscuring removable barrier no more than three feet high enclosing the seating area. Barrier gates may not swing into the unobstructed sidewalk width required in Subsection (9)(a);

(d) Awnings associated with a café must comply with the International Building Code. Umbrellas lower than seven feet in height may not extend into the unobstructed sidewalk width required in Subsection (9)(a);

(e) The café owner or operator must provide adequate facilities for the storage of trash generated by the café at a convenient location;

(f) The café owner or operator must continuously maintain insurance sufficient to co-insure Provo City against liability associated with the sidewalk café, as reasonably determined by the City. The insurance certificate must name the City as an additional insured. The insurer must give the City at least 30 days' prior notice before canceling the insurance;

(g) The café owner or operator must hold Provo City, its officers, agents, and employees harmless from any claims, injuries, losses, damages, or costs, including attorneys' fees, arising from the operation of the café;

(h) The café owner or operator is responsible for repairing any damage to the public sidewalk caused by the installation or removal of furnishings, barriers, or other café features;

(i) Café hours of operation may not begin earlier than 6:00 a.m. or extend later than 12:00 a.m., and may not exceed the operating hours of the associated eating or drinking establishment;

(j) Music or entertainment must comply with the sound limitations in PCC 9.06;

(k) The café owner or operator must maintain the café and its surroundings in a neat and clean condition at all times;

(l) The café owner or operator must remove café improvements when necessary for sidewalk repair or replacement, utility maintenance, or upon failure to comply with the terms of this section; and

(m) Sidewalk cafés may operate only between March 1 and October 31. All furniture must be removed from the public right-of-way outside these dates.

(10) *Courtyards.* Front or street side yards may extend beyond maximum setback limitations for a public courtyard space if recommended by the City Engineer. The Planning Commission must make the following findings before allowing a courtyard:

(a) The courtyard serves a legitimate public purpose;

(b) The courtyard design enhances the public realm and will reasonably attract daily activity, not only special events;

(c) The courtyard is not raised more than two feet above street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

(11) *Valet drive.* A driveway access for hotels and theaters is permitted within the required yards for vehicular access and valet services if the following standards are met:

(a) Traffic may only be one-way;

(b) Parking is not permitted within the valet drive area;

(c) Driveways may be no wider than 20 feet;

(d) The outside radius of the driveway may be no greater than 40 feet;

(e) The space between ingress and egress driveways must be landscaped;

(f) The valet drive is not located on Center Street or University Avenue; and

(g) Minimum habitable floor area required by PCC 14.32.100 is provided along the increased setback.

14.32.060 Building Height and Distance

(1) Except as provided in this section, no building or structure may be less than two stories or exceed 100 feet in height.

(a) Building height may exceed 100 feet if a written agreement with the City guarantees that the following percentages of units in a residential project are for-sale housing with individual owner-occupancy required for at least one year after each change of ownership:

(i) 10–20% for-sale housing: up to 120 feet;

(ii) 21–30% for-sale housing: up to 140 feet;

(iii) 31–40% for-sale housing: up to 160 feet;

(iv) 41% or more for-sale housing: up to 180 feet.

(b) The written agreement described in this section must include a requirement to record deed restrictions, in a form approved by the City, on the property prohibiting any owner from renting a unit during the first year of their ownership and advising that Provo City will not issue rental dwelling licenses for such units during that period and may criminally prosecute and/or fine owners that rent without a license.

(2) *Additional height standards*. Except as otherwise provided, building height is measured from the top of the street curb and the following standards must be followed:

(a) Maximum parapet or cornice height: five feet.

(b) Commercial buildings.

(i) Maximum main floor elevation: one foot above curb.

(ii) Minimum first story height: 14 feet floor to ceiling.

(iii) Maximum first story height: 20 feet floor to ceiling.

(iv) Maximum upper story height: 14 feet floor to ceiling.

(c) Residential buildings.

(i) Maximum main floor elevation: six feet above curb.

(ii) Minimum first story height: 10 feet floor to ceiling.

(iii) Maximum story height: 14 feet floor to ceiling.

(3) Roof-mounted mechanical equipment is permitted if it is completely screened by an architectural feature of the primary structure.

14.32.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) A lot or parcel in the DT1 zone need only provide 75% of the required off-street parking set forth in PCC 14.44, except as follows:

(a) Buildings or portions of buildings located within the required sixty-foot transitional setback, as provided in PCC 14.32.090, must comply with the following parking requirements:

(i) Residential units must provide a minimum of one and one-half spaces for one bedroom units and two and one-quarter spaces for units with two or more bedrooms. The disabled parking spaces required by PCC 14.44.110 must also be provided and do not count towards the minimums required by this Subsection (3)(a)(i).

(ii) Commercial uses must provide the minimum parking required by PCC 14.44.

(4) Existing structures on properties described in this Subsection (4) are not required to provide new off-street parking due to a change in use if the building is not being expanded. This exception applies to properties that front Center Street between 500 West and 100 East, and properties that front University Avenue between Center Street and 300 North.

(5) *Location.* Surface parking may not be provided within 30 feet of a front or street side yard property line that is adjacent to a primary street. Surface parking on properties that front secondary streets must be separated from the street by a six-foot-wide berm that is at least 24 inches in height.

14.32.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.32.090 Transitional Development Standards

(1) Notwithstanding any other provisions of this Chapter, multi-family, apartment and commercial buildings in the DT1 zone that are located directly across the street from, or adjacent to, property in a residential zone must comply with the following standards:

Standard	Minimum	Maximum
Front Yard	10 feet	20 feet
Street Side Yard	10 feet	20 feet
Building Height	2 stories	3 stories
Parking – One-Bedroom	1.5 spaces	
Parking – Two or More Bedrooms	2.25 spaces	
Parking – Commercial	As required in PCC 14.44	

(2) Multi-family, apartment, and commercial buildings, or portions of buildings, in the DT1 zone that are adjacent to a residential zone must maintain a (20 foot setback from the nearest property line of the residential zone.

14.32.100 Minimum and Average Residential Unit Size

(1) Except as provided in Subsections (2) and (3), each development that includes a residential use must provide:

(a) a minimum unit size of 500 square feet; and

(b) a minimum average unit size of 800 square feet.

(2) Subsection (1) does not apply to institutional housing units, including elderly housing and assisted living facilities.

(3) Mixed-use developments with ground floor commercial space fronting Center Street or University Avenue must provide:

(a) a minimum residential unit size of 500 square feet; and

(b) a minimum average unit size of 600 square feet.

14.32.110 Minimum Habitable Main Floor Depth

(1) Excepting townhomes, each structure in the DT1 zone that fronts a public street must provide a minimum habitable main floor depth of 30 feet along the entire street frontage, except for permitted side yards and driveway approaches. Structured parking is not permitted above the minimum habitable floor area along primary streets.

(2) For a corner lot that abuts two primary streets, driveway access may be permitted from one of the primary street frontages, subject to approval by the City Engineer.

14.32.120 Facade Step-Back

(1) Except as provided in Subsection (2), the fourth story and above must step back 20 feet from the first-story building façade along Center Street between 500 West and 100 East. An architectural expression line, such as a cornice or similar feature, must be used at the third-story roofline.

(2) Between 100 East and 200 East, the fourth story and above must step back one foot from the first-story building façade along Center Street. An architectural expression line, such as a cornice or similar feature, must be used at the third-story roofline.

14.32.130 Other Requirements.

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Amenities.* In any new project consisting of 20 or more residential units, an area equivalent to 10% of the residential gross floor area must be developed in accordance with the requirements set forth in PCC 14.50.190. Landscaping within required setbacks does not count toward meeting this requirement.

(7) *Downtown Development Design Standards.* See PCC 14.50.180.

Chapter 14.33
DT2 – DOWNTOWN CORE

Sections:

14.33.010 Purpose and Objectives.
14.33.020 Permitted Uses.
14.33.030 Lot Standards.
14.33.040 Yard/Setback Requirements.
14.33.050 Projections into Yards.
14.33.060 Building Height and Distance.
14.33.070 Parking, Loading, and Access.
14.33.080 Project Plan Approval.
14.33.090 Minimum and Average Residential Unit Size.
14.33.100 Minimum Habitable Main Floor Depth.
14.33.110 Facade Step-back.
14.33.120 Other Requirements.

14.33.010 Purpose and Objectives

The Downtown Core (DT2) zone establishes a pedestrian-friendly, regional urban center located around key transportation corridors and regional land uses in the city's central area. The zone's character is shaped by the scale, mass, placement, and form of buildings and their relationship to each other and the public realm.

The DT2 zone serves as the most prominent area of the city. It supports the tallest buildings, the largest building masses, and the highest density of mixed uses compared to adjacent downtown zones. The area is intended to feature clean, well-lit streets, wide pedestrian walkways, and a mix of well-maintained shops, offices, and regional government buildings in a cohesive, mixed-use environment.

The Downtown Core (DT2) zone is generally located in the historic center of Provo and is fully surrounded by the less intensive General Downtown (DT1) zone. The DT2 zone may not directly abut any R1 zone and may only expand where the DT1 zone or another appropriate commercial zone provides a buffer between the DT2 zone and any R1 zone.

14.33.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Residential Facilities for Elderly Persons and for Persons with a Disability – permitted subject to PCC 14.50.140.

(b) Communications - permitted subject to PCC 14.02.045(11).

(c) Multi-Family Dwelling – permitted only if it is attached to a non-residential use.

(d) Food Manufacturing (breweries only) – permitted only when attached and ancillary to a restaurant.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property;

(f) Vegetable and flower gardens; and

(g) One caretaker unit per hotel or motel use, subject to PCC 14.50.130.

(4) *First Floor Commercial*

(a) Except as allowed under Subsection (4)(b), the minimum habitable floor depth of the first story of all buildings fronting on University Avenue or Center Street within the zone must contain only nonresidential uses.

(b) For buildings fronting University Avenue south of Center Street or fronting Center Street west of 500 West or east of 200 East, the first-floor areas must be designed and the shell constructed to allow non-residential uses. However, residential use is permitted until the building owner determines that non-residential use of the area is economically viable.

14.33.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.33.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 0 feet minimum; 10 feet maximum.

(2) Side yard – corner lots: 0 feet minimum; 10 feet maximum.

(3) Side yard – interior: 0 feet minimum; 10 feet maximum.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: No requirement.

14.33.050 Projections into Yards.

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

(5) Buildings may project over required driveways if they provide a minimum of ten feet of clearance for vehicular access.

(6) Signs may project into a street right-of-way as permitted in PCC 14.47.105.

(7) *Marquees and canopies.* Marquees and canopies may project into the street right-of-way if the owner first receives a permit to have the marquee or canopy, which must comply with all of the following provisions:

(a) A marquee or canopy may be supported by posts or columns that are attached to the ground within the public right-of-way, but do not extend beyond the street curb line, and must provide a minimum of ten feet of clearance for pedestrian passage;

(b) The property owner must hold the City harmless from any damage to property or persons arising from the construction or maintenance of the marquee or canopy. The licensee is responsible for all costs of installation, maintenance, and removal;

(c) The property owner must agree to pay any damages and hold the City harmless from any claim that arises from the owner's use of public property for this purpose;

(d) If the City determines that the license should be revoked for any public cause, the City will provide the property owner with 30 days' written notice. Upon revocation, the property owner must remove all improvements from the public right-of-way at the owner's expense. The owner must restore the right-of-way to a condition equivalent or better than that existing in the remainder of the block face, and to a condition satisfactory to the City;

(e) Supporting columns or stanchions may not obstruct pedestrian traffic on the sidewalk or materially affect existing landscaping or street furniture in the public right-of-way;

(f) Every marquee or canopy installation must comply with the latest edition of the International Building Code as adopted by Provo City and no marquee or canopy may be constructed until after the issuance of a building permit;

(g) A canopy or marquee must remain open and unencumbered on three sides, except for required supporting columns, posts, or architectural features; and

(h) The construction of a canopy or marquee under this Section may not deprive the public of use of the public right-of-way.

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

(9) *Sidewalk cafés*. Sidewalk cafés are permitted under the following provisions:

(a) At least six feet of clear, unobstructed sidewalk width must remain available for pedestrian use;

(b) A sidewalk café must be separated from the street by either:

(i) a six-inch curb and two-foot setback; or

(ii) bollards spaced no more than six feet apart along the street frontage;

(c) If a sidewalk café includes more than one row of tables and chairs, the café must have a non-sight-obscuring removable barrier no more than three feet high enclosing the seating area. Barrier gates may not swing into the unobstructed sidewalk width required in Subsection (9)(a);

(d) Awnings associated with a café must comply with the International Building Code. Umbrellas lower than seven feet in height may not extend into the unobstructed sidewalk width required in Subsection (9)(a);

(e) The café owner or operator must provide adequate facilities for the storage of trash generated by the café at a convenient location;

(f) The café owner or operator must continuously maintain insurance sufficient to co-insure Provo City against liability associated with the sidewalk café, as reasonably determined by the City. The insurance certificate must name the City as an additional insured. The insurer must give the City at least 30 days' prior notice before canceling the insurance;

(g) The café owner or operator must hold Provo City, its officers, agents, and employees harmless from any claims, injuries, losses, damages, or costs, including attorneys' fees, arising from the operation of the café;

(h) The café owner or operator is responsible for repairing any damage to the public sidewalk caused by the installation or removal of furnishings, barriers, or other café features;

(i) Café hours of operation may not begin earlier than 6:00 a.m. or extend later than 12:00 a.m., and may not exceed the operating hours of the associated eating or drinking establishment;

(j) Music or entertainment must comply with the sound limitations in PCC 9.06;

(k) The café owner or operator must maintain the café and its surroundings in a neat and clean condition at all times;

(l) The café owner or operator must remove café improvements at the owner or operator's own expense when necessary for sidewalk repair or replacement, utility maintenance, or upon failure to comply with the terms of this section; and

(m) Sidewalk cafés may operate only between March 1 and October 31. All furniture must be removed from the public right-of-way outside these dates.

(10) *Courtyards.* Front or street side yards may extend beyond maximum setback limitations for a public courtyard space if all the following standards are met:

(a) The courtyard serves a legitimate public purpose;

(b) The courtyard design enhances the public realm and will reasonably attract daily activity, not only special events;

(c) The courtyard is not raised more than two feet above street sidewalk grade; and

(d) Landscaping or other elements do not obscure more than twenty-five percent of the street view into the setback.

(11) *Valet drive.* A driveway access for hotels and theaters is permitted within the required yards for vehicular access and valet services if the following standards are met:

(a) Traffic may only be one-way;

(b) Parking is not permitted within the valet drive area;

(c) Driveways may be no wider than 20 feet;

(d) The outside radius of the driveway may be no greater than 40 feet;

(e) The space between ingress and egress driveways must be landscaped;

(f) The valet drive is not located on Center Street or University Avenue; and

(g) Minimum habitable floor area required by PCC 14.33.100 is provided along the increased setback.

14.33.060 Building Height and Distance

(1) No building or structure may be less than 3 stories or exceed 180 feet in height.

(2) *Additional height standards*. Except as otherwise provided, building height is measured from the top of the street curb and the following standards must be followed:

(a) Maximum parapet or cornice height: five feet.

(b) Commercial buildings.

(i) Maximum main floor elevation: one foot above curb.

(ii) Minimum first story height: 14 feet floor to ceiling.

(iii) Maximum first story height: 20 feet floor to ceiling.

(iv) Maximum upper story height: 14 feet floor to ceiling.

(c) Residential buildings.

(i) Maximum main floor elevation: three feet above curb.

(ii) Minimum first story height: ten feet floor to ceiling.

(iii) Maximum story height: 14 feet floor to ceiling.

(3) Roof-mounted mechanical equipment is permitted if it is completely screened by an architectural feature of the primary structure.

14.33.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Existing structures on properties described in this Subsection (3) are not required to provide new off-street parking due to a change in use if the building is not being expanded. This exception applies to properties that front Center Street between 500 West and 100 East, and properties that front University Avenue between Center Street and 300 North.

(4) *Location.* Surface parking may not be provided within 30 feet of a front or street side yard property line that is adjacent to a primary street. Surface parking on properties that front secondary streets must be separated from the street by a six-foot-wide berm that is at least 24 inches in height.

(5) For a corner lot that abuts two primary streets, driveway access may be permitted from one of the primary street frontages, subject to approval by the City Engineer.

14.33.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.33.090 Minimum and Average Residential Unit Size

(1) Except as provided in Subsection (2), each development that includes a residential use must provide:

(a) a minimum unit size of 500 square feet; and

(b) a minimum average unit size of 800 square feet.

(2) Subsection (1) does not apply to institutional housing units, including elderly housing and assisted living facilities.

14.33.100 Minimum Habitable Main Floor Depth

Each structure in the DT2 zone that fronts a public street must provide a minimum habitable main floor depth of 30 feet along the entire street frontage, except for permitted side yards and driveway approaches. Structured parking is not permitted above the minimum habitable floor area along primary streets.

14.33.110 Facade Step-back

(1) Except as provided in Subsection (2), the fourth story and above must step back 20 feet from the first-story building façade along Center Street between 500 West and 100 East. An architectural expression line, such as a cornice or similar feature, must be used at the third-story roofline.

(2) Between 100 East and 200 East, the fourth story and above must step back one foot from the first-story building façade along Center Street. An architectural expression line, such as a cornice or similar feature, must be used at the third-story roofline.

14.33.120 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Amenities.* In any new project consisting of 20 or more residential units, an area equivalent to 10% of the residential gross floor area must be developed in accordance with the requirements set forth in PCC 14.50.220. Landscaping within required setbacks does not count toward meeting this requirement.
(7) *Downtown Development Design Standards.* See PCC 14.50.180.

Chapter 14.34
R&BP - RESEARCH AND BUSINESS PARK ZONE

Sections:

14.34.010 Purpose and Objectives.
14.34.020 Permitted Uses.
14.34.030 Lot Standards.
14.34.040 Yard/Setback Requirements.
14.34.050 Projections into Yards.
14.34.060 Building Height and Distance.
14.34.070 Parking, Loading, and Access.
14.34.080 Project Plan Approval.
14.34.090 Design Standards.
14.34.100 Transitional Development Standards.
14.34.110 Performance Standards.
14.34.120 Signs.
14.34.130 Guarantees and Covenants.
14.34.140 Other Requirements.

14.34.010 Purpose and Objectives

(1) *Purpose.* The purpose of the Research and Business Park (R&BP) zone is to provide an attractive working environment exclusively for offices, research and development institutions, and certain specialized light manufacturing establishments. The uses allowed in this zone are more limited than in other commercial or manufacturing zones. These restrictions are based on operating characteristics and land use impacts rather than on the type of service or product.

The essential purpose of this zone is to encourage development in a business park setting that benefits property owners, neighbors, and the community. The zone is more restrictive than other commercial and manufacturing zones in order to ensure:

- buildings with architectural excellence,
- grounds with abundant landscaping, and
- land uses that do not create air, ground, noise, or water pollution.

The zone may be located next to high-quality residential development and must be properly screened and landscaped to maximize compatibility. The zone may only be located adjacent to collector or arterial streets. The zone is characterized by attractively designed buildings and off-street parking lots situated among spacious lawns, shrubs, and trees that create a park-like appearance.

It is not the intent of this Chapter for an R&BP zone to become a catalyst for strip commercial development around its perimeter. Unless the General Plan designates a commercial center near the park's boundary, commercial development is prohibited, particularly where the park is adjacent to residential development.

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

(a) Strengthen and sustain the City's economic potential and create jobs;
(b) Promote sound growth and the general welfare;
(c) Implement the policies of the Provo City General Plan;
(d) Ensure efficient, safe, and attractive land development;
(e) Provide a unique work environment that attracts skilled and professional people;
(f) Provide a workplace that is architecturally and aesthetically compatible with surrounding residential areas;
(g) Preserve natural resources and account for the physical constraints of the land;
(h) Provide safe and efficient vehicular and pedestrian circulation;
(i) Require compliance with appropriate design standards to ensure adequate light and air, proper building arrangements, and minimal adverse effect on surrounding property;
(j) Ensure adequate water supply, drainage and stormwater management, sanitary facilities, and other utilities and services; and
(k) Establish safeguards to minimize environmental impacts, including air and water pollution, hazardous waste contamination, noise, soil erosion, and sedimentation.

14.34.020 Permitted Uses

(1) *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 that do not primarily serve the general public;

(c) Communications services, including radio and television broadcasting studios, telephone company offices, recording and sound studios, and motion picture studios;

(d) Finance, insurance, and real estate services; and

(e) Religious activities.

(2) *Permitted accessory uses.* The following accessory uses are permitted, subject to the development and performance standards and conditions set forth in this Chapter. If located in the same building as a permitted principal use, the accessory uses may not occupy more than 49% of the total usable floor area:

(a) Support and maintenance shops serving the permitted uses;

(b) Concessions and services provided for the convenience of building occupants, including corporate lodging, restaurants, and incidental retail uses that support the permitted uses. These uses must be located inside a principal building and may not have exterior evidence such as signs or display windows;

(c) Printing, publishing, and allied industries;

(d) Storage activities and warehouse facilities, but only as part of a principal permitted activity;

(e) Day care centers, subject to PCC 14.02.045(7);

(f) Off-street parking and parking structures incidental to the above building uses; and

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

(3) *Conditional uses.* The following uses and structures are permitted in the R&BP zone only with a conditional use permit, subject to applicable terms and conditions:

(a) Light manufacturing uses, including fabricating, processing, testing, assembling, packaging, and manufacturing of products with high value relative to bulk, using previously prepared materials. This does not include uses involving primary production of wood, metal, petroleum, or chemical products from raw materials. Activities such as large-volume product handling, storage, and distribution, as well as on-site milling, forging, or heavy grinding of parts are prohibited;

(b) Marketing, telemarketing, and advertising services;

(c) Police protection and related office uses, subject to PCC 14.02.045(5); and

(d) Low power radio communication towers and antennas, subject to PCC 14.02.045(11).

14.34.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.34.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 40 feet.

(2) Side yard – corner lots: 40 feet.

(3) Side yard – interior: 20 feet.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 20 feet.

14.34.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend; and

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.34.060 Building Height and Distance

(1) No building or structure may exceed 3 stories or 60 feet in height.

(2) Any accessory building must be at least 20 feet from the principal structure.

14.34.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) *Parking setbacks.* All parking areas must be set back at least 25 feet from any dedicated public street and at least ten feet from any other property line. Where feasible, parking areas should be located to the rear of the building.

(4) *Screening of parking areas.* A landscaped berm at least five feet high, with a maximum slope of 1:2.5, or massed plantings of sufficient height, must be used to screen and buffer parking and loading areas from adjoining public streets and lots.

14.34.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.34.090 Design Standards

(1) *Site design.* Overall unity of site design must be achieved through:

(a) Architectural harmony among buildings and structures;

(b) Integration of the common open space system and storm drainage system;

(c) Unifying themes in the landscaping plan, showing landscaped areas and specifying the species, size, and number of plant materials;

(d) Unified design of street furniture and related features, including street signs, poles, light standards and luminaires, pedestrian benches, bus shelters, project entrances, perimeter fencing, pavement treatments, plazas, accessible curb ramps, housings for power facilities, telephone service boxes, grouped mailbox stanchions, illumination of buildings, outdoor sculptures, decorative fountains, walkway railings, and steps;

(e) All uses, except surface parking, recreational activities, and utilities, must be conducted inside a completely enclosed building. Storage of products and materials must be inside a building constructed with the same exterior finish as the principal building. Refuse collection must also occur inside a building constructed with the same exterior finish as the principal building;

(f) All utilities must be placed underground;

(g) All mechanical equipment incidental to a building, including roof-mounted equipment, must be fully enclosed or screened so that it forms an integral part of the building's architectural design; and

(h) Loading operations must be conducted either within a building or screened so they are not visible from a public street. Loading must be arranged so that vehicles do not block the passage of other vehicles on the service drive or extend into any public or private drive or street used for traffic circulation.

(2) *Perimeter buffer yards.* Perimeter buffer yards facing an existing or dedicated exterior access road must be at least 50 feet deep. Screening in the buffer yard must consist of a landscaped berm at least six feet in height.

(3) *Floor area ratio.* Maximum development in the R&BP zone may not exceed 13,000 square feet of gross floor area per net acre (excluding streets), which equals a floor area ratio of 0.30.

(a) A developer may request up to an additional 3,000 square feet of floor area per acre if at least 50% of off-street parking is located in a parking structure. This increase results in a maximum floor area ratio of 0.34.

(b) Basement floor area may be excluded from the ratio if used only for mechanical systems or dead storage. If used for other purposes, basement area is included in the ratio. In order to be excluded under this subsection, a deed restriction must be recorded on the property to limit use of the basement to qualifying uses. The restriction must be recorded before final occupancy of the building.

14.34.100 Transitional Development Standards

(1) *Buffer Yards.* Perimeter buffer yards that adjoin a residential zone boundary must be at least 25 feet deep if screened with a decorative masonry wall at least six feet high.

(a) If not screened with a decorative wall, the buffer yard must be at least 100 feet deep and include landscaped berms at least six feet high.

(b) In yards where a screening wall is used, the Business Park must maintain at least ten feet of landscaping on the residential zone side and at least 15 feet of landscaping on the Business Park side.

(2) *Building Height*. Buildings constructed on parcels adjacent to a residential zone may not exceed two stories or 35 feet in height.

14.34.110 Performance Standards

(1) *Waste.* No primary or secondary use may result in the discharge of harmful waste materials:

(a) Into or onto the ground;

(b) Into or within any sanitary or storm sewer system;

(c) Into or within any water system or body of water; or

(d) Into the atmosphere.

(2) The following specific standards apply in the R&BP Zone:

(a) *Incineration*. Incineration of waste materials is prohibited on any site;

(b) *Vibration.* Activities may not cause ground vibrations that are perceptible, without instruments, at the lot boundary;

(c) *Air Pollution.* Emissions may not exceed the limits set by the Utah Bureau of Air Quality. Water vapor is not considered a pollutant. Normal building venting is allowed;

(d) *Noise.* Sound levels must comply with PCC Chapter 9.06, except that the maximum noise level limit between 7:00 a.m. and 10:00 p.m. is 85dBA; and

(e) *Stormwater.* Development plans must include stormwater management systems that prevent any increase in runoff rates. Facilities must be designed to control runoff from at least a 25-year return frequency storm, as certified by a professional engineer.

14.34.120 Signs

(1) All signage must comply with PCC 14.47 and any additional requirements of this Section. If there is a conflict, this Section controls.

(2) Only the following types of signs are permitted:

(a) *Identification Signs*.

(i) *Number.* One identification sign displaying the name and address may be installed at each park entrance.

(ii) *Area.* The sign copy area may not exceed 64 square feet.

(iii) *Placement.* Signs must be monument-style, placed on footings and a foundation, and integrated into the Park's architectural design.

(iv) *Location.* Signs must be set back at least 25 feet from the street right-of-way.

(v) *Lighting.* Backlit or spotlighting is allowed.

(b) *Monument Signs*.

(i) *Number.* One freestanding monument identification sign is permitted per lot frontage on interior streets.

(ii) *Area.* The sign area may not exceed 32 square feet.

(iii) *Height.* The height may not exceed five feet above street grade.

(iv) *Location.* Signs must be set back at least 25 feet from the street right-of-way.

(c) *Building Wall Signs*.

(i) *Number.* One wall-mounted identification sign is permitted per building.

(ii) *Area.* The sign area may not exceed 32 square feet, measured as the area of a rectangle enclosing all lettering and pictorial elements.

(iii) *Location.* Signs must be placed below the roofline.

(iv) *Projection.* The sign may not project more than 12 inches from the building face.

(v) *Lighting.* Only backlit electronic signs are allowed. Non-illuminated or backlit awnings are not permitted.

(d) *Real Estate Signs*.

(i) *Number.* One temporary sign per lot frontage may be installed to advertise the sale or lease of a facility.

(ii) *Area.* Signs may not exceed six square feet per lot frontage.

(e) *Construction Project Signs*.

(i) *Number.* One sign per park frontage may be installed in conjunction with a construction project to publicize future occupants.

(ii) *Area.* Signs may not exceed 32 square feet and must be removed before final inspection by the Building Inspector.

(f) *Directional Signs*. Directional signs may be installed to guide pedestrian or vehicle movement onto or within private property.

(i) *Area.* Signs may not exceed six square feet in area.

(ii) *Height.* Signs may not exceed three feet in height.

(iii) *Location.* Signs must be located on the property they serve.

14.34.130 Guarantees and Covenants

(1) Before or at the same time as submitting a final development plan for the first building or first phase of an R&BP development, the developer must submit a Declaration of Covenants, Conditions, and Restrictions (CC&Rs) to the Provo City Planning Commission for approval. The approved declaration must then be recorded with the Utah County Recorder. The CC&Rs must include guarantees for the perpetual maintenance of all common open spaces and must ensure compliance with the standards in this Section to promote health, safety, general welfare, and property values within the development and surrounding area.

(2) The following assurances and standards must be included in the recorded CC&Rs for any R&BP development:

(a) *Management of Common Open Space*. The declaration must:

(i) Establish an association or corporation responsible for maintenance, with authority to assess land parcel or unit owners for costs;

(ii) Establish a management committee and specify:

(A) The number of committee members,
(B) The method of selection, and
(C) The powers and duties of the committee; and

(iii) Include a designated property manager with relevant experience.

(b) *Open Space Easement*. The declaration must convey an easement over all common open spaces, prohibiting future building or use unless approved in the preliminary project plan;

(c) *Landscaping Standards*. The declaration must require individual parcel or unit owners to install landscaping that meets or exceeds the typical landscaping plan approved in the preliminary project plan. Landscaping must be installed within one year of issuance of a Certificate of Occupancy. Common area landscaping must be installed with each development phase;

(d) *Architectural Committee*. The declaration must establish an architectural committee, including:

(i) The number and composition of members, with at least one member selected from the surrounding neighborhood based on nominations from the Neighborhood District Executive Board

(minimum of six nominations);

(ii) Requirements for architectural committee approval of all schematic project plans, building elevations, and signage before submission to Provo City; and
(iii) Design guidelines covering site layout, building design, signage, lighting, landscaping, street furniture, fencing, and mechanical equipment;

(e) *Amendments*. The declaration must specify the procedure for amendments;

(f) *Building Coverage*. The declaration must specify the maximum lot coverage by buildings for each land use category identified in the approved preliminary project plan;

(g) *Building Height*. The declaration must specify the maximum building height approved by the Planning Commission;

(h) *Traffic and Parking Management*. The declaration must include a plan to encourage mass transit and carpooling among employees;

(i) *Use Restrictions*. The declaration may include more restrictive, but not more permissive, use regulations than those in the Provo City Zoning Ordinance; and

(j) *City Participation*. The declaration must state the following:
"Provo City, by virtue of ownership of streets, utilities, rights-of-way, or easements in and through the project, is deemed an 'owner' with full voting privileges under this declaration and has authority and standing to enforce provisions and standards deemed to be in the public interest."

14.34.140 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Landscaping*. See PCC 15.20.

(3) *Trash storage*. See PCC 14.50.070.

(4) *Walls and Fences*. To maintain an open, park-like atmosphere, fencing individual lots in the R&BP Zone is prohibited. Decorative walls or fences must be installed as visual screens around the perimeter of the park or along open waterways, as applicable. All such features must comply with PCC 14.34.100, and detailed plans must be submitted with the project plan for approval.

Chapter 14.35
CM - HEAVY COMMERCIAL ZONE

Sections:

14.35.010 Purpose and Objectives.
14.35.020 Permitted Uses.
14.35.030 Lot Standards.
14.35.040 Yard/Setback Requirements.
14.35.050 Projections into Yards.
14.35.060 Building Height and Distance.
14.35.070 Parking, Loading, and Access.
14.35.080 Project Plan Approval.
14.35.090 Other Requirements

14.35.010 Purpose and Objectives

The Heavy Commercial (CM) zone establishes an area for a compatible mix of retail commercial, warehousing, heavy commercial, and light manufacturing uses. It serves primarily as a transitional buffer between industrial zones and residential or lighter commercial areas.

This zone supports manufacturing and warehousing activities that operate in conjunction with, and are incidental to, retail commercial establishments. The CM zone is best located where it can effectively function as a transition zone and has convenient access to major transportation corridors.

To minimize adverse impacts, CM zones must not be located where truck traffic from warehousing or manufacturing would travel through residential neighborhoods or retail areas to access highways or rail facilities.

Typical uses in this zone include warehouses, light manufacturing and assembly plants, machine shops, automobile repair facilities, furniture and appliance repair services, tire recapping operations, and building materials stores and yards.

Development in the CM zone must balance utility with visual appeal. Buildings, parking areas, and loading facilities must incorporate landscaping along all street frontages to soften industrial features and enhance the overall appearance.

14.35.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Food Manufacturing – permitted only when incidental to the on-site retail sale of the same product.

(b) Communications - permitted subject to PCC 14.02.045(11).
(c) Vehicle Storage - permitted subject to PCC 14.02.045(14).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(c) Caretaker dwellings, subject to the supplementary development standards for caretaker dwellings set forth in PCC 14.50.130.

14.35.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.35.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: no requirement.

14.35.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard:

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

(b) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Be located in a front or street side yard; or

(vi) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.35.060 Building Height and Distance

(1) No building or structure may exceed 3 stories or 55 feet in height.

(2) Any accessory building must be at least 6 feet from the principal structure.

14.35.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking spaces may not be located within a required front yard or a side yard adjacent to a public street.

(4) Loading spaces must be provided as required by the Planning Commission, using a guideline of one loading space per ten thousand (10,000) square feet of gross building area.

14.35.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.35.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Uses Within Buildings.* All uses in the CM Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Examples of such uses include service stations, ice skating rinks, and miniature golf facilities. Open storage of materials and equipment is permitted in this zone only if fully screened from public view by an opaque fence or wall. The fence or wall must be approved by the Planning Commission as part of the conditional use permit for the use.

Chapter 14.36
MP - MANUFACTURING PARK ZONE

Sections:

14.36.010 Purpose and Objectives.
14.36.020 Permitted Uses.
14.36.030 Lot Standards.
14.36.040 Yard/Setback Requirements.
14.36.050 Projections into Yards.
14.36.060 Building Height and Distance.

14.36.070 Parking, Loading, and Access.
14.36.080 Project Plan Approval.
14.36.090 Minimum Building Area.
14.36.100 Residential Use Standards.
14.36.110 Other Requirements.

14.36.010 Purpose and Objectives

The Manufacturing Park (MP) zone establishes an environment for high-quality laboratory, processing, and light manufacturing uses in a park-like setting. This zone is more restrictive than conventional manufacturing zones to promote architectural excellence and abundant landscaping.

The MP zone is intended for fringe areas of the city on open, readily developed land. In many cases, it will be located next to high-quality residential development and must include screening and beautification measures to ensure compatibility.

This zone is intended to be characterized by attractively designed buildings and off-street parking lots integrated with spacious lawns, trees, shrubs, and other landscaped features. Its defining characteristic is the park-like appearance of the grounds surrounding buildings and parking areas.

14.36.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Single-family Dwelling, attached to nonresidential use – permitted subject to PCC 14.36.100.

(b) Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(b) Home occupations, subject to PCC 14.49;

(c) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(d) Cafeterias and snack bars incidental to a permitted use and provided exclusively for employees and their guests on the premises; and

(e) Caretaker dwellings, provided they comply with the supplementary development standards in PCC 14.50.130.

14.36.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.36.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 30 feet.

(2) Side yard – corner lots: 20 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: 30 feet.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may approve a reduction of required setbacks in this zone if all of the following conditions are met:

(a) The proposed setback is visually compatible with neighboring development and does not create an undue burden or harm to adjacent property;

(b) The proposed setback does not conflict with an existing or required utility easement; and

(c) The proposed setback does not violate the International Building Code or the Fire Code.

14.36.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to eight feet into a required front or rear yard and up to four feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend; and

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) However, an accessory building may be located on the rear property line if all of the following conditions are met:

(i) The wall along the rear property line has no openings;

(ii) The wall adjacent to the property line is constructed with a one-hour fire-resistance rating;

(iii) Roof drainage is retained entirely on the subject lot or parcel; and

(iv) The materials on the wall adjacent to the rear property line present an attractive architectural appearance and do not negatively impact the adjacent property.

(4) *Clear vision areas.* See PCC 14.50.090.

14.36.060 Building Height and Distance

(1) No building or structure may exceed 35 feet in height.

(2) Any building taller than 20 feet must include one additional foot of front yard setback for every foot of height above 20 feet.

(3) Any accessory building must be at least 10 feet from the principal structure.

14.36.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Parking is not permitted within the front yard of any lot in the MP zone.

14.36.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.36.090 Minimum Building Area

All buildings in the MP zone must have a minimum gross floor area of 5,000 square feet. In a planned business park with two or more buildings, an individual building may be smaller than 5,000 square feet if the buildings are clustered and Covenants, Conditions, and Restrictions (CC&Rs) are recorded to ensure the development remains under single ownership or control.

14.36.100 Residential Use Standards

Single-family dwellings are permitted only when attached to a nonresidential use and are subject to the following standards:

(1) A dwelling may be occupied by only one family as defined by PCC 14.05;

(2) A dwelling is permitted only when attached to a permitted structure where the principal permitted use is operating. Only one dwelling unit is allowed to each permitted structure;

(3) A dwelling unit is not permitted unless approved by the Planning Commission as part of a project plan application;

(4) In any project with ten or more dwelling units, at least 10% of the residential gross floor area must be developed in residential amenities. Acceptable amenities include a common clubhouse, gym, playground, rooftop garden, or similar feature, unless a public park or recreation facility offering equivalent amenities is located within 1,000 feet of the project;

(5) Dwelling units in the Manufacturing Park zone must incorporate sound and vibration attenuating design and materials. The applicant must provide documentation from an acoustical engineer confirming that best practices for sound and vibration attenuation are incorporated; and

(6) Any dwelling unit without frontage on a public street must have a logical, hard-surfaced pedestrian connection to the public street.

14.36.110 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Uses Conducted Within Buildings*. All uses in the MP zone must be conducted entirely within a fully enclosed building. Outside storage of materials, trash, or equipment is prohibited, except for motor vehicles licensed for street use.

Chapter 14.37
M1 - LIGHT MANUFACTURING ZONE

Sections:

14.37.010 Purpose and Objectives.
14.37.020 Permitted Uses.
14.37.030 Lot Standards.
14.37.040 Yard/Setback Requirements.
14.37.050 Projections into Yards.
14.37.060 Building Height and Distance.
14.37.070 Parking, Loading, and Access.
14.37.080 Project Plan Approval.
14.37.090 Other Requirements.

14.37.010 Purpose and Objectives

The Light Manufacturing (M1) zone establishes areas in the city for light manufacturing uses such as processing, assembling, manufacturing, warehousing, and storage, together with incidental service and public facilities that support the manufacturing area. The zone encourages orderly and sustainable industrial development while protecting nearby residential and commercial areas from noise and other disturbances.

The M1 zone is characterized by flat, open land suitable for industrial uses due to its proximity to major transportation routes and the availability of utilities necessary for manufacturing operations. Areas designated M1 may also serve as land reserves for future industrial and manufacturing development. Typical uses include light manufacturing, fabrication, processing, storage, warehousing, and wholesale distribution.

The objectives of the M1 zone are to:
(1) Provide space for light manufacturing and processing uses in appropriate locations, and to discourage uses that would degrade the light manufacturing environment or impede industrial development;
(2) Broaden and strengthen the City’s economic base;
(3) Encourage new industries that enhance the economic and social well-being of the community; and
(4) Prevent the undesirable mixture of incompatible commercial, industrial, and residential uses.

14.37.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(b) Education (Day Care Services) – permitted subject to PCC 14.02.045(7).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage, supply storage, and similar structures customarily used in conjunction with a principal use or structure;
(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(c) Caretaker dwellings, provided that the dwellings comply with the supplementary development standards for caretaker dwellings in PCC 14.50.130; and

(d) Natural or manufactured gas storage or distribution facilities, provided that any storage tank does not exceed 500 gallons.

(e) Uses that generate excessive noise, vibration, smoke, odor, dust, fumes, or a risk of explosion are prohibited in this zone.

14.37.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.37.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: no requirement.

(6) *Setback reductions.* The Development Services Director, or the Director's designee, may reduce the setbacks required in this zone if all of the following conditions are met:

(a) The proposed setback is visually compatible with nearby development and does not create an undue burden or harm to adjacent properties;

(b) The proposed setback does not conflict with any existing or required utility easement; and

(c) The proposed setback complies with the International Building Code and the Fire Code.

14.37.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses;

(iv) Use architectural materials and colors similar to the principal structure; and

(v) Have no openings on the side adjoining the property line when the building is located on a property line.

(4) *Clear vision areas.* See PCC 14.50.090.

14.37.060 Building Height and Distance

No requirement except as may be imposed by the provisions of the latest edition of the International Building Code adopted by Provo City.

14.37.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Loading spaces must be provided as required by the Planning Commission.

(4) Parking may not be located within a required setback.

14.37.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.37.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.200.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Uses Within Buildings.* All uses in the M1 Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Open storage of materials and equipment is permitted in this zone only if fully screened from public view by an opaque fence or wall. The fence or wall must be approved by the Planning Commission as part of a project plan.

(8) *Recreational Vehicle Storage (Includes Boats, Trailers, and Recreational Vehicles) and Towing Impound Yards.* See PCC 14.50.050.

Chapter 14.37A
DC – DATA CENTER OVERLAY ZONE

Sections:

14.37A.010	Purpose and Objectives.
14.37A.020	Permitted Uses.
14.37A.030	Lot Standards.
14.37A.040	Project Plan Approval.
14.37A.050	Development Standards for Data Centers.
14.37A.060	Other Requirements.

14.37A.010 Purpose and Objectives

The Data Center Overlay Zone (DC Overlay) establishes development standards for data centers and similar digital infrastructure facilities. The intent of this zone is to ensure prudent siting and operation of such uses while minimizing adverse environmental impacts, particularly those affecting air quality, water use, and energy demand.

For purposes of this Title, "*data center"* means a dedicated building or facility designed primarily to house networked servers and computing infrastructure for continuous operation. The term does not include facilities primarily used for cryptocurrency mining, blockchain validation, or other distributed ledger technology operations.

14.37A.020 Permitted Uses

The following principal uses, and no others, are permitted in the Data Center Overlay Zone:
(1) Data centers

14.37A.030 Lot Standards

Each lot or parcel in the Data Center Overlay Zone must comply with the standards of the underlying zone and with PCC 15.03.100

14.37A.040 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.37A.050 Development Standards for Data Centers

(1) *Applicable zones.* The Data Center Overlay Zone may only be applied in conjunction with the Light Manufacturing (M1) Zone. Development within the Data Center Overlay Zone must comply with the development standards of the underlying zone unless otherwise specified in this Chapter.

(2) *Policy compliance.* Data centers must comply with all requirements in Provo City's Data Center Policy and Application Procedures and with Utah Municipal Power Agency (UMPA) Data Center Policies.

(3) *Separation from sensitive uses.* A data center may not be located closer than two hundred (200) feet to any school, park, or residential property.

(4) *Financial assurance.* A data center must establish a financial mechanism, such as a performance bond, consistent with UMPA Data Center Policies, to offset risks to taxpayers.

(5) *Cooling.* Data centers must use non-evaporative cooling methods and may not discharge treated water used for cooling into the municipal systems.

(6) *Zone Map Amendment submittal requirements.* The following materials must be included with an application for a Zone Map Amendment involving a data center:

(a) A project narrative and development timeline, including construction milestones and phasing;

(b) Legal entity disclosures;

(c) A Community Benefit Plan describing workforce training, infrastructure investments, renewable energy projects, and projected tax revenue;

(d) A statement describing how the data center supports the environmental goals of the Provo City General Plan and the Conservation and Resiliency Plan;

(e) An agreement with UMPA ensuring adequate compensation for the use of UMPA and Provo Power transmission and distribution infrastructure;

(f) A detailed power load plan;

(g) A site plan identifying all utility infrastructure, including electric, water, and wastewater;

(h) An assessment of operational vibrations and a description of mitigation measures, such as vibration isolation systems, floating floors, or structural dampening;

(i) An environmental review that identifies and evaluates conservation strategies addressing:

(i) Energy efficiency (e.g., server clustering, high-efficiency cooling systems);

(ii) Water and wastewater management (e.g., water reuse strategies, pretreatment details); and

(iii) A comparison of water and power use between data centers of similar scale and other similarly sized industrial facilities;

(j) An estimation of the amount of pollutants that would be produced that includes CO_2, NO_x, VOCs, ozone, $PM_{2.5}$, PM_{10}, methane, and other site-specific pollutants and comparison against the estimated emissions of a similarly sized office building; and

(k) An end-of-life plan for all technological waste, requiring disposal at an e-waste recycling facility licensed by the Utah Department of Environmental Quality.

14.37A.060 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) The operator of any use permitted under this Chapter must comply with all applicable licensing requirements of the city and any other public agency with jurisdiction over the use.

(3) Data centers must comply with the noise limits in PCC 9.06.040.

Chapter 14.38
M2 - HEAVY MANUFACTURING ZONE

Sections:

14.38.010 Purpose and Objectives.
14.38.020 Permitted Uses.
14.38.030 Lot Standards.
14.38.040 Yard/Setback Requirements.
14.38.050 Projections into Yards.
14.38.060 Building Height and Distance.
14.38.070 Parking, Loading, and Access.
14.38.080 Project Plan Approval.
14.38.090 Other Requirements.

14.38.010 Purpose and Objectives

The Heavy Manufacturing (M2) Zone establishes areas in the community for heavy industrial, manufacturing, and extractive uses. The zone provides locations where such uses can operate without conflict from surrounding commercial and residential areas, while minimizing the effects of odor, dust, noise, and similar impacts on nearby properties.

The zone may only be located near rail lines and major highways to ensure efficient access and transportation. The zone must also be located in areas that protect air and water quality and prevent hazards to adjacent residential, commercial, or light manufacturing areas.

The M2 Zone is characterized by open and enclosed manufacturing, processing, and assembly uses that may create potential hazards, nuisances, or disturbances. These uses must be situated to minimize impacts on other areas of the community and to maintain an environment that is functional and visually orderly. Peripheral landscaping is required to reduce adverse impacts and enhance the overall appearance of the zone.

14.38.020 Permitted Uses

(1) Permitted uses are found in PCC 14.08.

(2) *Exceptions.*

(a) Communications - permitted subject to PCC 14.02.045(11).

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage, and similar structures customarily used in conjunction with a principal use or structure;

(b) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it; and

(c) Caretaker Dwellings, subject to PCC 14.50.130.

14.38.030 Lot Standards

Lot standards for the zone, including lot area, width, frontage, density, lot coverage, and standards related to prior created lots, are found in PCC 14.07.

14.38.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

(1) Front yard: 10 feet.

(2) Side yard – corner lots: 10 feet.

(3) Side yard – interior: no requirement.

(4) Side yard — driveway: See PCC 14.44.100.

(5) Rear yard: no requirement.

14.38.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall.

(3) *Accessory buildings.* All accessory buildings must:

(a) Have a footprint and height less than the principal structure;

(b) Comply with applicable lot coverage standards;

(c) Be used only for permitted accessory uses; and

(d) Use architectural materials and colors similar to the principal structure.

(4) *Clear vision areas.* See PCC 14.50.090.

14.38.060 Building Height and Distance

No requirement except as may be imposed by the provisions of the latest edition of the International Building Code adopted by Provo City.

14.38.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

(3) Loading spaces must be provided as required by the Planning Commission.

(4) Parking may not be located within a required setback.

(5) Truck traffic generated within the M2 Zone must not enter or exit through residential neighborhoods or commercial districts.

14.38.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.38.090 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Signs*. See PCC 14.47.

(3) *Landscaping*. See PCC 15.20.

(4) *Trash storage*. See PCC 14.50.070.

(5) *Fencing Standards.* See PCC 14.50.085.

(6) *Transitional development standards*. Where a lot in this zone borders a residential zone, the standards in PCC 14.50.160 apply.

(7) *Uses Within Buildings.* All uses in the M2 Zone must be conducted entirely within a fully enclosed building, except for uses the Planning Commission determines are customarily and appropriately conducted outdoors. Open storage of materials and equipment is permitted in this zone only if fully screened from public view by an opaque fence or wall. The fence or wall must be approved by the Planning Commission as part of a project plan.

(8) *Recreational Vehicle Storage (Includes Boats, Trailers, and Recreational Vehicles) and Towing Impound Yards.* See PCC 14.50.050

Chapter 14.39
CH – CRITICAL HILLSIDE OVERLAY ZONE

Sections:

14.39.010 Purpose and Objectives.
14.39.020 Definitions.
14.39.030 Applicability.
14.39.040 Permitted Uses.
14.39.050 Project Plan Approval
14.39.060 Limits of Disturbance (LOD).
14.39.070 Slope Protection and Stability.
14.39.080 Detention Basin Design.
14.39.090 Ridgelines.
14.39.100 Streets and Access.
14.39.110 Trails and Public Accesses.
14.39.120 Fences.
14.39.130 Tree and Vegetation Protection.
14.39.140 Sensitive Lands Compliance.
14.39.150 Stream Corridor and Wetland Protection.
14.39.160 Traffic Requirements.
14.39.170 Parking Requirements.
14.39.180 Design Standards.
14.39.190 Cluster Developments.
14.39.200 Other Requirements.

14.39.010 Purpose and Objectives

The Critical Hillside (CH) Overlay Zone establishes development standards to protect the sensitive hillside areas along Provo City's east bench. The requirements of this overlay apply in addition to, and prevail over, the standards of the underlying zone.

The CH Overlay Zone is intended to:
(1) Protect ridgelines and maintain the visual integrity of Provo's hillsides;
(2) Preserve slope stability and natural drainage patterns;
(3) Protect existing public access points and trail corridors;
(4) Preserve existing vegetation and require revegetation of disturbed areas; and
(5) Mitigate potential slope, fire, and other natural hazards associated with hillside development.

Trees and other vegetation are recognized as essential to both slope stability and visual quality. The provisions of this zone require the preservation and restoration of vegetation and include design standards that complement the natural beauty and ecological health of Provo's hillside areas.

14.39.020 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

"Approved fire protection plan" means the fire protection plan approved by the applicable fire authority.

"Bench" means a naturally occurring, broad, generally flat, elevated terrace landform with an abrupt slope on one side.

"Caliper" means a standard trunk diameter measurement for nursery-grown trees, taken six inches above the ground for trees up to and including four inches in caliper size, and 12 inches above the ground for larger trees.

"Cluster development" means the grouping of residential properties on lots smaller than those allowed in the underlying zone to reduce infrastructure costs and environmental impacts and to reserve otherwise developable land for open space.

"Defensible space" means the required area between a structure and a wildland area that, under normal conditions, creates a sufficient buffer to slow or stop the spread of wildfire to the structure.

"Density bonus" means a residential density increase, beyond that allowed by the underlying zoning, obtained by constructing and dedicating a trail or trailhead to the City or by clustering development as provided in this Chapter.

"Developed parcel" means a parcel with a dwelling.

"Drip line" means a vertical line extending from the outermost edge of a tree canopy or shrub branch to the ground.

"Hard surface" means asphalt, concrete, or other similar impervious materials.

"Limits of disturbance (LOD)" means the area or areas of a development within which all construction and development activity must be contained. Natural areas, ponds, streams, trees, and vegetation where no grading occurs must be excluded from the limits of disturbance.

“Natural open space” means land in an open and undeveloped condition that is suitable for:
(1) Natural areas, wildlife, or native plant habitat;
(2) Important wetlands or watershed lands;
(3) Stream corridors;
(4) Passive, low-impact recreational activities;
(5) Areas with little or no land disturbance; or
(6) Natural trails for nonmotorized activities.

“Net developable acreage” means land that meets all of the following conditions:
(1) Has a slope of no more than 30%, unless an exception is granted as provided in PCC Title 14 or Title 15;
(2) Is located the minimum distance from any stream corridor or wetland as established in this Chapter;
(3) Is not located within 100 feet (map distance) on either side of the crest of a ridgeline designated for protection by the City (as shown in figure 14.39.1);
(4) Is not a right-of-way or road; and
(5) Is not prohibited from development under:
    (a) The provisions of PCC Title 15, including PCC 15.05 (Geological and Natural Hazards), or other applicable provisions of the PCC, state law, or federal law; or
    (b) A recorded, legally binding document prohibiting development on the property.

“Non-sight-obscuring fence” means a fence that is more than 50% open.

“Open space” means any area of a lot that is free and unobstructed by structures or parking areas.

“Ordinary high-water mark” means the line on a bank to which the high water of a stream ordinarily rises annually, as indicated by soil or vegetation changes, or other appropriate indicators based on surrounding conditions. Where the ordinary high-water mark cannot be identified, the top of the channel bank must be used. In braided channels, the ordinary high-water mark, or substitute channel bank, includes the entire stream feature.

“Ridge” means the elongated crest at the highest point of intersection between two opposing slopes of a hill or mountain.

“Ridgeline” means a line, designated for protection by the City, connecting the highest points along a ridge and separating drainage basins or smaller drainage systems. A bench is not a ridgeline.

“Significant trees” means live trees with a caliper of six inches or greater; groves of five or more smaller live trees; or clumps of live oak or maple covering at least 50 square feet to the drip line perimeter.

“Slope” means the level of land inclination from the horizontal plane, expressed as a percentage, calculated by dividing the vertical rise by the horizontal run.

“Stream” means a natural watercourse containing flowing water at least intermittently.

“Stream corridor” means the area defined by the ordinary high-water mark of a constant or intermittent stream.

“Tree” means a woody plant with a distinct central trunk.

“Vegetation” means living plant material, including trees, shrubs, flowers, grasses, herbs, and ground cover.

“Water-wise plant species” means vegetation with low water use requirements.

14.39.030 Applicability

(1) *Underlying Zone.* The Critical Hillside (CH) Overlay Zone applies in combination with existing conventional zones and may not be applied as a stand-alone zone.

(2) *Conflict.* If a conflict exists between the provisions of this Chapter and other requirements of PCC Title 14 or Title 15, the provisions of this Chapter take precedence, unless this Chapter explicitly provides for a provision of another Chapter or Title to control.

(3) *Development Plan.* Property within the CH Overlay Zone may only be developed in conformance with the applicable, approved project plan, subdivision, or other approved development plan.

(a) All development within the CH Overlay Zone, including grading, clearing, and excavation, must comply with the provisions of this Chapter.

(b) All maps, plans, narratives, and other materials necessary to demonstrate compliance with this Chapter must be submitted to the Coordinator Review Committee for review.

(4) *Naming.* Written references to a zone overlain by the CH Overlay Zone, including those on the Provo City Zone Map, will include both the underlying zone designation and the CH Overlay acronym, such as R1.10(CH).

(5) *Modifications.* Subject to verification by Provo City Engineering of the requirements of this Subsection (5) and the execution of an agreement documenting the terms of any exceptions granted under this Subsection, the provisions of this Chapter may be modified for parcels that do not have any of the following development constraints:

(a) Slopes steeper than a 20% grade covering more than 15% of the parcel;

(b) Hazardous or unstable soils;

(c) Faults;

(d) Ridgelines; or

(e) Other hazardous building conditions.

(6) *Exemptions.* The provisions of this Chapter do not apply to the following:

(a) Parcels or lots used exclusively for the operation of a public or private cemetery; and

(b) Public parks.

14.39.040 Permitted Uses

Permitted uses in the Critical Hillside (CH) Overlay Zone are limited to those permitted in the underlying zone with which the CH Overlay is combined.

14.39.050 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.39.060 Limits of Disturbance (LOD)

(1) *Identification.* The proposed limits of disturbance (LOD) must be shown on all development plans and must clearly identify the specific areas where construction and development activity will occur.

(a) LOD plans must be stamped by a licensed engineer to verify accuracy.

(b) No construction or development activity may begin until the City has approved the LOD in accordance with the requirements of this Chapter.

(c) Once the LOD has been approved by the City, no construction or development activity may take place outside the LOD.

(2) *Extent of disturbance.* The LOD may be divided into separate areas, but no more than 40% of a development site may be included within the LOD. A dwelling site may include up to an additional ten percent LOD for landscaping purposes, including the use of nonnative vegetation.

(3) *Administrative relief.* Upon request by the applicant the Development Services Director may grant up to a ten percent modification to the standards in this Section if one of the following findings is made:

(a) The modification results in more effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site; or
(b) Strict application of the standard would prevent any reasonable development of the property.

14.39.070 Slope Protection and Stability

(1) *Compliance with other codes.* All development within the CH Overlay Zone must comply with the grading, fill, excavation, material relocation, and drainage requirements of PCC Title 15 and PCC Title 18.

(2) *Setbacks from steep slopes.* Structures must be set back from ascending or descending slopes greater than 30% as required by the currently adopted building code.

(3) *Protection of steep slopes.* Except as expressly allowed in PCC Title 14 or Title 15, all areas with a slope greater than 30% must remain as natural private or natural public open space. Nothing in this Chapter eliminates the exceptions in PCC 15.05 that allow grading or development of slopes exceeding 30%.

(4) *Recontouring of slopes.* All human-made cut, fill, and graded slopes created or disturbed through development activities must be recontoured to reflect the natural, varied contour of the surrounding terrain prior to the final certificate of occupancy.

(5) *Retaining and vertical walls.* Terraced retaining walls may be used to reduce the steepness of human-made slopes and to create planting pockets suitable for revegetation. The following standards apply to terraced and vertical walls:

(a) Terraces between retaining walls must be permanently landscaped or revegetated;

(b) Terracing is limited to three walls, each with a maximum vertical height of eight feet;

(i) The terrace width must be at least equal to the height of the wall, measured from the back of the lower wall to the face of the upper wall.

(ii) The Development Services Director or the Director's designee may approve additional terrace walls or increased wall height if the applicant provides documentation, stamped by a Utah-licensed professional engineer, demonstrating that the property would be inaccessible without the modification.

(c) Retaining walls must be faced with stone or earth-colored materials similar to the surrounding natural landscape; and

14.39.080 Detention Basin Design

If detention basins or other stormwater or erosion control facilities are used or required as part of a development, they must comply with the following design standards:

(1) *Natural Design.* Detention basins must have freeform shapes that follow the natural landforms. Where natural forms do not exist, the basin must be shaped to emulate a naturally formed depression;

(2) *Side Slopes.* Redistribution of soils from basin construction to the natural side slopes around the basin perimeter is encouraged. Side slopes should be designed to filter, redirect, or soften views of the basin but do not need to fully screen it. Side slopes must be varied to replicate natural topographic conditions.

(3) *Vegetation and planting.* Detention basins must use naturalized planting themes. Trees and shrubs may be grouped in informal patterns to emulate the surrounding natural environment but may not reduce the basin's required storage volume. Trees, shrubs, or other large woody vegetation are not permitted on basin embankments. Vegetation must be located to allow access and regular maintenance.

(4) *Ground cover.* The basin floor and surrounding disturbed areas must be covered with a native grass mixture or other suitable ground cover approved by the City Engineer. Ground cover should provide a natural appearance and must not require regular mowing or fertilization.

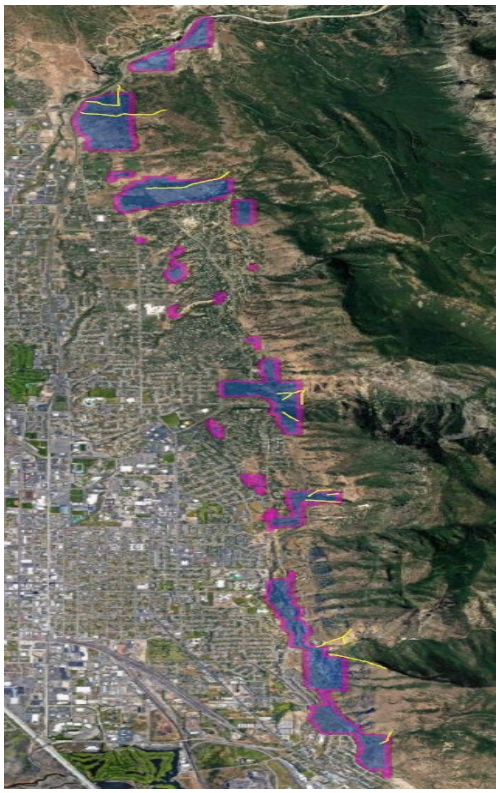
(5) *Vegetation standards.* All vegetation and trees associated with a detention basin must be drought-tolerant and fire-wise, as approved in the applicable fire protection plan.

14.39.090 Ridgelines

(1) No development, including utility infrastructure, may break the horizon line of a ridgeline, defined as the point where the ridgeline visibly meets the sky as viewed from public rights-of-way or trails. (See figure 14.39.1 for protected ridgelines).

(2) No development, including utility infrastructure, may be located within 100 feet (map distance) from either side of the crest of a ridgeline designated for protection by the City, as shown in figure 14.39.1.

Figure 14.39.1. Ridgelines Designated for Protection by Provo City



14.39.100 Streets and Access

(1) All development in the CH Zone must comply with the applicable street and access requirements of PCC 14 and 15.

(2) Streets, roads, alleys, or driveways must follow natural contour lines, where possible, to minimize cuts and fills. (See Figures 14.39.2 and 14.39.3).

(3) An easement must be granted to Provo City over and across all private development roads for utility maintenance and fire and emergency access.

(4) A development of 13 or more lots, or 13 or more dwelling units, must have at least two points of ingress and egress. All developments must be connected to the City's street system at two different access locations. This requirement for second access supersedes any conflicting access requirement in this Code.

(5) Grading for streets, roads, alleys, or driveways is limited to the paved portion of such access and other associated, required access improvements, plus up to an additional ten feet on either side of the pavement and required improvements. However, when developing streets, roads, alleys, or driveways on slopes in excess of 25%, only the paved portion of the access used for vehicular travel, plus the minimum area for any required, associated access improvements, such as curb, gutter or sidewalk, may be graded. The remainder of the access must be left undisturbed.

(6) In the CH Zone, the City Engineer may allow the use of street- or road-side swales, or other similar street construction conventions, instead of curb and gutter, when the City Engineer determines that such swales, or other similar road construction conventions, will provide a more efficient, safe, or practical means of managing water runoff related to a street or road.

(7) Any development that abuts public land and has an existing access to the public land must maintain the access by providing a public access road through the development to the public land.

Figure 14.39.2. Roads in the CH Zone Following Natural Contours – Permitted

Figure 14.39.3. Roads in the CH Zone Following Natural Contours – Not Permitted

14.39.110 Trails and Public Accesses

(1) *Density Bonus.* A density bonus is available for dedicated trail or trailhead improvements that are accepted by the City as follows:

(a) A one percent density bonus for each one percent of land developed and dedicated to Provo City for a hard surface, linear trail up to a maximum bonus of ten percent.

(b) A one-half percent density bonus for each one percent of land developed and dedicated to Provo City for a graveled, linear trail up to a maximum bonus of ten percent.

(c) A three percent density bonus for the construction of a public trailhead dedicated to Provo City that meets the following requirements:

(i) The public trailhead must have a parking lot with a minimum of ten off-street parking spaces.

(ii) The parking lot must be designed in accordance with PCC 14.44.

(d) No development may obtain a density bonus greater than ten percent total under this Section.

(e) In calculating the density bonus, the calculated number will be rounded to the nearest whole number but will in no case be less than one.

(2) *Trail Design.* A trail dedicated to the City must meet the following requirements:

(a) The trail must be constructed according to the applicable Provo City Public Works and Parks and Recreation Department standards;

(b) The dedicated trail right-of-way must be a minimum of 20 feet wide;

(c) The trail improvements and right-of-way must be dedicated to the City prior to issuance of any building permits within the development; and

(d) At least some portion of the trail must be part of a planned City trail system and approved by the Parks and Recreation Department.

(3) *Denials.* After having received the opinion of the Parks and Recreation Department Director, Development Services Director, and the City Engineer regarding the benefit and feasibility of a proffered trail dedication, the Mayor may reject a proffered trail dedication, based on any one or more of the following findings regarding the proffered dedication:

(a) Trail maintenance is not feasible;

(b) The trail dedication length is less than 660 feet; or

(c) A natural hazard, or the susceptibility to a natural hazard, including, but not limited to, slope, cliff, rock fall, or landslide, cannot reasonably be mitigated to safely operate a trail for public use, as per the opinion of the City Engineer.

(4) *Location.* No legally established public access or legally established public right-of-way may be included within the limits of disturbance (LOD) of any development or lot. Every legally established public access and recorded right-of-way must be located and identified on recorded development plats and approved development plans.

14.39.120 Fences

The following fencing requirements apply in the CH Zone:

(1) All fencing that is outside the designated LOD of a parcel or lot, in a front yard, or along a roadway, must be non-sight-obscuring fencing and have a maximum height of five feet. However, livestock fencing may have a maximum height of six feet.

(2) Notwithstanding Subsection (1), the clear vision area requirements of PCC 14.50.090 must be met.

(3) See PCC 14.39.180 for design standards for fencing.

14.39.130 Tree and Vegetation Protection

(1) *Tree/Vegetation Removal.*

(a) No trees or vegetation may be removed outside the approved LOD unless specifically allowed by this Chapter.

(b) Significant trees removed from within the LOD must be replaced as set forth in this Chapter.

(c) No trees or vegetation may be removed solely for the purpose of providing open views to or from structures on a site or solely for the purpose of replacing them with different species.

(d) Appropriate defensible space surrounding a structure is established in the Utah Wildland-Urban Interface Code (WUI). In order to account for trees that must be removed to comply with the applicable requirements of the WUI, the applicant must submit a copy of the approved fire protection plan, along

with development plans that incorporate the approved fire protection plan, to the Development Services Director for review.

(e) The following is a list of additional situations when tree and vegetation removal is permitted:

(i) The removal of invasive, dead, or naturally fallen trees or vegetation to protect public health, safety, and welfare; and

(ii) The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways or intersections, to install utilities, to perform authorized field survey work, or to protect structures from fire consistent with the Utah Wildland-Urban Interface Code.

(2) *Replacement of Significant Trees.*

(a) When any significant tree is removed from inside the approved LOD and the removal is not required by WUI standards, the developer must meet the following replacement schedule and requirements:

(i) A significant tree that is removed must be replaced by two trees with a minimum size of two-inch caliper for deciduous trees and a minimum height of six feet for coniferous trees in locations on the lot, as set forth in the required revegetation, tree reestablishment, and land reclamation plan; and

(ii) Replacement trees must be maintained through an establishment period of at least two years. The applicant must post a bond in the amount of ten percent of the value of all replacement trees to guarantee their health and survival during the establishment period.

(b) If the remainder of the lot outside the approved LOD is heavily wooded, defined as areas of trees with canopies that cover 80% of the area, and is not suitable to the planting of replacement trees, the requirement to plant replacement trees may be waived by the Development Services Director.

(3) *Revegetation, Tree Reestablishment, and Land Reclamation Plan.*

(a) A revegetation, tree reestablishment, and land reclamation plan must be submitted for any lot or parcel of land that will be altered from its natural condition. This plan must be stamped by an engineer and landscape architect licensed in the State of Utah.

(b) The revegetation, tree reestablishment, and land reclamation plan must contain the following:

(i) Scale and north arrow;

(ii) Location and dimensions of the property;

(iii) Type, size, number, and location of any vegetation and trees to be planted;

(iv) Demonstration that all new trees are spaced no closer than 20 feet on center;

(v) Illustration of how the site will be recontoured with sufficient topsoil to ensure that vegetation is successful;

(vi) Applicable information from the approved fire protection plan;

(vii) A timeframe for revegetation that is acceptable to the City and that takes into account optimal seasonal growing conditions;

(viii) A note detailing compliance with the Vegetation Clearance Guidelines of the Wildland-Urban Interface Code and confirming that all new trees are on the Utah Fire Resistive Species list in the Wildland-Urban Interface Code;

(ix) An irrigation plan demonstrating water-wise irrigation of the revegetated, reestablished, or reclaimed area; and

(x) Any other information necessary to show compliance with this Subsection (3).

(c) All disturbed areas must be revegetated using native or water-wise adapted plant species and materials characteristic of the disturbed area. However, a property owner may establish nonnative or non-water-wise adapted plant species within:

(i) a five-foot-wide perimeter around the edge of all structures, and

(ii) planting beds located not more than 30 feet from the main building(s).

(d) Any slope exposed or created in the development process must be landscaped or revegetated with dryland trees and plant material. New vegetation must be equivalent to or exceed the amount and erosion-control characteristics of the original vegetation cover in order to mitigate adverse environmental and visual effects.

(e) On human-made slopes of 25% or greater, created or disturbed through the applicant's development activities, plant materials with deep rooting characteristics must be utilized to minimize erosion and reduce surface runoff. The planting basin must be kept level with a raised berm around the base of the plant to help retain moisture.

(f) Topsoil that is removed during construction may be conserved for later use on areas requiring revegetation or landscaping, such as cut-and-fill slopes.

(g) Tree cutting for utility corridors must be minimized to reduce visual impacts. All disturbed areas must be revegetated in accordance with the provisions of this Subsection (3).

(h) A performance bond that complies with PCC 15 for improvements related to the revegetation, tree reestablishment, and land reclamation plan must be submitted and remain in place until all work has been completed and final inspection made.

(4) *Tree and Vegetation Protection.*

(a) Prior to any development activities, the applicant must submit a tree and vegetation protection plan. This plan must be stamped by an engineer and landscape architect licensed in the State of Utah and incorporated into the approved, final development plans. The tree and vegetation protection plan must contain the following:

(i) Scale and north arrow;

(ii) Location and dimensions of the property;

(iii) Limits of disturbance (LOD);

(iv) Fencing or other separation methods to delineate the LOD;

(v) Location and size of all existing vegetation, including trees;

(vi) Identification of vegetation and trees to be retained;

(vii) Fencing around each significant tree and around stands of trees to be retained;

(viii) Details of the measures that will be taken to ensure that protected vegetation will be protected from grading, soil compaction, trenching, or other development activity that could have an adverse effect on such vegetation; and

(ix) Any other information necessary to show compliance with this Subsection (4).

(b) Fencing must be placed at the drip line around each significant tree that will not be removed and around stands of 12 or more smaller trees.

(c) No construction, grading, equipment or material storage, or any other activity is allowed inside the drip line of protected trees, and the fencing must remain in place until all land alteration, construction, and development activities are completed.

14.39.140 Sensitive Lands Compliance

The applicable sensitive lands requirements of PCC 15.05, including those related to geological and natural hazards, must be met.

14.39.150 Stream Corridor and Wetland Protection

(1) *Restrictions.* No development activity may be conducted that disturbs, removes, fills, dredges, clears, destroys, or alters, stream corridors or wetlands, including vegetation, except for restoration and maintenance activities allowed by this Code and applicable State or Federal law.

(2) *Authority.* Stream corridor and wetland area delineation must be performed by an engineer licensed in the State of Utah with demonstrated experience and expertise to conduct the required site analysis. The engineer must follow or operate in accordance with any applicable, current Federal manuals, requirements, and laws.

(3) *Setbacks.* The following setback requirements apply:

(a) All buildings, structures, and parking lots must be set back at least 50 feet horizontally from the ordinary high-water mark of stream corridors. (See Figure 14.39.4 and Figure 14.39.5).

Figure 14.39.4. Setback from Stream Corridor – Permitted

Figure 14.39.5. Setback from Stream Corridor – Not Permitted

(b) All buildings, structures, and parking lots must be set back at least 50 feet horizontally from the delineated edge of a wetland.

14.39.160 Traffic Requirements

Development in the CH Zone is subject to the traffic study requirements of PCC 15.03.040.

14.39.170 Parking Requirements

(1) *Snow Storage.* Outdoor parking facilities must provide adequate snow storage areas, as follows:

(a) A snow storage area must consist of an area that is at least 20% of the area of the outdoor parking facility;

(b) A snow storage area must be sited in a manner that is accessible and usable for snowplow equipment;

(c) Snow storage may not encumber required parking spaces or encroach into sidewalk or pedestrian pathways;

(d) Snow storage areas must be clearly visible and identifiable in winter conditions; and

(e) Snow storage areas may not be located on top of storm drain inlets.

(2) *Parking Count Standards.* Development in the CH Zone is subject to the parking requirements of PCC 14.44.

(3) *Parking Design Standards.* See PCC 14.39.180 for parking design standards.

14.39.180 Design Standards

(1) In the event that the design standards of this Section conflict with the other design standards and guidelines of PCC 14 or 15, the standards of this Section take precedence.

(2) *Buildings.* The following design standards apply for new buildings proposed in the CH Zone:

(a) Buildings must be designed to follow natural contours rather than modifying the land to accept a building design not tailored to the site. (See Figure 14.39.6 and Figure 14.39.7).

Figure 14.39.6. Buildings to Follow Natural Contours – Permitted

Figure 14.39.7. Buildings to Follow Natural Contours – Not Permitted

(b) Building designs that require a strong structural statement, such as extensive cantilevers or cuts and fills, are prohibited on slopes that are greater than 30%.

(c) The massing or grouping of buildings must be scaled to harmonize and achieve balance with the natural features of the specific site.

(d) Roof lines and building mass must echo the angles and shapes repeated in the natural landscape.

(e) Building mass and wall lines must be broken up to complement natural settings and slopes.

(f) The use of building materials in colors that blend harmoniously with the surrounding natural settings is required. Brash, contrasting color combinations are prohibited.

(g) Flammable wood roofing shingles are prohibited.

(3) *Landscaping.* The following landscaping design standards apply in relation to permit applications for new main buildings and new developments proposed in the CH Zone:

(a) Landscaping must incorporate natural features such as trees, significant vegetative patterns, interesting landforms, rocks, water, views, and orientation. (See Figure 14.39.8 and Figure 14.39.9).

Figure 14.39.8. Incorporation of Natural Features into Landscaping – Permitted

Figure 14.39.9. Incorporation of Natural Features into Landscaping – Not Permitted

(b) All disturbed areas must be revegetated using native or water-wise adapted plant species and materials characteristic of the disturbed area. However, this requirement does not preclude a property owner from establishing non-native or non-water-wise adapted plant species within:

(i) A five-foot-wide perimeter around the edge of all structures; and

(ii) Planting beds located not more than 30 feet from the main building(s).

(4) *Fencing.* The following fencing design standards apply in the CH Zone:

(a) Fencing used to screen patios, other outdoor areas, and service areas within the LOD may be composed of the following fencing materials:

(i) Natural or stained wood;

(ii) Brick;

(iii) Rock;

(iv) Stone;

(v) Pre-cast fences or walls textured and colored to imitate any of the above materials;

(vi) Wrought iron;

(vii) Vinyl rail;

(viii) Rammed earth; or

(ix) Powder or dull coat chain link fencing (permitted only for telecommunications facilities, public utility compounds, and other related or similar facilities).

(b) The following fencing materials are prohibited in the CH Zone:

(i) Solid board;

(ii) Concrete or concrete block;

(iii) Plywood; and

(iv) Painted materials.

(5) *Parking.* The following parking design standards apply in the CH Zone:

(a) When visible from public streets and private development roads, parking facilities must be screened to blend into the natural environment. (See Figure 14.39.10 and Figure 14.39.11).

Figure 14.39.10. Screening Parking Facilities – Permitted

Figure 14.39.11. Screening Parking Facilities – Not Permitted

(6) *Utility Infrastructure.*

(a) Insofar as possible, utility infrastructure, including water tanks, must be screened from public rights-of-way or designed to blend into the natural environment. However, such screening or design (to blend into the natural environment) may not compromise maintenance access to such facilities.

(b) Insofar as possible, above-grade utility poles, if allowed by other provisions of this Code, may not be sited, or left after the completion of development activities, on small, elevated mounds of earth or other materials, but must be sited such that the bottom of the utility poles (portion of poles that intersect land) are generally located on the same grade (no more than a five foot deviation in elevation) as the surrounding land in every direction for a distance of at least 25 feet. (See Figure 14.39.12).

Figure 14.39.12. Above-Grade Utility Poles – Not Permitted

(7) *Cluster Development.* See PCC 14.39.190 for design standards applicable to cluster developments.

14.39.190 Cluster Developments

(1) *Cluster Proposal Review.* The Planning Commission may approve a request for the clustering of a proposed development in the CH Zone, as set forth herein, if all of the following standards are met:

(a) At least 25% of the proposed cluster development is preserved as passive or active natural open space as recorded on the plat or by deed restrictions;

(b) The applicant must submit a report that has been stamped by an engineer and landscape architect that attests the clustering proposal will have no adverse impact on adjacent properties, or, if such impacts are anticipated, such report must detail these impacts and recommend mitigation measures, such as landscape, screening, illumination standards, and other design features. No work of an engineer or landscape architect under this Section may be accepted unless the engineer or architect is licensed in Utah. If the report indicates impacts are anticipated, the applicant must enter into an agreement with the City to implement and maintain appropriate mitigation measures, subject to the approval of the City Engineer, to buffer and protect adjacent properties from the proposed clustered development. The developer's engineer and landscape architect must verify that the recommended mitigation measures have been incorporated into the development.

(c) The Planning Commission, based upon the findings of a report submitted by the applicant and stamped by an engineer and landscape architect, finds that the clustering proposal, compared with a conventional development, better attains the policies and objectives of the CH Zone, such as providing more natural open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, geological sensitive areas, prominent ridgelines, wetlands, and steep slopes; and

(d) The Planning Commission finds that the architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape and are compatible with adjacent properties or development.

(2) *Density Bonus.* To encourage the clustering of development, a density bonus is provided, as follows:

(a) In the A1 Zones, RA Zone, and R1 Zones (except the R1.6 and R1.7 Zones); a density bonus of 25% over the base density is permitted for those cluster developments that satisfy the standards in Subsection (1). To facilitate clustering, the area, width, and depth of lots may be reduced by up to 25% from the standard requirements in the base zone. However, in no case may the depth of a lot be less than 75 feet.

(b) The allowable density bonus for a cluster development is calculated based on net developable acreage. The resulting number will be rounded to the nearest whole number but will be at least one.

(3) *Cluster Design.* Cluster developments must meet the following design standards, and applicants must provide the written opinion of a landscape architect and/or engineer that the following design standards have been met:

(a) The undeveloped area of the development site must be preserved as active or passive natural open space. Natural open space areas must provide contiguity with adjacent natural open space and/or conservation areas; protect unique natural, historical, or cultural site features and resources; avoid fragmentation of open space areas within the site; and preserve existing, legal public access;

(b) No more than 30 lots are allowed in a single cluster. Each cluster must be separated from other residential clusters by a minimum of 100 feet;

(c) The layout of a cluster development must protect significant natural resources within the proposed development. Natural resources include riparian areas, wetlands, ecological resources, steep slopes, and ridgelines. The overall site design must employ the site's natural topography to hide multiple residential clusters from the sight of adjacent clusters; and

(d) Cluster development must preserve the following:

(i) Open sky backdrop above those ridgelines designated for protection by the Planning Commission; and

(ii) Significant views of the natural landscape as viewed from adjacent streets.

14.39.200 Other Requirements

(1) *Signs.* See PCC 14.47.

(2) *Landscaping.* In addition to the landscaping requirements of this Chapter, development in the CH Zone must meet the applicable requirements of PCC 15.20, as well as any landscaping requirements of the underlying zone.

(3) *Trash Storage.* See PCC 14.50.070.

(4) *Lighting.* Streetlights shall be hooded and direct light to the ground to alleviate light emanation into sensitive areas. Light poles shall be no higher than 20 feet.

Chapter 14.40
PD - PERFORMANCE DEVELOPMENT OVERLAY ZONE

Sections:

14.40.010 Purpose and Objectives.
14.40.020 Definitions.
14.40.030 Applicability.
14.40.040 Permitted Uses.
14.40.050 Lot Standards.
14.40.060 Yard/Setback Requirements.
14.40.070 Project Plan Approval.
14.40.080 Density Determination.
14.40.090 Density Bonus.
14.40.100 Minimum Performance Standards.
14.40.110 Guarantees and Covenants.

14.40.010 Purpose and Objectives

The purpose of the Performance Development Overlay Zone is to encourage imaginative and efficient land use, foster a sense of community, and ensure compatibility with surrounding neighborhoods and the environment. This overlay zone provides greater flexibility in building placement, consolidates open space, and supports the clustering of dwelling units to promote more attractive and desirable residential environments in Provo City.

Use of the Performance Development (PD) Overlay is only permitted for a residential project planned as a unified, single development. The development must incorporate a defined theme that includes usable open spaces, varied lot design or residential uses, amenities, a well-planned circulation system, and attractive entrances.

14.40.020 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

"**Base density**" means the maximum number of residential units per developable acre in a Performance Development (PD) that could be achieved—without a density bonus—through conventional development under the underlying zoning district.

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

"**Developable land**" means land with slopes less than thirty percent that can be improved, subject to PCC 15.03, with landscaping, recreational facilities, buildings, or parking. Land used for street rights-of-way (including the area from back-of-curb to back-of-curb on private streets) may not be considered developable land and must be excluded from the total acreage before calculating density. Access aisles in parking lots and driveways are not considered private streets for purposes of this section.

*"***Developed common activity area**" means open green space designed for use by all residents, including playgrounds, recreational courts, picnic pavilions, gazebos, and water features. These areas must be either:

- Held in common ownership through a homeowner association, or
- Available for use by all residents if the development is held in single ownership.

"**Driveway**" means a paved surface used for vehicle access between a street and a building, structure, or facility.

"**Gross acreage**" means the total land area included in a PD Zone.

"**Net acreage**" means the total land area in a PD Zone excluding land used for rights-of-way or roads.

"**Open green space**" means a planned, open area for relaxation, recreation, or landscaping that is unoccupied and free from primary buildings.

"**Parking lot aisle**" means the drive lane that allows vehicles to enter or exit parking spaces. Standards for aisle width are provided in PCC 14.44.100. Parking aisles are not considered streets under this Chapter.

"**Periphery**" means a 100-foot-wide area around the perimeter of a PD, measured inward from the property line.

14.40.030 Applicability

The Performance Development (PD) Overlay Zone may be applied only in combination with the A1, RA, or R1 zones. The provisions of the PD Overlay Zone are supplementary to those of the underlying zone and do not function independently. The PD Overlay may not be applied as a standalone zone. Property with a PD Overlay must be developed in accordance with an approved plan. When combined with a designated zone, the PD designation (PD) becomes a suffix to the base zone and is shown in parentheses.

14.40.040 Permitted Uses

(1) Permitted uses in the Performance Development (PD) Overlay Zone are limited to those allowed in the underlying zone with which the PD Overlay is combined.

(2) *Exceptions:*

(a) Single-family dwelling, attached — Permitted, subject to the following conditions:

(i) No more than six consecutively attached units are allowed;

(ii) Units may have no more than two common walls; and

(iii) No unit may be located above another unit.

(3) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.40.050 Lot Standards

When the Performance Development (PD) Overlay Zone is combined with an underlying zone, variations from the lot standards of that zone may be permitted. Such variations must be explicitly approved as part of the project plan or supporting documents. However, a single-family lot may not be smaller than 4,000 square feet.

14.40.060 Yard/Setback Requirements

When the Performance Development (PD) Overlay Zone is combined with an underlying zone, variations from the yard/setback requirements of that zone may be permitted. Such variations must be explicitly approved as part of the project plan or supporting documents. However, a setback may not be less than five feet.

14.40.070 Project Plan Approval

(1) See PCC 15.03.300 and PCC 15.03.310.

(2) A project plan may be submitted in phases, provided each phase can function as an independent development project that meets all requirements and standards of this Chapter and of the underlying zone combined with the PD Overlay. Each phase must be capable of standing alone without causing harm to the overall performance development or to adjacent properties if the remaining phases are not completed.

14.40.080 Density Determination

Density in a Performance Development (PD) must be calculated using the *developable land* within the entire proposed development.

14.40.090 Density Bonus

PD developments may qualify for a density bonus based on additional amenities provided, as described below. Each amenity corresponds to a specified percentage increase in the number of dwelling units permitted above the base density of the underlying zone. The total density bonus for any project may not exceed 40% above the underlying zone's base density.

(1) *Building variety*. A development that provides four or more distinct housing models—defined by variations in floor plans, exterior materials, or roof lines—is eligible for a ten percent increase in density.

(2) *Affordable housing*. A PD that includes deed-restricted affordable housing for households earning no more than 80% of the area median income (AMI) may be eligible for a density bonus. The bonus must be proportional to the percentage of affordable units provided, up to a maximum of 40% above the underlying zone's base density.

14.40.100 Minimum Performance Standards

A performance development established under this Chapter must conform to the standards in this Section. Project plans will be approved or denied based on how well the proposed development meets the performance standards adopted under this Chapter.

(1) *General Standards.*

(a) *Development control*. The area proposed for a performance development must be under single ownership or the control of a single developer throughout the development process. This ensures unified oversight and compliance with all provisions and conditions of the approved development plans. Ownership or control may be held by individuals, partnerships, corporations, or other legally recognized entities.

(b) *Scope of plan*. The development plan must cover the entire area proposed for development. Upon approval, the project must be constructed strictly in accordance with the approved plan. Any land not proposed for development must be designated as open space and meet the minimum landscaping requirements of this Chapter. Any undevelopable land may be left as natural open space so long as it is maintained to not constitute a hazard.

(c) *Changes to approved plan.* Minor adjustments to building location, siting, or height may be approved by City staff without additional public hearings if necessitated by engineering or other unforeseen circumstances. Any change approved under this subsection may not result in:

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

(ii) An increase in overall coverage of structures;

(iii) An increase in the intensity of use;

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

(v) A reduction in approved open space;

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

(vii) A reduction in required pavement widths.

(d) *Design team*. Final development plans must be prepared by a team that includes a licensed architect, a licensed landscape architect, and a licensed engineer or land surveyor, all authorized to practice in the State of Utah.

(e) *Minimum Area.* The minimum land area for a performance development is:

A1 zone: 5 acres

RA zone: 5 acres

R1 zone: 2 acres

(f) *Hazardous conditions*. If the development is located in an area designated as sensitive lands, high water table, or floodplain, it must comply with all applicable provisions in the Sensitive Lands, Critical Hillside, or Floodplain sections of the Provo City Code.

(g) *Setbacks*. Garages with entrances facing directly onto public or private streets, whether located in a front or side yard, must be set back at least 20 feet from the property line, or be placed within five feet of the property line.

(h) *Natural features.* Developments must preserve and incorporate the site's natural features into the design. Natural features include drainage swales, wetlands, rock outcroppings, streams, and native stands of mature shrubs or trees.

(i) *Utilities.* All utilities, including telephone, electrical, and television cables, must be installed underground. Dwelling units under separate ownership must have individual utility meters, unless otherwise approved by the Energy and Water Departments.

(j) *Phasing.* If the project will be completed in phases, no remnant or undevelopable parcels may be created. Any land not included in a development phase must be designated as open space.

(k) *Air Quality.* The use of coal or wood-burning furnaces, fireplaces, or other heating devices that burn coal is prohibited unless equipped with devices proven to reduce air pollution.

(l) *Water conservation.* All irrigation systems must be low-volume and controlled automatically. Acceptable systems include low-volume sprinkler heads, drip emitters, and bubbler emitters.

(2) *Compatibility Standards.*

(a) *Transitional Development Standards.* See PCC 14.50.160.

(b) *Curb appeal.* Units located along the periphery of the project must face the bordering public streets. Corner units may front either street. The Planning Commission may waive this requirement if unusual topographic or site conditions exist, provided the waiver does not negatively affect the continuity of the existing streetscape.

(c) *Height.* The maximum building height within the performance development is the same as permitted in the underlying zone.

(d) *Garages.* Required off-street parking, excluding visitor and recreational vehicle (RV) parking, must comply with the standards of the underlying zone and be provided in enclosed garages or carports that are architecturally compatible with the principal structures. Carports will not be approved unless the applicant demonstrates, to the Planning Commission's satisfaction, that carports are predominant in the surrounding neighborhood and that the proposed development offers a more attractive and livable environment than a conventional subdivision. Garage sizes must comply with PCC 14.44.100.

(e) *Refuse bins.* Refuse bins must be stored within screened enclosures that are architecturally consistent in style and materials with the development. Enclosures must be located out of view from public circulation areas and must not obstruct vehicular access or parking.

(f) *Glare reduction.* Exterior lighting must be designed to obscure light sources sufficiently to prevent excessive glare into adjacent residential areas.

(3) *Design Theme.*

(a) *Entry statement.* Each development must include a defined entrance design. At a minimum, this includes a monument sign identifying the development, surrounded by a mix of ground cover, shrubs, and trees.

(b) *Visual Relief.* Attached dwelling units must have visual relief in facade and roof line which adds variety and rhythm to the design and avoids monotonous straight lines.

(c) *Unified design.* Architectural and landscaping elements must be unified throughout the project. Developers must submit detailed landscaping plans along with building elevations and floor plans. Design guidelines or recorded covenants may be submitted in place of individual building or landscaping plans.

(4) *Open Space.*

(a) *Area.* At least ten percent of the total gross acreage in a PD must be devoted to *Open Green Space*, as defined in PCC 14.40.020. This space must be consolidated and may not include required yards or building setbacks.

(b) *Phasing.* Each phase of development must include its proportionate share of the required Open Green Space until the total required open space has been met.

(c) *Hardscape.* Open Green Space may include walkways, patios, recreational areas, picnic pavilions, gazebos, and water features, provided hard surfaces do not exceed 15% of the required Open Green Space.

(d) *Common Activity Areas.*

(i) Open Green Space must include either a playground with play equipment or pathways with benches and tables through a natural or landscaped area.

(ii) For subdivided one-family lots, the development must provide common activity areas at a minimum of 1,000 square feet per lot.

(e) *Preservation of existing trees.* Developments must be designed to incorporate existing large trees, tree clusters, or large shrubs into the site design.

(i) The Planning Commission will review any proposal to remove such vegetation. The Commission may approve removal based on:

(A) The benefits of retaining existing vegetation based on a report from the Urban Forester;
(B) The design effort made to preserve such vegetation;
(C) Any construction-related or safety concerns;
(D) Site topography; or
(E) The impact of removal on neighborhood character.

(ii) Because preserving natural features is a core purpose of the PD Overlay, the Planning Commission may deny a PD application if it determines that significant vegetation was removed prior to submittal.

(f) *Landscaping Per Unit.*

(i) A minimum of three deciduous trees (1.5-inch caliper) or evergreen trees (four feet tall), and four shrubs must be planted per lot, along with appropriate foundation plantings such as shrubs, flowers, or ground cover. Landscaping within park strips in the right-of-way must follow a unified design theme.

(ii) Tree placement must account for seasonal benefits, using deciduous trees to provide summer shade and winter solar access, and evergreen trees for windbreaks, screening, and year-round visual interest.

(g) *Water conservation.* The landscaping plan must emphasize water-conserving plants and organize plantings into zones based on water needs to ensure efficient irrigation and minimize waste.

(i) Turf grass may only be used in high-traffic and play areas, or other appropriate locations as determined by the Planning Commission. Other landscaped areas must use ground cover, shrubs, or trees.

(ii) Regulated drip irrigation systems designed for efficient and targeted watering must be used for all shrub and tree areas.

(5) *Streets.*

(a) *Circulation.*

(i) The type and layout of roadways surrounding or adjacent to a performance development must comply with the Master Street Plan, the Official Map, and any applicable Local Policy Street Maps for the area.

(ii) Projects located on or adjacent to a collector or arterial street must be designed so that the public street continues logically and safely through the development. Projects located at the terminus of stubbed public streets may be required to extend the street through the development, based on the circulation needs of the area, as determined by the Planning Commission and City Engineer.

(b) *Street Standards.* All streets, whether private or dedicated public streets, must be constructed to City standards, including required widths, as outlined in PCC 15.03.200.

14.40.110 Guarantees and Covenants

(1) *Codes, Covenants and Restrictions.* Adequate guarantees must be provided to ensure the permanent retention and maintenance of all open space areas within a performance development. The Chief Building Official may not issue a Certificate of Occupancy until all required guarantees have been submitted to and approved by the Planning Commission. The required open space guarantees include the following:

(a) The developer must furnish and record protective covenants that guarantee the retention of open space.

(b) The developer must develop and maintain all open space areas, unless the space is contiguous to an existing park and the City Parks and Recreation Department agrees to accept dedication of the property.

(c) In the case of private open space reservations, the developer must convey an open space easement to the City as a condition of project approval. This easement must restrict future construction or uses, except as shown on the approved project plan.

(d) The developer must ensure the care and maintenance of open space by establishing a private association or corporation responsible for ongoing upkeep. This entity must levy the cost of maintenance as an assessment on the property owners within the development. Ownership and tax liability for private open space must be defined in a manner acceptable to the City and included as a condition of final plan approval.

(e) Open space maintenance must be managed by an individual, partnership, or corporate entity with sufficient expertise and experience in property management to ensure maintenance is performed efficiently and to a high standard.

(2) *Bonds.* To ensure that the performance development is completed in an acceptable manner, the applicant must post a performance bond in accordance with the City's bonding policy.

(3) *Condominiums.* If a performance development is proposed as a condominium project under the Condominium Ownership Act of Utah (or any subsequent amendments), the applicant must submit a declaration of covenants, conditions, and restrictions (CC&Rs) to the Planning Commission before conveying any unit. This document becomes part of the final development plan and must be recorded to run with the land. The CC&Rs must include management policies that define the required quality of maintenance and designate the party responsible for maintaining the condominium development. At a minimum, the document must include:

(a) Provisions identifying the type of occupancy, either family or baching singles, based on available parking and the standards of the underlying zone.

(b) Establishment of a private association or corporation responsible for all maintenance, with authority to levy assessments on each unit owner to cover maintenance costs.

(c) Establish a management committee and specify:

(i) The number of committee members,

(ii) The method of selection, and

(iii) The powers and duties of the committee; and

(iii) A designated property manager with relevant experience.

(d) Procedures for calling meetings of the association or corporation, and quorum requirements for conducting business.

(e) Methods for maintaining, repairing, and replacing common areas and facilities, along with a system for distributing associated costs.

(f) Procedures for maintaining all private streets and private utilities, along with acknowledgment that maintenance responsibility lies with the homeowner association or corporation.

(g) The process for collecting each unit owner's share of common expenses and the method of assessment.

(h) Voting requirements, by percentage of ownership interest, for decisions to rebuild, repair, restore, or sell property in the event of damage or destruction.

(i) Procedures for amending the declaration. All declarations, amendments, and related documents affecting the project or any unit must be approved by the Planning Commission and recorded with the County Recorder. No declaration or amendment is valid until both approved and recorded. These documents must be maintained as part of the project plan for the performance development.

(4) If the applicant fails to comply with any conditions or regulations applicable to a performance development, Development Services may not issue a Certificate of Zoning Compliance. Ongoing failure to meet requirements or to maintain the buildings and premises in accordance with the approved conditions is a violation of this Chapter.

Chapter 14.41
SPD5 - BROADVIEW SHORES OVERLAY ZONE

Sections:

14.41.010 Purpose and Objectives.
14.41.020 Permitted Uses.
14.41.030 Lot Standards.
14.41.040 Yard/Setback Requirements.
14.41.050 Projections into Yards.
14.41.060 Building Height and Distance.
14.41.070 Parking, Loading, and Access.
14.41.080 Project Plan Approval.
14.41.090 Parks and Open Space.
14.41.100 Architectural Standards.
14.41.110 Signs.
14.41.120 Landscaping Requirements.
14.41.130 Existing Agricultural Uses.
14.41.140 Guarantees and Covenants.
14.41.150 Other Requirements.

14.41.010 Purpose and Objectives

(1) Broadview Shores is a residential and commercial mixed-use development located in the North Lakeview Neighborhood. The development features a wide variety of housing types, significant open space, parks, trails, and amenities throughout. The development is divided into areas with different density and use allowances,

each called a “Village” as shown in Appendix O of the General Plan. A Village commercial center may include residential mixed-use, retail, office, and service uses in a walkable, community-oriented setting.

(2) A diverse mix of residential dwellings will be provided through various building types and architectural forms, unified by an overall design theme. Each residential Village within the development should reflect a distinct character and meet the housing needs of different income levels, age groups, and lifestyles.

(3) The standards in this Chapter are intended to promote walkability within neighborhoods and reduce automobile reliance for travel between residential areas and Village commercial uses. The commercial component should support a variety of small-scale retail and service uses that serve nearby neighborhoods and the broader community.

14.41.020 Permitted Uses

(1) *Permitted Principal Uses.* The following principal and conditional uses, and no others, are permitted within the designated Villages as described. Commercial uses are only permitted within Village 7:

(a) *Residential Uses.* Residential uses are permitted only within the individual Villages as specifically designated. Accessory dwelling units are not permitted.

TABLE OF USES – RESIDENTIAL VILLAGES

Key: P = Permitted, C = Conditional, N = Not Permitted			
USE	**Low Density Single-Family Villages 1, 3, 5**	**Medium Density Single-Family Village 2**	**Medium Density Single-Family, Multi-Family and Cluster Single-Family Villages 4, 6, 7**
RESIDENTIAL DWELLING TYPES			
Single-Family Dwelling	P	P	P
Two-Family Dwelling	N	N	P

Key: P = Permitted, C = Conditional, N = Not Permitted			
USE	**Low Density Single-Family Villages 1, 3, 5**	**Medium Density Single-Family Village 2**	**Medium Density Single-Family, Multi-Family and Cluster Single-Family Villages 4, 6, 7**
Multi-Family Dwelling (3-4 dwelling units, including 3-4 family Condominiums)	N	N	P
Apartments/Condominiums	N	N	P
Townhomes	N	N	P
PUBLIC/CIVIC USES			
Religious Activities	C	C	C
Golf Courses and Country Clubs	P	C	C
Parks, Playgrounds, Open Space, Trails and Greenways	P	P	P
Public/Civic Buildings	P	P	P
Sports Fields	P	P	P
UTILITIES			

Key: P = Permitted, C = Conditional, N = Not Permitted			
USE	**Low Density Single-Family Villages 1, 3, 5**	**Medium Density Single-Family Village 2**	**Medium Density Single-Family, Multi-Family and Cluster Single-Family Villages 4, 6, 7**
Electrical Substations and Power Transmission Lines, Municipal	P	P	P
Electrical Substations and Power Transmission Lines, Non-Municipal	C	C	C
Oil and Gas Transmission Lines	C	C	C
Public Utility Buildings, Lines, Structures and Rights-of-Way, Municipal	P	P	P
Public Utility Buildings, Lines, Structures and Rights-of-Way, Non-Municipal	C	C	C
OTHER USES			
Adult Day Care	N	N	C
Agriculture (Horticulture)	P	P	P
Assisted Living Facility	N	N	C

Key: P = Permitted, C = Conditional, N = Not Permitted			
USE	**Low Density Single-Family Villages 1, 3, 5**	**Medium Density Single-Family Village 2**	**Medium Density Single-Family, Multi-Family and Cluster Single-Family Villages 4, 6, 7**
Bed and Breakfast Inn	C	C	C
Child Day Care (Commercial)	N	N	C
Greenhouses (Private, as an Accessory Use)	P	C	C
Model Home	P	P	P
Residential Facilities for Elderly Persons	C	C	C
Rest Home, Nursing Home	N	N	C
Retirement Home/Retirement Center	N	N	C
Private Recreation Facilities	P	P	P
Temporary Construction Buildings and Yards (12 Months Maximum)	P	P	P
Temporary Sales Office (12 Months Maximum)	P	P	P

(b) *Commercial Uses.* The commercial uses listed below are permitted only within Village 7. All commercial activities must occur within enclosed buildings, except for uses customarily conducted outdoors.

TABLE OF USES – COMMERCIAL AND NONRESIDENTIAL DISTRICTS

Key: P = Permitted, C = Conditional, N = Not Permitted

	Village 7
COMMERCIAL/NONRESIDENTIAL USES	
Accessory Buildings and Uses Incidental to an Authorized Use	P
Adult Day Care	C
Artisan Shop	P
Athletic Instruction, Including Dance, Gymnastics, and Martial Arts	P
Automobile Sales/Rental	C
Automobile Service and Repair	C
Building Maintenance Services	C
Building Materials Supply Store with No Outside Storage	P
Building Materials Supply Store with Outside Storage	C
Car Wash	P
Check Cashing, Title Loans and Other Credit Services	C
Commercial Laundries, Linen Service, Diaper Service	P
Commercial Parking Lot/Structure	P

Key: P = Permitted, C = Conditional, N = Not Permitted	
	Village 7
Commercial Recreational Facility	P
Conference Center, Convention Center	C
Convenience Store, With or Without Gasoline Sales	P
Child Day Care (Commercial)	C
Construction Sales and Service	C
Construction Service	C
Equipment Sales and Rental	C
Financial Institutions and Services	P
Financial Institutions and Services with Drive-Through Facilities	P
Funeral Home	P
Furniture Repair	P
Hardware Store with No Outside Storage	P
Hardware Store with Outside Storage	C
Health Care Facility	P
Health Club	P
Heliport	C

Key: P = Permitted, C = Conditional, N = Not Permitted	
	Village 7
Hotels and Motels	C
Hospital (Small Animal)	C
Laboratory, Medical, Dental, Optical	P
Launderette, Laundromat	P
Medical Research Facility	C
Medical and Dental Clinics	P
Model Home	P
Moving and Storage Facilities	C
Neighborhood Commercial/Retail Sales Including General Retail and Pharmacies (maximum 5,000 square foot bld. footprint or as approved by Planning Commission)	P
Nightclub	C
Offices, Professional	P
Offices, Warehouse	C
Outdoor Sales, Display and Storage (excluding junk yards and salvage yards)	C
Outdoor Storage of Materials, Products and Equipment Incidental to an Allowed Use (excluding junk yards and salvage yards)	C
Pawn Shops	C

Key: P = Permitted, C = Conditional, N = Not Permitted	
	Village 7
Personal Services	P
Personal Services Including a Body Art Facility	C
Photofinishing Lab	P
Plant Nursery with Outside Display	P
Public Dance Hall	C
Racetracks for Go-Carts, ATV and Motocross or Motorized Sports Recreational Facilities (includes private or commercial)	C
Recreational Vehicle Sales and Services	C
Regional Commercial/Retail Sales (minimum 10-acre site)	P
Restaurant	P
Restaurant, Fast Food with Drive-Up Window(s)	P
Research and Development Facilities	P
Retail Facilities and Services Accessory to a Principal Use	P
Retail Facilities and Services with Drive-Up Window(s)	P
Retail Sales, General and Goods Establishments Including General Retail, Department Store, Grocery Store, Drug Store, Variety Store	P
Rock Crushers	C

Key: P = Permitted, C = Conditional, N = Not Permitted	
	Village 7
Schools – Vocational and Technical	P
Service Station	C
Storage-Mini (storage units)	C
Temporary Construction Buildings and Yards (12 months maximum)	C
Temporary Sales Office (12 months maximum)	P
Theater	P

(2) *Accessory Uses.* Accessory uses and structures are permitted, provided they are incidental to, and do not substantially alter the character of, the principal permitted use or structure. Examples of 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 customarily used in conjunction with a principal use or structure;

(b) Swimming pools and incidental bath houses, subject to PCC 14.50.120;

(c) Storage of materials used for construction, including a temporary contractor's office or tool shed, provided the storage is on or immediately adjacent to the building site and limited to the construction period and 30 days after it;

(d) Home occupations, subject to PCC 14.49;

(e) Household pets, provided that no more than two dogs and two cats six months of age or older are kept at any residence or commercial establishment. This provision does not authorize the keeping of any animal capable of inflicting harm, causing discomfort, or endangering the health or safety of any person or property; and

(f) Vegetable and flower gardens.

14.41.030 Lot Standards

Lots must comply with the standards described below:

	Low Density Single-Family Villages 1, 3, and 5	Medium Density Single-Family Village 2	Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7	Medium Density Multi-Family Villages 4, 6, 7	High Density Multi-Family Villages 4, 6
Minimum Lot Size	single-family dwelling: 6,000 sq. ft. other allowed uses: 8,000 sq. ft.	single-family dwelling: 3,500 sq. ft. other allowed uses: 8,000 sq. ft.	single-family dwelling: 2,000 sq. ft. other allowed uses: 8,000 sq. ft.	attached, stacked, or clustered units: no requirement. other allowed uses: 8,000 sq. ft.	attached, stacked, or clustered units: no requirement. other allowed uses: 8,000 sq. ft.
Maximum Dwelling Units Per Acre	4	10	15	20	45
Minimum Lot Width	50 ft.	single- family: 32 ft. other uses: no requirement.	single-family: 30 ft. other uses: no requirement.	NA	NA
Minimum Finished Floor Area per Residential Unit	1,000 sq. ft. (the ground floor of a 2-story single-family detached unit with an attached 2-car garage may not be	900 sq. ft (however, stacked units must have a minimum of 1,300 sq. ft. finished floor area with not less than 300 sq. ft. on the ground floor)	900 sq. ft. (however, stacked units must have a minimum of 1,300 sq. ft. finished floor area with not less than 300 sq. ft. on the ground floor)	900 sq. ft. (however, stacked units must have a minimum of 1,000 sq. ft. finished floor area with not less than 200 sq. ft. on the ground floor)	500 sq. ft.

	Low Density Single-Family Villages 1, 3, and 5	Medium Density Single-Family Village 2	Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7	Medium Density Multi-Family Villages 4, 6, 7	High Density Multi-Family Villages 4, 6
	less than 850 sq. ft.)				
Maximum Permissible Building Coverage on Lot	50%	60%	75%	80%	100%

14.41.040 Yard/Setback Requirements

The principal structure must comply with the minimum and maximum setback distances listed for each yard area described below. All distances are measured from the property line unless otherwise stated.

	Low Density Single-Family Villages 1, 3, and 5	Medium Density Single-Family Village 2	Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7	Medium Density Multi-Family Villages 4, 6, 7	High Density Multi-Family Villages 4, 6
Minimum Front Yard	9 ft. 20 ft. to front loaded garage from back of sidewalk	9 ft. 18 ft. to front loaded garage from back of sidewalk	2 ft. 18 ft. to front loaded garage from back of sidewalk	NA	NA

	Low Density Single-Family Villages 1, 3, and 5	**Medium Density Single-Family Village 2**	**Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7**	**Medium Density Multi-Family Villages 4, 6, 7**	**High Density Multi-Family Villages 4, 6**
Minimum Rear Yard (Interior Lots)	15 ft. rear load garage with driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 6 ft. from top back curb/sidewalk.	10 ft. rear load garage with driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 6 ft. from top back curb/sidewalk.	6 ft. rear load garage with driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 6 ft. from top back curb/sidewalk.	NA	NA
Minimum Rear Yard (Corner Lots)	15 ft. rear load garage with driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 5 ft. from top back curb/sidewalk.	10 ft. rear load garage with driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 5 ft. from top back curb/sidewalk.	2 ft. rear load garage with driveway: 18 ft. from top back curb/sidewalk. rear load garage without driveway: maximum 5 ft. from top back curb/sidewalk.	NA	NA
Minimum Side Yard – Residential Uses	5 ft.	0 ft. (total side yards - not less than 5 ft.)	0 ft. (total side yards - not less than 5 ft.)	0 ft. (total side yards - not less than 10 ft.)	0 ft. (total side yards - not less than 10 ft.)

	Low Density Single-Family Villages 1, 3, and 5	Medium Density Single-Family Village 2	Medium Density Single-Family and Cluster Single-Family Villages 4, 6, 7	Medium Density Multi-Family Villages 4, 6, 7	High Density Multi-Family Villages 4, 6
Minimum Side Yard – Non-Residential Uses	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Side Yard (Corner Lot)	10 ft.	5 ft.	2 ft.	NA	NA

14.41.050 Projections into Yards

(1) *General Projections.* The following projections and structures, and no others, are permitted in, or may project into, any required yard:

(a) Fences and walls that comply with the PCC;

(b) Landscape elements, including trees, shrubs, agricultural crops, and other vegetation; and

(c) Necessary utility equipment, subject to City approval.

(2) *Limited Projections.* The following structures may project up to four feet into a required front or rear yard and up to two feet into a required side yard:

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

(b) Fireplaces and bays, provided they do not exceed eight feet in width and are generally parallel to the wall from which they extend;

(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters no more than 24 inches tall; and

(d) Carports located over a driveway in a side yard, provided the carport:

(i) Is no more than one story in height;

(ii) Does not exceed 24 feet in length; and

(iii) Is entirely open on at least three sides, except for necessary supporting columns and customary architectural features.

(3) *Accessory buildings.*

(a) All accessory buildings must:

(i) Have a footprint and height less than the principal structure;

(ii) Comply with applicable lot coverage standards;

(iii) Be used only for permitted accessory uses; and

(iv) Use architectural materials and colors similar to the principal structure.

(b) Additionally, accessory buildings outside the buildable area, meaning they do not meet the setback requirements for the main dwelling, may not:

(i) Be closer to the front property line than the main building;

(ii) Cover more than 10% of the entire lot area of the property;

(iii) Be less than three feet from any property line;

(iv) Be located within a recorded public utility easement, unless a written release has been obtained from all public utilities;

(v) Exceed 12 feet in height within 10 feet of a property line;

(vi) Be located in a front or street side yard; or

(vii) Violate any provision regarding required distance between buildings.

(4) *Clear vision areas.* See PCC 14.50.090.

14.41.060 Building Height and Distance

No building or structure may exceed the height and distance standards described below:

	Low Density Single-Family Villages 1, 3, and 5	**Medium Density Single-Family Villages 2, 4, 7**	**Medium Density Single-Family and Cluster Single-Family Villages 2, 4, 6, 7**	**Medium Density Multi-Family Villages 4, 6, 7**	**High Density Multi-Family Villages 4, 6**
Maximum Height	40 ft. or 2 stories.	40 ft. or 2 stories.	52 ft. or 3 stories.	52 ft. or 5 stories.	72 ft. or 5 stories.

Minimum Distance Between Buildings	5 ft.	5 ft.	5 ft.	10 ft.	10 ft.

14.41.070 Parking, Loading, and Access

(1) All parking spaces must be constructed in compliance with PCC 14.44.090 and any additional requirements in this Section. If there is a conflict, this Section controls.

(2) Parking must comply with PCC 14.44 and any additional requirements in this Section. If there is a conflict, this Section controls.

14.41.080 Project Plan Approval

See PCC 15.03.300 and PCC 15.03.310.

14.41.090 Parks and Open Space

(1) Broadview Shores is designed to include multiple parks and open space areas throughout the development. All parks and open space:

(a) Must be installed within one year of final plat approval for each individual phase;

(b) Are considered private and must be maintained by a Village homeowners association, unless the areas are formally dedicated to and accepted by Provo City.

(2) Permitted accessory uses within parks and open space include amenities such as ball fields, play areas, tot lots, amphitheaters, water features, fountains, statues, flower gardens, and sports courts.

(3) All trails must be paved and have a minimum width of six feet. Landscaping must comply with the requirements in PCC 14.41.120.

14.41.100 Architectural Standards

The following architectural standards apply within the Broadview Shores Overlay Zone:

(1) *Building Materials.*

(a) Vinyl and aluminum siding may not be used, except for soffits, gutters, and window trim.

(b) Permitted exterior building materials include stucco, stone, brick, fiber cement siding (e.g., Hardiboard), metal, wood trim, composition roofing, and other materials that contribute to a unified architectural design.

(2) *Fence and Walls.*

(a) Fencing that is adjacent to collector or arterial streets other than Geneva Road must consist of solid vinyl elements and include masonry or stone pillars spaced at intervals no greater than 20 feet. Each

pillar may extend up to 18 inches above the allowable fence height. A full masonry fence may be used in place of vinyl fencing with pillars.

(b) Fences adjacent to residential lots along Geneva Road must be constructed of brick, stone, or a combination of both. The fence must be coated with a graffiti-resistant material and installed by the developer as part of the applicable development phase. The required height is six feet.

(c) *Maximum height.*

(i) A fence or wall may not exceed three feet in height within any required front yard setback.

(ii) An entry fence or wall at a Village entrance may not exceed ten feet in height,

(iii) A fence or wall in any other location may not exceed six feet in height.

(3) *Village entrance treatments.* Lamps mounted on pillars on an entry fence or wall at a Village entrance may exceed the height limitation in Subsection (2) as provided in this subsection. Each pillar may extend up to 18 inches above the maximum permitted fence or wall height. The pillars must be spaced at least six feet apart, measured face to face. All entrance treatments must comply with PCC 14.50.090.

(4) *Materials.* Fences, walls, and entrance features must be constructed of vinyl, brick, stone, concrete, or masonry. The type of fencing must be consistent within each individual Village. Fence colors must be consistent throughout the community and approved at the time of final plat approval. Pillars must be constructed of uniform masonry or stone materials that contribute to the overall architectural design of the development.

(5) *Overhead Doors.* No overhead or bay doors may be located on any building wall that faces a residential, residential-agricultural, or agricultural zone if the wall is located within 25 feet of the property line.

(6) *Mechanical Equipment.* All mechanical equipment, including air conditioners, fans, and pumps, must be located within the building or on the roof behind parapet walls. Mechanical equipment installed outside a building and within 25 feet of the nearest residential use must be fully enclosed by a visual and noise barrier—such as a masonry wall or dense landscaping—that surrounds the equipment and extends at least one foot above it. Noise from mechanical equipment may not exceed the limits established in PCC 9.06.030.

(7) *Loading Docks.* No loading dock or delivery pickup area may be located within 50 feet of a residential use. These areas must be screened from public view by a masonry wall at least six feet in height.

(8) *Building Footprint.* Individual buildings may not exceed a ground-floor footprint of 15,000 square feet, unless a larger footprint is approved by the Planning Commission through a conditional use permit.

14.41.110 Signs

Except as provided in this section, signs on private property within the Broadview Shores Overlay Zone must comply with PCC 14.47 or be explicitly permitted by state or federal law. Only the signs described in this section may be placed within the overlay zone.

(1) The following sign regulations apply in Villages 1 through 6:

(a) One nameplate may be installed on the wall of the building, not to exceed two square feet in area. The nameplate may display only the name and address of the occupant;

(b) One monument sign may be installed at the entrance to each Village. The sign may not exceed 32 square feet in area and may only be placed on an ornamental masonry wall. Any such sign must, at a minimum, identify the name and/or address of the Village or building group. The sign design must be architecturally compatible with the surrounding development.

(2) The following sign regulations apply in Village 7.

(a) One freestanding sign, not exceeding 20 feet in height, may be located at the entrance of the commercial center. The sign must meet the following requirements:

(i) Sign area must comply with PCC 14.47.130. The sign must display the name of the center, and may also include the names of one or more tenants or businesses within the center;

(ii) The sign may not project over any property line and may not extend more than five feet into any required front yard;

(iii) The sign may only be illuminated with interior or exterior soft lighting;

(iv) Up to 25% of the sign area may consist of electronic messages as regulated in PCC 6.06; and

(v) If located where pedestrians may walk beneath it, the bottom of the sign cabinet must be at least eight feet above ground level;

(b) Each business or tenant in the Village Town Center may install wall signs in accordance with the following standards:

(i) Sign area must comply with PCC 14.47.140;

(ii) Each business or tenant is permitted one wall sign on the front face of the building. An additional wall sign is allowed on a rear face if it includes a public entrance;

(iii) No part of a wall sign may extend above the top of the wall to which it is attached; and

(iv) No wall sign, including any structural element or light box, may project more than 18 inches from the building façade. No copy is permitted on the sides of projecting signs;

(c) All signs must be architecturally compatible with the design elements, materials, colors, and overall design theme of the development;

(d) Special purpose signs, as described in PCC 14.47.050, may be permitted. These signs may not exceed three feet in height or 12 square feet in area and must be architecturally compatible with the surrounding development; and

(e) One flag or banner, no larger than two feet by three feet, may be attached to a utility pole related to the development. These signs may not advertise individual businesses or retail merchandise. All such signs must be reviewed and approved by the Development Services Department prior to installation. Written permission must be obtained from the utility company for attachment to a utility pole.

(3) A building permit is required for any new sign.

14.41.120 Landscaping Requirements

(1) A detailed landscaping plan for all open space and common areas must be submitted for review at the time of final plat or project plan approval.

(2) The provisions of this section apply in addition to the requirements of PCC 15.20.

(3) *General requirements*.

(a) All open areas, except for driveways, parking areas, walkways, utility areas, decks, patios, porches, and similar hardscape, must be landscaped with a combination of plants, shrubs, trees, grass, or similar materials.

(b) A minimum of two deciduous trees (1.5-inch caliper) or evergreen trees (six feet tall) and four shrubs (five-gallon size) must be planted for each lot or pad. Building foundation planting must include appropriate shrubs, flowers, or ground cover. Sod must be installed in all designated grass areas.

(c) The developer must install landscaping and an automatic sprinkler system in each front and side yard for all lots smaller than 5,000 square feet, weather permitting. If installation is not feasible due to seasonal conditions, the developer must post a bond in accordance with PCC 15.20.130. Landscaping of the adjacent park strip is also required.

(d) For lots larger than 5,000 square feet, the property owner must install landscaping and a sprinkler system that complies with PCC 15.20 and the requirements above.

(e) All parking lots must be landscaped in accordance with PCC 15.20.090.

(4) *Village 7*. The following landscaping requirements apply only to Village 7.

(a) A minimum of 15 trees per acre must be installed. Trees must be either deciduous (2-inch caliper) or evergreen (six feet tall), or a combination thereof.

(b) All shrubs must be a minimum of five-gallon size.

(5) *Park strips*.

(a) Park strips adjacent to HOA-maintained lots must be maintained by the HOA.

(b) Park strips adjacent to lots maintained by homeowners must be maintained by the homeowner.

(c) Street trees must be planted in all park strips in addition to lawn or waterwise landscaping, as required in PCC 15.20.

(6) Parks and open space.

(a) Parks and open space must be landscaped with grass, trees, and other approved landscaping materials.

(b) The developer must install landscaping for parks and open space as part of each development phase, as approved by the Planning Commission.

(c) All amenities shown on the approved plans must be installed with the corresponding phase (Village).

(d) A minimum of 15 trees per acre must be installed. Trees must be either deciduous (1.5-inch caliper) or evergreen (six feet tall), or a combination thereof.

14.41.130 Existing Agricultural Uses

(1) Any agricultural use that was legally established as of August 9, 2022 is considered a permitted, conforming use and may continue under the Utah County zoning provisions in effect at the time the property was annexed into the City.

(2) These uses may continue until the property is developed in accordance with the Broadview Shores Overlay. Upon development, such uses will be classified as legal nonconforming uses.

14.41.140 Guarantees and Covenants

(1) Homeowners Association – Guarantees and Covenants.

(a) Adequate guarantees and recorded covenants must be provided to ensure the permanent retention and maintenance of all parks, open space, trails, and other common amenities within the Broadview Shores development. No final plat may be approved until restrictive covenants have been submitted to and approved by the Development Services Department.

(2) Guarantees must include the following:

(a) A homeowners association must be established for the entire development;

(b) The developer must ensure the maintenance of all open space reservations by establishing a private association or corporation responsible for ongoing maintenance. The association must levy the cost of maintenance as an assessment on all property owners within Broadview Shores. Ownership and tax liability for the private open space must be defined in a manner acceptable to the City and made part of the final plan approval; and

(c) Maintenance of open space must be managed by an individual, partnership, or corporate entity with sufficient expertise and experience in property management to ensure high-quality, efficient maintenance.

(3) Parking and occupancy requirements, association financial obligations, and initial maintenance estimates and funding plans must be disclosed to potential purchasers before any property within the development is sold.

(4) All ongoing maintenance fees to be assessed must be disclosed to potential purchasers prior to the sale or lease of any property.

14.41.150 Other Requirements

(1) *International Building Code.* The requirements of the International Building Code (the IBC), as adopted by the Provo Municipal Council, apply and must be met. If there is a conflict between the IBC and this Chapter, the IBC controls, unless the conflicting provision of this Chapter was adopted more recently than the Council's adoption of the IBC.

(2) *Trash storage*. See PCC 14.50.070.

(3) *Lighting.* See PCC 15.21.

Chapter 14.42
SOB - SEXUALLY-ORIENTED BUSINESS OVERLAY ZONE

Sections:

14.42.010 Purpose and Objectives.
14.42.020 Definitions.
14.42.030 Zoning and Location Requirements.
14.42.040 Development Standards.

14.42.010 Purpose and Objectives

The purpose of this Chapter is to establish a Sexually-Oriented Business (SOB) Overlay Zone to reasonably regulate the location of sexually-oriented businesses and mitigate adverse secondary effects associated with their operation. This Chapter must be interpreted to advance the governmental interests identified in this chapter while remaining consistent with the protections afforded by the United States Constitution and the Utah Constitution.

14.42.020 Definitions

Terms related to sexually-oriented businesses have the meanings set forth in PCC 9.60.

14.42.030 Zoning and Location Requirements

(1) Any sexually-oriented business licensed as an adult business or semi-nude entertainment business is permitted only within the Sexually-Oriented Business (SOB) Overlay Zone, as shown on the Provo City Zone Map.

(2) A sexually-oriented business may not operate within 1,000 feet of any of the following:

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

(b) The property boundary of any church, public park, public library, or school; or

(c) The boundary of any property for which a sexually-oriented business license has been issued and remains valid.

(3) No church, public park, public library, or school may be established within 1,000 feet of a sexually-oriented business.

(4) For the purposes of this Section, distance must be measured in a straight line from the nearest point on the boundary of the property where the sexually-oriented business is or will be located to the nearest residential zone boundary or the nearest property line of a church, public park, public library, or school, as applicable.

14.42.040 Development Standards

(1) All sexually-oriented businesses are subject to the development standards of the underlying zone, including but not limited to requirements for setbacks, building height, and projections.

(2) Off-street parking must be provided in accordance with the applicable land use classification in PCC 14.44, *Off-Street Parking Standards*, that most closely corresponds to the use of the sexually-oriented business.

(3) Signs for sexually-oriented businesses are subject to the following restrictions:

(a) All signs must be flat wall signs.

(b) The total sign area may not exceed one square foot per linear foot of building frontage on a public street.

(4) Merchandise, promotional materials, or images of products or entertainment may not be displayed in any window or in any area visible from a public sidewalk.

Chapter 14.43
ADUs - ACCESSORY DWELLING UNITS

Sections:

14.43.010 Purpose and Objectives.
14.43.015 Definitions.
14.43.020 Permitted Use of Accessory Dwelling Units.
14.43.030 Accessory Dwelling Unit (ADU) Development Standards.

14.43.010 Purpose and Objectives

The purpose of the Accessory Dwelling Unit (ADU) development standards is to support family life by allowing ADUs in conjunction with one-family detached dwellings on individual lots. These standards are intended to promote the use of ADUs, provide flexibility in housing arrangements due to life cycle changes, offer financial support for homeowners, and enhance housing options for aging residents.

14.43.015 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

"Accessory dwelling unit (ADU)" has the same meaning defined in PCC Chapter 14.05.

“Areas zoned primarily for residential use" means the RA, R1, VLDR, LDR, MDR, HDR, CR, and RM zones.

14.43.020 Permitted Use of Accessory Dwelling Units

(1) The use of an ADU is a permitted use in all areas zoned primarily for residential use, except as otherwise provided in this Section.

(2) Except as provided in subsection (3), ADUs are prohibited in:

(a) the Broadview Shores Overlay Zone; and

(b) all areas east of Interstate 15 that are zoned RM, R16, R17, R18, R19, R110, or R2PD, including those with a Performance Development Overlay.

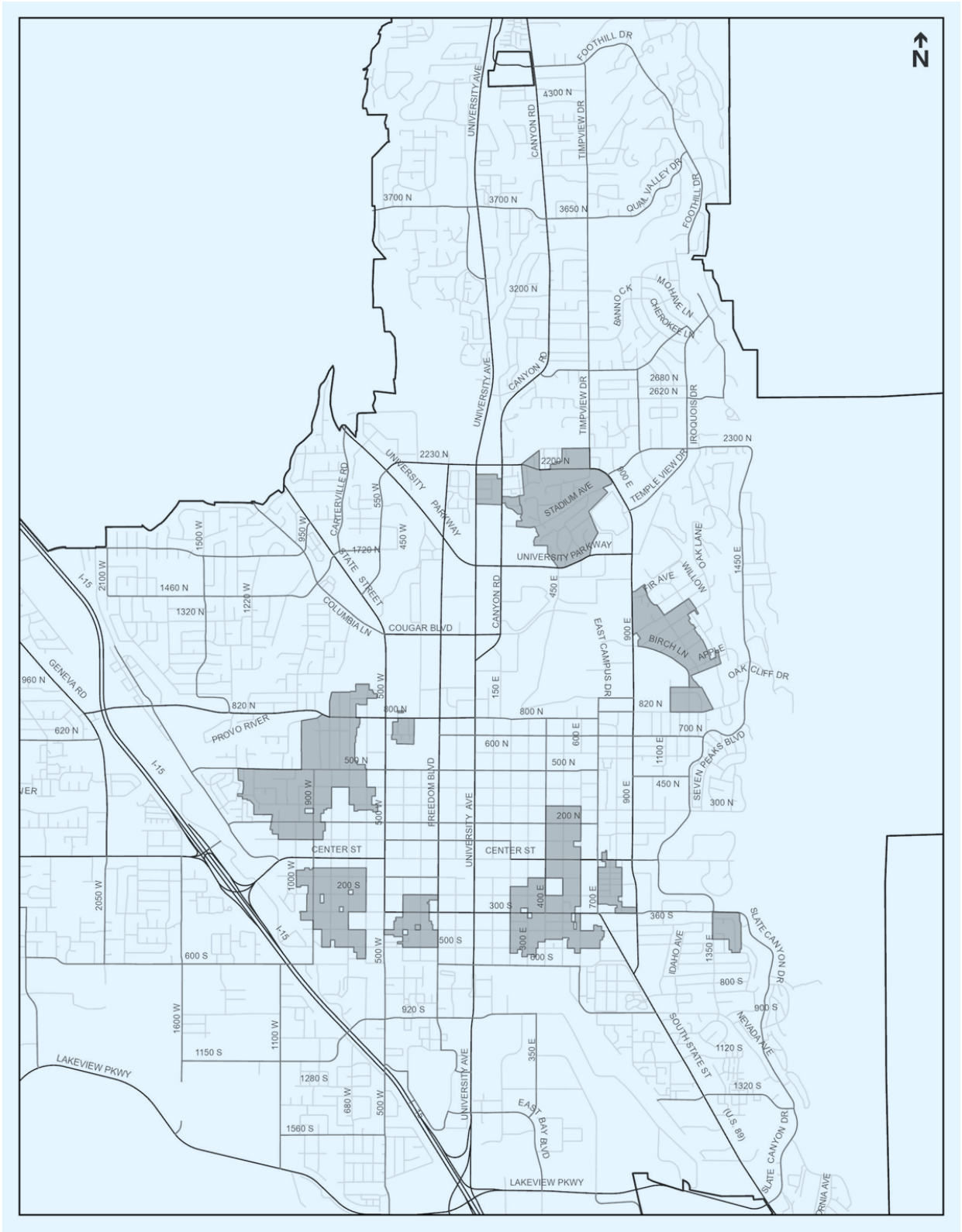
(3) Notwithstanding Subsection (2), ADUs are permitted in certain areas that subsection (2) would otherwise prohibit, as shown on the following map. This map is not a comprehensive map of areas where ADUs are permitted. It shows only areas where ADUs would otherwise be prohibited under subsection (2).

(4) So long as it is required by UCA 10-21-304(1), as amended, external ADUs are permitted on any lot or parcel that would otherwise be prohibited under Subsection (2) if the lot or parcel:

(a) is in a zone that permits single-family dwellings;

(b) contains a single-family dwelling; and

(c) is 11,000 square feet or larger.



14.43.030 Accessory Dwelling Unit (ADU) Development Standards

Accessory dwelling units (ADUs) are subject to the following development standards:

(1) *Number*. No more than one ADU is permitted in conjunction with each one-family detached dwelling.

(2) *Location*. An ADU may only be located in the following locations:

(a) Over an attached garage, provided the ADU has access to required parking and does not interfere with required covered parking;

(b) Inside a one-family detached dwelling;

(c) In an addition to a one-family detached dwelling, provided the addition does not alter the one-family character of the building; or

(d) As a detached accessory structure, or within a detached accessory structure including detached garages, located in the rear or side yard, subject to the following requirements:

(i) All accessory structures and primary dwelling combined may not cover more than 40% of the total parcel area;

(ii) The accessory structure's height must be smaller than the main dwelling. The minimum area of the structure must be at least 200 square feet;

(iii) The detached ADU or structure must be set back at least 10 feet from any property line, or match the existing setback of the primary dwelling from that same property line, whichever is less;

(iv) For detached ADUs that are permitted under Subsection 14.43.020(4), the accessory structure containing the ADU must:

(A) have a height less than the main dwelling and less than 25 feet; and

(B) meet the side and rear yard setbacks for the property's zone plus an additional setback of one foot for each foot of height over 16 feet (any height in excess of a whole number is rounded to the next foot);

(v) The accessory structure must be architecturally compatible with the main dwelling;

(vi) The structure must be permanently affixed to a site-built foundation and comply with all applicable Provo City building codes; and

(vii) Shipping containers may not be used as ADUs unless they comply with all applicable building codes and are clad with materials that are architecturally compatible with those of the main dwelling.

(3) *Appearance*. The ADU must not alter the appearance of the structure as a one-family detached dwelling or resemble any form of two-family dwelling, including side-by-side, side-to-back, or back-to-back configurations. From the street, any visible evidence of multiple-family occupancy is prohibited.

(4) *Occupancy*. A one-family dwelling with an authorized and conforming ADU is considered to consist of two parts: the main dwelling unit and the accessory dwelling unit. These two units must be occupied as follows:

(a) Owner occupancy.

(i) Except as provided in Subsection (a)(ii), either the main dwelling unit or the ADU must be occupied by an owner occupant, as defined in PCC 14.05.020. If this requirement is not met, the ADU is not permitted.

(ii) Owner occupancy is not required if the owner has submitted a temporary absence application before the absence begins and meets the following conditions:

(A) The owner has a bona fide, temporary absence of three years or less for purposes such as temporary job assignments, sabbaticals, military service, or voluntary service. Indefinite absences do not qualify.

(B) The owner is residing in a hospital, nursing home, assisted living facility, or similar institution.

(C) The owner has lived in the residence for at least one year prior to the start of the temporary absence.

(b) The occupancy of the main dwelling unit is limited to one “family” as defined in PCC 14.05.020. However, if the ADU is also occupied, the main dwelling unit may not include the additional two related or unrelated individuals otherwise permitted under Subsection (b)(i)(B) of the “family” definition in that Section.

(c) The ADU may not be occupied by more than three related or unrelated adults, along with any minor children of those adults.

(5) *Parking*. A one-family dwelling with an ADU must provide at least four off-street parking spaces. However, for properties with a detached ADU, if the provisions of UCA 10-21-304(3), as amended, limit the parking that may be required, the property must provide the maximum number of off-street parking spaces that may be required under that statute.

(a) Two tandem parking spaces (front to rear) are permitted.

(b) Parking spaces may be located on a driveway within the required front yard if:

(i) The driveway leads to the minimum number of required covered off-street parking spaces; or

(ii) The property is listed on the Provo City Landmarks Registry.

(c) Parking spaces allowed under Subsection (5)(b) may not be located between the primary dwelling and the street.

(d) In no case may the number of off-street parking spaces be less than the number of vehicles maintained on the premises.

(e) All parking must comply with the requirements of PCC 14.44.

(6) *Utility meters*. A one-family dwelling with an internal ADU must have at least one but no more than two meters for each water, gas, and electricity service, and each meter must be in the property owner's name

(7) *Addresses*. The ADU must be assigned its own address by Provo City.

(8) *Outside entrances*. Exterior entrances to the ADU must be located on the side or rear of the building. Only one front entrance may be visible from the front yard.

(9) *Building codes*. All existing construction and remodeling must comply with the building codes in effect at the time the work was completed. Newly constructed ADUs must comply with all current building codes.

(10) *Rental Dwelling License.* In accordance with PCC 6.26, any person operating an accessory dwelling unit (ADU) under this Chapter must obtain a rental dwelling license (RDL). This license is required in addition to any necessary building permits.

(a) In addition to complying with the requirements of PCC 6.26, an applicant for a rental dwelling license for an ADU must:

(i) Submit a site plan drawn to scale showing property lines and dimensions, the location of existing and proposed buildings and entrances, distances from structures to property lines, the location of parking stalls, and utility meters;

(ii) Submit detailed floor plans drawn to scale with labeled room uses and clearly marked interior connections between the main dwelling and the ADU;

(iii) Pay the application fee established in the Consolidated Fee Schedule adopted by the Municipal Council;

(iv) Cooperate with the Development Services Department in recording a deed restriction with the County Recorder outlining the conditions under which the ADU is constructed and occupied. The restriction must run with the land as long as the ADU remains on the property;

(v) Renew the rental dwelling license annually; and

(vi) Establish, at the time of initial application and at each renewal, that the dwelling is the owner's primary residence.

(b) Noncompliance with this Section is grounds for denial or revocation of the rental dwelling license. Revocation procedures are found in PCC 6.01 and PCC 6.26.

(c) Notwithstanding PCC 6.01.090, a rental dwelling license for an ADU automatically expires one year after issuance or upon transfer of the property to a new owner, whichever occurs first.

Chapter 14.44
OFF-STREET PARKING STANDARDS

Sections:

14.44.010 General Provisions.
14.44.020 Nonconforming Facilities.
14.44.030 Reduction in Off-Street Parking Requirements.
14.44.040 Required Improvement and Maintenance.
14.44.050 Location Standards.
14.44.060 Parking Spaces Required.
14.44.065 Bicycle Parking Spaces Required.
14.44.070 Parking Requirements for Uses Not Specified.
14.44.080 Parking Design Standards.
14.44.085 Bicycle Parking Design Standards.
14.44.090 Disabled Parking Spaces.

14.44.010 General Provisions

(1) *Parking Minimum.* The number of off-street parking spaces provided for any land use must not be less than the minimums established in this Chapter, except as modified by the permitted reductions in PCC 14.44.030 or as otherwise allowed by the applicable zone chapter.

(2) *Permanent Parking to be Provided.* Every building, structure, improvement, or use that is constructed, reconstructed, or enlarged must include permanently maintained parking spaces as required by this Chapter, based on the area of the construction, reconstruction, or enlargement.

(3) *Continuing Obligation.* Required off-street parking facilities are a continuing obligation of the property owner for as long as the associated use remains in operation. It is unlawful for any property owner to eliminate or discontinue required parking without first providing alternative parking that complies with the requirements of this Chapter.

(4) *Submission of Plans.* Plans for any proposed parking area or expansion of an existing parking area must be submitted to the Development Services Department for Project Plan approval.

> (a) The plans must clearly show the proposed development, including the location, size, shape, design, curb cuts, lighting, landscaping, and any other features or improvements associated with the parking lot.
>
> (b) As a condition of Project Plan approval, the applicant must post a bond, in an amount determined by the Engineering Department, to guarantee the completion of all improvements and compliance with the approved conditions.

(5) *No Parking as an Accessory Use Unless a Permitted Use Is in Force.* A parking area may be permitted or required in any zone as an accessory use to a principal permitted or conditional use located on the same lot or parcel. However, no accessory parking use is permitted in any residential zone unless it serves a principal use that is located on the same parcel.

(6) *Fractional calculations.* When calculating required parking, round any fractional result up to the nearest whole number.

14.44.020 Nonconforming Facilities

A use of property that, on the effective date of this Chapter or any subsequent amendment, is nonconforming solely with respect to off-street parking requirements may continue as if the parking facilities were conforming. However, such existing parking facilities may not be reduced or altered unless brought into compliance with the requirements of this Chapter.

14.44.030 Reduction in Off-Street Parking Requirements

(1) *Previous Agreements.* Transportation Demand Management (TDM) program agreements recorded between property owners and Provo City governing the provision of parking on subject lots prior to August 11, 2026, remain in effect pursuant to the terms of the agreements and are subject to the provisions of this Section.

(2) *Noncompliance with TDM Agreements.* For property where a TDM exists, failure by the property owner to abide by the agreement is unlawful. In addition to other legal remedies available to the City, a determination by the Planning Commission, after a duly noticed hearing, that the owner has violated the agreement, means that any parking reduction allowed as the result of the TDM program is no longer allowed for that property and the property must meet the parking requirements otherwise required by Provo City Code at the time of project approval.

(3) *Reduction for Affordable Housing.* When a multifamily or apartment development project receives public funding that requires affordable housing for a target population for at least 30 years, and the developer enters into an agreement with Provo City that restricts occupancy to prohibit unrelated individuals from sharing a unit, the required off-street parking for three- and four-bedroom units may be reduced by one space per unit below the amount otherwise required. These developments must also provide 0.25 visitor parking spaces per unit, regardless of the street type serving the project. The occupancy agreement must include the following provisions:

(a) The project must be designed so that landscaped areas may be converted into parking spaces that comply with this Subsection if the City determines that the initial parking is inadequate. Parking is "inadequate" when the number of vehicles parked on-site exceeds by ten percent the number of approved parking spaces, as shown on an approved project plan, during four out of any seven days.

(b) The area that would otherwise be used for parking, if not for this exception, must be landscaped according to City standards and must include at least one playground with a reasonable amount of equipment.

(c) If the City determines that parking is inadequate under Subsection (a), the developer must install enough parking spaces to remedy the inadequacy found.

(d) If the developer fails to provide the additional parking required under Subsection (c), the developer will be in breach of the agreement, and the city may revoke the rental dwelling license for the property.

(e) A property manager must be locally available to enforce the agreement's provisions.

(f) The agreement must include binding community rules addressing occupancy limits, parking, any other restrictions, and enforcement procedures. These rules must be posted conspicuously on the premises.

(4) *Joint Use.* The Planning Commission may, upon application by the property owner or lessee, authorize joint use of parking facilities as specified in this Subsection. Up to 50% of the parking required for a use that primarily operates at night may be provided by the parking facilities of a use that primarily operates during the day, if:

(a) The parking areas for both uses are contiguous; and

(b) An agreement between the property owners is recorded with the City.

14.44.040 Required Improvement and Maintenance

(1) Except as otherwise provided in this Title, every lot or portion of a lot used as a public or private parking area must be surfaced with asphalt, concrete, pavers, gravel stabilized with a grid system, "grasscrete", or a

similar material approved by the Development Services Director. The surface must be maintained to prevent dust and mud, and must be sealed, resurfaced, graded, and drained to dispose of or infiltrate all surface water. Surface water may not cross a public sidewalk.

(2) *Surfacing Standards.* Plans must include a pavement cross-section drawing and support a vehicle weighing at least 75,000 pounds.

(a) *Asphalt.* When asphalt is used, the pavement must consist of at least two inches of asphalt over six inches of road base. For parking areas with more than 40 spaces, the pavement must consist of at least three inches of asphalt over eight inches of road base.

(b) *Concrete.* When concrete is used, the pavement must be at least six inches thick.

(c) *Gravel.* When gravel is used, stones must be at least three-quarters of an inch in diameter and secured with a paver grid to prevent tracking and outflow.

(3) *Accessible Surfaces.* Accessible parking spaces and walkways must be constructed using asphalt, concrete, or brick pavers.

(4) *Wheel Stops and Curbing.* Except for single-family residential properties, all public and private parking areas must include wheel stops or curbing approved by the Planning Commission or its designee.

(a) Wheel stops or curbing must prevent vehicles from extending over property lines, sidewalks, or landscaped areas.

(b) Curbing must be maintained in a functional and safe condition.

(5) *Striping.* Except for single-family residential properties, public and private parking areas must be striped before use to clearly mark required parking spaces. Striping must be maintained in a functional condition, with lines at least three inches wide painted in white or yellow with paint intended for that purpose.

(6) *Visitor Parking Identification.* Where visitor parking is required, each visitor space must be clearly identified by signage or curb/pavement markings that read “Visitor Parking Only.”

(a) The signage or markings must be legible and routinely maintained.

(b) The property owner must enforce the visitor parking requirements of this Title.

(7) *Driveway Grades.* Driveways serving public or private parking lots may not exceed a grade of 15%.

14.44.050 Location Standards

The following general provisions apply to off-street parking requirements in this Chapter:

(1) *Location.* Off-street parking facilities must be located as follows:

(a) For one-family, duplex, and multifamily dwellings, required parking must be located on the same lot as the building it serves.

(b) For all other uses, including commercial uses, required parking must be located on the same lot or on an abutting lot.

(c) Required parking may not be located across a public street or with an intervening property, except by conditional use permit approved by the Planning Commission pursuant to this Subsection (c).

(i) Application may only be made for an exception under this subsection if:

(A) the proposed off-street parking:

(I) is located such that the nearest property line of the parking lot is within 400 feet of the nearest property line of the lot containing the land use activity it serves, measured along the shortest pedestrian route; or

(II) is located on a lot in any DT zone that is located within the area bounded by University Avenue, 200 South, 300 West, and 200 North, in which case the parking must be within 800 feet of the building it serves, measured along the shortest pedestrian route; and

(B) In cases where the parking lot is across the street from the use it serves, the parking lot is within 200 feet of a regulated intersection or approved crosswalk in the direction of pedestrian traffic;

(ii) An applicant for an exception under this Subsection must:

(A) at their own expense, submit a report from a qualified Traffic Engineer assessing probable vehicular and pedestrian impacts from the off-site parking lot and including any safety mitigation recommendations;

(B) assume full responsibility for the parking lot, including costs for any safety-related improvements; and

(C) record a lease with the Utah County Recorder demonstrating the lawful use of the parking area if the owner of the property being served by the parking is not the owner of the lot to be used for parking.

(iii) The Planning Commission will grant the permit if, after staff review, the off-site lot poses no significant traffic safety concerns and complies with all other provisions of this Title;

(d) Off-street parking is not permitted in a required front yard or street side yard with the following exceptions:

(i) Parking spaces for a one-family dwelling, a one-family dwelling with an accessory dwelling unit, or a two-family dwelling may be located on a driveway in a required front yard if:

(A) The driveway leads to the minimum number of required covered off-street parking spaces located behind the required front setback; and

(B) The parking spaces are not located between the street and the dwelling.

(ii) Covered parking requirements are eliminated, and parking may be located on a driveway in the required front yard of a one-family dwelling if:

(A) The dwelling is one story and was originally constructed with 1,000 square feet or less of habitable space on the main level. The Development Services Director or the Director’s designee may approve an exception of up to 10 percent;

(B) All existing side yards are insufficient to provide driveway access to the side or rear yard;

(C) The parking meets the design standards in PCC 14.44.080, without projecting over public sidewalks or pedestrian areas;

(D) The parking on the front yard driveway does not exceed three total spaces;

(E) The parking is not located in front of the primary dwelling entry; and

(F) If created after May 19, 2009, the paved parking and access in the front yard do not violate applicable lot coverage requirements in this Title.

(2) *Mixed Occupancies in a Building.* For buildings or lots with mixed uses, the total off-street parking requirement is the sum of the parking requirements for each use, calculated separately. Off-street parking provided for one use may not be counted toward the required parking for another use, except as allowed under joint use provisions in Section 14.44.030.

14.44.060 Parking Spaces Required

Except as otherwise provided in this Title, the required number of off-street parking spaces for each use is as follows:

Land Use Type	**Parking Requirement (minimum)**	**Additional Requirement**
Single-family dwelling – detached	3 per unit	4 spaces with ADU present
Single-family dwelling – attached (townhome)	2 per unit	Visitor parking: .25 additional spaces per unit
Multi-family / Apartment / Condo	*Studio / One-bedroom:* 1.5 per unit	
	Two-bedroom: 2.25 per unit	
	Three-bedroom: 2.5 per unit	
	Four-bedroom: 4 per unit	
Group Quarters	1 per room	Visitor parking: 1 additional space per 10 rooms
Baching Apartments	1 per tenant	
Short Term Lodging	1 per guest room	
Residential Care Facilities	1 space per 3 beds	
Mobile Home Park	2 spaces per home	See PCC 14.20 for additional regulations

Manufacturing	1 per 400 sq. ft. net floor area	
Retail	1 per 250 sq. ft. net floor area	
Eating Places	1 per 100 sq. ft. net floor area	Drive-thru: 6 stacking spaces per window
Professional Services	1 per 300 sq. ft. net floor area	
Funeral Home	1 per 50 sq. ft. assembly area	
Warehousing / Storage	1 per 800 sq. ft. net floor area	
Business Services	1 per 250 sq. ft. net floor area	
Personal Services	1 per 300 sq. ft. net floor area	
Repair Services	1 per 300 sq. ft. net floor area	
Government	1 per 200 sq. ft. gross floor area	
Education	*Elementary:* 1 per 200 sq. ft. net floor area	
	High School / Trade: 3 per room plus 1 per 4 students	
	Other: 1 per 200 sq. ft. classroom space	Daycare: See PCC 14.02.045
	University: 1 per office plus 1 per 3 students	
Religious Activities	1 per 100 sq. ft. net floor area	
Cultural / Recreational	1 per 4 persons based on maximum occupancy	

14.44.065 Bicycle Parking Spaces Required

Except as otherwise provided in this Title, the required minimum number of bicycle parking spaces for both covered and uncovered facilities for each land use is as follows:

Land Use Type	**Required Covered Facilities**	**Required Uncovered Facilities**
Residential		
Single-family dwelling / Two-family dwelling	No spaces required	No spaces required

Multi-Family / Apartment / Condo		
(a) With private garage	No spaces required	2 spaces
(b) Without private garage	1 space per unit	2 spaces
(c) Senior housing	2 spaces	2 spaces
Cultural / Recreational		
Nonassembly cultural (library, government, etc.)	1 space per 10 employees	1 space per 10,000 sq. ft. of floor area
Assembly (churches, theaters, stadiums, etc.)	1 space per 20 employees	2% of maximum occupancy
Parks	No spaces required	0.5 spaces per acre
Healthcare	1 space per 20 employees	1 space per 20,000 sq. ft. of floor area
Education		
(a) Day care centers (12+ children)	1 space per 20 employees	1 space per 20 children
(b) Nursery school, kindergarten, and elementary (grades 1-3)	1 space per 10 employees	1 space per 20 students
(c) Elementary school (grades 4-6), middle school, high school	1 space per 10 employees plus 1 space per 20 students	1 space per 20 students
(d) College and University	1 space per 10 employees plus 1 space per 10 students	1 space per 10 students
Transit Stations		
Rail station, bus terminal, airport	5% of projected a.m. peak period daily use	1.5% of projected a.m. peak period daily use
Retail		
Grocery	1 space per 12,000 sq. ft. of floor area	1 space per 2,000 sq. ft. of floor area

General Retail	1 space per 12,000 sq. ft. of floor area	1 space per 5,000 sq. ft. of floor area
Office		
All office uses	1 space per 10,000 sq. ft. of floor area	1 space per 20,000 sq. ft. of floor area
Auto Related		
Automotive sales, rental, service, repair, and cleaning	1 space per 12,000 sq. ft. of floor area	1 space per 20,000 sq. ft. of floor area
Parking lots / public garages	1 space per 20 automobile spaces	1 per 20 automobile spaces, except for unattended surface lots
Industrial / Manufacturing		
Manufacturing and production	1 space per 15,000 sq. ft. of floor area	As prescribed by Development Services Director

14.44.070 Parking Requirements for Uses Not Specified

The Development Services Director will determine the parking requirements for land uses not specified in this Chapter. The determination will be based on the parking requirements for the most comparable specified use.

14.44.080 Parking Design Standards

All off-street parking facilities must comply with Table 14.44.080-1, as shown at the end of this Section, and with the following design standards, except as otherwise provided in Subsection (14) of this Section:

(1) *Minimum dimensions.* All parking spaces must meet the minimum dimensions indicated in Table 14.44.080-1. The City Engineer may approve parking angles and set minimum dimensions for angles not listed in the table.

(2) *Garage or carport dimensions.* Garages and carports used to meet parking requirements must provide:

(a) A minimum interior unobstructed width and length of 20 feet for two parking spaces; or

(b) A minimum interior unobstructed width of 10 feet and length of 20 feet for one parking space.

(3) *Backing space.* Parking areas with four or more spaces must provide backing space so vehicles do not back into a public street or alley. Public sidewalks may not be used as backing space.

(4) *Acute angle parking.* Parking between one and 89 degrees must be designed for one-way traffic only.

(5) *One-way parking exits.* Separate exits are required for acute angle and one-way parallel parking lots with four or more spaces.

(6) *Driveway width for fewer than four spaces.* Driveways serving fewer than four parking spaces must be at least 12 feet wide and provide paved access to a public street.

(7) *Driveway width in certain residential zones.* In A1, RA, R1, VLDR, LDR, and NMU zones, driveways serving four or more spaces must be a minimum of:

(a) 12 feet wide for one-way traffic; or

(b) 16 feet wide for two-way traffic.

(8) *Driveway width in other zones.* In all other residential, commercial, professional office, public facility, and industrial zones, driveways serving four or more spaces must be a minimum of:

(a) 12 feet wide for one-way traffic; and

(b) 20 feet wide for two-way traffic.

(9) *Exclusive use.* Required parking for a residential development may not be rented, leased, or otherwise counted towards the requirements of any other unit or development.

(10) *Dead-end aisles.* A hammerhead or equivalent backup area must be provided at the end of any dead-end parking aisle.

(11) *Sub-grade structures.* The average grade of sub-grade parking structures may not exceed 15% from the property line to the finished floor, to ensure safe and accessible parking year-round.

(12) *Parking Structures.* In parking structures, the dimensions in Table 14.44.080-1 are modified as follows:

(a) Parking located adjacent to a wall must be one foot wider to allow door clearance and vehicle maneuverability;

(b) Parking located adjacent to a column must be one foot wider, unless the column is within four feet of the front or back of the stall;

(c) Corner stalls adjacent to a parking row must be two feet wider;

(d) Stall width must be measured as the clear width from inside column to inside column;

(e) Backup areas must be a minimum of 26 feet from supporting column to supporting column;

(f) All parking spaces must be free of obstructions; and

(g) The Development Services Director may reduce the requirements of this Subsection if:

(i) Individual circumstances make meeting the standard infeasible or unreasonable; and

(ii) The reduction does not create a health or safety hazard.

(13) *Reductions for nonconforming one-family dwellings.*

(a) The standards in Subsections (1) through (12) may be reduced for a nonconforming one-family detached dwelling, or one constructed on a nonconforming lot, in order to expand the dwelling or establish an accessory apartment, provided:

(i) The standard for an existing driveway, garage, carport, or parking area cannot reasonably be met without substantially altering a landscaped yard, the design of an existing improvement, or other dwelling feature;

(ii) The reduced design standard is equal to the greater of:

(A) The standard in effect when the dwelling was constructed; or
(B) The standard to which the existing improvement was constructed; and

(iii) The property is:

(A) Located within the Dixon, Franklin, Joaquin, Maeser, or Timp Neighborhoods as shown on the Official Neighborhood Map referenced in PCC 2.29.010(1); and
(B) Not located in an RA, R1.20, R1.15, or R1.10 zone.

(b) A property owner for a property described in (13)(a)(iii) who is adversely affected by a decision made under this Subsection may request a variance or appeal the decision to the Board of Adjustment as provided in PCC 14.04.

(c) A reduction for a new driveway, garage, carport, or parking area (other than a replacement for an existing improvement as provided in Subsection (13)(b) may only be granted by variance approved by the Board of Adjustment under PCC 14.04.

TABLE 14.44.080 - 1

x°	Stall Width a	Stall Depth b	Aisle Width c
90°	8'-6" 9'-0"	18'-0" 18'-0"	24'-0" 23'-0"
60°	8'-6" 9'-0"	18'-0" 17'-0"	18'-0" 17'-0"
45°	8'-6" 9'-0"	18'-8" 19'-1"	12'-0" 11'-0"
30°	8'-6" 9'-0"	16'-6" 16'-10"	12'-0" 11'-0"
0°	8'-6" 9'-0"	22'-0" 22'-0"	18'-0" 16'-0"

14.44.085 Bicycle Parking Design Standards

All off-street bicycle parking facilities must comply with the following design standards. Developers are encouraged to refer to the Association of Pedestrian and Bicycle Professionals' *Essentials of Bike Parking* guide for best practices in selecting bicycle parking facilities.

(1) *Uncovered bicycle parking.* Uncovered bicycle parking serves trips lasting less than two hours, such as errands or short visits. The following standards apply:

(a) Uncovered racks may be placed on sidewalks, in front of stores, or within parking structures, but must not obstruct pedestrian movement, block doorways, or interfere with ADA accessibility;

(b) Racks must be located no more than 50 feet from the primary entrance of the building served;

(c) Only the following rack types (shown in Figures 1-4 below) are permitted unless otherwise approved by the Development Services Department:

(i) Bike docks;

(ii) Inverted U racks;

(iii) Post and ring racks; and

(iv) Stadium racks or bike corrals;

(d) Racks must be spaced at least 36 inches from any fixed object, including other bike racks, and at least 24 inches from the curb, to ensure ease of use;

(e) Whenever feasible, racks should be weather-protected by locating them under existing structures; and

(f) All racks must be securely anchored to the ground by:

(i) Embedding them below grade in concrete; or

(ii) Using concrete spikes, concrete wedge anchors, or similar methods to mount them into concrete, asphalt, pavers, or other hard surfaces.

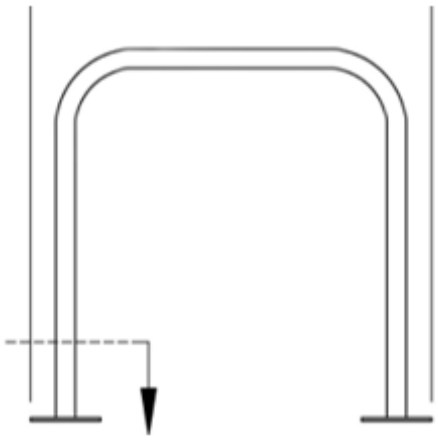


Figure 1. Bike Dock

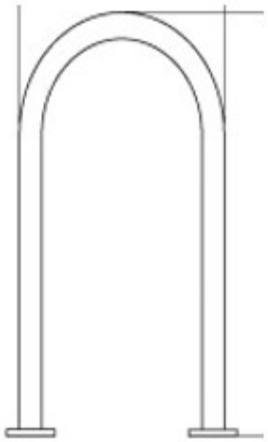


Figure 2. Inverted U Rack

Figure 3. Post and Ring Rack

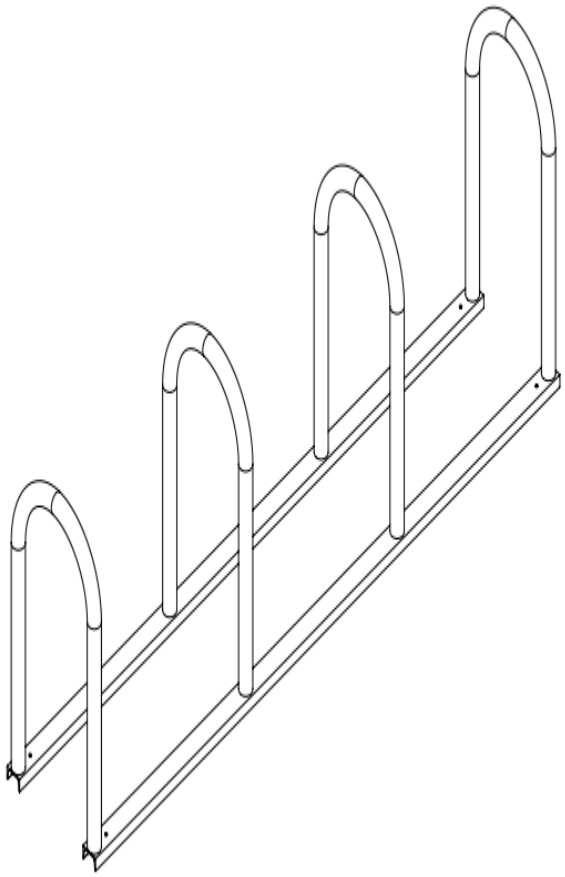


Figure 4. Bike Corral or Stadium Rack

(2) *Covered bicycle parking.* Covered bicycle parking provides storage for trips longer than two hours, including all-day commuter use and overnight stays. The following standards apply:

(a) Covered bicycle facilities must protect the entire bicycle from theft and inclement weather, including snow and wind-driven rain;

(b) Only the following facilities qualify as covered bicycle parking:

(i) Bike rooms;

(ii) Dedicated bicycle parking areas; and

(iii) Bicycle lockers;

(c) All racks must be spaced at least 36 inches from any fixed object, including other bike racks, to ensure easy loading and unloading; and

(d) Covered bicycle facilities must be located on the ground level, in an elevator-accessible area, or within a ramped garage. Users may not be required to carry bicycles over stairs to access covered parking.

14.44.090 Disabled Parking Spaces

(1) *General requirement.* Structures required by the International Building Code to provide accessibility features must also provide off-street parking for individuals with disabilities, as outlined in this Section. These requirements represent minimum standards and may be increased or modified by the Planning Commission for good cause.

(2) *Required number of accessible spaces.* The number of accessible parking spaces must meet or exceed the following:

Total Number of Parking Spaces in Lot or Garage	**Required Accessible Spaces**
1–25	1
26–50	2
51–75	3
76–100	4
101–150	5
151–200	6
201–300	7
301–400	8
401–500	9
501–999	2% of total spaces
1,000 or more	20 spaces plus 1 for every 100 spaces (or fraction thereof) over 1,000

(3) *Identification.* Accessible parking spaces must be set aside and clearly marked with signage meeting the requirements of UCA 41-1a-414, as amended, indicating that they are reserved for individuals with physical disabilities.

(4) *Location and dimensions.* Accessible parking spaces must:

(a) Be at least 8.5 feet wide; and

(b) Be located as close as practicable to the main public or primary entrance of the building served, or centrally located in shared parking lots serving multiple buildings.

(5) *Passenger loading zones.*

(a) Each accessible space must include a protected passenger loading zone at least five feet wide on one side of the space, with direct access to a hard-surfaced walkway by level surface or curbed ramp.

(b) One van-accessible space must be provided for every eight accessible spaces required. Each van-accessible space must include a protected passenger loading zone at least eight feet wide on one side of the space, with direct access to a hard-surfaced walkway by level surface or curbed ramp.

(6) *Marking requirements.* The loading zone must be clearly marked using colored diagonal striping that is four inches wide and spaced six inches apart, painted over the finished surface of the loading area.

Chapter 14.45
TEMPORARY USES

Sections:

14.45.010 Purpose and Objectives.
14.45.020 Permitted Temporary Uses.
14.45.030 Prior Approval Required.
14.45.040 Standards and Requirements.
14.45.050 Administrative Approval.
14.45.060 Revocation of Permit.
14.45.070 Business License Required.
14.45.080 Fees.

14.45.010 Purpose and Objectives

The purpose of this Chapter is to accommodate land uses or structures that are temporary in nature and not listed as permitted or conditional uses in any zone. These uses require specific conditions to protect adjacent properties and to safeguard the health, safety, and welfare of Provo residents. Any building or structure that is not explicitly classified as temporary under this Chapter is considered a permanent land use and must comply with all applicable building, health, fire, zoning, and related codes.

14.45.020 Permitted Temporary Uses

(1) *Zones.* Temporary uses are limited to the following zones: PF, SC1, SC2, SC3, DT1, DT2, GW, FC1, FC2, FC3, TOD, CG, CM, M1, and M2.

(2) The following uses allowed on a temporary basis under this Chapter are as follows:

(a) carnivals;

(b) circuses;

(c) fireworks stands and displays, subject to Subsection (6);

(d) Christmas tree lots, subject to Subsection (5);

(e) shaved ice stands;

(f) farmers markets, subject to Subsection (4);

(g) promotional sales and displays;

(h) garage sales (except as exempted in Subsection (3);

(i) tents for religious services;

(j) political rallies; and

(k) campaign headquarters.

(3) *Garage Sales.* A temporary use permit is not required for a garage sale, provided the sale:

(a) Does not operate for more than five days in any calendar year;

(b) Is conducted by bona fide residents of the premises;

(c) Offers only the personal belongings of the residents; and

(d) Goods are not placed on a public sidewalk or in a public right-of-way.

(4) *Farmers Market.* Farmers market operators must obtain a temporary use permit under this Chapter. The applicant must:

(a) Pay the applicable fee; and

(b) Submit a site plan that:

(i) Identifies the number and type of vendors;

(ii) Provides a signage plan for the proposed uses;

(iii) Shows the parking layout; and

(iv) Designates vehicular access points.

(5) *Christmas Tree Sales*. A permit must be obtained in accordance with the requirements of this Chapter.

(a) A permit may only allow tree sales from the day before Thanksgiving through December 25 of the same year.

(b) The fee for this permit is in lieu of a business license fee and is listed in the Consolidated Fee Schedule adopted by the Municipal Council. However, no permit fee is required if the applicant:

(i) Holds a current business license for which the applicable fee has been paid;

(ii) Complies with all other provisions of this Chapter, excluding the permit fee;

(iii) Provides documentation showing that the trees for sale were lawfully cut and are owned by the applicant; and

(iv) Sells trees as a secondary activity to a principal commercial use.

(6) *Fireworks.* Fireworks stands and fireworks displays are prohibited unless a permit is obtained from the Fire Department in accordance with that Department's rules and regulations.

14.45.030 Prior Approval Required

Unless otherwise provided in Section 14.45.020, before establishing any temporary use, the applicant must obtain a temporary use permit from Provo City. The application must comply with the requirements of PCC 14.45.040 and be submitted by the property owner, an authorized agent, or the applicant for the temporary use. Provo City will grant a permit only if the applicant shows to the City's satisfaction that:

(1) The proposed use will not create detrimental effects on adjacent properties and is generally compatible with surrounding uses;

(2) The proposed use will not create excessive traffic hazards on adjacent streets, and any required traffic control will be provided at the applicant's expense; and

(3) The applicant has adequate liability insurance for the proposed use or event.

14.45.040 Standards and Requirements

A temporary use established under this Chapter must comply with the following standards and requirements:

(1) *Duration.* A temporary use may operate for a maximum of thirty days per calendar year, except:

(a) Shaved ice stands may operate from April 1 through October 31; and

(b) Farmers markets may operate from May 1 through October 31.

(2) *Water and Sewer Service.* Except as provided in this subsection, any structure that requires sanitary facilities under building, fire, health, or other applicable codes must provide the required sanitary facilities by means of independent water and sewer service. However, sanitary facilities may be provided by a host structure, under the following conditions:

(a) There is no indoor seating for patrons in the temporary structure;

(b) The applicant provides written evidence that a host structure will make permanent sanitary facilities available for employees or customers, that such facilities are within 300 feet of the structure, and that they are accessible during all operating hours; and

(c) The applicant submits written evidence from the City/County Health Department showing that:

(i) All food will be prepared and delivered from an approved commissary; and

(ii) All waste from the use will be properly disposed of.

(3) *Parking.* A minimum of two parking spaces is required. Additional parking may be required as reasonable but may not reduce the amount of parking already required for other uses on the site. All parking must comply with the off-street parking standards in PCC 14.44.

(4) *Site Plan.* The layout of the proposed use must be compatible with access, parking, circulation, and other key elements of any existing use or structure on the site.

(5) *Anchoring.* All structures must be securely anchored to the ground as directed by the Chief Building Official. This must consist of no fewer than four anchor points.

(6) *Property Owner Permission.* The applicant must secure the right to occupy the site through a written agreement with the property owner and any host structure owner.

(a) The agreement must address employee restroom access, maintenance responsibilities, and site restoration upon the end of the temporary use.

(b) A copy of this agreement must be included in the application.

(7) *Expiration.* Each temporary use permit must include an expiration date based on the nature of the use.

(a) No temporary use may be approved for more than 30 days, except for farmers markets and shaved ice stands.
(b) All temporary structures must be removed within 15 days after the temporary use ends or the permit expires, whichever comes first.

(8) *Bonding.* The property owner or responsible party must provide a cash bond to restore the site to its original condition, including cleanup, facility replacement, and removal of all structures, in the following amounts:

(a) Circuses, carnivals, or similar uses: $1,000.

(b) All other temporary uses: $300.

14.45.050 Administrative Approval

A temporary use that meets the requirements of this Chapter must be approved. A use that does not meet these requirements must be denied, unless the City determines that the use can be made compatible through specific conditions. Conditions may include limitations on hours of operation or other measures necessary to prevent harm to persons or property.

14.45.060 Revocation of Permit

The City may revoke a temporary use permit if the applicant or use violates any provision of this Chapter or any condition of the permit.

14.45.070 Business License Required

A temporary use permit is not a business license and does not relieve the permit holder of any other licensing requirements imposed by the city or any other public agency.

14.45.080 Fees

Applicants must pay a fee as listed in the Consolidated Fee Schedule adopted by the Municipal Council.

Chapter 14.46
NONCONFORMITIES

Sections:

14.46.010 Purpose and Objectives.
14.46.020 Definitions.
14.46.030 Nonconformities Generally.
14.46.040 Nonconforming Uses.
14.46.050 Nonconforming Structures.
14.46.060 Nonconforming Lots.
14.46.070 Other Nonconformities.
14.46.080 Reconstruction or Restoration.
14.46.090 Nonconformities Resulting from Public Action.
14.46.100 Termination of Nonconforming Uses and Noncomplying Structures.
14.46.110 Abandonment of Nonconforming Use.
14.46.120 Determination of Nonconforming Status – Effect of Determination.
14.46.130 Residential Structures Originally Constructed as a One-family Dwelling - Status Determination.
14.46.140 Multiple-Family Dwellings and Apartment Complexes Constructed Prior to 1974 - Status Determination.
14.46.150 Billboards Exempt.
14.46.160 Appeals.

14.46.010 Purpose and Objectives

The purpose of this Chapter is to regulate legal nonconformities, as defined in this Chapter. This Chapter aims to balance the interests of property owners with the City's goal of limiting the expansion or unreasonable continuation of legal nonconformities.

14.46.020 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

"Noncomplying structure" has the meaning defined in UCA 10-20-102, as amended;

"Nonconforming lot" means a lot that:

(a) does not comply with the applicable requirements of this Title; and

(b) legally existed before the enactment of the requirements with which it does not comply.

"Nonconforming use" has the meaning defined in UCA 10-20-102, as amended;

"Nonconformity" means any noncomplying structure, nonconforming use, nonconforming lot, or other nonconforming circumstance; and

"Other nonconforming circumstance" means any other circumstance that:

(a) does not comply with the applicable requirements of this Title; and

(b) legally existed before the enactment of the requirements with which it does not comply.

14.46.030 Nonconformities Generally

(1) *Scope.* The provisions of this Chapter apply to all nonconformities in the City, regardless of when the nonconformity was established.

(2) *Exclusions.* Any nonconformity must have legally existed prior to the enactment of the requirement of this Title or land use designation with which it does not comply in order to qualify as a nonconformity. Any structure, use, lot, or other circumstances that does not meet this requirement is not a nonconformity. Such structure, use, lot, or other circumstance is unlawful and must be terminated immediately.

(3) *Continuation.* Except as otherwise provided in this Chapter, a nonconformity may be continued by the present or a future property owner.

(4) *Limitations.* A nonconformity may not be established, restored, reconstructed, extended, altered, expanded, substituted, moved, or modified, except as expressly permitted in this Chapter or as required by law.

(5) *Changes in nonconformity.* A nonconformity may may be modified to bring it into compliance with this Title. If a nonconforming use is changed to a less intensive nonconforming use, it may not be changed back to the prior, or any other, more intensive nonconforming use. If a nonconformity is changed to comply with this Title, it may not later be changed to the prior, or any other, nonconformity.

14.46.040 Nonconforming Uses

(1) A nonconforming use may be extended through the same building, but only if no structural alteration of the building is proposed or made for the purpose of the extension.

(2) A complying structure containing a nonconforming use may not be moved unless the use complies with the zoning regulations of the district into which it is moved. Before moving such a structure, the applicant must submit an application and complete the procedures described in PCC 14.48.

(3) See PCC Section 14.46.080 regarding restoration or reconstruction of a structure where a nonconforming use is located.

14.46.050 Noncomplying Structures

(1) *Maintenance.* A noncomplying structure must be maintained. Repairs and structural alterations are allowed only within the existing footprint. Repairs and structural alterations may not increase the degree of noncompliance.

(2) *Expansion.* Expansion of a noncomplying structure that increases the degree of noncompliance is prohibited, except as provided in this Subsection or as required by law.

> (a) A one-family dwelling that is noncomplying only as to height, area, or yard regulations may be enlarged, but only if the addition complies with all other applicable requirements of this Title.
>
> (b) A one-family dwelling that does not comply with side yard requirements but has a minimum side yard of at least three feet may be extended along the same noncomplying building line for up to one-half the length of the existing dwelling. The extension may only be for the purpose of enlarging and maintaining the existing dwelling unit and must comply with all other requirements of the applicable zone.

(3) *Relocation.* A noncomplying structure relocated within the city must fully comply with this Title, including the procedures in PCC 14.48.

(4) *Reconstruction.* See PCC Section 14.46.080 regarding reconstruction or restoration of a noncomplying structure.

14.46.060 Nonconforming Lots

(1) *New Construction.* New construction of a structure is permitted on a nonconforming lot that is nonconforming only as to area, frontage, or width, but only if the structure complies with all other requirements of this Title and other applicable codes, and the structure is:

> (a) a new dwelling constructed in a residential zone; or
>
> (b) a new building in a nonresidential zone.

(2) *Expansion.* If a nonconforming lot does not contain any other nonconformity, the owner may continue its legal use and may expand a complying structure on the lot, but only if the expansion complies with applicable requirements of this Title.

(3) *Accessory Structures.* An accessory building customarily incidental to a principal structure may be constructed on a nonconforming lot, but only if the accessory building and its location meet all other applicable building and zoning requirements, and the principal structure is:

(a) an already existing complying structure; or

(b) developed together with the accessory building and is permitted under Subsection (1).

14.46.070 Other Nonconformities

(1) This Section applies to any other nonconforming circumstance, including but not limited to: fence height or location; lack of required buffers or screening; insufficient or missing landscaping; inadequate or missing off-street parking; and similar circumstances. The degree of such other nonconforming circumstance may not be increased.

(2) Except as provided in Subsection (3), any other nonconforming circumstance may not continue and must be brought into compliance if any of the following occur:

(a) An expansion of a structure that increases the floor area of the premises by more than 30%;

(b) A series of expansions of a structure over time that, in total, increase the floor area by more than 30% of the original premises; or

(c) For lots in commercial or industrial zones, a change in use that requires a new certificate of occupancy.

(3) *Exempt Zones.* This Section does not apply to properties located in the DT1, DT2, or TOD zones.

14.46.080 Reconstruction or Restoration

(1) Except as provided in Subsection (3):

(a) a nonconforming use within a structure must be terminated; and

(b) a noncomplying structure may not be reconstructed or restored.

(2) Subsection (1) applies where:

(a) the structure or use has been abandoned as defined in this chapter;

(b) the property owner has voluntarily demolished a majority of the structure; or

(c) the structure is allowed to deteriorate to a condition that renders the structure uninhabitable and:

(i) the City has served written notice that the structure is uninhabitable and the noncomplying structure or nonconforming use will be lost if repair or restoration is not completed within six months; and

(ii) repair or restoration is not completed within six months after the day on which the notice was served on the property owner.

(3) A nonconforming use or noncomplying structure that is involuntarily destroyed in whole or in part due to fire or other calamity may be continued, reconstructed, or restored so long as restoration is complete within one year of the event.

14.46.090 Noncompliance Resulting from Public Action

When the area or yard setbacks of a legally established lot are reduced due to a conveyance of land to a federal, state, or local government for a public purpose, the lot and its yards are deemed to comply with the minimum lot size and yard setback standards of this Title. No variance is required and no nonconformity is created.

14.46.100 Termination of Nonconforming Uses and Noncomplying Structures

(1) A nonconforming use that is abandoned is unlawful and must be terminated.

(2) See PCC 14.46.080 regarding reconstruction or restoration of certain structures and the termination of nonconforming uses within them.

(3) The nonconforming status of a school district or charter school use or structure is terminated if the property is not used for school district or charter school purposes for more than twelve months.

14.46.110 Abandonment of Nonconforming Use

(1) *Burden of Proof.* Any party claiming that a nonconforming use has been abandoned bears the burden of proving the abandonment.

(2) *Presumption of Abandonment.* Abandonment of a nonconforming use may be presumed if:

(a) a majority of the primary structure associated with the nonconforming use is voluntarily demolished without a prior written agreement with the City regarding continuation of the use;

(b) the use has been discontinued for at least one year; or

(c) the primary structure associated with the nonconforming use remains vacant for at least one year.

(3) *Rebutting Presumption of Abandonment.* A property owner may rebut the presumption of abandonment under Subsection (2) but bears the burden of proving that abandonment has not occurred.

14.46.120 Determination of Nonconformity – Effect of Determination

(1) *Procedure.* The Zoning Administrator, or the Administrator's designee, determines whether a nonconformity exists, has been expanded, or has been modified, as follows:

(a) A property owner or the owner's designee may request a determination of nonconformity by applying for Zone Verification with the Development Services Department. The Zoning Administrator will review the factual and legal history of the property and issue a written determination.

(b) Notice of the determination will be provided to the property owner.

(c) If, within ten days after mailing the notice, the Zoning Administrator receives information that may affect the validity of the determination, the Administrator may issue an amended determination. Notice of the amended determination must be given in the same manner as in Subsection (b).

(d) The notice must include a statement that the determination may be appealed to the Board of Adjustment as provided in PCC 14.04 and must state the deadline for filing an appeal.

(2) *Burden of Proof.* The property owner bears the burden of proving by substantial evidence that a nonconformity was established.

(a) "Substantial evidence" means evidence that:

(i) is beyond a scintilla; and

(ii) a reasonable mind would accept as adequate to support a conclusion.

(b) Evidence that may be used to establish legal status includes, but is not limited to:

(i) the date the condition was created;

(ii) applicable zoning, building, or other code provisions in effect at the time of creation;

(iii) authorizing documentation, such as building permits, correspondence, or official minutes showing discussion or approval of the condition;

(iv) property inspection reports showing the degree of compliance with applicable codes at the time of creation; and

(v) affidavits from individuals with personal knowledge of the condition's creation.

(c) If a land use ordinance was in effect at the time the condition was created and it did not permit the condition, that fact is prima facie evidence that the condition was not legally established.

(d) The fact that a lot, structure, use, or other circumstance has existed or been used for an extended period does not establish legal status if it was not legally established under applicable ordinances at the time.

(3) *Abatement or Compliance.* If the property owner does not demonstrate that the noncompliant condition was legally established, it is deemed illegal and must be abated or brought into compliance with this Title.

(a) Abatement or compliance must be completed within 30 days, unless the necessary work cannot reasonably be completed within that time.

(b) If abatement or compliance cannot reasonably be completed within 30 days, the property owner must enter into a binding agreement with the City to follow a schedule that achieves compliance as soon as reasonably practicable, and no later than six months from the date of the agreement.

14.46.130 Residential Structures Originally Constructed as a One-family Dwelling - Status Determination

(1) *Purpose.* In addition to the other provisions of this Chapter, this Section establishes the process for determining whether a residential structure that was originally built as a one-family dwelling, but is now used for other, nonpermitted purposes, is a nonconforming structure, houses a nonconforming use, or both.

(2) *Building Permit Record.* If building permits were issued to authorize one or more dwelling units in addition to the original unit, and construction was substantially completed under those permits, the permits constitute prima facie evidence that any noncomplying circumstance regarding the structure or the use legally existed at the time it was built, thus creating a nonconformity.

(3) *No Building Permit Record.* If no building permits exist, the determination of nonconforming status must follow the process outlined below. The Zoning Administrator may consider the findings of the inspection by the Chief Building Official, or their designee, in making the determination:

(a) The Chief Building Official, or their designee, must conduct a physical inspection of the premises to determine whether each dwelling unit substantially complies with the zoning and building code requirements in effect when the additional unit was established, including those in PCC 14.46.100.

(i) If substantial compliance is found, the noncomplying condition is deemed legally established.

(ii) If substantial compliance is not found, the noncomplying condition is not deemed legally established and any unlawful elements of the structure or use must be abated or brought into compliance with the applicable zoning and building codes in effect at the time the additional unit was created, except as provided in PCC 14.46.100.

(b) The presence of an interior connection between upper, lower, or adjoining portions of the dwelling creates a presumption that the structure was originally authorized as a single dwelling unit; unless the connection was clearly intended as a vestibule, lobby, or passage between separate units. Evidence supporting legal establishment of multiple units, including the types described in PCC 14.46.120(2)(b), may be submitted to the Zoning Administrator for review.

14.46.140 Multiple-Family Dwellings and Apartment Complexes Constructed Prior to 1974 - Status Determination

(1) *Nonconforming Status.* A project consisting of one or more multiple-family dwellings or apartment buildings constructed before January 1, 1974, and located in a zone where such dwellings or apartments are not currently permitted, is deemed nonconforming if all of the following conditions are met:

(a) the buildings were originally constructed substantially as they currently exist;

(b) the buildings were not originally constructed and occupied as one-family dwellings that were later converted to multiple-family or apartment dwellings;

(c) all apartment units are owned by the same individual, association, firm, partnership, or other legal entity; and

(d) the complex is managed by a property manager or management company located in Provo City.

(2) *Zone Verification.* The owner of an apartment complex that meets the conditions in Subsection (1) may request zoning verification from the Development Services Department.

14.46.150 Nonconforming Billboards

Nonconforming billboards are governed by the applicable provisions of UCA Title 10, Chapter 20, as amended. If those provisions are repealed, nonconforming billboards are subject to the requirements of this Chapter.

14.46.160 Appeals

Any person aggrieved by a decision of the Zoning Administrator or other official enforcing this Chapter may appeal to the Board of Adjustment, as provided in this Title. A person aggrieved by a decision of the Board of Adjustment may appeal to the District Court in accordance with PCC 14.04.050.

Chapter 14.47
SIGNS AND OUTDOOR ADVERTISING

Sections:

14.47.010 General Requirements.

14.47.020 Commercial Signs on Premises.

14.47.025 On-Premises Short Hold Time Electronic Display Sign Standards.

14.47.030 Exceptions.

14.47.040 Location Standards.

14.47.050 Classification of Signs.

14.47.060 Signs Permitted – Agricultural (A1) and Residential (RA, R1, RM, VLDR, LDR, MDR, and HDR) Zones.

14.47.070 Signs Permitted in Public Facilities (PF), Open Space, Preservation and Recreation (OSPR), and Health Care Facilities (HCF) Zones.

14.47.075 Signs Permitted in the Airport Industrial (AIRI) Zone.

14.47.080 Signs Permitted in Commercial (CG, FC1, FC2, and CM) Zones.

14.47.085 North University Avenue Riverbottoms Design Corridor Sign Standards.
14.47.090 Signs Permitted in Neighborhood Shopping Center (SC1) and Community Shopping Center (SC2) Zones.
14.47.095 Signs Permitted in Regional Shopping Center (SC3) and Freeway Commercial Three (FC3) Zones.
14.47.100 Signs Permitted in Industrial (M1 and M2) Zones.
14.47.105 Signs Permitted in the Manufacturing Park (MP) Zone.
14.47.110 Signs Permitted in the Downtown (DT1, DT2, TOD, and GW) Zones.
14.47.115 Signs Permitted in Mixed-Use (MU, NMU, and CR) Zones.
14.47.120 Size of Monument Signs.
14.47.130 Size of Pole Signs.
14.47.140 Size of Wall Signs and Painted Wall Signs.
14.47.145 Size of Other Signs.
14.47.150 Nonconforming Signs.
14.47.160 Definitions Pertaining to Signs.
14.47.170 Off-Premises Signs and Outdoor Advertising Structures (Billboards).

14.47.010 General Requirements

The following general requirements apply to all signs and outdoor advertising structures which may be erected or maintained within the City of Provo.

(1) *Sign Approval.* Except as otherwise provided, it is unlawful and a class C misdemeanor to erect or maintain any sign or outdoor advertising structure without first obtaining a building permit. Permit issuance is based on the requirements of this Title.

(2) *Permits.* Permit applications are reviewed by the Building Inspection Division. All signs must be constructed, and all permits issued, in accordance with the International Building Code. Permit applications must include:

(a) the name of the sign owner and the property owner;

(b) all relevant dates regarding lease expiration or lease option expiration;

(c) the date and cost of sign construction and of any modifications;

(d) the fair market value of the sign as appraised for property tax purposes; and

(e) any other information reasonably required by the Building Division.

(3) *Electronic Display and Animated Signs.* Except as otherwise provided in this Chapter:

(a) all animated signs are prohibited;

(b) on-premises electronic display signs are prohibited in the Downtown Historic District and the A1, RA, R1, VLDR, LDR, MDR, HDR, CR, MU, and NMU zones, but are permitted in other zones;

(c) businesses using electronic display signs are subject to the licensing regulations in PCC 6.06; and

(d) on-premises short hold time electronic display signs are prohibited in all zones, except as provided in PCC 14.47.025.

(4) *Sound or Emissions.* A sign may not emit sound, smoke, or steam.

(5) *Movable Signs, Banners, and A-Frame Signs.* Except as otherwise provided in this Chapter, movable signs, banners, and A-frame signs are prohibited. This includes signs mounted or painted on vehicles or trailers that are parked to advertise a person, place, or thing.

(6) *Canopy Signs.*

(a) Signs on building-attached canopies count toward the total allowable wall sign area for the wall the canopy projects from.

(b) Signs on freestanding canopies count toward the total allowable freestanding sign area for the use.

(7) *Lighting.* See PCC 15.21.

(8) *Violations.* It is unlawful to erect or maintain a sign that violates this Chapter. Signs not explicitly allowed in a zone are prohibited.

(a) If a violation occurs, the Building Division may:

(i) order correction of the defect within a specified time not exceeding 30 days, if the correction brings the sign into compliance; or

(ii) if the violation is not reasonably correctable in such a way that no violation remains, or if the owner has already failed to correct within the specified time, order the sign removed by the sign owner, at the owner's expense, within a specified time not exceeding 30 days.

(b) A sign owner may appeal an order of the Building Division to the Zoning Board of Adjustment, in accordance with the procedures in this Title.

(c) If a sign owner fails or refuses to remove the sign after exhausting administrative remedies, the city may remove the sign. Removal will be at the owner’s expense, and the city may seek judgment for the removal cost, including reasonable attorneys’ fees and costs.

(d) A permit may be revoked and a sign removed under Subsection (8) if the applicant makes a false or misleading statement in the application or renewal.

(9) *Nonconforming Signs.* Requirements of this Chapter that became effective after the installation of a legally existing nonconforming sign do not apply to that sign so long as it is not abandoned or altered. However, any changes to the size, height, or location of such a sign must comply with this Chapter.

14.47.020 Commercial Signs on Premises

Except as provided in the applicable zones or otherwise expressly authorized in this Chapter, a commercial sign is permitted only if it advertises:

(1) ownership, sale, or lease of the property on which the sign is located;

(2) a business conducted on the premises;

(3) services rendered on the premises;

(4) goods produced or sold on the premises; or

(5) another lawful activity conducted on the premises.

14.47.025 On-Premises Short Hold Time Electronic Display Sign Standards

(1) *Permitted Locations.* On-premises short hold time electronic display signs are prohibited in all areas of the City except for properties located in the GW, FC1, FC2, FC3, CG, CM, SC1, SC2, SC3, M1, M2, MP, and PF zones with frontage on the following streets:

(a) University Parkway, from 100 West northwesterly to the city boundary;

(b) North State Street, from Cougar Boulevard (1230 North) northwesterly to 1720 North;

(c) Cougar Boulevard, from Canyon Road (200 East) westward to North State Street;

(d) Freedom Boulevard, from 100 North northward to University Parkway;

(e) 820 North Street, from I-15 eastward to 1350 West;

(f) Draper Lane, from 820 North to 600 South;

(g) University Avenue, from 600 South southward to Lakeview Parkway (1860 South);

(h) 4800 North, from the Provo River to University Avenue;

(i) Towne Centre Boulevard; and

(j) University Avenue, from 4800 North to 5200 North.

(2) *Spacing Along Interstate 15.* Properties described in Subsection (1) that have frontage along Interstate 15 (I-15) may not have any on-premises short hold time electronic display sign located closer than 1,200 feet to another such sign.

(3) *General Requirements.* All on-premises short hold time electronic display signs must:

(a) comply with all applicable provisions of the underlying zone, including the sign regulations in this Chapter;

(b) comply with all requirements in PCC 6.06 regarding minimum hold times and the use of electronic display signs by businesses; and

(c) submit, prior to permit issuance for construction or conversion, a certification from the sign manufacturer stating that the sign can comply with the illumination and brightness standards in PCC 6.06.

14.47.030 Exceptions

The signs described in this Section are exempt from the requirements of this Chapter except for those found in this Section.

(1) *Public Notices.* Signs used exclusively for official notices by a court, public body, or official; signs posted by a public officer performing a duty; or signs posted to provide legal notice.

(2) *Informational Signs.* Directional, warning, or informational signs of a public or semi-public nature, when directed and maintained by an official body or public utility.

(3) *Barber Poles.* Barber poles located on private property that do not exceed six feet in height and do not include advertising copy or messages.

(4) Noncommercial signs used to protect the health, safety, or welfare of the general public.

(5) *Flags.* Official flags, pennants, or insignia of any nation, state, city, or other political entity.

(6) *Temporary Signs.* Temporary signs, provided they are not placed in the public right-of-way or on public property, subject to the following standards:

(a) the sign is not greater than six square feet in residential zones;

(b) the sign is not greater than thirty-two square feet in nonresidential zones;

(c) is limited to one sign per property; and

(d) is not displayed for more than six months in a calendar year.

(7) *Directory Signs.* In all zones where group occupancies in office, commercial, or industrial buildings are allowed, a directory sign may display the names of occupants engaged in professional, business, or industrial uses. The sign must:

(a) be set back at least two feet from the property line;

(b) not exceed twelve feet in height;

(c) not exceed 100 square feet in area; and

(d) not be placed within a clear-vision area of a corner lot, as defined in PCC 14.50.090.

(8) *Construction Project Signs.* A sign may be erected on the property of an active construction project to identify future occupants and project participants (e.g., architects, engineers, contractors). The sign must:

(a) not exceed 32 square feet in residential zones;

(b) not exceed 64 square feet in other zones; and

(c) not exceed twelve feet in height if freestanding.

(9) *On-Site Directional Signs.* Directional signs that assist or manage pedestrian or vehicle traffic may be installed on the relevant property. These signs may not exceed six square feet.

(10) *Church and Quasi-Public Organization Identification Signs.* Churches and quasi-public organizations may erect one sign per premises. These signs:

(a) may not exceed 32 square feet; and

(b) may be mounted on a wall or as a monument sign no greater than five feet in height.

(11) *Bus Bench and Shelter Signs.* One sign may be placed on a bus bench or shelter at each designated transit stop if:

(a) the owner is authorized by the UTA; and

(b) the sign area does not exceed 24 square feet.

(12) *Development Promotional and Directional Signs.* One promotional sign may be placed at each subdivision, planned development, or condominium project with five or more approved lots or units.

(a) *Area.* The maximum area of a promotional sign is:

(i) 64 square feet; plus

(ii) five additional square feet per lot or unit beyond five, up to a total maximum area of 300 square feet.

(b) *Number.* A project with 50 or more approved lots or dwelling units and at least two major access points may have one additional promotional sign, subject to the same area limits.

(c) *Off-Site Signs.* Two off-site directional signs are allowed per development, limited to:

(i) a maximum of 12 square feet each; and

(ii) locations outside the public right-of-way.

(d) *Sign Removal.* All signs under this subsection must be removed:

(i) within 30 days after all lots or units are sold; and

(ii) before the Building Inspector grants final inspection.

(13) *Name Plates.* One name plate or marker up to two square feet is allowed per dwelling to identify the occupant.

14.47.040 Location Standards

All signs and outdoor advertising structures must comply with the location requirements in this Section.

(1) *Fire Escapes.* A sign may not be installed in a way that interferes with the use of any fire escape, exit, or standpipe, or obstructs a required stairway, door, ventilator, or window.

(2) *Traffic Visibility.* No freestanding or projecting sign may be installed in the Clear Vision Area as defined in PCC 14.50.090, unless:

(a) the entire sign is:

(i) located less than three feet or more than eight feet above curb grade; and

(ii) no part of its support structure exceeds one foot in horizontal dimension; or

(b) the sign is located in an area where a building or structure is permitted by the applicable zoning provisions.

(3) *Utility Lines.* A sign must maintain the minimum horizontal and vertical clearance from communication and electrical power lines as required by Utah state law or administrative rules.

(4) *Pedestrian Clearance.* A sign that extends over a public or private walkway must maintain a minimum clearance of ten feet between the walkway surface and the lowest point of the sign or its support structure.

14.47.050 Classification of Signs

Each sign erected or proposed within the City will be classified by the Development Services Department in accordance with the definitions provided in this Chapter. If a sign does not clearly fall within a defined classification, the Department will assign it to the classification that most closely aligns with its design, location, and purpose.

14.47.060 Signs Permitted – Agricultural (A1) and Residential (RA, R1, RM, VLDR, LDR, MDR, and HDR) Zones

Signs permitted in the Agricultural (A1), Residential Agricultural (RA), One-Family Residential (R1), Residential Manufactured Home Park (RM), Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR), and High Density Residential (HDR) zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *A1 Zone (Agricultural).* The signs described in this Subsection are permitted in the A1 Zone.

(a) *Name Plate.* One name plate not exceeding two square feet that displays only the name and address of the occupant.

(b) *Goods Production.* One unlighted sign not exceeding four square feet that identifies the premises as part of a trade organization or as producing goods under a trade name or symbol.

(c) *Product Sales.* Two signs advertising products lawfully produced on the premises, not exceeding ten square feet each.

(d) *Historic Landmark.* Signs or monuments identifying historic points of interest on properties listed on the local or national historic register.

(i) Signs under two square feet are permitted by right.

(ii) Signs larger than two square feet or monuments are prohibited unless the size and location is approved by the Landmarks Commission.

(2) *RA. R1, VLDR, LDR, MDR, and HDR Zones (Residential).* The signs described in this Subsection are permitted in the RA, R1, VLDR, LDR, MDR, and HDR Zones.

(a) *Name Plate.* One name plate not exceeding two square feet that displays only the name and address of the occupant.

(b) *Historic Landmark.* Signs or monuments identifying historic points of interest on properties listed on the local or national historic register.

(i) Signs under two square feet are permitted by right.

(ii) Signs larger than two square feet or monuments are prohibited unless the size and location is approved by the Landmarks Commission.

(c) *Apartments.* One sign not exceeding 32 square feet to identify the name of the apartment complex.

(3) *RM Zone (Residential Manufactured Home Park).* The signs described in this Subsection are permitted in the RM Zone.

(a) *Bulletin Board.* Each manufactured home park must have a bulletin board listing each manufactured home site and the name of its occupant. The bulletin board must:

(i) be located near the office or administration building; and

(ii) be illuminated at night.

(b) *Park Map.* Adequate signage and markings must direct residents and visitors to parking areas, recreation areas, telephones, and laundry facilities. Each directional sign may not exceed six square feet.

(c) *Name Plate.* One name plate per subdivision parcel or manufactured home space is permitted. Each name plate may not exceed two square feet and must display only the name and address of the occupant.

14.47.070 Signs Permitted in Public Facilities (PF), Open Space, Preservation and Recreation (OSPR), and Health Care Facilities (HCF) Zones

Signs permitted in the PF, OSPR, and HCF zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Name Plate.* Name plates may be mounted on a building to identify the name and/or address of a structure or complex. Each name plate may not exceed 50 square feet.

(2) *Monument Signs.*

(a) *Number.* One monument sign identifying a point of interest or building complex may be placed on an ornamental masonry wall.

(b) *Area.* A monument sign may not exceed 32 square feet in area.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Frontage.* Monument signs are allowed at the following frequency:

(i) one sign per property frontage; and

(ii) one additional sign for each 200 feet of property frontage on a public street beyond the initial 200 feet, with signs placed no closer than 100 feet apart.

(3) *Wall Signs.*

(a) *Number.* One wall sign per building face fronting a public street.

(b) *Area.* Must comply with PCC 14.47.140.

(c) *Location.* A wall sign may not extend above the top of the wall on which it is mounted.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than one foot from the wall face. Sign copy is not permitted on the sides.

(4) *Pole Signs.* On-premises freestanding signs taller than five feet must meet the following requirements:

(a) *Number.* One pole sign is permitted per frontage on a public street.

(b) *Area.* Must comply with PCC 14.47.130.

(c) *Height.* A pole sign may not exceed 25 feet in height.

(5) *Projections.* Signs may not project over a property line.

(6) *Lighting.* Only indirectly or diffusely lit signs are permitted. Lighting fixtures not integral to a sign must be directed away from adjacent properties and traffic. Flashing or rotating lights are prohibited.

(7) *Temporary Promotional Signs.* Temporary signs promoting an event may be attached to structures if securely mounted and consistent with the public purposes of the occupying entity.

(a) *Number:* One temporary sign is allowed per building face fronting a public street.

(b) *Area:* Must comply with PCC 14.47.140.

(c) *Removal.* Temporary signs must be removed within 48 hours after the conclusion of the promoted event.

(8) *Interior Signs.* Signs located more than 500 feet from the nearest public road and within the interior of a public facility are exempt from the requirements of this Section specific to the applicable sign type. However, only types of signs described in this Section are permitted.

14.47.075 Signs Permitted in the Airport Industrial (AIRI) Zone

Signs permitted in the Airport Industrial (AIRI) zone are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in that zone.

(1) *Wall Signs.* Wall signs must meet the following requirements:

(a) *Number.* One wall sign is permitted per building face fronting a public street. Multi-tenant buildings may have one wall sign per tenant.

(b) *Area.* Must comply with 14.47.140.

(c) *Location.* A wall sign may not extend above the top of the wall on which it is mounted.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than 18 inches from the wall face. Sign copy is not permitted on the sides.

(e) *Illumination.* Only indirect or internal illumination is allowed.

(2) *Monument Signs.* Freestanding monument signs are permitted subject to the following standards:

(a) *Number.* One monument sign is permitted per frontage, with one additional sign allowed for each 200 feet of lot frontage on a public street beyond the initial 200 feet. Signs must be at least 50 feet apart.

(b) *Area.* Must comply with PCC 14.47.120. In no case may a monument sign exceed 60 square feet in area.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Placement.* Monument signs must be flush with the ground and may not be pole-mounted. Signs may be placed on berms, provided the total height does not exceed five feet above finished grade.

(e) *Location.* Signs must be set back:

(i) at least 15 feet from the front property line; and

(ii) at least five feet from side property lines on corner lots.

(f) *Materials.* Sign materials must be compatible with the exterior materials of the associated structure.

(g) *Illumination.* Only internal illumination is permitted.

14.47.080 Signs Permitted in Commercial (CG, FC1, FC2, and CM) Zones

Signs permitted in the CG, FC1, FC2, and CM zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Monument Signs.* Freestanding monument signs are permitted subject to the following standards:

(a) *Number.* One monument sign is permitted per lot frontage.

(i) One additional sign is permitted for each 100 feet of lot frontage on a public street beyond the initial 100 feet.

(ii) Signs must be placed at least 50 feet apart.

(iii) In the case of multi-tenant properties with shared frontage, the frontage is calculated based on the entire shared parcel.

(b) *Area.* Must comply with PCC 14.47.120.

(c) *Height.* A monument sign may not exceed five feet in height.

(2) *Pole Signs.* On-premises freestanding signs taller than five feet must meet the following requirements:

(a) *Number.* One pole sign is permitted per street frontage.

(i) One additional sign is permitted is permitted for each 200 feet of lot frontage on a public street beyond the initial 200 feet. This additional sign allowance does not apply in the FC1 and FC2 zones.

(ii) For purposes of area calculation under PCC 14.47.130, only the portion of the frontage exceeding 200 feet is counted toward the size of any additional sign.

(b) *Area.* Must comply with PCC 14.47.130.

(c) *Height.* A pole sign may not exceed 35 feet in height.

(d) *Projection.* A pole sign may not project over a property line.

(3) *Feather Flags.* Feather flags are permitted subject to the following standards:

(a) *Number.* One feather flag sign is permitted per lot frontage.

(i) *Multi-Tenant Buildings.* A maximum of one feather flag is permitted per business in multi-tenant buildings.

(ii) *Spacing.* Feather flags must be placed at least 25 feet apart.

(b) *Height.* Each feather flag may not exceed 12 feet in height.

(c) *Location.* Feather flags must be set back:

(i) at least five feet from any property line; and

(ii) at least five feet from any building or parking space.

(d) *Permit Exemption.* Feather flag signs do not require a building permit.

14.47.085 North University Avenue Riverbottoms Design Corridor Sign Standards

Regardless of the zoning of the property and sign regulations specific to that zone, signs permitted in the North University Avenue Riverbottoms Design Corridor (as described in PCC 14.50.150(2)) are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in this design corridor.

(1) *Integrated Sign Design.* Each new development, shopping center, or office complex located within the North University Avenue Riverbottoms Design Corridor must submit an integrated sign design scheme that complies with this Section and PCC 14.50.150(2).

(2) *Monument Signs.* Monument signs are permitted in commercial centers and professional office complexes as described in this Subsection.

(a) *Number.* One monument sign is permitted for each 300 feet of lot frontage.

(b) *Area.* The area of a monument sign may not exceed 60 square feet per side.

(c) *Height.* Monument signs, including the base and pedestal, may not exceed ten feet in height above the adjacent street-grade sidewalk.

(d) *Spacing.* Sign structures must be spaced at least 150 feet apart.

(d *Design.* The monument structure must complement the building's architecture using similar materials and stylistic themes.

(e) *Location.*

(i) Except as provided in Subsection (2)(e)(ii), each monument sign must be located on private property, outside the clear vision area as defined in PCC 14.50.090, and may not project over any property line.

(ii) A sign on a corner lot or parcel abutting University Avenue may project up to 12 feet into the University Avenue right-of-way from the adjacent property line, but not closer than six feet to any sidewalk or paved trail, but only if:

(A) the controlling government agency provides written approval;

(B) the sign's visibility, if located on private property, would be obstructed by utility boxes or semaphore poles not controlled by the property owner, as observed at eye level from within 100 feet of the sign location; and

(C) the City Traffic Engineer determines the sign does not create a sight distance hazard based on traffic conditions and City safety standards.

(f) *Illumination.* Internal illumination is permitted for translucent sign faces and for individually lit letters, characters, or figures that cause the face or characters to glow.

(3) *Wall Signs.* Each business or tenant in a shopping center or professional office facility not in a SC3 zone may install wall signs subject to requirements of this Subsection.

(a) *Number.* One wall sign is permitted on the front face of each business or tenant. An additional wall sign is allowed on a rear or side face if that elevation includes a public entrance.

(b) *Area.*

(i) For buildings set back less than 200 feet from the street, the wall sign area is limited to one square foot per linear foot of building or tenant frontage on the applicable side.

(ii) For buildings with a setback of 200 feet or more, the allowable area increases to 1.25 square feet per linear foot of frontage.

(c) *Location.* A wall sign may not extend above the top level of the wall to which it is attached.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than 18 inches from the wall face. Sign copy is not permitted on the sides.

(e) *Illumination.* Internal illumination is permitted for translucent sign faces or for individual letters, characters, or figures that emit a glow.

(4) *Shopping Center (SC3 Zone) Signs.* The sign types described in this Subsection are permitted within shopping centers located in the SC3 zone within the design corridor.

(a) *Entry Archways.* Archways displaying the shopping center's name and logo may be installed over driveways, streets, or pedestrian entrances, subject to the requirements of this Subsection (4)(a).

(i) *Number.* One sign and one archway structure are permitted per entrance, up to a maximum of four entrances.

(ii) *Area.* The sign area may not exceed 60 square feet.

(iii) *Height.* The archway structure may not exceed 25 feet in height. All archways must provide adequate vehicular and pedestrian clearance as determined by Provo City.

(iv) *Location.* The archway must be located on private property, outside the clear vision area as defined in PCC 14.50.090, and may not project over a property line.

(v) *Materials.* The structure must use materials compatible with those used on buildings within the shopping center.

(vi) *Illumination.* Internal illumination is permitted.

(b) *Entry Identification Monument Signs.* Monument signs identifying only the name of the shopping center or displaying public greetings may be located at development entrances, subject to the requirements of this Subsection (4)(b).

(i) *Number.* No more than two signs are permitted per driveway entrance.

(ii) *Area.* Each sign may not exceed six square feet.

(iii) *Height.* The total height of the sign, including the monument and pedestal, may not exceed ten feet above the adjacent street-grade sidewalk.

(iv) *Location.* Signs must be placed on private property, outside the clear vision area, and may not project over any property line.

(v) *Materials.* Materials must be compatible with building exteriors within the shopping center.

(vi) *Illumination.* Internal illumination is permitted.

(c) *Commercial Monument Signs.* Commercial monument signs are allowed only along 4800 North, subject to the requirements of this Subsection (4)(c).

(i) *Number.* One sign is allowed per 300 feet of street frontage, not to exceed two signs for frontages greater than 600 feet.

(ii) *Area.* Each sign face may not exceed 60 square feet. Monument structures must use materials and themes that complement the building's architecture.

(iii) *Spacing.* Signs must be spaced at least 150 feet apart.

(iv) *Height.* Signs may not exceed ten feet in height, including the monument and pedestal.

(v) *Location.* Signs must be located on private property, outside the clear vision area, and may not project over any property line.

(vi) *Materials.* Materials must be compatible with those used on buildings within the shopping center.

(vii) *Illumination.* Internal illumination is permitted.

(d) *Shopping Center Commercial Signs.* Larger commercial identification signs may be installed along University Avenue, subject to the requirements of this Subsection (4)(d).

(i) *Number.* One sign is allowed per 300 feet of frontage on University Avenue, up to a maximum of two signs for frontages greater than 600 feet.

(ii) *Area.* Each sign face may not exceed 300 square feet. The name and logo of the shopping center are excluded from the area calculation.

(iii) *Spacing.* Signs must be spaced at least 150 feet apart.

(iv) *Height.* Each sign may not exceed 25 feet in height.

(v) *Location.* These signs may be placed within the University Avenue public right-of-way (trail system), only if written permission is obtained from the controlling government agency.

(vi) *Materials.* Materials must be compatible with the architecture and finishes used within the shopping center.

(vii) *Illumination.* Internal illumination is permitted

(5) *Research and Business Park Zone (RB&P).* Monument signs are permitted in the RB&P zone within the design corridor, but only along the frontage of University Avenue and subject to the requirements of this Subsection (5).

(a) *Number.* One sign is permitted for every 300 feet of street frontage.

(b) *Area.* Each sign face may not exceed 60 square feet. The monument structure must complement the architecture of the building by using the same materials and stylistic themes.

(c) *Spacing.* A minimum spacing of 150 feet is required between monument signs.

(d) *Height.* Signs may not exceed ten feet in height, including the monument structure and pedestal, as measured from the adjacent street-grade sidewalk.

(e) *Location.* One monument sign may be placed on each corner of River Park Drive. Each sign must be located at least 15 feet from the back of the University Avenue street curb and may be placed within the public right-of-way only with written permission from the controlling government agency.

(f) *Materials.* Sign materials must be compatible with the exterior materials used within the Research and Business Park.

(g) *Illumination.* Internal illumination and electronic display signs are prohibited.

14.47.090 Signs Permitted in Neighborhood Shopping Center (SC1) and Community Shopping Center (SC2) Zones

Signs permitted in the SC1 and SC2 zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Pole Signs.* Freestanding signs over five feet in height are permitted within shopping center facilities established in these zones, subject to the requirements of this Subsection (1).

(a) *Number.* One pole sign is permitted per lot frontage. No additional pole signs may be located along the same frontage.

(b) *Area.* The primary sign area identifying the shopping center must comply with PCC 14.47.130. An additional sign area, not to exceed one-half of the allowed area, may be used to identify one or more tenants or businesses within the shopping center.

(c) *Height.* Pole signs may not exceed 35 feet in height.

(d) *Projection.* Signs may not project over any property line or more than five feet into a required front yard.

(2) *Wall Signs.* Wall signs and painted wall signs are permitted for each business or tenant within the shopping center, subject to the requirements of this Subsection (2).

(a) *Number.* One wall sign is permitted on the front face of each tenant space. An additional sign is allowed on the rear face of the building if it includes a public entrance.

(b) *Area.* Must comply with PCC 14.47.140.

(c) *Location.* Signs may not extend above the top of the wall to which they are attached.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than 18 inches from the wall face. Sign copy is not permitted on the sides

(3) *Monument Signs.* Freestanding signs under five feet in height may be permitted on individual development pads, subject to the requirements of this Subsection (3).

(a) *Number.* One monument sign is permitted per lot frontage. No additional monument signs may be located along the same frontage.

(b) *Area.* Must comply with PCC 14.47.120.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Design.* Signs must be architecturally compatible with the primary structure, using similar building materials and colors.

(e) *Setback.* Signs must be placed on private property, outside the clear vision area, and may not project over any property line..

(f) *Base Treatment.* Each sign must include an opaque pedestal that conceals any pole support. The pedestal must extend the full width and depth of the sign, with no exposed area between the base and the ground or landscaped surface.

(4) *Feather Flags.* Feather flags are permitted subject to the requirements of this Subsection (4).

(a) *Number.* One feather flag sign is permitted per street frontage.

(i) *Multi-Tenant Buildings.* A maximum of one feather flag is permitted per business.

(ii) *Spacing.* Feather flags must be placed at least 25 feet apart.

(b) *Height.* Each feather flag may not exceed 12 feet in height.

(c) *Location.* Feather flags must be set back:

(i) at least five feet from any property line; and

(ii) at least five feet from any building or parking space.

(d) *Permit Exemption.* Feather flag signs do not require a building permit.

14.47.095 Signs Permitted in Regional Shopping Center (SC3) and Freeway Commercial Three (FC3) Zones

Signs permitted in the SC3 and FC3 zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Pole Signs.* Each shopping center facility in an SC3 or FC3 zone may have a freestanding sign over five feet in height subject to the requirements of this Subsection (1).

(a) *Number.* One pole sign is permitted per frontage.

(i) A second sign may be allowed if the facility has more than 500 lineal feet of frontage.

(ii) No more than two pole signs may be erected for a shopping center facility.

(b) *Area.* Except as otherwise provided in this Subsection (1), the sign area must comply with PCC 14.47.130.

(i) If the shopping center frontage exceeds 250 lineal feet, the Planning Commission may approve a sign larger than 320 square feet based on:

(A) how well the sign and landscaping blend architecturally and aesthetically with the shopping center and its landscaping;

(B) the volume and speed of vehicular traffic passing the facility; and

(C) the total number of tenants and major tenants in the center.

(ii) The sign area may increase by no more than 32 square feet for every 25 lineal feet of frontage beyond 250 feet.

(iii) The maximum area of any one sign is 720 square feet.

(c) *Height.* Except as otherwise provided in this Subsection (1), no sign may exceed 40 feet in height.

(d) *Exception.* A facility with more than 1,100 linear feet of frontage adjacent to Interstate 15 (including freeway ramp frontage) may have one freestanding sign that:

(i) does not exceed 1,400 square feet;

(ii) does not exceed 90 feet in height;

(iii) is located adjacent to Interstate 15; and

(iv) complies with the message transition timing in PCC 6.06.

(2) *Wall Signs.* Each business or tenant in a shopping center may have wall or painted wall signs subject to the requirements of this Subsection (2).

(a) *Number.* Only one sign is allowed per building face.

(b) *Area.* A sign may not exceed 15% of the total wall area.

(c) *Location.* No part of a sign may extend above the top level of the wall or roof. However, signs on independent pads may extend up to five feet above the top level.

(d) *Projection.* The entire sign, including any light box or structure, may not project more than five feet from the wall face. Sign copy is not permitted on the sides.

(3) *Monument Signs.* Individual development pads may have one freestanding sign under five feet in height subject to the requirements of this Subsection (3).

(a) *Number.* Each pad may have no more than one such sign.

(b) *Area.* Must comply with PCC 14.47.120.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Materials.* The sign must use materials compatible with those used on the associated building.

(4) *Feather Flags.* Feather flags are permitted subject to the requirements of this Subsection (4).

(a) *Number.* One feather flag sign is permitted per street frontage.

(i) *Multi-Tenant Buildings.* A maximum of one feather flag is permitted per business.

(ii) *Spacing.* Feather flags must be placed at least 25 feet apart.

(b) *Height.* Each feather flag may not exceed 12 feet in height.

(c) *Location.* Feather flags must be set back:

(i) at least five feet from any property line; and

(ii) at least five feet from any building or parking space.

(d) *Permit Exemption.* Feather flag signs do not require a building permit.

14.47.100 Signs Permitted in Industrial (M1 and M2) Zones

Signs permitted in the M1 and M2 zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Monument signs.* Freestanding signs under five feet in height are permitted in these zones subject to the requirements of this Subsection (1).

(a) *Number.* One monument sign is allowed per parcel.

(b) *Area.* Must comply with PCC 14.47.120.

(c) *Height.* A monument sign may not exceed five feet in height.

(2) *Wall signs.* Wall signs and painted wall signs are permitted in industrial zones subject to the requirements of this Subsection (2).

(a) *Number.* One sign is permitted per building face that fronts a public street.

(b) *Area.* Must comply with PCC 14.47.140.

(c) *Height.* No part of a sign may extend above the wall or building face on which it is mounted or painted.

(d) *Projection.* Signs, including light boxes or structural components, may not project more than 18 inches from the building face. Copy is not permitted on the sides of such signs.

14.47.105 Signs Permitted in the Manufacturing Park (MP) Zone

Signs permitted in the MP zone are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in that zone.

(1) *Monument Signs.* Freestanding signs under five feet in height are permitted in the MP zone subject to the requirements of this Subsection (1).

(a) *Number.* One freestanding monument identification sign is permitted per lot frontage on a public street.

(b) *Area.* Each monument sign may not exceed thirty-two square feet.

(c) *Height.* A monument sign may not exceed five feet in height.

(d) *Location.* Each monument sign must be set back at least five feet from the street right-of-way.

(2) *Wall Signs.* Wall signs and painted wall signs are permitted in the MP zone subject to the requirements of this Subsection (2).

(a) *Number.* Two signs are permitted per building.

(b) *Area.* Each wall sign may not exceed two hundred square feet and must be mounted flat on the building wall.

(c) *Lighting.* Wall signs may be illuminated only by an indirect light source.

14.47.110 Signs Permitted in the Downtown (DT1, DT2, TOD, and GW) Zones

Signs permitted in the DT1, DT2, TOD, and GW zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Wall Signs.*

(a) Ground level businesses with individual front door entrances fronting public streets in these zones may have wall signs subject to the requirements of this Subsection (1)(a).

(i) *Number.* One sign is permitted per business storefront.

(ii) *Area.* Maximum sign area is two square feet of signage per linear foot of building façade.

(iii) *Location.* Signs may only be located on the first or second-story façade.

(iv) *Projection.* Signs may not project more than 18 inches from the façade.

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(b) Building identification signs for buildings three to four stories in height in these zones may have wall signs subject to the requirements of this Subsection (1)(b).

(i) *Number.* One sign is permitted per building façade, consisting of individual letters.

(A) Signs may not use sign cabinets.

(B) No building is considered to have more than four façades.

(ii) *Area.* Maximum sign area is two square feet of signage per linear foot of building façade. Text may not exceed two feet in height.

(iii) *Location.* Signs must be located on the top story.

(iv) *Projection.* Signs may not project more than 18 inches from the façade

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(c) Building identification signs for buildings more than four stories in height in these zones may have wall signs subject to the requirements of this Subsection (1)(c).

(i) *Number.* One sign is permitted per building façade, consisting of individual letters.

(A) Signs may not use sign cabinets.

(B) No building is considered to have more than four façades.

(ii) *Area.* Maximum sign area is four square feet of signage per linear foot of building façade. Text must not exceed four feet in height.

(iii) *Location.* Signs must be located on one of the top two stories and may not project above the wall line.

(iv) *Projection.* Signs may not project more than 18 inches from the façade.

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(d) *Tenant Identification Signs.* Upper floor tenants without individual ground-floor entrances may have wall signs subject to the requirements of this Subsection (d).

(i) *Number.*

(A) For buildings two to four stories in height, one sign is permitted per building façade facing a public street.

(B) For buildings five stories or taller, two signs are permitted per building façade facing a public street.

(C) Signs must consist of individual letters or logos. Sign cabinets are not permitted.

(ii) *Area.* Each sign may not exceed 50 square feet. Text may not exceed three feet in height.

(iii) *Location.* Signs must be located on the story immediately below the building step-back, if present. If not step-back is present, signs much be located on the second floor of a two-story building or on any floor below the top floor of a building taller than two stories.

(iv) *Projection.* Signs may not project more than 18 inches from the façade

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(e) *Building Directory Signs*. Multi-tenant buildings in these zones with a common entrance may have a building directory sign subject to the requirements of this Subsection (e).

(i) *Number.* One directory sign is permitted per building façade with a public entrance.

(ii) *Area.* If located on an exterior wall, signs may not exceed nine square feet. Text must not exceed one inch in height.

(iii) *Location.* Directory signs may be located on an exterior wall next to a public entrance or within the building's common entrance.

(2) *Projecting signs.* Projecting signs are permitted for street-level businesses in these zones with a public entrance or street-level parking lot entry with street frontage, subject to the requirements of this Subsection (2).

(a) *Number.* One projecting sign is allowed per street-level business or street-level parking lot entry with street frontage.

(b) *Area.* Signs may not exceed nine square feet. Text must not exceed one foot in height.

(c) *Location.* Signs must be placed below the finished floor of the second level or at a maximum height of 15 feet above final grade, whichever is lower.

(d) *Clearance.* There must be a minimum of eight feet of clearance from the bottom of the sign structure to the ground directly below.

(e) *Projection.* Including mounting hardware, signs may not project more than four feet from the building face.

(f) *Thickness.* Signs, including the cabinet, may not exceed five inches in thickness.

(g) *Materials.* Exposed surfaces of the sign must be constructed of materials that are architecturally compatible with the building exterior.

(h) *Lighting.* Signs may be illuminated internally or externally. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(i) *Hold harmless agreement.* If a sign extends over a public right-of-way, the sign owner must sign a hold harmless agreement before the sign is approved and installed.

(3) *Parking Entry Sign.* Parking entry signs are permitted for surface-level or structured parking lots in these zones, subject to the requirements of this Subsection (3).

(a) *Number.* One sign is permitted per parking entryway along a public street, with a maximum of one sign per street frontage.

(b) *Area.* Signs may not exceed nine square feet.

(c) *Height.* The maximum height may not exceed 12 feet from the natural grade of the lot.

(d) *Projection.* Signs may not project over the property line into the public right-of-way.

(4) *Awning Signs.* Each first-floor awning in these zones may include signage subject to the requirements of this Subsection (4).

(a) *Number.* One sign is permitted on each awning located over a first-floor window or door.

(b) *Area.* One square foot of signage is allowed per linear foot of awning.

(c) *Location.* Signs must be located on the vertical valance of the awning that faces a public street or right-of-way. Graphics may not exceed one foot in height.

(d) *Projection.* Awnings may project up to six feet into the public right-of-way from the property line.

(5) *Window Signs.* Window signs are permitted on or inside first-floor windows of commercial establishments in these zones, subject to the requirements of this Subsection (5).

(a) *Area.* Signs may not cover more than 25% of the total window area on the first-floor façade where they are located.

(b) *Location.* Signs are permitted only in windows that face a public street.

(6) *Monument Signs.* Freestanding signs under five feet are permitted in the landscaped front yard or street side yard of any property, subject to the requirements of this Subsection (6).

(a) *Number.* One sign is permitted per landscaped front yard or street side yard.

(b) *Area.* Signs may not exceed 50 square feet, except as follows:

(i) for multi-tenant properties, an additional ten square feet of signage is permitted per tenant; and

(ii) no individual sign may exceed 100 square feet in total area.

(c) *Height.* The maximum height may not exceed five feet.

(d) *Projection.* Signs may not project over the property line into the public right-of-way.

(e) *Design.* Signs must be constructed of materials similar to and architecturally compatible with the main building.

(7) *A-Frame Signs.* A-frame signs are permitted for ground-level businesses in theses zones with individual front door entrances on a public street, subject to the requirements of this Subsection (7).

(a) *Number.* One A-frame sign is permitted per ground-level business with an individual front door facing a public street.

(b) *Size.*

(i) The maximum sign face size is two feet wide by three feet tall.

(ii) The maximum sign stand frame size is 27 inches wide by 47 inches tall when closed, with a maximum depth of three feet when opened.

(c) *Sign Type.* Sign faces must be flat and lie in the same plane as the sign stand frame. Signs may not be electrified or illuminated.

(d) *Location.* Signs may only be placed:

(i) immediately in front of and between the side walls of the associated business; or

(ii) adjacent to the front façade of the business or within the park strip, provided a minimum six-foot-wide pedestrian path is maintained on the sidewalk.

(e) *Time of Display.* Signs may only be displayed during the business's hours of operation.

(f) *Permit Exemption.* A-frame signs do not require a building permit.

(8) *Marquee signs.* Marquee signs are permitted for each block face in these zones with street frontage, subject to the requirements of this Subsection (8).

(a) *Number.* No more than three marquee signs are permitted per block face.

(b) *Location.* Each sign must be located above the first floor of the business storefront.

(c) *Area.* Signs may not exceed 100 square feet.

(d) *Thickness.* Signs, including the cabinet, may not exceed one foot in thickness.

(e) *Lighting.* Marquee signs may be illuminated internally or externally. All lighting must be stationary and shielded to direct light solely onto the sign without causing glare. Neon lighting is not permitted.

(f) *Hold harmless.* If a marquee sign extends over a public right-of-way, the sign owner must sign a hold harmless agreement before the sign is approved and installed.

(g) *Sign type.* Marquee signs may not include electronic display.

14.47.115 Signs Permitted in Mixed-Use (MU, NMU, and CR) Zones

Signs permitted in the MU, NMU, and CR zones are described in, and regulated by, this Section. Any sign not expressly permitted by this Section is prohibited in these zones.

(1) *Wall Signs.* Wall signs are permitted in these zones subject to the requirements of this Subsection (1).

(a) Ground level businesses with individual front door entrances fronting public streets in these zones may have wall signs subject to the requirements of this Subsection (1)(a).

(i) *Number.* One sign is permitted per business storefront.

(ii) *Area.* Maximum sign area is two square feet of signage per linear foot of building façade.

(iii) *Location.* Signs must be located on the first or second-story façade.

(iv) *Projection.* Signs may not project more than 18 inches from the façade.

(v) *Illumination.* Internal or external illumination is permitted.

(A) Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(B) Signs are permitted to be illuminated only between the hours of 6:00 a.m. and 11:00 p.m.

(b) Building identification signs for buildings three to four stories in height in these zones may have wall signs subject to the requirements of this Subsection (1)(b).

(i) *Number.* One sign is permitted per building façade, consisting of individual letters.

(A) Signs may not use sign cabinets.

(B) No building is considered to have more than four façades.

(ii) *Area.* Maximum sign area is two square feet of signage per linear foot of building façade. Text may not exceed two feet in height.

(iii) *Location.* Signs must be located on the top story.

(iv) *Projection.* Signs may not project more than 18 inches from the façade

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(c) Building identification signs for buildings more than four stories in height in these zones may have wall signs subject to the requirements of this Subsection (1)(c).

(i) *Number.* One sign is permitted per building façade, consisting of individual letters.

(A) Signs may not use sign cabinets.

(B) No building is considered to have more than four façades.

(ii) *Area.* Maximum sign area is four square feet of signage per linear foot of building façade. Text must not exceed four feet in height.

(iii) *Location.* Signs must be located on one of the top two stories and may not project above the wall line.

(iv) *Projection.* Signs may not project more than 18 inches from the façade.

(v) *Illumination.* Internal or external illumination is permitted. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(d) *Building Directory Signs*. Multi-tenant buildings with a common entrance may have a building directory sign subject to the following standards:

(i) *Number.* One directory sign is permitted per building façade with a public entrance.

(ii) *Area.* If located on an exterior wall, signs may not exceed nine square feet. Text must not exceed one inch in height.

(iii) *Location.* Directory signs may be located on an exterior wall next to a public entrance or within the building's common entrance.

(2) *Projecting signs.* Projecting signs are allowed for street-level businesses in these zones with a public entrance or street-level parking lot entry with street frontage, subject to the requirements of this Subsection (2).

(a) *Number.* One projecting sign is permitted per street-level business or street-level parking lot entry with street frontage

(b) *Area.* Signs may not exceed nine square feet. Text may not exceed one foot in height.

(c) *Location.* Signs must be placed below the finished floor of the second level or at a maximum height of 15 feet above final grade, whichever is lower.

(d) *Clearance.* There must be a minimum of eight feet of clearance from the bottom of the sign structure to the ground directly below.

(e) *Projection.* Including mounting hardware, signs may not project more than four feet from the building face.

(f) *Thickness.* Signs, including the cabinet, may not exceed five inches in thickness.

(g) *Materials.* Exposed surfaces of the sign must be constructed of materials that are architecturally compatible with the building exterior.

(h) *Lighting.* Signs may be illuminated internally or externally. Externally lit signs must use stationary, shielded light sources directed solely at the sign without causing glare.

(i) *Hold harmless agreement.* If a sign extends over a public right-of-way, the sign owner must sign a hold harmless agreement before the sign is approved and installed.

(3) *Parking Entry Sign.* Parking entry signs are permitted for surface-level or structured parking lots, subject to the requirements of this Subsection (3).

(a) *Number.* One sign is permitted per parking entryway along a public street, with a maximum of one sign per frontage.

(b) *Area.* Signs may not exceed nine square feet.

(c) *Height.* The maximum height may not exceed 12 feet from the natural grade of the lot.

(d) *Projection.* Signs may not project over the property line into the public right-of-way.

(4) *Awning Signs.* Each first-floor awning may include signage subject to the requirements of this Subsection (4):

(a) *Number.* One sign is permitted on each awning located over a first-floor window or door.

(b) *Area.* One square foot of signage is allowed per linear foot of awning.

(c) *Location.* Signs must be located on the vertical valance of the awning that faces a public street or right-of-way. Graphics must not exceed one foot in height.

(d) *Projection.* Awnings may project up to six feet into the public right-of-way from the property line.

(5) *Monument Signs.* Freestanding signs under five feet are permitted in the landscaped front yard or street side yard of any property, subject to the requirements of this Section (5):

(a) *Number.* One sign is permitted per landscaped front yard or street side yard.

(b) *Area.* Signs may not exceed 50 square feet, except as follows:

(i) for multi-tenant properties, an additional ten square feet of signage is permitted per tenant.

(ii) No individual sign may exceed 100 square feet in total area.

(c) *Height.* The maximum height may not exceed five feet.

(d) *Projection.* Signs may not project over the property line into the public right-of-way.

(e) *Design.* Signs must be constructed of materials similar to and architecturally compatible with the main building.

(6) *A-Frame Signs.* A-frame signs are permitted for ground-level businesses in theses zones with individual front door entrances on a public street, subject to the requirements of this Subsection (6).

(a) *Number.* One A-frame sign is permitted per ground-level business with an individual front door facing a public street.

(b) *Size.*

(i) The maximum sign face size is two feet wide by three feet tall.

(ii) The maximum sign stand frame size is 27 inches wide by 47 inches tall when closed, with a maximum depth of three feet when opened.

(c) *Sign Type.* Sign faces must be flat and lie in the same plane as the sign stand frame. Signs may not be electrified or illuminated.

(d) *Location.* Signs may only be placed:

(i) immediately in front of and between the side walls of the associated business; or

(ii) adjacent to the front façade of the business or within the park strip, provided a minimum six-foot-wide pedestrian path is maintained on the sidewalk.

(e) *Time of Display.* Signs may only be displayed during the business's hours of operation.

(f) *Permit Exemption.* A-frame signs do not require a building permit.

14.47.120 Size of Monument Signs

Maximum sign face area for ground-mounted signs up to five feet in height is determined by the property's street frontage, measured in linear feet, as shown in the following table:

Frontage of Lot	**Maximum Area of Sign Face**
Up to 10 linear feet	20 square feet
11 to 30 linear feet	30 square feet
31 to 50 linear feet	40 square feet
51 to 70 linear feet	50 square feet
71 to 90 linear feet	60 square feet

Frontage of Lot	Maximum Area of Sign Face
91 to 110 linear feet	70 square feet
111 to 150 linear feet	80 square feet
Over 150 linear feet	90 square feet

14.47.130 Size of Pole Signs

Maximum sign face area for ground-mounted signs over five feet in height is determined by the property's street frontage, measured in linear feet, as shown in the following table:

Frontage of Lot	Maximum Area of Sign Face
Up to 30 linear feet	50 square feet
31 to 60 linear feet	70 square feet
61 to 80 linear feet	90 square feet
81 to 100 linear feet	120 square feet
101 to 120 linear feet	140 square feet
121 to 140 linear feet	160 square feet
141 to 160 linear feet	180 square feet
161 to 180 linear feet	210 square feet
Over 180 linear feet	230 square feet

14.47.140 Size of Wall Signs and Painted Wall Signs

Maximum sign face area for wall signs is determined by the area of the wall on which the sign is to be placed, measured in square feet, as shown in the following table:

Area of Wall	Maximum Area of Sign Face
Up to 200 square feet	20 square feet
201 to 400 square feet	45 square feet
401 to 600 square feet	70 square feet
601 to 800 square feet	90 square feet
801 to 1,000 square feet	100 square feet
1,001 to 1,300 square feet	120 square feet
1,301 to 1,700 square feet	140 square feet
1,701 to 2,100 square feet	160 square feet
2,101 to 2,600 square feet	180 square feet
2,601 to 3,200 square feet	200 square feet
3,201 to 4,100 square feet	220 square feet
4,101 to 4,800 square feet	240 square feet
Over 4,800 square feet	260 square feet

14.47.145 Size of Other Signs

If maximum sign face area for a sign is not otherwise regulated in this Title, the maximum area is determined by the property's street frontage, measured in linear feet, as shown in the following table:

Street Frontage	Maximum Sign Area
85 feet or less	20 square feet
86 – 90 feet	25 square feet
91 – 99 feet	30 square feet
100 feet or more	35 square feet

14.47.150 Nonconforming Signs

All legally existing nonconforming on-premises signs are subject to the requirements of this Section.

(1) *Unsafe signs.* Any sign, or portion of a sign, declared unsafe by a proper public authority must be restored to a safe condition or removed within 30 days after notice of the unsafe condition is provided.

(2) *Alterations.* A nonconforming sign may not be reconstructed, raised, moved, placed, extended, or enlarged unless brought into full compliance with this Title.

(3) *Restoration.* A nonconforming sign that deteriorates or is damaged by fire, explosion, or any other cause to more than 60% of its assessed value must be repaired or rebuilt in full compliance with this Chapter or removed.

14.47.160 Definitions Pertaining to Signs

The following terms, when used in this Title, have the meanings set forth in this Section:

"A-frame sign" means a sign or structure composed of two sign faces mounted or attached back-to-back in a manner that forms a triangular vertical cross-section.

"Animated sign" means a sign with action, motion, or moving parts—including devices activated by wind or forced air—and signs that revolve or convey messages through movement or a sequence of progressive changes in parts or lights. This definition excludes electronic display signs.

"Building face" means the visible outer surface of a main exterior wall of a building. The face includes the total area of the surface, including doors and windows that open into the surface.

"Canopy". means a sign that is pained or otherwise affixed to the visible surface of an attached or free-standing awning*".*

"Convert," "converted," or "conversion" means a change from a nondigital or nonelectronic display to an electronic display sign. Any remodeling, repair, or maintenance that results in the sign becoming an electronic display sign is considered a conversion.

"Electronic display sign" means a sign, or portion of a sign, that displays electronic images, graphics, or pictures—with or without text—that can be changed by electronic means. These signs use a fixed display screen composed of illumination devices such as LEDs, fiber optics, plasma displays, or other similar technology. This includes computer-programmable or microprocessor-controlled digital displays.

“Erect” means to build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display a sign. This does not include normal maintenance such as refinishing, provided the sign copy is not changed or altered.

“Feather sign” means a temporary sign made of fabric or lightweight material attached to a pole anchored into the ground.

“Freestanding sign” means a sign that stands on or is erected into the ground, usually supported by one or more poles or posts. A sign supported by uprights that pass through the roof of a structure is considered a *roof sign*.

“Frontage” means the length of a lot that faces a street or other principal public thoroughfare. Frontage does not include sides along alleys, watercourses, railroads, or streets with no permitted access.

“Long hold time electronic display sign” means an electronic display sign with a minimum hold time of at least one hour.

“Marquee” means a roofed structure attached to and supported by a building that projects over public property.

“Monument sign” a free-standing sign supported by one or more upright poles or braces anchored into the ground and fully enclosed.

“Movable sign” means a sign that is not affixed to or erected into the ground.

“Off-premises electronic display sign” means an off-premises sign that is also an electronic display sign, as defined in this Section.

“Off-premises sign” means a sign that advertises products, services, or business establishments not located, conducted, manufactured, or sold on the same premises where the sign is erected.

“On-premises sign” means a sign that advertises products, services, or business establishments located, conducted, manufactured, or sold on the same premises where the sign is erected.

“Outdoor advertising structure” means a structure erected and maintained for advertising purposes, designed to display posters, bills, prints, or painted messages that promote products, goods, services, or businesses not located on the premises.

“Projecting sign” means a sign attached to a building or structural wall that extends horizontally outward from the wall more than 18 inches.

“Property” means land or real estate, with or without structures. It does not include goods or services.

“Residential zone” means any zone that includes the word *residential* in its description in this Title.

“Roof sign” means a sign erected on or above the roof or parapet of a building or structure.

“Short hold time electronic display sign” means an electronic display sign with a minimum hold time of less than one hour.

“Sign” means any word, letter, numeral, phrase, sentence, device, design, picture, trade name, or trademark used to make something known or to designate a firm, association, corporation, profession, business, or service, regardless of whether such is placed on natural objects such as the ground, rocks, trees, or stumps, or on

manmade structures such as buildings, walls, roofs, frames, supports, fences, or similar structures, and that is visible from any public street, highway, or road right-of-way.

"Sign area" means the area of a sign used for display purposes For back-to-back or double-faced signs covering the same subject, only one face is included in the area calculation if the faces are parallel or diverge from a common edge by no more than 45 degrees. For signs without a frame or defined background, the area is calculated using the smallest rectangle, triangle, or circle that fully encloses the display.

"Sign face area" means the entire surface area on which messaging or information is displayed or intended to be displayed, including names, logos, addresses, and similar elements affixed to the sign structure.

"Wall sign" means a sign posted on, painted on, suspended from, or otherwise attached to a wall, fascia, canopy, or marquee in a vertical orientation, with the sign face generally parallel to the surface to which it is attached.

14.47.170 Off-Premises Signs and Outdoor Advertising Structures (Billboards)

(1) *Prohibition of New Off-Premises Signs.* Except as permitted in Subsection (2), no permits may be issued for the construction of off-premises signs or outdoor advertising structures. All lawfully existing off-premises signs and outdoor advertising structures are nonconforming uses in all zones of the city.

(2) *Prohibition of Conversion of Off-Premises Signs to Electronic Display Signs.* Off-premises signs may not be converted into electronic display signs, except as permitted in this Subsection (2).

(a) A conversion is ineligible for a permit unless the area of the off-premises electronic display sign will not exceed that of the original sign.

(b) The off-premises electronic display sign overlay zone (sign overlay zone) is established to provide areas of the city in which an off-premises sign may be converted into an off-premises electronic display sign. Off-premises signs may not be converted into electronic display signs in any location except those within the sign overlay zone.

(c) The sign overlay zone applies only to properties that are not zoned residential and that front the following roads:

(i) that portion of I-15 within the boundaries of Provo;

(ii) University Avenue, between 680 South and the I-15 interchange generally located at 1860 South;

(iii) State Street, between Cougar Boulevard and the boundary line of Provo on the north; and

(iv) Center Street, between I-15 and 900 West.

(d) Off-premises signs may not be converted unless the application demonstrates how the sign will comply with all the applicable provisions of this Chapter and affirms that the sign will always be operated in compliance with this Chapter.

(3) Off-premises electronic display signs must comply with the following standards:

(a) at no time may the light level exceed 300 nits.

(b) signs must be equipped with both a dimmer control and a photocell that automatically adjust brightness based on ambient light levels. A default mechanism must turn off the display within 24 hours of a reported malfunction;

(c) messages must be static and displayed for a minimum of eight seconds. No part of the message may flash, scroll, twirl, change color, fade in or out, or simulate movement. Transitions must be instantaneous;

(d) each message must be complete in itself and may not continue into another message or across multiple signs;

(e) electronic display signs must be located at least 300 linear feet from any non-electronic off-premises sign; at least 1,200 linear feet from any other electronic display sign on the same side of the street; and at least 500 linear feet from an interstate exchange, measured from any part of the sign to the nearest portion of another sign or to the nearest right-of-way line of the interchange;

(f) signs must be located at least 1,600 linear feet from any electronic display sign on the opposite side of the street, measured from any part of the signs; and

(g) signs must be located at least 300 feet from any residence, as measured to the nearest property line. This distance may be reduced to 150 feet if the sign face is not visible from the residence.

(4) *Acquisition of Interests.* The city may acquire title to nonconforming off-premises signs or outdoor advertising structures by gift, purchase, agreement, exchange, or eminent domain, and may amortize such signs as permitted by state or federal law.

(5) *Public Information and Logo Signs.*

(a) Public information signs, as defined in Utah State Code, are permitted to direct the traveling public to points of interest, historical sites, and other notable destinations. These signs must comply with the specifications set forth in the Manual on Uniform Traffic Control Devices as adopted by the city.

(b) Off-premises logo signs, as defined in Utah State Code, are permitted to direct the traveling and general public to business establishments that provide lodging, food, camping, gas, or similar services. Referred to by the Utah Department of Transportation as the “Logo Sign Program,” these signs must comply with the regulations in this Subsection (b)

(i) *Logo Sign Program.* The owner and installation contractor must comply with all applicable state and federal laws and regulations, as well as Utah Department of Transportation policy and procedures, when constructing or maintaining logo signs. No logo sign may be placed within the City, except along the Interstate 15 right-of-way, unless approved by the City before installation.

(ii) *Logo Structures.* All logo structures must conform to the specifications in Utah Department of Transportation–approved drawings or must be approved by the Planning Commission.

(iii) *Directional Signs.* Directional signs may not exceed forty-two inches by forty-eight inches and may display no more than two businesses.

(iv) *Placement.* Placement of logo signs within the City must follow the guidelines in Attachment C, Section H of State Contract No. 90-3392. Contractors must obtain all required City approvals and permits before installation.

(v) *Height.* No sign may exceed twelve feet in height, measured from ground level.

(vi) *Offset.* Logo signs must match the setback of legally existing signage within the right-of-way. If no signage exists, the setback must be no less than eight feet. All sign locations must be reviewed and approved by the City Traffic Engineer for traffic safety.

(vii) *Design.* Business logo sign design may only include the business name, trademark, or symbol, and may not resemble any traffic sign, symbol, or device. The logo must be consistent on all signs for that business, may not include supplemental advertising, and must be uniform in size. Each logo plate must measure eighteen inches by twenty-four inches, as specified in State Contract No. 90-3392.

(viii) *Number.* There may not be more than one directional sign per service type (camping, gas, lodging, food, etc.) per location.

(ix) *Removal.* Removal of a logo sign, or a business' logo from a sign containing other logos, is required within fifteen days of a business's closure. If a sign is declared a traffic hazard by the City Traffic Engineer, it must be removed regardless of business status. Failure to remove the sign within the required timeframe is unlawful, constitutes a nuisance, and authorizes the City to remove the sign and recover the cost of removal from the owner.

Chapter 14.48
RELOCATION OF BUILDINGS

Sections:

14.48.010 Purpose and Objectives.
14.48.020 Planning Commission Approval.
14.48.030 Application.
14.48.040 Fee.
14.48.050 Public Hearing.
14.48.060 Standards for Relocation.
14.48.070 Conditional Approval.
14.48.080 Performance Bond.
14.48.090 Inspection of Work.
14.48.100 Other Permits Required.

14.48.010 Purpose and Objectives

The purpose of this Chapter is to ensure that buildings relocated from one location to another do not negatively affect property values or the neighborhood environment at the new site. Relocated buildings must harmonize with and support the existing and planned development of the surrounding area.

14.48.020 Planning Commission Approval

(1) A person may not place, move onto, or affix to land any building that was previously located on another site without first obtaining approval from the Planning Commission. As used in this Section, “building” means any structure designed, built, or occupied as a shelter or enclosed space for persons, animals, or property, and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes.

(2) This Chapter does not apply to accessory structures with a floor area of less than 200 square feet, or to modular homes or new construction buildings as defined in this Title.

14.48.030 Application

A person seeking Planning Commission approval under this Chapter must file an application with the Development Services Department that includes the following:

(1) *Description.* A description of the building to be relocated, including construction materials, dimensions, number of rooms, condition of the exterior and interior, year of construction, and an estimate of current value;

(2) *Location.* The current location of the building, including the city and street address or a legal description of the site;

(3) *Legal Description.* A complete legal description of the lot to which the building is proposed to be relocated, along with the street address;

(4) *Site Plan.* A site plan of the proposed relocation site, showing all boundary lines, adjacent lots, existing structures and improvements, access points, and the proposed building placement;

(5) *Photographs.* Photographs of the building showing front, rear, and side elevations, along with any additional photographs that illustrate the proposal; and

(6) Any other information the Planning Commission determines necessary to fairly evaluate the application.

14.48.040 Fee

The application must be accompanied by a fee for each building to be relocated, as set forth in the Consolidated Fee Schedule adopted by the Municipal Council.

14.48.050 Public Hearing

A public hearing before the Planning Commission is required. The decision of the Planning Commission may be appealed to the Board of Adjustment as provided in PCC 14.04.030.

14.48.060 Standards for Relocation

Before approving any application under this Chapter, the Planning Commission must determine that all of the following conditions are met:

(1) *Zoning compliance.* The building will conform to all applicable zoning regulations at the proposed site.

(2) *Neighborhood compatibility.* The building is of a size and architectural style that is compatible with existing development in the neighborhood. If the area is undergoing development or redevelopment, the Planning Commission may also consider improvements that are planned or anticipated by property owners in the area.

(3) *No detrimental impact.* The building will not have a detrimental effect on the environment or on property values in the area where it is to be relocated.

(4) *No conflict with public plans.* The relocation will not adversely affect any planned streets or other public improvements and does not conflict with any adopted City plan.

14.48.070 Conditional Approval

(1) The Planning Commission may approve a proposed relocation subject to conditions it finds warranted under the circumstances. Conditions may include specific requirements for landscaping, exterior finishing, dedication and improvement of adjacent streets and alleys, and deadlines for completing required work and improvements.

(2) Conditional approval does not take effect, and no action may be taken under it, until the applicant furnishes a performance bond as required by this Chapter.

14.48.080 Performance Bond

If the Planning Commission grants approval subject to performance conditions, the applicant must post a performance bond with Provo City. The bond must comply with the requirements set forth in this Title and must guarantee completion of all conditions imposed by the Planning Commission.

14.48.090 Inspection of Work

(1) The performance bond may not be released or exonerated, and the relocated building may not be occupied, until the Chief Building Official certifies that all required work and improvements have been satisfactorily completed in accordance with the conditions established by the Planning Commission and the current city construction codes.

(2) No Certificate of Occupancy or Certificate of Zoning Compliance may be issued until the inspection is complete and all applicable code requirements and conditions have been met.

14.48.100 Other Permits Required

Approval or conditional approval by the Planning Commission does not constitute a building permit and does not relieve the applicant of the requirement to obtain all necessary building permits.

Chapter 14.49
HOME OCCUPATIONS

Sections:

14.49.010 Purpose and Intent.
14.49.020 Definitions.
14.49.030 Procedure.
14.49.040 Conditions.
14.49.050 Minor Home Occupations.
14.49.060 Major Home Occupations.
14.49.070 Noncompliance.
14.49.080 Appeal.
14.49.090 Business License Required.

14.49.010 Purpose and Intent

Home occupations are permitted as defined in this chapter, but with restrictions to ensure that most business activities occur in appropriate commercial zones. A resident may conduct limited business activities within a dwelling if those activities comply with the standards of this Section. All home occupations must be secondary and incidental to the residential use. The occupational use must be conducted in a manner that would not make its presence apparent to neighbors under normal conditions. Home occupations are a temporary privilege and may be revoked if they disrupt the residential character of the neighborhood.

14.49.020 Definitions

For purposes of this Chapter, the following words and terms have the meanings given below:

“Customer" means any individual who visits a home occupation for a business-related purpose, including but not limited to clients, students, delivery personnel, and spectators. Each visitor is considered a separate customer, regardless of any personal relationship or corporate affiliation among them.

"Employee" means any person who works for a home occupation, whether paid or unpaid.

14.49.030 Procedure

The Development Services Department may issue a Home Occupation License upon application. The License must identify the permitted home occupation, any conditions of approval, and any limitations on the use. The Department may not issue the License unless it determines that the applicant will meet all of the conditions listed in this Chapter.

14.49.040 Conditions

Each of the following conditions must be observed at all times by the holder of a Home Occupation License:

(1) *Nonresident employment.* Unless otherwise provided in this Chapter, a person who is not a bona fide resident of the premises may not be employed at the premises.

(2) *Floor area and location.* The home occupation may not exceed 49% of the total floor area of the home and may not be conducted outdoors. Use of the garage for the home occupation is allowed only if sufficient on-site parking is available to meet the requirements of PCC 14.44.060.

(3) *Promotional meetings.* Promotional meetings for selling merchandise or taking orders may exceed customer limits otherwise allowed in this Section, but may not occur more than once per month and may include no more than 12 customers.

(4) *Sales and customer visits.* The home occupation may include the sale of commodities. Sales must be limited to items produced on the premises or items incidental to the service provided (e.g., a beautician who sells hair care products). Retail sales of products or services are allowed at the home, with a maximum of two customers per hour between 8:00 a.m. and 9:00 p.m., provided such activity does not unreasonably disturb the peace and quiet of the neighborhood.

(5) *Signage.* No sign or advertising may be displayed on the premises, except name plates as permitted by PCC 14.47.

(6) *Visibility.* No business-related display may be visible from the exterior of the premises.

(7) *Vehicles and deliveries.* Only one vehicle may be used in association with the home occupation, and it must be stored entirely within a building. The vehicle may not exceed a gross vehicle weight rating of 16,000 pounds. A home occupation may not require the receipt or delivery of goods or equipment by vehicles other than passenger cars or standard parcel carriers. Deliveries by semi-tractor/trailer are not permitted.

(8) *Code compliance.* The home occupation and the residence in which it is located must comply with the Provo City Code, as well as all applicable fire, building, plumbing, electrical, and health codes, and all relevant state and city laws.

(9) *Municipal impact.* The home occupation may not generate demand for municipal or utility services or community facilities that exceeds levels customarily associated with residential uses.

(10) *Residential character.* The home occupation may not alter the residential character of the premises or unreasonably disturb the neighborhood, including interference with radio or television reception, through color, design, materials, construction, lighting, noise, or vibrations.

(11) *Permit renewal.* A Home Occupation License is valid for one year and may be renewed annually, provided there have been no reported violations, complaints, or detrimental conditions that, in the opinion of the Development Services Department, warrant termination of the License.

(12) *Accessibility waivers.* A person with a disability may request a waiver from one or more of these conditions through the Zoning Administrator to support self-sufficiency.

(13) *Accessory dwelling units.* If the home includes an accessory dwelling unit, a major home occupation is not permitted unless use of the accessory dwelling unit is terminated.

(14) *Parking.* Sufficient off-street parking must be provided for all business-related vehicles that park at the premises, including those of the applicant, employees, customers, clients, and business visitors.

(15) *Prohibited home occupations*. To minimize traffic and parking impacts, and to avoid health and sanitation risks from the disposal of medical waste, offices for medical, dental, and other health professionals are not permitted as home occupations.

14.49.050 Minor Home Occupations

(1) Home occupations that meet the standards in 14.49.040 are considered minor home occupations.

(2) *Permitted home occupations.* Permitted minor home occupations include any home office that complies with PCC 14.49.040, and the following:

(a) Artists, authors, architectural services, and advertising;
(b) Barber and beauty shops;
(c) Consulting services and craft sales;
(d) Dance studios, aerobic exercise, music lessons, tutoring, and general educational instruction, provided no more than two students are present at a time;
(e) Direct sales distribution and desktop publishing;
(f) Data processing, computer programming, and computer services;
(g) Family day care for no more than six children;
(h) Home crafts;
(i) Garden produce;
(j) Janitorial services;
(k) Insurance sales, brokerage, and interior design;
(l) Mail order businesses;
(m) Real estate sales, brokerage, or appraisal services;
(n) Sales representatives; and
(o) Contractors, provided there is no outdoor storage of equipment and no more than one company vehicle is stored on site.

14.49.060 Major Home Occupations

A Major Home Occupation is a conditional use and is permitted only with the issuance of a conditional use permit and must comply with the standards in PCC 14.49.040, as well as the requirements in this Section and any additional conditions imposed by the Development Services Department through a conditional use hearing. Upon approval of a Conditional Use Permit, the Development Services Department may authorize increased intensity in the following areas:

(1) *Customer visits.* Up to six customers per hour may visit the dwelling unit between 8:00 a.m. and 5:00 p.m., and up to two customers per hour between 5:00 p.m. and 9:00 p.m., provided the visits do not unreasonably disturb the peace and quiet of the neighborhood.

(2) *Commercial vehicles.* A commercial vehicle with a gross vehicle weight rating of up to 17,500 pounds may be used, provided it is parked on private property and is adequately screened from view.

(3) *Outside employees.* Employees who do not reside on the premises may be allowed during daytime business hours (8:00 a.m. to 5:00 p.m.), subject to one of the following conditions:

(a) One outside employee may be present at a time on a lot that is at least 8,000 square feet. One additional employee may be allowed for each additional increment of 30,000 square feet.

(b) As an alternative to Subsection (3)(a), a home occupation that does not bring customers to the premises may have up to two outside employees at a time, if the lot is at least 8,000 square feet and sufficient off-street parking is provided. One additional employee may be allowed for each additional increment of 30,000 square feet.

(c) A home occupation that does not bring customers to the premises may allow extended hours for outside employees authorized under this Section, from 8:00 a.m. to 9:00 p.m.

(4) *Promotional meetings.* Promotional meetings for selling merchandise, taking orders, or conducting training may exceed the limits on customers and employees in this Section, but may not occur more than four times per month and must be limited to a combined total of 12 customers and employees per meeting.

14.49.070 Noncompliance

The Development Services Department may revoke a Major Home Occupation Conditional Use Permit in accordance with PCC 14.02.070.

14.49.080 Appeal

A person may appeal the denial or revocation of a Major Home Occupation Conditional Use Permit or object to any condition placed on the permit, by filing an appeal with the Board of Adjustment in accordance with PCC 14.02.050.

14.49.090 Business License Required

A Major Home Occupation Conditional Use Permit is not a business license. Granting the permit does not relieve the permit holder of any requirement to obtain a business license from the city or any other applicable public agency.

Chapter 14.50
SUPPLEMENTARY DEVELOPMENT STANDARDS

Sections:

14.50.010 Purpose.
14.50.020 Establishment of Uses Not Specified.
14.50.030 Clarification of Ambiguity.
14.50.040 Public Utilities - Exception.
14.50.050 Boats, Recreational Vehicles, and Trailers.
14.50.060 Location of Mobile Homes.
14.50.070 Trash Storage, Abandoned, Wrecked, or Junked Vehicles; Miscellaneous Materials.
14.50.075 Portable Storage Containers.
14.50.080 Height Limitations - Exceptions.
14.50.085 Fencing Standards for Residential Zones.
14.50.090 Clear Vision Area - Corner Lots.
14.50.100 Minimum Lot Area - Portion for Public Use.
14.50.110 Double Frontage Lots - Two (2) Front Yards.
14.50.115 Flag Lots.
14.50.120 Swimming Pools.
14.50.130 Caretaker Dwellings as an Accessory Use.
14.50.140 Residential Facilities.
14.50.150 Design Corridors.
14.50.160 Transitional Development Standards.
14.50.170 Residential and Mixed-Use Design Standards.
14.50.180 Downtown Development Design Standards.
14.50.190 Multifamily Amenities.
14.50.200 Second Kitchen in One-family Dwellings.
14.50.210 Elderly Persons - Extra Living Space.

14.50.010 Purpose

The purpose of this Chapter is to establish land development standards that apply citywide, unless explicitly stated otherwise in this Chapter, regardless of zone. These requirements supplement the property development standards for each applicable zone. If a provision in this Chapter conflicts with a provision in another Chapter, the standards in this Chapter govern.

14.50.020 Establishment of Uses Not Specified

(1) *Discretionary Authorization by Planning Commission.* When a use is not specifically listed as permitted in a zone but shares the same general character and intensity as other permitted uses, the Planning Commission may, upon request, authorize the establishment of the use if it finds all of the following:

(a) The use aligns with the purposes of the zone in which it is proposed;

(b) The use is appropriate for the zone because it has the same basic characteristics as other permitted uses;

(c) The use does not harm public health, safety, or welfare;

(d) The use does not adversely affect the character of the zone;

(e) The use does not generate more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, visual blight, or other objectionable impacts than uses already permitted in the zone; and

(f) The use does not pose a greater risk of fire or explosion than is typical of other permitted uses in the zone.

(2) *Referral for Code Amendment.* If the Planning Commission authorizes the establishment of a use under this Section, it must, at the same regular meeting, schedule a public hearing in accordance with PCC 14.02.010 to consider recommending the use for addition to the list of permitted uses in the applicable zone through a text amendment to this Title.

14.50.030 Clarification of Ambiguity

If ambiguity arises regarding the classification of a use under this Title, or concerning height, yard requirements, area requirements, or zone boundaries, especially due to unforeseen circumstances such as technological changes or material processing, the Planning Commission must determine all relevant facts and issue findings and interpretations. Those findings and interpretations govern until formal changes to the Code clarify or eliminate the ambiguity.

14.50.040 Public Utilities - Exception

(1) *Public Utility Exemption.* This Title does not apply to poles, lines, or other structures or facilities used exclusively by a utility company to distribute electricity or communication services. It also does not limit or interfere with the installation, maintenance, or operation of public pipelines, electric or telephone distribution and transmission lines, or railroads, when located in accordance with applicable local and state regulations.

(2) *Required Approvals.* All transmission lines, electric substations, storage yards, and public utility buildings are subject to project plan approval if required by the applicable zone. Low-power radio communication towers and antennas are subject to the standards in PCC 14.02.045.

14.50.050 Boats, Recreational Vehicles, and Trailers

(1) In any zone, boats, recreational vehicles, or trailers may not be placed, kept, or maintained within the clear vision area of a corner lot, as defined in PCC 14.50.090. In any residential zone, a boat, recreational vehicle, or trailer may not be kept in a front or street side yard unless all of the following conditions are met:

(a) It is parked on a driveway or a paved parking area that complies with PCC 14.44.040;

(b) Any portion of the boat, recreational vehicle, or trailer taller than three feet is set back at least 12.5 feet from the inside edge of the sidewalk, or from the property line if no sidewalk exists; and

(c) It does not encroach into any public right-of-way.

(2) A boat, recreational vehicle, or trailer may be parked in a rear yard or in a side yard that is not a street side yard.

(3) A recreational vehicle may not be occupied while located on a lot in a residential zone, except under the following conditions:

(a) No more than one recreational vehicle may be occupied at a time on the same lot;

(b) The occupied recreational vehicle must be parked off the street and in compliance with Subsection (1) or (2);

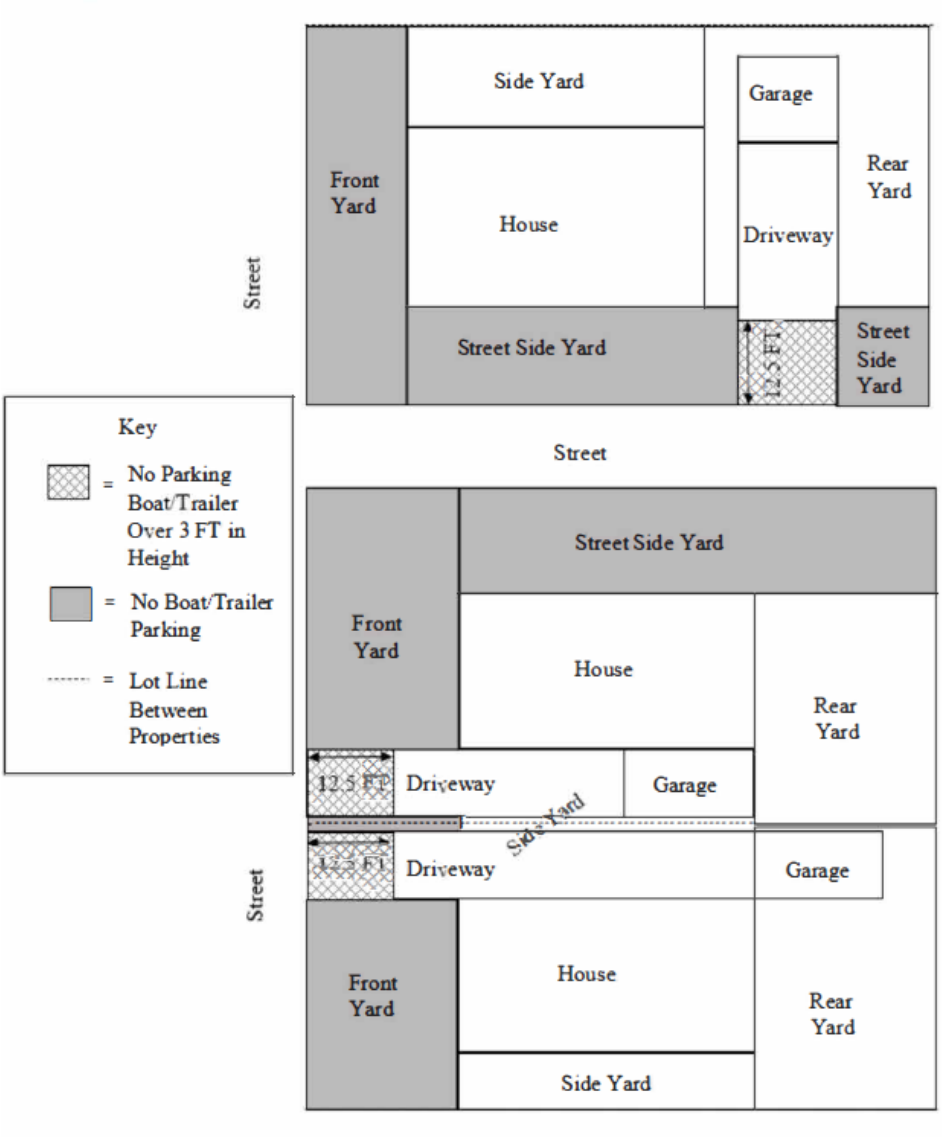
(c) The recreational vehicle may not be occupied for more than seven consecutive days;

(d) The total time any recreational vehicle may be occupied on the same lot may not exceed 30 days per calendar year; and

(e) All sewage (black water) waste must be discharged at a dump station. Discharging sewage anywhere else is unlawful.

(4) For reference, this Section includes illustrative diagrams below (Figure 14.50.050-1). In the event of a conflict between an illustration and a definition, the definition governs.

Figure 14.50.050-1. Restricted Parking Locations for Boats, Recreational Vehicles, and Trailers



14.50.060 Location of Mobile Homes

(1) *General Prohibition.* No person may place, keep, maintain, or permit a mobile home to be placed, kept, or maintained on any lot, piece, or parcel of land in the city, except in a mobile home park or mobile home subdivision, unless one of the following exceptions applies:

(2) *Temporary Placement.* A mobile home may be temporarily placed or stored on a lot, outside the clear vision area defined in PCC 14.50.090, for:

(a) up to 24 hours for loading or unloading; or

(b) up to seven days for temporary storage, provided the mobile home is not occupied.

(2) *Active Building Permit.* A mobile home may be located on the rear half of a lot in a residential zone during the construction of a permanent single-family residence, provided:

(a) a building permit for the permanent residence is issued before the mobile home is placed on site; and

(b) the mobile home is removed no later than final inspection of the permanent residence, and in no case remains on site for more than one year.

(3) *Construction Office.* A mobile home may be used as a temporary construction office on the construction site of a building other than a single-family residence. The mobile home must be removed within 10 days after the final inspection is granted.

(4) *Commercial Use.* A mobile home may be used for temporary expansion of an existing commercial or industrial use if approved by the Planning Commission and subject to the following:

(a) approval may be granted for no more than one year, with a one-time extension of up to one additional year, if requested by the property owner and approved by the Planning Commission;

(b) the mobile home may be located in a side or rear yard only, and must be made as inconspicuous as possible; and

(c) the mobile home must comply with all applicable yard requirements and be located according to a project plan approved by the Planning Commission.

(5) *Performance Bond Required.* A mobile home or trailer used under Subsections (2), (3), or (4) must be secured by a performance bond to ensure its removal by the end of the approved period.

(a) The bond must be paid in cash before moving the mobile home or trailer onto the site. If not paid in advance, a bond in double the required amount is required.

(b) The bond amount is $250 for a single-wide and $2,500 for a double-wide mobile home.

(c) The bond must require removal of the mobile home or trailer by the expiration of the authorized period, or by the end of an approved extension.

14.50.070 Trash Storage, Abandoned, Wrecked, or Junked Vehicles; Miscellaneous Materials

(1) *Storing of Inoperable Vehicles.* It is unlawful to park, store, or leave, or permit the parking, storing, or leaving of, any motor vehicle or part thereof, whether licensed or unlicensed, that is wrecked, junked, partially dismantled, inoperative, or abandoned on private property in the City for more than 72 hours, except as follows:

(a) up to two such vehicles or parts may be stored if kept within a building or behind an opaque screening fence; and

(b) such vehicles or parts may be located in a legally established junkyard or automobile wrecking yard in accordance with this Title.

(2) *Nuisance.* Accumulating or storing more than two such vehicles or parts on private property, except as permitted above, constitutes a nuisance that is detrimental to public health, safety, and welfare. The owner,

lessee, or person in possession of the property must remove the vehicles or take other remedial action as directed by the City.

(3) *Outside Storage.* No trash, used materials, junk, household furniture, appliances, scrap material, equipment, or parts may be stored in an open area. Accumulation of more than one such item constitutes a junkyard as defined in PCC 14.05 and must be removed, stored within an enclosed building, or located in an M2 zone. Storing commercial goods or materials is prohibited unless allowed by the underlying zone.

(4) *Trash Containers.* Trash storage containers must be placed in a location approved by the Planning Commission as part of a project plan or in accordance with PCC 11.03.090. Trash container locations approved with a project plan must meet the following requirements:

(a) Containers must be screened using durable materials that are architecturally compatible with the primary structure or perimeter fence or wall on the lot. Containers must be screened from view of any abutting lot or public street;

(b) Enclosures may not project into a required yard unless authorized by a conditional use permit under PCC 14.02;

(c) Containers on lots used for nonresidential purposes that abut a residential zone must comply with the setback requirements in PCC 14.50.160;

(d) The following considerations apply, in order of priority, when determining the location of trash storage containers:

(i) Ease of access by trash removal vehicles;

(ii) Setbacks and screening to minimize odor and visual impacts; and

(iii) Ease of access by users of the containers.

(e) This Subsection applies only to trash containers of two cubic yards or larger. It does not apply to 90-gallon containers provided by Provo City.

14.50.075 Portable Storage Containers

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

(2) *Active Building Permit.* If a building permit has been issued for construction or remodeling of a dwelling unit in an agricultural or residential zone, one portable storage container may be located on the same lot or parcel while the permit remains valid, subject to the following requirements:

(a) The portable storage container may be placed on a driveway, or in an interior side yard or rear yard, provided the container may not be located within a parking circulation aisle or lane, fire access lane, public utility easement, or public right-of-way, including a public street or sidewalk; and

(b) The portable storage container must be removed before the City issues a certificate of occupancy.

(3) *Temporary Placement.* If no building permit has been issued, one portable storage container may be placed on a lot or parcel in an agricultural or residential zone for up to 30 days in any 12-month period, if it complies with Subsection (2)(a).

(4) *Stacking.* In any zone, vertical stacking of portable storage containers or placement of any other materials on top of a portable storage container is prohibited.

14.50.080 Height Limitations - Exceptions

(1) *Point of Measurement.* Where doubt exists regarding the height of a fence, hedge, masonry wall, retaining wall, or similar structure regulated by this Title, height is measured from the average finished grade of the yard in which the structure is located.

(2) *Height Exceptions.* The height limitations of this Title do not apply to the following structures, provided they are not used for human occupancy:

(a) Church spires, belfries, cupolas, or domes; and

(b) Chimneys, ventilators, skylights, water tanks, silos, cornices without windows, parapet walls, antennas, radio towers, or properly screened mechanical equipment typically located above a building's roofline.

(3) *Aircraft Concession.* No building, tree, smokestack, chimney, flagpole, wire, tower, or other structure, or any attachments, may be constructed, built, or established if it creates a hazard or obstruction to aircraft navigation, landing, or takeoff at a publicly used airport. In such areas, regulations of the Federal Aviation Administration constitute the minimum acceptable standards.

14.50.085 Fencing Standards for Residential Zones

(1) *Applicability.* Fences in the One-Family Residential (R1), Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Campus Residential (CR), Neighborhood Mixed-Use (NMU), and Mixed-Use (MU) zones must comply with the standards in this Section.

(2) *Permit Required.* Structural fences that are seven feet or less in height do not require a building permit. Structural fences over seven feet in height require a building permit from the Building Inspection Division.

(3) *Materials.* Permitted fencing materials include lumber, vinyl, chain-link, masonry, wrought iron, decorative metal, vegetation, or other similar materials. The use of pallets, scrap metal, tarps, or other non-fencing materials is prohibited. Standards for barbed wire and similar fencing types are provided in PCC 9.14.020.

(4) *Maintenance.* Any fence, wall, gate, hedge, or structure that is deteriorated or in disrepair to the extent that it creates a nuisance or hazard must be repaired or replaced.

(5) *Location.* Fences in residential yards are subject to the following:

(a) *Front Yard.* Solid, sight-obscuring walls, fences, or hedges may be built to a maximum height of three feet within any required front yard perimeter. These may slope upward to connect to a taller side

yard fence, provided the sloped section does not exceed one fence panel or ten feet in length. Walls, fences, or hedges that are at least 50 percent open may be built to a maximum height of six feet in a front yard.

(b) *Side Yard.* Both sight-obscuring and non-sight-obscuring fences may be built to a maximum height of seven feet in any side yard.

(c) *Rear Yard.* Fences and walls in the rear yard may exceed seven feet in height only if the property owner obtains a building permit from the Building Inspection Division before construction.

(d) *Corner Lots.* A fence up to seven feet in height may be built in the side yard adjacent to a public street on a corner lot, provided it does not extend into the clear vision area as defined in PCC 14.50.090.

(e) *Entryways.* Entry features for private driveways or subdivision entrances may not exceed six feet in height, excluding lamps on pillars, and must comply with PCC 14.50.090. Pillars may extend up to 18 inches above the maximum allowed fence height, provided they are spaced at least six feet apart, measured face to face.

(f) *Grade Differences.* If there is a difference in elevation between adjacent properties, fence height is measured from the natural grade of the property where the fence is located.

(g) *Retaining Walls.* Where a retaining wall protects a cut or fill at a lot line, the wall may be topped by a fence, wall, or hedge of the same height that would be permitted if no retaining wall existed.

(h) *Double Frontage Lots.* A fence or wall up to seven feet in height may be built in the rear yard of a double frontage lot if the rear yard abuts a street only if approved by the Development Services Department.

14.50.090 Clear Vision Area - Corner Lots

In all zones that require a front yard, no structure, fence, or vegetation taller than three feet may be placed on a corner lot within a triangular area formed by the street property lines and a line connecting points located 25 feet from their intersection, except as follows:

(1) Street trees and other landscaping are permitted if they are pruned and maintained to avoid obstructing clear views for motor vehicle drivers, as determined by the City Engineer; and

(2) City wayfinding and traffic control signs are permitted.

14.50.100 Minimum Lot Area - Portion for Public Use

(1) If a portion of a lot or parcel that meets the minimum area requirements of its zone is acquired for public use and the resulting lot area falls below the minimum requirement, the remainder may still be considered compliant if all of the following conditions are met:

(a) the remainder contains a rectangular space of at least 30 by 40 feet, excluding required front and side yards and excluding one-half of the required rear yard. This rectangular space must be usable for a principal use or structure;

(b) the remainder has a total area of at least one-half the minimum required lot area for the zone, except in zones with a minimum lot area of 15,000 square feet or more, where the remainder must be at least 6,000 square feet; and

(c) the remainder has a minimum street frontage of 20 feet.

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

14.50.110 Double Frontage Lots - Two (2) Front Yards

A double frontage or through lot must provide a front yard, as required by the applicable zone, along each street it abuts.

14.50.115 Flag Lots

To encourage efficient land use and increase the housing stock in Provo, flag lots are permitted subject to the following requirements:

(1) *Zoning.* A flag lot may only be located in an A1, RA, or R1 zone.

(2) *Development Justification.* The applicant must provide written and illustrative evidence showing property development with and without the proposed flag lot, demonstrating that:

(a) the flag lot results in a 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 properties;

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

(i) current, proposed, or alternative zoning;

(ii) the potential to incorporate the subject property with adjacent properties to achieve a more unified development and avoid the need for a flag lot;

(iii) alternative street designs and improvements; and

(iv) any other reasonable design options that would eliminate the need for a flag lot;

(d) the flag lot serves as infill development within the general area; and

(e) access to the flag lot is provided through the pole portion of the lot, which may not be located within a primary conservation area as defined in PCC 15.03.010.

(3) *Minimum Design Standards.* Flag lots must meet the following minimum design standards:

(a) the flag lot must have at least 15 feet of frontage on a dedicated public street, which serves as access to the lot.

(i) a single flag lot with 15 feet of frontage must include an adjacent five-foot perpetual private utility easement on the neighboring lot.

(ii) when two adjacent lots are flag lots with adjacent access, the combined frontage may be a minimum of 25, split between the two lots;

(b) the pole portion of the lot may not exceed 149 feet in length unless:

(i) the lot has at least 20 feet of frontage on a public street; or

(ii) a turnaround for fire apparatus is provided;

(c) a dwelling may not be located more than 200 feet from the street unless equipped with a fire suppression system;

(d) the flag (or body) portion of the lot must meet the minimum lot area, width, and depth requirements of the applicable zone;

(e) the front, rear, and side yard setbacks of the flag (or body) portion must conform to the setback requirements of the applicable zone;

(f) no structure may be located on the pole portion of the lot, except for aesthetic entry features such as archways, decorative mailboxes, raised landscape beds, or similar structures;

(g) a hard-surfaced driveway at least 12 feet wide must extend from the street to the required parking area(s). This driveway may be shared between two flag lots with an access agreement; and

(h) unpaved areas of the pole portion must be landscaped in accordance with PCC Chapter 15.20.

(4) *Findings Required.* A flag lot may not be approved as part of a preliminary or final subdivision plat unless staff first find that the applicant has provided sufficient evidence supporting creation of the flag lot and that the lot meets the minimum design standards set forth in this Section.

(5) *Additional Conditions.* In addition to the minimum requirements, staff may impose conditions on a flag lot as part of preliminary or final subdivision plat approval, including but not limited to:

(a) fencing and screening requirements;

(b) location and height of the dwelling;

(c) Installation of one or more fire hydrants; and

(d) additional off-street parking or backup space, designed in accordance with the standards in PCC Chapter 14.44.

(6) *Bonding for Improvements.* Required improvements and any applicable conditions of approval for a flag lot must be bonded for pursuant to PCC 15.03.280 at the time a building permit is issued for construction on the lot.

14.50.120 Swimming Pools

Swimming pools, as defined by the International Swimming Pool and Spa Code, must be set back at least five feet from all property lines. Any pool must also include access gates and a six-foot fence, a barrier, or a safety cover, in accordance with the requirements of the International Swimming Pool and Spa Code.

14.50.130 Caretaker Dwellings as an Accessory Use

In zones where caretaker dwellings are specifically permitted as an accessory use, a caretaker dwelling may be established only if it meets all of the following requirements:

(1) it is accessory to a functioning principal use, with no more than one caretaker dwelling per lot or principal use;

(2) it is located on the same property as the principal use;

(3) it is occupied by only one family;

(4) it contains only one kitchen;

(5) it is subordinate in size to the principal use and does not exceed 1,200 square feet of floor area;

(6) it is designed as part of, and in harmony with, the architecture of the main building(s) on the property;

(7) it is not a manufactured dwelling unit; and

(8) it is occupied or rented only by an employee or subcontractor of the legal entity that owns the principal use. The caretaker must be employed by that entity. Upon request, any person occupying a caretaker dwelling must provide evidence of compliance with this Section.

14.50.140 Residential Facilities

(1) *Residential Facilities for Persons with a Disability.*

(a) Upon application for a license to establish a residential facility for persons with a disability in any zone where the use is permitted, the City will grant a license if the facility meets all of the following conditions:

(i) the facility complies with all building, safety, and health requirements of the PCC that apply to similar structures;

(ii) the facility meets all zoning requirements for the zone in which it is located;

(iii) the operator provides off-street parking as required by PCC 14.44;

(iv) the facility is occupied only to the same extent that a dwelling unit may be occupied in the same zone;

(v) the design and landscaping of the facility is consistent with the residential character of the structure; and

(vi) any new structure will be of a size, scale, and design that is in harmony with other residential uses in the vicinity.

(vii) a residential facility for persons with a disability must maintain applicable licensure or certification required under state law, including under Utah Code Title 26B.

(b) The City intends to regulate residential facilities for persons with a disability only to the extent allowed by:

(i) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;

(ii) The Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601 et seq., and applicable jurisprudence; and

(iii) Section 504 of the Rehabilitation Act of 1973, and applicable jurisprudence.

(c) None of the conditions in this Subsection (1) may be interpreted to limit any reasonable accommodation necessary to allow occupancy of a residential facility for persons with a disability, in accordance with the Fair Housing Amendments Act of 1988.

(d) A license issued under this subsection is nontransferable and terminates if:

(i) the structure is used for a purpose other than a residential facility for persons with a disability; or

(ii) the structure or use fails to comply with any requirement of this Subsection (1).

(2) *Residential Facility for Elderly Persons.*

(a) Upon application for a license to establish a residential facility for elderly persons in any zone where the use is permitted or conditionally permitted, the City will grant a license if the facility complies with the following conditions:

(a) the facility complies with all building, safety, zoning, and health requirements applicable to similar dwellings;

(b) the facility is no closer than 1,000 feet of another such facility;

(c) the operator provides off-street parking as required for one-family residential uses under PCC 14.44;

(d) the facility is usable without structural or landscaping changes that alter its residential character;

(e) no person being treated for alcoholism or drug abuse is placed in the facility;

(f) placement is voluntary and is not used as a substitute for confinement, rehabilitation, or treatment in a correctional facility;

(g) a residential facility for elderly persons may not operate as a business. A facility is not considered a business solely because a fee is charged for food or for the actual and necessary costs of operating and maintaining the facility; and

(h) if applicable, the facility complies with all the conditional use criteria in PCC 14.02.040.

(b) A license issued under this subsection is nontransferable and terminates if:

(i) The structure is used for a purpose other than a residential facility for elderly persons; or

(ii) The structure or use fails to comply with any requirement of this Subsection (2).

(3) *Assisted Living Facilities.*

(a) The following development standards apply to assisted living facilities:

(i) assisted living facilities are permitted in all residential zones, as well as in the Neighborhood Commercial (SC1) and Public Facilities (PF) zones;

(ii) the facility must comply with all building, safety, and health requirements of the PCC applicable to similar structures and occupancies in the applicable zone;

(iii) the facility must comply with all applicable standards of the Utah Department of Health or the Utah Department of Human Services. The owner or operator must obtain all required State licenses; and

(iv) the design and landscaping of the facility must reflect a residential character rather than an office or institutional character.

(b) None of the above conditions may be interpreted or applied in a way that would prevent reasonable accommodations or hinder compliance with:

(i) Title 57, Chapter 21, Utah Fair Housing Act, and applicable jurisprudence;

(ii) The Fair Housing Amendments Act of 1988, 42 U.S.C. § 3601 et seq., and applicable jurisprudence; and

(iii) Section 504 of the Rehabilitation Act of 1973, and applicable jurisprudence.

14.50.150 Design Corridors

Design corridors are established under this Section. The purpose of this Section is to provide design criteria for development located within designated design corridors. If a conflict arises between the standards in this Section and other applicable zoning regulations, the more restrictive standard applies. The Planning Commission may approve modifications to the standards in this Section if the applicant presents substantial evidence that strict compliance would result in unreasonable economic hardship.

(1) *North University Avenue Design Corridor.*

(a) *Creation – Purpose.* The North University Avenue Design Corridor is established for properties fronting University Avenue from 500 North to 960 North. Its purpose is to preserve and enhance the character and value of North University Avenue; protect views, vistas, and significant architectural and historic resources; reduce congestion; and improve the quality of the built environment. These goals support neighborhood conservation, property value maintenance, enhanced City image, and overall public welfare. All new construction and rehabilitation in the corridor must comply with this Subsection.

(b) *Qualities of the Block.*

(i) *Architecture.* New or redeveloped structures must use architectural styles compatible with traditional corridor structures, including Bungalow (Craftsman and Prairie detail), English Tudor, and Victorian. Contemporary design is allowed if it is compatible in size, scale, color, material, and character.

(ii) *Trees.* Existing Norway Maple trees in the park strip must be preserved. On-site tree planting must include a 50/50 mix of evergreen and deciduous trees.

(iii) *Front Facades.* Buildings must be oriented to the street, the facade must maintain a front appearance through consistent building lines, window patterns, and materials.

(iv) *Spacing.* Building spacing must provide one foot of separation for every 2.2 feet of building frontage. For a long horizontal building, facade bays separated by indentations and landscaping will be treated as separate building frontages when calculating required building separation.

(v) *Setbacks.* Front setbacks must be at least 25 feet. Setbacks must increase one foot for every foot of building height over 35 feet.

(vi) *Scale.* The maximum building height–to–side yard setback ratio is 4:1. For corner lots, the ratio along the street-facing side yard is 2:1.

(vii) *Hard Surface.* The combined area of buildings, parking areas, and access lanes may not exceed 60% of the lot.

(viii) *Open Space.* A minimum of 40% of the lot must be dedicated to open space, which may include landscaping and approved hardscape.

(ix) *Height.* The maximum height is 40 feet.

(c) *Qualities of Building Treatment.*

(i) *Materials.* Brick is the predominant material in the corridor, followed by stucco. New structures must use brick or a brick-stucco combination consistent with surrounding buildings in color and texture. Masonry joints and mortar must be compatible with nearby buildings.

(ii) *Roof Style.* Roof forms must match corridor styles, which include gable, pyramid, and hip. Roof slopes must not exceed 45 degrees.

(iii) *Colors.* Acceptable brick colors are reddish brown, plum, dark gray, burnt orange, rust, brown, yellowish brown, or tan. Trim colors may be used as accents and must harmonize with the primary color.

(d) *Signs and Lighting.*

(i) One sign or nameplate, not exceeding 12 square feet, is allowed on a building or ornamental masonry wall to identify an apartment or nonresidential use. Wall or monument signs must be set back at least five feet from the front property line.

(ii) Back-lit signs are not allowed. Only hooded spotlights that illuminate the sign face are permitted.

(iii) Sign colors must complement the structure. Contrast is permitted to enhance legibility.

(2) *North University Avenue Riverbottoms Design Corridor.*

(a) *Creation – Purpose.* The North University Avenue Riverbottoms Design Corridor is established along North University Avenue from 2230 North to the mouth of Provo Canyon. The criteria in this Subsection apply to all properties with frontage on University Avenue or the Provo River Bikeway within the Corridor, including those properties within developments that front either corridor. All new construction must comply with this Subsection. The purpose of this corridor is to:

(i) preserve and enhance the character and value of University Avenue;

(ii) maintain an “open urban forest landscaped feel”;

(iii) protect natural features and views through a design process that identifies and integrates significant natural elements;

(iv) promote wooded pathways, small urban park features, and preservation of existing vegetation; and

(v) reduce street congestion and enhance the built environment for public health, safety, and general welfare.

(b) *Screening and Landscaping Standards.* Landscape elements regulated under this Subsection include all forms of planting and vegetation, ground forms, rock groupings, water features, and all visible construction except buildings and utilitarian structures.

(i) *Landscaped Buffer Yards.* Landscaped buffer yards must be developed and maintained along University Avenue to:

(A) preserve natural features, such as native tree stands, water features, wetlands, and open country character;

(B) minimize highway noise for adjacent properties and businesses; and

(C) improve and beautify this entryway to the city.

(ii) *Residential Buffer Yard.*

(A) Residential developments, including subdivisions, planned developments, and multi-family developments, that adjoin University Avenue must include the following landscape and screening features:

(I) a minimum 20-foot-wide buffer yard, landscaped with turf, trees, and shrubs;

(II) a six-foot-high decorative wall placed behind the landscaped buffer yard;

(III) one canopy tree (2.5-inch caliper) per 30 linear feet of street frontage;

(IV) one understory tree (1-inch caliper) or one evergreen conifer (minimum six feet tall at maturity) per 30 feet of frontage;

(V) five shrubs (five-gallon minimum size) per 300 square feet of buffer yard; and

(VI) landscaping of the area between the roadway and the property line, unless restricted by the Utah Department of Transportation.

(B) Isolated one-family dwellings may be exempted by the Development Services Director or the Director's designee from the requirements for the decorative wall and landscaping standards described in Subsection (A).

(iii) *Nonresidential Buffer Yard.* Nonresidential properties adjoining University Avenue must include the following landscape and screening features:

(A) all landscaping as required in Subsection (b)(ii); and

(B) a landscaped berm or decorative wall, not exceeding 30 inches in height, along the University Avenue frontage.

(iv) *Preservation of Topographic Patterns.* Where natural or existing topographic features contribute visual or functional value to a development, those features must be preserved and incorporated into the site design. Modifications to topography may be permitted if they enhance the aesthetic appearance of the site.

(v) *Landscape to Enhance Architectural Features.* Landscaping must be used to highlight architectural elements, reinforce significant vistas and visual axes, and provide shade. Landscape elements must be proportional to and in harmony with the proposed building structures.

(vi) *Indigenous Plants.* Landscaping must prioritize plant species that are indigenous to the area or are otherwise hardy, drought-tolerant, and compatible with the overall design. All trees and shrubs must be selected from the list of acceptable species maintained by the City Forester.

(vii) *Plant Protection.* Where landscaping is vulnerable to damage from pedestrian or vehicular traffic, protective measures such as curbs, tree guards, or similar barriers must be installed to prevent injury to the plants.

(viii) *Buffers and Berms.* All vehicular use areas, including parking lots, loading zones, and service drives, must be screened by a vegetative buffer, masonry wall, or earthen berm between 30 and 72 inches in height. The screening must be effective in both summer and winter.

(A) Vehicular use areas larger than 5,000 square feet must include interior landscaping equal to at least 5% of the total area.

(B) Each landscaped area must comply with PCC 15.20.090 and PCC 15.20.100

(ix) *Alternative Materials.* In areas where general planting is impractical, such as narrow strips three feet wide or less, alternative materials may be used, including fences, walls, or pavement surfaces made of wood, brick, stone, gravel, or cobbles. Where feasible, these materials must be complemented by carefully selected plants.

(x) *Preservation of Existing Trees.* Existing mature trees must be preserved wherever practicable and integrated into the site design. If construction or clearing disturbs mature vegetation, additional plantings are required beyond the minimum standards listed above. Larger planting stock may also be required to replace any lost or damaged vegetation.

(c) *Building Appearance and Setbacks.* Architectural style is not restricted, but selected styles must comply with the following general design guidelines:

(i) *Architecture.* Building design must be harmonious with existing permanent development in the surrounding area.

(ii) *Roof Style.* Roof forms must be hip, gable, or pyramid and must suit the selected architectural style.

(iii) *Materials.* Building materials must be durable and appropriate for their use. Acceptable materials are brick, stucco, stone, and wood.

(iv) *Uniformity.* All buildings within a planned development or shopping center, including individual pads, must share a consistent architectural theme and use the same exterior materials for all walls and visible exterior components facing access roads or adjacent residential properties.

(v) *Setbacks.* Minimum setbacks from the front property line on University Avenue are as follows:

(A) all buildings, except one-family dwellings, must be set back at least 50 feet; and

(B) single-family dwellings must be set back at least 30 feet.

(d) *Signs and Lighting.*

(i) An integrated sign design plan is required for all new planned developments, shopping centers, and office complexes.

(ii) Sign colors must complement the principal structure. Contrast may be used to enhance legibility.

(iii) Identification signs that use prototype designs or corporate logos must comply with the same criteria as all other signs.

(iv) All signs must comply with the standards in PCC 14.47.085.

(e) *Pedestrian Amenities and Streetscape Improvements.*

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

(ii) Sidewalks must be at least six feet wide and may meander through the landscaped planter strip rather than running parallel to the street.

(iii) Where feasible and subject to available funding, the city will install pedestrian benches and trash receptacles at convenient locations along the landscaped park strip.

(f) *Traffic Impact Analyses.* A traffic impact analysis is required for nonresidential projects with an aggregate size of 40,000 square feet or more, and for residential projects with more than 50 dwelling units.

(g) *Access Controls.* The City Engineer will provide recommendations to the Utah Department of Transportation regarding vehicular access to University Avenue. The following land use guidelines must inform those recommendations:

(i) residential developments should either back onto University Avenue and take primary access from a side street, or be designed as a planned development with a shared access drive, properly spaced from nearby driveways and intersections; and

(ii) where feasible, adjoining developments should be encouraged to share common driveway approaches to reduce curb cuts and improve traffic safety.

(3) *West Center Street Design Corridor.*

(a) *Creation - Purpose.* The West Center Street Design Corridor is established along West Center Street from Interstate 15 to the eastern edge of Utah Lake. All lots with frontage on this portion of West Center Street are subject to this Section. The corridor's purpose is to preserve and enhance the character and value of West Center Street, maintain property values, improve the City's image, and promote the public's health, safety, and general welfare. All new construction within the corridor must comply with this Subsection.

(b) *Building Setbacks.* All buildings must be set back at least 20 feet from the Center Street property line or 60 feet from the Center Street centerline, whichever is greater.

(c) *Procedure.* Development within the corridor may occur only after the Planning Commission reviews and approves the project plan for the proposed development. The applicant must submit a project plan in accordance with PCC 15.03.310.

(d) *Development Standards.* Project plans must incorporate and preserve significant natural features into the site design. Each project plan, including the existing features (site analysis) plan, must comply with the following site improvement standards. These standards apply in addition to other applicable development requirements.

(i) *Setbacks and Buffering.* Properties adjoining the West Center Street Design Corridor must include a front yard bermed to a height of four feet and landscaped with at least:

(A) one deciduous tree with a minimum two-inch caliper for every 30 feet of street frontage; plus

(B) either one understory tree with a one-inch caliper or one evergreen conifer expected to reach at least six feet at maturity for every 30 feet of street frontage; and

(C) five shrubs in five-gallon containers for every 300 square feet of landscaped buffer yard.

(ii) *Pedestrian Amenities and Streetscape Improvements.* Commercial areas must be designed to accommodate both vehicles and pedestrians. Sidewalks must be at least six feet wide and must meander within the landscaped area, as determined by the City Engineering Department. Combination curb, gutter, and sidewalk construction is prohibited unless the City Engineer determines that such construction is necessary to align with existing improvements.

(iii) *Landscaping of Planting Strip.*

(A) The following requirements apply to the planting strip in addition to the requirements of other sections of the PCC:

(I) at least one deciduous tree with a two-inch caliper must be planted for every 30 feet of street frontage;
(II) tree selection must be coordinated with the Provo City Forester; and
(III) plantings must be located to minimize visibility obstructions at driveways and street intersections as vegetation matures.

(B) For portions of West Center Street classified as a state highway (from Interstate 15 to Geneva Road), an adjoining property owner must enter into an agreement with the Utah Department of Transportation (UDOT) regarding landscaping in the planting strip. That agreement must comply with Subsection (A) unless the owner is unable to reasonably obtain UDOT's agreement with those requirements. A property owner in this area who complies with an agreement with UDOT regarding parking strip landscaping is in compliance with this Subsection (iii).

(iv) *Alternative Materials.* In areas where general planting is not viable, such as planting strips three feet wide or less, other materials may be used, including wood, brick, stone, or cobble paving. When such materials are used, soil sterilization or installation of a weed barrier is required. Where feasible, carefully selected plants must be incorporated alongside these materials.

(v) *Protection of Existing and New Landscaping Features.* Existing mature trees and vegetation must be preserved and incorporated into site landscaping plans, unless the Provo City Forester determines that preservation is not advisable. New and existing plant materials must be protected from damage using curbs, tree guards, or other protective devices. Any plant material that is damaged must be replaced as soon as reasonably possible, based on seasonal and availability constraints, but no later than one year after the damage occurs.

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

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

(viii) *Building Design.* Building design must incorporate predominant architectural features, materials, and colors from existing nearby buildings.

(A) Commercial buildings must have a minimum lot coverage of 25% and may not exceed 60%.

(B) Primary entries must face a public street or designated pedestrian connection. Entrances must be clearly identifiable and designed to create a transition between exterior and interior spaces. Building entries must also include adequate lighting for security.

(C) Building-mounted communications equipment must be attached directly to a wall or parapet. Such equipment must either match the color of the surface on which it is mounted or be designed to align with the building's architectural details.

(D) Architectural detailing must enhance the building's overall character and add visual interest to the development.

(I) Design elements on building elevations, such as distinctive features or color usage, must reflect and continue the project's overall theme or character.

(II) Equipment including, but not limited to, roof-mounted communications or mechanical systems, vending machines, and ice machines must be screened from street view and located in areas specifically designed for their placement as part of the overall project design.

(III) Patio enclosures visible from a public street must be compatible with the project's architectural character.

(IV) Entryways and stairways must be integrated into the building design using similar materials, details, forms, colors, or other architectural features.

(E) Exterior building materials must be durable, low-maintenance, and equal to or higher in quality than those used in surrounding developments.

(I) The texture of building components must contribute to and enhance the overall building design.

(II) Color schemes must be harmonious and compatible with adjacent developments. Accent colors must complement the primary color theme.

(III) Proposed color and material details, including color chips and physical samples, must be included in building plans at the time of project plan application submittal.

(IV) Reflective surfaces may not be used in locations where they could produce excessive glare or reflections.

(V) All pitched roofs visible from a public street must use roofing materials such as tile, architectural-grade asphalt shingles, standing seam metal, or materials of comparable quality.

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

(F) Pre-engineered metal buildings are prohibited.

(G) Project scale must be compatible with adjacent development and may not overwhelm neighboring buildings. Perceived height must be mitigated through roofline variation and changes in building height as needed.

(I) Building scale must align with the scale of adjacent development.

(II) Roofline variations must be used to establish architectural style or character, especially for commercial buildings with limited wall variation due to functional constraints.

(III) Commercial buildings may not exceed 35 feet in height, except for tower elements, which may extend up to 50 feet in height, provided that such towers do not exceed a footprint of 400 square feet.

(IV) Hipped or gabled roofs are required. Flat roofs with decorative front parapet walls may be approved by the Planning Commission. Mansard roofs are prohibited.

(H) Architectural relief must be used in building design to add interest and variety and to avoid monotony. Design elements that create shade and cast shadows may be incorporated to enhance visual depth.

(I) Horizontal and vertical elements of exterior walls must vary in height and projection to provide substantial architectural interest and style. Such features may include, but are not limited to, imaginative treatments of windows, doors, eaves, rooflines, and parapets, subject to approval by the Planning Commission.

(II) Building trim, accents, colors, materials, and styles must be integrated into the primary design themes to promote visual interest.

(III) All exterior elevations must be unified under the project's overall design theme. In particular, upper portions of side and rear walls should incorporate height variation, relief elements that create shadow, and architectural use of features such as scuppers, downspouts, and expansion joints.

(IV) Where feasible, office areas or other functions that do not require a high roofline must be constructed with a lower roofline to provide variety in massing and form.

(I) Window and door placement must be used, where feasible, to create patterns that add variety and interest to building design. Building orientation must emphasize attractive views and minimize exposure to undesirable views. Drive-through windows may not face a public street.

(ix) *Grade Separation.* Where site grading occurs, including landscaping or stormwater retention, grade separations greater than two feet at any property line must be avoided to the greatest extent practicable.

(x) *Timing of Design Corridor Improvements.* For any new development or subdivision constructed within the West Center Street Design Corridor, the developer must install all required site improvements consistent with the standards in Subsection 14.50.290(3) before occupancy of any building.

(xi) *Traffic Impact Analyses.* A traffic impact analysis is required for any project plan that meets the thresholds established in PCC 15.03.040.

(xii) *Access Controls.* Vehicular access to certain segments of West Center Street (from Interstate 15 to Geneva Road) falls under the jurisdiction of the Utah Department of Transportation (UDOT), with recommendations provided by the City Engineer. The following standards guide the City Engineer’s access recommendations:

(A) the number of residential driveways with direct access to West Center Street or Geneva Road must be minimized. Primary access must be from a side street or a shared access drive that is appropriately spaced from other driveways and street intersections; and

(B) development projects on adjacent lots or parcels must share driveway approaches wherever feasible.

(4) *South State Street Design Corridor.*

(a) *Purpose and Intent.* The Provo City General Plan promotes architectural and design excellence. Many properties fronting South State Street are vacant or underdeveloped, creating an opportunity to improve the image of this major gateway into the City. Design guidelines ensure that new development and property improvements enhance the corridor's character and make a positive visual and physical contribution to both South State Street and adjacent neighborhoods. These guidelines aim to:

- Promote attractive development;
- Enhance the image of the South State Street gateway and the city overall;
- Increase property values;
- Attract customers to local businesses;
- Facilitate a walkable, healthy environment that integrates pedestrian and vehicular needs; and
- Streamline the development approval process.

Well-designed buildings will improve quality of life and create a distinct "sense of place" along this southern gateway, benefitting property owners, residents, and the City as a whole.

(b) *Boundaries.* The South State Street Design Guidelines apply to all properties fronting State Street between 900 East to 1860 South on South State Street.

(c) *Applicability.* The requirements of this Subsection apply to all new construction, additions, and exterior alterations to principal or accessory buildings located on property as described in Subsection (4)(b) of this Section, and any public street that intersects South State Street for 100 feet from South State Street within the corridor.

(d) *Approval Authority.* The Planning Commission has authority to approve designs for property development and improvements within the South State Street Corridor. The Planning Commission may waive individual guidelines for specific projects if the waiver results in a superior design solution. However, the Planning Commission must adopt a finding of overall consistency with the guidelines before approving any application.

(e) *Building Location.* Buildings must be located no closer than ten feet and no farther than 20 feet from the front or street side yard property lines.

(i) The area between the building and the property line must be landscaped as follows:

(A) at least one tree must be provided for every 50 feet of building frontage. Trees may be spaced evenly or grouped;

(B) foundation plantings must achieve a minimum of 50% coverage at maturity. Layered planting is encouraged; and

(C) landscaping must be used to highlight primary entryways.

(ii) Paving within the front or street side yard is limited to driveways that provide direct access to parking located in interior side yards or rear yards. All areas in the front or street side yard not used for driveway access must be landscaped to the same depth as the setback between the principal building and the public street.

(iii) All structures must have at least one primary entry that faces State Street.

(iv) Entryways must serve as a focal point through the use of design elements and variations that provide orientation, transition, and visual interest. Each principal commercial building must have clearly defined, highly visible customer entrances. Entryways must also provide protection from weather by projecting outward from the main façade.

(f) *Roofs.* Roofline variation must be used to reduce the perceived scale of large buildings and add architectural interest. Roof features must complement the character of adjacent neighborhoods, where applicable.

(i) Roof styles are not restricted. However, flat roofs must either incorporate green roof technology or be concealed by a parapet.

(ii) Mechanical equipment located on the roof must be fully screened from public view.

(g) *Building Materials.*

(i) Permitted primary building materials are masonry, stucco, wood, or fiber-cement (or a similar product).

(ii) Vinyl and metal siding may only be used as secondary materials for elements such as trim, soffits, and eaves. These materials may not constitute a dominant portion of the building façade.

(iii) Pitched roofs that are visible from a public street must be constructed using wood, slate, tile, or high-quality composition shingles or shakes. Corrugated metal is prohibited as a roofing material.

(iv) Alterations to exterior materials on an existing residential structure are exempt from the material requirements in this Subsection.

(h) *Driveways and Parking.*

(i) Parking lots must be designed with pedestrians in mind by separating parking areas from primary structures using landscaping and sidewalks.

(ii) Parking may not be located between any principal building and the front or street side yard property lines.

(5) *East Center Street Design Corridor.*

(a) *Creation.* A design corridor is established along East Center Street, from 200 East to the roundabout at Seven Peaks Boulevard and includes both sides of the street. This corridor is known as the East Center Street Design Corridor. All lots with frontage on this section of East Center Street are subject to the requirements of this Section.

(b) *Definitions.* For the purpose of this Section, the following terms are defined:

(i) "*Block"* means both sides of East Center Street between intersecting streets.

(ii) "*Primary material"* means an exterior finish material that covers 80% to 100% of a building's exterior, excluding roofing.

(iii) "*Secondary material"* means an exterior finish material covering no more than 20% of a building's exterior, excluding roofing.

(c) *Purpose.* The East Center Street Design Corridor is established to:

(i) preserve and enhance the character of East Center Street;

(ii) protect important views and significant architectural and historic resources;

(iii) improve the overall quality of the built environment;

(iv) improve pedestrian and bicycle safety; and

(v) promote the public's health, safety, and general welfare.

(d) *Development Standards.*

(i) *Architectural Style.* Architectural styles permitted in the corridor are Victorian, English Tudor, Prairie, Arts and Crafts, Colonial Revival, Period Revival, Neoclassical, Italianate, Early Utah Vernacular, Art Moderne, and International.

(A) New construction or additions must feature a distinctive and identifiable architectural style that is compatible with the size, scale, color, materials, and character of historic properties within the Design Corridor. Mimicking or replicating historic buildings is discouraged.

(B) New development must emphasize and accentuate existing historic homes within the corridor.

(C) *Roof Forms.* Roofs are prominent features of historic buildings and contribute to the visual continuity of the corridor. Permitted roof types are simple gabled, pyramidal, and hipped roof styles are most common.

(I) New or redeveloped structures must use roof forms, slope ratios, and materials that are consistent with those of historic structures in the corridor.

(II) Skylights, solar panels, and other rooftop devices must be minimized and located on roof planes that do not face the street.

(ii) *Building Orientation.* Each building in the Design Corridor must have its principal façade oriented toward Center Street.

(iii) *Building Width.*

(A) The width of any new building must be between 90% and 110% of the average width of all street-facing façades on the same block.

(B) For purposes of calculating the average width of street-facing façades, the façades of courtyard buildings are the front façades of the wings that run perpendicular to the street, as illustrated by measurement A in Figure 14.50.290(5)-1. Each wing is considered a separate street-facing façade.

(iv) *Building Height.* No building may exceed 35 feet in height, measured at each building façade. However, any street-facing façade located within 50 feet of a public right-of-way may not exceed 25 feet in height.

(A) For the purposes of this Section, the height of a street-facing façade is measured from finished grade to the top of the façade wall, regardless of roof type.

(B) In no case may a building include more than two stories on any street-facing façade located within 50 feet of a right-of-way line.

(v) *Building Mass.*

(A) Building mass must be minimized to avoid visually overwhelming adjacent or nearby single-family dwellings.

(B) For multifamily buildings, the principal façade facing Center Street must have a general outline that is similar in shape and scale to single-family homes located within the corridor.

(vi) *Setbacks.*

(A) *Front Yard.* The front yard setback must be a minimum of 30 feet and a maximum of 40 feet, measured from the back of sidewalk.

(B) *Side Yard.* The side yard setback must be a minimum of ten feet.

(C) *Street Side Yard.* The street side yard setback must be a minimum of 20 feet, measured from the back of sidewalk.

(D) *Multiple Buildings on a Single Parcel.* Where multiple buildings are located on a single parcel, side yard setbacks must be calculated as if a property line exists between

each building and must provide the same minimum separation required as if each building were located on an individual lot.

(E) *Transition Block - 200 East to 300 East.* Between 200 East and 300 East, smaller setbacks consistent with existing development on the same block face may be approved by the Planning Commission if all of the following conditions are met:

(I) the proposed building receives a positive recommendation from the Landmarks Commission;

(II) at least one pedestrian entrance to a commercial space, lobby, or residential unit is provided for every 50 feet of building frontage along Center Street;

(III) first-floor commercial frontages along Center Street must include at least 40% completely transparent glass. Ground-floor residential buildings must include at least 20% completely transparent glass along Center Street; and

(IV) the proposed setback may not be less than the average existing setback on the same block face and may not be less than 12 feet under any circumstances.

(vii) *Courtyard Buildings.* Buildings with courtyards that open onto Center Street are permitted if they meet all of the following requirements, as illustrated in Figure 14.50.290(5)-1:

(A) the wings perpendicular to Center Street must be separated by distinct landscaped courtyards;

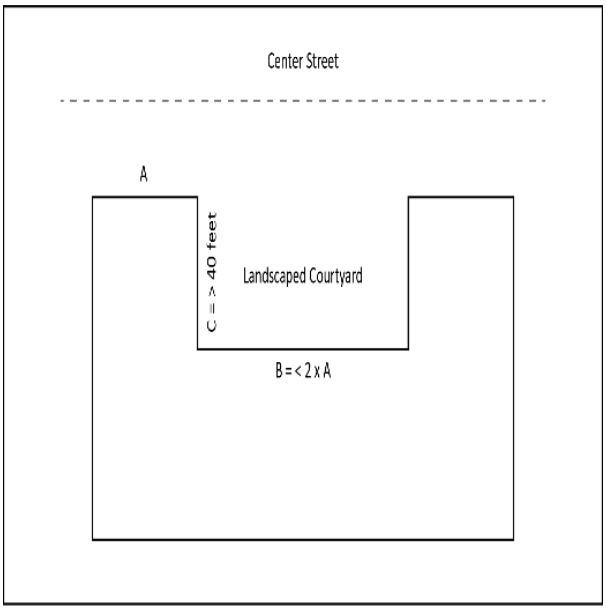
(B) the width of the street-facing façades of the perpendicular wings must comply with PCC 14.50.290(5)(d)(iii)(A), as shown by measurement A in Figure 14.50.290(5)-1;

(C) each landscaped courtyard must be at least 20 feet wide and may not exceed twice the width of the street-facing façades of the perpendicular wings, as illustrated by measurement B in Figure 14.50.290(5)-1;

(D) the rear connecting section must be set back a minimum of 40 feet from the front façade of the perpendicular wings, as illustrated by measurement C in Figure 14.50.290(5)-1; and

(E) parking is prohibited within the courtyard area between the perpendicular wings.

Figure 14.50.290(5)-1



(viii) *Parking.* Parking is not permitted in front, side, or street side yards and must be minimized in rear yards, except for one- and two-family dwellings where a driveway leads directly to a garage or carport, as defined in PCC 14.44.

(A) Parking is prohibited between a primary building and a public street.

(B) Surface parking in rear yards must be screened from adjacent properties using appropriate plant materials and/or fencing.

(C) Entrances to underground parking must be accessed from driveways located along the sides of properties. A front-facing underground garage entry is permitted only if the applicant demonstrates that no feasible alternative exists.

(ix) *Materials and Construction Quality.* Buildings within the Design Corridor must use a range of materials, most commonly brick, followed by clapboard or shiplap siding, and, to a lesser extent, brick combined with plaster or stucco. Foundations vary and may include stone, concrete, or block.

(A) *Building Materials.*

(I) New and redeveloped structures must use materials that are similar to those found in the corridor and must complement surrounding buildings in both color and texture.

(II) The primary exterior finish materials for all new construction must consist of brick, wood, or composite siding.

(III) Vinyl, aluminum, and other non-architectural metal siding are prohibited.

(IV) A variety of secondary materials, including trim materials, may be used as long as they remain clearly subordinate to the primary materials.

(V) Trim details must be functional and may not consist solely of applied ornamentation.

(VI) Permitted roofing materials include wood shingles, slate shingles, clay tile, metal shingles or tile, and high-quality composition shingles.

(B) *Fencing Materials.* Chain link, wire mesh, and vinyl fencing are prohibited.

(x) *Signs and Lighting.*

(A) Backlit signs are prohibited. Signs may only be illuminated by external, downward-facing, stationary, shielded light sources directed solely onto the sign. Lighting must not produce glare.

(B) Sign colors must complement the color palette of the principal structure. Contrasting colors may be used to enhance legibility.

(e) *Review Process.* In addition to all other required reviews and approvals, all new construction proposed within the Design Corridor must be approved by the Landmarks Commission.

14.50.160 Transitional Development Standards

The purpose of this Section is to provide a transitional area between abutting lots zoned for dissimilar uses to prevent incompatible adjoining uses.

(1) *Scope and Application*.

(a) For purposes of this Section, a lot is defined as a “transitional lot” if:

(i) the lot is located in a multifamily residential, commercial, or industrial zone and it abuts a lot in a one-family residential, residential agricultural, or agricultural zone; or

(ii) the lot is located in a business, commercial, or industrial zone and it abuts a lot in a multifamily residential zone.

(b) For purposes of this Section, a lot is defined as an “abutting lot” if it abuts a transitional lot but is not itself a transitional lot.

(c) Except as otherwise stated in this Section, the requirements of this Section apply to all transitional lots.

(2) *Landscaped yard and setback requirements.* Except in the DT1 (General Downtown) or GW (Downtown Gateway) zones:

(a) a landscaped yard at least ten feet wide must be provided on a transitional lot along the property line with an abutting lot. Landscaping must comply with PCC 15.20.110;

(b) the minimum building setback on a transitional lot from an abutting lot must be at least one foot for every two feet of building height. Buildings over 20 feet in height must be set back at least ten feet; and

(c) the landscaped front yard on a transitional lot must be equal in depth to the required front yard of the residential use on an adjacent abutting lot.

(3) *Corner lot side yard setback.* Where the side yard of a commercial or multifamily residential corner lot abuts the same street as the front yard of an adjoining residential lot facing the same street, the minimum side yard setback on the corner lot must be 20 feet from the street right-of-way line.

(4) *Screening of parking areas.* On a transitional lot, any parking lot with four or more spaces, and the portion of the driveway located behind the building line, must be screened from the street and from any adjoining abutting properties. Screening must consist of one of the following:

(a) a landscape berm at least two feet high at the crown;

(b) a hedgerow that is at least five feet high at maturity; or

(c) a masonry wall not less than three feet high in the front yard and not more than seven feet high in other yards. However, there may not be a gap between the masonry wall and any fence on an adjoining abutting lot.

(5) *Lighting compliance.* See PCC 15.21.

(6) *Prohibited uses.* A use involving open storage of merchandise or equipment, off-premise signs, or any trade or industry that is noxious or offensive due to the emission of odor, smoke, gas, vibration, or noise is strictly prohibited on any transitional lot, regardless of whether the use is otherwise permitted or conditional.

(7) *Overhead door restrictions.* Overhead or bay doors may not be located in a wall on a transitional lot that faces an abutting lot if that wall is within 25 feet of the property line.

(8) *Mechanical equipment location and screening.* On any transitional lot, mechanical equipment, such as air conditioners, fans, or pumps, must be located within the building or on a roof behind parapet walls.

(a) Mechanical equipment located outside a building and within 25 feet of the nearest residential use must be enclosed by a visual and noise barrier, such as a masonry wall or dense landscaping, that fully surrounds the equipment and extends at least one foot above it.

(b) See PCC 9.06.030 for noise regulations.

(9) *Loading dock and delivery area restrictions.* Loading docks and delivery or pickup areas on transitional lots may not be located within 50 feet of a residential use. These areas must be screened from public view by a six-foot masonry wall.

(10) *Trash container setbacks.* Trash containers on a transitional lot must not be located within 25 feet of the side property line of an abutting lot.

(11) *Alternative buffering.* The Planning Commission may approve an alternative buffering arrangement for a transitional lot if it provides equal or greater mitigation than the requirements in this Section. The Planning Commission must make specific findings justifying the alternative.

14.50.170 Residential and Mixed-Use Design Standards

(1) *Purpose and Intent.* This Section establishes design standards to improve the quality and compatibility of new residential and mixed-use development. These standards address yard layout, building location and orientation, driveway and parking design, landscaping, building form, mass and scale, exterior materials, and compatible additions.

(2) *Applicability.* The standards in this Section apply to all new buildings and uses in the Very Low Density Residential (VLDR), Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Campus Residential (CR), Neighborhood Mixed-Use (NMU), and Mixed-Use (MU) zones; as well as townhomes within the DT1 and GW zones.

(a) In approving a project plan, the approving authority may impose reasonable conditions that are consistent with the purpose and intent of this Section. These design standards apply in addition to other requirements of this Title but, except as explicitly stated otherwise in this Section. Where this Section conflicts with other provisions of this Title, this Section controls.

(b) The Planning Commission may approve an alternative design arrangement if it provides equal or greater quality than the standards in this Section. The Planning Commission must make specific findings justifying the alternative.

(3) *Site Design Standards.*

(a) *Front Yards.*

(i) A logical hard-surface pedestrian connection must be provided between the street and the front entry.

(ii) The front yard must be predominantly landscaped with a combination of turf and plants or xeriscape, as described in PCC 15.20. Hard surfaces for driveways and parking must be minimized and may not exceed ordinance requirements.

(iii) Utility boxes may not be located in front yards, street side yards, or park strips unless the applicant demonstrates that no other practical location exists on the site.

(iv) Front yards must provide a visual and spatial transition between the public way and private space on residential frontages. This may be achieved through one or more of the following strategies:

(A) foundation plantings that create separation between residential units and the sidewalk;

(B) porches, stoops, or railings that establish intermediate semi-private spaces; and/or

(C) elevation changes that visually and physically distinguish public space, exterior semi-private space, and interior private space.

(b) *Fences.*

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

(ii) Chain link fences are prohibited in front yards.

(iii) See PCC 14.50.085 for fencing requirements.

(c) *Building Location.*

(i) New structures must be sited in a manner consistent with the front setbacks of adjoining properties to maintain neighborhood compatibility, except in HDR, CR, and MU zones where the zone permits reduced setbacks compared to the existing housing stock.

(ii) *Frontage.*

(A) The front elevation of a building is the elevation that contains the primary or common entrance.

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

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

(D) In developments with six or more townhomes, each unit must front on a street, open space, or pedestrian way.

(iii) In multifamily developments, the majority of new buildings must be sited along the block face rather than within the interior of the block.

(d) *Tree accommodation.* Buildings, including parking structures, must be designed and located to allow for the 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 CR, MU, and NMU Zones.* The following standards apply in the CR, MU, and NMU Zones:

(A) ground floor commercial spaces must be designed for retail or other active uses, with tenant spaces oriented to the street, and storefronts and entries maximized along sidewalks to promote pedestrian activity and maintain street-level interest;

(B) wall openings, such as storefronts, windows, and doors, must comprise at least 60 percent of the street-level façade, measured between the ground plane and the finished floor of the second story; and

(C) open-wall storefronts are encouraged.

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

(A) Except for townhomes, a minimum habitable first-floor depth of 30 feet, measured from the street-facing façade, is required. This standard does not apply to building complexes with fewer than 10 units in the Campus Residential (CR) zone.

(B) Residential units with individual entries must include ground-floor windows that face the street. Wall openings must comprise at least 30 percent of the street-level façade, measured between the ground plane and the finished floor of the second story.

(C) Clear glass must be used for all required wall openings, including doors and windows, along street-level façades to maximize transparency. Tinted, mirrored, or opaque glazing is not permitted.

(D) Ground floors must include articulation and detailing, such as pedestrian entrances, high-quality materials, and decorative features, to promote pedestrian-scaled architecture along the street.

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

(b) *Pedestrian Building Entrances.*

(i) Pedestrian building entrances must:

(A) meet the spatial requirements in Table 14.50.170-1 Pedestrian Building Entrance (PBE) Requirements;

(B) include a door that provides direct pedestrian access into the building;

(C) provide access to an interior and enclosed commercial tenant space, public lobby, or residential unit;

(D) be directly accessible from and adjacent to the sidewalk; and

(E) prevent doors from swinging into the public right-of-way or beyond the front façade line of the building when opened.

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

(c) *Multifamily Primary Entrances.* The primary entrance of a multifamily structure must be clearly defined by a raised porch or a similar entry feature.

(i) The porch or entry feature must face the street.

(ii) The porch or entry feature must be functional in size, not merely decorative.

(d) *Privacy Orientation.* Doors, windows, and balconies in new residential development should be located to respect the privacy of neighboring properties.

Table 14.50.170-1. Pedestrian Building Entrance (PBE) Requirements

Frontage Type	Commercial	Residential
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) *Parking Access.* To preserve front yard space, new developments may not provide more than the minimum driveway access and width required by code.

(i) Driveways must be located near the side property line to avoid bisecting the building with a central driveway to subterranean parking, except for building complexes with fewer than 10 units in the Campus Residential (CR) zone.

(ii) Driveways must be consolidated when adjacent parcels or developments can be served by a shared access. A cross-access easement must guarantee mutual access rights across the shared driveway for both parcels.

(iii) Alley access is permitted to reduce the visual and functional impacts of parking and traffic circulation on the front of the property.

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

(b) *Parking Placement.* Parking may not be located in the front yard and must be minimized in the side yard, except for one- and two-family dwellings where a driveway leads to a garage or carport as defined in PCC 14.44.

(i) Parking is prohibited between a primary building and a public street.

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

(iii) Entrances to structured parking must be accessed from driveways located along the sides of properties and may not face the street.

(iv) Parking must be screened from adjacent public ways, streets, open spaces, or pedestrian ways.

(c) *Parking Visibility.* Except for the minimum frontage required to access parking or loading, no parking or loading may be visible at ground level along any building façade that faces a public right-of-way.

(6) *Landscape Design.*

(a) New landscaping must complement existing neighborhood vegetation and comply with PCC 15.20.

(b) Landscaping must be used to reduce the visual and physical impacts of larger buildings on neighboring properties.

(c) Building and driveway lighting must comply with PCC 15.21.

(7) *Building Form, Mass, and Scale (VLDR, LDR, and NMU Zones Only).* The following standards apply in the VLDR, LDR, and NMU Zones.

(a) Building form, mass, and scale must comply with the following standards:

(i) An attached garage may not be the dominant design feature of the front elevation.

(iii) Sloping roofs, such as gable or hip designs, must be used as the primary roof form.

(Iv) Historic buildings are subject to PCC Title 16.

(b) Building additions must not significantly alter the character of the original structure.

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

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

(8) *Building Form, Mass, and Scale (MDR, HDR, CR, and MU Zones).* The following standards apply in the MDR, HDR, CR, and MU Zones.

(a) *Building Facades.* The façade of any multifamily, apartment, or mixed-use structure must:

(i) be horizontally articulated to create visual interest and enrich the pedestrian experience while contributing to a well-defined street wall;

(ii) be vertically articulated to differentiate the ground floor façade and must feature high-quality materials that add human scale, texture, and variety at the pedestrian level;

(iii) include an identifiable break between the ground floor and upper floors, achieved through a change in materials, a horizontal dividing element, a change in fenestration pattern, or similar design strategies;

(iv) be vertically articulated at the street wall façade by providing distinct treatments for the building’s base, middle, and top. Balconies, fenestration, shading devices, or similar architectural elements must be used to create a varied pattern of projections and recesses;

(v) avoid extensive blank walls that diminish the visual quality and activity of the streetscape; and

(vi) provide clearly identifiable public entrances. Each entrance must be marked with architectural or graphic elements that indicate its function and enhance the building's character.

(b) *Stairways and Corridors.* Exterior stairways, corridors, or landings may not be located on the front or street-facing elevation of a building.

(c) *Step-backs in the CR Zone.* Structures in the Campus Residential (CR) zone that exceed six stories in height must step back 15 feet from the first-floor elevation for all stories above the fourth floor on any elevation that fronts a public street, unless the applicant demonstrates that the building's design includes sufficient variation and articulation in the building planes to create visual interest and appeal.

(d) *Building Additions.* Additions to existing buildings must not significantly alter the character of the original structure.

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

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

(9) *Building Materials.*

(a) *Intent.* The purpose of the façade material standards in this Section is to:

(i) establish minimum material standards to ensure the use of durable, high-quality, and well-tested surfaces while allowing a broader range of materials for architectural detailing; and

(ii) promote human-scaled façades by encouraging the use of smaller-scale, less monolithic materials, especially at the ground level.

(b) *Major Materials.* At least 80% of each façade, excluding window and door areas, must consist of permitted major materials as listed in this Section.

(i) *Permitted Major Materials.* Stone, brick, wood, architectural metal panel systems, fiber cement board, glass curtain wall, terra cotta decorative units, and architectural cast stone are permitted as major materials.

(ii) *Prohibited Major Materials.* Face-sealed EIFS synthetic stucco assemblies and decorative architectural elements, synthetic stucco or elastomeric finishes on stucco, unfinished or untreated wood, glass block, vinyl or aluminum siding, plastic panels, fiberglass and acrylic panels may not be used as major materials unless otherwise approved under this Section.

(iii) *Limited-Use Major Materials.* Economy bricks are generally prohibited as major materials, but may be allowed under the following conditions:

(A) brick types larger than three inches in height may be used as a major material only on rear façades, alley façades, or façades facing a rail corridor; and
(B) in these cases, corner bricks must be used to maintain the appearance of a full brick façade.

(c) *Minor Materials.* Permitted minor materials may be used only for trim, detailing, and accent areas, and may not exceed 20% of the total surface area of any façade.

(i) *Use of Major Materials as Minor Materials.* Any material listed as a Permitted major material may also be used as a minor material.

(ii) *Permitted Minor Materials.* The following materials are permitted as minor materials:

(A) metal used for beams, lintels, trim, exposed structural elements, or ornamentation;

(B) split-faced, burnished, glazed, or honed concrete masonry units, and block-cast stone concrete elements;

(C) vinyl, limited to window trim;

(D) cement-based stucco;

(E) face-sealed EIFS synthetic stucco assemblies and decorative architectural elements; and

(F) synthetic stucco.

(d) *Alternative Materials with Approval.* Materials not listed in this Section as Permitted major, limited-use, or minor materials may not be installed on any façade unless approved by the reviewing authority. The reviewing authority may approve alternative materials if the applicant demonstrates that the proposed material meets the intent stated in Subsection (9)(a). The applicant must provide samples and examples of high-quality, successful local installations using the proposed material.

14.50.180 Downtown Development Design Standards

(1) *Purpose and Intent.* This Section establishes design standards to improve the quality and compatibility of new development in downtown Provo. These standards address building form, mass and scale, materials, and compatible additions.

(2) *Applicability.* In addition to all other applicable provisions of PCC Title 14, the standards in this Section apply to all buildings and uses located in the General Downtown (DT1), Downtown Core (DT2), and Downtown Gateway (GW) zones, except for townhomes (see PCC 14.50.170).

(a) In approving a project plan, the approving authority may impose reasonable conditions consistent with the purpose and intent of this Section. These standards apply in addition to other requirements of this Title. Where this Section conflicts with other provisions of this Title, this Section controls.

(b) The Planning Commission may approve an alternative design arrangement if it imposes requirements that are equivalent to or more restrictive than those in this Section.

(3) *Pedestrian Building Entrances.*

(a) A minimum of one pedestrian entrance to a commercial space, lobby, or residential unit must be provided for every 50 feet of building frontage along primary streets, and for every 100 feet along secondary streets.

(b) Properties in the Downtown Gateway (GW) zone must provide at least one pedestrian entrance for every 100 feet of street frontage, but do not need to meet the every 50 feet requirement in Subsection (3)(a).

(c) Any property with frontage on Center Street must include a pedestrian entrance that fronts Center Street.

(d) Any ground floor residential unit must provide a front door with direct access to the public sidewalk.

(4) *Building Facades.*

(a) *Commercial Ground Floors.* First-floor commercial frontages must provide the following levels of completely transparent glass:

(i) at least 40% on primary streets; and

(ii) at least 30% on secondary streets.

(b) *Residential Ground Floors.* Ground-floor residential buildings must provide at least 20% completely transparent glass on façades facing any street.

(c) *Security Grilles.* When security grilles are used on street-facing entries, the following standards apply:

(i) security grilles and housing must be mounted on the interior of the entry;

(ii) when retracted, security grilles must be completely concealed;

(iii) all components must be harmonious with the architecture of the storefront;

(iv) and must provide at least 50% visibility from the sidewalk.

(5) *Building Form, Mass, and Scale.*

(a) *Facades.* The façade of any multifamily, apartment, or mixed-use structure must:

(i) be horizontally articulated to create visual interest, enhance the pedestrian experience, and contribute to a well-defined street wall;

(ii) be vertically articulated to distinguish the ground-floor façade and incorporate high-quality materials that add human scale, texture, and variety at the pedestrian level;

(iii) include a clear visual break between the ground and upper floors, achieved through a change in materials, horizontal dividing elements, a shift in fenestration pattern, or similar techniques;

(iv) be vertically articulated at the street-facing façade to define the building’s base, middle, and top. Architectural features such as balconies, fenestration, and shading devices must be used to create a visually engaging rhythm of projections and recesses;

(v) avoid extensive blank walls that detract from an active and appealing streetscape; and

(vi) include clearly marked public entrances enhanced with compatible architectural or graphic elements that visually cue access and use.

(b) *Stairways.* Exterior stairways, corridors, or landings may not be located on the front or street-facing elevation of a building.

(c) *Additions.* Additions to existing buildings may not significantly alter the character of the original structure.

(d) *Compatibility.* Windows, materials, doors, and roof forms must be compatible with those of the original building.

(6) *Building Materials.*

(a) *Intent.* The purpose of the façade material standards in this Section is to:

(i) establish minimum material requirements to ensure the use of well-tested, high-quality, and durable surfaces while allowing a broader range of materials for architectural detailing; and

(ii) promote a high level of architectural detail through the use of smaller-scale, less monolithic materials, particularly at the pedestrian level.

(b) *Prohibited Exterior Materials.* The exterior finish of any building may not include non-architectural metal siding (including sheet or corrugated metal), plywood, manufactured stone, or wood products not intended as an architectural finish product.

(c) *Limited Exterior Materials.* The following materials may not be used on more than 20% of any individual exterior façade:

(i) cement-based stucco;

(ii) face-sealed EIFS synthetic stucco assemblies and decorative architectural elements; or

(iii) synthetic stucco.

(7) *Windows and Doors.*

(a) All windows and doors, except ground-level storefronts, must be square or vertical in proportion.

(b) Sliding doors are prohibited on the ground-floor street-facing frontage and façade.

(8) *Roofs.* Pitched roofs, if provided, must have a minimum slope of 5:12 on all elevations facing a public street. Pitched roofs on residential porches and attached sheds may have a slope as low as 2:12. This standard does not prohibit the use of flat roof designs.

(9) *Balconies.* Balconies with a minimum area of 50 square feet must be provided for at least 50% of all residential units.

(a) Balconies may be inset into the building or may project into the street right-of-way by up to five feet, provided there is at least ten feet of vertical clearance between the sidewalk and the bottom of the balcony.

(b) Balconies that face a side or rear yard must be set back at least eight feet from the adjacent property line, measured from the face of the balcony.

(c) Storage on balconies is limited to outdoor furniture and accessories, such as tables, chairs, and barbecue grills.

(d) As a condition of project approval, all new residential developments must include provisions in their CC&Rs that restrict balcony storage to acceptable items.

(10) *Railroad Right-of-Way.* All new buildings located within 100 feet of a railroad right-of-way must incorporate sound and vibration-attenuating design and materials. Permit applicants must provide documentation from an acoustical engineer or the materials manufacturer demonstrating that best practices for sound and vibration attenuation have been implemented.

(11) *Mechanical Screening.* Mechanical equipment must be screened by an opaque barrier that is architecturally compatible with the primary structure. The screening must be the minimum size necessary to fully conceal the equipment from public view.

14.50.190 Multifamily Amenities

(1) *Amenity Requirement.* Each multifamily zone requires that any new project with a specified number of units allocate a percentage of the residential gross floor area for recreational amenities as established in this Section.

(a) Landscaping in front and street side yards, minimum setbacks, and other required areas, such as distance separations required by the International Building Code, do not count toward satisfying this requirement.

(b) No more than 50% of the required amenity space may be located outdoors at ground level.

(i) Outdoor open space must be massed or aggregated in a manner that is functional as a recreational amenity or gathering space.

(ii) Enclosed amenities may count toward the total required amenity space.

(2) *Amenity Selection and Scoring.* Amenities may be selected in any combination from the table provided, as long as the combined score totals at least sixty points. Multiple instances of the same amenity each receive individual points.

(a) If a developer proposes an amenity not listed in the table, the Department Director or the Director’s designee may authorize the assignment of a point value equal to the most similar listed amenity, with adjustments as appropriate.

(b) All amenities must be maintained throughout the duration of occupancy. If any amenity is removed, the developer, homeowners' association (HOA), or other responsible party must replace it with one or more amenities that collectively achieve a score of at least 60 points together with other existing amenities.

(c) At the time of application, the developer may submit a written election stating whether parking spaces equipped with electric vehicle charging stations or electric vehicle-ready infrastructure will count toward the amenity square footage requirement or the parking minimums for the zone. Such spaces may not count toward both requirements. If no written election is submitted, the spaces will be counted toward amenity square footage only.

(d) Outdoor features include, but are not limited to, fire pits, pavilions, outdoor cooking equipment, and dining areas. Seating alone does not qualify as an outdoor feature. If seating accompanies another outdoor feature, it is considered part of that feature and may not be counted separately.

TYPE	**AMENITY**	**SCORE**
EV	Electric vehicle charging stations (≥5% of spaces)	45
EV	Electric vehicle-ready charging infrastructure (≥5% of spaces)	35
Bikes	Bike repair station	20
Pet	Open space for pets and pet waste	42
Pet	Pet grooming station	10
Gathering	Indoor gather space (within main building)	30
Gathering	Clubhouse (separate from main building)	28
Gathering – Outdoor	Outdoor gathering space with 10+ features	34
Gathering – Outdoor	Outdoor gathering space with 7 – 10 features	32
Gathering – Outdoor	Outdoor gathering space with 4 – 6 features	30

TYPE	AMENITY	SCORE
Gathering – Outdoor	Outdoor gathering space with 1 – 3 features	28
Gathering – Outdoor	Outdoor open area, no features (e.g., field, vacant courtyard)	20
Playground	Playground (if ≥50% of units have 2 or more bedrooms)	28
Playground	Playground (if >50% of units have fewer than 2 bedrooms)	23
Recreation	Pool	28
Recreation	Hot tub	28
Recreation	Gym	24
Recreation	Sport court	24
Recreation	Media Room	5
Storage	Storage areas if ≥50% of units are smaller than 600 sq. ft.	16
Work	Co-work space	10

(3) *Resident-Only Use and Fee Restrictions.* All amenities must be exclusively for the use of the building's residents and may not be used for any commercial purpose. Property owners or managers may not charge residents for the use of any amenity, except for electric vehicle charging.

14.50.200 Second Kitchen in One-Family Dwellings

(1) *General Prohibition.* A one-family dwelling unit may not contain more than one kitchen, except as provided in this Section.

(2) *Accessory Dwelling Units.* Two kitchens, but no more than two, are permitted in a one-family residence if an accessory dwelling unit (ADU) legally exists in compliance with PCC Chapter 14.43, including possession of a valid and current rental dwelling license.

(3) *Additional Kitchens Without an ADU.* In a one-family dwelling unit that does not contain a legal and licensed ADU, one or more additional kitchens are allowed only if the property is located in an A1, RA, or R1 zone (including any associated Performance Development Overlay (PD) zone), and all of the following conditions are met:

(a) the dwelling unit has only one front entrance;

(b) he dwelling unit has only one address;

(c) interior access is maintained throughout the entire dwelling unit to ensure that no accessory apartment is created. The additional kitchen(s) may not be separated from the rest of the dwelling by keyed or deadbolt locks or any other method of limiting access;

(d) the dwelling unit has only one electrical meter;

(e) he additional kitchen(s) is/are located within the primary structure or an accessory building, and no second dwelling unit or accessory apartment is established in either structure;

(f) the residents must allow Provo City staff to inspect the dwelling unit and any accessory building with an additional kitchen, during reasonable hours and upon request, to verify compliance with this Section;

(g) the property owner must sign a notarized agreement, on a form approved by Provo City, affirming that the dwelling unit, including any accessory structure, will not be converted into two or more dwelling units unless permitted under this Title. The agreement must be recorded with the Utah County Recorder prior to the issuance of a certificate of occupancy;

(h) the property owner must limit occupancy to a single family except that the dwelling unit may not include the two additional related or unrelated individuals described in the “family” definition in PCC 14.05.020; and

(i) the additional kitchen must comply with the adopted building code, and construction or remodeling may not begin until a Provo City building permit is issued.

14.50.210 Elderly Persons - Extra Living Space

(1) *Occupancy Allowance.* Notwithstanding any contrary provision in this Title, one or two persons aged 60 or older who own and occupy a one-family dwelling may allow up to two additional persons over the age of 18 and their minor children to occupy extra living space within the dwelling, subject to the provisions of this Section.

(a) The standards in this Section apply to one family detached dwellings in the A1, RA, and R1 zones.

(b) For the purposes of this Section, “*extra living space”* means any area within the existing structure that was originally constructed as a one-family dwelling and that is made available by a resident owner for occupancy by the additional persons described above.

(2) *Registration Required.* Extra living space may not be occupied as described in Subsection (1) unless each owner of the dwelling registers with the Development Services Department.

(a) A registration is valid only if all of the following conditions are met:

(I) each registrant is 60 years of age or older;

(ii) each registrant owns and continuously occupies the one-family dwelling where the extra living space is located; and

(iii) each registrant signs a notarized agreement, on a form prescribed by Provo City, stating that the dwelling unit will not be converted into two or more dwelling units.

(b) For purposes of this Subsection:

(i) "*continuously occupies"* means the person resides in the dwelling and does not maintain any other residence; and

(ii) "*owns"* means the person:

(A) holds fee title to the property, either individually or as a joint tenant; or

(B) serves as trustee of a trust that owns the property and was created for the benefit of that person.

(c) If two persons jointly own and occupy the dwelling, both must be named on the registration.

(3) *Development Standards.* A dwelling with extra living space must comply with all applicable requirements of the zone in which it is located, except as otherwise provided in this Section. The following additional standards apply:

(a) extra living space must be located within the primary dwelling and may not be located in a garage or accessory structure;

(b) interior access must be maintained between the extra living space and all other portions of the dwelling;

(c) exterior structural elements of the dwelling may not be altered;

(d) no additional utility meters or exterior entrances may be installed for the extra living space;

(e) all City-provided utilities and services, including but not limited to power, sewer, water, and solid waste removal, must be maintained in the name of the property owner;

(f) the property address may not be changed, and no new address may be created for the extra living space; and

(g) the number of off-street parking spaces must comply with the minimum requirements of the applicable zone. Additionally, the number of off-street parking spaces must not be fewer than the number of vehicles maintained on the premises.

(4) *Application Requirements.* An application to register extra living space under this Section must include the following:

(a) the name and age of each registrant;

(b) the address of the property where the dwelling with extra living space is located;

(c) documentary evidence demonstrating that each registrant owns and occupies the property, including:

(i) a copy of the recorded deed; and

(ii) copies of any two of the following documents showing the registrant's name and the address of the subject property:

(A) voter registration card;

(B) Utah driver license; or

(C) current City utility bill;

(d) a sworn affidavit from each registrant stating that the registrant:

(i) is age sixty or older;

(ii) currently resides at the subject property; and

(iii) has no other residence;

(e) payment of any applicable fee as listed in the Consolidated Fee Schedule adopted by the Municipal Council;

(f) any additional information reasonably required to enforce the provisions of this Section; and

(g) the notarized agreement required under Subsection (2)(a)(iii), which must include a certification that:

(i) to the best of the registrant's knowledge or belief, the use and occupancy of the dwelling conforms to all applicable ordinance requirements; and

(ii) the registrant agrees to comply with this Section and all other applicable provisions of this Title and the Provo City Code.

(5) *Approval and Duration of Registration.* Upon receipt of a complete registration application, payment of any applicable fee as listed in the Consolidated Fee Schedule adopted by the Municipal Council, and a determination that all requirements of this Section have been met, the City will approve the registration. The extra living space may then be occupied by no more than two additional persons over the age of eighteen and their minor children.

(a) A health and safety inspection of the dwelling is required as a condition of registration. The minimum standards outlined in PCC 6.26.100 must be met to qualify for registration.

(b) The registration expires one year from the date of acceptance and may be renewed upon:

(i) written certification by each registrant that the requirements of this Section have been and will continue to be met; and

(ii) payment of any applicable renewal fee listed in the Consolidated Fee Schedule.

(6) *Nature and Revocation of Registration.* A registration accepted under this Section:

(a) is personal to the registrant(s) to whom it is issued;

(b) does not run with the land; and

(c) may be revoked for noncompliance with this Section or any other applicable provision of the Provo City Code. Prior to revocation, the registrant is entitled to an administrative hearing as provided in PCC Chapter 3.06.

(7) *Recording of Registration.* Upon acceptance by the City, the registration and the notarized agreement described in Subsection (2)(a)(iii) must be recorded with the Utah County Recorder.

(8) *Termination of Use upon Expiration or Revocation.* Upon expiration or revocation of the registration, occupancy of the extra living space must cease, and the one-family dwelling must thereafter be occupied only as permitted in the applicable zone. A kitchen located within the extra living space may be retained, subject to the terms of the agreement required under Subsection (2)(a)(iii). Upon reasonable notice, Provo City personnel may inspect the premises to verify compliance with this Subsection.

(9) *Administrative Regulations.* The Mayor may adopt regulations deemed necessary to implement and enforce the provisions of this Section.

Chapter 14.51
ENFORCEMENT AND PENALTIES

Sections:

14.51.010 Enforcement-Penalties.
14.51.020 Abatement.
14.51.030 Bonding or Guarantees for Delayed Performance.
14.51.040 Additional Fees.

14.51.010 Enforcement-Penalties

(1) All department officials and public employees of Provo City who are authorized to issue permits must comply with the provisions of this Title. No permit, certificate, or license may be issued for any use, building, or purpose that conflicts with this Title. Any such permit, certificate, or license issued in violation of this Title, whether intentionally or unintentionally, is null and void.

(2) The Chief Building Official, the Planning Commission, the Zoning Administrator, the Police Chief, and all subordinate officers and employees (collectively referred to in this Section as *enforcement officers*) are responsible for enforcing this Title as it relates to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure, and the use of any land, building, or premises. Any enforcement officer may investigate any complaint alleging a violation of this Title and take appropriate action in accordance with the procedures set forth in this Chapter.

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

(a) Notify, using methods reasonable under the circumstances and only if notification does not hinder effective enforcement, the owner, tenant, lessee, occupant, architect, builder, contractor, agent, or other responsible person (collectively referred to in this Chapter as *responsible party*) of the violation and require compliance within a reasonable time. If compliance is not achieved, the enforcement officer may issue a citation;

(b) Issue a citation to the responsible party; or

(c) Pursue any other legal or lawful means available to enforce the provisions of this Title.

(4) A violation of this Title or failure to comply with any of its requirements is punishable as provided in PCC 1.03.010.

14.51.020 Abatement

(1) Any building or structure that is set up, erected, constructed, altered, enlarged, converted, moved, or maintained in violation of this Title, and any land use or occupancy of a building or premises established in violation of this Title, is unlawful and constitutes a public nuisance.

(2) Provo City may initiate legal action or other proceedings to abate, remove, or enjoin such violations as provided by law. The city may pursue any remedy available through a court of competent jurisdiction to:

(a) Abate and remove the unlawful building, structure, or use; and

(b) Restrain or enjoin any person, firm, or corporation from continuing, establishing, or maintaining the unlawful building, structure, or use.

(3) The remedies provided in this Section are cumulative and not exclusive.

14.51.030 Bonding or Guarantees for Delayed Performance

(1) In cases where full compliance with this Title is delayed or rendered temporarily impossible due to factors beyond the control of the responsible party, such as extreme weather or material shortages, and where the applicable provisions of the Provo City Code have been substantially met and all health and safety requirements are satisfied, the Chief Building Official or the Planning Commission may authorize temporary occupancy, subject to the following conditions:

(a) The responsible party must submit a written guarantee of performance that specifies:

(i) The work to be completed;
(ii) The time within which the work will be completed;
(iii) The estimated cost of completion; and
(iv) Any other reasonable information required by the City.

(2) Temporary occupancy or use of the premises is permitted only after the posting of a performance bond with the City, in the time and manner required by PCC 15.03.280.

(3) If full compliance is not achieved within the time specified in the written agreement, the City is authorized to use the posted performance bond to complete the required work.

(4) The Chief Building Official or the Planning Commission may extend the completion period for good cause, up to a maximum of 60 days. The extension must be in writing and appended to the original agreement. Verbal extensions or undocumented modifications are not valid.

(5) When reasonably necessary to ensure compliance, the Planning Commission may require a performance bond as a condition of building permit issuance. Such bond must be posted in accordance with PCC 15.03.280.

14.51.040 Additional Fees

Any builder, developer, or other person who makes unauthorized changes to an approved plan or project must pay an additional fee as listed in the Consolidated Fee Schedule adopted by the Municipal Council.