



PROVO MUNICIPAL COUNCIL

Council Meeting

5:30 PM, Tuesday, January 21, 2020
351 W. Center Street, Provo, UT 84601

Summary of Action

Presentations, Proclamations, and Awards

1. A presentation on the 2020 Census (20-028) *Presentation only.*

Action Agenda

Approval of Minutes

- o October 29, 2019 Council Meeting Minutes
 - o November 19, 2019 Board of Canvassers Meeting
 - o November 19, 2019 Council Meeting Minutes
 - o December 10, 2019 Council Meeting Minutes *Approved by unanimous consent.*
2. Public Works Dept. requests a General Plan Amendment to correct language in Area 5 of the Annexation Policy Map. North Timpview Neighborhood. (PLGPA20190410) *Approved 7:0.*
 3. 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) *Continued to the Council Meeting on February 4, 2020.*
 4. Courtyard at Jamestown, LLC, requests an Ordinance Text Amendment to the Professional Office Zone (Section 14.16.120). Citywide application. (PLOTA20190432) *Approved 7:0.*
 5. 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) *A motion to continue this item to the Council Meeting on February 18, 2020 was approved 7:0.*

A motion Postpone to Feb 18 by George Handley.

6. *****CONTINUED***** The Community and Neighborhoods Department requests on Ordinance Text Amendment to remove the R2.5, R3, R4, R5 and Campus High Density Residential zones from the city code. (PLOTA21090428)
7. *****CONTINUED***** Comm. & Neighborhoods Dept. requests zone changes to all properties zoned R2.5, R3, R4 to Low Density Residential, Medium Density Residential or High Density Residential so the former zones may be removed the city code. (PLRZ20190427)

Adjournment

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: EVANDERWERKEN
Department: Council
Requested Meeting Date:

SUBJECT: A presentation on the 2020 Census (20-028)

RECOMMENDATION: Presentation only

BACKGROUND: The census happens once a decade, it is important that the citizens of Provo City participate in the census because not only does it determine representation it also deals with the allocation of federal funds. These federal funds help fund local programs such as roads, affordable housing, public safety, and education just to name a few.

FISCAL IMPACT: none

PRESENTER'S NAME: Dixon Holmes, Assistant CAO

REQUESTED DURATION OF PRESENTATION: 7 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-028

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2020**



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What is a Census?

- A count of people and households in the U.S.
- Helps decision-making in governments and communities.





Why do we do it?

It's required by law

- Required by U.S. Constitution every 10 years
- First taken in 1790, then every year ending in "0"

It's about power

- Say "I Count!"
- Determines # of seats our state gets in Congress
- Used to redraw district boundaries from congressional districts to school districts



Why do we do it?

It's about money

- A fair share of funding for your community
- Distribution of more than \$675 billion in federal funding per year

It's about data

- Guides important decisions regarding programs and services provided in our communities



Why should I do it?

Census
data
impacts
our
daily
lives

- Public housing and healthcare programs
- Early learning, schools, and financial aid
- Hospitals and nursing homes
- Roads and highways
- Emergency services



Why should I do it?

Your
answers
are safe
and
secure

- Confidential and sealed for 72 years
- Protected from immigration and law enforcement
- Cannot be used to determine eligibility for government benefits
- Penalty of \$250,000 and/or 5 years in prison



Why should I do it?

Precautions to keep online responses secure

- All data is encrypted to protect privacy
- Data received are taken offline to prevent



Why should I do it?

Precautions to keep online responses secure

- All data is encrypted to protect privacy
- Data received are taken offline to prevent



Where do I count where I live?

Where you're currently living on April 1 is what you indicate on the census form

- Students living off campus in Provo attending school in Provo



When can I respond?

Census Day is April 1, 2020

Start responding in March when you get an invitation for your household in the mail or go to **www.2020census.gov** on **March 12, 2020** when the link goes live!



Help us spread the word!

CONTACT US FOR MORE INFORMATION

www.2020census.gov

Javin Weaver

jweaver@provo.utah.gov

801.852.6413

Please Note – These minutes have been prepared with a time-stamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:30 PM, Tuesday, October 29, 2019
Room 200, Municipal Council Chambers
351 W. Center Street, Provo, UT 84601

1

Opening Ceremony

2

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member David Sewell	Council Member David Knecht
Council Member George Handley	Council Member Gary Winterton
Council Member Vernon K. Van Buren	Council Member George Stewart
Council Executive Director Cliff Strachan	Mayor Michelle Kaufusi
Council Attorney Brian Jones	

Conducting: Council Vice Chair Kay Van Buren

Excused: Council Member David Harding and Chief Administrative Officer Wayne Parker

3

Prayer

Sam Omen

4

Pledge of Allegiance

Jason Bakow

5

Approval of Minutes

- September 24, 2019 Council Meeting

6

The September 24, 2019 meeting minutes were approved by unanimous consent.

8

Public Comment ([0:10:03](#))

9

10 Prior to public comment, Vice Chair Van Buren took a moment to congratulate Bryce Mumford, Senior
11 Council Policy Analyst, for his new position as the Chief Deputy County Executive with Cache County.

12

13 Council Executive Director, Clifford Strachan, explained that Mr. Mumford had been with the Council for
14 just over seven years. He said his confidence and professionalism would be greatly missed.

15

16 Brian Jones, Council Attorney, read the public comment preamble.

17

18 Kaye Nelson, Provo resident, told the Council that she and several neighbors formed a group called
19 Proactive Provo. They were a pro-growth and non-profit organization. She said at 7 p.m. the TERRA

20 Developers would present a new plan at their neighborhood meeting. Proactive Provo sent a letter to
21 Council asking that approval of this development be delayed. She thought the City needed to value and
22 protect the open and green spaces, these areas were precious to Provo residents. Ms. Nelson said her
23 group understood the need for housing and growth, but it should be affordable and sustainable. She
24 hoped the City would follow the General Plan guidelines regarding the protection of open spaces within
25 Provo.

26
27 Vice Chair Van Buren noted that item 11 would not be voted on but there would be a public hearing.

28
29 Angela Mourik of Provo was also a member of the group Proactive Provo. She said many of the goals of
30 her group were already in place in the City's General Plan. Ms. Mourik quoted section 4.4.3. of the
31 General Plan which described working with others to protect, preserve, and restore natural resources.
32 She said the desires of the City's General Plan and the mission of Proactive Provo align themselves by
33 asking how does this look going forward and is the outcome of the project aligned with the goals of the
34 General Plan? She concluded that it was easier to preserve than to restore.

35
36 Sam Omen, Vice Chair of Maeser Neighborhood, thanked the Fire Dept for saving their green space after
37 a gas line had been severed. The problem was resolved without incident. Mr. Omen also thanked Fire
38 Chief James Miguel for following up on recent fire code complaints.

39
40 Jay Goodliffe, Provo resident, read the following statement:

41
42 *My name is Jay Goodliffe, and I am a resident of Edgemont Neighborhood. I am here to talk about three*
43 *lessons learned from the sale of Timp Kiwanis Bounous Park.*

44
45 *First lesson: responsibility.*

46
47 *I am a Scoutmaster and a Counselor for the Citizenship in the Community Merit Badge. One of the*
48 *requirements of the merit badge is to choose an issue important to the community and identify who is*
49 *responsible for that issue. Earlier this year, a scout asked me if the mayor was responsible for Bounous*
50 *Park. I re plied that the mayor said it was in the city council's hands (never mind her veto power). The*
51 *scout then asked if the city council was responsible. I replied that city council members had directed*
52 *the neighborhood to talk to the school board, since they wanted to buy the park. The scout thought he*
53 *had the answer: the school board was responsible. I told the scout that school board members said we*
54 *should talk to the city council, since the city owns the park. The scout decided to choose a different issue.*

55
56 *Do you see the problem? Somehow, a \$2 million park was sold, and no one is responsible or accountable.*

57
58 *Second lesson: keeping obligations.*

59
60 *In the meeting where the city council voted to sell Bounous park without an agreement, a city council*
61 *member informed the neighborhood that we did not have a right to a public park. When Provo City*
62 *states contractually that they will keep land as a city park "in perpetuity," should I expect that contract*
63 *to be upheld by the city? The answer is no. So why do you expect citizens to keep any of their contractual*
64 *I obligations to the city?*

65
66 *Third lesson: public participation.*

67

68 *Some people here were elected after the process of selling the park had begun. After the election, I sent*
69 *an email asking about the status of the process to those newly elected. Here is part of an email that I*
70 *received back: "I voiced my strong opinion as soon as I was officially sworn in but at that point it was too*
71 *late."*

72
73 *This was January 24, 2018, before the land was surplussed, before neighborhood meetings, before the*
74 *environmental assessment drafts, and before city council meetings. Yet at that point, "it was too late." I*
75 *didn't believe it. And the neighborhood repeatedly showed up to meetings thinking that our participation*
76 *would make a difference. But it didn't. That politician was right: This was a done deal from start to finish,*
77 *and all of that public participation by the neighborhood was an empty ritual.*

78
79 *Although I opposed the outcome, and thought the process was manipulated, perhaps these are the*
80 *saddest lessons of this experience: no one is responsible, we should not expect the city to follow the rule*
81 *of law, and public participation is an empty ritual.*

82
83 *I hope that by bringing this to your attention, you will provide more positive lessons in future Provo City*
84 *governance.*

85
86 There were no other comments from the public.
87

Action Agenda

- 88
89 **1. Resolution 2019-54 requesting the recertification of the Provo City Justice Court by the Utah
Judicial Council. (19-112) (0:21:07)**

90
91 **Motion:** An implied motion to adopt Resolution 2019-54, as currently constituted, has been made
92 by council rule.

93
94 John Borget, Administrative Service Director, presented. Mr. Borget explained there was a requirement
95 to recertify justice courts every four years. The Provo City Justice Court's certification would expire in
96 January of 2020. He had submitted to Council a packet of information completed by ReAnnun Newton,
97 Justice Court Administrator, and Judge Romney. Along with the packet of information was an affidavit,
98 an opinion letter from the City's Chief Prosecutor, Steven Shriner, and resolution that needed to be
99 adopted by City Council confirming this process. Mr. Borget stated the Justice Court was well run.

100
101 Vice Chair Van Buren opened public comment, there was no response.

102
103 Mr. Winterton asked how often judges were elected and how many there were. Mr. Borget responded
104 there was only on Judge but there were situations that would allow for other judges to cover when
105 Judge Romney is unavailable. Mr. Winterton asked how often Judge Romney was reconfirmed but the
106 answer to this question was not readily available. Mr. Jones, Council Attorney, explained there was a
107 process to remove judges in District Courts, but he was uncertain if it applied to this situation. Mr.
108 Winterton stated his approval and appreciation of Judge Romney.

109
110 Vice Chair Van Buren called for a vote on the implied motion.

111
112 **Vote:** The motion was approved 6:0 with Council Members Handley, Knecht, Sewell,
113 Stewart, Van Buren and Winterton in favor. Council Member Harding was excused.

2. **Resolution 2019-55 of the Provo City Municipal Council authorizing the acceptance of a Utah State Infrastructure Bank Fund Loan for the Airport. (19-087) (0:25:35)**

110

Motion: An implied motion to adopt Resolution 2019-55, as currently constituted, has been made by council rule.

111

112 Brian Torgersen, Division Director of Public Services, explained this resolution would authorize Mayor
113 Kaufusi to enter into an agreement with UDOT for a \$5 million state loan for the new airport terminal
114 project. The interest rate was 2.1 percent with a five-year repayment schedule; repayment would begin
115 following the completion of the project.

116

117 Mr. Van Buren asked if terms were negotiable. Mr. Torgersen explained that Mayor Kaufusi would be
118 authorized to negotiate when the project would be considered complete. The interest rate and term
119 were set by the Transportation Commission when they approved the loan application.

120

121 Vice Chair Van Buren opened public comment.

122

123 Sam Omen, Provo, asked if the interest would begin accruing when project is complete or when the loan
124 is funded. Mr. Torgersen thought the interest would begin accruing when the project is complete, but he
125 would look into this further and report back to Council.

126

127 There was no further discussion. Vice Chair Van Buren called for a vote on the implied motion.

128

Vote: The motion was approved 6:0 with Council Members Handley, Knecht, Sewell,
Stewart, Van Buren and Winterton in favor. Council Member Harding was excused.

129

3. **Resolution 2019-56 appropriating \$98,432 in the General Fund for an Economic Development Director position in the Development Services Department. (19-111) (0:29:16)**

130

Motion: An implied motion to adopt Resolution 2019-56, as currently constituted, has been made by council rule.

131

132 David Mortensen, Budget officer, explained this request would appropriate \$95,432 from the general fund to the
133 Development Services Department for the purpose of an Economic Development Director.

134

135 Vice Chair Van Buren opened public comment, there was no response. He called for a vote on the implied motion.

136

Vote: The motion was approved 6:0 with Council Members Handley, Knecht, Sewell,
Stewart, Van Buren and Winterton in favor. Council Member Harding was excused.

137

4. **Ordinance 2019-48 amending Provo City Code to correct and update Section 3.08.010 (Officials' Oaths and Bonds Required). (19-113) (0:30:39)**

138

Motion: An implied motion to adopt Ordinance 2019-48, as currently constituted, has been made by council rule.

139

140 Brian Jones, Council Attorney, presented the ordinance. This item had been explained in more detail
141 during the work meeting. This was an update to bring City Code into compliance with State Code
142 regarding oaths and bonds.

143

144 Mr. Sewell asked which City Officials were required to post bonds. Mr. Jones responded that State Code
145 previously required certain employees to post a bond, but state code had been updated to allow cities
146 to satisfy this requirement through their insurance. Mr. Jones listed the following employees who were
147 required to be insured and take an oath:
148

- Mayor
- City Recorder
- Police Chief
- City Attorney
- Council Members
- Deputy Mayor
- Fire Chief
- Department Directors
- CAO
- City Engineer
- Treasurer
- Budget Officer

149
150 Vice Chair Van Buren opened public comment, there was no response. He called for a vote on the
151 implied motion.
152

Vote: The motion was approved 6:0 with Council Members Handley, Knecht, Sewell,
Stewart, Van Buren and Winterton in favor. Council Member Harding was excused.

153
5. Ordinance 2019-49 to amend Provo City Code to identify zones where cannabis production is permitted. Citywide application. (PLOTA20190365) (0:33:10)

154
Motion: An implied motion to adopt Ordinance 2019-49, as currently constituted, has been made
by council rule.

155
156 Brandon Larsen a Planner in Development Services presented the ordinance. Utah Code Section 4-41a-
157 406 had recently been enacted and it dealt with local control of cannabis production. State Code
158 required that cities allow cannabis production in all agricultural and industrial zones unless they
159 otherwise adopt legislation to designate at least one agricultural and one industrial zone for this use.
160 Planning staff proposed adopting a definition for cannabis production establishments and designating
161 the A1.10 (agricultural) and F1 (freeway industrial) zones as the areas where cannabis production would
162 be allowed. The A1.10 zone contained the least amount of land area of all the agricultural zones, staff
163 thought it was a good idea to start small. The F1 zone already allowed for the production of certain
164 drugs.

165
166 Vice Chair Van Buren opened public comment and there was no response. There was no council
167 discussion. He called for a vote on the implied motion.
168

Vote: The motion was approved 6:0 with Council Members Handley, Knecht, Sewell,
Stewart, Van Buren and Winterton in favor. Council Member Harding was excused.

169
6. Resolution 2019-57 of intent to study the creation of a permit parking area on portions of 1625 North, 300 West, and 380 West. Carterville Neighborhood. (19-108) (0:37:16)

170
Motion: An implied motion to adopt Resolution 2019-57, as currently constituted, has been made
by council rule.

171
172 Mary Gail, Provo, lived in the Carterville Neighborhood. Neighbors were proposing restricting parking in
173 the streets directly behind the Macy's Grocery Store and 1625 North by the business park. They hoped
174 to restrict parking from 11 p.m. to 6 a.m.
175

176 She said there were many students who parked in her neighborhood which caused certain problems for
177 the residents. She explained that students would move garbage containers from the street to make
178 room for parking and their garbage containers would not get emptied. There were also issues with car
179 alarms going off all night and the students were not close enough to hear or disable the alarm. Some
180 neighbors weren't excited about having to pay to park in their own neighborhood, but Ms. Gail thought
181 it seemed like a reasonable solution. She wanted this program to be similar to the one in the Seven
182 Peaks area.

183
184 Mr. Winterton asked if the permits would be limited to residents or just homeowners. Ms. Gail said the
185 intent was that residents would be eligible for a permit. An address would be required to validate
186 eligibility.

187
188 Mr. Handley had visited previously with Ms. Gail about the need for a permit program. He explained
189 that there were several nearby apartment complexes with overflow parking issues and the result was
190 those cars being parking in the neighborhood. Ms. Gail added that Alpine Village, Cinnamon Tree, and
191 Branbury all charged for parking and this resulted in tenants parking in the neighborhood instead of
192 paying for parking.

193
194 Vice Chair Van Buren clarified this resolution indicated the intent to study the possibility of a parking
195 permit program – not to adopt the program. Mr. Van Buren opened public comment.

196
197 Sarah Asay, Carterville Neighborhood Chair, spoke in favor of the proposal. She said the neighbors had
198 conducted their due diligence and had been very patient in finding a solution.

199
200 There was no other comment from the public. Vice Chair Van Buren called for a vote on the implied
201 motion.

202
Vote: The motion was approved 6:0 with Council Members Handley, Knecht, Sewell,
Stewart, Van Buren and Winterton in favor. Council Member Harding was excused.

203
204 Ms. Gail asked for clarification about the process and what she needed to do next. Mr. Jones explained
205 that Austin Taylor, Parking Coordinator, would be tasked with preparing a report within the next 90
206 days. He would investigate the cost and impact of the program before reporting back to Council. If the
207 Council decides to move forward following the report, there would be two more hearings before the
208 program could be implemented. Everyone residing within the area would receive notice.

209
7. Ordinance 2019-50 amending Provo City Code to clarify development landscaping requirements and allow for xeriscape. Citywide application. (PLOT20190280) (0:49:22)

210
Motion: An implied motion to adopt Ordinance 2019-50, as currently constituted, has been made
by council rule.

211
212 Javin Weaver, Planner, explained this was a proposal to amend the code to allow for the use of xeric
213 landscaping and artificial turf. The proposed amendments were displayed for the Council. Mr. Weaver
214 believed this would help homeowners and code enforcement by providing additional framework for
215 what is permissible.

216
217 Vice Chair Van Buren opened public comment.

218

219 Sam Omen, Provo, spoke in favor of these amendments. Although, he noted that he disliked the minimal
220 landscaping at the park located at 300 South and University Avenue; he said it was mostly puncture
221 weeds and trash.

222
223 There were no other comments from the public.

224
225 Mr. Knecht wanted to address Mr. Omen’s comment about the park at 300 South and University. He
226 said this was actually a piece of vacant property located near the CityView Apartments and he was
227 unsure who owned the lot. Bill Peperone, Development Services Director, shared that following the
228 rebuild of 300 South, UDOT had given this excess land to the City with the intent it be used for the
229 public. He said the Parks Department was in the process of determining the best use for the property. In
230 the meantime, Mr. Peperone thought gravel was going to be laid to prevent weeds. He would
231 investigate and report back to Council.

232
233 Vice Chair Van Buren called for a vote on the implied motion.

234
Vote: The motion was approved 6:0 with Council Members Handley, Knecht, Sewell,
Stewart, Van Buren and Winterton in favor. Council Member Harding was excused.

235
**8. Ordinance 2019-51 amending the zone map classification of approximately 11.87 acres of
real property generally located at 1400 S State Street from Residential (R1.10) to Medium
Density Residential (MDR). Spring Creek Neighborhood. (PLRZ20190154) (0:57:08)**

236
Motion: An implied motion to adopt Ordinance 2019-51, as currently constituted, has been made
by council rule.

237
238 Aaron Ardmore, Planner, said this request was related to a proposal for apartment development. There
239 would be 13 apartment buildings, four stories tall, with four units per floor. There were 2.5 parking stalls
240 per unit and 10 percent amenity space. The area was west of the new bus depot along South State
241 Street. The Southeast Neighborhood Plan called for Medium Density Residential (MDR); it was currently
242 zoned R1.10. The Planning Commission had already approved a concept plan but recognized that a full
243 project plan would need to come back to them for review. The applicant requests a zone change from
244 R1.10 to MDR. Mr. Ardmore said the project was aligned with the General Plan and Southeast Area Plan.

245
246 Vice Chair Van Buren invited the applicant, John Kollman of Fig Development, to address the Council.
247 Mr. Kollman said they were excited to work within in the City of Provo where their business was based.
248 He offered to answer any questions about the project, there were none.

249
250 Vice Chair Van Buren invited the neighborhood chair, Mary Millar, to address the Council, she was not
251 present. He proceeded to open public comment and there was no response.

252
253 Clifford Strachan, Council Executive Director, said there had been email communication with Ms. Millar,
254 the neighborhood chair, confirming they were in favor of the project.

255
256 Vice Chair Van Buren asked if any Councilor wanted to continue this item for a second hearing. Mr.
257 Knecht commented that this project successfully met expectations of the neighborhood and the lack of
258 discussion signified this.

259
260 Vice Chair Van Buren called for a vote on the implied motion.

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Vote: The motion was approved 6:0 with Council Members Handley, Knecht, Sewell, Stewart, Van Buren and Winterton in favor. Council Member Harding was excused.

9. Ordinance 2019-52 to amend Provo City Code to clarify that electronic display and animated signs are prohibited in Agricultural and Residential zones. Citywide application. (PLOTA20190351) ([1:02:28](#))

Motion: An implied motion to adopt Ordinance 2019-52, as currently constituted, has been made by council rule.

Brian Maxfield, Planning Supervisor, presented. He said this item was intended to provide clarification requested by the Council regarding electronic display signs. The intent was to make it clear that animated signs were prohibited in agricultural and residential zones.

Brian Jones, Council Attorney, added that when the change was made in the City to allow electronic display signs to be used by businesses, the intent was to allow that for business uses, but the code did not explicitly restrict it to business and commercial zones.

Vice Chair Van Buren opened the item for public comment, there was no response.

Mr. Winterton wanted to point out that schools were exempt from this code and would be allowed to have this type of sign. Mr. Jones added that the City was prohibited by the State from regulating signs for public schools.

Vice Chair Van Buren asked if any Councilor wanted to continue the item to the next meeting, there was no response. He called for a vote on the implied motion.

Vote: The motion was approved 6:0 with Council Members Handley, Knecht, Sewell, Stewart, Van Buren and Winterton in favor. Council Member Harding was excused.

10. An ordinance amending Provo City Code Section 14.50 to establish the 500 West Medium-Density Mixed-Use Project Redevelopment Option Zone (PRO Zone). Dixon Neighborhood. (PLOTA20180292) ([1:05:32](#))

Motion: An implied motion to adopt the ordinance, as currently constituted, has been made by council rule.

Brian Maxfield, Planning Supervisor, presented. This item was also related to item 11. If approved, item 10 would add the text of the zone to the code and item 11 would apply the text to the property. The property was located at approximately 400 North and 500 West. The property included a duplex that had been built in the 1940's, a medical office with five apartments below was built in 1996, and an apartment building with six units built in 1999.

Mr. Maxfield said the PRO Zone described the permitted uses and had provisions to allow for an overlap of parking use, recognizing that the parking used for the medical clinic had difference peak hours than the residential portion. The zone would also allow parking requirements for the medical office to be considered by the number of employees and clientele, rather than the square footage. This property

295 had been in place for 20 years and the parking had not been an issue and Mr. Maxfield did not feel that
296 six additional units would be problematic.

297
298 Mr. Knecht observed that the unusual nature of the property necessitated using a PRO Zone. Mr.
299 Maxfield said staff had looked into creating a mixed-use zone but had not created one yet, so this was
300 the best option. Mr. Knecht said he had a love-hate relationship with PRO Zones. He disliked having so
301 many, but each one of them has allowed the unique property to develop when it would not otherwise
302 be possible.

303
304 Planning commission items are traditionally heard twice before being voted on, but if no council
305 requests a second hearing, they are eligible to be voted on during the first hearing. Vice Chair Van Buren
306 stated that Mr. Harding requested by email to continue items 10 and 11 to the next meeting. Mr.
307 Stewart also wanted to continue these items.

308
309 Vice Chair Van Buren opened public comment.

310
311 Karen Tapahe, Neighborhood Program Coordinator, said that following work meeting she spoke with the
312 neighborhood chair and vice chair and they requested the items be continued so they could have more
313 time to review the proposal.

314
315 Vice Chair Van Buren invited the applicant, Dr. Gordon McClean, to speak to the Council.

316
317 Dr. McClean said there had been two neighborhood meetings about a year ago. The process begun two
318 years prior, but it took some time to find a zone that would fit. Dr. McClean said that at the second
319 meeting, the neighborhood chair was in favor of the proposal. Regardless, he was not opposed to
320 waiting until the next meeting. He took a few minutes to show Council printed plans. He noted the
321 property borders multiple uses with offices on the south and the school on the north. To the west was
322 an R1.6 zone and to the southwest there was a townhome complex. He believed the project was
323 compatible.

324
325 Mr. Winterton noted there were protections in the PRO Zone that would prevent heavier use so that in
326 the event Dr. McClean ever sold the property the use could not increase.

327
328 **11. An ordinance amending the zone map classification of approximately one acre of property, generally located at the 385 N 500 W, from Residential Conservation (RC) to a Project Redevelopment Option Zone (PRO Zone). Dixon Neighborhood. (PLRZ20180293) (1:05:32)**

Motion: An implied motion to adopt the ordinance, as currently constituted, has been made by council rule.

329
330 Items 10 and 11 were discussed together, refer to item 10. Both items continued to November 12, 2019.

331
332 **12. An ordinance amending Provo City Code regarding Planning Commission approval of reductions in required parking, including for multi-family residential uses. Citywide application. (PLOTA20190289) (1:19:22)**

Motion: An implied motion to adopt the ordinance, as currently constituted, has been made by council rule.

333

334 Robert Mills, Provo City Planner, presented. This was a request from the Housing Committee to explore
335 options for allowing a reduction in off-street parking when certain conditions are met for multi-family
336 residential uses. There was already an option to have parking reductions for other uses and multi-family
337 projects receiving financial assistance. The reduction would be based upon a transportation demand
338 management program (TDM) and a parking count justification study.

339
340 Currently, uses like commercial, industrial, or public facilities could request a reduction through a
341 conditional use permit. However, Mr. Mills said conditional use permits were difficult to disallow; there
342 had to be proof that disallowing the use permit would be hazardous to surrounding properties or
343 people. This would remove the use as a conditional use and include it as part of the project plan
344 approval process.

345
346 Applicants would be required to submit a TDM and would also have to designate a space for landscaping
347 or something similar that could be converted into parking if needed later on. The proximity of the
348 project area to employment centers would be taken into consideration. In addition to the TDM,
349 applicants would also need to provide parking justification study to provide support for the proposed
350 TDM measures of the project.

351
352 Mr. Mills said that Councilor Harding previously expressed concern about the requirements for projects
353 of a smaller scale because of the cost of the required studies. Mr. Mills said these concerns had been
354 acknowledged, however, parking was also expensive to provide, and they believed the studies were
355 necessary.

356
357 This was not an entitlement, or something applied automatically, assured Mr. Mills. This would be
358 judged based upon the specific project. The Planning Commission would judge each project on their
359 own specific merits and context.

360
361 The proposed language included a “floor” or an absolute minimum for required parking. The minimum
362 was no less than one space per unit for a one-bedroom unit or 1.5 spaces for a unit with two or more
363 bedrooms.

364
365 The Planning Commission was supportive of this proposal and felt it would be a useful tool.

366
367 Language had been added to preclude projects with batching singles from receiving this type of
368 reduction. However, there had been discussion about whether that was necessary. Mr. Mills would
369 leave this to Council to discuss.

370
371 Mr. Handley thought the Amanda Knight building was a good example of when this type of tool might be
372 helpful. With the amount of oversight provided in the proposal he did not think it was necessary to
373 exclude batching singles. This was a great way to incentivize not using a car. He asked Mr. Mills if he or
374 staff had reservations about this. Mr. Mills thought Councilor Handley made excellent points. He said
375 this had been inserted as a conservative effort by staff. Batching singles were more difficult to enforce
376 and there were typically more parking concerns in neighborhoods with batching singles. Mr. Handley
377 explained that it was probable that batching single units would often be in higher density areas with
378 convenient access to mass transit and would be good candidates for this.

379

380 Mr. Knecht agreed with Mr. Handley regarding batching singles. He noted there was already a provision
381 for parking reductions for non-profit groups, he suggested removing that language and including non-
382 profit groups in this same proposal so that everyone had to follow the same requirements.

383
384 Vice Chair Van Buren opened public comment.

385
386 Sharron Memmott, Provo, had commented on the item in Planning Commission. Ms. Memmott
387 appreciated the minimum parking requirement. She said there was a list of suggested items to include
388 with their transportation study. She suggested requiring a landscape design plan so that there was an
389 area set aside for landscaping and future parking needs, if needed. Ms. Memmott was concerned this
390 might also increase staff's workload.

391
392 Paul Evans, Provo, said the opportunity to modify parking for unique situations was a powerful tool and
393 would allow for interesting development options. He suggested adding a scheduled review after several
394 years to ensure each situation was working well.

395
396 Mr. Stewart appreciated Mr. Evan's comments. He requested the item be continued to the next
397 meeting.

398
399 Mr. Handley asked if including batching apartments would create too much of a burden. Bill Peperone,
400 Development Services Director, felt strongly about excluding batching singles. His department worked
401 hard to establish the current parking ratio for these projects. He agreed that these projects tend to be
402 located in more walkable locations, but there had been years of problems before finally arriving at a
403 parking standard that worked well for batching singles. Councilor Handley thought it was in the City's
404 interest to allow some discretion and flexibility for larger projects in walkable areas. Mr. Peperone
405 explained this could still be accomplished through the use of PRO Zones.

406
407 Mr. Knecht referred to Ms. Memmott's comments and asked in lieu of setting aside land, what other
408 options existed that would give the City reassurance. Mr. Mills said from a site design perspective, it was
409 not always feasible to hold additional space open on the property, so there was a list of options that
410 could be incorporated into different types of projects to utilize to justify a reduction in parking instead
411 of land. Further, Mr. Mills said part of their TDM required the applicant to enter into an agreement with
412 the City that would be recorded against the property and there was a five years sunset clause on the
413 agreement. If after five years there had been no problem with the parking reduction, the applicant could
414 request to utilize the area set aside in a different way. Mr. Knecht thought it was wise to revisit each
415 approved project after a standard period of time, especially those with complaints. He wanted a
416 measure to know if it was working. He understood why Mr. Peperone suggested being conservative with
417 the batching single apartments.

418
419 Mr. Winterton noted that other ordinances mandated that Council revisit the issue to ensure it was
420 performing as expected; he asked if that would be necessary with this ordinance. Mr. Mills explained
421 that complaints would be routed through the zoning office first and there would be an established
422 history to prove whether the project was working as intended. He trusted the professional experience of
423 those overseeing the complaints to recognize if there is an issue. Mr. Peperone said within a few years
424 of the project being occupied, they would know whether the parking was adequate. He said they could
425 do scheduled reviews, but he was not sure it was necessary.

426

427 Mr. Stewart was cautious about giving too much authority to the administration, he had witnessed this
428 at the federal level. As an elected representative he worried about giving so much power to a non-
429 elected group. He liked the idea of a scheduled review by Council.

430
431 Mr. Knecht understood Mr. Stewart’s comments and had spoken to a former council member who had
432 the same concerns. Mr. Knecht thought this was a very specific use and it was not carte blanche
433 authority. If the ordinance does not work, adjustments could be made, or the ordinance could be
434 repealed. He thought this was a responsible delegation of power to a trusted Planning Commission and
435 staff.

436
437 Mr. Stewart responded to Mr. Knecht’s comments and explained that parking had always been a serious
438 issue in Provo. He felt strongly about Council having oversight of any reductions. Mr. Stewart did not
439 feel comfortable leaving this up to the Planning Commission.

440
441 Mr. Sewell asked the Council Attorney for his advice. Mr. Jones said that in a city with a different form of
442 government it would not be unusual for the city council to do some of the things the planning
443 commission would do in other cities. But in Provo’s form of government, he thought it would be odd for
444 the council to be making decisions that were not legislative in nature. He said PRO Zones and text
445 amendments are typically presented to Council as a legislative function, but to have the Council
446 designate itself as the body that reviews an administrative land use decision seemed unusual.

447
448 Mr. Knecht reminded this ordinance set parameters for parking and if there were issues with those
449 parameters, it could be amended or repealed.

450
451 Mr. Stewart shared the analogy “it is much harder to get the horse back in the barn once it is out.”

452
453 Mr. Sewell asked Mr. Peperone to speak about the benefits of the ordinance in comparison to the
454 amount of work it might create for staff. Mr. Peperone said most applicants would request a reduction
455 due to the cost of providing parking, but he did not think it was burdensome on staff because it would
456 be part of the project approval process.

457
458 Mr. Knecht asked if the ordinance were passed as written, to exclude batching singles, whether Mr.
459 Peperone would support this ordinance. Mr. Peperone supported it in its current form.

460
461 There was no further discussion and the item would be heard again in the next meeting per Mr.
462 Stewart’s request.

463
464 **13. Ordinance 2019-53 amending the General Plan designation of approximately 1.34 acres of
real property, generally located at 1900 North Canyon Road, from Commercial (C) to
Residential (R). Pleasant View Neighborhood. (PLGPA20190251) (1:58:15)**

Motion: An implied motion to adopt Ordinance 2019-53, as currently constituted, has been made
by council rule.

465
466 Vice Chair Van Buren introduced items 13 and 14 together because they were related.

467
468 Robert Mills, Planner, presented. These items had been heard by Council previously and one concern
469 had been the height of the building. Language had been incorporated into a development agreement
470 that would limit the height of the roof to 56 feet with one structural element on the southwest corner

471 that could exceed this. The building would be four stories tall with a basement. If approved, these items
472 would permit a 121-unit apartment building at the corner of Stadium Avenue and Canyon Road. Staff
473 believed the project was consistent with the general plan and the proposed uses for the site. Mr. Mills
474 said there had been good civil discourse to get the project to this point. The Planning Commission was
475 supportive of both items and recommended approval.

476
477 Mr. Winterton asked how the height would be measured. Mr. Mills said it would be measured from
478 grade. He added that this zone traditionally allows for a height of 75 feet.

479
480 Vice Chair Van Buren asked the applicant, Dave Hunter, to speak to the Council. Mr. Hunter had been
481 working closely with the neighborhood to arrive at a consensus. He was prepared to sign a development
482 agreement that addressed the concerns discussed. Mr. Hunter was appreciative of Provo City's
483 development approval process. There were two outlying issues, one was the sidewalk. Public Works
484 wanted the curb, a buffer, and then the sidewalk. Mr. Hunter did not think this would be suitable,
485 especially on game days with increased pedestrian traffic. The landscaping in the buffer area would just
486 get trampled. The other issue was getting the mail in an out of the building, but this would be resolved
487 when they have their construction documents designed. Mr. Hunter thought this project would help to
488 address Provo's housing needs.

489
490 Mr. Winterton asked how large the apartments would be. Mr. Hunter said they would all be one
491 bedroom and approximately 685 square feet. There were 1.5 parking spaces per unit. Because these
492 were one-bedroom units, Mr. Hunter anticipated it would be occupied by married students.

493
494 Councilor Stewart thanked Mr. Hunter for working to genuinely address the neighborhood's concerns.

495
496 Vice Chair Van Buren asked the neighborhood chair, Paul Evans, to comment. Mr. Evans was the
497 Pleasant View Neighborhood Chair. He said this had been a journey, but he was happy with the
498 outcome. The overarching effort for the neighborhood had been to envision what the neighborhood
499 would look like in the future. The general plan helps to define the future of the neighborhood by listing
500 the types of zones that were envisioned for the neighborhood. The highest density zone envisioned was
501 R4 which had a height maximum of 55. Mr. Evans felt like the project met the vision. His remaining
502 concerns were the same as Mr. Hunters, mail delivery and sidewalks. He said that every existing
503 development, including the new Stadium Avenue project had a curb, sidewalk, and then landscaping. He
504 asked Council to make sure this stays consistent with the new project.

505
506 Mr. Winterton thought a narrow park strip was just difficult to maintain and water.

507
508 Vice Chair Van Buren opened public comment.

509
510 Marian Monnahan, Provo, was concerned about high density moving into the residential
511 neighborhoods. She hoped this did not set a precedent.

512
513 Sharron Memmott, Provo, said citizens trust that the council has their best interest at heart. She was
514 concerned about the zone change to CMU in an area surrounded by residential zones. She said the CMU
515 zone was large and unlimited in scope. Ms. Memmott was She believed this zone should only be used in
516 the core of the campus rather than spreading into established single-family neighborhoods. She worried
517 this decision might make future councils think the intent was to continue with high density use for this

518 area and others nearby. Ms. Memmott asked the City to protect their investment in a single-family
519 neighborhood.

520
521 Warner Woodworth, Provo, was a former BYU professor. He raised his family and hosted exchange
522 students for many years at home in this neighborhood. Mr. Woodworth chose this neighborhood
523 because it was quiet and uncrowded. He said there was still a small group resisting this project. Their
524 neighborhood had been safe and not congested, he said it was a sweet place to live. Previous proposals
525 had been rejected. He feared that approving this project would encourage more large developments. He
526 viewed this as a contradiction to the quiet life he was accustomed to. He said there were plenty of other
527 places in Provo where this type of structure could exist. Mr. Woodworth felt sorrow over this project
528 and wanted a better quality of life. He thought if this project had been proposed in a wealthier
529 neighborhood, it would not be approved.

530
531 There were no other comments from the public.

532
533 Mr. Knecht noted there had been several comments about how the decisions the Council makes affect
534 the quality of life. He wanted it known that these decisions are not taken lightly. Mr. Knecht said he
535 often loses sleep over these decisions. He would be voting in favor of this development; the city was
536 growing, and this type of development was inevitable. Mr. Knecht took his commitments seriously and
537 being on the Council was not easy.

538
539 Mr. Sewell asked to see a copy of the updated development agreement. The development agreement
540 was displayed, and Mr. Jones pointed to paragraph four which listed the requirements that had been
541 discussed by the Council.

542
543 The developer and the neighborhood preferred that the sidewalk extend all the way to the curb without
544 a park strip. Mr. Sewell asked if there was anything the Council could do to facilitate this request. Mr.
545 Jones said the development agreement could not change established standards. Mr. Mills clarified the
546 park strip would be seven feet wide with a six-foot sidewalk. There were existing powerlines running
547 through the area which necessitated the park strip. Moving the powerlines would likely be costly for the
548 developer.

549
550 Mr. Stewart suggested they should approve the resolution and allow the Mayor to work with Public
551 Works to see if the park strip could be eliminated. He recognized that it could be too expensive to
552 relocate the power poles. Mr. Stewart was careful not to commit to something that may not be possible.

553
554 Mr. Van Buren asked who would be responsible for the cost of relocating the power lines. Mr. Knecht
555 responded that there had been problems with power lines on 200 West and the lines had to be buried
556 because they were too close to the building, and it had been costly to do so. He wanted to voice his
557 preference to move the lines but understood that practical constraints might limit the outcome.
558 Eliminating the park strip seemed to be a preference, not a necessity. He wanted to leave this decision
559 to the administration. Mr. Winterton replied that the power line issue on 200 West was not due to error
560 by the City.

561
562 The developer, Mr. Hunter, was allowed to comment again. He stated that Public Works told him the
563 park strip was a safety issue and was a city-wide requirement for all new developments. Mr. Hunter
564 thought the park strip would not match the sidewalks in the surrounding areas. He acknowledged the

604 It was clarified that nothing in the development agreement contemplated the park strip and sidewalk.
605 The Council asked the Mayor to work with Public Works and Development Services to see if it was
606 possible to eliminate the park strip. If they find a way to eliminate the park strip, then Exhibit A, the site
607 plan, would be updated.

608
609 Vice Chair Van Buren called for a vote on Mr. Sewell’s motion.
610

Vote: The motion was approved 6:0 with Council Members Handley, Knecht, Sewell,
Stewart, Van Buren and Winterton in favor. Council Member Harding was excused.

611
612 Vice Chair Van Buren called for a vote on the implied motion.
613

Vote: The motion was approved 6:0 with Council Members Handley, Knecht, Sewell,
Stewart, Van Buren and Winterton in favor. Council Member Harding was excused.

614
15. *****CONTINUED*** Provo City Com Dev Dept requests amendments to Sec 14.34.295
Downtown Development Design Standards to clarify architectural requirements. Downtown,
Joaquin, Maeser, Franklin, Timp Neighborhoods. 16-0005OA**

615
16. *****CONTINUED*** Provo City Public Works Department requests amendments to Section
15.03.020(3) to update 2019 standards to 2020 standards. City-Wide Impact.
PLOTA20190366**

616
17. *****CONTINUED*** The Community Development Department requests approval of the 2019
Moderate Income Housing Plan, which is an update to the existing plan. City-wide.
PLGPA20190194**

617
Adjournment

The meeting was adjourned by unanimous consent at approximately 8:18 p.m.

Please Note – These minutes have been prepared with a time-stamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.



PROVO MUNICIPAL COUNCIL

Board of Canvassers Meeting Minutes

5:30 PM, Tuesday, November 19, 2019
Room 200, Municipal Council Chambers
351 W. Center Street, Provo, UT 84601

1

Opening Ceremony

Roll Call

2

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member David Harding	Council Member David Knecht
Council Member David Sewell	Council Member Gary Winterton
Council Member George Handley	Council Member George Stewart
Council Member Vernon K. Van Buren	Mayor Michelle Kaufusi
CAO Wayne Parker	Council Attorney Brian Jones
Council Executive Director Cliff Strachan	

Conducting: Council Chair David Harding

3

- A resolution of the Mayor and the Municipal Council sitting as the Board of Canvassers accepting the election returns and declaring and certifying the results of the vote for General Elections held on Tuesday, November 5, 2019. (19-086) (0:00)**

4

On November 5, 2019, Provo City contracted with Utah County to conduct a vote by mail election. Amanda Ercanbrack, Provo City Recorder, presented the results of the 2019 Municipal General Elections. Ms. Ercanbrack reported an overall voter turnout of 37.2 percent and shared the following results and statistics for each race:

8

9

10 City Wide II:

11

Candidate:	Votes:
David Shipley	8,235
Janae Moss	6,586

12

There were 41,453 active registered voters for the Council City-Wide II position with 14,821 ballots cast for a voter turnout of 35.75%. David Shipley was elected as council member for the Council City-Wide II seat.

16

17 District 1:

18

Candidate	Votes:
Bill Fillmore	3,890

19

20 There were 10,840 active registered voters for the Council District 1 position with 3,890 ballots cast for a
21 voter turnout of 35.89%. It was noted that Mr. Fillmore ran unopposed, receiving 100 percent of the
22 vote; he was elected as council member for the Council District 1 seat.

23
24
25

District 3:

Candidate	Votes:
Shannon Ellsworth	1,697
Robin Roberts	923

26
27
28
29
30
31

There were 8,201 registered voters for the Council District 3 position with 2,620 ballots cast for a voter turnout of 31.95%. Shannon Ellsworth was elected as council member for the Council District 3 seat.

District 4:

Candidate	Votes:
Travis Hoban	2,625
Valerie Paxman	2,053

32
33

There were 10,519 registered voters for the Council District 4 position with 4,678 ballots cast for a voter turnout of 44.47%. Travis Hoban was elected as council member for the Council District 4 seat.

34
35
36
37
38
39

Ms. Ercanbrack shared that 52 provisional ballots were received; of these, only three could not be counted due to issues with identification.

40
41
42
43
44

Chair Harding asked Ms. Ercanbrack to speak about the election process and any lessons learned. Ms. Ercanbrack said there was little to no wait time at the vote service centers, which was a big improvement from previous years. A drive-up ballot drop box had been installed at the Library and was heavily utilized. Overall, she thought it had been a positive experience for voters.

45
46
47
48
49
50
51

Mr. Winterton was aware that several Cities in Utah had opted into the ranked choice voting pilot program, he asked how this had gone. Ms. Ercanbrack stated that Lindon and Payson were the only two cities in Utah County to participate and they had reported a positive experience. He asked if the decision were made for Provo to participate in ranked choice voting next election, whether the City was prepared to handle this. Ms. Ercanbrack was confident this could be done, but noted it was ultimately up to the administration to make this decision.

52
53
54
55
56
57

Mr. Harding discussed how results were posted and updated. The first update was supposed to be shared by Utah County on their website just after 8 p.m., but the website was not fully functioning until later in the evening. In previous elections, it was very clear how often updates would be posted, but in this election, it was not as obvious when the numbers would be updated. He also hoped in the future the County could be clearer in stating what percentage of ballots had been processed.

58
59
60

Ms. Ercanbrack explained the County’s website had issues due to the high volume of traffic hitting the website all at once. The County was committed to resolving this issue for future elections. She added that it was difficult to guess what percentage of ballots had been processed on election night because

61 ballots were still trickling in through the mail, but it was estimated that 80 percent of ballots were
62 counted on election night.

63
64 Chair Harding opened public comment, there was no response.
65

Motion: Council member Sewell moved to accept the election returns and declare and
certify the results of the vote. Mayor Kaufusi seconded the motion.

66
Vote: The motion was approved 8:0 with Mayor Kaufusi and Council Members
Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in
favor.

67
Adjournment

The Board of Canvassers meeting was adjourned at approximately 5:45 p.m.

Please Note – These minutes have been prepared with a time-stamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

6:00 PM, Tuesday, November 19, 2019
Room 200, Municipal Council Chambers
351 W. Center Street, Provo, UT 84601

1

Opening Ceremony

Roll Call

2

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member David Harding	Council Member David Knecht
Council Member David Sewell	Council Member Gary Winterton
Council Member George Handley	Council Member George Stewart
Council Member Vernon K. Van Buren	Mayor Michelle Kaufusi
CAO Wayne Parker	Council Attorney Brian Jones
Council Executive Director Cliff Strachan	

Conducting: Council Chair David Harding

3

Prayer – Jaden Pyne

Pledge of Allegiance – Joseph Black

4

Consent Agenda

Minutes for Approval

5

- August 27, 2019 Board of Canvassers Meeting Minutes
- August 27, 2019 Council Meeting Minutes

6

7 The meeting minutes were approved by unanimous consent.

8

Public Comment ([0:04:32](#))

9

10 Brian Jones, Council Attorney, read the public comment preamble.

11

12 Susan Christensen, Provo resident, spoke to the Council about the non-profit group Proactive Provo. She
13 explained they were a pro-development group and made decisions based upon values. Their mission
14 was broad participation and input from thousands of neighbors. She asked the Council to postpone
15 approval of development in the northeast neighborhoods until their group is able to submit a
16 neighborhood plan within the next few months.

17

18 Tamela Blake, Provo resident, was also a member of Provocative Provo. Ms. Blake said her neighbors
19 had a strong direction of preservation of sensitive lands and wanted to stop development in
20 irreplaceable natural areas. Their group prioritized preserving open space and agricultural lands. She

21 said Provo had a good parks and recreation program and she wanted to see this expand to connect
22 parks, trails, and open space. Ms. Blake provided several examples of other cities that were working
23 towards preservation of previous open space.

24
25 In a previous meeting, Jay Goodliffe, Provo, gave a statement about Timp-Kiwanis Bounous Park, he
26 received feedback from Council about his statement and wanted to apologize and retract the
27 insinuations he previously made.

28
29 Jeremy Pyne, Provo, lived in the Timp Neighborhood. He said the last time he was in a council meeting
30 there had just been a young man hit and killed while walking to the Rec Center. The Council was asked
31 to make improvements to the streets and sidewalks, Mr. Pyne said these improvements were made
32 quickly and he thanked the Council for their quick action.

33
34 Mr. Sewell said the Council was very sympathetic to the issue, but it was Mayor Kaufusi who made the
35 improvements happen. Mayor Kaufusi said it had been a team effort with Public Works.

36
37 Mr. Harding recalled the Council participated by helping to fund the improvements from their
38 department budget. He was glad to see the City was nimble and reacted quickly to the situation. He was
39 grateful for Public Works and the teamwork that made this happen. Mr. Harding was glad the City
40 continued to work on street policy that would make all areas of Provo safe.

41

Action Agenda

42

1. Ordinance 2019-61 adopting a new Provo City Moderate Income Housing Plan as an element of the General Plan. Citywide Application. (PLGPA20190194) (0:14:40)

43
Motion: An implied motion to adopt Ordinance 2019-61 as currently constituted, has been made by council rule.

44
45 Brian Maxfield, Planning Supervisor, explained the Moderate Income Housing Plan was a state
46 mandated document. The current plan was created in 2016 but the State recently made changes to that
47 required certain elements to be included in the plan. The plan being presented included these elements
48 in a way that showed Provo's progress in working towards providing sufficient low-income housing.

49
50 The last section of the plan dealt with goals established to work towards affordable housing. The first
51 section reiterates the goals adopted by the City Council in the General Plan. The second part dealt with
52 new goals to work on soon to understand Provo's housing needs. The third section was an evaluation of
53 the goals provided by the State. The City was required to address at least three of the goals, Mr.
54 Maxfield said they were addressing 22 goals, if not all of them.

55
56 Chair Harding opened public comment, there was no response.

57
58 Mr. Winterton said this was a requirement of the State, but the Council was not finished with the
59 discussion. There were many opportunities to discuss housing and this would be an ongoing
60 conversation.

61
62 Mr. Knecht said the Housing Committee took these things very seriously. The Committee's members had
63 lots of expertise on the subject and had creative ideas for providing affordable housing.

64

65 Mr. Handley appreciated the feedback from the Planning Commission about the neighborhood plan
66 program. The Commission was concerned it might pose a risk to allow neighborhoods to have more
67 autonomy or run interference on city planning. Mr. Handley’s impression was that the neighborhood
68 plans have assisted communication between the neighborhoods and the City. He said many of the
69 neighborhood plans offered creative solutions to work towards affordable housing. He encouraged this
70 to continue to be the spirit with which the program operates. He liked Mr. Harding’s recommendation of
71 helping the neighborhood understand the City’s goals and the ways in which they could help the City
72 meet these goals. Mr. Handley thought this report had been very informative.

73
74 Mr. Harding agreed the report was very informative. He invited all interested residents to read the
75 report.

76
77 Chair Harding called for a vote on the implied motion.

78 **Vote:** The motion was approved 7:0 with Council Members Handley, Harding, Knecht,
Sewell, Stewart, Van Buren and Winterton in favor.

79
80 **2. Ordinance 2019-62 amending the West Gateway Zone to better meet the purpose and
objective of the Zone. Dixon and Franklin Neighborhoods. (PLOT20190376) (0:22:15)**

81 **Motion:** An implied motion to adopt Ordinance 2019-62 as currently constituted, has been made
by council rule.

82 Brian Maxfield, Planning Supervisor, presented. He explained this was not creating a new zone, just
83 changes to make future development more viable in this area. This applied to the area off Center Street
84 in the Dixon and Franklin Neighborhoods known as the West Gateway.

85
86 The main elements looked at providing more flexibility within the buildings. The height limitations were
87 unchanged, but it removed the maximum number of floors allowed. This was a commercial zone that
88 transitions into residential uses as it extends into the neighborhoods. This amendment emphasized the
89 mixed uses allowed along Center Street.

90
91 Mr. Maxfield shared a photograph of the Carpets America building and said this exemplified the general
92 setback that would be allowed. Staff recommended a three-foot setback, but the Planning Commission
93 recommended 10 feet. The implied motion applied to the draft that had a three-foot setback.

94
95 Chair Harding opened public comment, there was no response. The Neighborhood Chairs from Dixon
96 and Franklin were not present.

97
98 Mr. Sewell preferred the three-foot setback originally recommended by staff. He said it made sense
99 along Center Street. The road is very wide at this section coming off the freeway. Increasing the rear
100 setback had the intent to shift the projects forward and provide a larger buffer with the residences
101 behind the project.

102
103 Mr. Maxfield said the Franklin Neighborhood had a meeting and reported there were no concerns. They
104 wanted to ensure townhome developments would still be allowed on the south side of the road.
105 Councilor Harding had attempted to solicit feedback from the neighborhood Facebook pages but did not
106 learn of any concerns.

107

108 Chair Harding called for a vote on the implied motion.
109

Vote: The motion was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

110
111 **3. Ordinance 2019-63 amending the zone map classification of approximately 1.11 acres of property generally located at 688 N 100 W Residential Conservation (RC) to High Density Residential (HDR) and Med Density Residential (MDR) at 650 N 100 W. North Park Neighborhood. (PLRZ20190173) (0:31:06)**

Motion: An implied motion to adopt Ordinance 2019-63 as currently constituted, has been made by council rule.

112
113 Dustin Wright, Planner, presented this item. He described this property in the area of 700 North and 100
114 West, it was close to BYU campus and was near the Downtown (DT) zone. The UVX station was also
115 nearby. The applicant requested to rezone the property from Residential Conservation (RC) to High
116 Density Residential (HDR) for a new development and to rezone the adjacent parcels from RC to
117 Medium Density Residential (MDR). The proposed MDR properties were already developed. The reason
118 that they are being included with this request is to provide a transitional zoning buffer between the
119 proposed HDR zone and surrounding RC zoning so that a ten-foot-wide landscape buffer is not required.

120
121 Most of the block consisted of apartment complexes with student housing and was zoned RC. The
122 applicant feels that the highest and best use for his property would be multi-family housing due to the
123 similarities of surrounding development and proximity to schools, work, public transportation, and
124 grocery stores. The applicant has met with the neighborhood about the proposed rezone and
125 development, there were no concerns. Staff and the Planning Commission recommend approval.

126
127 Mr. Knecht asked how many existing structures would be removed. Mr. Wright said there three
128 structures that would be demolished, one was a duplex and the other two were single family homes.
129 Mr. Knecht thought this was appropriate and good redevelopment. He said a necessary part of
130 redevelopment was buying the under-utilized properties at a price that make the project feasible. Mr.
131 Knecht did not see this happening in the Joaquin Neighborhood, it was more difficult to acquire property
132 at a price that made development like this possible.

133
134 Mr. Harding noted this was near the Downtown (DT) zones, he asked if the approved project plan was
135 available. Mr. Wright presented the concept plan. Mr. Harding observed some of the doors to the units
136 were at street level. Mr. Wright said this design allowed for a better porch and aligned with the design
137 standards of the DT zone, even though this was not located in the DT zone.

138
139 Chair Harding invited the applicant, Derek Tornow, to address the Council.
140

141 Mr. Tornow said his family has owned the properties for a number of years. In addition to the three
142 structures on the property, there were two adjacent vacant lots. The properties were built around 1910.
143 Mr. Tornow offered to answer any questions from Council, there were no questions.
144

145 Chair Harding opened public comment, the neighborhood chair was not present.
146

147 Brady Hill was a student attending BYU. He lived across from the proposed project and wanted to voice
148 support of the zone change.

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There were no other comments from the public. Chair Harding closed public comment.

Chair Harding said this was the first hearing, but it was eligible to be voted on unless any council member wanted it continued to the next meeting. Mr. Harding mentioned this was a great project which was probably why there was so little discussion. He was reluctant to vote on non-routine items at the first hearing, but since there was no concern, he was okay with proceeding with a vote.

Mr. Sewell responded that not a single person had raised any concern, so it would probably fall into the definition of routine.

Mr. Knecht said it may not be routine, but he did not see this as controversial and no one, council or otherwise, had qualms about it. For him, this rule was to allow the Council more time if something needs to be addressed, but he felt good about this item.

Mr. Winterton said this fit within the character of the neighborhood and would not change the character of the neighborhood.

Chair Harding called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

4. An ordinance to enact Provo City Code Section 15.03.105 (Temporary Limitations on Certain Sewer Connections). Citywide application. (PLOTA20190392) (0:43:14)

Motion: An implied motion to adopt the item as currently constituted, has been made by council rule.

Brian Jones, Council Attorney, presented. This ordinance would place limits on the number of sewer connections allocated on the west side of Provo. The ordinance had a sunset provision that said this ordinance would be repealed upon the completion of certain City infrastructure projects according to the impact fee study. The Council was set to update the impact fee study at a meeting the following month, so it was recommended by staff this item be continued to the December 10 meeting.

Mr. Van Buren stated his preference to continue this item to the next meeting, December 10, 2019.

Despite the item being continued, Mr. Harding wanted to have public comment and any necessary council discussion. Chair Harding opened public comment.

Curtis Leavitt, Cedar Hills, was a representative of D.R. Horton. He wanted to commend the staff for working with them and residents of west Provo. Mr. Leavitt had been working with the Grow Family to develop Osprey Towns in west Provo and understood the difficulty of allocating sewer connections. He said D.R. Horton had the opportunity to work with many of the families on the west side of Provo, he said they all wanted to grow and develop their land and they looked forward to this opportunity. He hoped this would establish and grow the goals of the City by providing different housing needs and introducing commercial areas to the west side. He thanked the staff and Council for listening to the developer’s perspective.

192 There was no other comment from the public. Chair Harding closed public comment.

193

194 Mr. Harding encouraged those who were interested in the development of west Provo to study this and
195 contact their neighborhood councilor with any questions or concerns.

196

**5. Resolution 2019-60 authorizing Provo City to enter into an Interlocal Agreement with the
Redevelopment Agency of Provo City authorizing the use of Tax Increment in the South
Downtown Community Development Project Area. (19-130) (0:50:04)**

197

198 *Items 5, 6, 7, 8, and 9 are related and were discussed together.*

199

Motion: An implied motion to adopt Resolution 2019-60 as currently constituted, has been made
by council rule.

200

201 David Walter, Redevelopment Agency Director, presented. Mr. Walter explained that items 5, 6, 7, 8,
202 and 9 were all related. The reason there were so many related but separate items was because the
203 Redevelopment Agency would be entering into an agreement with each taxing entity: Provo City, School
204 District, Utah County, and the Central Utah Water Conservancy District (CUWCD).

205

206 The development area was on the block where the IFA store was previously located. It was known as the
207 Mill Race development. Tax Increment Financing (TIF) would be used to activate this project area and to
208 help pay for parking.

209

210 Mr. Walter said this project would have structured parking and some of those spaces would be allocated
211 for the public. There would also be a pedestrian bridge that would cross 600 South and the railroad
212 tracks.

213

214 Chair Harding opened public comment.

215

216 Samuel Oman, Provo, said he was the closest neighborhood representative to this project. He hoped this
217 project would succeed. Mr. Oman had concerns about the use of TIF. He wanted to know how the base
218 value would be determined, the term of the agreement, and the amount. He said Provo Mall had been
219 receiving TIF since it opened and was not performing well. Mr. Oman asked for better management and
220 disclosure.

221

222 There was no other comment from the public. Chair Harding closed public comment.

223

224 Mr. Knecht asked Mr. Walter to answer Mr. Oman's questions, how much and how long? Mr. Walter
225 explained the term would be 15 years and he gave the approximate maximum amounts each entity
226 could provide over the 15 years:

227

- 228 • Utah County: \$767,000 with a participation rate of 50 percent.
- 229 • Provo City School District: \$4,400,000 with a participation rate of 70 percent.
- 230 • Central Utah Water: \$450,000 with a participation rate of 75 percent.
- 231 • Provo City: \$1,800,000 with a participation rate of 95 percent.

232

233 In total, the maximum amount over 15 years would be \$6.7 million between the four entities. The taxing
234 entities would not be taking a reduction in the amount they received today, the increment comes from

235 the increase in the property values, which triggers an increase in the property tax. Mr. Walter said there
236 was nothing in the agreement that obligate the entities to make payments if there is no tax increment.

237
238 Mr. Knecht asked Mr. Walter to explain how the City would benefit from this agreement. He
239 summarized the key features of the development which would include apartments, offices, an urban
240 chapel, pedestrian bridges, and much more. The school district would receive access to the meeting
241 space.

242
243 The school district receives a larger portion of property tax than the other entities, so their participation
244 was critical according to Mr. Knecht. He was glad they would get meeting space from this project, but he
245 wondered how they benefit from other projects. Mr. Walter thought it was a way for them to contribute
246 to the City and disperse development throughout the City. It also helped to expand the amount of
247 property tax available over time.

248
249 Chair Harding invited the applicant, Justin Earl, to address the Council. Mr. Earl said it had been a
250 positive experience to work with Provo City. He said they were very interested and invested in Provo.
251 They were interested in acquiring property around the block and had already seen how values were
252 quickly increasing because of their project. Construction costs are constantly increasing, so this
253 increment was very helpful.

254
255 Chair Harding called for a vote on the implied motion.

256
Vote: The motion was approved 7:0 with Council Members Handley, Harding, Knecht,
Sewell, Stewart, Van Buren and Winterton in favor.

257

Redevelopment Agency of Provo

258
259 Council adjourned as the Municipal Council of Provo and reconvened as the Redevelopment Agency of
260 Provo.

261
262 *Redevelopment Agency Chair Knecht read the next four items into the record so they could be discussed*
263 *together. See item No. 5 for a description of these items.*

264

6. **Resolution 2019-RDA-11-19-1 authorizing the Redevelopment Agency of Provo City to enter into an Interlocal Agreement with Provo City authorizing the use of Tax Increment in the South Downtown Community Development Project Area. (19-130) (1:15:02)**

265

7. **Resolution 2019-RDA-11-19-2 authorizing the Redevelopment Agency of Provo City to enter into an Interlocal Agreement with Utah County authorizing the use of Tax Increment in the South Downtown Community Redevelopment Project Area. (19-131) (1:15:02)**

266

8. **Resolution 2019-RDA-11-19-3 authorizing the Redevelopment Agency of Provo City to enter into an Interlocal Agreement with Provo School District Authorizing the use of Tax Increment in the South Downtown Community Development Project Area. (19-132) (1:15:02)**

267

9. **Resolution 2019-RDA-11-19-4 authorizing the Redevelopment Agency of Provo to enter into an Interlocal Agreement with the Central Utah Water Conservancy District authorizing the use of Tax Increment in the South Downtown Community Development Project Area. (19-133) (1:15:02)**

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Chair Knecht opened public comment on these four items and there was no response.

Mr. Winterton thanked the developer and staff for their work to make this project come to pass, he thought it would a great asset for Provo.

Mr. Harding thought this project would be a game changer and would raise the property values in the area. The public benefit of parking and the pedestrian bridge was great too. He thought this was a good use of tax increment financing.

Motion: Council Member George Handley made a motion to approve all four items at the same time. Council Member Van Buren seconded the motion.

Chair Knecht called for a vote on the motion to approve all four items.

Vote: The motion was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

10. Resolution 2019-RDA-11-19-5 designating a survey area, authorizing the preparation of a draft Community Reinvestment Project Area Plan and Budget, and authorizing and directing all necessary action by the Redevelopment Agency, staff, and legal counsel. (19-135)
[\(1:19:33\)](#)

Motion: An implied motion to adopt Resolution 2019-RDA-11-19-5 as currently constituted, has been made by council rule.

David Walter, Redevelopment Agency Director, presented. This was in consideration of creating a new Community Reinvestment Project Area in the Riverwoods area. Qualtrics, a large technology company co-headquartered in Provo, was looking to expand by adding 150,000 square feet and would add more than 1,000 employees over ten years. The average wage for the new jobs would be approximately \$87,000 annually.

Located near the Provo campus was a small four-acre parcel that Qualtrics planned to improve as a temporary parking lot for the construction phase and then would make at least half of this lot available to other businesses in the area once construction is finished.

This resolution would create a survey area for the community reinvestment area. Mr. Walter explained that survey areas are typically bigger than the final area, as would be the case with this area. The survey area was roughly 296 acres, but the project area would be much smaller. This was the first step in a much longer process. This would authorize staff to prepare a plan, budget, and work with other entities to finalize the project details that would eventually be presented to council at a future date.

Chair Knecht opened public comment, there was no response.

Mr. Winterton asked much of the open land within the survey area was developable. Mr. Walter was not certain but knew there were some areas that could not be developed.

305 Mr. Walter said the current 400 Qualtrics employees were very spread out in their existing building;
306 there was already room to expand. This project would double the space, bringing the total square
307 footage to 150,000 square feet.

308
309 Mr. Van Buren thought tax increment financing (TIF) should be used in blighted areas where it provides
310 a public benefit. He thought this area was already economically sound, so he would not be supporting
311 this.

312
313 Mr. Harding was excited that Qualtrics was expanding in Provo. He said this was a great example of the
314 magic that could happen in Provo. Qualtrics was a great member of the community that represented
315 Provo well. Like Mr. Van Buren, Councilor Harding was concerned about how TIF should be used. More
316 details about Mr. Harding’s concerns could be found by reviewing the work meeting. Despite concerns,
317 Mr. Harding would be supporting this resolution to create a survey area.

318
319 Mr. Walter wanted to be clear that this resolution and this step in the process did not commit any entity
320 to participate.

321
322 Mr. Winterton was respectful of those who were concerned about the use of TIF. But he thought this
323 was a statement to the community that we want businesses in our community. Business in Provo helped
324 not only with property tax, but with sales tax too. He wanted to send the message that Provo needs
325 business and they were an important part of the community and contributed to the quality of life.

326
327 Mr. Sewell noted that in his tenure he could not recall a project of this size that provided so many well-
328 paying jobs. He felt this was a significant opportunity for Provo. This would help to raise the average
329 income in Provo and would also provide additional property tax over the long term. High income
330 residents would spend a significant portion of their money within Provo, boosting sales tax. The State of
331 Utah felt this would have such a positive impact that they were participating. He wanted to send a signal
332 that Provo was interested in this project.

333
334 Mr. Stewart voiced his support and said Qualtrics was a tremendous company. Opportunities of this
335 magnitude did not happen often in Provo. He was fully supportive.

336
337 Mr. Knecht recalled that Provo had helped to bring Duncan Aviation to Provo. It had provided jobs with
338 annual income of about \$66,000. They were good paying jobs, but the Qualtrics project brought this to a
339 new level. He did not know what else might happen in the survey area, but there had to be a standard
340 set. This was an exceptional project that Mr. Knecht was glad to support.

341
342 Mr. Handley was also supportive. He said Councilor Sewell’s comments had summarized his feelings.

343
344 Chair Knecht called for a vote on the implied motion.

345
Vote: The motion was approved 6:1 with Council Members Handley, Harding, Knecht,
Sewell, Stewart, and Winterton in favor; Council Member Van Buren opposed.

346
347 **Action Agenda**

11. *****CONTINUED*** Daniel LaFontaine requests a Zone Change from R1.10 to Low Density Residential for 1.07 acres for a townhome development, located at 50 E 3900 N. Riverbottoms neighborhood. PLRZ20190265**

348

12. *****CONTINUED*** Community & Neighborhood Services Dept requests an Ordinance Text Amendment to Ch14.33 and 15.05 of the Provo City Code to update the development requirements of lands located in the Special Flood Hazard Area. Citywide. PLOTA20190328**

349

Adjournment

The meeting of the Redevelopment Agency was adjourned by unanimous consent at approximately 7:30 p.m.

Please Note – These minutes have been prepared with a time-stamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

6:00 PM, Tuesday, December 10, 2019

Room 200, Municipal Council Chambers

351 W. Center Street, Provo, UT 84601

Opening Ceremony

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member David Harding	Council Member David Knecht
Council Member David Sewell	Council Member Gary Winterton
Council Member George Handley	Council Member George Stewart
Council Member Vernon K. Van Buren	Mayor Michelle Kaufusi
Council Executive Director Cliff Strachan	Council Attorney Brian Jones

Conducting: Council Chair David Harding
Excused: CAO Wayne Parker

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Prayer – Dan Follett

Pledge of Allegiance – David Mortensen

Approval of Minutes

- o September 10, 2019 Council Meeting Minutes
- o November 12, 2019 Council Meeting Minutes

The meeting minutes were approved by unanimous consent.

Public Comment ([0:03:52](#))

Brian Jones, Council Attorney, read the public comment preamble.

Chair Harding opened public comment.

Kaye Nelson, Provo, was a member of the group Proactive Provo. She thanked the Council for their help and guidance and for listening to their concerns about protecting Provo. Ms. Nelson gave thanks to the councilors who were stepping down and welcomed in the new councilors. She shared that recently, Proactive Provo had 150 attendees at a Planning Commission meeting. Many neighbors in the northeast area want involvement in the development of their area. Their group sought to gather opinions and would present Council with their data. She wanted to have a neighborhood plan in place before the approval of any development. This was a pivotal time and decisions could change the face of Provo. She understood that growth would happen, and housing must take place. Their group was in favor of

20 development but wanted it to be wise and balance with needs for preservation easements and
21 conservancies for aesthetic beauty and the value of being good stewards of the earth.

22
23 Jay Goodliffe, Provo, spoke about the sale of Timp-Kiwanis Bounous Park. He was frustrated by the
24 process and thought there had been information withheld and mistakes made. Mr. Goodliffe thought
25 public officials should apologize for their mistakes, unless their actions were intentional. He said no
26 apology was made. He was disappointed in the decision to sell the park and said it was unfortunate to
27 lose faith in local government.

28
29 Mr. Sewell shared that he received an email from Sue Curtis, the wife of former Mayor John Curtis, her
30 email said that her and John were in Washington D.C. and were very sad to miss the reception for the
31 wonderful outgoing council members.

32

Presentations, Proclamations, and Awards

33

1. A presentation and recognition of outgoing Councilors Knecht, Stewart, Van Buren, and Winterton. (19-147) ([0:11:17](#))

34

35 Clifford Strachan, Executive Council Director, addressed the public. He said the unsung heroes and not-
36 so-public officials were the spouses behind each councilor. He asked the public to join him in thanking
37 each of the spouses. There was a standing round of applause for the spouses of the current and
38 outgoing Council Members and Mayor.

39

40 Mr. Strachan then presented David Harding and Kay Van Buren with a token of appreciation for their
41 service as Council Chair and Vice Chair in 2019.

42

43 Mr. Strachan shared the following information about Councilor Van Buren:

44

45 *Representing District 4, Kay Van Buren was elected in 2011 and re-elected in 2015. Kay has a background*
46 *in business and the home building industry. Kay served in the neighborhood program for many years and*
47 *has been involved in city issues most of his adult life. Kay has a business management degree from*
48 *Brigham Young University and is a lifelong resident of Provo. Kay is a member of the Utah Valley Home*
49 *Builder's Association, and has been a contractor, builder and developer for over thirty years. He and his*
50 *wife Cynthia have five children. Mr. Van Buren had served a total of 8 years on the Council.*

51

52 Mr. Van Buren addressed the public. He was born in Provo at Utah Valley Hospital 69 years ago, Provo
53 had always been his home. It was great to serve and try to make a difference. There weren't many cities
54 like Provo, it was the people that made it special. He said he would miss the good people who worked
55 and served the City every day.

56

57 Next, Mr. Strachan shared this information about Councilor Winterton:

58

59 *Gary Winterton was elected in 2011 and re-elected in 2015 to represent Citywide District 1. Gary has a*
60 *background in business and finance and along with his wife Vicki, is a lifelong resident of Provo. He*
61 *attended Brigham Young University, and holds a Bachelor's Degree in Business Management and*
62 *Finance. Gary is currently employed with the family business; owning and managing commercial and*
63 *residential properties along University Avenue in Provo. Previous to his service on the Council Gary served*

64 *as a member of the Provo City Planning Commission. Gary and Vicki have raised three children. Gary had*
65 *a served on the Council for a total of eight years.*

66
67 Councilor Winterton shared with the public that leaving the Council was one of the most difficult things
68 that he has ever done because it was one of the most wonderful things he had ever done. He thanked
69 his wife for her patience, and he looked forward to the opportunity to make up for some of the
70 sacrifices she had made to allow him to serve. He had grown to love the people he served with and
71 considered Mayor Kaufusi and former Mayor Curtis to be friends. He was grateful for the City
72 employees, saying goodbye to them was a difficult thing to do. Mr. Winterton loved Provo and was
73 grateful he had been able to serve.

74
75 Following Mr. Winterton’s comments, Mr. Strachan presented Councilor Knecht with a plaque and said
76 the following:

77
78 *Dave Knecht was elected in 2015 and currently represents District 3. The name Knecht means servant in*
79 *German, an appropriate title for this City Councilor. Dave has been part of Task Force 2000, which*
80 *formed Provo City's General Plan, the Neighborhood Evaluation Committee, and the board for*
81 *NeighborWorks Provo. He previously served as a Citywide Council Member from 2002 to 2006 and as*
82 *Neighborhood Chair of the Provost South Neighborhood. His wife, Vickie, is the current Provost South*
83 *Neighborhood Chair. They have three children.*

84
85 Mr. Knecht said he had been a neighborhood chair for 13 years and had spent a lot of time addressing
86 previous councils. He started serving his neighborhood in 1992 and was just now getting ready to retire
87 from the Council and his regular job. Mr. Knecht enjoyed serving Provo. He said the Council’s biggest job
88 was representing the public. He appreciated the ability to work together with the employees – it had
89 been a positive experience. There was a lot of institutional knowledge leaving the City. It was important
90 to know why things are the way they are before making changes. He thought the City was well served by
91 all the great employees and staff. Mr. Knecht thanked the public for the opportunity to serve.

92
93 Mr. Strachan said it was very unusual to have four Council Members retiring at the same time. The
94 League of Cities and Towns recognized there was about 36 years of municipal experience leaving the
95 council.

96
97 Mr. Strachan asked Mr. Stewart to approach the podium and shared the following:

98
99 *George Stewart was elected in 2015 to the City-Wide District II seat. George served as Provo City Mayor*
100 *from 1994 to 1997. He served on the City Council from 2006 to 2009, being selected by the Council to*
101 *serve a year as Vice Chair and two years as Chair. He and his wife JoAnna have lived in the same house in*
102 *Provo for 40 years and have raised 11 children. George has worked in business as well as serving in his*
103 *church.*

104
105 Mr. Stewart said he was full of gratitude for his wife, JoAnna. She supported him while he ran for office
106 and while he served. Her father had been the Mayor of Calgary for five terms, so she knew what this
107 would entail. He thanked the citizens of Provo who elected him and the marvelous staff in the City. He
108 was confident Provo City had the best department directors anywhere in the nation. The current Council
109 Members had been wonderful to serve with, he added this had been the calmest two years he had while
110 serving on the Council. Mayor Kaufusi had also been wonderful to work with, she often asked for advice

111 and was willing to listen. Mr. Stewart said he was thankful to his Heavenly Father for the ability to serve
112 and all the blessings he has received. He concluded by saying he loved his wife and Provo.

113
114 Before Mr. Stewart returned to his seat, Mayor Kaufusi approached the podium said she considers the
115 Council to be her friends. She does often ask them what they would do if they were Mayor, in Mr.
116 Stewart’s case, he had been Mayor and could provide great advice. Mayor Kaufusi shared her
117 admiration for Mr. Stewart and considered him a mentor. Because of the impact Mr. Stewart had on her
118 life, she presented the Mayor’s Award of Excellence to Mr. Stewart.

119
120 Mayor Kaufusi also thanked the wives of the outgoing Council members and presented each of them
121 with a bouquet of flowers.
122

2. A presentation of the Provology graduates. (19-067) (0:37:23)

123
124 Mayor Kaufusi briefly explained the Provology program and thanked Dixon Holmes, Deputy CAO, for
125 running the program. She was pleased to announce the following Provology graduates:
126

- Aaron Joseph Smith
- Blair Wu
- Brian Bushman
- Eden Soper
- Geoffrey McLaughlin
- Matt Garner
- Matthew Jacobs
- Melanie Epling
- Mohit Khattar
- Scott Glenn
- Stephanie West
- Bill Fillmore
- Mary Fillmore

127
128 After the graduates were announced, a photo was taken with the Mayor and Council.
129

3. A presentation of the Comprehensive Annual Financial Report (CAFR) by the Provo City Finance Division and HBME. (19-146) (0:43:42)

130
131 John Borget, Director of Administrative Services, presented the CAFR. He said this had been a lot of
132 effort and work. Preparing the report was a big impact on Finance Division. Mr. Borget gave a special
133 thanks to Dan Follett, David Mortensen, Kelsey Zarbock, Anissa Orwin, and Andrea Wright for their help
134 with preparing the report.
135

136 The City’s report had been reviewed and audited by auditors HBME and was an accurate portrayal of the
137 City’s financial position in all material respects. The auditors are selected by the Council. The Single
138 Audit Act of 2004 required the auditors to review compliance related to grants and other things.
139

140 The CAFR has three sections, Introduction, Financial, and Statistical. The introduction included a Letter
141 of Transmittal that talked about the economic condition in Provo, Mr. Borget said the City continues to
142 do well. Revenues exceed the budget, it was a positive trend that was consistent with the Utah
143 economy. Sales tax was also over budget and on trend.
144

145 The City had received an award from GFOA for previous reports and would submit this report for review.
146

147 The CAFR was available on the City’s website at www.provo.org. Mr. Borget said the Popular Annual
148 Financial Report, an easier to read consolidated report, would be presented to Council next month.

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Jeff Miles, a partner at HBME, explained the CAFR was prepared by City but included two pages prepared by the auditors which was the report on the financial statements. Mr. Miles said no deficiencies were identified within the City. Mr. Miles shared other reports they are required to do with the audit. One of these reports pertained to the City’s internal controls and there were no findings of non-compliance.

John Borget reviewed the unassigned and assigned general fund balance. He said Cities in Utah are limited to a 25 percent maximum, Provo City was at 24.32, just under the maximum. He said this was a healthy fund balance and was due to good fiscal management and a conservative council.

Mr. Winterton thanked Mr. Borget and his team for the hard work.

4. Ordinance 2019-64 amending the Claim Settlement Authority Schedule in Provo City Code and providing for automatic inflation adjustments. (19-149) (0:58:40)

Motion: An implied motion to adopt Ordinance 2019-64, as currently constituted, has been made by council rule.

Brian Jones, Council Attorney, presented this item. He said this was a long-needed adjustment and cleanup to the code. This pertained to the section of the code that determines who has the authority to settle claims against the City, whether it is the department, legal, or Mayor with a recommendation from the CAO. The dollar amounts in the ordinance had not been adjusted since 1981. Because the amounts were so low, it had created an administrative burden and it seemed that any accident required the Mayor’s approval. This amendment also allows for an automatic inflation review every five years.

Chair Harding opened public comment, there was no response.

Chair Harding called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

5. Ordinance 2019-65 enacting Provo City Code Section 15.03.105 (Temporary Limitations on Certain Sewer Connections). Citywide application. (PLOTA20190392) (1:01:19)

Motion: An implied motion to adopt Ordinance 2019-65, as currently constituted, has been made by council rule.

Brian Jones, Council Attorney, said this had been an ongoing discussion. Mr. Jones explained there were limitations on sewer capacity on the west side of I-15 and the Grandview Hill. There was not enough capacity to support too much new development. There needed to be guidance to explain how the limited number of connections would be allocated.

This ordinance would enact a new section of code and put a temporary limit on the number of sewer connections allocated in this area. There was a sunset provision and this code would be repealed when projects in the Sewer Master Plan are complete.

187 Developers who want to build in this area must demonstrate to Dave Decker, Public Works Director,
188 that they met the requirements of the code. If the requirements are met, each project can be allocated
189 up to 40 connections, additional connections may be available if it is a phased project. Allocated
190 connections would not be transferrable.

191
192 Chair Harding opened public comment and invited any chairs from the area to speak first.

193
194 Beck Bogdin, Lakeview Neighborhood Chair, wanted the Westside Plan to be completed before this
195 precedes. Neighbors had requested that preference not be given to residential development, they
196 hoped to have a grocery store on the westside of Provo.

197
198 Sam Oman, Provo, said you cannot develop around sewer, you must develop with it. He thought the City
199 needed to be more restrictive on allowing development.

200
201 Mr. Knecht said it would be nice to have the Westside Plan finished, not just the map but the policy. He
202 liked what was before Council but thought it was only part of the big picture. The Council needed to
203 decide where to allocate this resource before making it widely available. It was possible the City may
204 want to reserve connections for certain projects. He would not be voting in favor.

205
206 Mr. Harding said this was needed now because there were properties that already met the criteria. This
207 was an orderly method to handle the properties that are already part way through the process. It may
208 allow the City to use the allocations they have now for a project that is further along but does not have
209 access. He agreed that this was just a small piece to the overall question of how to allocate the sewer
210 connections while there is a limit on them. The most critical piece was what the Council would do with
211 incoming rezone requests on the westside. Mr. Harding feels strongly that the West Provo Master Plan
212 needed to be in place before signing off on anymore large projects.

213
214 Mr. Knecht asked for an estimate of how many sewer connections would be allocated based upon what
215 had already been zoned and how much capacity would be left. Mr. Jones recalled that there were about
216 500-600 connections available and about 70 that could be used by property that was already zoned. Mr.
217 Peperone, Development Services Director, said this was accurate. There had been many discussions
218 about a westside school or grocery store and making sure they have capacity reserved for these types of
219 facilities.

220
221 Chair Harding called for a vote on the implied motion.

222
Vote: The motion was approved 7:0 with Council Members Handley, Harding, Knecht,
Sewell, Stewart, Van Buren and Winterton in favor.

223
224 **Action Agenda**

225
6. Resolution 2019-61 appointing John Magness as a Policy Analyst for the Provo City Municipal Council. (19-140) (1:16:29)

226
Motion: An implied motion to adopt Resolution 2019-61, as currently constituted, has been made
227 by council rule.

228 Clifford Strachan, Executive Council Director, presented. A broad search had been conducted to find a
new Council Policy Analyst. There had been 35 candidates and seven who were interviewed. Eventually,

229 they settled on a very qualified candidate, John Magness. Mr. Magness had training in Political Science
230 and many years of experience. The interview panel was amazed by Mr. Magness' qualification and skill.

231
232 Various Council Members welcomed Mr. Magness and expressed satisfaction with the selection.

233
234 Chair Harding called for a vote on the implied motion.

235
Vote: The motion was approved 7:0 with Council Members Handley, Harding, Knecht,
Sewell, Stewart, Van Buren and Winterton in favor.

236
**7. Resolution 2019-62 consenting to the appointment of individuals to various boards and
237 commissions. (19-003) ([1:20:10](#))**

238
Motion: An implied motion to adopt Resolution 2019-62, as currently constituted, has been made
by council rule.

239 Mayor Kaufusi presented her new board appointees. Of note, outgoing Council Members Winterton and
240 Stewart had accepted positions on the Energy Board. There was also an appointee to replace incoming
241 Council Member Shannon Ellsworth on the Planning Commission.

242
243 The following individuals were appointed to the Energy Board: July Radle, Cheryl Taylor, Ned Hill, Gary
244 Winterton, and George Stewart.

245
246 Lisa Jensen was appointed to Seat 4 on the Planning Commission.

247
248 Chair Harding opened Public Comment and there was no response.

249
250 Mr. Harding said this was a great way for residents to be engaged with the City and he was appreciative
251 of those who were willing to serve.

252
253 Chair Harding called for a vote on the implied motion.

254
Vote: The motion was approved 7:0 with Council Members Handley, Harding, Knecht,
Sewell, Stewart, Van Buren and Winterton in favor.

255
8. Resolution 2019-63 adopting the 2020 Council regular Meeting schedule. (19-145) ([1:22:22](#))

256
Motion: An implied motion to adopt Resolution 2019-63, as currently constituted, has been made
by council rule.

257
258 Clifford Strachan, Executive Council Director, presented the 2020 Council Meeting schedule.

259
260 Chair Harding opened public comment, there was no response. He called for a vote on the implied
261 motion.

262
Vote: The motion was approved 7:0 with Council Members Handley, Harding, Knecht,
Sewell, Stewart, Van Buren and Winterton in favor.

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9. Resolution 2019-64 adopting an updated water conservation plan. (19-105) (1:24:23)

Motion: An implied motion to adopt Resolution 2019-64, as currently constituted, has been made by council rule.

Shane Jones, Public Works Engineer, presented. Mr. Jones explained that Utah Code Section 73-10-32 requires retail water providers to adopt an updated version of their Water Conservation Plan every five years. Before adopting the plan, the retail water provider is required to hold a public hearing with reasonable advance public notice.

The consulting firm Bowen Collins and Associates was hired to update Provo's Water Conservation Plan. This plan was preliminarily presented to the Council in a work meeting on October 8, 2019. Since then, the plan has been reviewed by the Utah Division of Water Resources and recommended for formal adoption by the Council.

Provo City has exceeded performance metrics established by the State for water conservation and the citizens of Provo deserve to be commended for their responsible use of water. Recently, the State published new regional water conservation goals. Mr. Jones cautioned the new goals are more challenging than ever and continued diligence is necessary.

Mr. Handley read the plan carefully when it was presented in October. He had concerns regarding the snow pack estimations and climate models. He asked who provided the models and whether they were accepted statewide. Mr. Jones responded that he attends a water conference and every year they have climatologist come and predict what to expect. They make their best guess but there is never good deal of certainty. Because mother nature is unpredictable, water conservation is always important.

Councilor Handley noted that even though Provo was doing so well, he thought the models could be more conservative. Other models Mr. Handley had seen were more granular. If conditions were any worse than what was in the report, then conservation efforts were even more important.

Mr. Winterton understood the importance of conservation. He said water was unusual because it was use it or lose it. He wanted to ensure Provo was conserving the right to maintain the water we have today. Mr. Jones said this was an astute observation. Even though the City had the right to the water in sources, it did not guarantee water would be in there.

Chair Harding opened public comment, there was no response. There was no Council discussion either. He called for a vote on the implied motion.

Vote: The motion was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

10. Ordinance 2019-66 amending Provo City Code to correct and update Title 18 (Storm Water) and the associated design and management manual. (19-109) (1:32:16)

Motion: An implied motion to adopt Ordinance 2019-66, as currently constituted, has been made by council rule.

304 Brian Torgersen, Division Director of Public Services, presented. This item had been presented several
305 times before. The stormwater design manual had not been updated since 1986. This manual, along with
306 the city stormwater management program and illicit discharge detection and elimination manual, are
307 adopted into Title 18 by reference. The Public Works Stormwater team proposes updates to these
308 manuals and other wording contained within Title 18. Mr. Torgersen provided an overview of the reason
309 for these changes.

310
311 Chair Harding opened public comment, there was no response. He invited Council discussion but there
312 was none. He called for a vote on the implied motion.

313
Vote: The motion was approved 7:0 with Council Members Handley, Harding, Knecht,
Sewell, Stewart, Van Buren and Winterton in favor.

314
**11. Resolution 2019-65 amending the Provo City Impact Fee Analysis and Impact Fee Facilities
Plan with respect to sewer projects and facilities. (19-138) (1:35:20)**

315
Motion: An implied motion to adopt Resolution 2019-65, as currently constituted, has been made
by council rule.

316
317 John Borget, Administrative Services Director, presented. There was a 10-year plan was part of the
318 impact fee analysis. An analysis and adjustments had been done July 1, 2018, but things had changed,
319 and they wanted to update the plan. They were not recommending a change to the impact fee, just a
320 change to the 10-year plan. There were two different parts of the analysis, one was the Sewer Impact
321 Fee Facility Plan (IFFP) and the other was the sewer impact fee analysis – both were affected by this
322 update.

323
324 Mr. Borget reviewed several new projects that needed to be added to the 10-year plan:

- 325 • 600 West sewer line upgrade;
- 326 • Additional capacity for The Mix development going in on University Parkway;
- 327 • East Bay Boulevard infrastructure improvements related to the medical school being built at the
- 328 golf course; and
- 329 • Infrastructure improvements related to building the new wastewater treatment plant.

330
331 Mr. Borget said it was their intent to revisit impact fees more often to avoid significant increases needed
332 all at once.

333
334 Chair Harding opened public comment, there was no response.

335
336 In response to a question for Mr. Winterton, Mr. Borget said that Zions Public Finance and Bowen Collins
337 & Associates, the consultants, had reviewed these changes. He also spoke with Deanne Huish from the
338 Utah Valley Homebuilders Association about the changes and they were aware.

339
340 Chair Harding called for a vote on the implied motion.

341
Vote: The motion was approved 7:0 with Council Members Handley, Harding, Knecht,
Sewell, Stewart, Van Buren and Winterton in favor.

342
343

344 Because items 12 and 13 are related, Chair Harding read both items into the record and they were
345 discussed together.
346

12. Resolution 2019-66 approving and authorizing a Section 108 loan transaction for \$2,500,000 for infrastructure improvements to fulfill obligations related to the expansion of Duncan Aviation. (19-136) (1:43:50)

347 **Motion:** An implied motion to adopt Resolution 2019-66, as currently constituted, has been made
348 by council rule.
349

13. Resolution 2019-67 approving the transfer of \$2,500,000 in Section 108 loan proceeds from the CDBG Fund to the Airport Fund for municipal infrastructure related to the expansion of Duncan Aviation. (19-141) (1:43:50)

350 **Motion:** An implied motion to adopt Resolution 2019-67, as currently constituted, has been made
351 by council rule.

352 Gary McGinn, Director of Community and Neighborhood Services, presented. In order to get Duncan
353 Aviation to come to Provo, infrastructure needs had to be met by the City. The Council authorized the
354 mayor to pursue a Section 108 loan from HUD to pay for a portion of this. This resolution would allow
355 Provo City to complete this process and execute the documents necessary to complete this transaction.
356

357 Mr. Knecht explained a loan had already been taken out but the money to repay the loan was coming
358 from the Section 108 CDBG program. Mr. McGinn said Provo would have to repay that loan over the
359 next decade, but it was a good rate. HUD does this for communities across the country to help with
360 economic development.
361

362 Mr. Stewart said CDBG was a favorite funding program among congress. Changes have been proposed
363 but congress prefers to continue to fund it because it helps communities develop economically.
364

365 John Borget, Administrative Services Director, explained the money would be received by the fund for
366 CDBG and then with the approval of council it would be moved to a fund for the airport to reimburse
367 them for the money already spent infrastructure improvements.
368

369 Chair Harding opened public comment.
370

371 Sam Omen, Provo, said 70 percent of Duncan Aviation’s employees live in other cities and this was
372 concerning.
373

374 Mr. Knecht thought that people who work in Provo would be inclined to buy homes near their place of
375 business. Anytime businesses are brought to the Provo/Orem area, some would live here and work in
376 other cities and some would work here and live in other cities, so it balances out.
377

378 Mr. Winterton noted that State funding had also been used to attract Duncan Aviation – it was not just a
379 Provo project, it was a State project.
380

381 Mr. Harding also responded to Mr. Oman’s concern. This is a private venture and Provo will collect
382 property tax on it. There were also benefits from those who commute into Provo. And, there were

383 Provo residents who work elsewhere. The whole area benefits from good job opportunities. Mr. Harding
384 was grateful to live in a free society where we can chose where we want to live and work.

385
386 Chair Harding called for a vote on the implied motion for Resolution 2019-66.
387

Vote: The motion to approve Resolution 2019-66 was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

388
389 Chair Harding called for a vote on the implied motion for Resolution 2019-67.
390

Vote: The motion to approve Resolution 2019-67 was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

391
392 Chair Harding recessed as the Provo City Municipal Council and reconvened as the Redevelopment
393 Agency of Provo by unanimous consent.
394

Redevelopment Agency of Provo

395
14. **A public hearing on a Resolution 2019-RDA-12-10-1 approving and adopting the Project Area
396 Plan for the Medical School Community Reinvestment Project Area. (19-142) (1:57:55)**

Motion: An implied motion to adopt 2019-RDA-12-10-1, as currently constituted, has been made by council rule.

397
398 David Walter, Redevelopment Agency Director, said the next two items were related. Previously, the
399 City Council approved the sale of 3 holes at the Provo Municipal Golf Course to a developer who has
400 committed to bringing a for-profit medical school and associated housing to the southern end of Provo.
401 The developer agreed to work with the Parks and Recreation department to design replacement holes
402 for the three holes that are being transferred at the golf course. The developer agreed to pay for those
403 relocations. As part of the discussions, the City agreed to use its best efforts to create a tax increment
404 area, now known as a Community Reinvestment Area, on the portion of the development that would be
405 utilized for housing and not for the balance of the medical school development.

406
407 The tax increment area that is being proposed is to assist the developer of the housing in the area meet
408 some of the infrastructure obligations that come with the proposed development. It is not intended to
409 pay the developer back for the relocation of the three golf course holes. The developer is currently
410 working cooperatively with the Parks and Recreation department to pay for the relocation of the holes.
411

412 The public investment in the project is expected to create an environment that will produce private
413 investment in and around the Project Area and will result in increment tax revenues to all taxing entities.
414 As a result of the development it is anticipated that the Project Area will produce \$8.2 million of new
415 real property tax revenues over a 12-year period.

416
417 Mr. Walter noted this had been noticed as a public hearing and a copy of the plan was available from
418 the City Recorder’s office or the Development Services Department.
419

420 Mr. Van Buren referred to paragraph 2.6 in the resolution. It said, “to take any and all additional steps
421 which may be appropriate or necessary to promote or further the aim of improving the Project Area
422 (and indirectly, surrounding areas).” Mr. Van Buren wanted to know why this had been included.

423
424 Mr. Walter responded that this gave them the flexibility to make additional improvements through
425 benefit finding resolutions. He then deferred to the Redevelopment Agency Counsel, Adam Long, from
426 the firm Smith Hartvigsen. Mr. Long said this resolution was intended to hit a number of statutory
427 requirements. He said this was not intended to be anything specific to this project area, but to simply
428 make sure the resolution met the requirements. He assured Mr. Van Buren there was nothing to be read
429 into this statement, other than not limiting the Agency's flexibility.

430
431 Mr. Van Buren asked if there was any harm in limiting the Agency's flexibility to just the project area, not
432 the surrounding areas. Mr. Long said much of what would be done was outside the project area, like the
433 improvements at the golf course. The project area was only the eight-acre parcel where the housing
434 would be developed.

435
436 Chair Knecht opened public hearing and invited the public to speak.

437
438 Sam Omen, Provo, wanted to note there was no one present from the medical school. He asked if the
439 City would subsidize through tax payer money every housing project in Provo. He said this was Provo's
440 money and it could be used to build a new City Hall. He wondered what the total liability was in tax
441 being deferred through tax increment financing. He stated that his tax assessment had doubled for the
442 County.

443
444 There was no other comment from the public.

445
446 Mr. Harding asked if there was a number that would answer Mr. Oman's question. Mr. Walter read
447 various figures and discussed what these numbers represented. [\(2:07:39\)](#)

448
449 Mr. Sewell asked Chair Harding if he felt the vote on this could be seen as just following through on a
450 commitment previously made. Mr. Walter clarified the City would use its best efforts, it was not a firm
451 and binding agreement.

452
453 Mr. Stewart acknowledged that TIF typically results in going from a smaller tax base to a much larger tax
454 base by the end of the term. It was not taking old dollars and giving it away, it was new dollars
455 generated by the project and giving back a portion in the hope it would benefit the community and the
456 tax base over time.

457
458 Mr. Harding said TIF was a very powerful tool. He said Mountain Vista was a blighted area that could not
459 redevelop on its own. This was a tool that allowed redevelopment to happen. Mr. Harding was glad this
460 tool had been used on this project. He said it was important to use the tool carefully. If not used to fight
461 blight and spur redevelopment, it could be diverting money that would be there if the project were to
462 go forward and would be flowing into the general fund rather than being redirected back to the
463 developer. He said a commitment was made during the negotiation to do their best to create a project
464 area and he wanted to honor this commitment.

465
466 Mr. Harding said since this was negotiated, which was very early on, the vision for the housing
467 component had changed. He questioned if the housing component had changed sufficiently that they
468 were already receiving financial benefits from developing and renting the housing. Mr. Walter did not
469 know if they were pre-leasing any of the units. He said there was significant change, but it allowed them

470 to scale back the project area from over 30 acres to just eight and the medical school project was no
471 longer included.

472
473 In response to a question from Mr. Harding, Mr. Long said the basic effect of adopting the project area
474 plan is to create the geographic area in which the Agency can exercise its powers. He said a significant
475 portion of this money would be used for the golf course improvements.

476
477 Mr. Van Buren recalled in the original negotiation with Wasatch Medical, the funds would be used to
478 reimburse the purchase price of the property owned by Natures Sunshine. But now it was being used to
479 provide infrastructure. He said the golf course components were being over emphasized but it was the
480 smaller portion of the plan. Mr. Van Buren felt like there was often a feeling that if TIF is not given the
481 developer would leave, so sometimes they agree to these deals too easily.

482
483 Mr. Winterton asked if there was any feedback received from the public regarding the plan that had
484 been available. Mr. Walter said there was none.

485
486 Dixon Holmes, Deputy CAO, said there were times when projects needed inducements. At times TIF
487 helped the City to attract business and maintain relevance. When Provo is doing well at attracting
488 business, they can stop providing this incentive.

489
490 Mr. Harding said Provo was a wonderful place to do business and make money. As new developments
491 take place, there are additional demands on City services. He thought TIF was a great way to fight blight
492 and promote redevelopment in difficult areas, but if a project is going to develop anyway and make a lot
493 of money and a TIF is provided on top of this, that is giving away tax money that would be coming into
494 the General Fund that provides these City services. In the end, the Council did make a commitment and
495 he wanted to follow through.

496
497 Chair Knecht called for a vote on the implied motion.
498

Vote: The motion was approved 6:1 with Council Members Handley, Harding, Knecht,
Sewell, Stewart, and Winterton in favor. Council Member Van Buren opposed.

499
**15. A public hearing on Resolution 2019-RDA-12-10-2 approving and adopting the Community
Reinvestment Project Area Budget for the Medical School Community Reinvestment Project
Area. (19-143) (2:46:47)**

500
Motion: An implied motion to adopt 2019-RDA-12-10-2, as currently constituted, has been made
by council rule.

501
502 Mr. Walter explained this was related to the previous item and would adopt the budget for the project
503 area. The budget was displayed, and Mr. Walter briefly reviewed the budget for Council. The budget
504 gave an idea of the ideal fiscal situation and explained where the money would go over the 12-year
505 period.

506
507 Chair Knecht called for a vote on the implied motion.
508

Vote: The motion was approved 6:1 With Council Members Handley, Harding, Knecht,
Sewell, Stewart, and Winterton in favor. Council Member Van Buren opposed.

509

16. **Resolution 2019-RDA-12-10-3 designating a survey area, authorizing the preparation of a draft Community Reinvestment Project Area Plan and Budget, related to "The Mix" project, and authorizing and directing all necessary action. (19-139) (2:51:26)**

510

Motion: An implied motion to adopt 2019-RDA-12-10-3, as currently constituted, has been made by council rule.

511

512 Mr. Walter explained this would create a survey area for the former Plum Tree Plaza development
513 would authorize staff to prepare a plan and budget to be presented to Council. This item had been
514 before Council previously but because of changes to the development plan, Mr. Walter felt it was
515 appropriate to start the process anew. The developer removed a couple of significant blocks from their
516 project, including office space and two structured parking decks. They were anticipating still having
517 hotel, commercial, and residential components. The development agreement required them to provide
518 some low- and moderate-income housing or provide a payment to the City in lieu.

519

520 The request had been scaled back and would be for five years or \$1.5 million, whichever comes first.

521

522 Mr. Harding reviewed the components being removed and asked if the remaining components stayed
523 the same. Mr. Walter said there would be a 124-room hotel, 500 residential units, and about 85,000
524 square feet of commercial and retail space. Removing the office space and parking decks made a
525 significant change in the value which was why the request had been scaled back. Mr. Harding asked if
526 things would just be less dense or if there might be space left for future phases that might incorporate
527 some of the components that had been removed. Mr. Walter said there would be space for future
528 redevelopment.

529

530 Chair Knecht opened public comment, there was no response. He called for a vote on the implied
531 motion.

532

Vote: The motion was approved 7:0 with Council Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren and Winterton in favor.

533

534 Chair Knecht adjourned as the Redevelopment Agency and reconvened as the Municipal Council by
535 unanimous consent.

536

17. **A public hearing on Ordinance 2019-67 adopting the Community Reinvestment Project Area Plan for the Medical School Community Reinvestment Project Area. (19-144) (2:57:50)**

537

Motion: An implied motion to adopt Ordinance 2019-67, as currently constituted, has been made by council rule.

538

539 David Walter, Redevelopment Agency Director, presented. He explained that one of the requirements is
540 that the legislative body must adopt the project area by ordinance. Adoption of the ordinance indicates
541 the public hearing took place and Council is adopting by ordinance the project area.

542

543 Chair Harding opened public hearing and there was no response. There was no other council discussion.
544 He called for a vote on the implied motion.

545

Vote: The motion was approved 6:1 with Council Members Handley, Harding, Knecht, Sewell, Stewart, and Winterton in favor. Council Member Van Buren was opposed.

546

18. *****CONTINUED***** An ordinance changing the General Plan designation from Public Facilities (PF) to Residential (R) for approximately 0.78 acres of real property generally located at 862 East Quail Valley Drive. Edgemont Neighborhood. (PLGPA20190009)

547

19. *****CONTINUED***** An ordinance amending the Zone Map classification of approx 0.78 acres of real property, generally located at 862 East Quail Valley Drive, from Public Facilities (PF) Low Density Residential (LDR). Edgemont Neighborhood. (PLRZ20180430)

548

20. *****CONTINUED***** Bob Jones requests a General Plan Amendment to change the land use designation in the Provo City General Plan from "Agricultural" to "Residential" within Sections 7 & 18 of T6S R3E, SLM. North Timpview Neighborhood. PLGPA20190352

549

21. *****CONTINUED***** Daniel LaFontaine requests a Zone Change from R1.10 to Low Density Residential for 1.07 acres for a townhome development, located at 50 E 3900 N. Riverbottoms neighborhood. PLRZ20190265

550

22. *****CONTINUED***** Community & Neighborhood Services Dept requests an Ordinance Text Amendment to Ch14.33 and 15.05 of the Provo City Code to update the development requirements of lands located in the Special Flood Hazard Area. Citywide. PLOTA20190328

551

Adjournment

The meeting was adjourned by unanimous consent at approximately 9:08 p.m.



**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

§ 1.2.10 Additional Tools for Urban Growth and Land Use Annexation Policy Plan | Provo City General Plan Page 5 of 14

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

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.

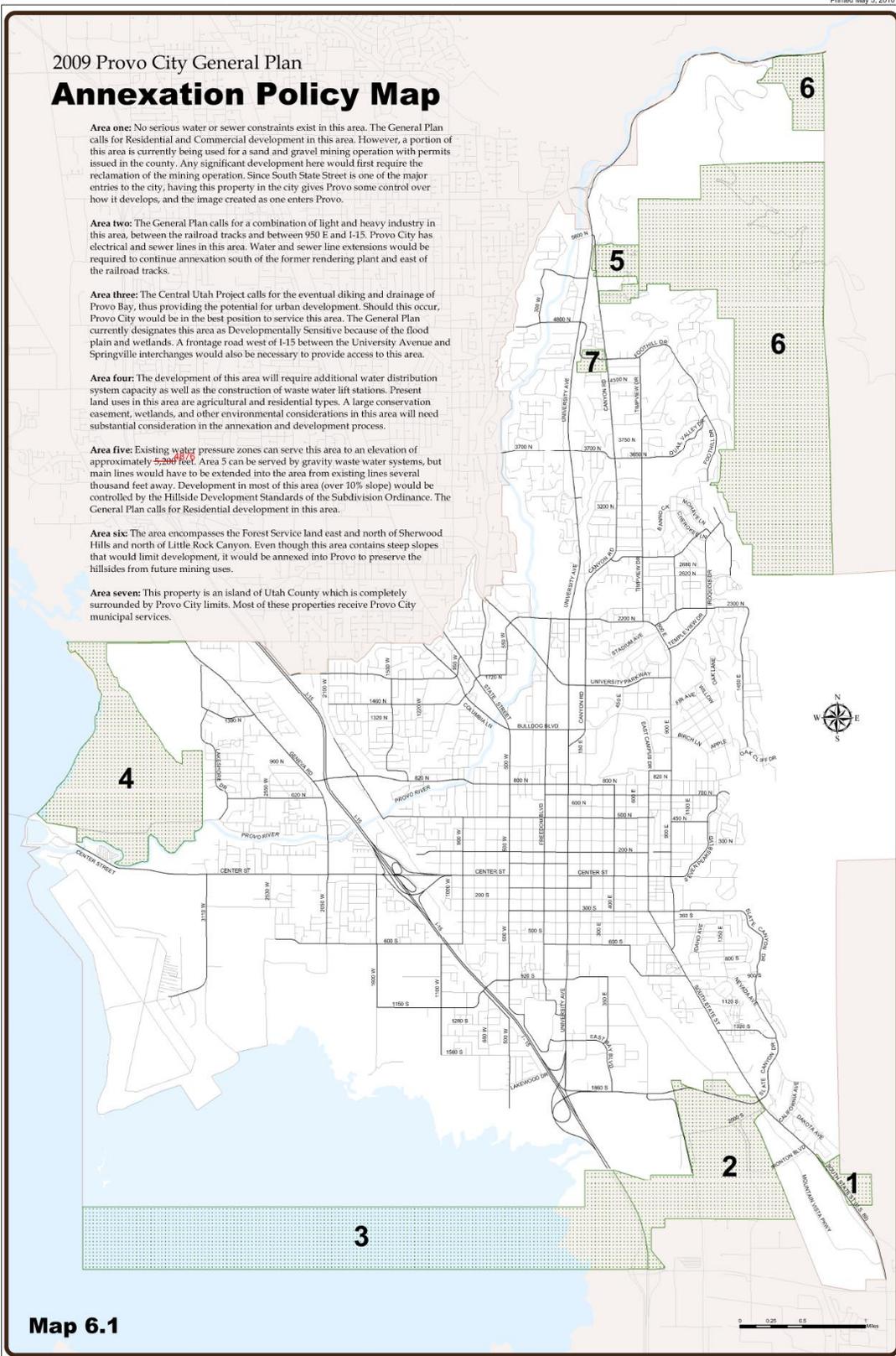
Area three: The Central Utah Project calls for the eventual diking and drainage of Provo Bay, thus providing the potential for urban development. Should this occur, Provo City would be in the best position to service this area. The General Plan currently designates this area as Developmentally Sensitive 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 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.

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

Printed May 5, 2010

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:

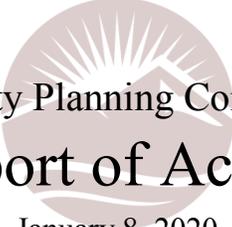
- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.

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

51
52 C. The Municipal Council hereby directs that the official copy of the General Plan be
53 updated to reflect the provisions enacted by this ordinance.

54
55 D. This ordinance shall take effect immediately after it has been posted or published
56 in accordance with Utah Code 10-3-711, presented to the Mayor in accordance
57 with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

58
59 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.

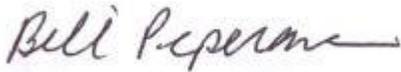
PLANNING COMMISSION DISCUSSION

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

2009 Provo City General Plan Annexation Policy Map

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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.

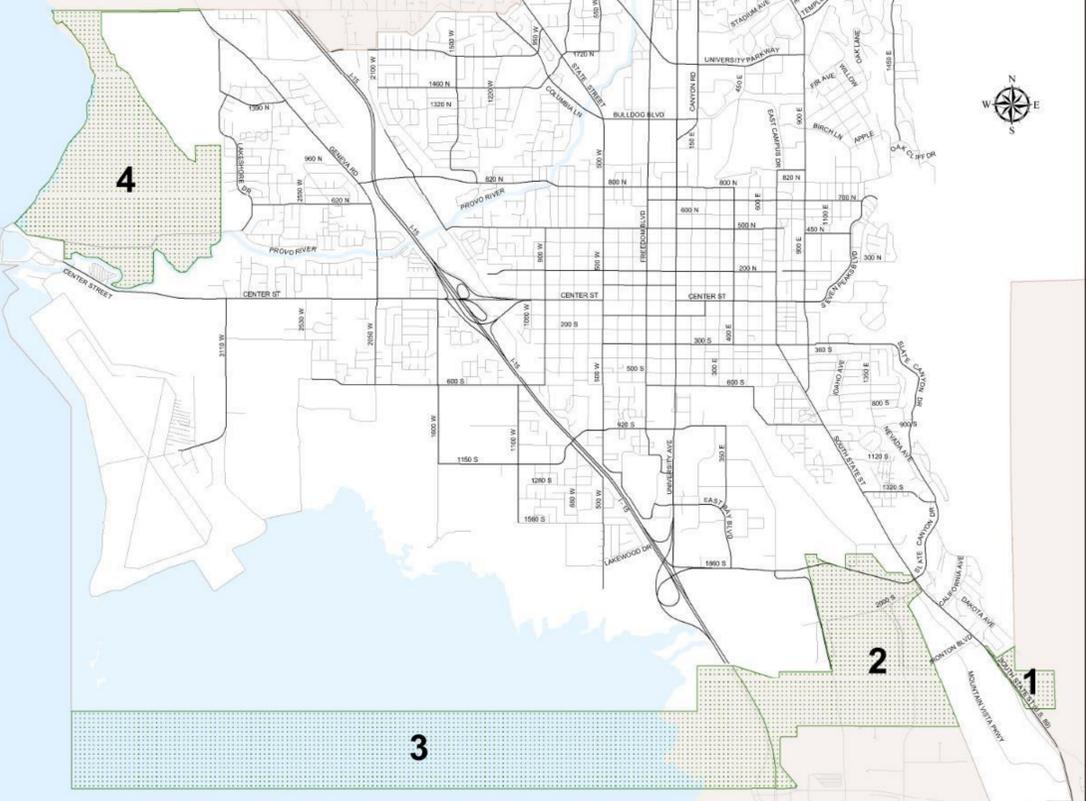
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Map 6.1

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 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.

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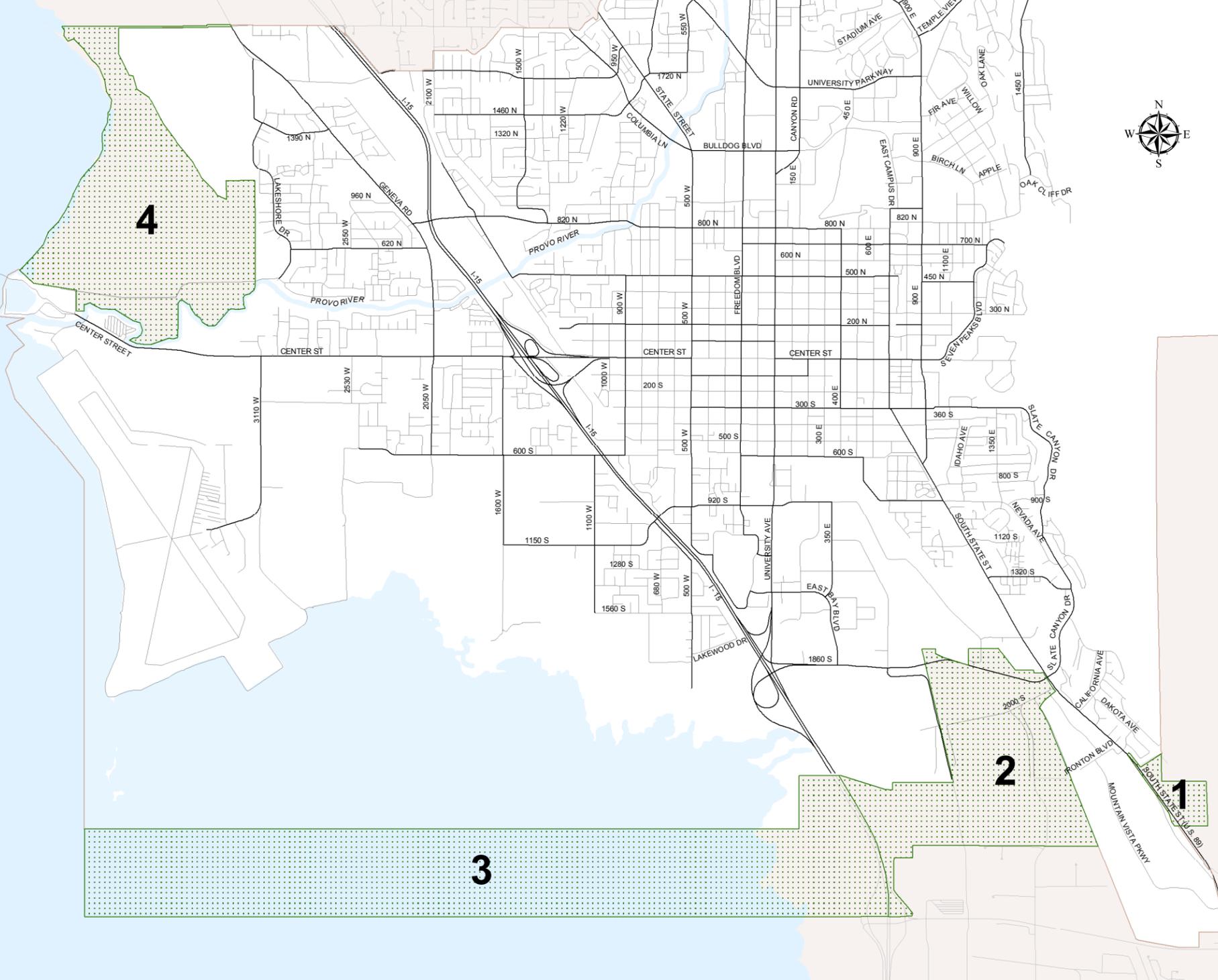
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Area seven: This property is an island of Utah County which is completely surrounded by Provo City limits. Most of these properties receive Provo City municipal services.



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.

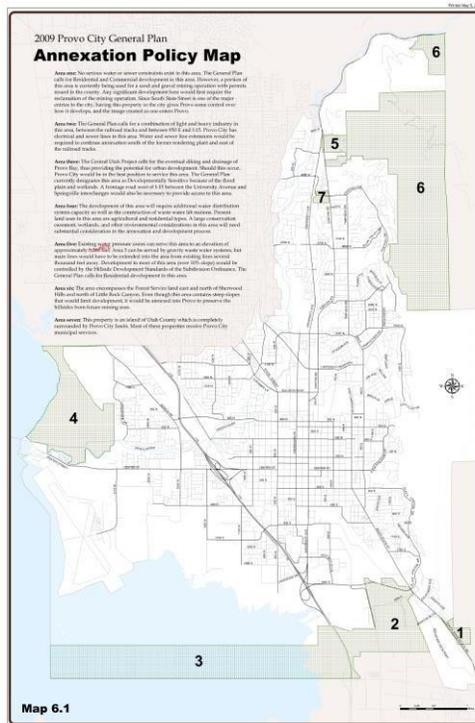
Additionally, such property owners receive many benefits in return for higher tax assessments. These include snow removal, increased police and fire protection, and other City services.

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.

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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.](#)

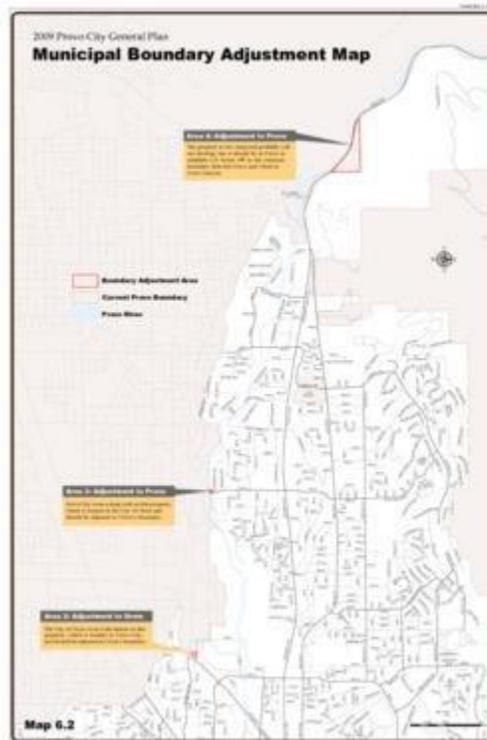
Area Seven

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.

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**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

<p>Applicant: Community and Neighborhood Services Department</p> <p>Staff Coordinator: Javin Weaver</p> <p>Parcel ID#: City Wide</p> <p>*Council Action Required: Yes</p> <p>Related Application(s): None</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is January 22, 2020 at 6:00 p.m.</i></p> <p>2. Recommend Denial of the proposed ordinance amendment. <i>This would be <u>a change</u> from the Staff recommendation; the Planning Commission should <u>state new findings</u>.</i></p>	<p>Relevant History: None</p> <p>Neighborhood Issues: No neighborhood issues have been brought to staff's attention.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none">• No Key Issues <p>Staff Recommendation: That the Planning Commission recommend to the Municipal Council approval of the proposed ordinance amendment.</p>
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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: <ul style="list-style-type: none">(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 <u>14.34.420</u>, 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
5254	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 <u>14.34.380</u> , Provo City Code
6422	Radio and TV repair
6425	Electrical appliance repair (light)
6493	Watch, clock, jewelry repair, engraving
6496	<u>Locksmiths and key shops</u>
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: <ul style="list-style-type: none">(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 <u>14.34.370(3)</u> , Provo City Code)
7390	Amusements
7398	Video rental shops
7414	Ice skating (subject to the standards of Section <u>14.34.370</u> , Provo City Code)
7415	Roller skating and skate boarding (subject to the standards of Section <u>14.34.370</u> , 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 <u>14.34.370</u>, Provo City Code)
7397	Billiard and pool halls
7414	Ice skating (subject to the standards of Section <u>14.34.370</u>, Provo City Code)
7415	Roller skating and skate boarding (subject to the standards of Section <u>14.34.370</u>, Provo City Code)

Use No.	Use Classification
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7417	Bowling alleys
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(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 <u>14.34.370(3)</u> , 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 <u>14.34.370</u>, Provo City Code)
7397	Billiard and pool halls
7414	Ice skating (subject to the standards of Section <u>14.34.370</u>, Provo City Code)
7415	Roller skating and skate boarding (subject to the standards of Section <u>14.34.370</u>, 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

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

49
50 C. The Municipal Council hereby directs that the official copy of the Provo City
51 Code be updated to reflect the provisions enacted by this ordinance.

52
53 D. This ordinance shall take effect immediately after it has been posted or published
54 in accordance with Utah Code 10-3-711, presented to the Mayor in accordance
55 with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

56
57 END OF ORDINANCE.

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

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:
	<ul style="list-style-type: none"> (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 <u>14.34.380</u> , Provo City Code
6422	Radio and TV repair
6425	Electrical appliance repair (light)
6493	Watch, clock, jewelry repair, engraving
6496	<u>Locksmiths and key shops</u>
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 sharpening
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 <u>14.34.370</u> , Provo City Code)
7397	Billiard and pool halls
7414	Ice skating (subject to the standards of Section <u>14.34.370</u> , 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

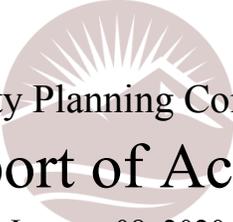
(b) Storage of materials used for construction of a building, including a contractor's temporary office, provided that such use be located on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days 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 <u>14.34.370</u> , Provo City Code)
7397	Billiard and pool halls
7414	Ice skating (subject to the standards of Section <u>14.34.370</u> , Provo City Code)
7415	Roller skating and skate boarding (subject to the standards of Section <u>14.34.370</u> , 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

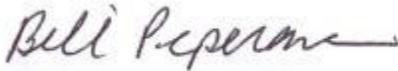
- This item was City-wide or affected multiple neighborhoods.
- No neighborhood chair made comment.
- Scott Bowles of Provo Towne Centre was the only member of the public to speak regarding the item and was in full support of the ordinance text amendment.

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 <u>14.34.380</u> , 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: <ul style="list-style-type: none"> <li data-bbox="618 1266 1008 1339">(a) experimental or scientific research activities are prohibited, <li data-bbox="618 1360 1036 1381">(b) no on-site disposal of dead animals, <li data-bbox="618 1413 1089 1528">(c) each facility shall be located completely within an air conditioned and soundproofed building, <li data-bbox="618 1549 1068 1623">(d) animal noise shall not be audible at the nearest property line, <li data-bbox="618 1644 1057 1717">(e) overnight boarding shall be limited to animals receiving treatment on the premises, <li data-bbox="618 1738 1073 1812">(f) services shall be limited to small animals only, and <li data-bbox="618 1833 1008 1904">(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 sharpening
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 <u>14.34.370</u> , Provo City Code)
7397	Billiard and pool halls
7414	Ice skating (subject to the standards of Section <u>14.34.370</u> , Provo City Code)
7415	Roller skating and Skate Boarding (subject to the standards of Section <u>14.34.370</u> , 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 <u>14.20.160</u> , Provo City Code)
1130-50	Multi-family and apartment dwelling (subject to Section <u>14.20.160</u> , 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 <u>14.34.370(3)</u> , Provo City Code)
7390	Amusements
7398	Video rental shops
7414	Ice skating (subject to the standards of Section <u>14.34.370</u> , Provo City Code)
7415	Roller skating and skate boarding (subject to the standards of Section <u>14.34.370</u> , 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 <u>14.34.370</u>, Provo City Code)
7397	Billiard and pool halls
7414	Ice skating (subject to the standards of Section <u>14.34.370</u>, Provo City Code)
7415	Roller skating and skate boarding (subject to the standards of Section <u>14.34.370</u>, 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
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

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

Neighborhood Shopping Center SC1

Use No.	Use Classification
5060	Garden supplies (fully enclosed only; no farm supplies)
5070	Jewelry
5080	Fuel and ice (ice dispensing machine only)
5092	Cigars and cigarettes
5094	Cameras and photographic supplies
5095	Gifts, novelties, etc.
5096	Optical goods
5097	Paper products
5099	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 <u>14.34.380</u> , 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
6815	branch (office only)
6815	Day care centers
6835	Dancing schools
8224	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)

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

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

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
5254	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
5300	Retail trade—general merchandise
5400	Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
5400	Miscellaneous retail food establishments
5520	Automobile 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
5000	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
7114	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
4828	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)
6384	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 appliances repair
6494	Furniture repair
6498	Saw, knife, and tool sharpening
6499	Miscellaneous small item repair
6722	Police protection and related activities, branch (Office only)
7212	Motion picture theaters
7394	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
 Code Publishing Company

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 <u>14.20.160</u> , Provo City Code)
1130-50	Multi-family and apartment dwelling (subject to Section <u>14.20.160</u> , 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
5934	Antiques (no outside display)

Regional Shopping Center SC3

Use No.	Use Classification
5983	Bottled gas
6244	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 <u>14.34.370</u>, Provo City Code)
7397	Billiard and pool halls
7414	Ice skating (subject to the standards of Section <u>14.34.370</u>, Provo City Code)
7416	Roller skating and skate boarding (subject to the standards of Section <u>14.34.370</u>, 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.



**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.

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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 (30~~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.

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

51
52 C. The Municipal Council hereby directs that the official copy of the Provo City
53 Code be updated to reflect the provisions enacted by this ordinance.

54
55 D. This ordinance shall take effect immediately after it has been posted or published
56 in accordance with Utah Code 10-3-711, presented to the Mayor in accordance
57 with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

58
59 END OF ORDINANCE.

Attachment "A"

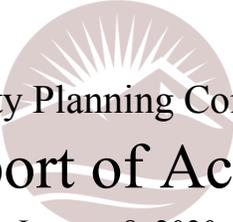
Permissible Lot Coverage – PO Zone Ordinance Text Amendment

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 (35%) 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 (PLOT20190432)

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.

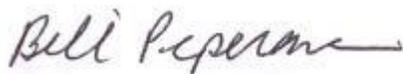
PLANNING COMMISSION DISCUSSION

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 \leq 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.

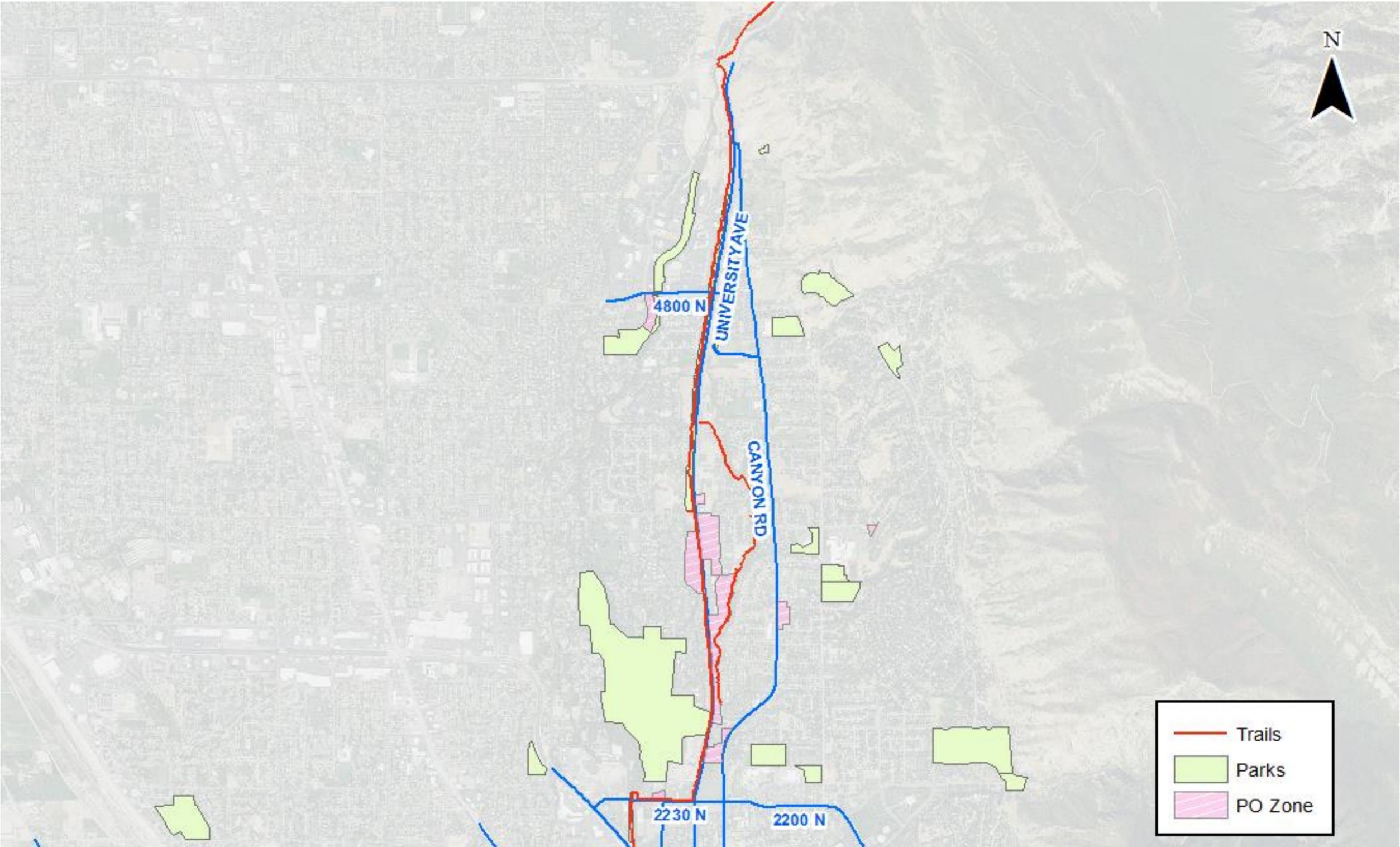
- (1) In a PO zone, all buildings and structures shall not cover an area of more than thirty percent (30%) of the lot or parcel of land upon which they are placed; however, the Development Services Direct shall have the authority to vary the permissible lot coverage percentage by up to 5-percent if the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

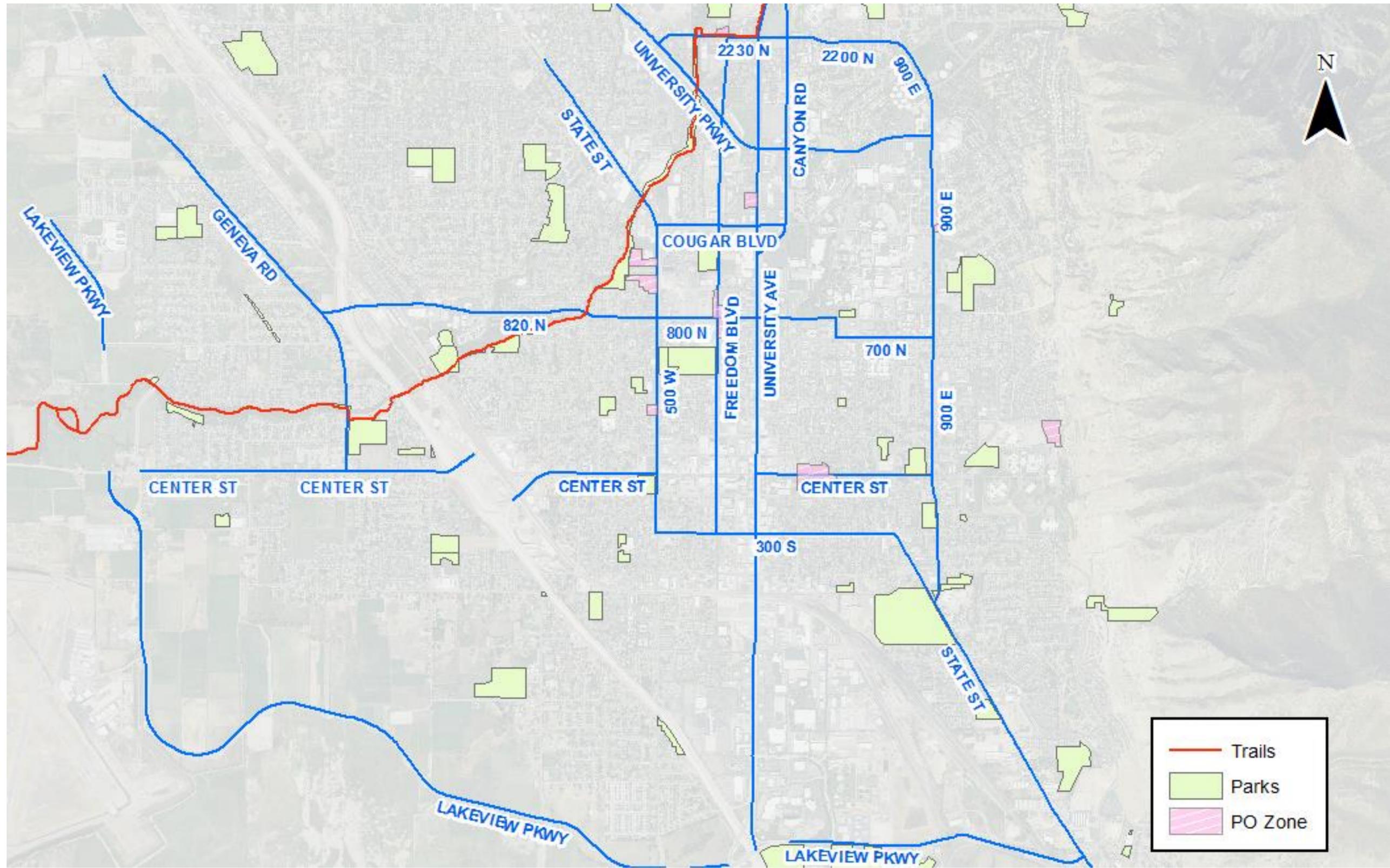
Staff's Revised Amendment: Lot Coverage, PO Zone (14.16.120)

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.







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 food¹; 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.
- “Licensee Handbook: Full Service Restaurant.” Utah Department of Alcoholic Beverage Control, accessed 13 Jan. 2020, https://abc.utah.gov/license/documents/handbook_restaurant.pdf
- Moore, Michael S., et al. “The Locational Determinants of Micro-Breweries and Brewpubs in the United States.” SpringerLink. Palgrave Macmillan, London. 1 Jan. 2016, https://link.springer.com/chapter/10.1057/9781137466181_10.
- Martinez, Chief Craig. Interview with Hannah Salzl. 16 Jan. 2020.
- Peterson, Quinn. Interview with Hannah Salzl. 13 Jan. 2020.
- Planning Commission Staff Report, Item #1. January 8, 2020. <https://www.provo.org/home/showdocument?id=16296>
- [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

<p>Applicant: Quinn Peterson</p> <p>Staff Coordinator: Aaron Ardmore</p> <p>*Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is January 22, at 6:00 p.m.</i></p> <p>2. Recommend Denial of the proposed ordinance amendment. <i>This would be <u>a change from the Staff recommendation</u>; the Planning Commission should state new findings.</i></p>	<p>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.</p> <p>Neighborhood Issues: This is a city-wide application; staff is unaware of any neighborhood issues at the time of this report.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none"> • 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. <p>Staff Recommendation: That the Planning Commission recommend approval of the proposed text amendment to the Municipal Council.</p>
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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	Batching 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	Batching 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.

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

51
52 C. The Municipal Council hereby directs that the official copy of the Provo City
53 Code be updated to reflect the provisions enacted by this ordinance.

54
55 D. This ordinance shall take effect immediately after it has been posted or published
56 in accordance with Utah Code 10-3-711, presented to the Mayor in accordance
57 with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

58
59 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 <u>14.34.370(3)</u> , 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 <u>14.34.370</u> , Provo City Code)
7397	Billiard and pool halls
7414	Ice skating (subject to the standards of Section

Use No.	Use Classification
	<u>14.34.370</u> , Provo City Code)
7415	Roller skating and skate boarding (subject to the standards of Section <u>14.34.370</u> , 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	Batching 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	Batching 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 <u>14.34.420</u>)
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 <u>14.34.370</u> , 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

<https://dui.drivinglaws.org/drink-table.php>

Blood Alcohol Level Chart: Are You Too Drunk to Legally Drive?

Use the blood alcohol level chart to get an idea of how many drinks it takes to put your blood alcohol concentration (BAC) above the legal limit.

In every state, it's illegal—a “[per se](#)” DUI—to drive with a [blood alcohol concentration \(BAC\)](#) of .08% or more. (The BAC limit can be even lower for certain motorists, like commercial vehicle drivers and drivers younger than 21.) But everyone absorbs and metabolizes alcohol at different rates, and there are lots of factors that affect BAC. So there's no exact formula for determining how many drinks equate to a given BAC level. Plus, you can be convicted of DUI for [driving “impaired”](#) (by alcohol or drugs) even if you were under the BAC limit.

The chart below gives BAC *estimates* that correspond to number of drinks consumed and body weight. (For another way of looking at blood-alcohol approximations, check out our [BAC calculator](#).)

Are You Too Drunk to Legally Drive? A Warning About BAC Estimates

The BAC values in the chart below, shown in separate rows for men and women, are only estimates. You shouldn't rely on their accuracy when deciding whether to drive or do anything else. The chart doesn't account for all the factors that can affect BAC levels or the extent of impairment—for example, fatigue, medications taken, or amount of food consumed. If you've been drinking, it's always best to let someone else drive.

Number of Drinks		Body Weight in Pounds							
		100	120	140	160	180	200	220	240
0	M	.00%	.00%	.00%	.00%	.00%	.00%	.00%	.00%
	W	.00%	.00%	.00%	.00%	.00%	.00%	.00%	.00%
1	M	.06%	.05%	.04%	.04%	.03%	.03%	.03%	.02%
	W	.07%	.06%	.05%	.04%	.04%	.03%	.03%	.03%
2	M	.12%	.10%	.09%	.07%	.07%	.06%	.05%	.05%
	W	.13%	.11%	.09%	.08%	.07%	.07%	.06%	.06%
3	M	.18	.15%	.13%	.11%	.10%	.09%	.08%	.07%
	W	.20%	.17%	.14%	.12%	.11%	.10%	.09%	.08%
4	M	.24%	.20%	.17%	.15%	.13%	.12%	.11%	.10%
	W	.26%	.22%	.19%	.17%	.15%	.13%	.12%	.11%
5	M	.30%	.25%	.21%	.19%	.17%	.15%	.14%	.12%
	W	.33%	.28%	.24%	.21%	.18%	.17%	.15%	.14%

Understanding the Chart

- One drink = 1.5 ounces of 80-proof liquor, 12 ounces of 5% beer, or five ounces of 12% wine.
- **Red** = .08% or greater, a per se DUI in all 50 states.
- **Yellow** = .05% or greater but less than .08%, a per se DUI in Utah

Using the BAC Chart

In the chart, one drink equals 1.5 ounces of hard liquor, 12 ounces of beer, or five ounces of wine. For example, one ten-ounce glass of wine would count as two drinks.

Also, time is an important consideration in using the chart. The human body metabolizes alcohol over time. Generally, this metabolization reduces a person's BAC by about .015% per hour. For example, someone who has stopped drinking and has a BAC of .08% at 4:00 p.m. would likely have a BAC of about .05% two hours later, at 6:00 p.m.

How BAC Translates to Impairment

Everyone's body reacts differently to alcohol. However, there's certainly a correlation between a person's BAC level and symptoms of intoxication. And these symptoms become more pronounced—and have an increasingly detrimental effect on driving ability—as BAC increases.

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.

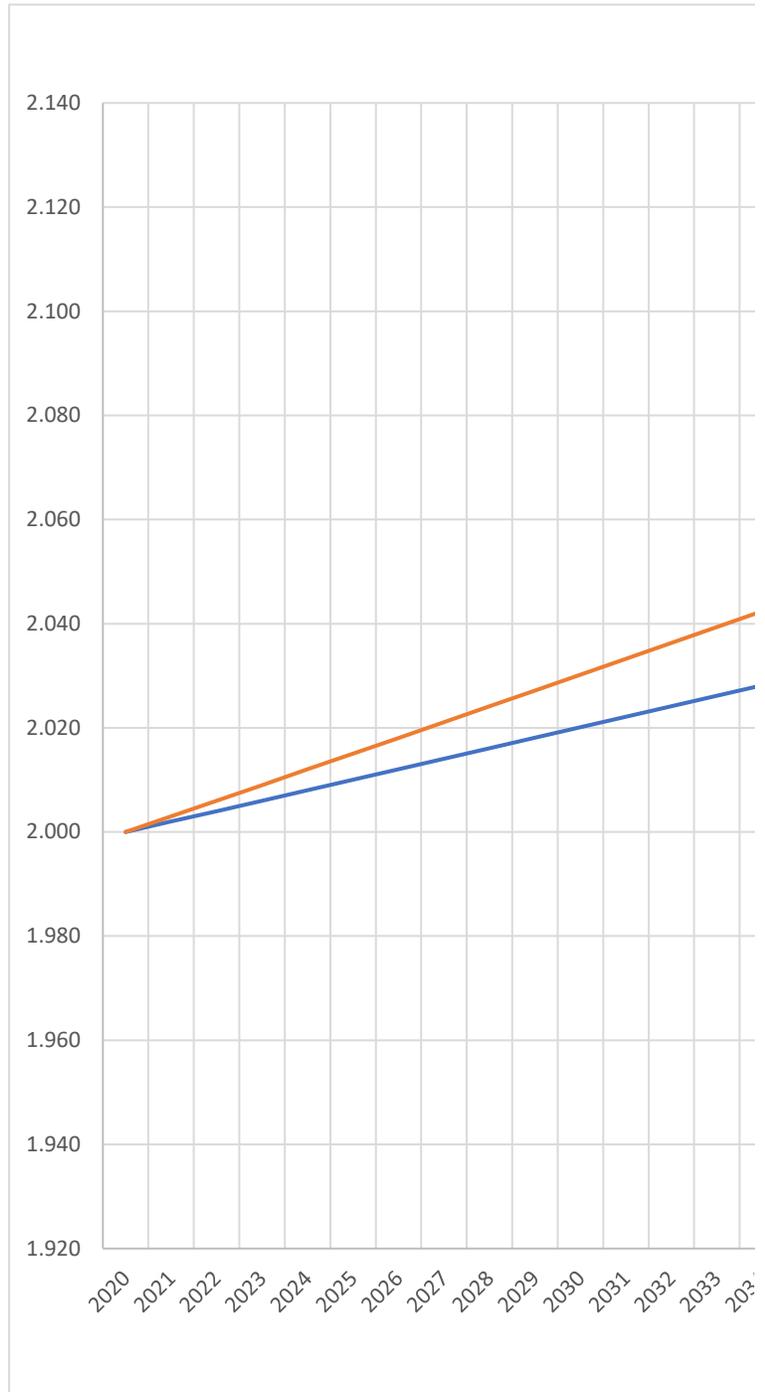
Citywide application

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.

Year	Without Brewpubs	With Brewpubs
2020	2.000	2.000
2021	2.002	2.003
2022	2.004	2.006
2023	2.006	2.009
2024	2.008	2.012
2025	2.010	2.015
2026	2.012	2.018
2027	2.014	2.021
2028	2.016	2.024
2029	2.018	2.027
2030	2.020	2.030
2031	2.022	2.033
2032	2.024	2.036
2033	2.026	2.039
2034	2.028	2.042
2035	2.030	2.045
2036	2.032	2.049
2037	2.034	2.052
2038	2.036	2.055
2039	2.038	2.058
2040	2.040	2.061
2041	2.042	2.064
2042	2.044	2.067
2043	2.047	2.070
2044	2.049	2.073
2045	2.051	2.076
2046	2.053	2.079
2047	2.055	2.083
2048	2.057	2.086
2049	2.059	2.089
2050	2.061	2.092
2051	2.063	2.095
2052	2.065	2.098
2053	2.067	2.101
2054	2.069	2.105
2055	2.071	2.108
2056	2.073	2.111
2057	2.075	2.114
2058	2.077	2.117
2059	2.080	2.120
2060	2.082	2.124



Per Capita Alcohol Consumption

