PROVO MUNICIPAL COUNCIL

Work Meeting

1:00 PM, Tuesday, January 21, 2020
Room 310, City Conference Room
351 W. Center Street, Provo, UT 84601

Agenda

Roll Call

Prayer

Business

1. Brigham Young University Parking Analysis. (20-022)

2. Presentation from the Mayor's Sustainability & Natural Resources Committee. (20-020)

3. Discussion of Councilors' committee assignments. (20-021)

4. Discussion regarding meeting structure and decorum. (20-024)

5. A presentation regarding Water Plans. (20-019)

6. Presentation on preliminary budget discussions. (20-026)

Administration

7. Update on the Innovation Fund Program. (20-027)

Policy Items Referred from the Planning Commission

8. Presentation about policy items referred from the Planning Commission. (20-025)

9. Public Works Dept. requests a General Plan Amendment to correct language in Area 5 of the Annexation Policy Map. North Timpview Neighborhood. PLGPA20190410

10. Community & Neighborhood Dept. requests Ordinance Text Amendments to amend permitted uses in the Neighborhood (SC1), the Community (SC2), and the Regional (SC3) Shopping Center Zones. Citywide application. PLOTA20190429

11. Courtyard at Jamestown, LLC, requests an Ordinance Text Amendment to the Professional Office Zone (Section 14.16.120). Citywide application. PLOTA20190432

12. Quinn Peterson, Downtown Neighborhood Chair, requests an ordinance amendment to allow approval of restaurants with ancillary microbrewing as a permitted use in the SC3, DT1, and DT2 zones. Citywide application. PLOTA20190378

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

Informal discussion may be held in the Council Conference Room between 4:30 PM and 5:30 PM.

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.org or using their contact information listed at: http://provo.org/government/city-council/meet-the-council

Materials and Agenda: agendas.provo.org
Council meetings are broadcast live and available later on demand at youtube.com/user/ProvoCityCouncil
To send comments to the Council or weigh in on current issues, visit OpenCityHall.provo.org.

The next scheduled Council Meeting will be held on 2/4/2020 at 5:30 PM in the Council Chambers, 351 West Center Street, Provo, unless otherwise noticed. The Work Meeting start time is to be determined (typically between 12:00 and 4:00 PM) and will be 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 aides and services) during this meeting are invited to notify the Provo Council Office at 351 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email evanderwerken@provo.org at least three working days prior to the meeting. The meeting room in Provo City Center is fully accessible via the south parking garage access to the elevator. Council meetings are broadcast live and available for on demand viewing at youtube.com/user/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 52-4-202 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.

Network for public internet access: *Provo Guest,* password: *provoguest*

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: WAYNEP
Department: Mayor Office
Requested Meeting Date: 01-21-2020

SUBJECT: Brigham Young University Parking Analysis (20-022)

RECOMMENDATION: Receive a presentation from BYU's Director of Planning Ray Bernier concerning recent analyses of parking needs and supply at Brigham Young University.

BACKGROUND: Recent and planned additions to the physical plant of the BYU campus has led the University to review their parking demand and supply at the University. Ray Bernier, director of planning at BYU, has requested an opportunity to present to the Council in a work session the results of their recent review, including the impact of transit and active transportation on traffic and parking on campus.

FISCAL IMPACT: None

PRESENTER'S NAME: Ray Bernier, BYU Director of Planning

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-022

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JMAGNESS
Department: Council
Requested Meeting Date: 01-21-2020

SUBJECT: Presentation from the Mayor's Sustainability & Natural Resources Committee (20-020)

RECOMMENDATION: Presentaion only

BACKGROUND: The Mayor's Sustainability and Natural Resources Committee will present their 2019 Sustainability Report to the Council. They have been working on community outreach, energy efficiency, recycling, agricultural land preservation, and transportation issues.

FISCAL IMPACT: none

PRESENTER'S NAME: Austin Taylor, Don Jarvis, and Shawn Miller

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-020

PROVO MAYOR'S SUSTAINABILITY AND NATURAL RESOURCES COMMITTEE

REPORT FOR 2019

Draft 15 January 2020 Final

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CITY SUPPORT: MAYOR, MUNICIPAL COUNCIL, EMPLOYEES, PROVO ENERGY

Mayor Michelle Kaufusi continued vigorous support for Provo's environment (see Appendix 1 for her rebuttal of a *SL Tribune* article labeling Provo as the nation's top polluter). Her Deputy Mayor Isaac Paxman met monthly with Committee Chair Don Jarvis, City Council member George Handley, and new Parking/Sustainability Coordinator Austin Taylor. The latter served as city liaison and secretary to the Committee and chaired the Provo Employees' Sustainability Committee, which coordinated with us on numerous initiatives, including electric vehicle charging stations, bicycle- and scooter-sharing, and recycling. Provo Energy Department increased its collaboration with the Committee as described below.

50% LOW-CARBON ELECTRICITY FOR PROVO

One of our main projects this year was to encourage Provo to acquire its electricity from lower-carbon (renewable) sources to reduce pollution and climate change. After researching the problem and speaking with representatives of Provo Power, Utah Municipal Power Agency (UMPA), and Provo Municipal Council, Ryan King—a young Provo businessman--convinced the Sustainability Committee late last year to pass a resolution urging the City Council to mandate that Provo City Power 1) supply 50% of its electricity from low-carbon sources by 2030, 2) mount a vigorous advertising campaign for Renew Choice (optional no-carbon electricity), 3) include climate change in sourcing decisions, and 4) "work towards sourcing 100% of its electricity from low-carbon sources as technology allows it."

Provo Power Director Travis Ball noted that for the Council to act on this resolution, it should first be approved by the Provo Power Board. Fortunately, Committee member Ned Hill was elected chair of the Power Board and consulted extensively on this with Travis and with UMPA Power Resource Manager Kevin Garlick. In March Ned, Council member George Handley, and Don Jarvis all spoke at an UMPA conference in St. George, noting the urgency of climate change and advocating collaboration with environmentalists. In September, UMPA announced plans to build an 80 MW solar farm just south of Utah County in Mona. Travis estimated that this would increase e Provo's low-carbon electric sources to roughly 45%. UMPA is also working on a community solar project in Spanish Fork that would allow residents (including those in higher-density housing) to purchase solar panels in that community solar project.

UMPA's 80 MW Clover Creek Solar project will be located on about 560-acres on the west side of Mona Reservoir in Juab County.

So, although the Power Board has not yet passed our 2018 resolution recommending 50% low-carbon electricity for Provo by 2030, it appears that Committee support for it has helped UMPA and Provo Power toward that goal well before that date. The Board is expected to pass the resolution soon and forward it to the Municipal Council for discussion. Appendix 2 is a map showing that over 90 US cities, 10 counties and 2 states have already adopted 100% clean energy goals. Six US cities now generate 100% of their electricity from low-carbon sources.

COMMUNITY OUTREACH

School air quality campaign

As usual, Committee member Janelle Jarvis headed our outreach to Provo schools. This year she provided new dual-language electronic flyers on how to improve air quality to all Provo schools for distribution to students' families (see Appendix 3). She and volunteers Adam Stevenson and Bryn St. Clair presented thirty-minute air-quality lessons in seven Provo elementary schools (usually to fourth grade classes), in both middle schools and in Provo High School, teaching a total of 1036 students. We believe that educating Provo children about air quality has significant impact on their parents' behavior. Janelle collaborates with Breathe Utah, which has hosted several Provo School District science teachers at paid workshops focusing on air quality education.

Janelle Jarvis shows volunteer Bryn St. Clair how to demonstrate inversions to school students, using a "density tank" provided by Breathe Utah.

Displays and events

Committee members, led first by Kim Jones and then by Emily Weinheimer, continued this year to staff displays and to speak at environmental events. These included five displays that focused on air-quality: Utah Clean Air Solutions Fair in January, Central Utah Water District Conservancy Fair in May, United Way "Fix-it Clinic" in June, Latin-American Festival during Labor Day Weekend, and the Provo Power Fair in October. Jaimie Choi, Shauna Mecham, and Rick Cox were among the most active volunteers staffing our displays. In July, Don Jarvis spoke about the Green New Deal myths and realities at a Utah Valley Earth Forum symposium in Orem.

At the Latin-American Festival on Labor-Day weekend, Rick Cox educates a couple about how to improve air quality

Media

Austin Taylor maintained our Facebook page, which has 221 followers, up from 145 last year. See https://www.facebook.com/ProvoSustainability/ Another of Austin's significant contributions was a new sustainability training video for all city employees, stressing that all are responsible for it.

Anti-idling campaign

Austin Taylor and Rob Slater obtained and mounted large anti-idling signs by Provo High plus Dixon, and Wasatch Elementary. Rob also designed, printed and distributed anti-idling cards.

ENERGY-EFFICIENT CITY CENTER

Last year Mayor Kaufusi narrowly won a hard-fought campaign to replace our aging city hall and public safety quarters with new structures that would be seismically safe, meet current needs, have smaller footprints, and be more energy-efficient. Because buildings produce a significant and growing share of air pollution and global-warming gasses, all Committee members vigorously supported Provo administration's efforts to investigate net-zero buildings in Salt Lake City and to consider building a new city center that was "net-zero ready," meaning maximally energy-efficient and thus less-expensive in the long run because of lower utility bills. While no final decision has been made, we are hopeful that the new City Center will be a key legacy of the Kaufusi administration and provide a powerful example of far-sighted planning and long-term economic advantage.

Austin Taylor facilitated Provo administrators' visit to Salt Lake City's net-zero Public Safety Building and fire station on 21 February 2019.

RECYCLING EDUCATION AND PLASTIC BAGS

Recycling in the United States is at a crisis because China and other foreign nations now accept only the best-sorted material. In Provo, 40% of residents' recycled material is too contaminated to sell. To help improve residents' sorting, Committee member Jaimie Choi produced laminated recycling information posters (see Appendix 4) suitable for attaching to large recycling containers in parks, but Provo Sanitation has unfortunately not yet posted them. Jaimie also agreed to produce a much smaller version that Committee members and others could tape to recycling cans when appropriate. That should be available in January.

Plastic bags cost solid waste facilities nearly $2M yearly and contribute to unsightly local pollution, as seen here.

BYU students Madison Healy and Annie Ayre interviewed many city and regional officials and store managers to determine the hidden costs of providing single-use plastic bags free to customers. They found that such bags cost Utah County solid waste facilities nearly $2M, in addition to the costs that grocery stores incur to provide the bags. The students made well-documented presentations to the Committee and to the Municipal Council, and recommended a ten-cent fee for all such bags in Provo, with revenue

designated for environmental purposes, including recycling education. After further consultation with Municipal Council members, it was agreed to postpone further action on this until next year when newly-elected Council members are ready to consider it.

AGRICULTURAL LAND PRESERVATION

Last January, Mayor Kaufusi and the City Council sent to the Legislature a joint resolution drafted by Provo Agriculture Commissioner Shawn Miller recommending that they allocate a significant amount to the LeRay McAllister Fund for preserving agricultural land. The legislature responded positively in the 2019 session, and $3.4 M is now available for distribution.

Shawn has continued again this year to work on two parcels whose owners are willing to preserve their land for agriculture by selling development rights. The first parcel, owned by Moreno Robins and managed by LaDonn and Marlin Christianson, is 38 acres in NW Provo, east of Utah Lake State Park and south of the Provo River Restoration area. Applications for funding to support this sale have been submitted to the Nature Conservancy, the US Dept. of Agriculture's Natural Resource Conservation Service (NRCS), and to the Utah Quality Growth Commission, which handles the LeRay McAllister fund. Such transactions are usually slow to be completed, but indications so far are positive for this one.

A second parcel, located between the Robins property and the present Provo River channel is owned by Dale Despain, who has announced his intent to sell its development rights in the near future. He has met with representatives of the Nature Conservancy and the NRCS, both of whom who appeared to be positive about the prospect.

TRANSPORTATION

Although the accomplishments in this area are almost entirely Austin Taylor's, we list them with our report because of his Committee membership and frequent, close collaboration.

8 August 2019. Mayor Kaufusi announces launch of Spin electric scooters in Provo, as Austin Taylor looks on with well-earned satisfaction.

Scooter Sharing

As a result of Austin's efforts, on 8 August Spin launched scooter-sharing in Provo with 250 electric scooters, which were soon increased to 500. By December they were being used by an average of four riders per day, were ridden on nearly every city street, and about a third of the scooter rides replaced automobile travel. Spin employees were surprised at how compliant Provoans were with Spin rules, far better than in most other locations. Orem has followed Provo's example by adding Spin scooters to its transportation options.

Bike sharing

Unlike scooter-sharing, bike sharing requires significant support funding. Select Health has pledged to be the major funder, and Austin is lining up supplemental funding for a Zagster bike-share program.

E-vehicle charging

Rob Slater and Austin helped to arrange for twenty new electric vehicle charging stations to be installed by October 2020 in Provo (see Appendix 5), funded by Utah's share of the Volkswagen fraud settlement.

COMMITTEE NETWORKING AND ORGANIZATION

Networking

Provo Deputy Mayor Isaac Paxman met monthly with Councilman George Handley, Parking/Sustainability Coordinator Austin Taylor, and Committee Chair Don Jarvis. We also reported as needed to the City Council. Ned chairs the Provo Power Board and the Utah Valley Chamber of Commerce's Clean Air Task Force, he attends its Public Policy Committee as well as Utah Clean Air Partners' (UCAIR) meetings in SLC. Austin chairs the Provo Employees' Sustainability Committee and is active with Provo Bike-Walk Committee. Don and Austin attend NuSkin Corporation's newly-established Utah Business Coalition as well as the Sustainability Coalition of Utah County. Janelle Jarvis reports annually to Breathe Utah in SLC. Don attends the Provo Agriculture Commission, Rock Canyon Preservation Alliance, Provo Rotary, and Utah Citizens' Council, a policy group in SLC.

Sub-committees

Appendix 6 has a complete roster of the Committee.

Anti-idling campaign—Rob Slater and Austin Taylor
Displays—Emily Weinheimer. Ned Hill, Jaimie Choi, and Shauna Meacham,
Electricity sourcing—Ned Hill and Ryan King
Green business recognition program—Rick Cox
Open space preservation—Don Jarvis
Publicity—Austin Taylor
Recycling—Jaimie Choi and Thomas Stanford
School air quality education—Janelle Jarvis and Adam Stevenson
Water conservation—Derek Bruton and Rick Cox

APPENDICES

APPENDIX 1

Salt Lake Tribune 26 November 2019, p. A8.

Provo is a leader in the cause for cleaner air, by Michelle Kaufusi

As a native Utahn, few things are as important to me as our state's air quality. Regardless of your personal politics, I think we all care about this one.

It impacts our economy; companies deciding whether to move here cite it as a top concern. But at the heart of the issue is safety and quality of life — for us, our children and beyond. Utah is too beautiful, and so are its people, to be cloaked in smog. A recent website "study" and Salt Lake Tribune article labeled Provo as the nation's worst polluting city. That stung, particularly because the Provo I know is on the vanguard of maintaining and improving air quality.

Thankfully, the underlying data reveals we're not what the website made us out to be. In fact, the data can be used to tout Provo as a leader in clean air, nationally and statewide.

The raw data, which came from the Center for Neighborhood Technology, shows that the more densely populated an area is, the less miles its residents tend to drive (only transportation- related emissions were tracked, contrary to what the website and article said).

Provo, not counting the area stretching to Nevada that the study lumped in with us, is more densely populated than most of the state and country, and correspondingly has lower transportation emissions per household than most of the state and country. In fact, Provo has lower emissions per household than 95% of the 323 cities, towns, and rural areas tracked in Utah. How's that for headline material?

On the other hand, Provo is less densely populated than most major cities, and, unsurprisingly, we drive more than folks do in large metropolises.

Also, the study focused on per-household emissions, rather than per-capita ones. Provo, with its large families and student population, approaches four people per home, far more than most cities. And more people per home tends to mean more drivers and driving per home.

If Provo wanted to go from last place to first on the per-household measurement, we could build a lot more houses and divide our existing families and roommates into them. But that, of course, would do nothing to improve air quality. If we instead look at things per-person, Provo has lower annual emissions (2.43 tons) than even greater San Francisco (2.65), the study's second cleanest city. All that aside, here are a few examples of the kinds of achievements Provo is making toward cleaner air, often with the help of key partners, too many to thank here:

• Installing UVX, a world class (and free) bus rapid-transit system, using federal funds. UVX provides every-six-minute service, leading to 14,600 boardings a day and keeping untold cars off the road. Kudos to our neighbors Brigham Young University and Utah Valley University, incidentally, for providing a UTA transit pass to each employee, student and family member for a 10-year period. Transit is taking hold in Utah Valley like never before.

• Securing a $750,000 grant to install electric-vehicle charging stations throughout Provo.

• Recruiting Provo City's first sustainability coordinator, who I've tasked with moving us toward ever cleaner air.

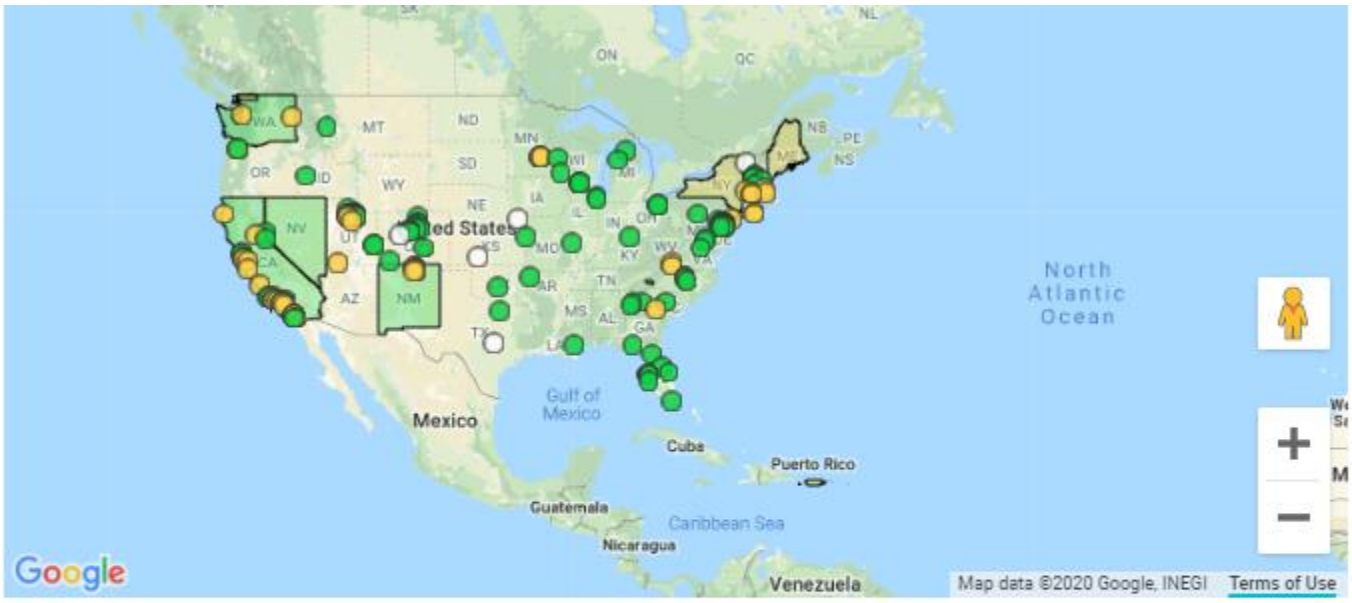
• Contracting, through our municipal power association, for a solar field that will provide enough power for 20,000 homes, helping us toward our recently-made goal of 50% renewable energy sourcing by 2030.

Yes, there is more work to do. But with renewed zeal, we will forge ahead with these and other leading-edge sustainability efforts.

As we do, may Provo's example encourage all of us to join the cause of protecting one of our greatest shared assets: our air. **Michelle Kaufusi** *is the mayor of Provo.*

APPENDIX 2

100% RENEWABLE (LOW CARBON) ENERGY PLEDGES

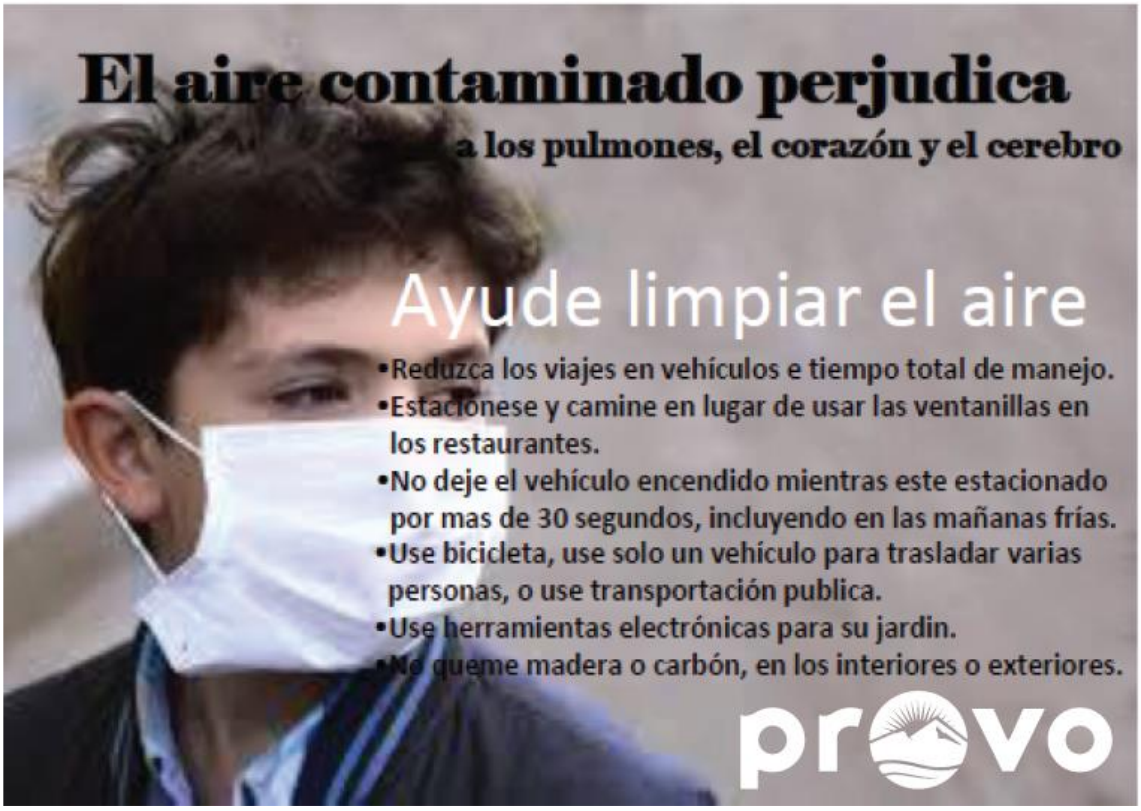


Powered by 100% Renewable Energy: These communities have fully transitioned to 100% clean, renewable energy sources to power the community's electricity needs.
Committed to 100% Renewable Energy: These communities have made community-wide commitments to transition to 100% clean, renewable energy no later than 2050.
Working towards 100% Renewable Energy: In these communities, Sierra Club and our allies are working to inspire city leadership to take ambitious steps forward by both committing their communities to 100% clean, renewable energy and pursuing near term steps to implement this vision.

Across the U.S. over 90 cities, more than ten counties and two states, have already adopted ambitious 100% clean energy goals. Six cities in the U.S.--Aspen, Burlington, Georgetown, Greensburg, Rock port, and Kodiak Island--have already hit their targets. These six cities now generate 100% of the energy used community-wide from clean, non-polluting and renewable sources. Source: https://www.sierraclub.org/ready-for-100/commitments

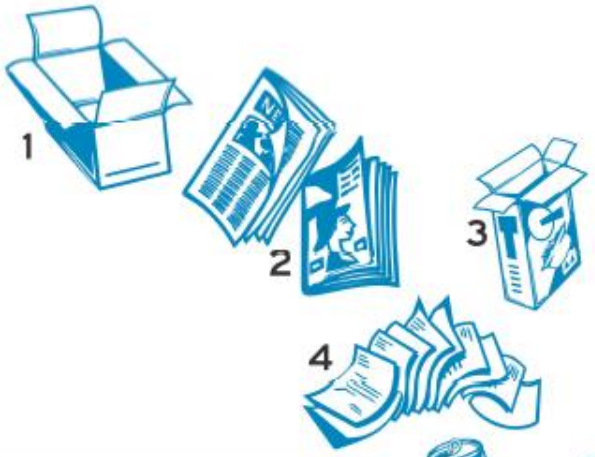
APPENDIX 3

Bad air harms
your lungs, heart, and brain
Help clean the air
•Consolidate vehicle trips and reduce total driving
•Park and walk instead of using drive-up windows
•Don't let vehicles idle for more than 30 seconds
•Ride a bike, car-pool, or use public transportation
•Use electric yard tools
•Don't burn wood or coal, indoors or out
provo


El aire contaminado perjudica
a los pulmones, el corazón y el cerebro
Ayude limpiar el aire
•Reduzca los viajes en vehículos e tiempo total de manejo.
•Estacionese y camine en lugar de usar las ventanillas en los restaurantes.
•No deje el vehículo encendido mientras este estacionado por mas de 30 segundos, incluyendo en las mañanas frías.
•Use bicicleta, use solo un vehículo para trasladar varias personas, o use transportación publica.
•Use herramientas electrónicas para su jardin.
•No queme madera o carbón, en los interiores o exteriores.
provo

APPENDIX 4

WHAT CAN I RECYCLE?



TOP 10 IN THE BIN

1 - CARDBOARD

2 - MIXED PAPER

3 - FOOD BOXES

4 - MAIL

5 - ALUMINUM CANS

6 - STEEL CANS

7 - DRINKING BOTTLES

8 - MILK JUGS

9 - PLASTIC CONTAINERS

10 - PAPER BAGS AND PAPER PACKAGING

NOT IN THE BIN

PLASTIC BAGS AND WRAPPERS

FOOD-CONTAMINATED ITEMS

GLASS
There are glass recycling containers in Provo. See provo.org/recycling for current locations.

ELECTRONICS

STYROFOAM

TEXTILES

WAX-COATED CARTONS OR WET MATERIALS

WHEN IN DOUBT, THROW IT OUT

PROGRAM SUPPORTERS:

RCU
Recycling Coalition of Utah

APPENDIX 5

Proposed Provo City Electric Vehicle Charging Stations

APPENDIX 6

PROVO MAYOR'S
SUSTAINABILITY AND NATURAL RESOURCES COMMITTEE
ROSTER
DECEMBER 2019

Name	Email	Phone	Other Phone	Address	Expertise, assignment	Term ends
Bruton, Derek	derek@cuwcd.com	801-404-3275	435-654-4369	354 E 100 S, Provo UT 84606	Water resources	2020
Cox, Rick	rcox444@yahoo.com	801-235-9202	801-885-1924	4190 Scenic Dr., Provo UT 84601	Green Business Programs	2021
Choi, Jaimie	jchev95@hotmail.com			1340 N Freedom Boulevard Apt 338	Displays & Recycling	2022
Daniels, Madison	madisondaniels90@gmail.com	801-735-4708		762 N. Hillsdale Ln, Provo, UT 84606	Energy efficient buildings	2020
Gonzalez, Liza	liza@pasopacifico.org	385-497-0337		655 N 1130 E, Provo UT 84606	Displays; Paso Pacifico	2022
Hill, Ned	ned_hill@byu.edu	801-319-8236		2867 Foothill Dr., Provo UT 84604	Provo City Power, Displays	2021
Jarvis, Don	jarvisdk@gmail.com	801-318-6274		1256 N Locust Ln Provo UT 84604	Chair & Mayor's Adviser	2021
Jarvis, Janelle	jarvisjanelle@gmail.com	801-358-8100		1256 N Locust Ln Provo UT 84604	School air quality campaigns	2021
King, Ryan	ryansandersking@gmail.com	801-592-1747		25 W400 S, #202, Provo UT 84601	Electricity sources	2022
Mecham, Shauna	smecham@mountainland.org	801-229-3838		Mountainland Assoc. of Govt., 586 E 800 N, Orem UT 84097	Transportation planning	2021
Nelson, Emilie	emilie.d.nelson@gmail.com	360-713-4858		1537 N 1450 E, Provo UT 84604	Special projects	2020
Prokhorov, Jennifer	jenbanner@yahoo.com			4037 Foothill Dr., Provo UT 84604	Special projects	2022
Slater, Rob	robs@electrichwy.com	808-256-5660		146S 400W Provo 84601	EV charging stations, idling	2022
Stevenson, Adam	stevensona95@gmail.com	571-442-3440		650 N 500 W, #306, Provo, UT 84601.	School air quality campaigns	2023
Taylor, Austin	ataylor@provo.org	435.705.3519		Community Development, 330 W 100 S, Provo UT 84603	Secretary. Parking/ Sustainability Coordinator	N/A
Weinheimer, Emily	mightymarshallow@gmail.com	801-616-6463		1275 E 820 N, Provo UT 84606	Displays, Clean Air Toolkit	2021
Other contacts						
Ayre, Annie	anniehayhay@gmail.com			BYU student	Plastic bag reduction	Guest
Healy, Madison	maddiekhealy@gmail.com			BYU student	Plastic bag reduction	Guest
Stanford, Thomas	thomasbarnettstanford@gmail.com			BYU student	Recycling, Displays	Guest

RESOLUTION 2020- (This draft 16a January 2020)

A JOINT RESOLUTION OF THE PROVO MAYOR AND MUNICIPAL COUNCIL URGING SUPPORT FOR EDUCATING CONSUMERS ABOUT WHERE TIER 3 GASOLINE IS SOLD

WHEREAS, air pollution is one of the most serious problems of the populated areas of Utah; and

WHEREAS, the term *Tier 3 gasoline* designates fuel with a maximum of 10 ppm sulfur content, greatly reduced from Tier 2 gasoline, which has a maximum of 80 ppm; and

WHEREAS, the term *Tier 3 vehicles* designates lower-polluting vehicles mandated by federal law to be phased in from 2017-2025; and

WHEREAS Tier 3 gasoline is predicted to reduce vehicular pollution by 80% when used in Tier 3 vehicles; and

WHEREAS Tier 3 gasoline allows all vehicular catalytic converters to work more effectively and thus substantially reduces pollution even in older, non-Tier 3 vehicles; and

WHEREAS the Utah Legislature has sought to promote the production and distribution of Tier 3 gasoline in the state through financial incentives (S.B. 197, 2017) and concurrent resolutions (H.C.R. 13, 2019) in order to clean local air; and

WHEREAS Tier 3 gasoline is now being distributed by several regional suppliers, including Chevron, Marathon, Silver Eagle, and Sinclair; and

WHEREAS Tier 3 gasoline is now being sold at many local name-brand filling stations such as Chevron, Exxon, Mobil, Shell, Silver Eagle, Speedway, and Texaco; and

WHEREAS Tier 3 gasoline is NOT being sold at several filling stations; and

WHEREAS Tier 3 gasoline is being MIXED unpredictably with other non-Tier 3 fuels and sold at some popular filling stations such as Costco, Harmons, Holiday, Maverick, Sinclair, Smiths, and 7-11; and

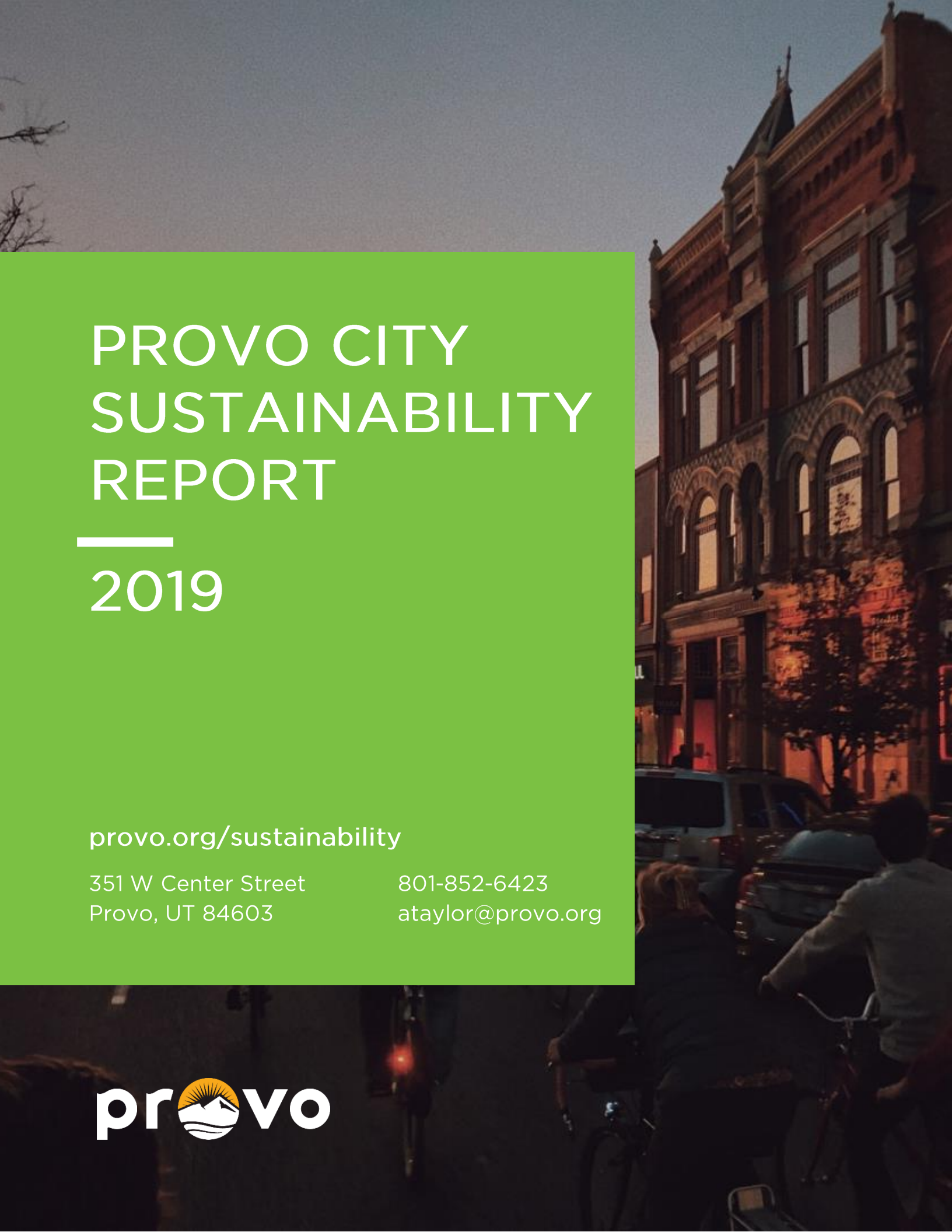
WHEREAS consumers are not informed of where Tier 3 gasoline is available, which stations are not selling any Tier 3 gasoline, and which stations are selling an unpredictable mix of Tier 3 and non-Tier 3 fuels;

NOW, THEREFORE, be it resolved that we, the members of the Provo City Municipal Council and jointly with the Mayor of Provo City request the Utah State Legislature to support means of educating consumers about where Tier 3 gasoline can be reliably and consistently purchased. These means might include actions of the non-profit Utah Clean Air Partnership (UCAIR), advertising by gasoline stations themselves, by labeling gasoline pumps, or by other methods;

BE IT FURTHER RESOLVED, that the Recorder of Provo City transmit duly authenticated copies of this resolution to the President of the Utah Senate, to the Speaker of the Utah House of Representatives, to the Clerk of the Legislature, and to the news media of Utah.

END OF RESOLUTION

(Draft by Don Jarvis jarvisdk@gmail.com)



PROVO CITY SUSTAINABILITY REPORT

2019

provo.org/sustainability

351 W Center Street
Provo, UT 84603

801-852-6423
ataylor@provo.org

provo

"The Sustainability committee at Provo City consists of a representative from each department. This committee combines traditional City functions with emerging best practices to ensure coordinated conscious results. We strive for outcomes that promote environmental stewardship. We believe that sustainability is a social responsibility. Provo City believes it is our obligation to encourage sustainability amongst our employees."

Mayor Michelle Kaufusi

“Provo City does not promote sustainability only to look good—we do it because it makes sense, both financially and morally. The more energy, water, and land we conserve, the more money we save our taxpayers. The more natural resources we save, the better life will be for our children. It’s our duty as public servants to do what’s right for our city and set an example. Sustainable living is a moral duty.”

Austin Taylor, Provo Sustainability Coordinator, Employee Sustainability Committee Chair

“Sustainability is important to Provo City because we are interested in the long-term quality of life for our residents. Stewardship of our natural and economic resources is central to our heritage. That requires us to choose policies and practices that are not only what we have done in the past but what will protect and enhance what we have for future generations.”

Don Jarvis, Residents’ Sustainability and Natural Resources Committee Chair

Purpose of this Report

The Provo City Sustainability Report is designed to inform Provo citizens and employees of sustainable actions being taken by city staff, and—in turn—encourage its readers to do likewise.

Our quality of life will improve as more Provo community members adopt sustainable practices. We invite all to follow Provo City's example!

Sustainability as a Core Value

The City of Provo is home to abundant natural resources that contribute to our quality of life. The City recognizes its role in preserving and protecting such resources as clean air, energy sources, agricultural areas, and undeveloped natural areas such as the Provo River, Utah Lake, Rock Canyon, and numerous others.

As the population of Provo grows, preservation of these natural resources becomes even more critical. The City recognizes the importance of sustainability—the ability to meet the needs of the current generation without compromising the ability of future generations to meet their needs. The City will act as a community partner in advocating the values and principles of sustainability among its employees, business owners, and residents, and encourage community members to do their part in contributing to the current and future vitality of the City of Provo.

Mission Statement

To create a culture of sustainability among Provo City employees

Department and Committee Initiatives

RESIDENTS' SUSTAINABILITY AND NATURAL RESOURCES COMMITTEE

- Educated 1,036 students at seven elementary schools, both middle schools, and Provo High School about air pollution
- Encouraged Provo City administration to build the new city hall to a net-zero ready level
- Agricultural preservation
- Installed 20 "no idling" signs at Provo School District schools and UTA park and ride
- Tabled at several public events, including Provo Power's public energy fair, UVU's Sustainability Days, and many others

provo

EMPLOYEE SUSTAINABILITY COMMITTEE

EMPLOYEE SUSTAINABILITY COMMITTEE

- Coordinated, wrote, and submitted grant proposals for the Provo City Innovation Fund that would plant 1,000 trees and install five air quality monitors throughout the city

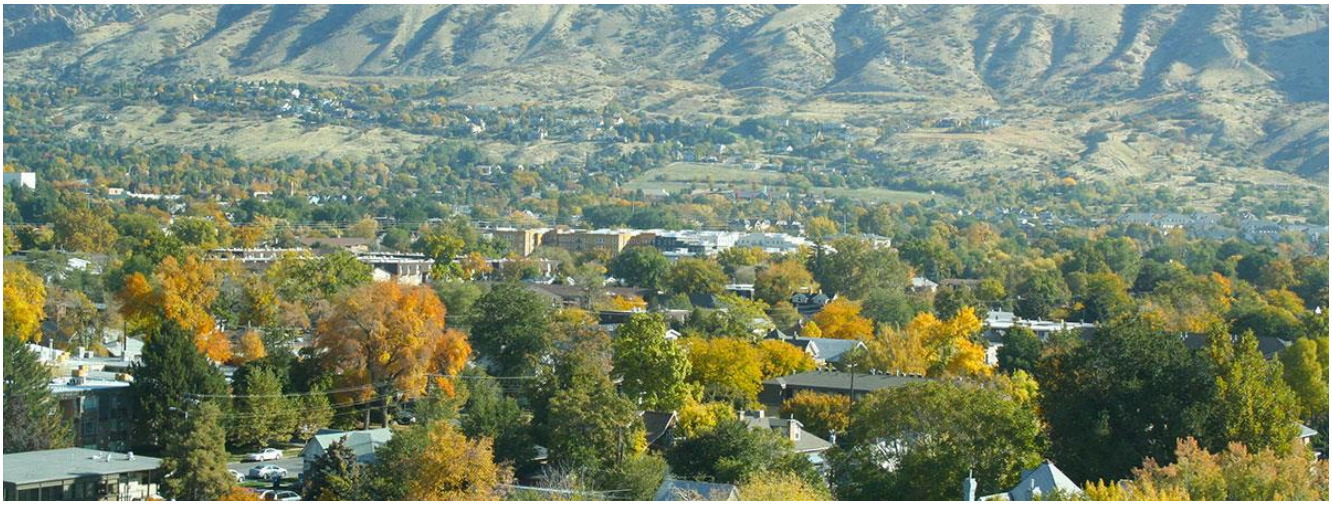
- Assisted in planning, organizing, and manning Provo City Booth for Bike to Work Day
- Created a short sustainability training video for Provo City employees that is hosted on home.provo.org
- Wrote and published provo.org/sustainability
- Helped Dixon Neighborhood plant 25 new street trees in one day

CITY-WIDE (WITH UDOT AND BYU)

- Completed redesign of Cougar Boulevard (formerly Bulldog Boulevard) to include Utah's third protected bicycle lane and dozens of new trees.

CITY COUNCIL

- Provided a neighborhood matching grant to the Timpanogos neighborhood to pay for a tactical urbanism project that showed how street design can slow cars and encourage biking and walking
- Council passed ordinances and resolutions promoting sustainability:
    - A change in the landscaping code that clarifies xeriscaping and encourages using low-water and native plants
    - Minimum bike parking requirements for all new buildings
    - A path to decrease the number of car spaces required in residential projects by encouraging alternative transportation among residents
    - Resolution authorizing Mayor to execute a conservation easement agreement near Rock Canyon to preserve public land
    - A change in the A and S overlay code to allow for detached accessory apartments; (previously only attached apartments were allowed)
- Purchased reusable utensils and dishes for meeting use
- Formed a Foothills Protection Committee, tasked with identifying ways to strengthen development policy in sensitive land areas throughout the city. Ordinance 2019-40, which addresses the land grading section of code, came with help from this committee.



COMMUNITY AND NEIGHBORHOOD SERVICES

- Recruited and contracted with Zagster to run a 500-scooter fleet of rentable electric scooters. Since implementation in August 2019, they have had 85,509 rides, reduced 28,217 car trips, 15,802 vehicle miles traveled, and 3,104 pounds of CO2 pollution.
- Designed, printed, and distributed 2,000 cloth maps of all bike routes in Provo with help from Provo City GIS and BYU Student Health
- Conducted Provo's first city-wide count of people walking and biking which will be repeated annually
- Provided grants to assist with façade restoration of the buildings that now house Platinum Memorabilia and Ernie's Sports Deli

DEVELOPMENT SERVICES

- Contributed land to help developers build The Millrace (to be built on the block between University Avenue and 100 West, 600 South and 500 South) which will construct 438 housing units and 84,732 square feet of office space across the street from UTA' s Provo Central Station
- Switched to paperless online permitting, saving thousands of sheets of paper and hundreds of car trips

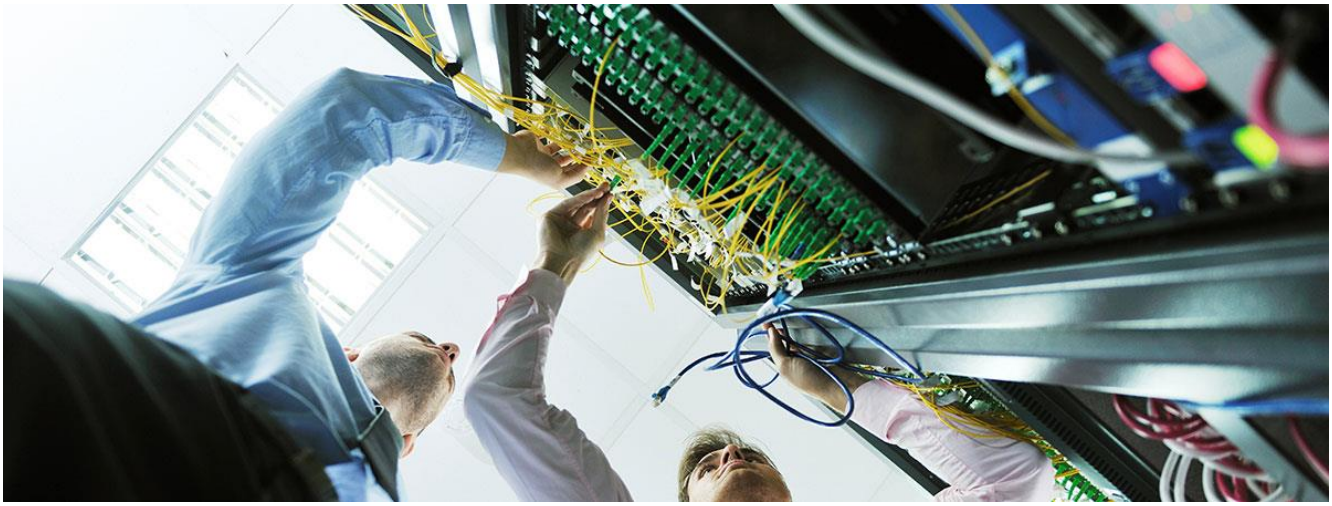
FACILITIES SERVICES

- Received a $752,500 grant from the State of Utah to install twenty new electric vehicle charging stations at the following locations: Provo City Hall, Provo Rec Center, Provo Library, Provo Public Works building, Provo Power building, Rock Canyon Park, North Park, Spring Creek Park, and Pioneer Park.
- Continue to promote energy efficient design for the new City Hall and Public Safety building and Fire Station #2. Facilities will ensure the new facilities will meet a high standard for energy efficiency. These new facilities will reflect creative design, community involvement and cost consciousness.

FIRE

- Purchased special personal protection equipment that reduces carcinogenic particles getting on fire fighters' skin, reducing the chance of skin cancer

- Saved multiple buildings from burning and demolition, including a large condo building on the corner of Canyon Road and 2230 North on Thanksgiving Day
- Gave reusable water bottles to employees to discourage use of single-use plastic bottles

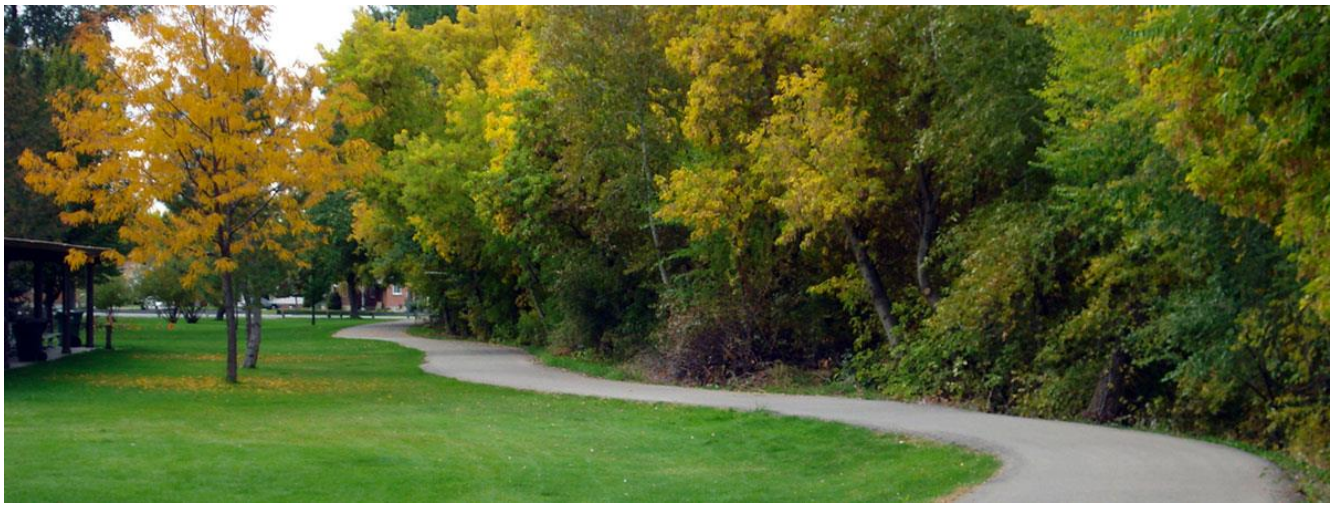


INFORMATION SYSTEMS

- Implemented a paperless online permitting, licensing, code enforcement, and cemetery solution that decreased the need for residents to drive to city hall. Since its implementation, this system has had over 1,700 permits being entered in online—most of these eliminating at least one vehicle trip and saving several pages of paper.
- Led the way in green transportation. One employee drives an all-electric car; several others take transit, bike or walk; and some now work remotely.
- Distributed and encouraged employees to use reusable mugs, plates, bowls, utensils, etc. to reduce waste.

LEGAL

- Began printing double-sided for all documents
- Continuing to transition to paperless files



PARKS AND RECREATION

- Created 1,000 cubic yards of compost soil with Public Works from plant waste and reused it in park landscaping, saving $27,000 by not purchasing new topsoil
- Repurposed blighted land into a Spring Creek Park by demolishing three structures, clearing abandoned vehicles, and removing an old concrete plant
- Awarded a conservation easement to Rock Canyon Preservation Alliance for the perpetual protection of Rock Canyon Trailhead
- Upgraded some park lighting to LED, saving 30% in utility costs. All new lamps will be LED moving forward.

POLICE

- Implemented idle-free policy among officers
- Added more recycle bins in the office

POWER

- Signed onto an agreement to source energy from a new 80MW solar plant in Mona with UMPA that will put Provo Power at 44% renewable energy sourcing by 2022
- Continued installing LED bulbs in streetlights when existing bulbs wear out
- Planted and gave away hundreds of trees throughout Provo to help save energy; awarded Tree City USA for 35th year and Tree Line USA since the award's inception

PUBLIC WORKS

- Composted and sold 5,500 tons of green waste
- Initiated aquifer storage and recovery pilot study
- With the help of UDOT, constructed the state's third protected bicycle lanes on Cougar Boulevard

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JMAGNESS
Department: Council
Requested Meeting Date: 01-21-2020

SUBJECT: Discussion of Councilors' committee assignments (20-021)

RECOMMENDATION: Assign Council members to various committees

BACKGROUND: Besides serving on the Provo City Council, there are various ad hoc committees that councilors can serve on. There are vacancies due to retirements of past council members, and those need to be filled.

FISCAL IMPACT: none

PRESENTER'S NAME: Cliff Strachan

REQUESTED DURATION OF PRESENTATION: 30

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-021

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Council Committee Assignments

Last Updated: January 13, 2020

City-Related Organizations

Council Members act as board members of several other city-related boards, including:

- The Redevelopment Agency of Provo
- The Municipal Building Authority
- The Board of Canvassers
- The Stormwater Service District

Other Boards, Committees and Liaisons

Individual Municipal Council members may be appointed to various other City boards, commissions, and committees, or act as a liaison to them.

Leadership Responsibilities (*first name is Chair, second name is Vice-chair) (one-year terms)

Group	Appointed By	Current Appointment	Meeting Time
Municipal Council Leadership	Municipal Council	*George Handley David Harding	Thurs. 7:30 AM
Provo Redevelopment Agency Executive Committee	Municipal Council	*David Sewell Shannon Ellsworth Mayor Kaufusi	5 PM Tues. after 1st Council Mtg
Municipal Building Authority Leadership	MBA Bylaws	Council Chair and Vice-chair	
Stormwater Service District	SSD Bylaws	Council Chair and Vice-chair	
Provo Foundation - see PCC 2.34	Articles of Incorporation	Council Chair	Quarterly, or as needed

Council Committees (PCC 2.50.110) (*first name is Chair, second name is Vice-chair)

Committee	Councilors	Mission Statement
STANDING COUNCIL COMMITTEES		
Council Budget Committee	Council committee of the whole	The mission of the Budget Committee is to objectively review and make recommendations concerning the City's annual budgets, which should be results-oriented and structurally balanced, have sustainable revenues, and promote cost effective management of programs and capital infrastructure.
Audit Committee	TBD + outside audit committee members TBD	The mission of the Audit Committee is to objectively review and make recommendations to the Mayor and City Council concerning the City's financial reporting processes, standards, financial statements, and internal controls, as audited by the City's independent auditors; and other audit related assignments as requested by the City Council.
Neighborhood Advisory Board	*David Knecht David Sewell	The Neighborhood Program is intended to provide advice and recommendations to the Municipal Council to aid them in their decision making, and to

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(see PCC 2.29)		provide the citizens of Provo additional opportunities for input and feedback regarding land use decisions that affect their communities.
AD HOC COUNCIL COMMITTEES		
Housing Committee	*David Knecht George Handley David Harding	The purpose of the Housing Committee is to research best practices and make recommendations for: 1. Understanding what characteristics meet the tenets of a balanced and healthy neighborhood that promote owner occupancy and long-term residency; and 2. How best to proactively address housing issues countywide by engaging surrounding cities, the school board, housing advocates, and other experts.
Foothill Protection Committee	*George Handley David Sewell Gary Winterton	Review the current staff report on the gravel pit issue and bring it to the Council for approval to release to the public. Bring recommendations to the Council for legislative changes to consider as a result of the lessons learned.
Joaquin Parking Committee	*David Knecht George Stewart David Harding	Work together with all the stakeholders to bring forward a parking permit program for the Joaquin Neighborhood.
Zoning Compliance Committee	*David Knecht George Handley David Sewell	Review recommendations from citizens and the Administration pertaining to zoning enforcement and compliance, and to advise the Council on how to move forward with those recommendations.
Downtown Parking Committee	*David Harding Gary Winterton David Knecht	To review the current state of and demand for public on-street and off-street parking in Downtown Provo, as well as the Strategic Parking Management Plan, in order to propose a vision for a functional, convenient, productive, and sustainable parking ecosystem and a high-level plan to bring about that vision.
Sign Committee	*Gary Winterton David Sewell Kay Van Buren	Review sign ordinances and how they are applied and enforced in various areas of the city. Review design corridors and evaluate how the current sign ordinance aligns with the interests of these areas and evaluate the compatibility with other zones in surrounding areas. Study how the sign ordinance aligns with the General Plan. Recommend improvements as a result of lessons learned and input from committee members, Community Development, and stakeholders including neighborhoods and business representatives. Bring legislative recommendations to the Council for consideration.

City-Related Boards with Council Appointment

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Board	Appointed By	Current Appointment	Term	Term Expiration	Meeting Time
Library Board - see PCC 2.26	Mayor with Council A&C	George Stewart	3 years	December 31, 2019	2nd Wed at 4 PM
Provo Housing Authority* - see UCA 35A-8-404	Mayor with Council A&C	George Handley	3 years	June 30, 2022	Monthly 3rd or 4th Wednesday at 4:15 PM

City Advisory Boards with a History of Council Liaisons

Board	Current Liaison Assignment	Meeting Time
Airport Board – see PCC 2.21	Gary Winterton	Quarterly 2nd Tuesday 12:30
Arts Council – see PCC 2.22	David Sewell	Inactive
Energy Board - see PCC 12.01	Gary Winterton, George Stewart, George Handley	1st Monday 4 PM
Transportation and Mobility Advisory Committee – see PCC 14.04B	George Handley	2nd Tuesday 12:30 PM
Parks & Recreation Board - see PCC 2.38	Gary Winterton, George Handley	3rd Thursday 12 PM
Sustainability and Natural Resources Committee	George Handley	3rd Tuesday 7:15 AM
CDBG General Committee	David Harding	
CDBG Social Services Committee	David Knecht	

Non-City Boards with City/Council Appointments/Liaisons (by rule, tradition, or request):

Board	Appointed By	Current Assignment	Meeting Time
Downtown Provo, Inc.	Liaison appointed by Council Chair	Gary Winterton David Harding	3rd Wed monthly 8:00 am
Rock Canyon Advisory Committee	Liaison appointed by Council Chair	George Handley	Twice annually (spring & fall)
Utah Valley Clean Air Task Force	Liaison appointed by Council Chair	Gary Winterton	4th Monday 2 PM
South Utah Valley Solid Waste District (SUVSWD)	SUVSWD Bylaws	Wayne Parker, CAO	3rd Wed every other month
Utah Municipal Power Agency (UMPA) Board of Directors - see PCC 2.20.040(3)	Mayor with Council A&C	Mayor Kaufusi	4th Wed 6 PM
Metropolitan Water Board - see PCC 2.20.040(1)	Board members appointed by Council; Liaison appointed by Council Chair	Liaison: Kay Van Buren, Gary Winterton	Quarterly Sara Hubbs, provometrowater@gmail.com 801-465-5205
Utah Lake Commission	Bylaws	Mayor Kaufusi	Quarterly (7:30 AM 3rd Thursday)

Commented [EV1]: Is this correct? George Handley is involved somehow but I don't know if he has replaced Wayne or attends in addition to Wayne's assignment.

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Mountainland Association of Governments Executive Council	Bylaws	Mayor Kaufusi	Bylaws stipulate 4th Thursday
ULCT Legislative Policy Committee	Bylaws; City may have up to three but only one staff member	David Harding (assume Mayor and CAO are the other two)	Mondays at 12 PM (not holidays) during Legislative Session

City Administrative/Quasi-judicial Boards without Council Liaison (Not Recommended)

- Board of Adjustment (Zoning) (see PCC 14.05)
- Board of Appeals (Building Code) (see PCC 2.20.010)
- Classified Civil Service Commission (see PCC 4.01.010)
- Landmarks Commission (see PCC 16.02)[1]
- Planning Commission (see PCC 14.04)[1]
    - Design Review Committee (see PCC 14.04A)
- Record Appeals Board (see PCC 3.13.090 and UCA 63G-2-701)
- Unclassified Civil Service Appeals Board (see PCC 4.03)

[1] These bodies also act as City Advisory/Policy Recommending Boards.

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JMAGNESS
Department: Council
Requested Meeting Date: 01-21-2020

SUBJECT: Discussion regarding meeting structure and decorum. (20-024)

RECOMMENDATION: Discussion

BACKGROUND: There has been an expressed interest in streamlining both the working meeting and the coucil meeting. For the working mmeting there has been some discusion about moving presentations of planning items to the evening council meeting. For the evening meeting there has been some discusion about using the consent agenda more where possible. Additionally what would the council like to address each other at the council meeting.

FISCAL IMPACT: None

PRESENTER'S NAME: Cliff Strachan

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-024

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JMAGNESS
Department: Council
Requested Meeting Date: 01-21-2020

SUBJECT: A presentation regarding Water Plans. (20-019)

RECOMMENDATION: Presentation only

BACKGROUND: Dave Decker, Director of Public Works, will present to the Council plans for Water infrasture and managment. Propper Water managment will be a key piece in preparing for anticipated population growth.

FISCAL IMPACT: no additional

PRESENTER'S NAME: Dave Decker, Director Public Works

REQUESTED DURATION OF PRESENTATION: 45 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-019

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JMAGNESS
Department: Council
Requested Meeting Date: 01-21-2020

SUBJECT: Presentation on perlimiary budget discussions. (20-026)

RECOMMENDATION: Presenation and Discussion

BACKGROUND: John Borget, Director of Administrative Services, will present to the council the process regarding the upcoming department budget presentaions to the council for fiscal year 2020-2021

FISCAL IMPACT: None

PRESENTER'S NAME: John Bor

REQUESTED DURATION OF PRESENTATION: 30 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-026

Budget Calendar FY 2021

January 2019	• Distribute 5-year capital improvement packets to departments • Review revenue forecasts • Meet with Council Staff to review revenue projections, calendar, and CIP
February	• Municipal Council starts budget meetings with Directors, Feb 4 • Review proposed Fiscal 2021 budget calendar with Directors, Feb 4 • Distribute payroll schedules and budget sheets to departments • 5-year capital improvement packets returned to Finance Division • Review 5-year capital improvement packets and budget worksheet with Directors and Administration • Meet with Council Staff to review CIP Budget Report
March	• Municipal Council continues to meet with Directors • Deliver 5-year capital improvement plan to Municipal Council, Mar 2 • Review 5-year capital improvement plan with Municipal Council • Administration meets with Directors to review budgets and supplemental requests • Meet with Council Staff to give update on budget process
April	• Municipal Council continues to meet with Directors • Proposed budget sheets are prepared based on recommendations from Administration • Review key issues of proposed budget with Council Staff • Finance Division Budget Team to prepare final proposed documents to be presented to the Municipal Council • Administration final review of budget documents prior to presenting tentative budget to Municipal Council
May	• Present tentative budget to the Municipal Council, May 5 • Budget Retreat, May 12
June	• Certified Tax Rate to be adopted by June 15 per State Code • Budget to be adopted by June 30 per State Code if not holding a Truth in Taxation hearing • Review 10-year budget forecast
July	• Truth in Taxation hearings held if property tax increases proposed
August	• Budget to be adopted by August 31 per State Code if Truth in Taxation hearing is held • Submit budget to Utah State Auditor's Office • Submit to GFOA for certification

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: EVANDERWERKEN
Department: Council
Requested Meeting Date:

SUBJECT: Update on the Innovation Fund program (20-027)

RECOMMENDATION: The Administration will share an update on the Innovation program.

BACKGROUND: The Innovation Program has been incorporated in the FY20 budget as part of the Employee Recognition fund. The Administration will share an update on the program for the current project year.

FISCAL IMPACT: none

PRESENTER'S NAME: Dixon Holmes

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-027

PROVO MUNICIPAL COUNCIL STAFF REPORT

Submitter: JMAGNESS
Department: Council
Requested Meeting Date: 01-21-2020

SUBJECT: Presentation about policy items referred from the Planning Commission. (20-025)

RECOMMENDATION: Discussion

BACKGROUND: There has been some discussions as to why items referred from the Planning Commission are heard at both the Work Meeting and the Council Meeting. Brian Jones, Council Attorney, will explain the history of the items appearing on both agendas, and possible solutions the council can pursue to shorten presentation times in the Work Meeting.

FISCAL IMPACT: none

PRESENTER'S NAME: Brian Jones

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-024

DEVELOPMENT SERVICES

Planning Commission Hearing
Staff Report
Hearing Date: January 8, 2020

***ITEM #2**	Provo City Public Works Dept. requests a General Plan Amendment to correct language in Area 5 of the Annexation Policy Map to replace "approximately 5,200 feet" with "approximately 4,876 feet" as an existing water pressure zone. North Timpview Neighborhood. Robert Mills (801) 852-6407 PLGPA20190410

Applicant: Provo City Public Works Department

Staff Coordinator: Robert Mills

***Council Action Required**: Yes

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is January 22, 2020 at 6:00 p.m.*

2. **Deny** the requested Project Plan. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History: The Public Works Department wishes to revise Section 1.2.10 of the General Plan, relating to Area 5 of the Annexation Policy Plan to further refine the existing water pressure zone elevation. This is a non-substantive revision that simply refines the elevation from approximately 5,200 feet to 4,876 feet.

Staff Recommendation: Staff recommends forwarding a positive recommendation of the requested General Plan Map Amendment to the Municipal Council.

OVERVIEW

The Annexation Policy Plan is included in the General Plan and provides guidance on future growth of Provo City into unincorporated areas. The Public Works Department has found an inconsistency in the water pressure elevation for Area 5 of the Plan and proposes a change to be more accurate. The non-substantive change simply changes the existing elevation designated as 5,200 feet to 4,876 feet, as noted in the attachments to this report.

FINDINGS OF FACT

1. The Annexation Policy Plan is provided in Section 1.2.10 of the General Plan.
2. The Annexation Policy Plan Map provides information on conditions to be taken into consideration when reviewing annexation applications.
3. The existing water pressure zone for Area 5 is currently designated as 5,200 feet, but the Public Works Department has indicated that should be changed to 4,876 feet.

Analysis

Section 14.02.020(1) of the Provo City Code states the following regarding amendments to the Planning and Zoning Title and to the General Plan:

> *"Amendments shall not be made . . . except to promote more fully the objectives and purposes of this Title and the Provo City General Plan or to correct manifest errors."*

Additionally, guidelines for consideration of an amendment are set forth in Section 14.02.020(2) of the Code and are listed below. Staff analysis is provided after the individual guidelines in **bold**.

(a) Public purpose for the amendment in question.
The amendment simply refines the elevation that can be served by existing water pressure zones in Area 5 of the Annexation Policy Plan.

(b) Confirmation that the public purpose is best served by the amendment in question.
The public purpose is served by the proposed map amendment because it adds additional clarification for potential annexation applications.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.
The change is compatible with the General Plan policies, goals, and objectives.

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.
No conflicts.

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

It seems unlikely that the proposed amendment would hinder or obstruct attainment of the articulated policies because it simply refines an elevation of water pressure zones.

(f) *Adverse impacts on adjacent land owners.*

No adverse impacts are anticipated.

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

The proposed amendment does not affect the original zoning or General Plan for the 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.*

No such conflict is anticipated as a result of the proposed map amendment.

RECOMMENDATION

Based on the Findings of Fact and Analysis, staff recommends the Planning Commission approve the requested General Plan Land Use Map amendment

1. .

ATTACHMENTS

1. Text from Section 1.2.10 of the General Plan
2. Annexation Policy Map

Attachment 1 – Text from Section 1.2.10 of the General Plan

Area Two is bounded by I-15 on the west, existing Provo City limits on the north and east, and the Provo/Springville City Boundary Agreement Line on the south. The General Plan calls for a combination of light and heavy industry (I) in this area, between the railroad tracks and between Kuhni Road and I-15. Provo City has electrical lines in this area, and has extended sewer lines as far south as the Kuhni rendering plant. Water and sewer line extensions would be required to continue annexation south of the rendering plant and east of the railroad tracks.

Area Three

Area Four

Area Four is bounded by existing Provo City limits on the south and east, Utah Lake on the west, and 2000 North on the north. The development of this area will require additional water system distribution capacity as well as the construction of wastewater lift stations. Present land uses in this area are agricultural and residential types. A large conservation easement, wetlands, and other environmental factors in this area will need substantial consideration in the annexation and development process.

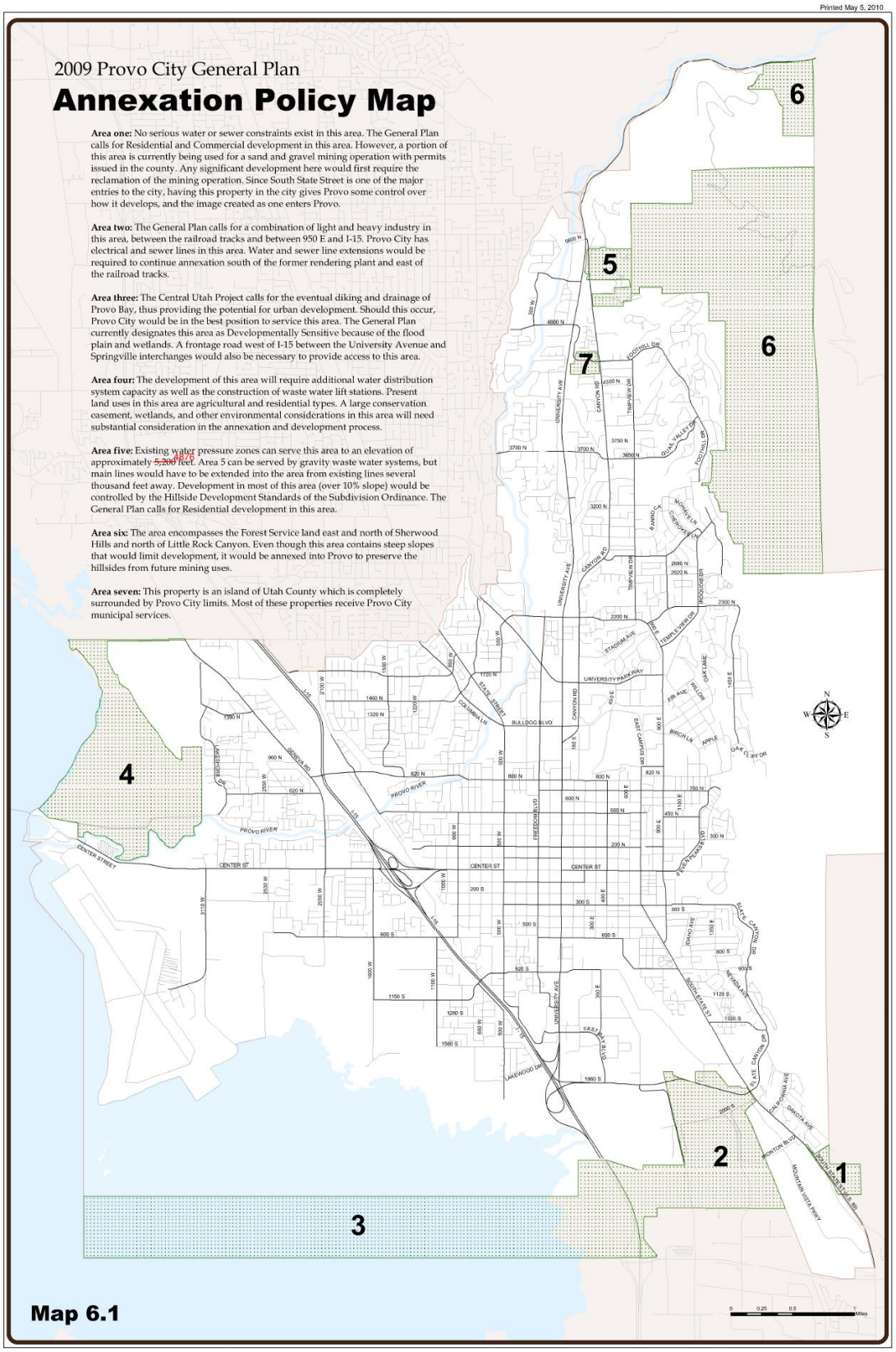
Annexation Ordinance 2004-1, annexing approximately 139 acres of real property, located generally between 1552 North, 2000 North, Geneva Road and I-15, Lakeview Neighborhood, was approved by the Municipal Council February 3, 2004. 03-0002(A). This represents the northeast portion of the Area Four proposed annexation.

Annexation Ordinance 2009-2, annexing approximately 346.72 acres of real property, located generally between 1300 North and 2000 North from Geneva Road to the Utah Lake 100 Year Flood Plain Meander Line, Lakeview North Neighborhood, was approved by the Municipal Council on October 8, 2009. 08-0001(A).

Area Five

Area Five is bounded on the west and south by existing Provo City limits, and on the east by the Uinta National Forest boundary. Existing water pressure zones can serve this area to an elevation of approximately ~~5,200~~ 4,876 feet. Area Five can be served by gravity wastewater systems, but main lines would have to be extended into the area from existing lines several thousand feet away. Development in most of this area (over 10% slope) would be controlled by the Hillside Development Standards of the Subdivision Ordinance. The General Plan calls for Residential (R) development in this area.

Attachment 2 – Annexation Policy Map



ORDINANCE 2020-.

AN ORDINANCE AMENDING THE ANNEXATION POLICY MAP IN THE PROVO CITY GENERAL PLAN RELATING TO EXISTING WATER PRESSURE ZONES. (PLGPA20190410)

WHEREAS, it is proposed that Provo City General Plan Section 1.2.10 be amended with regard to Area 5 of the Annexation Policy Map to correct the elevation at which the existing water pressure zones can serve that area from 5,200 feet to 4,876 feet; and

WHEREAS, on January 8, 2020, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 6:0; and

WHEREAS, on January 21, 2020, 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

WHEREAS, after considering the Planning Commission's recommendation and facts and comments presented to the Municipal Council the Council finds (i) the Provo City General Plan should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

The text of the Provo City General Plan Annexation Policy Map, as found in Section 1.2.10 of the General Plan, is hereby amended as follows:

. . .

Area five: Existing water pressure zones can serve this area to an elevation of approximately 4,876~~5,200~~ feet. Area 5 can be served by gravity waste water systems, but main lines would have to be extended into the area from existing lines several thousand feet away. Development in most if this area (over 10% slope) would be controlled by the Hillside Development Standards of the Subdivision Ordinance. The General Plan calls for Residential development in this area.

. . .

PART II:

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

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

C. The Municipal Council hereby directs that the official copy of the General Plan be updated to reflect the provisions enacted by this ordinance.

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

END OF ORDINANCE.

Provo City Planning Commission

Report of Action

January 8, 2020

* Item 2 Provo City Public Works Dept. requests a General Plan Amendment to correct language in Area 5 of the Annexation Policy Map to replace "approximately 5,200 feet" with "approximately 4,876 feet" as an existing water pressure zone. North Timpview Neighborhood. Robert Mills (801) 852-6407 rmills@provo.org PLGPA20190410

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 8, 2020:

Recommend Approval

On a vote of 6:0, the Planning Commission recommended the item by approved by the Municipal Council, with the inclusion of Area 6 of the Annexation Policy Plan and Map at the same elevation. The Planning Commission directed staff to include the appropriate wording in the text prior to sending it to the Municipal Council. The motion stated:

"Provo City Public Works Dept. requests a General Plan Amendment to correct language in Area 5 and Area 6 of the Annexation Policy Map to replace 'approximately 5,200 feet' with 'approximately 4,876 feet' as an existing water pressure zone.

Motion By: Lisa Jensen
Second By: Andrew Howard
Votes in Favor of Motion: Dave Anderson, Deborah Jensen, Lisa Jensen, Andrew Howard, Robert Knudsen, and Laurie Urquiaga
Deborah Jensen was present as Chair.

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

- The General Plan includes an Annexation Policy Plan and Map designating anticipated areas to be annexed into the city.
- Public Works staff had reviewed the documents and found the inconsistency in what was stated was the water pressure service zone and what the actual serviceable elevation is. The proposed amendment simply aims to correct the inconsistency.

APPLICANT PRESENTATION

- David Day from the Public Works Department explained that the proposed amendment was to simply add the correct elevation for the water pressure service zone.
- Mr. Day explained that Area 6 did not historically have a specific water pressure service zone elevation, but didn't see any reason why it could not be added.
- Mr. Day explained that development may be possible above those elevations; however, the developer of such a project would be responsible for installing the needed infrastructure, including a new water tank, to service those locations, provided other factors such as topography and slide potential can also be mitigated.

CITY DEPARTMENTAL ISSUES

- Staff is aware of no concerns from City departments.

NEIGHBORHOOD AND PUBLIC COMMENT

- No comments from neighborhood chairs or the public were received at the meeting.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Ms. Urguiaga questioned why the same elevation wasn't proposed for Area 6 of the Annexation plan. This question was shared by other commission members as well.
- Mr. Anderson also asked if there were other limiting factors to hillside development other than just water pressure service ability.
- Ms. Lisa Jensen suggested adding the elevation to Area 6 as well.
- The Planning Commission made the recommendation to add Area 6 to the proposed amendment and directed staff to include the additional language in the materials to be sent to the Municipal Council.

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, 330 West 100 South, 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.).

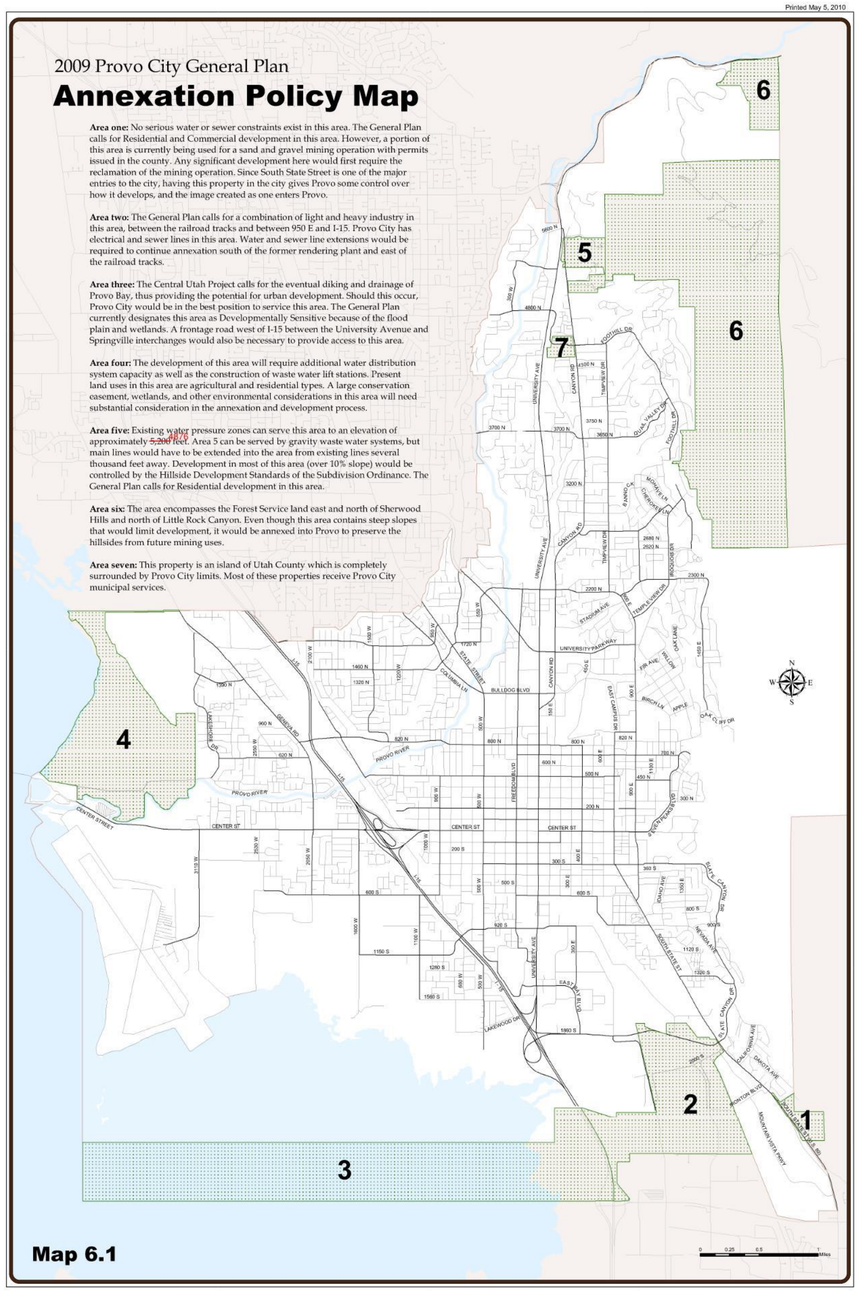
BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

ITEM 2*

Provo City Public Works Dept. requests a General Plan Amendment to correct language in Area 5 of the Annexation Policy Map to replace "approximately 5,200 feet" with "approximately 4,876 feet" as an existing water pressure zone.

North Timpview Neighborhood

PLGPA20190410



Area Two is bounded by I-15 on the west, existing Provo City limits on the north and east, and the Provo/Springville City Boundary Agreement Line on the south. The General Plan calls for a combination of light and heavy industry (I) in this area, between the railroad tracks and between Kuhni Road and I-15. Provo City has electrical lines in this area, and has extended sewer lines as far south as the Kuhni rendering plant. Water and sewer line extensions would be required to continue annexation south of the rendering plant and east of the railroad tracks.

Area Three

Area Four

Area Four is bounded by existing Provo City limits on the south and east, Utah Lake on the west, and 2000 North on the north. The development of this area will require additional water system distribution capacity as well as the construction of wastewater lift stations. Present land uses in this area are agricultural and residential types. A large conservation easement, wetlands, and other environmental factors in this area will need substantial consideration in the annexation and development process.

Annexation Ordinance 2004-1, annexing approximately 139 acres of real property, located generally between 1552 North, 2000 North, Geneva Road and I-15, Lakeview Neighborhood, was approved by the Municipal Council February 3, 2004. 03-0002(A). This represents the northeast portion of the Area Four proposed annexation.

Annexation Ordinance 2009-2, annexing approximately 346.72 acres of real property, located generally between 1300 North and 2000 North from Geneva Road to the Utah Lake 100 Year Flood Plain Meander Line, Lakeview North Neighborhood, was approved by the Municipal Council on October 8, 2009. 08-0001(A).

Area Five

Area Five is bounded on the west and south by existing Provo City limits, and on the east by the Uinta National Forest boundary. Existing water pressure zones can serve this area to an elevation of approximately ~~5,200~~ 4,876 feet. Area Five can be served by gravity wastewater systems, but main lines would have to be extended into the area from existing lines several thousand feet away. Development in most of this area (over 10% slope) would be controlled by the Hillside Development Standards of the Subdivision Ordinance. The General Plan calls for Residential (R) development in this area.

Printed May 5, 2010

2009 Provo City General Plan

Annexation Policy Map

Area one: No serious water or sewer constraints exist in this area. The General Plan calls for Residential and Commercial development in this area. However, a portion of this area is currently being used for a sand and gravel mining operation with permits issued in the county. Any significant development here would first require the reclamation of the mining operation. Since South State Street is one of the major entries to the city, having this property in the city gives Provo some control over how it develops, and the image created as one enters Provo.

Area two: The General Plan calls for a combination of light and heavy industry in this area, between the railroad tracks and between 950 E and I-15. Provo City has electrical and sewer lines in this area. Water and sewer line extensions would be required to continue annexation south of the former rendering plant and east of the railroad tracks.

Area three: The Central Utah Project calls for the eventual diking and drainage of Provo Bay, thus providing the potential for urban development. Should this occur, Provo City would be in the best position to service this area. The General Plan currently designates this area as Developmentally Sensitive because of the flood plain and wetlands. A frontage road west of I-15 between the University Avenue and Springville interchanges would also be necessary to provide access to this area.

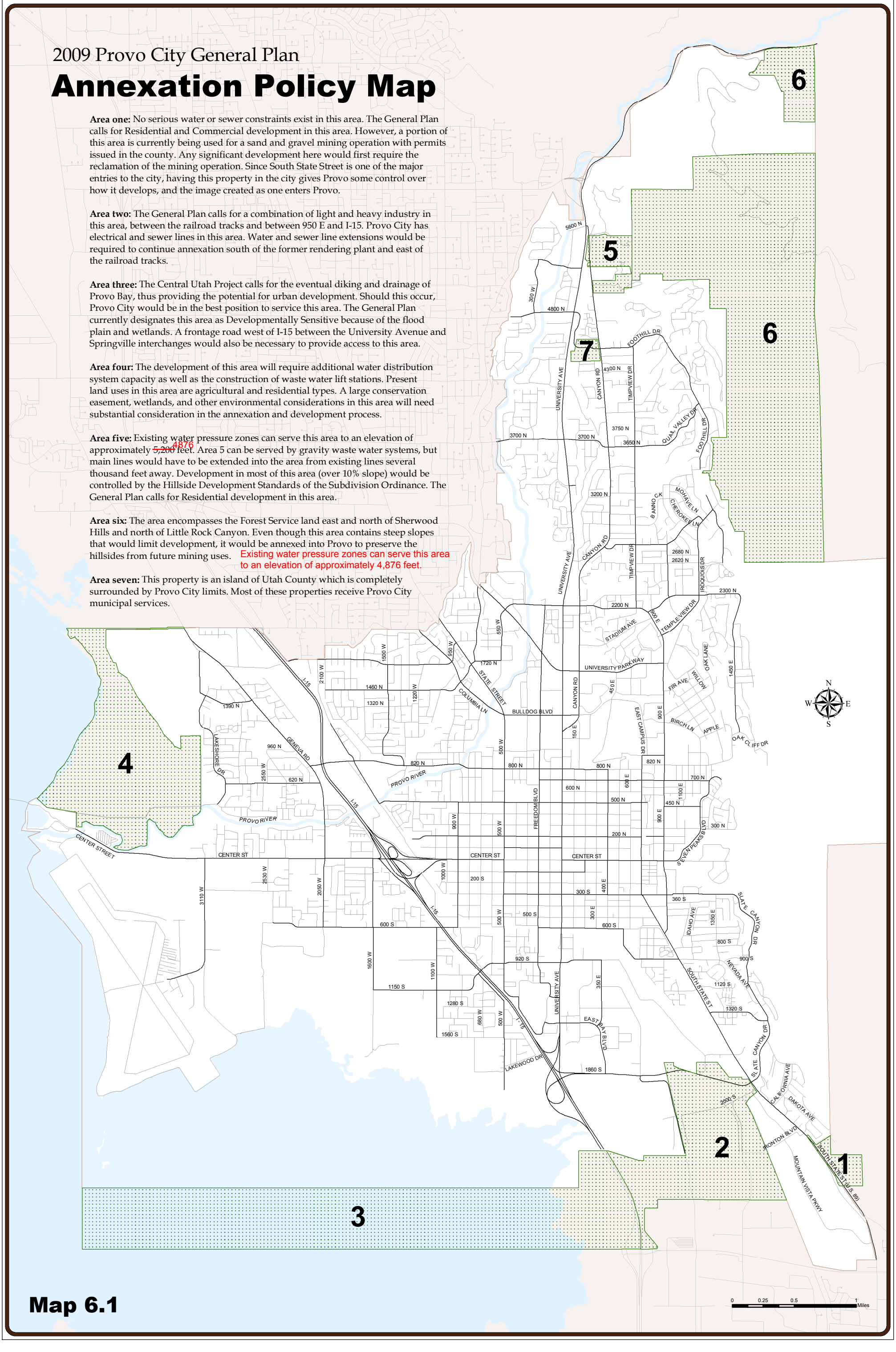
Area four: The development of this area will require additional water distribution system capacity as well as the construction of waste water lift stations. Present land uses in this area are agricultural and residential types. A large conservation easement, wetlands, and other environmental considerations in this area will need substantial consideration in the annexation and development process.

Area five: Existing water pressure zones can serve this area to an elevation of approximately ~~5,200~~ 4876 feet. Area 5 can be served by gravity waste water systems, but main lines would have to be extended into the area from existing lines several thousand feet away. Development in most of this area (over 10% slope) would be controlled by the Hillside Development Standards of the Subdivision Ordinance. The General Plan calls for Residential development in this area.

Area six: The area encompasses the Forest Service land east and north of Sherwood Hills and north of Little Rock Canyon. Even though this area contains steep slopes that would limit development, it would be annexed into Provo to preserve the hillsides from future mining uses.

Existing water pressure zones can serve this area to an elevation of approximately 4,876 feet.

Area seven: This property is an island of Utah County which is completely surrounded by Provo City limits. Most of these properties receive Provo City municipal services.



Map 6.1

1.2.10 Additional Tools for Urban Growth and Land Use Annexation Policy Plan

Provo City's Annexation Policy Plan was brought to the Planning Commission for a public hearing in 2002 and was approved by Resolution 2003-15 of the Municipal Council on February 4, 2003. This plan has received subsequent review through public hearings of the Planning Commission and Municipal Council in association with the Comprehensive Update to the 1997 General Plan, initiated in 2002 and approved in 2004. As the changes effected through recent annexations reflect policies of the Municipal Council and elements of agreements with Utah County, Springville City, Orem City, and the U.S. Forest Service, the plan incorporated herein as part of the Provo City General Plan retains the 2003 Annexation Policy Plan, but notes which annexations have been completed at the time of adoption of the update to the General Plan in Fall 2009.

Need for an Annexation Policy Plan

It is necessary that the City maintain an annexation policy plan to assure orderly growth and development of the community. An annexation policy will also protect the general interests of the taxpaying public, as well as those individual property owners who wish to annex to the City. There must be specific policy guidelines by which a proposed annexation is evaluated. The following constitutes the guidelines established for the Provo City annexation policy plan:

Annexation Policy Plan Guidelines

Each annexation under consideration should be expanded to include the greatest amount of property possible, within the limits shown on the attached map, to assure that:

1. Public reaction in and around the annexation area is appropriately balanced with the needs of the community;

2. Duplication of services is eliminated;

3. City standards related to improvements are maintained consistently on a contiguous block face and on adjoining properties to the greatest extent possible;

4. No piecemeal annexation of individual small properties which would diminish the potential for later annexation of small pockets or "islands" of opposing unincorporated area;

5. Expansion of City boundaries will include some unimproved land which will provide an inventory for future development;

6. The circulation system of streets and highways is enhanced by placing a system in one jurisdiction to eliminate maintenance confusion;

7. There is an increased ability to plan for orderly community and area wide development;

8. Fire, police, and other safety-oriented service systems are more controlled with logical political boundaries;

9. Utilities and other public services have more systematic city boundaries;

10. The City's self-determination and local home rule is enhanced through the resulting city boundaries;

11. The City is able to exercise greater regulation over improper and undesirable land uses and development in the fringe areas.

The Character of the Community

Annexation proposals should be evaluated based upon the compatibility of the proposed land uses with the character of the overall surrounding neighborhood and City.

The Need for Municipal Services in Developed and Undeveloped Unincorporated Areas

Provo City utility services shall not be provided to unincorporated areas, but shall only be made available to those areas which are annexed to Provo City. The only exception shall be those extensions made to other units of government under the Interlocal Government Cooperation Act, as deemed appropriate by the Municipal Council.

The Municipality's Plans for Extension of Municipal Services

City services should be extended to annexed areas as soon as practicable after annexation. The requirements for extension of such utilities are set forth on an area-by-area basis described in "Areas Proposed for Future Annexation," below.

The City feels the responsibility of developing the backbone of the various utility distribution and collection systems in newly developing areas. This work includes the development of new water wells, reservoirs, and utility trunk lines. However, specific commitments and the construction period for such utilities will be dependent upon development demand and sufficient capital budgets. Such

commitments and time frames will be determined when annexation occurs and will be a part of the impact report required by the Provo City Code.

How Services Will Be Funded

Provo City's policy is to participate with developers in the cost of improvements which benefit the City as a whole. For instance, when utility mainlines are required to be a certain size to serve an entire area, but that size is larger than that required to service a given subdivision, the City will fund the difference in the cost of providing the larger size. The City's share is financed by the general fund, gas tax, road funds, and connection and user fees.

An Estimate of the Tax Consequences to Residents Both Currently within the Municipal Boundaries and in the Expansion Area

Tax consequences and interests of affected entities, relative to a proposed annexation, should be considered. Present mil levies in Provo City are comparable to adjacent County areas, including Utah County residents in the Nebo and Alpine School Districts. Utility costs, particularly for electricity, are less expensive in the City than in the County. Thus, many times it is economically beneficial for property owners to annex to Provo City.

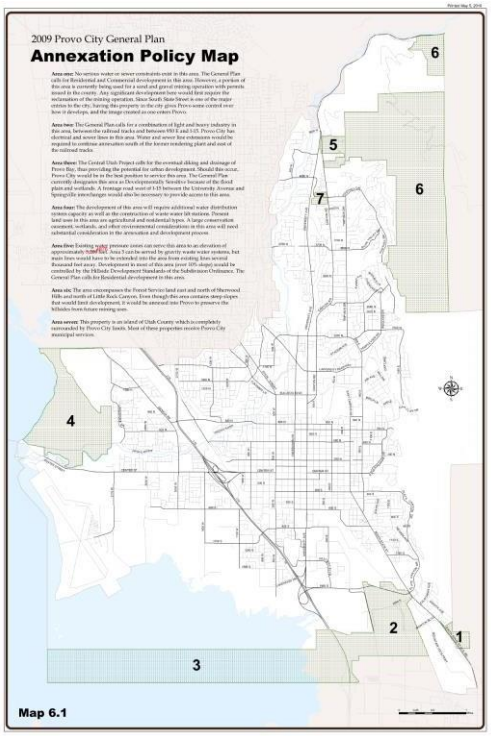
Additionally, such property owners receive many benefits in return for higher tax assessments. These include snow removal, increased police and fire protection, and other City services.

The Interests of All Affected Entities

Areas proposed for annexation are logical expansions of Provo City's corporate limits and will not unduly affect the tax revenues of adjacent entities. Utah County, the City of Springville, and the City of Orem may also be impacted by land annexed into and developed in Provo City. Noticing and coordination with these jurisdictions, along with noticing and coordination with special improvement or service districts and school districts, should also occur.

Areas Proposed for Annexation:

Map 1.9 - Annexation Policy Map (PDF)



Area One

Area One is bounded by existing Provo City limits on the north and west. No serious water or sewer constraints exist in this area. There are gravity flow sewers in the immediate vicinity, and the culinary water supply to the area was extended with the East Mountain development. The General Plan calls for Residential (R) and Commercial (C) development in this area. However, a portion of this area is currently being used for a sand and gravel mining operation with permits issued in the county. Any significant development here would first require the reclamation of the sand and gravel operation. There is also an auto salvage operation just south of the East Mountain development and Utah County's Public Works buildings. Since South State Street is one of the major entries to the city, having this property in the City gives Provo some control over how it develops, and the image created as one enters Provo. South State Street is one of the "design review" corridors proposed along major entrances to the city.

Annexation Ordinance 2006-1, annexing approximately 1.25 acres of real property, located generally at 2400 S. Alaska Avenue, Provost South Neighborhood, was approved by the Municipal Council on May 6, 2009. 08-0001(A).

Area Two

Area Two is bounded by I-15 on the west, existing Provo City limits on the north and east, and the Provo/Springville City Boundary Agreement Line on the south. The General Plan calls for a combination of light and heavy industry (I) in this area, between the railroad tracks and between Kuhni Road and I-15. Provo City has electrical lines in this area, and has extended sewer lines as far south as the Kuhni rendering plant. Water and sewer line extensions would be required to continue annexation south of the rendering plant and east of the railroad tracks.

Area Three

Area Four

Area Four is bounded by existing Provo City limits on the south and east, Utah Lake on the west, and 2000 North on the north. The development of this area will require additional water system distribution capacity as well as the construction of wastewater lift stations. Present land uses in this area are agricultural and residential types. A large conservation easement, wetlands, and other environmental factors in this area will need substantial consideration in the annexation and development process.

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Area Five

Area Five is bounded on the west and south by existing Provo City limits, and on the east by the Uinta National Forest boundary. Existing water pressure zones can serve this area to an elevation of approximately ~~5,200~~ 4,876 feet. Area Five can be served by gravity wastewater systems, but main lines would have to be extended into the area from existing lines several thousand feet away. Development in most of this area (over 10% slope) would be controlled by the Hillside Development Standards of the Subdivision Ordinance. The General Plan calls for Residential (R) development in this area.

A petition to annex 4.6 acres, known as the Loveless Annexation, within Area Five, generally located at 5001 N. Canyon Road, between Canyon Road and University Avenue, application 04-0002(A), was approved in 2004. [Approved 11/9/2004, Annexation Ordinance 2004-2.]

An annexation of 1.18 acres, known as the Gillespie Annexation, within Area Five, generally located at 5290 N. Canyon Road, application 05-0001(A), was approved by action of the Municipal Council on 10/18/2005, Annexation Ordinance 2005-1, in response to a petition to annex 0.93 acre.

An annexation of 9.04 acres, known as the Budge Annexation, within Area Five, generally located at 5240 N. Canyon Road, application 09-0001(A), was approved by action of the Municipal Council on August 8, 2009, Annexation Ordinance 2009-01.

Area Six

Area Six is bounded on the west, south, and north by Provo City limits and on the east by Utah County. The area encompasses the Forest Service land east and north of Sherwood Hills and north of Little Rock Canyon. Even though this area contains steep slopes that would limit development, it would be annexed into Provo to preserve the hillsides from future mining uses. Existing water pressure zones can serve this area to an elevation of approximately 4,876 feet.

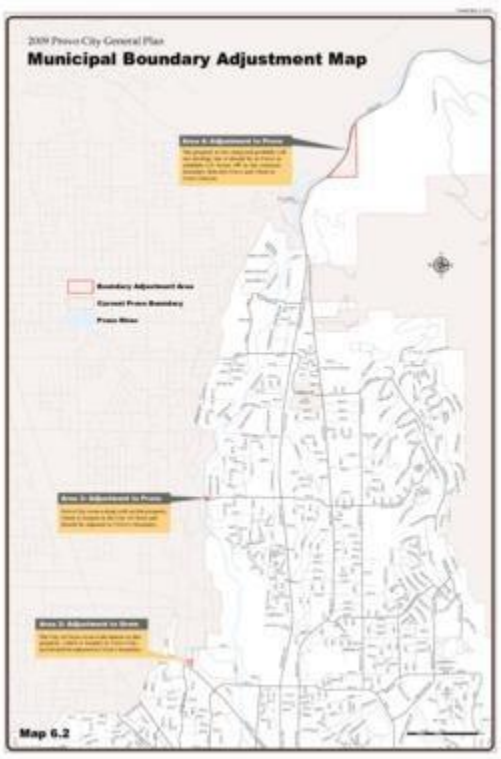
Area Seven

Area Seven is located between 4400 North and 4600 North from University Avenue to Canyon Road. This property is an island of Utah County, which is completely surrounded by Provo City limits. Most of these properties receive Provo City municipal services.

A City-initiated petition in 2003 to annex 26 acres within Area Seven for the purpose of street improvements did not meet the requirements of annexation due to protest by more than 50 percent of the property owners living in the area. The petition to annex was withdrawn. 03-0001(A). Based on the intended use stated by the property owners, the land has been designated on the General Plan Map as A – Agricultural rather than its previous designation of R – Residential.

Areas Proposed for Municipal Boundary Adjustment:

Map 1.10 - Municipal Boundary Adjustment Map (PDF)



Area One

Area One is located along 1700 North 2100 West and should be adjusted with the City of Orem to allow for the Ercanbrack property to be developed in Orem. The railroad right-of-way that Provo City owns should be purchased by the Ercanbracks and should also be adjusted to Orem's boundary.

Area One has been accomplished by agreement with the City of Orem.

Area Two

Area Two is located in Provo just before the Carterville Road bridge northeast of University Parkway. The City of Orem owns a lift station on this property, which is located in Provo City, and should be adjusted to Orem's boundary.

Area Three

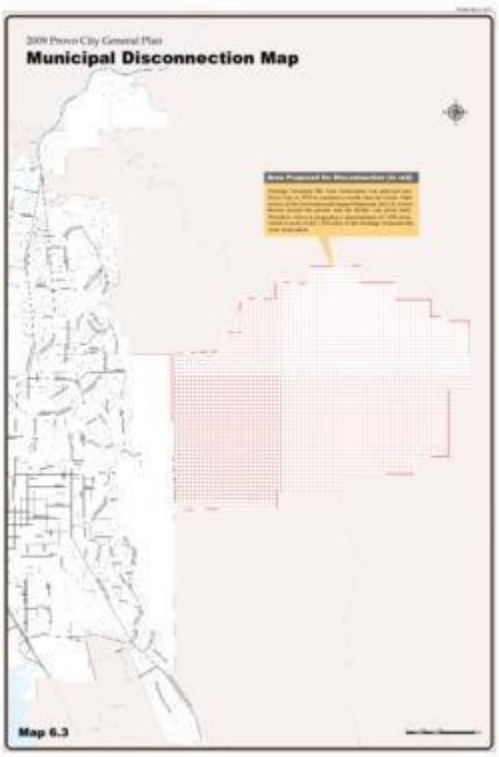
Area Three is located in Orem just north of 3700 North and just east of the Provo River. Provo City owns a deep well on this property, which is located in the City of Orem and should be adjusted to Provo's boundary.

Area Four

Area Four is located in Orem east of the Provo River at the entrance of Provo Canyon and should be adjusted to Provo's boundary. The property is very steep and probably will not be developed, but it should be in Provo to establish U.S. Route 189 as the common boundary between Provo and Orem in Provo Canyon.

Areas Proposed for Municipal Disconnection:

Map 1.11 - Municipal Disconnection Adjustment Map (PDF)



Area One

Area One is the Heritage Mountain Ski Area Annexation and was annexed into Provo City in 1978 to construct a world-class ski resort. After review of the Environmental Impact Statement, the U.S. Forest Service denied the permit, and the facility was never built. Therefore, Provo is proposing a disconnection of 7,035 acres, which is most of the 7,515 acres of the Heritage Mountain Ski Area Annexation.

Project Redevelopment Option

The Project Redevelopment Option, or PRO, was adopted in 2002 as an element of Title 14, Zoning, to provide a flexible zoning tool, primarily for redevelopment and infill development within Provo. The evaluation factors for use of a PRO as a development tool for land within Provo is detailed in Title 14, Zoning, of the Provo City Code. The General Plan is consulted as a guide, but recognition is given to the PRO as a tool intended for flexible and creative development that will better meet the needs of the immediate community, and the greater community of Provo, than would be produced through use of standard zone districts.

Approval of a PRO zone is a legislative action, as it includes three approval steps, two of which require action of the Municipal Council. The PRO involves (1) Council approval, following a recommendation by the Planning Commission, of an ordinance text amendment to Title 14, Zoning, to create the development parameters of the new PRO zone; (2) Council approval, following a recommendation by the Planning Commission, of a request to rezone a specific tract of land to the new PRO zone; and (3) approval by the Planning Commission of a preliminary project plan for the new development.

The best use of the PRO is being evaluated over time and may continue to change to meet concerns related to administering the Provo City Zoning Ordinance. A long-range planning effort should be undertaken to develop and adopt zones tailored to the unique needs of the neighborhoods. Once appropriate locations for the specialized zones have been determined and the standards adopted, the PRO should be used limitedly to facilitate redevelopment of exceptionally difficult properties or to allow development of an exceptionally unique project that cannot be modified to accommodate the zone standards.

An alternative possibility would be to establish four or five PRO zones that have enough flexibility to regulate existing and newly proposed PRO zones. These zones could be developed in such a way to also eliminate the Performance Zoning standards (which have been identified in the General Plan to be updated or absorbed into the PRO format).

The PRO is a tool used for multiple-family residential developments or one-family attached developments, as a citywide rezoning of multiple-family residential districts to the Residential Conservation (RC) zone necessitated that a rezoning occur to construct or expand multi-family housing projects. The PRO can also be used for one-family detached homes where the development parameters do not comply with the standard R1 zones and where use of the Performance Development (PD) overlay zone is not possible or preferable. This is more likely to occur for redevelopment projects that replace a single home or several homes with new homes, whereas a PD is more likely to be used for new development on larger tracts of previously undeveloped land.

It is intended that a PRO will be used for assembling multiple parcels into a larger development area and that the PRO will look beyond its own boundaries and consider how adjoining lands could be incorporated in the future, particularly within a single city block. The PRO may be applied by the Council, at its discretion, to a larger boundary than the area owned by or under contract for purchase by the developer.

Use of the PRO tool is not limited to residential development. Although not yet widely used for commercial or other nonresidential proposals at the time this General Plan was adopted, the PRO has been used for mixed-use proposals that will combine residential and commercial uses in a new-urbanist design. In this application of the ordinance, the PRO has also been used for new development on previously undeveloped land (in contrast to its expected use for redevelopment or infill development) due to severe constraints that made development within standard zone district parameters difficult. These have not yet been constructed, so it will take some time to evaluate the long-term usefulness of the PRO, particularly where it is applied to previously undeveloped land. This use has also raised issues related to deviations from design corridor standards, which must be further evaluated over time.

Specific Development Plans

A primary problem of growing cities and towns is piecemeal, uncoordinated development. Undeveloped land is often parceled into many separately owned holdings, each with a variety of sizes and configurations. If such properties develop independently, coordinated features, such as an overall network of connected streets or neighborhood parks, may be difficult to obtain. Standard subdivision requirements that prescribe open space requirements and street connections attempt to address this problem but may not always go far enough, resulting in uncoordinated, patchwork development, rather than a coherent neighborhood.

Different goals between property owners or a simple lack of communication can unnecessarily fragment new development. The design of development projects is left largely to landowners and prospective developers. Plans are then reviewed by the City for compliance with existing policies and standards. Often, little design cooperation exists between neighboring property owners involved in a prospective development. As a result of different goals, many fractious hearings may be held concerning development proposals and associated zone map amendments.

These kinds of problems may be addressed by developing and adopting a Specific Development Plan ("SDP") for a given area. An SDP describes in more detail the type of development planned for a specific area than is typically found in most general plans, zoning ordinances, or public facilities

plans. Unlike a project plan, which is typically applied to a land area assembled within single ownership for the purpose of development, an SDP can apply to a large area with multiple landowners. An SDP may require more detailed planning, but also allows for more innovation in design and organization of land uses.

The SDP is intended to promote coordinated planning concepts and pedestrian-oriented, mixed-use development. Establishing an SDP in a particular area in advance of a development proposal can help to ensure that an area is built in a coherent fashion. An SDP can also provide a framework for locating creative, smart development features such as a connected network of safe streets, neighborhood parks, open space, efficient development patterns, and better neighborhood design.

The City and/or property owners should prepare SDPs for large or critical areas of the City. Undeveloped or developed tracts with inadequate facilities may be considered for inclusion within an SDP so that the timing of critical infrastructure can be coordinated with development. Specific Development Plans may include residential development, commercial development, or a combination of the two in mixed-use projects.

Once an SDP is approved, however, no building permit should be issued unless subdivision applications, project plans and other development approvals are consistent with the SDP. Where separate SDPs are proposed on adjoining or nearly adjoining tracts of land, there should be no gaps or islands of land not covered by the plans.

Use of the SDP versus the PRO as a Development Planning Tool

The PRO is primarily intended as a redevelopment tool where assemblage of multiple, smaller parcels is desired for encouraging a more cohesive plan for redevelopment of land previously developed as discrete parcels. The PRO envisions that these properties redevelop as a whole and typically under single ownership.

For raw land or land formerly used for agricultural and very low density housing – and in particular for large areas of land suitable for master planning with varied land uses – the SDP is a better tool. The SDP creates an overall plan for an area, which may include parcels that remain under control of multiple landowners. It addresses General Plan issues and allows the overall plan to guide individual applications for rezoning and project development on parcels in separate ownership.

The SDP Process

The process to establish a SDP may be initiated by the Mayor, the Municipal Council, or interested property owners who represent a majority of the land area, and at least 1/3 of the value of real property within the planned area. Property owners who initiate SDP requests should pay the cost of preparing the plan. Similarly, an SDP fee should be imposed on persons seeking approvals required to be consistent with a specific plan initiated by the City in an amount that is proportional to the applicant's relative benefit derived from the SDP.

SDPs should be prepared in consultation with the landowners and neighbors. The Mayor may appoint a steering committee to guide development of the plan, when it involves more than one property owner, and it is undertaken by the City. The steering committee should include persons representing affected property owners, neighbors, Planning Commission, Municipal Council, and City departments. If a consultant is hired by the City to prepare the specific plan, the steering committee may assist in evaluating the proposals and selecting the consultant.

A specific plan must have enough detail so that individual projects can be reviewed and approved administratively if the proposal conforms to the plan. Stakeholders need to be involved in the planning process to identify objectives for each SDP. For example, the plan may encourage a certain type of development or may endeavor to protect open space.

The adoption of a specific plan does not necessarily vest development, but its entitlements may be defined by development agreement. Specific plans themselves are dynamic documents and may be subject to future revisions.

A principal purpose of each SDP is to provide administrative approval for projects consistent with the plan. Thus, each SDP, rather than a project, requires close scrutiny. Each SDP should:

- Be consistent with General Plan policies;
- Meet identified objectives;
- Be compatible with the surrounding community;
- Identify specific uses and detailed site and building design guidelines, including street designs and locations; and
- Identify the location, timing, and financing of public facilities.

Draft SDPs should be submitted to the Planning Commission and Council for review, modification, and approval. Application requirements are included in Title 14 of Provo City Code. The hearing process is essentially the same as for amending the General Plan.

Once approved, a specific SDP should be added to the General Plan's appendices with a reference in the specific policies of Chapter One for that area. Each SDP area should be rezoned to a new Specific Development Plan Overlay zone that requires all future development in the area to conform to the adopted SDP. If an SDP plan applies to land outside the City limits, the plan should indicate where the SDP overlay zone will be applied upon annexation. New construction under site review or building permit review should be required to meet the special development and design standards of an applicable SDP. Finally, allowed uses, standards, and procedures of an SDP zone should supplement and supersede standards and procedures of the underlying zone.

Special Considerations for Use of the SDP as a Long-Range Planning Tool

This new level of planning in the City will solve problems for both the City and developers. It empowers the City to exert greater control and coordination over the development process, promotes more livable neighborhoods, creates a more predictable development process, and achieves greater consensus in the process. A thorough specific plan can enable planners to effectively implement selected long-term General Plan objectives in a relatively short time frame. This policy is to be flexible, allowing the City to create standards for the development of a wide range of projects or solutions to any type of land use issue. The plan may present the land use and design regulations, which guide the development of a new civic center or incorporate land use and zoning regulations, infrastructure plans, and development approval processes for the development of residential, office, commercial and open space uses.

The City may need to budget monies for the preparation of SDPs for areas determined to be of critical need, with reimbursement from individual property owners within the SDP as development occurs. Development within areas targeted for SDPs should be restrained to the extent possible until such plans are prepared. The Administration, Council, and Planning Commission must be included in the process of prioritizing areas where SDPs will be prepared. SDPs that have not been developed within five years of their adoption should be reviewed by the Planning Commission to determine whether such SDPs remain viable or need to be amended.

The Provo City General Plan is current through Ordinance 2019-25, passed May 21, 2019.

Disclaimer: The city recorder has the official version of the Provo City General Plan. Users should contact the city recorder for resolutions passed subsequent to the resolution cited above.

City Website: www.provo.org
City Telephone: (801) 852-6000
Code Publishing Company

Planning Commission
Staff Report
Hearing Date: January 08, 2020

ITEM # 6 The Community and Neighborhood Department requests Ordinance Text Amendments to shift certain conditional uses to permitted uses in the Neighborhood Shopping Center (SC1) Zone, the Community Shopping Center (SC2) Zone and the Regional Shopping Center (SC3) Zone. Citywide application. Javin Weaver (801) 852-6413 jweaver@provo.org PLOTA20190429

Applicant: Community and Neighborhood Services Department **Staff Coordinator:** Javin Weaver **Parcel ID#:** City Wide ***Council Action Required:** Yes **Related Application(s):** None **ALTERNATIVE ACTIONS** 1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is January 22, 2020 at 6:00 p.m.* 2. **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*	**Relevant History:** None **Neighborhood Issues:** No neighborhood issues have been brought to staff's attention. **Summary of Key Issues:** • No Key Issues **Staff Recommendation:** That the Planning Commission recommend to the Municipal Council approval of the proposed ordinance amendment.

OVERVIEW

The Community and Neighborhood Services Department has proposed to amend Title 14 of the Provo City Code to consolidate the permitted uses and shift multiple conditional uses to permitted uses in the SC1 – Neighborhood Shopping Center (14.18), SC2 – Community Shopping Center (14.19), and SC3 – Regional Shopping Center (14.20) zones. Within the permitted and conditional uses in each zone there is a four-digit number attached to the land use type. The four-digit number comes from the

Provo City Standard Land Use Code (SLU). The first digit of the number represents a broad classification of land uses, with the second digit representing a grouping of similar uses under the broader classification. The third and fourth digits are the particular uses within the larger grouping.

Staff saw the need to analyze the permitted and conditional uses within the Shopping Center (SC) zones and think critically about which SLU code would require conditions to be placed upon it and which would not. If no conditions were to be placed upon the land use then therefore it should be moved to the permitted uses. Conditions are typically added to mitigate impacts the land use would have on the surrounding properties. Some of the SLU codes were categorized with a broader SLU code based on the similar types of uses land uses with in the zone.

By transitioning the number of conditional uses to permitted uses in the SC zone increases the opportunity for someone to do business in Provo. It also increases staff and Planning Commissioner's bandwidth to work on other planning items. In the near future, staff would like to decrease the amount of conditional uses and shift increase permitted uses of additional zones.

FINDINGS OF FACT

1. There are currently 25 permitted and 63 conditional uses in the SC1 zone; 53 permitted and 28 conditional uses in the SC2 zone; and 59 permitted and 27 conditional uses in the SC3 zone.

STAFF ANALYSIS

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

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: **(responses in bold)**

(a) Public purpose for the amendment in question.
The proposed ordinance amendment increases the opportunity for business to be occurring in Provo City. Additionally it allows staff

and planning commissioners the capacity to focus on more pertinent planning items.

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

The public purpose is served by increasing the business opportunity to occur within Provo City which allows the city to benefit by the tax revenue.

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

The proposed amended standards intend to meet the General Plan policy by encouraging new business growth and job formation (7.4.15) and minimize the potential revenue shortfall by attracting new business operate in Provo City (7.2.1).

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

There are no timing and sequencing issues with the proposed changes.

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

The proposed amended standards will not hinder the articulated policies of the General Plan.

(f) Adverse impacts on adjacent land owners.

No conflicts have been identified as these standards will be imposed on new development. If a conflict was envisioned, that SLU code was left on the conditional use section within the respective SC zone.

CONCLUSIONS

The increase of SLU codes to the SC zones will not only increase the opportunity for business to occur within Provo City, but will provide jobs and tax revenue for Provo City. This change of permitted uses allows for a more user-friendly ordinance that staff and the general public can use and understand more clearly. The alteration of these ordinance chapters will ensure that the long-term goals of the City are met. Evaluating the proposal as a whole, staff supports the proposed ordinance text amendment.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend to the Municipal Council approval of the proposed ordinance text amendment.

ATTACHMENTS

1 – Neighborhood Shopping Center Zone Proposed Text (14.18.020)

2 – Community Shopping Center Zone Proposed Text (14.19.020)

3 – Regional Shopping Center Zone Proposed Text (14.20.020)

Attachment 1 – Neighborhood Shopping Center Zone Proposed Text (14.18.020)

14.18.020

Permitted Uses.

(1) Those uses or categories as listed herein, and no others, are permitted in the SC1 zone.

(2) All uses listed herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four (4) digit number in which the last one (1) or two (2) digits are zeros. All such categories or classes listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC1 zone subject to the limitations set forth herein.

(3) *Permitted Principal Uses*. The following principal uses and structures, and no others, are permitted in the SC1 zone:

Use No.	Use Classification
4700	Communications
4800	Utilities
~~4811~~	~~Electric transmissions right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4821~~	~~Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4824~~	~~Gas pressure control stations~~
~~4831~~	~~Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4835~~	~~Irrigation distribution channels~~
~~4836~~	~~Water pressure control stations and pumping plants~~
~~4841~~	~~Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)~~

Use No.	Use Classification
~~4844~~	~~Sewage pumping stations~~
~~4864~~	~~Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)~~
~~4873~~	~~Storm drain or right-of-way (predominantly covered pipes or boxes)~~
5230	Paint, glass and wall paper
5251	Hardware
5256	Swimming pool supplies
5400	Food
~~5410~~	~~Grocery stores, convenience (not supermarket)~~
~~5460~~	~~Bakeries and doughnut shops~~
5520	Tires, Batteries and Accessories
5530	Gasoline Service Station
5600	Apparel and Accessories
5700	Furniture, home furnishings, and equipment
5810	Eating places (restaurants, no drive-through service)
5900	Miscellaneous Retail Trade
~~5910~~	~~Drug and proprietary stores~~
~~5940~~	~~Books, stationery, art and hobby supplies~~
~~5991~~	~~Florists~~
~~5998~~	~~Pet sales and supplies~~
6100	Finance, Insurance and Real Estate
6200	Personal Services (except 6294 and 6299)
~~6210~~	~~Laundry and dry cleaning (includes self-service laundries)~~
~~6230~~	~~Beauty and barber shops~~

Use No.	Use Classification
~~6241~~	~~Funeral homes (adjacent to arterial roads, no less than 1.50 acres)~~
~~6243~~	~~Crematory (adjacent to arterial roads, no less than 1.50 acres)~~
~~6251~~	~~Pressing, alteration and garment repair~~
6500	Professional Services (except 6515-6516)
6422	Radio and TV repair
6425	Electrical appliance repair (light)
6496	Locksmiths and key shops
6730	Postal services
6815	Day care centers
6835	Dancing schools
~~7398~~	~~Video rental shops~~
8221	Veterinarian services, subject to the following conditions: (a) experimental or scientific research activities are prohibited, (b) no on-site disposal of dead animals, (c) each facility shall be located completely within an air-conditioned and soundproofed building, (d) animal noise shall not be audible at the nearest property line, (e) overnight boarding shall be limited to animals receiving treatment on the premises, (f) services shall be limited to small animals only, and (g) no services shall be permitted for poisonous or dangerous animals

(4) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the SC1 zone, provided they are incidental to, and do not substantially alter, the character of the permitted use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SC1 zone; and

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

(5) *Conditional Uses.* The following uses and structures are permitted in the SC1 zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
~~4700~~	~~Communications (subject to the standards of Section 14.34.420, Provo City Code)~~
~~4814~~	~~Electricity regulating substations~~
~~4818~~	~~Small generation~~
~~4823~~	~~Natural or manufactured gas storage; distribution points~~
~~4829~~	~~Other gas utilities, NEC~~
~~4834~~	~~Water storage as part of a utility system (covered including water storage stand pipes)~~
~~4872~~	~~Debris basin (a dam and basin for intercepting debris)~~
~~4874~~	~~Spreading grounds (area for percolating water into underground)~~
~~5230~~	~~Paint, glass and wall paper~~

Use No.	Use Classification
~~5251~~	~~Hardware~~
~~5256~~	~~Swimming pool supplies~~
~~5310~~	~~Shopping centers (if center is more than five (5) acres but less than ten (10) acres)~~
~~5330~~	~~Variety stores, limited price (not department stores)~~
~~5410~~	~~Grocery stores (if center is more than five (5) acres but less than ten (10) acres)~~
~~5420~~	~~Meats and fish~~
~~5430~~	~~Fruits and vegetables~~
~~5440~~	~~Candy, nut and confectionery~~
~~5450~~	~~Dairy products~~
~~5490~~	~~Retail trade item food (except 5493 and 5497)~~
~~5520~~	~~Automobile accessories (no tire recapping or installation)~~
~~5530~~	~~Gasoline services (gasoline pumps only)~~
~~5660~~	~~Shoes~~
~~5693~~	~~Cosmetics~~
~~5718~~	~~Picture frames, mirrors, etc.~~
~~5721~~	~~Vacuum cleaners, parts and supplies~~
~~5724~~	~~Sewing machines and parts~~
~~5730~~	~~Radios, television and sound systems~~
5810	Restaurants (with drive-through service)
~~5950~~	~~Sporting goods, bicycles, and toys~~
~~5960~~	~~Garden supplies (fully enclosed only; no farm supplies)~~
~~5970~~	~~Jewelry~~

Use No.	Use Classification
~~5980~~	~~Fuel and ice (ice dispensing machine only)~~
~~5992~~	~~Cigars and cigarettes~~
~~5994~~	~~Cameras and photographic supplies~~
~~5995~~	~~Gifts, novelties, etc.~~
~~5996~~	~~Optical goods~~
~~5997~~	~~Paper products~~
~~5999~~	~~Miscellaneous retail trade~~
~~6100~~	~~Finance, insurance and real estate services~~
~~6110~~	~~Banks~~
~~6220~~	~~Photographic services~~
~~6254~~	~~Shoe repair, hat cleaning~~
~~6255~~	~~Shoe shine stands~~
~~6290~~	~~Miscellaneous personal services~~
6416-7	Auto washing, polishing (automatic and self-service) subject to the standards of Section 14.34.380, Provo City Code
~~6422~~	~~Radio and TV repair~~
~~6425~~	~~Electrical appliance repair (light)~~
~~6493~~	~~Watch, clock, jewelry repair, engraving~~
6496	Locksmiths and key shops
~~6497~~	~~Gunsmiths~~
~~6499~~	~~Miscellaneous repair services~~
~~6511~~	~~Physicians' offices and services~~
~~6512~~	~~Dental offices and services~~
~~6520~~	~~Legal services~~
~~6530~~	~~Engineering, architectural, and planning services~~
~~6590~~	~~Miscellaneous professional services~~

Use No.	Use Classification
~~6710~~	~~Executive, legislative, and judicial government functions~~
~~6720~~	~~Protective services~~
~~6722~~	~~Police protection and related activities, branch (office only)~~
~~6815~~	~~Day care centers~~
~~6835~~	~~Dancing schools~~
~~8221~~	~~Veterinarian services, subject to the following conditions:~~ ~~(a) experimental or scientific research activities are prohibited,~~ ~~(b) no on-site disposal of dead animals,~~ ~~(c) each facility shall be located completely within an air-conditioned and soundproofed building,~~ ~~(d) animal noise shall not be audible at the nearest property line,~~ ~~(e) overnight boarding shall be limited to animals receiving treatment on the premises,~~ ~~(f) services shall be limited to small animals only, and~~ ~~(g) no services shall be permitted for poisonous or dangerous animals~~

(6) *Maximum Office Usage*. The total gross floor area for office uses (land uses 6100-6199 and 6500-6599 in the Standard Land Use Code) permitted in any SC1 zone shall not exceed fifty percent (50%) of the total floor area in any project plan submitted for Planning Commission approval in accordance with Section 14.18.140, Provo City Code.

(Am 1986-10, Am 1986-50, Am 1988-52, Am 1989-56, Am 1993-09, Am 1993-10, Am 1996-23, Am 1997-49, Am 1999-29, Am 1999-63, Am 2003-31, Am 2013-37, Am 2015-35)

Attachment 2 – Community Shopping Center Zone Proposed Text (14.19.020)

14.20.020

Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the SC3 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four-digit number in which the last one (1) or two (2) digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC3 zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses*. The following principal uses and structures, and no others, are permitted in the SC3 zone.

Use No.	Use Classification
1113	One-family dwelling, attached to commercial (subject to Section 14.20.160, Provo City Code)
1130-50	Multi-family and apartment dwelling (subject to Section 14.20.160, Provo City Code)
1511	Hotels
1512	Motels and automobile travel courts
1513	Tourist courts
4920	Transportation Services and Arrangements
~~4923~~	~~Travel agencies~~
5230	Paint, glass and wallpaper
5240	Electrical supplies

Use No.	Use Classification
5251	Hardware
5255	Building maintenance
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators
5390	Retail trade - general merchandise
5400	Food ~~stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy, bakeries, etc.)~~
~~5490~~	~~Miscellaneous retail food establishment~~
5511	Motor vehicles, automobiles - new car sales and used car sales which will be permitted only as an accessory use to new car sales
5515	Motor vehicles, trucks and buses - new vehicle sales and used vehicles sales permitted only as an accessory use to new truck and bus sales
5520	Automobile accessories (except tire recapping and vulcanizing)
5530	Gasoline service stations
5590	Automotive, marine crafts, aircrafts, and accessories (except mobile and manufactured homes)
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment (no combined warehousing)

Use No.	Use Classification
5810	Eating places (restaurants)
5910	Drug and proprietary stores
5920	Liquor, package Books, stationery, art and hobby supplies
5931	Antiques (no outside display)
5940	Books, stationery, art and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies (entirely within a building only)
5970	Jewelry
5980	Fuel and ice
~~5984~~	~~Ice dealers (automated machines or pick-up stations only)~~
5990	Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
6100	Banks, insurance and real estate (office only)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240 and 6299 wedding chapels and recreation centers only)
6297	Athletic clubs, body building studios, spas, aerobic centers, (no gymnasiums)
6330	Duplicating, mailing, stenographic and office services
6340	Dwelling and building services (not dwelling units)
6360	Employment services

Use No.	Use Classification
6391	Auction houses
6394	Equipment rental (indoor only)
6397	Vehicle rental (passenger auto-mobiles only)
6399	Miscellaneous business services
6416	Auto washing and polishing
6417	Auto washing, self service
6420	Electrical appliance repair
6494	Furniture repair
6497	Gunsmiths
6498	Saw, knife, and tool sharpening
6499	Miscellaneous small item repair
6512	Dental offices and services
6520	Legal services
6530	Engineering, architectural, and planning services
6550	Data processing services
6590	Professional services
6710	Executive, legislative, and judicial functions
6720	Protective functions and related activities
6730	Postal services
6815	Day care center
6833	Beauty schools
6835	Dance studios and schools
7100	Cultural activities and nature exhibition
~~7111~~	~~Libraries~~
~~7112~~	~~Museums~~
7212	Motion picture theaters (indoor – subject to the standards contained in the subsections

Use No.	Use Classification
	to Section 14.34.370(3), Provo City Code)
7390	Amusements
~~7398~~	~~Video rental shops~~
7414	Ice skating (subject to the standards of Section 14.34.370, Provo City Code)
7415	Roller skating and skate boarding (subject to the standards of Section 14.34.370, Provo City Code)
7417	Bowling alleys

(5) *Permitted Accessory Uses.* Accessory uses are permitted in the SC3 zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SC3 zone; and

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

(6) *Conditional Uses.* The following uses and structures are permitted in the SC3 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
5313	Surplus store
~~5594~~	~~Motorcycles, motor scooter parts, accessories, supplies~~
~~5920~~	~~Liquor, package~~

Use No.	Use Classification
~~5931~~	~~Antiques (no outside display)~~
~~5983~~	~~Bottled gas~~
~~6241~~	~~Funeral parlors~~
~~6299~~	~~Personal services (wedding chapel and reception centers only)~~
~~6340~~	~~Dwelling and building services (not dwelling units)~~
~~6381~~	~~Auction houses~~
~~6394~~	~~Equipment rental (indoor only)~~
~~6397~~	~~Vehicle rental (passenger auto-mobiles only)~~
~~6399~~	~~Miscellaneous business services~~
~~6416-7~~	~~Auto washing and polishing~~
~~6420~~	~~Electrical appliance repair~~
~~6494~~	~~Furniture repair~~
~~6498~~	~~Saw, knife, and tool sharpening~~
~~6499~~	~~Miscellaneous small item repair~~
~~6722~~	~~Police protection and related activities, branch (office only)~~
6942	Fraternal associations and lodges
~~7391~~	~~Coin-operated amusements or video center~~
~~7392~~	~~Miniature golf~~
~~7396~~	~~Dance halls, ballroom (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7397~~	~~Billiard and pool halls~~
~~7414~~	~~Ice skating (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7415~~	~~Roller skating and skate boarding (subject to the standards of Section 14.34.370, Provo City Code)~~

Use No.	Use Classification
~~7417~~	~~Bowling alleys~~

(Am 1986-10, Am 1987-59, Am 1989-56, Am 1993-09, Am 1994-65, Am 1995-02, Am 1995-08, Am 1995-20, Am 1996-23, Am 1997-49, Am 1999-29, Am 2004-18, Am 2013-32, Am 2016-37)

Attachment 3 – Regional Shopping Center Zone Proposed Text (14.20.020)

14.20.020
Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the SC3 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four-digit number in which the last one (1) or two (2) digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC3 zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses*. The following principal uses and structures, and no others, are permitted in the SC3 zone.

Use No.	Use Classification
1113	One-family dwelling, attached to commercial (subject to Section 14.20.160, Provo City Code)
1130-50	Multi-family and apartment dwelling (subject to Section 14.20.160, Provo City Code)
1511	Hotels
1512	Motels and automobile travel courts
1513	Tourist courts
4920	Transportation Services and Arrangements
~~4923~~	~~Travel agencies~~
5230	Paint, glass and wallpaper
5240	Electrical supplies
5251	Hardware
5255	Building maintenance

Use No.	Use Classification
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators
5390	Retail trade - general merchandise
5400	Food ~~stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy, bakeries, etc.)~~
~~5490~~	~~Miscellaneous retail food establishment~~
5511	Motor vehicles, automobiles - new car sales and used car sales which will be permitted only as an accessory use to new car sales
5515	Motor vehicles, trucks and buses - new vehicle sales and used vehicles sales permitted only as an accessory use to new truck and bus sales
5520	Automobile accessories (except tire recapping and vulcanizing)
5530	Gasoline service stations
5590	Automotive, marine crafts, aircrafts, and accessories (except mobile and manufactured homes)
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment (no combined warehousing)
5810	Eating places (restaurants)
5910	Drug and proprietary stores

Use No.	Use Classification
5920	Liquor, package Books, stationery, art and hobby supplies
5931	Antiques (no outside display)
5940	Books, stationery, art and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies (entirely within a building only)
5970	Jewelry
5980	Fuel and ice
~~5984~~	~~Ice dealers (automated machines or pick-up stations only)~~
5990	Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
6100	Banks, insurance and real estate (office only)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240 and 6299 wedding chapels and recreation centers only)
6297	Athletic clubs, body building studios, spas, aerobic centers, (no gymnasiums)
6330	Duplicating, mailing, stenographic and office services
6340	Dwelling and building services (not dwelling units)
6360	Employment services
6391	Auction houses
6394	Equipment rental (indoor only)

Use No.	Use Classification
6397	Vehicle rental (passenger auto-mobiles only)
6399	Miscellaneous business services
6416	Auto washing and polishing
6417	Auto washing, self service
6420	Electrical appliance repair
6494	Furniture repair
6497	Gunsmiths
6498	Saw, knife, and tool sharpening
6499	Miscellaneous small item repair
6512	Dental offices and services
6520	Legal services
6530	Engineering, architectural, and planning services
6550	Data processing services
6590	Professional services
6710	Executive, legislative, and judicial functions
6720	Protective functions and related activities
6730	Postal services
6815	Day care center
6833	Beauty schools
6835	Dance studios and schools
7100	Cultural activities and nature exhibition
~~7111~~	~~Libraries~~
~~7112~~	~~Museums~~
7212	Motion picture theaters (indoor – subject to the standards contained in the subsections to Section 14.34.370(3), Provo City Code)
7390	Amusements

Use No.	Use Classification
~~7398~~	~~Video rental shops~~
7414	Ice skating (subject to the standards of Section 14.34.370, Provo City Code)
7415	Roller skating and skate boarding (subject to the standards of Section 14.34.370, Provo City Code)
7417	Bowling alleys

(5) *Permitted Accessory Uses.* Accessory uses are permitted in the SC3 zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SC3 zone; and

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

(6) *Conditional Uses.* The following uses and structures are permitted in the SC3 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
5313	Surplus store
~~5594~~	~~Motorcycles, motor scooter parts, accessories, supplies~~
~~5920~~	~~Liquor, package~~
~~5931~~	~~Antiques (no outside display)~~
~~5983~~	~~Bottled gas~~

Use No.	Use Classification
~~6241~~	~~Funeral parlors~~
~~6299~~	~~Personal services (wedding chapel and reception centers only)~~
~~6340~~	~~Dwelling and building services (not dwelling units)~~
~~6381~~	~~Auction houses~~
~~6394~~	~~Equipment rental (indoor only)~~
~~6397~~	~~Vehicle rental (passenger auto-mobiles only)~~
~~6399~~	~~Miscellaneous business services~~
~~6416-7~~	~~Auto washing and polishing~~
~~6420~~	~~Electrical appliance repair~~
~~6494~~	~~Furniture repair~~
~~6498~~	~~Saw, knife, and tool sharpening~~
~~6499~~	~~Miscellaneous small item repair~~
~~6722~~	~~Police protection and related activities, branch (office only)~~
6942	Fraternal associations and lodges
~~7391~~	~~Coin-operated amusements or video center~~
~~7392~~	~~Miniature golf~~
~~7396~~	~~Dance halls, ballroom (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7397~~	~~Billiard and pool halls~~
~~7414~~	~~Ice skating (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7415~~	~~Roller skating and skate boarding (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7417~~	~~Bowling alleys~~

(Am 1986-10, Am 1987-59, Am 1989-56, Am 1993-09, Am 1994-65, Am 1995-02, Am 1995-08, Am 1995-20, Am 1996-23, Am 1997-49, Am 1999-29, Am 2004-18, Am 2013-32, Am 2016-37)

ORDINANCE 2020-.

AN ORDINANCE AMENDING PROVO CITY CODE RELATING TO PERMITTED USES IN CERTAIN SHOPPING CENTER ZONES. CITYWIDE APPLICATION. (PLOTA20190429)

WHEREAS, it is proposed that Provo City Code Sections 14.18.020, 14.19.020, and 14.20.020 be amended to allow as Permitted Uses those uses that currently require a Conditional Use Permit in the SC1, SC2, and SC3 zones;

WHEREAS, on January 8, 2020, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 6:0; and

WHEREAS, on January 21, 2020, 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

WHEREAS, after considering the Planning Commission's recommendation and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Provo City Code Section 14.18.020 is hereby amended as set forth in Exhibit A.

PART II:

Provo City Code Section 14.19.020 is hereby amended as set forth in Exhibit B.

PART III:

Provo City Code Section 14.20.020 is hereby amended as set forth in Exhibit C.

PART IV:

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

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be

unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

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

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

END OF ORDINANCE.

Exbibit A

14.18.020

Permitted Uses.

(1) Those uses or categories as listed herein, and no others, are permitted in the SC1 zone.

(2) All uses listed herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four (4) digit number in which the last one (1) or two (2) digits are zeros. All such categories or classes listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC1 zone subject to the limitations set forth herein.

(3) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC1 zone:

Use No.	Use Classification
4700	Communications
4800	Utilities
~~4811~~	~~Electric transmissions right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4821~~	~~Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4824~~	~~Gas pressure control stations~~
~~4831~~	~~Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4835~~	~~Irrigation distribution channels~~
~~4836~~	~~Water pressure control stations and pumping plants~~
~~4841~~	~~Sewage pipeline right-of-way (identifies~~

Use No.	Use Classification
	~~areas where surface is devoted exclusively to right-of-way activity)~~
~~4844~~	~~Sewage pumping stations~~
~~4864~~	~~Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)~~
~~4873~~	~~Storm drain or right-of-way (predominantly covered pipes or boxes)~~
5230	Paint, glass and wall paper
5251	Hardware
5256	Swimming pool supplies
5400	Food
~~5410~~	~~Grocery stores, convenience (not supermarket)~~
~~5460~~	~~Bakeries and doughnut shops~~
5520	Tires, Batteries and Accessories
5530	Gasoline Service Station
5600	Apparel and Accessories
5700	Furniture, home furnishings, and equipment
5810	Eating places (restaurants, no drive-through service)
5900	Miscellaneous Retail Trade
~~5910~~	~~Drug and proprietary stores~~
~~5940~~	~~Books, stationery, art and hobby supplies~~
~~5991~~	~~Florists~~
~~5998~~	~~Pet sales and supplies~~
6100	Finance, Insurance and Real Estate
6200	Personal Services (except 6294 and 6299)
~~6210~~	~~Laundry and dry cleaning (includes self-service laundries)~~
~~6230~~	~~Beauty and barber shops~~
~~6241~~	~~Funeral homes (adjacent to arterial roads, no~~

Use No.	Use Classification
	~~less than 1.50 acres)~~
~~6243~~	~~Crematory (adjacent to arterial roads, no less than 1.50 acres)~~
~~6251~~	~~Pressing, alteration and garment repair~~
6500	Professional Services (except 6515-6516)
6422	Radio and TV repair
6425	Electrical appliance repair (light)
6496	Locksmiths and key shops
6730	Postal services
6815	Day care centers
6835	Dancing schools
~~7398~~	~~Video rental shops~~
8221	Veterinarian services, subject to the following conditions: (a) experimental or scientific research activities are prohibited, (b) no on-site disposal of dead animals, (c) each facility shall be located completely within an air-conditioned and soundproofed building, (d) animal noise shall not be audible at the nearest property line, (e) overnight boarding shall be limited to animals receiving treatment on the premises, (f) services shall be limited to small animals only, and (g) no services shall be permitted for poisonous or dangerous animals

(4) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the SC1 zone, provided they are incidental to, and do not substantially alter, the character of the permitted use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SC1 zone; and

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

(5) *Conditional Uses.* The following uses and structures are permitted in the SC1 zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
~~4700~~	~~Communications (subject to the standards of Section 14.34.420, Provo City Code)~~
~~4814~~	~~Electricity regulating substations~~
~~4818~~	~~Small generation~~
~~4823~~	~~Natural or manufactured gas storage; distribution points~~
~~4829~~	~~Other gas utilities, NEC~~
~~4834~~	~~Water storage as part of a utility system (covered including water storage stand pipes)~~
~~4872~~	~~Debris basin (a dam and basin for intercepting debris)~~
~~4874~~	~~Spreading grounds (area for percolating water into underground)~~
~~5230~~	~~Paint, glass and wall paper~~
~~5251~~	~~Hardware~~
~~5256~~	~~Swimming pool supplies~~
~~5310~~	~~Shopping centers (if center is more than five (5) acres but less than ten (10) acres)~~
~~5330~~	~~Variety stores, limited price (not department stores)~~

Use No.	Use Classification
~~5410~~	~~Grocery stores (if center is more than five (5) acres but less than ten (10) acres)~~
~~5420~~	~~Meats and fish~~
~~5430~~	~~Fruits and vegetables~~
~~5440~~	~~Candy, nut and confectionery~~
~~5450~~	~~Dairy products~~
~~5490~~	~~Retail trade item food (except 5493 and 5497)~~
~~5520~~	~~Automobile accessories (no tire recapping or installation)~~
~~5530~~	~~Gasoline services (gasoline pumps only)~~
~~5660~~	~~Shoes~~
~~5693~~	~~Cosmetics~~
~~5718~~	~~Picture frames, mirrors, etc.~~
~~5721~~	~~Vacuum cleaners, parts and supplies~~
~~5724~~	~~Sewing machines and parts~~
~~5730~~	~~Radios, television and sound systems~~
5810	Restaurants (with drive-through service)
~~5950~~	~~Sporting goods, bicycles, and toys~~
~~5960~~	~~Garden supplies (fully enclosed only; no farm supplies)~~
~~5970~~	~~Jewelry~~
~~5980~~	~~Fuel and ice (ice dispensing machine only)~~
~~5992~~	~~Cigars and cigarettes~~
~~5994~~	~~Cameras and photographic supplies~~
~~5995~~	~~Gifts, novelties, etc.~~
~~5996~~	~~Optical goods~~
~~5997~~	~~Paper products~~
~~5999~~	~~Miscellaneous retail trade~~
~~6100~~	~~Finance, insurance and real estate services~~

Use No.	Use Classification
~~6110~~	~~Banks~~
~~6220~~	~~Photographic services~~
~~6254~~	~~Shoe repair, hat cleaning~~
~~6255~~	~~Shoe shine stands~~
~~6290~~	~~Miscellaneous personal services~~
6416-7	Auto washing, polishing (automatic and self-service) subject to the standards of Section 14.34.380, Provo City Code
~~6422~~	~~Radio and TV repair~~
~~6425~~	~~Electrical appliance repair (light)~~
~~6493~~	~~Watch, clock, jewelry repair, engraving~~
6496	Locksmiths and key shops
~~6497~~	~~Gunsmiths~~
~~6499~~	~~Miscellaneous repair services~~
~~6511~~	~~Physicians' offices and services~~
~~6512~~	~~Dental offices and services~~
~~6520~~	~~Legal services~~
~~6530~~	~~Engineering, architectural, and planning services~~
~~6590~~	~~Miscellaneous professional services~~
~~6710~~	~~Executive, legislative, and judicial government functions~~
~~6720~~	~~Protective services~~
~~6722~~	~~Police protection and related activities, branch (office only)~~
~~6815~~	~~Day care centers~~
~~6835~~	~~Dancing schools~~
~~8221~~	~~Veterinarian services, subject to the following conditions:~~ ~~(a) experimental or scientific research activities are prohibited,~~

Use No.	Use Classification
	~~(b) no on-site disposal of dead animals,~~ ~~(c) each facility shall be located completely within an air-conditioned and soundproofed building,~~ ~~(d) animal noise shall not be audible at the nearest property line,~~ ~~(e) overnight boarding shall be limited to animals receiving treatment on the premises,~~ ~~(f) services shall be limited to small animals only, and~~ ~~(g) no services shall be permitted for poisonous or dangerous animals~~

(6) *Maximum Office Usage*. The total gross floor area for office uses (land uses 6100-6199 and 6500-6599 in the Standard Land Use Code) permitted in any SC1 zone shall not exceed fifty percent (50%) of the total floor area in any project plan submitted for Planning Commission approval in accordance with Section 14.18.140, Provo City Code.

(Am 1986-10, Am 1986-50, Am 1988-52, Am 1989-56, Am 1993-09, Am 1993-10, Am 1996-23, Am 1997-49, Am 1999-29, Am 1999-63, Am 2003-31, Am 2013-37, Am 2015-35)

Exhibit B

14.19.020

Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the SC2 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four-digit number in which the last one (1) or two (2) digits are zeros.

(3) All such classes listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC2 zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses*. The following principal uses and structures, and no others, are permitted in the SC2 zone:

Use No.	Use Classification
4700	Communications
4800	Utilities
~~4811~~	~~Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4821~~	~~Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4824~~	~~Gas pressure control stations~~
~~4831~~	~~Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4835~~	~~Irrigation distribution channels~~
~~4836~~	~~Water pressure control stations and~~

Use No.	Use Classification
	~~pumping plants~~
~~4841~~	~~Sewage pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4844~~	~~Sewage pumping stations~~
~~4864~~	~~Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)~~
~~4873~~	~~Storm drain or right-of-way (Predominantly covered pipes or boxes)~~
4920	Transportation services and arrangements
~~4923~~	~~Travel Agencies~~
5200	Building
~~5230~~	~~Paint, glass, and wallpaper~~
~~5240~~	~~Electrical supplies~~
~~5251~~	~~Hardware~~
~~5256~~	~~Swimming pool supplies~~
5300	General Merchandise
~~5311~~	~~Junior department stores~~
~~5312~~	~~Discount department stores~~
~~5320~~	~~Mail and Phone order houses~~
~~5330~~	~~Variety stores~~
~~5390~~	~~Retail trade - general merchandise~~
5400	Food ~~stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)~~
~~5490~~	~~Miscellaneous retail food establishments~~
5520	Automobiles accessories (except tire recapping and vulcanizing)
5530	Gasoline service stations
5600	Apparel and accessories

Use No.	Use Classification
5700	Furniture, home furnishings, and equipment (no combined warehousing)
5810	Eating places (restaurants)
5900	Miscellaneous retail trade
~~5910~~	~~Drug and proprietary stores~~
~~5940~~	~~Books, stationary, art, and hobby supplies~~
~~5950~~	~~Sporting goods, bicycles and toys~~
~~5969~~	~~Garden supplies (entirely within a building only)~~
~~5970~~	~~Jewelry~~
~~5984~~	~~Ice dealer (automated machines or pick-up stations only~~
~~5990~~	~~Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)~~
6100	Banks, insurance, and real estate ~~(offices only)~~
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except ~~6240 and 6299 wedding chapels and reception centers only~~ 6294)
6297	Athletic clubs, body building studios, spas, aerobic centers, (no gymnasiums)
6330	Duplicating, mailing, stenographic and office services
6340	Dwelling and building services (not dwelling units)
6360	Employment services
6381	Auction houses
6397	Vehicle rental, with the following limitations: a. That the vehicle rental be limited to

Use No.	Use Classification
	passenger cars only b. That the storage of vehicles on site not exceed the parking allocated for the leasable floor space of the business. c. That there be no on-site servicing of the vehicle fleet, including mechanical wash facilities.
6416	Auto washing, polishing, detailing
6417	Auto washing, self-service
6420	Electrical appliance repair
6493	Watch, clock, jewelry repairs, etc.
6497	Gunsmith
6511	Physicians' offices and services
6512	Dental offices and services
6520	Legal services
6530	Engineer, architectural and planning services
6590	Miscellaneous professional services
6710	Executive, legislative and judicial functions
6720	Protective functions and related activities
6730	Postal services
6815	Day Care Centers
6830	Special Training and Schooling
7110	Cultural activities
~~7111~~	~~Libraries~~
7212	Motion picture theaters
7390	Amusements
~~7398~~	~~Video Rental Shops~~
7414	Ice skating
7415	Roller skating and skate boarding
7417	Bowling alleys

Use No.	Use Classification
8221	Veterinarian services

(5) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the SC2 zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted uses and structures include, but are not limited to, the following:

(a) Accessory building such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SC2 zone; and

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

(6) *Conditional Uses.* The following uses and structures are permitted in the SC2 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
1512	Motels and motor hotels
~~4814~~	~~Electricity regulating substations~~
~~4818~~	~~Small generation~~
~~4823~~	~~Natural or manufactured gas storage; distribution points~~
~~4829~~	~~Other gas utilities, NEC~~
~~4834~~	~~Water storage as part of a utility system (covered including water storage standpipes)~~
~~4872~~	~~Debris basin (A dam and basin for intercepting debris)~~
~~4874~~	~~Spreading grounds (Area for percolating water into underground)~~
~~5530~~	~~Gasoline service stations~~

Use No.	Use Classification
~~6299~~	~~Personal services (wedding chapels and reception centers only)~~
~~6340~~	~~Dwelling and building services (not dwelling units)~~
~~6381~~	~~Auction houses~~
~~6397~~	~~Vehicle rental, with the following limitations:~~ ~~a. That the vehicle rental be limited to passenger cars only~~ ~~b. That the storage of vehicles on site not exceed the parking allocated for the leasable floor space of the business.~~ ~~c. That there be no on-site servicing of the vehicle fleet, including mechanical wash facilities.~~
~~6416~~	~~Auto washing, polishing, detailing~~
~~6417~~	~~Auto washing, self-service~~
~~6420~~	~~Electrical appliance repair~~
6494	Furniture repair
6498	Saw, knife, and tool sharping
6499	Miscellaneous small item repair
~~6722~~	~~Police protection and related activities, branch (Office only)~~
~~7212~~	~~Motion picture theaters~~
~~7391~~	~~Coin-operated amusement or video centers~~
~~7392~~	~~Miniature golf~~
~~7396~~	~~Dance halls - ballrooms (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7397~~	~~Billiard and pool halls~~
~~7414~~	~~Ice skating (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7415~~	~~Roller skating and Skate Boarding (subject to~~

Use No.	Use Classification
	~~the standards of Section 14.34.370, Provo City Code)~~
~~7417~~	~~Bowling alleys~~

(Am 1986-10, Am 1986-50, Am 1989-23, Am 1989-56, Am 1993-09, Am 1995-02, Am 1995-08, Am 1995-20, Am 1996-12, Am 1996-23, Am 1997-13, Am 1997-50, Am 1999-29, Am 2001-46)

Exhibit C

14.20.020

Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the SC3 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four-digit number in which the last one (1) or two (2) digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC3 zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC3 zone.

Use No.	Use Classification
1113	One-family dwelling, attached to commercial (subject to Section 14.20.160, Provo City Code)
1130-50	Multi-family and apartment dwelling (subject to Section 14.20.160, Provo City Code)
1511	Hotels
1512	Motels and automobile travel courts
1513	Tourist courts
4920	Transportation Services and Arrangements
~~4923~~	~~Travel agencies~~
5230	Paint, glass and wallpaper
5240	Electrical supplies
5251	Hardware
5255	Building maintenance

Use No.	Use Classification
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators
5390	Retail trade - general merchandise
5400	Food ~~stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy, bakeries, etc.)~~
~~5490~~	~~Miscellaneous retail food establishment~~
5511	Motor vehicles, automobiles - new car sales and used car sales which will be permitted only as an accessory use to new car sales
5515	Motor vehicles, trucks and buses - new vehicle sales and used vehicles sales permitted only as an accessory use to new truck and bus sales
5520	Automobile accessories (except tire recapping and vulcanizing)
5530	Gasoline service stations
5590	Automotive, marine crafts, aircrafts, and accessories (except mobile and manufactured homes)
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment (no combined warehousing)
5810	Eating places (restaurants)
5910	Drug and proprietary stores
5920	Liquor, package Books, stationery, art and hobby supplies
5931	Antiques (no outside display)

Use No.	Use Classification
5940	Books, stationery, art and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies (entirely within a building only)
5970	Jewelry
5980	Fuel and ice
~~5984~~	~~Ice dealers (automated machines or pick-up stations only)~~
5990	Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
6100	Banks, insurance and real estate (office only)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240 and 6294 ~~6299 wedding chapels and recreation centers only~~)
6297	Athletic clubs, body building studios, spas, aerobic centers, (no gymnasiums)
6330	Duplicating, mailing, stenographic and office services
6340	Dwelling and building services (not dwelling units)
6360	Employment services
6391	Auction houses
6394	Equipment rental (indoor only)
6397	Vehicle rental (passenger auto-mobiles only)
6399	Miscellaneous business services
6416	Auto washing and polishing
6417	Auto washing, self service
6420	Electrical appliance repair

Use No.	Use Classification
6494	Furniture repair
6497	Gunsmiths
6498	Saw, knife, and tool sharpening
6499	Miscellaneous small item repair
6512	Dental offices and services
6520	Legal services
6530	Engineering, architectural, and planning services
6550	Data processing services
6590	Professional services
6710	Executive, legislative, and judicial functions
6720	Protective functions and related activities
6730	Postal services
6815	Day care center
6833	Beauty schools
6835	Dance studios and schools
7100	Cultural activities and nature exhibition
~~7111~~	~~Libraries~~
~~7112~~	~~Museums~~
7212	Motion picture theaters (indoor – subject to the standards contained in the subsections to Section 14.34.370(3), Provo City Code)
7390	Amusements
~~7398~~	~~Video rental shops~~
7414	Ice skating (subject to the standards of Section 14.34.370, Provo City Code)
7415	Roller skating and skate boarding (subject to the standards of Section 14.34.370, Provo City Code)
7417	Bowling alleys

(5) *Permitted Accessory Uses.* Accessory uses are permitted in the SC3 zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SC3 zone; and

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

(6) *Conditional Uses.* The following uses and structures are permitted in the SC3 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
5313	Surplus store
~~5594~~	~~Motorcycles, motor scooter parts, accessories, supplies~~
~~5920~~	~~Liquor, package~~
~~5931~~	~~Antiques (no outside display)~~
~~5983~~	~~Bottled gas~~
~~6241~~	~~Funeral parlors~~
~~6299~~	~~Personal services (wedding chapel and reception centers only)~~
~~6340~~	~~Dwelling and building services (not dwelling units)~~
~~6381~~	~~Auction houses~~
~~6394~~	~~Equipment rental (indoor only)~~
~~6397~~	~~Vehicle rental (passenger auto-mobiles only)~~
~~6399~~	~~Miscellaneous business services~~
~~6416-7~~	~~Auto washing and polishing~~
~~6420~~	~~Electrical appliance repair~~

Use No.	Use Classification
~~6494~~	~~Furniture repair~~
~~6498~~	~~Saw, knife, and tool sharpening~~
~~6499~~	~~Miscellaneous small item repair~~
~~6722~~	~~Police protection and related activities, branch (office only)~~
6942	Fraternal associations and lodges
~~7391~~	~~Coin-operated amusements or video center~~
~~7392~~	~~Miniature golf~~
~~7396~~	~~Dance halls, ballroom (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7397~~	~~Billiard and pool halls~~
~~7414~~	~~Ice skating (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7415~~	~~Roller skating and skate boarding (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7417~~	~~Bowling alleys~~

(Am 1986-10, Am 1987-59, Am 1989-56, Am 1993-09, Am 1994-65, Am 1995-02, Am 1995-08, Am 1995-20, Am 1996-23, Am 1997-49, Am 1999-29, Am 2004-18, Am 2013-32, Am 2016-37)

Provo City Planning Commission

Report of Action

January 08, 2020

*Item 6 The Community and Neighborhood Department requests Ordinance Text Amendments to shift certain conditional uses to permitted uses in the Neighborhood Shopping Center (SC1) Zone, the Community Shopping Center (SC2) Zone and the Regional Shopping Center (SC3) Zone. Citywide application. Javin Weaver (801) 852-6413 jweaver@provo.org PLOTA20190429

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 08, 2020:

POSITIVE RECOMMENDATION

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

Motion By: Andrew Howard
Second By: Robert Knudsen
Votes in Favor of Motion: Andrew Howard, Robert Knudsen, Deborah Jensen, Dave Anderson, Laurie Urquiaga, and Lisa Jensen
Deborah Jensen 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.

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT
The text of the proposed ordinance text amendment is attached as Exhibit A-C.

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

- Staff saw the need to analyze the permitted and conditional uses within the Shopping Center (SC) zones and think critically about which Standard Land Use code would require conditions to be placed upon it and which would not. If no conditions were to be placed upon the land use then therefore it should be moved to the permitted uses.
- The proposed text amendment decreases the amount of Conditional Use Permits , which are historically difficult to enforce and especially difficult to deny.

- The proposed text amendment increases the ability for someone to do business in Provo if initial business costs were a hindrance.

CITY DEPARTMENTAL ISSUES

- No issues were raised.

NEIGHBORHOOD MEETING DATE

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

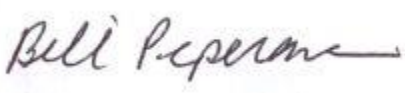
NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.
- No neighborhood chair made comment.
- Scott Bowles of Provo Towne Centre was the only member of the public to speak regarding the item and was in full support of the ordinance text amendment.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:
The item has been heavily discussed in the previous two Study Sessions.

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, 330 West 100 South, 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 –

14.18.020

Permitted Uses.

(1) Those uses or categories as listed herein, and no others, are permitted in the SC1 zone.

(2) All uses listed herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four (4) digit number in which the last one (1) or two (2) digits are zeros. All such categories or classes listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC1 zone subject to the limitations set forth herein.

(3) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC1 zone:

Use No.	Use Classification
4700	Communications
4800	Utilities
~~4811~~	~~Electric transmissions right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4821~~	~~Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4824~~	~~Gas pressure control stations~~
~~4831~~	~~Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4835~~	~~Irrigation distribution channels~~
~~4836~~	~~Water pressure control stations and pumping plants~~
~~4841~~	~~Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)~~
~~4844~~	~~Sewage pumping stations~~

Use No.	Use Classification
~~4864~~	~~Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)~~
~~4873~~	~~Storm drain or right-of-way (predominantly covered pipes or boxes)~~
5230	Paint, glass and wall paper
5251	Hardware
5256	Swimming pool supplies
5400	Food
~~5410~~	~~Grocery stores, convenience (not supermarket)~~
~~5460~~	~~Bakeries and doughnut shops~~
5520	Tires, Batteries and Accessories
5530	Gasoline Service Station
5600	Apparel and Accessories
5700	Furniture, home furnishings, and equipment
5810	Eating places (restaurants, no drive-through service)
5900	Miscellaneous Retail Trade
~~5910~~	~~Drug and proprietary stores~~
~~5940~~	~~Books, stationery, art and hobby supplies~~
~~5991~~	~~Florists~~
~~5998~~	~~Pet sales and supplies~~
6100	Finance, Insurance and Real Estate
6200	Personal Services (except 6294 and 6299)
~~6210~~	~~Laundry and dry cleaning (includes self-service laundries)~~
~~6230~~	~~Beauty and barber shops~~
~~6241~~	~~Funeral homes (adjacent to arterial roads, no less than 1.50 acres)~~
~~6243~~	~~Crematory (adjacent to arterial roads, no less than 1.50 acres)~~
~~6251~~	~~Pressing, alteration and garment repair~~

Use No.	Use Classification
6500	Professional Services (except 6515-6516)
6422	Radio and TV repair
6425	Electrical appliance repair (light)
6496	Locksmiths and key shops
6730	Postal services
6815	Day care centers
6835	Dancing schools
~~7398~~	~~Video rental shops~~
8221	Veterinarian services, subject to the following conditions: (a) experimental or scientific research activities are prohibited, (b) no on-site disposal of dead animals, (c) each facility shall be located completely within an air-conditioned and soundproofed building, (d) animal noise shall not be audible at the nearest property line, (e) overnight boarding shall be limited to animals receiving treatment on the premises, (f) services shall be limited to small animals only, and (g) no services shall be permitted for poisonous or dangerous animals

(4) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the SC1 zone, provided they are incidental to, and do not substantially alter, the character of the permitted use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SC1 zone; and

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

(5) *Conditional Uses.* The following uses and structures are permitted in the SC1 zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
~~4700~~	~~Communications (subject to the standards of Section 14.34.420, Provo City Code)~~
~~4814~~	~~Electricity regulating substations~~
~~4818~~	~~Small generation~~
~~4823~~	~~Natural or manufactured gas storage; distribution points~~
~~4829~~	~~Other gas utilities, NEC~~
~~4834~~	~~Water storage as part of a utility system (covered including water storage stand pipes)~~
~~4872~~	~~Debris basin (a dam and basin for intercepting debris)~~
~~4874~~	~~Spreading grounds (area for percolating water into underground)~~
~~5230~~	~~Paint, glass and wall paper~~
~~5251~~	~~Hardware~~
~~5256~~	~~Swimming pool supplies~~
~~5310~~	~~Shopping centers (if center is more than five (5) acres but less than ten (10) acres)~~
~~5330~~	~~Variety stores, limited price (not department stores)~~
~~5410~~	~~Grocery stores (if center is more than five (5) acres but less than ten (10) acres)~~
~~5420~~	~~Meats and fish~~
~~5430~~	~~Fruits and vegetables~~
~~5440~~	~~Candy, nut and confectionery~~
~~5450~~	~~Dairy products~~
~~5490~~	~~Retail trade item food (except 5493 and 5497)~~
~~5520~~	~~Automobile accessories (no tire recapping or~~

Use No.	Use Classification
	~~installation)~~
~~5530~~	~~Gasoline services (gasoline pumps only)~~
~~5660~~	~~Shoes~~
~~5693~~	~~Cosmetics~~
~~5718~~	~~Picture frames, mirrors, etc.~~
~~5721~~	~~Vacuum cleaners, parts and supplies~~
~~5724~~	~~Sewing machines and parts~~
~~5730~~	~~Radios, television and sound systems~~
5810	Restaurants (with drive-through service)
~~5950~~	~~Sporting goods, bicycles, and toys~~
~~5960~~	~~Garden supplies (fully enclosed only; no farm supplies)~~
~~5970~~	~~Jewelry~~
~~5980~~	~~Fuel and ice (ice dispensing machine only)~~
~~5992~~	~~Cigars and cigarettes~~
~~5994~~	~~Cameras and photographic supplies~~
~~5995~~	~~Gifts, novelties, etc.~~
~~5996~~	~~Optical goods~~
~~5997~~	~~Paper products~~
~~5999~~	~~Miscellaneous retail trade~~
~~6100~~	~~Finance, insurance and real estate services~~
~~6110~~	~~Banks~~
~~6220~~	~~Photographic services~~
~~6254~~	~~Shoe repair, hat cleaning~~
~~6255~~	~~Shoe shine stands~~
~~6290~~	~~Miscellaneous personal services~~
6416-7	Auto washing, polishing (automatic and self-service) subject to the standards of Section 14.34.380, Provo City Code
~~6422~~	~~Radio and TV repair~~
~~6425~~	~~Electrical appliance repair (light)~~

Use No.	Use Classification
~~6493~~	~~Watch, clock, jewelry repair, engraving~~
6496	Locksmiths and key shops
~~6497~~	~~Gunsmiths~~
~~6499~~	~~Miscellaneous repair services~~
~~6511~~	~~Physicians' offices and services~~
~~6512~~	~~Dental offices and services~~
~~6520~~	~~Legal services~~
~~6530~~	~~Engineering, architectural, and planning services~~
~~6590~~	~~Miscellaneous professional services~~
~~6710~~	~~Executive, legislative, and judicial government functions~~
~~6720~~	~~Protective services~~
~~6722~~	~~Police protection and related activities, branch (office only)~~
~~6815~~	~~Day care centers~~
~~6835~~	~~Dancing schools~~
~~8221~~	~~Veterinarian services, subject to the following conditions:~~ ~~(a) experimental or scientific research activities are prohibited,~~ ~~(b) no on-site disposal of dead animals,~~ ~~(c) each facility shall be located completely within an air-conditioned and soundproofed building,~~ ~~(d) animal noise shall not be audible at the nearest property line,~~ ~~(e) overnight boarding shall be limited to animals receiving treatment on the premises,~~ ~~(f) services shall be limited to small animals only, and~~ ~~(g) no services shall be permitted for poisonous or dangerous animals~~

(6) *Maximum Office Usage*. The total gross floor area for office uses (land uses 6100-6199 and 6500-6599 in the Standard Land Use Code) permitted in any SC1 zone shall not exceed fifty percent (50%) of the total floor area in any project plan submitted for Planning Commission approval in accordance with Section 14.18.140, Provo City Code.

(Am 1986-10, Am 1986-50, Am 1988-52, Am 1989-56, Am 1993-09, Am 1993-10, Am 1996-23, Am 1997-49, Am 1999-29, Am 1999-63, Am 2003-31, Am 2013-37, Am 2015-35)

Exhibit B –

14.19.020
Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the SC2 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four-digit number in which the last one (1) or two (2) digits are zeros.

(3) All such classes listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC2 zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses*. The following principal uses and structures, and no others, are permitted in the SC2 zone:

Use No.	Use Classification
4700	Communications
4800	Utilities
~~4811~~	~~Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4821~~	~~Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4824~~	~~Gas pressure control stations~~
~~4831~~	~~Water pipeline right-of-way (Identifies areas~~

Use No.	Use Classification
	~~where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4835~~	~~Irrigation distribution channels~~
~~4836~~	~~Water pressure control stations and pumping plants~~
~~4841~~	~~Sewage pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4844~~	~~Sewage pumping stations~~
~~4864~~	~~Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)~~
~~4873~~	~~Storm drain or right-of-way (Predominantly covered pipes or boxes)~~
4920	Transportation services and arrangements
~~4923~~	~~Travel Agencies~~
5200	Building
~~5230~~	~~Paint, glass, and wallpaper~~
~~5240~~	~~Electrical supplies~~
~~5251~~	~~Hardware~~
~~5256~~	~~Swimming pool supplies~~
5300	General Merchandise
~~5311~~	~~Junior department stores~~
~~5312~~	~~Discount department stores~~
~~5320~~	~~Mail and Phone order houses~~
~~5330~~	~~Variety stores~~
~~5390~~	~~Retail trade - general merchandise~~
5400	Food ~~stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)~~
~~5490~~	~~Miscellaneous retail food establishments~~
5520	Automobiles accessories (except tire

Use No.	Use Classification
	recapping and vulcanizing)
5530	Gasoline service stations
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment (no combined warehousing)
5810	Eating places (restaurants)
5900	Miscellaneous retail trade
~~5910~~	~~Drug and proprietary stores~~
~~5940~~	~~Books, stationary, art, and hobby supplies~~
~~5950~~	~~Sporting goods, bicycles and toys~~
~~5969~~	~~Garden supplies (entirely within a building only)~~
~~5970~~	~~Jewelry~~
~~5984~~	~~Ice dealer (automated machines or pick-up stations only~~
~~5990~~	~~Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)~~
6100	Banks, insurance, and real estate ~~(offices only)~~
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except ~~6240 and 6299 wedding chapels and reception centers only~~ 6294)
6297	Athletic clubs, body building studios, spas, aerobic centers, (no gymnasiums)
6330	Duplicating, mailing, stenographic and office services
6340	Dwelling and building services (not dwelling units)
6360	Employment services
6381	Auction houses

Use No.	Use Classification
6397	Vehicle rental, with the following limitations: a. That the vehicle rental be limited to passenger cars only b. That the storage of vehicles on site not exceed the parking allocated for the leasable floor space of the business. c. That there be no on-site servicing of the vehicle fleet, including mechanical wash facilities.
6416	Auto washing, polishing, detailing
6417	Auto washing, self-service
6420	Electrical appliance repair
6493	Watch, clock, jewelry repairs, etc.
6497	Gunsmith
6511	Physicians' offices and services
6512	Dental offices and services
6520	Legal services
6530	Engineer, architectural and planning services
6590	Miscellaneous professional services
6710	Executive, legislative and judicial functions
6720	Protective functions and related activities
6730	Postal services
6815	Day Care Centers
6830	Special Training and Schooling
7110	Cultural activities
~~7111~~	~~Libraries~~
7212	Motion picture theaters
7390	Amusements
~~7398~~	~~Video Rental Shops~~
7414	Ice skating
7415	Roller skating and skate boarding
7417	Bowling alleys

Use No.	Use Classification
8221	Veterinarian services

(5) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the SC2 zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted uses and structures include, but are not limited to, the following:

(a) Accessory building such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SC2 zone; and

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

(6) *Conditional Uses.* The following uses and structures are permitted in the SC2 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
1512	Motels and motor hotels
~~4814~~	~~Electricity regulating substations~~
~~4818~~	~~Small generation~~
~~4823~~	~~Natural or manufactured gas storage; distribution points~~
~~4829~~	~~Other gas utilities, NEC~~
~~4834~~	~~Water storage as part of a utility system (covered including water storage standpipes)~~
~~4872~~	~~Debris basin (A dam and basin for intercepting debris)~~
~~4874~~	~~Spreading grounds (Area for percolating water into underground)~~
~~5530~~	~~Gasoline service stations~~
~~6299~~	~~Personal services (wedding chapels and reception centers only)~~

Use No.	Use Classification
~~6340~~	~~Dwelling and building services (not dwelling units)~~
~~6381~~	~~Auction houses~~
~~6397~~	~~Vehicle rental, with the following limitations:~~ ~~a. That the vehicle rental be limited to passenger cars only~~ ~~b. That the storage of vehicles on site not exceed the parking allocated for the leasable floor space of the business.~~ ~~c. That there be no on-site servicing of the vehicle fleet, including mechanical wash facilities.~~
~~6416~~	~~Auto washing, polishing, detailing~~
~~6417~~	~~Auto washing, self-service~~
~~6420~~	~~Electrical appliance repair~~
6494	Furniture repair
6498	Saw, knife, and tool sharping
6499	Miscellaneous small item repair
~~6722~~	~~Police protection and related activities, branch (Office only)~~
~~7212~~	~~Motion picture theaters~~
~~7391~~	~~Coin-operated amusement or video centers~~
~~7392~~	~~Miniature golf~~
~~7396~~	~~Dance halls - ballrooms (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7397~~	~~Billiard and pool halls~~
~~7414~~	~~Ice skating (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7415~~	~~Roller skating and Skate Boarding (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7417~~	~~Bowling alleys~~

(Am 1986-10, Am 1986-50, Am 1989-23, Am 1989-56, Am 1993-09, Am 1995-02, Am 1995-08, Am 1995-20, Am 1996-12, Am 1996-23, Am 1997-13, Am 1997-50, Am 1999-29, Am 2001-46)

Exhibit C -

14.20.020
Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the SC3 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four-digit number in which the last one (1) or two (2) digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC3 zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC3 zone.

Use No.	Use Classification
1113	One-family dwelling, attached to commercial (subject to Section 14.20.160, Provo City Code)
1130-50	Multi-family and apartment dwelling (subject to Section 14.20.160, Provo City Code)
1511	Hotels
1512	Motels and automobile travel courts
1513	Tourist courts
4920	Transportation Services and Arrangements
~~4923~~	~~Travel agencies~~
5230	Paint, glass and wallpaper
5240	Electrical supplies
5251	Hardware

Use No.	Use Classification
5255	Building maintenance
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators
5390	Retail trade - general merchandise
5400	Food ~~stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy, bakeries, etc.)~~
~~5490~~	~~Miscellaneous retail food establishment~~
5511	Motor vehicles, automobiles - new car sales and used car sales which will be permitted only as an accessory use to new car sales
5515	Motor vehicles, trucks and buses - new vehicle sales and used vehicles sales permitted only as an accessory use to new truck and bus sales
5520	Automobile accessories (except tire recapping and vulcanizing)
5530	Gasoline service stations
5590	Automotive, marine crafts, aircrafts, and accessories (except mobile and manufactured homes)
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment (no combined warehousing)
5810	Eating places (restaurants)
5910	Drug and proprietary stores
5920	Liquor, package Books, stationery, art and hobby supplies
5931	Antiques (no outside display)

Use No.	Use Classification
5940	Books, stationery, art and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies (entirely within a building only)
5970	Jewelry
5980	Fuel and ice
~~5984~~	~~Ice dealers (automated machines or pick-up stations only)~~
5990	Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
6100	Banks, insurance and real estate (office only)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240 and 6294 ~~6299 wedding chapels and recreation centers only~~)
6297	Athletic clubs, body building studios, spas, aerobic centers, (no gymnasiums)
6330	Duplicating, mailing, stenographic and office services
6340	Dwelling and building services (not dwelling units)
6360	Employment services
6391	Auction houses
6394	Equipment rental (indoor only)
6397	Vehicle rental (passenger auto-mobiles only)
6399	Miscellaneous business services
6416	Auto washing and polishing
6417	Auto washing, self service
6420	Electrical appliance repair
6494	Furniture repair

Use No.	Use Classification
6497	Gunsmiths
6498	Saw, knife, and tool sharpening
6499	Miscellaneous small item repair
6512	Dental offices and services
6520	Legal services
6530	Engineering, architectural, and planning services
6550	Data processing services
6590	Professional services
6710	Executive, legislative, and judicial functions
6720	Protective functions and related activities
6730	Postal services
6815	Day care center
6833	Beauty schools
6835	Dance studios and schools
7100	Cultural activities and nature exhibition
~~7111~~	~~Libraries~~
~~7112~~	~~Museums~~
7212	Motion picture theaters (indoor – subject to the standards contained in the subsections to Section 14.34.370(3), Provo City Code)
7390	Amusements
~~7398~~	~~Video rental shops~~
7414	Ice skating (subject to the standards of Section 14.34.370, Provo City Code)
7415	Roller skating and skate boarding (subject to the standards of Section 14.34.370, Provo City Code)
7417	Bowling alleys

(5) *Permitted Accessory Uses.* Accessory uses are permitted in the SC3 zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SC3 zone; and

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

(6) *Conditional Uses.* The following uses and structures are permitted in the SC3 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
5313	Surplus store
~~5594~~	~~Motorcycles, motor scooter parts, accessories, supplies~~
~~5920~~	~~Liquor, package~~
~~5931~~	~~Antiques (no outside display)~~
~~5983~~	~~Bottled gas~~
~~6241~~	~~Funeral parlors~~
~~6299~~	~~Personal services (wedding chapel and reception centers only)~~
~~6340~~	~~Dwelling and building services (not dwelling units)~~
~~6381~~	~~Auction houses~~
~~6394~~	~~Equipment rental (indoor only)~~
~~6397~~	~~Vehicle rental (passenger auto-mobiles only)~~
~~6399~~	~~Miscellaneous business services~~
~~6416-7~~	~~Auto washing and polishing~~
~~6420~~	~~Electrical appliance repair~~
~~6494~~	~~Furniture repair~~
~~6498~~	~~Saw, knife, and tool sharpening~~
~~6499~~	~~Miscellaneous small item repair~~
~~6722~~	~~Police protection and related activities, branch (office only)~~
6942	Fraternal associations and lodges

Use No.	Use Classification
~~7391~~	~~Coin-operated amusements or video center~~
~~7392~~	~~Miniature golf~~
~~7396~~	~~Dance halls, ballroom (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7397~~	~~Billiard and pool halls~~
~~7414~~	~~Ice skating (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7415~~	~~Roller skating and skate boarding (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7417~~	~~Bowling alleys~~

(Am 1986-10, Am 1987-59, Am 1989-56, Am 1993-09, Am 1994-65, Am 1995-02, Am 1995-08, Am 1995-20, Am 1996-23, Am 1997-49, Am 1999-29, Am 2004-18, Am 2013-32, Am 2016-37)

ITEM 6*

The Community and Neighborhood Department requests Ordinance Text Amendments to shift certain conditional uses to permitted uses in the Neighborhood Shopping Center (SC1) Zone, the Community Shopping Center (SC2) Zone and the Regional Shopping Center (SC3) Zone.

Citywide application.

PLOTA21090428

Neighborhood Shopping Center SC1

14.18.020
Permitted Uses.

(1) Those uses or categories as listed herein, and no others, are permitted in the SC1 zone.

(2) All uses listed herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four (4) digit number in which the last one (1) or two (2) digits are zeros. All such categories or classes listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC1 zone subject to the limitations set forth herein.

(3) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC1 zone:

Use No.	Use Classification
4700	Communications
4800	Utilities
~~4811~~	~~Electric transmissions right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4821~~	~~Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4824~~	~~Gas pressure control stations~~
~~4831~~	~~Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4835~~	~~Irrigation distribution channels~~
~~4836~~	~~Water pressure control stations and pumping plants~~
~~4841~~	~~Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)~~
~~4844~~	~~Sewage pumping stations~~
~~4864~~	~~Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)~~
~~4873~~	~~Storm drain or right-of-way (predominantly covered pipes or boxes)~~

Use No.	Use Classification
5230	Paint, glass and wall paper
5251	Hardware
5256	Swimming pool supplies
5400	Food
~~5410~~	~~Grocery stores, convenience (not supermarket)~~
~~5460~~	~~Bakeries and doughnut shops~~
5520	Tires, Batteries and Accessories
5530	Gasoline Service Station
5600	Apparel and Accessories
5700	Furniture, home furnishings, and equipment
5810	Eating places (restaurants, no drive-through service)
5900	Miscellaneous Retail Trade
~~5910~~	~~Drug and proprietary stores~~
~~5940~~	~~Books, stationery, art and hobby supplies~~
~~5991~~	~~Florists~~
~~5998~~	~~Pet sales and supplies~~
6100	Finance, Insurance and Real Estate
6200	Personal Services (except 6294 and 6299)
~~6210~~	~~Laundry and dry cleaning (includes self-service laundries)~~
~~6230~~	~~Beauty and barber shops~~
~~6241~~	~~Funeral homes (adjacent to arterial roads, no less than 1.50 acres)~~
~~6243~~	~~Crematory (adjacent to arterial roads, no less than 1.50 acres)~~
~~6251~~	~~Pressing, alteration and garment repair~~
6500	Professional Services (except 6515-6516)
6422	Radio and TV repair
6425	Electrical appliance repair (light)
6496	Locksmiths and key shops
6730	Postal services
6815	Day care centers
6835	Dancing schools

Neighborhood Shopping Center SC1

Use No.	Use Classification
~~7398~~	~~Video rental shops~~
8221	Veterinarian services, subject to the following conditions: (a) experimental or scientific research activities are prohibited, (b) no on-site disposal of dead animals, (c) each facility shall be located completely within an air-conditioned and soundproofed building, (d) animal noise shall not be audible at the nearest property line, (e) overnight boarding shall be limited to animals receiving treatment on the premises, (f) services shall be limited to small animals only, and (g) no services shall be permitted for poisonous or dangerous animals

(4) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the SC1 zone, provided they are incidental to, and do not substantially alter, the character of the permitted use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SC1 zone; and

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

(5) *Conditional Uses.* The following uses and structures are permitted in the SC1 zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
~~4700~~	~~Communications (subject to the standards of Section 14.34.420, Provo City Code)~~
~~4814~~	~~Electricity regulating substations~~
~~4818~~	~~Small generation~~

Use No.	Use Classification
~~4823~~	~~Natural or manufactured gas storage; distribution points~~
~~4829~~	~~Other gas utilities, NEC~~
~~4834~~	~~Water storage as part of a utility system (covered including water storage stand-pipes)~~
~~4872~~	~~Debris basin (a dam and basin for intercepting debris)~~
~~4874~~	~~Spreading grounds (area for percolating water into underground)~~
~~5230~~	~~Paint, glass and wall paper~~
~~5251~~	~~Hardware~~
~~5256~~	~~Swimming pool supplies~~
~~5310~~	~~Shopping centers (if center is more than five (5) acres but less than ten (10) acres)~~
~~5330~~	~~Variety stores, limited price (not department stores)~~
~~5410~~	~~Grocery stores (if center is more than five (5) acres but less than ten (10) acres)~~
~~5420~~	~~Meats and fish~~
~~5430~~	~~Fruits and vegetables~~
~~5440~~	~~Candy, nut and confectionery~~
~~5450~~	~~Dairy products~~
~~5490~~	~~Retail trade item food (except 5493 and 5497)~~
~~5520~~	~~Automobile accessories (no tire recapping or installation)~~
~~5530~~	~~Gasoline services (gasoline pumps only)~~
~~5660~~	~~Shoes~~
~~5693~~	~~Cosmetics~~
~~5718~~	~~Picture frames, mirrors, etc.~~
~~5721~~	~~Vacuum cleaners, parts and supplies~~
~~5724~~	~~Sewing machines and parts~~
~~5730~~	~~Radios, television and sound systems~~
5810	Restaurants (with drive-through service)
~~5950~~	~~Sporting goods, bicycles, and toys~~

Neighborhood Shopping Center SC1

Use No.	Use Classification
~~5960~~	~~Garden supplies (fully enclosed only; no farm supplies)~~
~~5970~~	~~Jewelry~~
~~5980~~	~~Fuel and ice (ice dispensing machine only)~~
~~5992~~	~~Cigars and cigarettes~~
~~5994~~	~~Cameras and photographic supplies~~
~~5995~~	~~Gifts, novelties, etc.~~
~~5996~~	~~Optical goods~~
~~5997~~	~~Paper products~~
~~5999~~	~~Miscellaneous retail trade~~
~~6100~~	~~Finance, insurance and real estate services~~
~~6110~~	~~Banks~~
~~6220~~	~~Photographic services~~
~~6254~~	~~Shoe repair, hat cleaning~~
~~6255~~	~~Shoe shine stands~~
~~6290~~	~~Miscellaneous personal services~~
6416-7	Auto washing, polishing (automatic and self-service) subject to the standards of Section 14.34.380, Provo City Code
~~6422~~	~~Radio and TV repair~~
~~6425~~	~~Electrical appliance repair (light)~~
~~6493~~	~~Watch, clock, jewelry repair, engraving~~
6496	Locksmiths and key shops
~~6497~~	~~Gunsmiths~~
~~6499~~	~~Miscellaneous repair services~~
~~6511~~	~~Physicians' offices and services~~
~~6512~~	~~Dental offices and services~~
~~6520~~	~~Legal services~~
~~6530~~	~~Engineering, architectural, and planning services~~
~~6590~~	~~Miscellaneous professional services~~
~~6710~~	~~Executive, legislative, and judicial government functions~~
~~6720~~	~~Protective services~~
~~6722~~	~~Police protection and related activities,~~

Use No.	Use Classification
	~~branch (office only)~~
~~6815~~	~~Day care centers~~
~~6835~~	~~Dancing schools~~
~~8221~~	~~Veterinarian services, subject to the following conditions:~~
	~~(a) experimental or scientific research activities are prohibited,~~
	~~(b) no on-site disposal of dead animals,~~
	~~(c) each facility shall be located completely within an air-conditioned and soundproofed building,~~
	~~(d) animal noise shall not be audible at the nearest property line,~~
	~~(e) overnight boarding shall be limited to animals receiving treatment on the premises,~~
	~~(f) services shall be limited to small animals only, and~~
	~~(g) no services shall be permitted for poisonous or dangerous animals~~

(6) *Maximum Office Usage.* The total gross floor area for office uses (land uses 6100-6199 and 6500-6599 in the Standard Land Use Code) permitted in any SC1 zone shall not exceed fifty percent (50%) of the total floor area in any project plan submitted for Planning Commission approval in accordance with Section 14.18.140, Provo City Code.

(Am 1986-10, Am 1986-50, Am 1988-52, Am 1989-56, Am 1993-09, Am 1993-10, Am 1996-23, Am 1997-49, Am 1999-29, Am 1999-63, Am 2003-31, Am 2013-37, Am 2015-35)

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City Telephone: (801) 852-6000
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Community Shopping Center SC2

14.19.020
Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the SC2 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four-digit number in which the last one (1) or two (2) digits are zeros.

(3) All such classes listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC2 zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC2 zone:

Use No.	Use Classification
4700	Communications
4800	Utilities
~~4811~~	~~Electric transmission right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4821~~	~~Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4824~~	~~Gas pressure control stations~~
~~4831~~	~~Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4835~~	~~Irrigation distribution channels~~
~~4836~~	~~Water pressure control stations and pumping plants~~
~~4841~~	~~Sewage pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
~~4844~~	~~Sewage pumping stations~~
~~4864~~	~~Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)~~

Use No.	Use Classification
~~4873~~	~~Storm drain or right-of-way (Predominantly covered pipes or boxes)~~
4920	Transportation services and arrangements
~~4923~~	~~Travel Agencies~~
5200	Building
~~5230~~	~~Paint, glass, and wallpaper~~
~~5240~~	~~Electrical supplies~~
~~5251~~	~~Hardware~~
~~5256~~	~~Swimming pool supplies~~
5300	General Merchandise
~~5311~~	~~Junior department stores~~
~~5312~~	~~Discount department stores~~
~~5320~~	~~Mail and Phone order houses~~
~~5330~~	~~Variety stores~~
~~5390~~	~~Retail trade - general merchandise~~
5400	Food ~~stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)~~
~~5490~~	~~Miscellaneous retail food establishments~~
5520	Automobiles accessories (except tire recapping and vulcanizing)
5530	Gasoline service stations
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment (no combined warehousing)
5810	Eating places (restaurants)
5900	Miscellaneous retail trade
~~5910~~	~~Drug and proprietary stores~~
~~5940~~	~~Books, stationary, art, and hobby supplies~~
~~5950~~	~~Sporting goods, bicycles and toys~~
~~5960~~	~~Garden supplies (entirely within a building only)~~
~~5970~~	~~Jewelry~~
~~5984~~	~~Ice dealer (automated machines or pick-up stations only~~

Community Shopping Center SC2

Use No.	Use Classification
~~5999~~	~~Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)~~
6100	Banks, insurance, and real estate ~~(offices only)~~
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except ~~6240 and 6299 wedding chapels and reception centers only~~ 6294)
6297	Athletic clubs, body building studios, spas, aerobic centers, (no gymnasiums)
6330	Duplicating, mailing, stenographic and office services
6340	Dwelling and building services (not dwelling units)
6360	Employment services
6381	Auction houses
6397	Vehicle rental, with the following limitations: a. That the vehicle rental be limited to passenger cars only b. That the storage of vehicles on site not exceed the parking allocated for the leasable floor space of the business. c. That there be no on-site servicing of the vehicle fleet, including mechanical wash facilities.
6416	Auto washing, polishing, detailing
6417	Auto washing, self-service
6420	Electrical appliance repair
6493	Watch, clock, jewelry repairs, etc.
6497	Gunsmith
6511	Physicians' offices and services
6512	Dental offices and services
6520	Legal services
6530	Engineer, architectural and planning services

Use No.	Use Classification
6590	Miscellaneous professional services
6710	Executive, legislative and judicial functions
6720	Protective functions and related activities
6730	Postal services
6815	Day Care Centers
6830	Special Training and Schooling
7110	Cultural activities
~~7411~~	~~Libraries~~
7212	Motion picture theaters
7390	Amusements
~~7398~~	~~Video Rental Shops~~
7414	Ice skating
7415	Roller skating and skate boarding
7417	Bowling alleys
8221	Veterinarian services

(5) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the SC2 zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted uses and structures include, but are not limited to, the following:

(a) Accessory building such as garages, carports, equipment storage buildings and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SC2 zone; and

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

(6) *Conditional Uses.* The following uses and structures are permitted in the SC2 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
1512	Motels and motor hotels
~~4814~~	~~Electricity regulating substations~~

Community Shopping Center SC2

Use No.	Use Classification
~~4818~~	~~Small generation~~
~~4823~~	~~Natural or manufactured gas storage; distribution points~~
~~4829~~	~~Other gas utilities, NEC~~
~~4834~~	~~Water storage as part of a utility system (covered including water storage standpipes)~~
~~4872~~	~~Debris basin (A dam and basin for intercepting debris)~~
~~4874~~	~~Spreading grounds (Area for percolating water into underground)~~
~~5530~~	~~Gasoline service stations~~
~~6299~~	~~Personal services (wedding chapels and reception centers only)~~
~~6340~~	~~Dwelling and building services (not dwelling units)~~
~~6381~~	~~Auction houses~~
~~6397~~	~~Vehicle rental, with the following limitations:~~
	~~a. That the vehicle rental be limited to passenger cars only~~
	~~b. That the storage of vehicles on site not exceed the parking allocated for the leasable floor space of the business.~~
	~~c. That there be no on-site servicing of the vehicle fleet, including mechanical wash facilities.~~
~~6416~~	~~Auto washing, polishing, detailing~~
~~6417~~	~~Auto washing, self-service~~
~~6420~~	~~Electrical appliance repair~~
6494	Furniture repair
6498	Saw, knife, and tool sharping
6499	Miscellaneous small item repair
~~6722~~	~~Police protection and related activities, branch (Office only)~~
~~7212~~	~~Motion picture theaters~~
~~7391~~	~~Coin-operated amusement or video centers~~
~~7392~~	~~Miniature golf~~

Use No.	Use Classification
~~7396~~	~~Dance halls—ballrooms (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7397~~	~~Billiard and pool halls~~
~~7414~~	~~Ice skating (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7415~~	~~Roller skating and Skate Boarding (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7417~~	~~Bowling alleys~~

(Am 1986-10, Am 1986-50, Am 1989-23, Am 1989-56, Am 1993-09, Am 1995-02, Am 1995-08, Am 1995-20, Am 1996-12, Am 1996-23, Am 1997-13, Am 1997-50, Am 1999-29, Am 2001-46)

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City Website: www.provo.org
City Telephone: (801) 852-6000
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Regional Shopping Center SC3

14.20.020
Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the SC3 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four-digit number in which the last one (1) or two (2) digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC3 zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC3 zone.

Use No.	Use Classification
1113	One-family dwelling, attached to commercial (subject to Section 14.20.160, Provo City Code)
1130-50	Multi-family and apartment dwelling (subject to Section 14.20.160, Provo City Code)
1511	Hotels
1512	Motels and automobile travel courts
1513	Tourist courts
4920	Transportation Services and Arrangements
~~4923~~	~~Travel agencies~~
5230	Paint, glass and wallpaper
5240	Electrical supplies
5251	Hardware
5255	Building maintenance
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators

Use No.	Use Classification
5390	Retail trade - general merchandise
5400	Food ~~stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy, bakeries, etc.)~~
~~5490~~	~~Miscellaneous retail food establishment~~
5511	Motor vehicles, automobiles - new car sales and used car sales which will be permitted only as an accessory use to new car sales
5515	Motor vehicles, trucks and buses - new vehicle sales and used vehicles sales permitted only as an accessory use to new truck and bus sales
5520	Automobile accessories (except tire recapping and vulcanizing)
5530	Gasoline service stations
5590	Automotive, marine crafts, aircrafts, and accessories (except mobile and manufactured homes)
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment (no combined warehousing)
5810	Eating places (restaurants)
5910	Drug and proprietary stores
5920	Liquor, package Books, stationery, art and hobby supplies
5931	Antiques (no outside display)
5940	Books, stationery, art and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies (entirely within a building only)
5970	Jewelry
5980	Fuel and ice
~~5984~~	~~Ice dealers (automated machines or pick-up stations only)~~
5990	Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)

Regional Shopping Center SC3

Use No.	Use Classification
6100	Banks, insurance and real estate (office only)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240 and 6299 wedding chapels and recreation centers only)
6297	Athletic clubs, body building studios, spas, aerobic centers, (no gymnasiums)
6330	Duplicating, mailing, stenographic and office services
6340	Dwelling and building services (not dwelling units)
6360	Employment services
6391	Auction houses
6394	Equipment rental (indoor only)
6397	Vehicle rental (passenger auto-mobiles only)
6399	Miscellaneous business services
6416	Auto washing and polishing
6417	Auto washing, self service
6420	Electrical appliance repair
6494	Furniture repair
6497	Gunsmiths
6498	Saw, knife, and tool sharpening
6499	Miscellaneous small item repair
6512	Dental offices and services
6520	Legal services
6530	Engineering, architectural, and planning services
6550	Data processing services
6590	Professional services
6710	Executive, legislative, and judicial functions
6720	Protective functions and related activities
6730	Postal services
6815	Day care center
6833	Beauty schools

Use No.	Use Classification
6835	Dance studios and schools
7100	Cultural activities and nature exhibition
~~7111~~	~~Libraries~~
~~7112~~	~~Museums~~
7212	Motion picture theaters (indoor – subject to the standards contained in the subsections to Section 14.34.370(3), Provo City Code)
7390	Amusements
~~7398~~	~~Video rental shops~~
7414	Ice skating (subject to the standards of Section 14.34.370, Provo City Code)
7415	Roller skating and skate boarding (subject to the standards of Section 14.34.370, Provo City Code)
7417	Bowling alleys

(5) *Permitted Accessory Uses.* Accessory uses are permitted in the SC3 zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SC3 zone; and

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

(6) *Conditional Uses.* The following uses and structures are permitted in the SC3 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
5313	Surplus store
~~5594~~	~~Motorcycles, motor scooter parts, accessories, supplies~~
~~5920~~	~~Liquor, package~~
~~5931~~	~~Antiques (no outside display)~~

Regional Shopping Center SC3

Use No.	Use Classification
~~5983~~	~~Bottled gas~~
~~6241~~	~~Funeral parlors~~
~~6299~~	~~Personal services (wedding chapel and reception centers only)~~
~~6340~~	~~Dwelling and building services (not dwelling units)~~
~~6381~~	~~Auction houses~~
~~6394~~	~~Equipment rental (indoor only)~~
~~6397~~	~~Vehicle rental (passenger auto mobiles only)~~
~~6399~~	~~Miscellaneous business services~~
~~6416 7~~	~~Auto washing and polishing~~
~~6420~~	~~Electrical appliance repair~~
~~6494~~	~~Furniture repair~~
~~6498~~	~~Saw, knife, and tool sharpening~~
~~6499~~	~~Miscellaneous small item repair~~
~~6722~~	~~Police protection and related activities, branch (office only)~~
6942	Fraternal associations and lodges
~~7391~~	~~Coin-operated amusements or video center~~
~~7392~~	~~Miniature golf~~
~~7396~~	~~Dance halls, ballroom (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7397~~	~~Billiard and pool halls~~
~~7414~~	~~Ice skating (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7415~~	~~Roller skating and skate boarding (subject to the standards of Section 14.34.370, Provo City Code)~~
~~7417~~	~~Bowling alleys~~

(Am 1986-10, Am 1987-59, Am 1989-56, Am 1993-09, Am 1994-65, Am 1995-02, Am 1995-08, Am 1995-20, Am 1996-23, Am 1997-49, Am 1999-29, Am 2004-18, Am 2013-32, Am 2016-37)

The Provo City Code is current through Ordinance 2019-38, passed August 27, 2019.

Development Services

Planning Commission Staff Report Hearing Date: January 8, 2020

***ITEM # 3** Courtyard at Jamestown, LLC, requests an Ordinance Text Amendment to the Professional Office Zone (Section 14.16.120) to allow the Development Services Director to vary the permissible lot coverage percentage by up to five-percent if the lot or parcel is adjacent to a public amenity, such as a public trail or park. Citywide application. Brandon Larsen (801) 852-6408 **jblarsen@provo.org** (PLOTA20190432)

Applicant: Courtyard at Jamestown, LLC

Staff Coordinator: Brandon Larsen

Parcel ID#: City Wide

*Council Action Required: Yes

Related Application(s): None

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is January 22, 2020 at 6:00 P.M.*

2. **Recommend Denial** of the proposed ordinance amendment. *This action would not be consistent with the recommendations of the Staff Report. In the event of a recommendation of denial, the Planning Commission should establish new findings.*

Relevant History: Currently, §14.16.120(1) of the Provo City Code (PCC) requires that "buildings and structures [in the PO, Professional Office Zone] . . . not cover an area of more than thirty percent (30%) of the lot or parcel of land upon which they are placed."

Jamestown Assisted Living Facility obtained project plan approval from the Planning Commission on October 23, 2019, for a significant expansion/renovation of the Facility. After approval, they became aware of a title issue on a portion of the land they included in the project plan and would like to exclude it (the Lover's Lane portion). However, if such portion is excluded, the building/structure lot coverage on the remaining land included in the project will exceed the amount allowed in the PO (Professional Office) Zone. As such, they have put forth an amendment of the subject subsection of the PCC.

Neighborhood Issues: This is a city-wide application. Staff has not received any feedback from citizens or neighborhood chairs.

Summary of Key Issues:

- Currently, §14.16.120(1) of the Provo City Code (PCC) requires that "buildings and structures . . . not cover an area of more than thirty percent (30%) of the lot or parcel of land upon which they are placed." A developer has run into an issue in working with this ordinance and is proposing that a bit of flexibility be added to §14.16.120(1), which allowance for flexibility would be based on proximity to public amenities.

Staff Recommendation: Staff recommends forwarding a positive recommendation of the language proposed in Attachment 2, relating to the permissible lot coverage of the PO Zone.

OVERVIEW

The applicant is proposing this amendment to §14.16.120(1) of the PCC to add flexibility to the permissible lot coverage requirement of the PO Zone. They ran into an issue applying the subject ordinance when they discovered that a small portion of the property they included in their assisted living facility expansion project has title issues (resolution of this title issue may take an action of a court to quiet the title, which could be a lengthy process).

Simply put, the applicants want to remove the property in question (the Lover's Lane portion) from their project, but if they do, the remaining land will not meet the permissible lot coverage requirement of the PO Zone. The applicant believes that without the property in question included in their project they will have a lot coverage percentage of approximately thirty-four percent (34%), four percent (4%) above the allowed thirty percent (30%) allowance.

The applicant proposes an amendment that would allow the Development Services Director the ability to vary the permissible lot coverage requirement of land in the PO Zone, by up to five percent (5%), if such land is adjacent to a public amenity, such as a public park or trail.

FINDINGS OF FACT

§14.16.120(1) of the Provo City Code limits the lot/parcel coverage of buildings/structures to no more than thirty percent (30%).

ANALYSIS

Staff believes lot coverage requirements are valuable in preventing the over-development of lots and in promoting the landscaping and beautification of the same. These types of requirements can also be helpful in reducing the amount of dark, rooftops that contribute to the urban heat island effect.

The applicant has provided a proposed amendment that comes with a straight-forward standard for the Development Services Director to use in determining whether an adjustment to the lot coverage requirement is permissible; however, staff believes the proposal could provide flexibility for lots/parcels that perhaps should not be offered such. Staff believes using proximity to a "public amenity" as the basis for an exception to the lot coverage requirement is too open-ended and recommends limiting the allowance for an exception specifically to public parks and public trails, as well as private parks and trails to which a property owner has legal access to. Parks and trails are typically open and not covered with buildings/structures; whereas, public amenities could include recreation centers and other facilities with significant lot coverage.

Further, staff recommends that an exception to the thirty percent (30%) lot coverage requirement be a "by right" allowance. Staff is comfortable with the limited, proposed lot coverage increase of five percent (5%). An alternative version of the proposal, which includes staff's ideas above, has been drafted by the Attorney's Office.

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

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: **(responses in bold)**

(a) Public purpose for the amendment in question: **This proposal is a potential benefit to a property owner in the PO Zone whose property lies contiguous to a park or trail. It offers them additional options in managing and developing their properties. Staff does have some concerns with the applicant's language and an alternative version of the proposal has been drafted (see prior staff comments in this Section, as well as the Conclusions and Recommendation sections of this report).**

(b) Confirmation that the public purpose is best served by the amendment in question: **The proposal does not appear to be out of harmony with the purposes of the Planning and Zoning Title (Title 14 of the Provo City Code), including Purpose (2) that reads as follows: "to provide adequate open space for light and air, air quality, to prevent overcrowding of the land, and to lessen congestion on the streets." The lot coverage requirement helps to prevent the over-crowding of lots and land. However, the proposal would give the lot coverage requirement a bit of flexibility for those lots/parcels that abut parks and trails.**

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives: **The proposal does not appear to be out of harmony with the policies, goals, and objectives of the General Plan.**

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated: **There appear to be no "timing and sequencing" concerns with this proposal.**

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies: **The proposal does not appear to be out of harmony with the policies of the General Plan.**

(f) Adverse impacts on adjacent land owners: **Staff is not aware of potential impacts to adjacent land owners that would result if this proposal were approved.**

CONCLUSIONS

Staff sees the value of adding a small amount of flexibility to the lot coverage requirement for the PO Zone. Basing the proposed exception to the lot coverage requirement on proximity to a

park or trail seems reasonable; proximity to a use that typically has few or no buildings—such as a park or trail—may help to reduce concerns with over-developing a lot. Even if a lot or parcel qualified to have a lot coverage percentage of thirty-five percent (35%), a substantial portion of the property would be devoid of buildings. Alternative language has been proposed to (1) make the exception a “by right” exception and (2) clarify the contiguous amenities that would help a lot or parcel qualify for the exception.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend to the Municipal Council approval of the proposed ordinance amendment found in Attachment 2, related to the lot coverage requirement of the PO Zone.

ATTACHMENTS

Attachment 1 – Applicant’s Proposed Text Amendment: Permissible Lot Coverage, PO Zone (14.16.120)

Attachment 2 – City Staff’s Revised Text Amendment: Permissible Lot Coverage, PO Zone (14.16.120)

Attachment 1 – Applicant's Proposed Amendment: Lot Coverage, PO Zone (14.16.120)

14.16.120

Permissible Lot Coverage.

(1) In a PO zone, all buildings and structures shall not cover an area of more than thirty percent (30%) of the lot or parcel of land upon which they are placed; however, the Development Services Direct shall have the authority to vary the permissible lot coverage percentage by up to 5-percent if the Director finds that the lot or parcel lies adjacent to a public amenity, such as a public park or trail.

(2) Parking structures shall be exempt from lot coverage requirements. Provided, however, that parking structures shall be screened and buffered from adjacent properties and public view as required by Section 14.34.280, Design Review, Provo City Code.

Attachment 2 – Staff's Revised Amendment: Lot Coverage, PO Zone (14.16.120)

14.16.120

Permissible Lot Coverage.

(1) ~~In a PO zone, all buildings and structures shall not cover an area of more than thirty percent (30%) of the lot or parcel of land upon which they are placed.~~ In a PO zone, except as otherwise provided in this Section, buildings and structures may not cover more than thirty percent (30%) of the area of a lot or parcel of land. However, buildings and structures may cover up to thirty-five percent (35%) of the area of a lot or parcel of land, if the lot or parcel is contiguous to either:

a. a public park or public trail; or
b. a private park or private trail to which the owner of the lot or parcel has legal authority to enter and use.

(2) Parking structures shall be exempt from lot coverage requirements. Provided, however, that parking structures shall be screened and buffered from adjacent properties and public view as required by Section 14.34.280, Design Review, Provo City Code.

ORDINANCE 2020-.

AN ORDINANCE AMENDING PROVO CITY CODE RELATING TO PERMISSIBLE LOT COVERAGE IN THE PROFESSIONAL OFFICE (PO) ZONE. CITYWIDE APPLICATION. (PLOTA20190432)

WHEREAS, it is proposed that Provo City Code Section 14.16.120 (Permissible Lot Coverage) be amended to allow buildings and structures to cover up to 35% of parcels in the Professional Office (PO) Zone, rather than only 30% as currently provided;

WHEREAS, on January 8, 2020, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 6:0; and

WHEREAS, on January 21, 2020, 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

WHEREAS, after considering the Planning Commission's recommendation and facts and comments presented to the Municipal Council the Council finds (i) Provo City Code should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Provo City Code Section 14.16.120 is hereby amended as follows:

14.16.120 Permissible Lot Coverage.

(1) In a PO zone, all buildings and structures shall not cover an area of more than thirty-five percent (3~~0~~5%) of the lot or parcel of land upon which they are placed.

(2) Parking structures shall be exempt from lot coverage requirements. Provided, however, that parking structures shall be screened and buffered from adjacent properties and public view as required by Section 14.34.280, Design Review, Provo City Code.

PART II:

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

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

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

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

END OF ORDINANCE.

Attachment "A"

Permissible Lot Coverage – PO Zone
Ordinance Text Amendment

Part I

14.16.120

Permissible Lot Coverage.

(1) In a PO zone, all buildings and structures shall not cover an area of more than thirty-five percent (3~~0~~5%) of the lot or parcel of land upon which they are placed.

(2) Parking structures shall be exempt from lot coverage requirements. Provided, however, that parking structures shall be screened and buffered from adjacent properties and public view as required by Section 14.34.280, Design Review, Provo City Code.

Provo City Planning Commission

Report of Action

January 8, 2020

Item 3* Courtyard at Jamestown, LLC, requests an Ordinance Text Amendment to the Professional Office Zone (Section 14.16.120) to allow the Development Services Director to vary the permissible lot coverage percentage by up to five-percent if the lot or parcel is adjacent to a public amenity, such as a public trail or park. Citywide application. Brandon Larsen (801) 852-6408 jblarsen@provo.org (PLOTA20190432)

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 8, 2020:

Recommend Approval

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

Motion By: Dave Anderson
Second By: Andrew Howard
Votes in Favor of Motion: Dave Anderson, Andrew Howard, Deborah Jensen, Robert Knudsen, Laurie Urquiaga, and Lisa Jensen
Deborah Jensen 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.

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

- The applicant recently received project plan approval for the expansion of the Jamestown Assisted Living Facility.
- However, the applicant has discovered title issues on a portion of the land included in the project. The applicant would like to eliminate such portion from their project, but if they do they will exceed the 30-percent lot coverage maximum of the Professional Office (PO) Zone.
- The applicant proposes a text amendment that would give the Development Services Director the authority to adjust or vary the lot coverage requirement of the PO Zone by up to 5-percent, if the particular lot lies adjacent to a public amenity.
- Staff has proposed alternative language to make the allowance a “by right” allowance for those lots that lie contiguous to public/private parks and trails.
- Staff reviewed the lots in the PO Zone and found that of those lots that lie contiguous to a park or trail, all but one shares a common border with a park or trail for at least approximately 70 feet along their respective perimeters.

APPLICANT COMMENTS

- The applicant has experienced a number of setbacks related to the proposed expansion of the Jamestown Assisted Living Facility, including title issues with the Lover's Lane trail portion of the project. They have tried to work with the Parks and Recreation Department to figure-out how to include this land in their project.
- The applicant stands to lose substantial monthly revenue if they reduce the size of a proposed building included in the project (to meet the current lot coverage requirement).

CITY DEPARTMENTAL ISSUES

- Staff is aware of no concerns from City departments.

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood Chairs received notification.
- An email correspondence (between Mike Roan, Northeast Area Representative, and Brandon Larsen) regarding the proposed ordinance text amendment was given to the Planning Commission at the meeting.

NEIGHBORHOOD AND PUBLIC COMMENT

- No comments from neighborhood chairs or the public were received at the meeting.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Lisa Jensen raised a concern relative to basing the exception to the PO Zone lot coverage requirement on adjacency or contiguousness with a park or trail. She questioned what would happen in the event the land for a park or trail was repurposed. Would a lot that had taken advantage of the exception continue to enjoy it after it no longer lied adjacent to a park or trail? Staff did not share her concern and noted most trails and parks are of a public nature and are not likely to be repurposed.
- Commissioner Jensen also raised a concern about lots with very little adjacency to a park or trail taking advantage of the proposed exception. As noted above, staff reviewed the lots in the PO Zone and found that of those lots that lie contiguous to a park or trail, all but one shares a common border with a park or trail for at least approximately 70 feet along their respective perimeters.
- Commissioner Anderson questioned whether it was better to adjust the lot coverage requirement to 35-percent. This idea prevailed and the Planning Commission's recommendation was to simply adjust the lot coverage requirement to 35-percent. Staff raised no concerns regarding the recommendation.

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, 330 West

100 South, 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

ITEM 3*

Courtyard at Jamestown request an Ordinance Text Amendment to the Professional Office Zone (Section 14.16.120) to allow the Development Services Director to vary to permissible lot coverage percentage by up to five percent if the lot or parcel is adjacent to a public amenity, such as a public trail or park.

Citywide application

PLOTA20190432

ITEM 3*

PO Zone Permissible Lot Coverage ≤ 30%

Applicant's Proposed Amendment

- Development Services Director has authority to vary the lot coverage requirement by up to 5-percent

- In order to adjust the percentage, the Director must find that the lot lies adjacent to a public amenity, such as a public park or trail

Staff's Revised Amendment

- A "by right" provision would allow for a maximum lot coverage of 35%, if the lot lies contiguous to:
  - (1) a public park or public trail or
  - (2) a private park or private trail to which the owner of the lot or parcel has legal authority to enter and use.

Applicant's Proposed Amendment: Lot Coverage, PO Zone (14.16.120)

14.16.120

Permissible Lot Coverage.

(1) In a PO zone, all buildings and structures shall not cover an area of more than thirty percent (30%) of the lot or parcel of land upon which they are placed; however, the Development Services Direct shall have the authority to vary the permissible lot coverage percentage by up to 5-percent if the Director finds that the lot or parcel lies adjacent to a public amenity, such as a public park or trail.

(2) Parking structures shall be exempt from lot coverage requirements. Provided, however, that parking structures shall be screened and buffered from adjacent properties and public view as required by Section 14.34.280, Design Review, Provo City Code.

Staff's Revised Amendment: Lot Coverage, PO Zone (14.16.120)

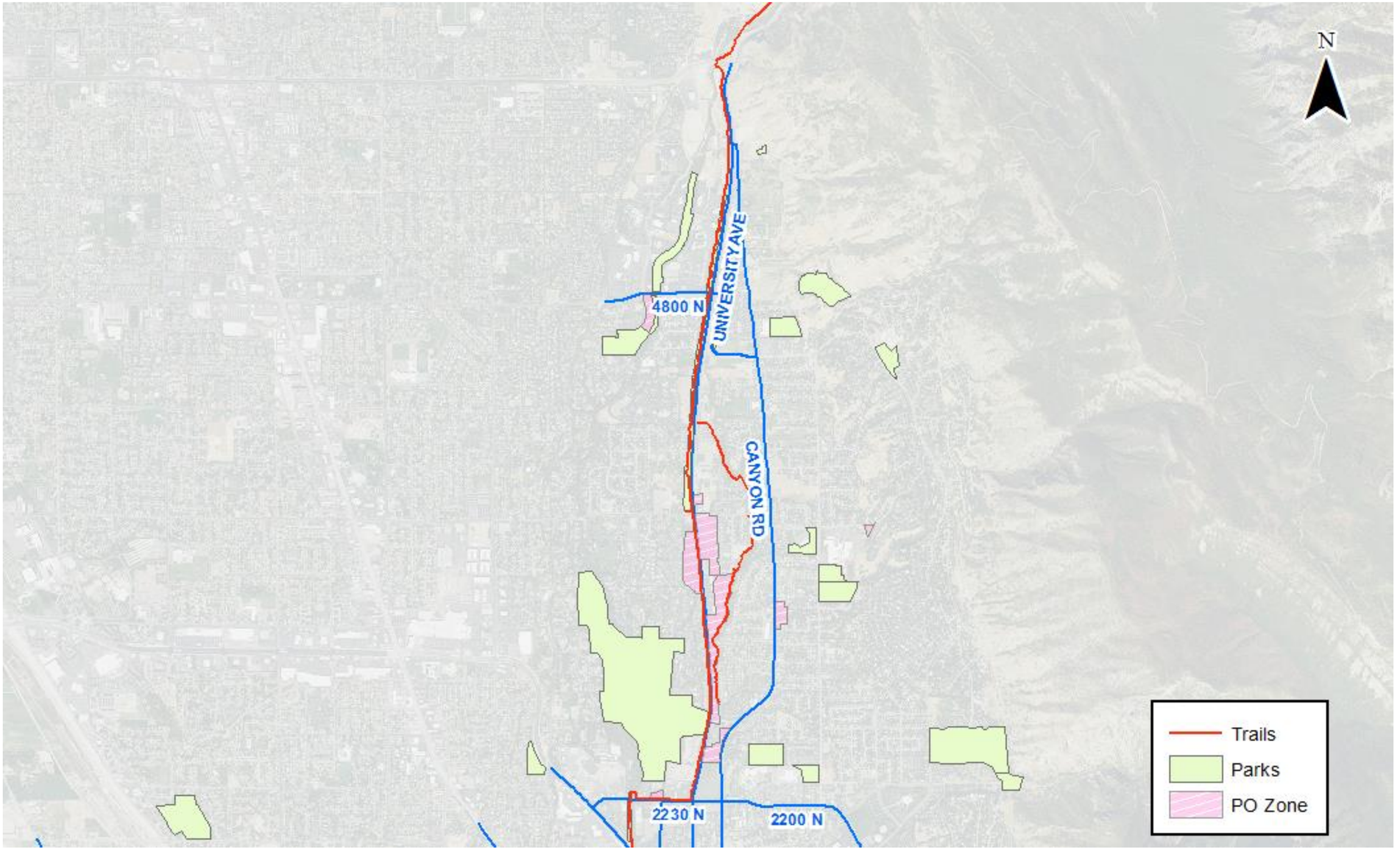
14.16.120

Permissible Lot Coverage.

(1) ~~In a PO zone, all buildings and structures shall not cover an area of more than thirty percent (30%) of the lot or parcel of land upon which they are placed.~~ In a PO zone, except as otherwise provided in this Section, buildings and structures may not cover more than thirty percent (30%) of the area of a lot or parcel of land. However, buildings and structures may cover up to thirty-five percent (35%) of the area of a lot or parcel of land, if the lot or parcel is contiguous to either:

a. a public park or public trail; or
b. a private park or private trail to which the owner of the lot or parcel has legal authority to enter and use.

(2) Parking structures shall be exempt from lot coverage requirements. Provided, however, that parking structures shall be screened and buffered from adjacent properties and public view as required by Section 14.34.280, Design Review, Provo City Code.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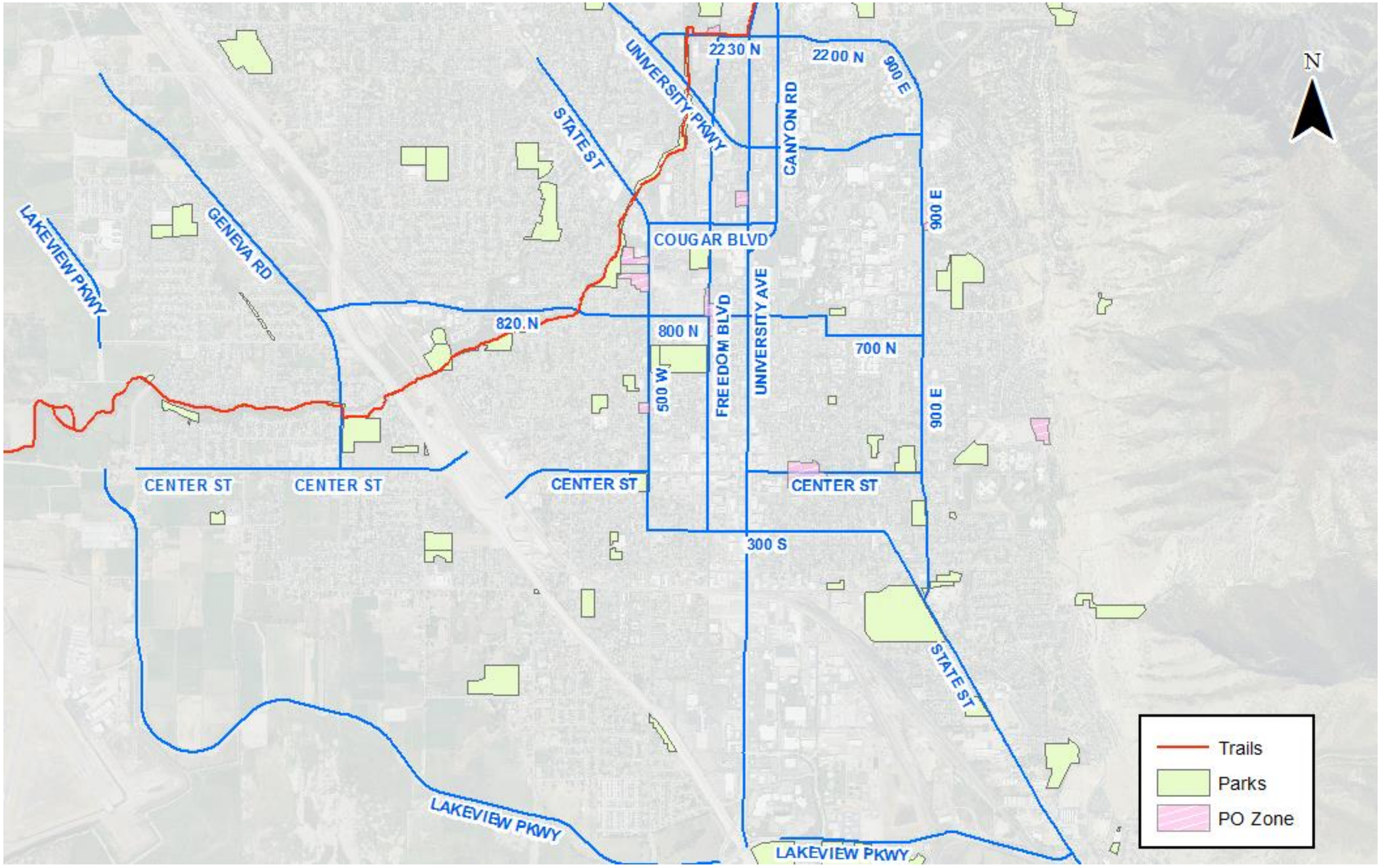
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Provo City Municipal Council

Staff Memorandum

Restaurants with Ancillary Breweries

Hannah Salzl, Policy Analyst

What exactly is being proposed?

The proposal would permit the on-site production of beer only and would not extend to wineries or distilleries. Unless the Council proposes additional restrictions, restaurants with ancillary breweries (brewpubs) would be required to meet the same standards as any restaurant that serves alcohol as set by the Department of Alcoholic Beverage Control (DABC), including:

- making at least 70% of their sales from food[1]; and
- using an "approved electronic age verification device to verify proof of age of persons who appear to be 35 years of age or younger;" and
- not permitting patrons to leave with open containers of alcohol; and
- not selling alcohol to a patron who is not also purchasing "food that is prepared, sold and served at the restaurant" ("Licenses & Permits"); and
- not being located within 300 feet measured by ordinary pedestrian level or 200 feet measured in a straight line" of churches, schools, parks, playground, or libraries ("Licensee Handbook").

Locations

Brewpubs would be permitted in the General Downtown (DT1), Downtown Core (DT2), and Regional Shopping Center (SC3, the Riverwoods and the Provo Towne Centre) zones. Within those zones, legally permissible locations would still be limited by the state-mandated proximity requirements listed above.

Off-Site Sales

Brewpubs would be able to sell their beer only on site under the conditions for a Class B beer license (Provo City Code 6.14.040, see Appendix A on page 5 for full text), which is required for any restaurant that serves beer. If an owner were to want to sell their beer off-site, they would have to propose another text amendment for Council approval. According to Quinn Peterson, Executive

[1] Although the DABC requires a minimum percentage of 70% of sales to come from food, Provo City Code 6.14.040 requires a minimum of only 60%. In order to receive licenses from the state and city, brewpubs in Provo would have to comply with the higher of the two.

Director of Downtown Provo, Inc. and Chair of the Downtown Neighborhood. there are no plans to expand to off-site sales at this time.

However, brewing is expensive. In 2004, Salt Lake City amended their code to permit brewpubs to sell their products off site. Proponents' main argument was that it would allow brewpubs to become more financially competitive. However, brewpubs are still limited to 2,500 barrels annually, compared to the average of 10,000-14,000 barrels produced annually by independent microbreweries (Snyder, 2004).

What are the anticipated effects?

The amendment itself would not change how bars or restaurants that sell beer operate. A brewpub would function like a restaurant that serves beer with the exception that the alcohol would be produced in-house.

Culture and Sales

Due to the limited possible number of brewpub locations, City staff do not anticipate a major shift in the local drinking culture. "Staff sees no distinction between a restaurant with a microbrewery and any other restaurant with a Class B liquor license" (Planning Commission Staff Report, page 2). Quinn Peterson explained that "This request has nothing to do with bars. We aren't trying to increase the number of drinking establishments or introduce more alcohol. … Restaurant already qualifying for a license could produce their own."

It is not anticipated that any of the restaurants that currently serve alcohol will add a microbrewery, according to Quinn Peterson. The cost and space required would prohibit most established restaurants from doing so. Peterson anticipates that any brewpubs would open around the microbrewery, rather than adding one to an existing restaurant.

Of the 78 restaurants in the Downtown area, only 15 have Class B beer licenses to sell alcohol with food. In Peterson's experience, one of the most common reasons given by prospective clients for not booking the convention center is the lack of a nightlife. He argues that craft beer would fit well with the local artisan scene in the Downtown. Craft breweries have inarguably increased in popularity over the last several decades, from 8 in 1980, to 2,768 in 2013 (Moore, Michael S., et al., 2016), to over 7,000 in 2018 (Pugmire, 2020). Beer tourism has become a lucrative industry.

However, City staff and Downtown Provo, Inc. expect only a modest increase in sales simply because the limited amount of permissible land would limit the number of new brewpubs. Planning staff anticipate that "Adverse impacts on adjacent land owners would be limited to increased traffic if the amendment does, in fact, attract additional business into the City" (Planning Commission Staff Report, page 2).

Sales Tax Revenue

Provo City would collect 0.5% of the sales tax from each beer sold. The sales tax rate in Utah County is 7.25%. The City also receives a small portion of alcohol sales tax back from the state, but the Finance Department was not able to track down this information on short notice.

Prices for draft beers from Strap Tank (Springville, Lehi) and Roosters Brewing (Layton, Ogden) are listed in the table below. Where two sizes are listed under "Menu Items," the first is from Strap Tank, and the second is from Roosters Brewing. It is anticipated that prices in Provo would be comparable.

Menu Item	Strap Tank	Roosters Brewing	0.5% of Sales Tax (Average)
Pint of beer	$5.00	$5.00	$0.002
22 or 24 oz. mug of beer	$7.00	$7.25	$0.003
3.5 or 2 oz. sample	$0.75	$0.50	$0.0002

Based on the 0.5% sales tax revenue allocated to the City, Provo would receive less than one cent per pint sold, not including the portion that comes back from the state.

Roosters Brewing also sells cans in their "beer store" (separate from the restaurant) for consumption off-site, which would not be permitted under Provo City Code. Prices for canned beer range from $1.35-$1.95 depending on the alcohol percentage.

Public Safety

Neither the Springville nor the Lehi Police Departments reported an increase in instances of driving under the influence or drunk and disorderly conduct after the openings of Strap Tank, which has locations in both cities. In off-the-record conversations, multiple Police Department staff in both cities added that they had never heard of any problems with Strap Tank. Comments include:

- "Our officers almost never get calls out to the restaurant."
- "They are wonderful community partners. I don't even drink. They're just great to work with."

Chief Craig Martinez of the Springville Police Department reported that officers had some concerns about the effect on public safety when Strap Tank opened, but "nothing happened." He reported that Strap Tank has been a responsible community partner. "The key thing," according to Chief Martinez, "is educating them on what the community expects of them and how they can promote safe, responsible drinking." He added that although he does not drink, he has enjoyed the "business and social diversity" the brewpub brings to the city. "It's like a mullet. It shows that we how to party, but we also know how to do business."

How would this affect licensing requirements?

The Administration will propose an amendment to Provo City Code 6.14. They have identified two options:

1. amend the Class B beer license to include restaurants with ancillary breweries or
2. add a new Class F beer license specific to restaurants with ancillary breweries.

The Administration has not identified a preference for either option. If the Council were to approve the proposed text amendment as-is, option one would be the most straightforward and would continue to prohibit off-site sales. If the Council would like to add any new requirements, option two might be the better choice.

Any prospective brewery owner would also need to apply for a license from the Alcoholic Beverage Control Commission.[2]

Conclusion

Under the proposed amendment, there would be little difference between a brewpub and a restaurant that serves beer except that the beer was produced on site. Prospective brewpubs would also have to meet strict state requirements, including that 70% of their profits come from the sale of food and that alcohol may only be purchased in conjunction with food. City staff anticipate the effect on sales and drinking culture will be minimal, or comparable to the opening of another restaurant that served beer.

None of the police department staff in Lehi or Springville reported any problems with brewpubs in their cities. Police are rarely called to the restaurants. According to Chief Martinez, educating the restaurant and working with the restaurant as a community partner is the key to promoting a safe drinking culture.

Although the proposed amendment would not allow restaurants with ancillary breweries to sell their beer off site, the Council could likely expect a proposed amendment to permit off-site sales within the next few years.

City staff feel that this amendment will benefit Provo. They explained that "Restaurants can already sell and serve alcohol in [the three proposed zones]. This amendment will simply allow for business owners to produce more local goods, maintain a strong business, and have more opportunity for growth and profit" (Planning Commission Staff Report, page 3).

[2] A list of the factors considered by the Commission can be found here ("Factors for Granting Licenses").

References

"Factors for Granting Licenses." Utah Department of Alcoholic Beverage Control. Accessed 13 Jan. 2020, https://abc.utah.gov/license/documents/factorscommissionconsiders.pdf

"Licenses & Permits." Utah Department of Alcoholic Beverage Control. Accessed 13 Jan. 2020, https://abc.utah.gov/license/licenses_restaurant.html.

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Peterson, Quinn. Interview with Hannah Salzl. 13 Jan. 2020.

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Provo City Code 6.14.040

Pugmire, Genelle. "Provo Planning Commission Discusses Allowing Microbrewing at Local Restaurants." Daily Herald, 9 Jan. 2020,

www.heraldextra.com/news/local/central/provo/provo-planning-commission-discusses-allowing-microbrewing-at-local-restaurants/article_bdfc5698-1c2b-514f-be99-3f2c8b4da197.html .

Snyder, Brady. "Salt Lake Pubs Get OK to Bottle, Sell Beer." Deseret News. 8 Sept. 2004. https://www.deseret.com/2004/9/8/19849418/salt-lake-pubs-get-ok-to-bottle-sell-beer.

Appendix A

Full text of Provo City Code 6.14.040 "Class 'B' Beer License)

> A Class "B" beer license shall entitle the licensee to sell beer for consumption on the premises of a restaurant described in the license. Only bona fide restaurants, where a variety of hot food is prepared and cooked and complete meals are served to the general public in connection with indoor dining accommodations, and at which food sales constitute at least sixty (60) percent of the gross money receipts of the licensee's restaurant business, shall be entitled to a Class "B" license. Neither dancing, billiards nor bowling shall be permitted on premises for which a Class "B" license has been issued.

Planning Commission Staff Report
Ordinance Amendment
Hearing Date: January 8, 2020

***ITEM #1 Quinn Peterson, Downtown Neighborhood Chair, requests an ordinance amendment to allow approval of restaurants with ancillary microbrewing as a permitted use in the SC3, DT1, and DT2 zones. Citywide application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20190378**

Applicant: Quinn Peterson **Staff Coordinator:** Aaron Ardmore ***Council Action Required:** Yes **ALTERNATIVE ACTIONS** 1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is January 22, at 6:00 p.m.* 2. **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*	**Relevant History:** The applicant has had inquiries as the Downtown Neighborhood Chair, about establishing restaurants with microbreweries as part of their business model. The applicant worked with staff to create an amendment to accomplish this goal. **Neighborhood Issues:** This is a city-wide application; staff is unaware of any neighborhood issues at the time of this report. **Summary of Key Issues:** • There is a demand for restaurants with a microbrewery in Provo. • The applicant has limited his request to three specific zones; the Regional Shopping Center zone, the General Downtown zone, and the Downtown Core zone. **Staff Recommendation:** That the Planning Commission recommend approval of the proposed text amendment to the Municipal Council.

OVERVIEW

Quinn Peterson, acting as the Downtown Neighborhood Chair, is requesting an ordinance text amendment to the permitted uses within the Downtown Core (DT2), General Downtown (DT1), and Regional Shopping Center (SC3) zones to allow restaurants with ancillary breweries.

The specific language being proposed adds as a permitted use, microbreweries in the above zones only when attached to and ancillary to a restaurant. Restaurants in these areas are currently permitted to sell and serve alcohol based on their business license.

This amendment would allow current and future restaurants to brew and sell on site as part of their business. In this case, ancillary to a restaurant means that 60% of the sales would need to be from food. This is the definition of a Class B liquor license.

STAFF ANALYSIS

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

   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: **(responses in bold)**

   (a) Public purpose for the amendment in question. **The public purpose for the proposed amendment is to attract and retain business in the commercial cores of Provo City, increasing the commercial tax base. Staff sees no distinction between a restaurant with a microbrewery and any other restaurant with a Class B liquor license.**

   (b) Confirmation that the public purpose is best served by the amendment in question. **Allowing for more options in restaurants should help to attract a greater variety of establishments and therefore provide more commercial tax base.**

   (c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **The proposed amendment helps to achieve the goals of the General Plans Economic Development chapter; specifically, goal 7.4.16, to "promote the central business district" and its accompanying objectives.**

   (d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **There are no timing and sequencing provisions related to this request.**

(e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.* **The proposed amendment should only help to reach the goals and objectives of the General Plan.**

(f) *Adverse impacts on adjacent land owners.* **Adverse impacts on adjacent land owners would be limited to increased traffic if the amendment does, in fact, attract additional businesses into the City.**

(g) *Verification of correctness in the original zoning or General Plan for the area in question.* **The General Plan is verified to be correct.**

(h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.* **No conflict exists.**

CONCLUSIONS

Staff has worked with the applicant to refine the proposed language, and feels like this minor addition will benefit the downtown and major commercial areas of the City. Restaurants can already sell and serve alcohol in these areas, this amendment will simply allow for business owners to produce more local goods, maintain a strong business, and have more opportunity for growth and profit; which in turn helps Provo City tax base and the community as a whole.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the proposed text amendment to the Municipal Council.

ATTACHMENTS

1. Proposed Ordinance Amendment

ATTACHMENT 1 – PROPOSED ORDINANCE AMENDMENT

14.20.020

Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the SC3 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four-digit number in which the last one (1) or two (2) digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC3 zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC3 zone.

Use No.	Use Classification
1113	One-family dwelling, attached to commercial (subject to Section 14.20.160, Provo City Code)
1130-50	Multi-family and apartment dwelling (subject to Section 14.20.160, Provo City Code)
1511	Hotels
1512	Motels and automobile travel courts
1513	Tourist courts
2181	Breweries (only when attached and ancillary to a restaurant)
4923	Travel agencies
5230	Paint, glass and wallpaper
5240	Electrical supplies
5251	Hardware
5255	Building maintenance
5256	Swimming pool supplies

Use No.	Use Classification
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators
5390	Retail trade - general merchandise
5400	Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy, bakeries, etc.)
5490	Miscellaneous retail food establishment
5511	Motor vehicles, automobiles - new car sales and used car sales which will be permitted only as an accessory use to new car sales
5515	Motor vehicles, trucks and buses - new vehicle sales and used vehicles sales permitted only as an accessory use to new truck and bus sales
5520	Automobile accessories (except tire recapping and vulcanizing)
5530	Gasoline service stations
5590	Automotive, marine crafts, aircrafts, and accessories (except mobile and manufactured homes)
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment (no combined warehousing)
5810	Eating places (restaurants)
5910	Drug and proprietary stores
5940	Books, stationery, art and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies (entirely within a building only)
5970	Jewelry
5984	Ice dealers (automated machines or pick-up stations only)

Use No.	Use Classification
5990	Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
6100	Banks, insurance and real estate (office only)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240 and 6299 wedding chapels and recreation centers only)
6297	Athletic clubs, body building studios, spas, aerobic centers, (no gymnasiums)
6330	Duplicating, mailing, stenographic and office services
6360	Employment services
6493	Watch, clock, jewelry repair, etc.
6496	Locksmiths and key shops
6497	Gunsmiths
6511	Physicians offices and services
6512	Dental offices and services
6520	Legal services
6530	Engineering, architectural, and planning services
6550	Data processing services
6590	Professional services
6710	Executive, legislative, and judicial functions
6720	Protective functions and related activities
6730	Postal services
6815	Day care center
6833	Beauty schools
6835	Dance studios and schools
7111	Libraries
7112	Museums
7212	Motion picture theaters (indoor – subject to the standards contained in the subsections to Section 14.34.370(3), Provo City Code)

Use No.	Use Classification
7398	Video rental shops

(5) *Permitted Accessory Uses.* Accessory uses are permitted in the SC3 zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SC3 zone; and

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

(6) *Conditional Uses.* The following uses and structures are permitted in the SC3 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
5313	Surplus store
5594	Motorcycles, motor scooter parts, accessories, supplies
5920	Liquor, package
5931	Antiques (no outside display)
5983	Bottled gas
6241	Funeral parlors
6299	Personal services (wedding chapel and reception centers only)
6340	Dwelling and building services (not dwelling units)
6381	Auction houses
6394	Equipment rental (indoor only)
6397	Vehicle rental (passenger auto-mobiles only)
6399	Miscellaneous business services
6416-7	Auto washing and polishing
6420	Electrical appliance repair

Use No.	Use Classification
6494	Furniture repair
6498	Saw, knife, and tool sharpening
6499	Miscellaneous small item repair
6722	Police protection and related activities, branch (office only)
6942	Fraternal associations and lodges
7391	Coin-operated amusements or video center
7392	Miniature golf
7396	Dance halls, ballroom (subject to the standards of Section 14.34.370, Provo City Code)
7397	Billiard and pool halls
7414	Ice skating (subject to the standards of Section 14.34.370, Provo City Code)
7415	Roller skating and skate boarding (subject to the standards of Section 14.34.370, Provo City Code)
7417	Bowling alleys

14.21A.030
Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the DT1 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or categories of such uses permitted within the zone are identified by a four (4) digit number in which the last one (1) or two (2) digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the DT1 zone, subject to the limitations set forth.

(4) *First Floor Commercial.*

(a) Except as allowed under Subsection (4)(b) of this Section, nonresidential uses are required in the minimal habitable floor depth on the first story of all building frontage on University Avenue and Center Street within the zone.

(b) For buildings fronting University Avenue south of Center Street, or else fronting Center Street west of 500 West and east of 200 East Streets, the first floor areas shall be designed and the shell constructed to allow for nonresidential uses; however, residential use is permitted until the building owner determines the nonresidential use of the area to be economically viable.

(5) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the DT1 zone:

Use No.	Use Classification
1110	One-family dwelling, attached to commercial or other nonresidential use (detached only if existing as of July 7, 2009)
1120	Two-family dwelling, attached to commercial or other nonresidential use (detached only if existing as of July 7, 2009)
1130	Multiple-family dwelling (three (3) or four (4) dwelling units), attached to commercial or other nonresidential use
1140	Apartments (low rise)
1150	Apartment (high rise)
1211	Baching apartments (maximum of six (6) individuals per unit)
1220	Membership lodging
1241	Assisted living facility (subject to the locational and development standards as set forth in Section 14.34.470, Provo City Code)
1250	Religious quarters
1291	Residential facility for elderly persons (see Section 14.34.230, Provo City Code)
1292	Residential facility for persons with a disability (see Section 14.34.230, Provo City Code)
1511	Hotels
1512	Motels

Use No.	Use Classification
1516	Bed and breakfast
1590	Other transient lodgings, NEC
2181	Breweries (only when attached and ancillary to a restaurant)
4118	Railroad company office not located at terminal (office only, no storage of related vehicles or equipment is permitted)
4218	Bus company offices not located at terminal (office only, no storage of related vehicles or equipment is permitted)
4318	Airline company offices not located at terminal (office only, no storage of related vehicles is permitted)
4290	Motor vehicle transportation (indoors only)
4295	Parcel delivery and pickup service
4700	Communications (unless identified as a conditional use in Section 14.34.420, Provo City Code)
4811	Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4815	Electric utility company office (office only, no storage of related vehicles is permitted)
4821	Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4825	Gas company office
4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4835	Irrigation distribution channels
4837	Water utilities or irrigation company office
4841	Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)

Use No.	Use Classification
4853	Refuse disposal company office
4862	Gas and electric utility company office
4863	Water and electric utility company office
4864	Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4873	Storm drain or right-of-way (predominantly covered pipes or boxes)
4923	Travel agencies
5220	Heating and plumbing equipment (no outside storage)
5230	Paint, glass, and wallpaper
5240	Electrical supplies
5251	Hardware
5254	Janitorial supplies
5255	Building maintenance supplies
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators
5350	Direct selling organization
5390	Retail trade - general merchandise
5400	Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
5511	Automobile dealers, new and used cars
5512	Automobile dealers, used cars
5594	Motor scooters or motorcycles
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment

Use No.	Use Classification
5810	Eating places (restaurants)
5910	Drug and proprietary stores
5930	Antiques and secondhand merchandise (except 5935 Secondhand auto parts, 5938 Junk dealers and salvage, 5939 Secondhand stores)
5940	Books, stationery, art, and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies
5970	Jewelry
5990	Miscellaneous retail stores (includes florists, newspapers and magazines, photo supplies, pet stores, and other similar retail stores) (except 5992 Cigars and cigarettes)
6100	Banks, insurance, and real estate (except 6123 Pawnbrokers, 6124 Bail bonds, and 6129 Other credit services)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6294 Escort services and 6295 Tattooing)
6300	Business services (office and retail sales only, including 6394 Equipment rentals and 6397 Automobile rentals (indoors only), except 6370 Warehousing and storage, 6382 Auction yards)
6420	Electrical appliance repair and service
6493	Watch and clock repair
6494	Reupholstering and furniture repair
6496	Locksmiths and key shops
6497	Gunsmiths
6498	Saw, knife, and tool sharpening
6499	Other repair services, NEC (except blacksmiths)
6500	Professional services (except 6515 Behavior, drug and alcohol treatment and 6518 Blood banks)
6600	Contract construction services (office only)

Use No.	Use Classification
6710	Executive, legislative, and judicial functions (no repair or maintenance facilities)
6720	Protective functions and related activities
6730	Postal services
6800	Educational services
6910	Religious activities
7100	Cultural activities (except 7124 Zoos)
7210	Entertainment and assembly including legitimate theater
7230	Public assembly
7391	Coin-operated amusements
7392	Miniature golf
7397	Billiards and pool halls
7398	Video rental shops
7399	Other amusements, NEC (Bike rentals only)
7414	Ice skating
7415	Roller skating and skate boarding
7417	Bowling alleys
7600	Park

(6) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the DT1 zone provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Swimming pools and incidental bath houses subject to the standards of 14.34.210 – Pools;

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

(c) Vegetable and flower gardens;

(d) Home occupations subject to the regulations of Chapter 14.41 – Home Occupations; and

(e) Household pets, provided that no more than two dogs and two cats six months of age or older shall be kept at any residence or commercial establishment at any time. Nothing herein shall be construed as

authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

(7) *Uses Within Buildings.* All uses established in the DT1 zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning Commission, through the granting of a conditional use permit, to be customarily and appropriately conducted in the open. Uses customarily deemed to be conducted in the open may include, but would not be limited to public assembly, live entertainment, etc. Open storage within view of a public street or space shall be prohibited.

(8) Sidewalk cafes shall be permitted per the requirements of Section 14.34.480, Provo City Code.

(9) Canopies and marquees shall be permitted per the requirements of Section 14.34.490, Provo City Code.

(10) *Conditional Uses.* The following uses and structures are permitted in the DT1 zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof:

4600	Automobile parking (except 4603 Long term storage of autos, trucks, boats, vacation trailers, etc.) (Automobile parking lots fronting Center Street shall not be permitted)
4700	Communications (subject to Section 14.34.420, Provo City Code)
4814	Electricity regulating substations
4824	Gas pressure control stations
4834	Water storage as part of a utility system (covered including water storage standpipes)
4836	Water pressure control stations and pumping plants
4844	Sewage pumping stations
5920	Liquor, package
6515	Behavior, drug & alcohol treatment
6900	Miscellaneous service organizations
7396	Dance halls (subject to the standards of Section 14.34.370, Provo City Code)

14.21B.030

Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the DT2 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or categories of such uses permitted within the zone are identified by a four (4) digit number in which the last one (1) or two (2) digits are zeros (0).

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the DT2 zone, subject to the limitations set forth.

(4) *First Floor Commercial.* Nonresidential uses are required in the minimum habitable floor depth on the first story of all building frontage on University Avenue and Center Street within the district.

(5) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the DT2 zone:

Use No.	Use Classification
1110	One-family dwelling, attached to commercial or other nonresidential use – (detached only if existing as of July 7, 2009)
1120	Two-family dwelling, attached to commercial or other nonresidential use – (detached only if existing as of July 7, 2009)
1130	Multiple family dwelling (three (3) or four (4) dwelling units), attached to commercial or other nonresidential use
1140	Apartments (low rise)
1150	Apartment (high rise)
1211	Baching apartments (maximum of six (6) individuals per unit)
1220	Membership lodging
1241	Assisted living facility (subject to the locational and development standards as set forth in Section 14.34.470, Provo City Code)

Use No.	Use Classification
1250	Religious quarters
1291	Residential facility for elderly persons (see Section 14.34.230, Provo City Code)
1292	Residential facility for persons with a disability (see Section 14.34.230, Provo City Code)
1511	Hotels
1512	Motels
1516	Bed and breakfast
1590	Other transient lodgings, NEC
2181	Breweries (only when attached and ancillary to a restaurant)
4118	Railroad company office not located at terminal (office only, no storage of related vehicles or equipment is permitted)
4218	Bus company offices not located at terminal (office only, no storage of related vehicles or equipment is permitted)
4318	Airline company offices not located at terminal (office only, no storage of related vehicles is permitted)
4290	Motor vehicle transportation (indoors only)
4295	Parcel delivery and pickup service
4700	Communications (unless identified as a conditional use in Section 14.34.420)
4811	Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4815	Electric utility company office (office only, no storage of related vehicles is permitted)
4821	Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4825	Gas company office

Use No.	Use Classification
4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4835	Irrigation distribution channels
4837	Water utilities or irrigation company office
4841	Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4853	Refuse disposal company office
4862	Gas and electric utility company office
4863	Water and electric utility company office
4864	Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4873	Storm drain or right-of-way (predominantly covered pipes or boxes)
4923	Travel agencies
5220	Heating and plumbing equipment (no outside storage)
5230	Paint, glass, and wallpaper
5240	Electrical supplies
5251	Hardware
5254	Janitorial supplies
5255	Building maintenance supplies
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators
5350	Direct selling organization
5390	Retail trade - general merchandise

Use No.	Use Classification
5400	Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
5511	Automobile dealers, new and used cars
5512	Automobile dealers, used cars
5594	Motor scooters or motorcycles
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment
5810	Eating places (restaurants)
5910	Drug and proprietary stores
5930	Antiques and secondhand merchandise (except 5935 Secondhand auto parts, 5938 Junk dealers and salvage, 5939 Secondhand stores)
5940	Books, stationery, art, and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies
5970	Jewelry
5990	Miscellaneous retail stores (includes florists, newspapers and magazines, photo supplies, pet stores, and other similar retail stores) (except 5992 Cigars and cigarettes)
6100	Banks, insurance, and real estate (except 6123 Pawnbrokers, 6124 Bail bonds, and 6129 Other credit services)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6294 Escort services and 6295 Tattooing)
6300	Business services (office and retail sales only, including 6394 Equipment rentals and 6397 Automobile rentals (indoors only), except 6370 Warehousing and Storage, 6382 Auction yards)
6420	Electrical appliance repair and service
6493	Watch and clock repair
6494	Reupholstering and furniture repair

Use No.	Use Classification
6496	Locksmiths and key shops
6497	Gunsmiths
6498	Saw, knife, and tool sharpening
6499	Other repair services, NEC (except blacksmiths)
6500	Professional services (except 6515 Behavior, drug and alcohol treatment and 6518 Blood banks)
6600	Contract construction services (office only)
6710	Executive, legislative, and judicial functions (no repair or maintenance facilities)
6720	Protective functions and related activities
6730	Postal services
6800	Educational services
6910	Religious activities
7100	Cultural activities (except 7124 Zoos)
7210	Entertainment and assembly including legitimate theater
7230	Public assembly
7391	Coin-operated amusements
7397	Billiards and pool halls
7398	Video rental shops
7399	Other amusements, NEC (bike rentals only)
7600	Park

(6) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the DT2 zone provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Swimming pools and incidental bath houses subject to the standards of 14.34.210 – Pools;

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

(c) Vegetable and flower gardens;

(d) Home occupations subject to the regulations of Chapter 14.41 – Home Occupations; and

(e) Household pets, provided that no more than two (2) dogs and two (2) cats six (6) months of age or older shall be kept at any residence or commercial establishment at any time. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

(7) *Uses Within Buildings.* All uses established in the DT2 zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning Commission, through the granting of a conditional use permit, to be customarily and appropriately conducted in the open. Uses customarily deemed to be conducted in the open may include, but would not be limited to public assembly, live entertainment, etc. Open storage within view of a public street or space shall be prohibited.

(8) Sidewalk cafes shall be permitted per the requirements of Section 14.34.480.

(9) Canopies and marquees shall be permitted per the requirements of Section 14.34.490.

(10) *Conditional uses.* The following uses and structures are permitted in the DT2 zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof:

4600	Automobile parking (except 4603 Long term storage of autos, trucks, boats, vacation trailers, etc.) (Automobile parking lots fronting Center Street shall not be permitted)
4700	Communications (Subject to 14.34.420)
4814	Electricity regulating substations
4824	Gas pressure control stations
4834	Water storage as part of a utility system (covered including water storage standpipes)
4836	Water pressure control stations and pumping plants
4844	Sewage pumping stations
5920	Liquor, package
6515	Behavior, drug & alcohol treatment
6900	Miscellaneous service organizations
7396	Dance halls (subject to the standards of Section 14.34.370, Provo City Code)

ORDINANCE 2020-.

AN ORDINANCE AMENDING PROVO CITY CODE TO ALLOW RESTAURANTS WITH ANCILLARY MICROBREWING AS A PERMITTED USE IN CERTAIN ZONES. (PLOTA20190378)

WHEREAS, it is proposed that Provo City Code Sections 14.20.020, 14.21A.030, and 14.21B.030 be amended to allow Microbrewing as an ancillary use for restaurants in the Regional Shopping Center (SC3), General Downtown (DT1), and Downtown Core (DT2) Zones;

WHEREAS, on January 8, 2020, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 6:0; and

WHEREAS, on January 21, 2020, 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

WHEREAS, after considering the Planning Commission's recommendation and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code should be amended as described herein and (ii) the proposed amendment reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Provo City Code Section 14.20.020 (Permitted Uses) is hereby amended as set forth in Exhibit A.

PART II:

Provo City Code Section 14.21A.030 (Permitted Uses) is hereby amended as set forth in Exhibit B.

PART III:

Provo City Code Section 14.21B.030 (Permitted Uses) is hereby amended as set forth in Exhibit C.

PART IV:

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

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

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

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

END OF ORDINANCE.

Exhibit A

14.20.020
Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the SC3 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four-digit number in which all digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four-digit number in which the last one (1) or two (2) digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the SC3 zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the SC3 zone.

Use No.	Use Classification
1113	One-family dwelling, attached to commercial (subject to Section 14.20.160, Provo City Code)
1130-50	Multi-family and apartment dwelling (subject to Section 14.20.160, Provo City Code)
1511	Hotels
1512	Motels and automobile travel courts
1513	Tourist courts
2181	Breweries (only when attached and ancillary to a restaurant)
4923	Travel agencies
5230	Paint, glass and wallpaper
5240	Electrical supplies
5251	Hardware
5255	Building maintenance
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores

Use No.	Use Classification
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators
5390	Retail trade - general merchandise
5400	Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy, bakeries, etc.)
5490	Miscellaneous retail food establishment
5511	Motor vehicles, automobiles - new car sales and used car sales which will be permitted only as an accessory use to new car sales
5515	Motor vehicles, trucks and buses - new vehicle sales and used vehicles sales permitted only as an accessory use to new truck and bus sales
5520	Automobile accessories (except tire recapping and vulcanizing)
5530	Gasoline service stations
5590	Automotive, marine crafts, aircrafts, and accessories (except mobile and manufactured homes)
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment (no combined warehousing)
5810	Eating places (restaurants)
5910	Drug and proprietary stores
5940	Books, stationery, art and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies (entirely within a building only)
5970	Jewelry
5984	Ice dealers (automated machines or pick-up stations only)
5990	Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
6100	Banks, insurance and real estate (office only)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240 and 6299

Use No.	Use Classification
	wedding chapels and recreation centers only)
6297	Athletic clubs, body building studios, spas, aerobic centers, (no gymnasiums)
6330	Duplicating, mailing, stenographic and office services
6360	Employment services
6493	Watch, clock, jewelry repair, etc.
6496	Locksmiths and key shops
6497	Gunsmiths
6511	Physicians offices and services
6512	Dental offices and services
6520	Legal services
6530	Engineering, architectural, and planning services
6550	Data processing services
6590	Professional services
6710	Executive, legislative, and judicial functions
6720	Protective functions and related activities
6730	Postal services
6815	Day care center
6833	Beauty schools
6835	Dance studios and schools
7111	Libraries
7112	Museums
7212	Motion picture theaters (indoor – subject to the standards contained in the subsections to Section 14.34.370(3), Provo City Code)
7398	Video rental shops

(5) *Permitted Accessory Uses.* Accessory uses are permitted in the SC3 zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the SC3 zone; and

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

(6) *Conditional Uses.* The following uses and structures are permitted in the SC3 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
5313	Surplus store
5594	Motorcycles, motor scooter parts, accessories, supplies
5920	Liquor, package
5931	Antiques (no outside display)
5983	Bottled gas
6241	Funeral parlors
6299	Personal services (wedding chapel and reception centers only)
6340	Dwelling and building services (not dwelling units)
6381	Auction houses
6394	Equipment rental (indoor only)
6397	Vehicle rental (passenger auto-mobiles only)
6399	Miscellaneous business services
6416-7	Auto washing and polishing
6420	Electrical appliance repair
6494	Furniture repair
6498	Saw, knife, and tool sharpening
6499	Miscellaneous small item repair
6722	Police protection and related activities, branch (office only)
6942	Fraternal associations and lodges
7391	Coin-operated amusements or video center
7392	Miniature golf
7396	Dance halls, ballroom (subject to the standards of Section 14.34.370, Provo City Code)
7397	Billiard and pool halls
7414	Ice skating (subject to the standards of Section

Use No.	Use Classification
	14.34.370, Provo City Code)
7415	Roller skating and skate boarding (subject to the standards of Section 14.34.370, Provo City Code)
7417	Bowling alleys

Exhibit B

14.21A.030
Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the DT1 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or categories of such uses permitted within the zone are identified by a four (4) digit number in which the last one (1) or two (2) digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the DT1 zone, subject to the limitations set forth.

(4) *First Floor Commercial.*

(a) Except as allowed under Subsection (4)(b) of this Section, nonresidential uses are required in the minimal habitable floor depth on the first story of all building frontage on University Avenue and Center Street within the zone.

(b) For buildings fronting University Avenue south of Center Street, or else fronting Center Street west of 500 West and east of 200 East Streets, the first floor areas shall be designed and the shell constructed to allow for nonresidential uses; however, residential use is permitted until the building owner determines the nonresidential use of the area to be economically viable.

(5) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the DT1 zone:

Use No.	Use Classification
1110	One-family dwelling, attached to commercial or other nonresidential use (detached only if existing as of July 7, 2009)
1120	Two-family dwelling, attached to commercial or other nonresidential use (detached only if existing as of July 7, 2009)
1130	Multiple-family dwelling (three (3) or four (4) dwelling units), attached to commercial or other nonresidential use

Use No.	Use Classification
1140	Apartments (low rise)
1150	Apartment (high rise)
1211	Baching apartments (maximum of six (6) individuals per unit)
1220	Membership lodging
1241	Assisted living facility (subject to the locational and development standards as set forth in Section 14.34.470, Provo City Code)
1250	Religious quarters
1291	Residential facility for elderly persons (see Section 14.34.230, Provo City Code)
1292	Residential facility for persons with a disability (see Section 14.34.230, Provo City Code)
1511	Hotels
1512	Motels
1516	Bed and breakfast
1590	Other transient lodgings, NEC
2181	Breweries (only when attached and ancillary to a restaurant)
4118	Railroad company office not located at terminal (office only, no storage of related vehicles or equipment is permitted)
4218	Bus company offices not located at terminal (office only, no storage of related vehicles or equipment is permitted)
4318	Airline company offices not located at terminal (office only, no storage of related vehicles is permitted)
4290	Motor vehicle transportation (indoors only)
4295	Parcel delivery and pickup service
4700	Communications (unless identified as a conditional use in Section 14.34.420, Provo City Code)
4811	Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4815	Electric utility company office (office only, no storage of related vehicles is permitted)

Use No.	Use Classification
4821	Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4825	Gas company office
4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4835	Irrigation distribution channels
4837	Water utilities or irrigation company office
4841	Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4853	Refuse disposal company office
4862	Gas and electric utility company office
4863	Water and electric utility company office
4864	Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4873	Storm drain or right-of-way (predominantly covered pipes or boxes)
4923	Travel agencies
5220	Heating and plumbing equipment (no outside storage)
5230	Paint, glass, and wallpaper
5240	Electrical supplies
5251	Hardware
5254	Janitorial supplies
5255	Building maintenance supplies
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators
5350	Direct selling organization
5390	Retail trade - general merchandise

Use No.	Use Classification
5400	Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
5511	Automobile dealers, new and used cars
5512	Automobile dealers, used cars
5594	Motor scooters or motorcycles
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment
5810	Eating places (restaurants)
5910	Drug and proprietary stores
5930	Antiques and secondhand merchandise (except 5935 Secondhand auto parts, 5938 Junk dealers and salvage, 5939 Secondhand stores)
5940	Books, stationery, art, and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies
5970	Jewelry
5990	Miscellaneous retail stores (includes florists, newspapers and magazines, photo supplies, pet stores, and other similar retail stores) (except 5992 Cigars and cigarettes)
6100	Banks, insurance, and real estate (except 6123 Pawnbrokers, 6124 Bail bonds, and 6129 Other credit services)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6294 Escort services and 6295 Tattooing)
6300	Business services (office and retail sales only, including 6394 Equipment rentals and 6397 Automobile rentals (indoors only), except 6370 Warehousing and storage, 6382 Auction yards)
6420	Electrical appliance repair and service
6493	Watch and clock repair
6494	Reupholstering and furniture repair
6496	Locksmiths and key shops
6497	Gunsmiths
6498	Saw, knife, and tool sharpening

Use No.	Use Classification
6499	Other repair services, NEC (except blacksmiths)
6500	Professional services (except 6515 Behavior, drug and alcohol treatment and 6518 Blood banks)
6600	Contract construction services (office only)
6710	Executive, legislative, and judicial functions (no repair or maintenance facilities)
6720	Protective functions and related activities
6730	Postal services
6800	Educational services
6910	Religious activities
7100	Cultural activities (except 7124 Zoos)
7210	Entertainment and assembly including legitimate theater
7230	Public assembly
7391	Coin-operated amusements
7392	Miniature golf
7397	Billiards and pool halls
7398	Video rental shops
7399	Other amusements, NEC (Bike rentals only)
7414	Ice skating
7415	Roller skating and skate boarding
7417	Bowling alleys
7600	Park

(6) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the DT1 zone provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Swimming pools and incidental bath houses subject to the standards of 14.34.210 – Pools;

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

(c) Vegetable and flower gardens;

(d) Home occupations subject to the regulations of Chapter 14.41 – Home Occupations; and

(e) Household pets, provided that no more than two dogs and two cats six months of age or older shall be kept at any residence or commercial establishment at any time. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

(7) *Uses Within Buildings.* All uses established in the DT1 zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning Commission, through the granting of a conditional use permit, to be customarily and appropriately conducted in the open. Uses customarily deemed to be conducted in the open may include, but would not be limited to public assembly, live entertainment, etc. Open storage within view of a public street or space shall be prohibited.

(8) Sidewalk cafes shall be permitted per the requirements of Section 14.34.480, Provo City Code.

(9) Canopies and marquees shall be permitted per the requirements of Section 14.34.490, Provo City Code.

(10) *Conditional Uses.* The following uses and structures are permitted in the DT1 zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof:

4600	Automobile parking (except 4603 Long term storage of autos, trucks, boats, vacation trailers, etc.) (Automobile parking lots fronting Center Street shall not be permitted)
4700	Communications (subject to Section 14.34.420, Provo City Code)
4814	Electricity regulating substations
4824	Gas pressure control stations
4834	Water storage as part of a utility system (covered including water storage standpipes)
4836	Water pressure control stations and pumping plants
4844	Sewage pumping stations
5920	Liquor, package
6515	Behavior, drug & alcohol treatment
6900	Miscellaneous service organizations
7396	Dance halls (subject to the standards of Section 14.34.370, Provo City Code)

Exhibit C

14.21B.030
Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the DT2 zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or categories of such uses permitted within the zone are identified by a four (4) digit number in which the last one (1) or two (2) digits are zeros (0).

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the DT2 zone, subject to the limitations set forth.

(4) *First Floor Commercial.* Nonresidential uses are required in the minimum habitable floor depth on the first story of all building frontage on University Avenue and Center Street within the district.

(5) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the DT2 zone:

Use No.	Use Classification
1110	One-family dwelling, attached to commercial or other nonresidential use – (detached only if existing as of July 7, 2009)
1120	Two-family dwelling, attached to commercial or other nonresidential use – (detached only if existing as of July 7, 2009)
1130	Multiple family dwelling (three (3) or four (4) dwelling units), attached to commercial or other nonresidential use
1140	Apartments (low rise)
1150	Apartment (high rise)
1211	Baching apartments (maximum of six (6) individuals per unit)
1220	Membership lodging
1241	Assisted living facility (subject to the locational and development standards as set forth in

Use No.	Use Classification
	Section 14.34.470, Provo City Code)
1250	Religious quarters
1291	Residential facility for elderly persons (see Section 14.34.230, Provo City Code)
1292	Residential facility for persons with a disability (see Section 14.34.230, Provo City Code)
1511	Hotels
1512	Motels
1516	Bed and breakfast
1590	Other transient lodgings, NEC
2181	Breweries (only when attached and ancillary to a restaurant)
4118	Railroad company office not located at terminal (office only, no storage of related vehicles or equipment is permitted)
4218	Bus company offices not located at terminal (office only, no storage of related vehicles or equipment is permitted)
4318	Airline company offices not located at terminal (office only, no storage of related vehicles is permitted)
4290	Motor vehicle transportation (indoors only)
4295	Parcel delivery and pickup service
4700	Communications (unless identified as a conditional use in Section 14.34.420)
4811	Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4815	Electric utility company office (office only, no storage of related vehicles is permitted)
4821	Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4825	Gas company office
4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4835	Irrigation distribution channels

Use No.	Use Classification
4837	Water utilities or irrigation company office
4841	Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4853	Refuse disposal company office
4862	Gas and electric utility company office
4863	Water and electric utility company office
4864	Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4873	Storm drain or right-of-way (predominantly covered pipes or boxes)
4923	Travel agencies
5220	Heating and plumbing equipment (no outside storage)
5230	Paint, glass, and wallpaper
5240	Electrical supplies
5251	Hardware
5254	Janitorial supplies
5255	Building maintenance supplies
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5320	Mail and phone order houses
5330	Variety stores
5340	Merchandise vending machine operators
5350	Direct selling organization
5390	Retail trade - general merchandise
5400	Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
5511	Automobile dealers, new and used cars
5512	Automobile dealers, used cars
5594	Motor scooters or motorcycles
5600	Apparel and accessories

Use No.	Use Classification
5700	Furniture, home furnishings, and equipment
5810	Eating places (restaurants)
5910	Drug and proprietary stores
5930	Antiques and secondhand merchandise (except 5935 Secondhand auto parts, 5938 Junk dealers and salvage, 5939 Secondhand stores)
5940	Books, stationery, art, and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies
5970	Jewelry
5990	Miscellaneous retail stores (includes florists, newspapers and magazines, photo supplies, pet stores, and other similar retail stores) (except 5992 Cigars and cigarettes)
6100	Banks, insurance, and real estate (except 6123 Pawnbrokers, 6124 Bail bonds, and 6129 Other credit services)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6294 Escort services and 6295 Tattooing)
6300	Business services (office and retail sales only, including 6394 Equipment rentals and 6397 Automobile rentals (indoors only), except 6370 Warehousing and Storage, 6382 Auction yards)
6420	Electrical appliance repair and service
6493	Watch and clock repair
6494	Reupholstering and furniture repair
6496	Locksmiths and key shops
6497	Gunsmiths
6498	Saw, knife, and tool sharpening
6499	Other repair services, NEC (except blacksmiths)
6500	Professional services (except 6515 Behavior, drug and alcohol treatment and 6518 Blood banks)
6600	Contract construction services (office only)
6710	Executive, legislative, and judicial functions (no repair or maintenance facilities)

Use No.	Use Classification
6720	Protective functions and related activities
6730	Postal services
6800	Educational services
6910	Religious activities
7100	Cultural activities (except 7124 Zoos)
7210	Entertainment and assembly including legitimate theater
7230	Public assembly
7391	Coin-operated amusements
7397	Billiards and pool halls
7398	Video rental shops
7399	Other amusements, NEC (bike rentals only)
7600	Park

(6) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the DT2 zone provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Swimming pools and incidental bath houses subject to the standards of 14.34.210 – Pools;

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

(c) Vegetable and flower gardens;

(d) Home occupations subject to the regulations of Chapter 14.41 – Home Occupations; and

(e) Household pets, provided that no more than two (2) dogs and two (2) cats six (6) months of age or older shall be kept at any residence or commercial establishment at any time. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

(7) *Uses Within Buildings.* All uses established in the DT2 zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning Commission, through the granting of a conditional use permit, to be customarily and appropriately conducted in the open. Uses customarily deemed to be conducted in the open may include, but would not be limited to public assembly, live entertainment, etc. Open storage within view of a public street or space shall be prohibited.

(8) Sidewalk cafes shall be permitted per the requirements of Section 14.34.480.

(9) Canopies and marquees shall be permitted per the requirements of Section 14.34.490.

(10) *Conditional uses.* The following uses and structures are permitted in the DT2 zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof:

4600	Automobile parking (except 4603 Long term storage of autos, trucks, boats, vacation trailers, etc.) (Automobile parking lots fronting Center Street shall not be permitted)
4700	Communications (Subject to 14.34.420)
4814	Electricity regulating substations
4824	Gas pressure control stations
4834	Water storage as part of a utility system (covered including water storage standpipes)
4836	Water pressure control stations and pumping plants
4844	Sewage pumping stations
5920	Liquor, package
6515	Behavior, drug & alcohol treatment
6900	Miscellaneous service organizations
7396	Dance halls (subject to the standards of Section 14.34.370, Provo City Code)

Provo City Planning Commission

Report of Action

January 08, 2020

*ITEM 1 Quinn Peterson, Downtown Neighborhood Chair, requests an ordinance amendment to allow approval of restaurants with ancillary microbrewing as a permitted use in the SC3, DT1, and DT2 zones. Citywide application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20190378

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 08, 2020:

RECOMMEND APPROVAL

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

Motion By: Andrew Howard
Second By: Laurie Urquiaga
Votes in Favor of Motion: Andrew Howard, Laurie Urquiaga, Lisa Jensen, Dave Anderson, Deborah Jensen, Robert Knudsen
Deborah Jensen 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.

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT
The text of the proposed ordinance 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. Key points addressed in the Staff's presentation to the Planning Commission included the following: Overview of proposed amendment and the purpose and objectives of allowing the use.

NEIGHBORHOOD MEETING DATE
- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present /addressed the Planning Commission during the public hearing.
- Rich Nelson stated he supports the amendment and hopes to see new establishment's downtown.
- Joel Raken stated support for the amendment and hopes it will boost tourism for Provo.
- Jordan, a restaurant owner, hopes the amendment will pass so he can look into new opportunities.
- The public discussed the heavy State regulations that will ensure clean, well-run establishments.

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:

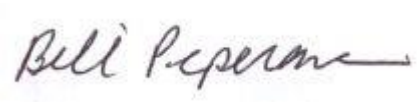
- Quinn Peterson stated that this amendment will help build the momentum of the downtown restaurant culture and attract new businesses that have had to be turned away in the past.
- Quinn stated that there are currently 15 restaurants that already can serve alcohol in Provo, and that the two bars are the only that the City can have due to City regulations.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission discussed how the microbrewery restaurants will be regulated, and what the current rules are for restaurants that serve alcohol.

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 Community Development Department, 330 West 100 South, 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 BEGIN

ITEM 1*

Quinn Peterson, Downtown Neighborhood Chair, requests an ordinance amendment to allow approval of restaurants with ancillary microbrewing as a permitted use in the SC3, DT1, and DT2 zones.

Citywide application

PLOTA20190378

Summary

- New language to be added into permitted uses section of the DT1, DT2, and SC3 zones:
  “breweries (only when attached and ancillary to a restaurant)”
- Alcohol sales already allowed in Provo Restaurants with a Class B liquor license.
- Alcohol sales can not account for more than 40% of total sales for the restaurant.
- This amendment will allow existing and new restaurants to craft their own beer with a Class B liquor license.
- Staff sees no difference between the current allowance of alcohol sales and what this amendment would allow, but that it can open up more opportunity for restaurants in key areas of Provo.