



PROVO MUNICIPAL COUNCIL

Work Meeting

3:00 PM, Tuesday, July 07, 2020

Electronic meeting: <https://www.youtube.com/user/provocitycouncil>

Summary of Action

Approval of Minutes

February 4, 2020 Work Meeting

February 18, 2020 Work Meeting

Approved by unanimous consent.

Business

1. A discussion regarding proposed amendments from the Sign Committee to Provo City Code regarding electronic sign hold times and permitted locations. (20-101) ***Presentation only.***
2. A discussion regarding Provo City's permitting process for demonstrations and protest. (20-103) ***A motion to establish a committee to review the permitting process for public gatherings, to review the related ordinance, and recommend changes, with Bill Fillmore as Chair and George Handley as a committee member, was approved 7:0.***

Policy Items Referred from the Planning Commission

3. A discussion regarding rezoning all R2.5, R3, R4 properties to Low Density Res., Medium Density Res., or High Density Res. and the removal of the R2.5, R3, R4, R5, and Campus High Density zones from City Code. (PLRZ20190427 and PLOTA20190428) ***Presentation only. These two items were already scheduled for the Council Meeting on July 7, 2020.***

Closed Meeting

A closed meeting was held.

Adjournment

Pending minutes – awaiting approval

Please Note – These minutes have been prepared with a timestamp 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

Work Meeting Minutes

1:30 PM, Tuesday, February 04, 2020
Room 310, Provo City Conference Room
351 W. Center Street, Provo, UT 84601

Agenda (0:00:00)

Roll Call

The following elected officials were present:

Council Chair George Handley, conducting
Council Vice-chair David Harding
Councilor Shannon Ellsworth
Councilor William Fillmore
Councilor Travis Hoban
Councilor David Sewell
Councilor David Shipley
Mayor Michelle Kaufusi

Prayer

The prayer was offered by Councilor David Shipley.

Business

- 1. A presentation regarding fiscal year (FY) 2021 budget from Parks and Recreation. (20-032) (0:04:23)**

Scott Henderson, Parks and Recreation Director, presented. He was assisted by Doug Robins, Parks and Recreation Assistant Director. Mr. Henderson shared the department's commitment to the General Plan goals and he shared a slideshow video illustrating Parks and Recreation's many functions and programs and how they aligned with the General Plan goals and progress. Mr. Henderson highlighted the unique features of the Parks and Recreation operations—over 30,000 residents participate at their managed sites every day. Their department has a tremendous impact and influence on community health, as evidence by high participation and satisfaction rates of the public they serve. Provo residents react to new services and amenities with heavy use. Parks and Recreation has been able to make operations more efficient by increasing use and decreasing subsidies; they strive to run self-sufficient operations and he shared previous subsidies and the reductions over time to the subsidies they have received. He also commended his excellent staff, whose hard work and dedication contribute to their efficient staffing and utility management; they have been able to take on additional acreage and services without adding more staffing.

Mr. Robins highlighted the unique geographic location of Provo, with the Wasatch mountains to

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the east, Utah lake to the west, the Provo River running down its spine, and ample access to nearby canyons. He commended the foresight of Provo’s past leaders to establish a unique system of parks. Provo is a community made up of many young and active people who place high value on outdoor recreation—indeed, Provo was the runner-up for the best outdoor place in the country in *Outside* magazine. In a recent community opinions survey conducted by a consultant, 91% of the community rated Provo’s parks as being in good or excellent condition. The consultant expressed that it was the first time in their 30 years of conducting such surveys where they have received those kinds of results. Mr. Robins shared details of several recent projects which have brought more efficiency and innovation to their operations, including a transition to LED lights, central irrigation control, combining multiple uses into their facilities, and several partnerships with Provo Public Works, including aquifer recharge sites in city parks and stormwater retention basins in the park. They use a business model of keeping full-time staff stable and to utilize part-time and seasonal workers during the growing season.

Mr. Robins shared an update on the revenue bond for the cemetery which passed in 2011. The expansion project has been completed and revenue from sales at the site are repaying the bond. There is a general trend nationwide toward more cremations; this has been incorporated into the expansion project. Parks and Recreation hopes to explore a perpetual funding mechanism to maintain the site after buildout, so that it does not become a burden on future generations.

Mr. Robins highlighted the status of several capital improvement projects, some grant-funded and some RAP tax-funded. He highlighted several approaches the department takes on projects: they have an internally skilled staff who can complete much of the work internally; they contract out what doesn’t make sense to do in-house and this combination approach allows them to deliver high-quality projects for lower costs. They also seek to sequence projects to meet the expectations of the community as well as the limitations of their funding sources.

Mr. Robins also addressed the Parks and Recreation’s role in maintaining landscaping on boulevard rights-of-way, freeway interchanges and gateways into town, weed abatement at over 30 city properties, snow removal at city properties, and collaboration with the Fire Department to mitigate wildfire conditions in parks areas. Provo’s population is also very service-oriented, with over 4000 people contributing 9560 hours on 161 projects in the last three years. This represents a value of over \$110,000 to the community. Parks and Recreation hopes to augment their volunteer programs even further. Mr. Robins also shared information about Provo’s group sports programs and details on the regional sports park, which is currently in the design phase. This represents great future opportunities to highlight Provo’s athletics community and to bring tournament travel to Provo and the surrounding area.

Mr. Henderson shared more about other areas of the Parks and Recreation budget and operations, highlighting their special events team and the high-caliber, high-attendance events they put on and fund using event revenue. Given the size and success of their events, that was an area of the budget where they saw certain supplemental needs; as they continue to run larger and larger events, they need to purchase more supplies. There are also certain items that make sense to bring in-house rather than rent frequently (such as a portable stage). Mr. Henderson also shared information about the Covey Center operations, booking rates, diversity of programming, and the reduction to their annual subsidy. He noted that there may be additional needs for more

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Mr. Henderson shared details about the Recreation Center operations, which is one of the most successful facilities of its kind in the country and sees visits from over 2 million guests annually. He also shared innovations at the recreation center including their self-sufficient funding, Triple Play membership, and implementation of an app which has reduced phone calls and staff time to conduct routine transactions. Mr. Henderson noted certain pay increases recommended by the annual market rate study completed by Human Resources. Parks and Recreation was supportive of such measures to invest in their facility to ensure its continued success, by having appropriate staffing, and adding additional equipment, staffing, and facilities when needed to accommodate growing demand. Mr. Henderson also shared details about the Peaks Ice Arena and advances made there to renovate the entrance and make better use of the space for other uses. The Peaks Arena is recognized nationally for being a successful, continually operating Olympic venue. Mr. Henderson also highlighted programs and successes of the East Bay Golf Course, including plans for future programming as part of the renovated holes due to the medical school and relocation of a portion of the course.

Mr. Henderson noted that Parks and Recreation did not ask for or receive supplemental budget requests during the past year. If they needed to cut their budget, they would examine the self-sufficient budgets versus those which were general fund-supported and identify key cost-benefit comparisons. He also noted that they have not waited for tough budget years to be efficient and cost-effective, as they routinely try to introduce further efficiencies into their spending and operations. Mr. Henderson recognized many of his senior staff members and thanked them for their great work in their various areas of responsibility. He also shared a photo of a large group of their staff pictured in the Council Chambers, accounting for only about one-eighth of their full 55 full-time and 800 part-time employees. He acknowledged the team effort at work every day in their department and how unique an operation theirs is for a municipal parks and recreation department. He suggested that efficiency, innovation, effort, and reinvestment together incubate success. He also thanked Mayor Michelle Kaufusi for her visionary leadership—she frequently asks, “What’s next?” rather than “Aren’t you ready for a break?” That approach is consistent with their attitude and approach in Parks and Recreation.

Councilors asked questions regarding Parks and Recreation, including:

- Councilor Travis Hoban asked about the demand for opening the recreation center on Sundays. Mr. Henderson said it is discussed often and they have analyzed the projected revenues from Sunday operations versus the costs of operating an additional day each week. From an efficiency standpoint, it did not make sense as Sunday use would pull from a much smaller contingent of the community and would decrease the success they are having overall in that Sundays would be more costly to operate. Councilor David Harding also added thoughts on Sunday use and the cultural and social climate in Provo.
- Councilor George Handley thanked Mr. Henderson for the excellent job he and his staff do; he felt that the City’s parks and recreation facilities were one of the best things about living in Provo. Mr. Handley asked about the regional sports park and the possibility of using it for purposes other than sports, such as a music festival. He also wondered if there was enough demand at the recreation center that would merit the City looking at building

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a second facility. Mr. Henderson said that they see the regional sports park as an events center. They have had great success in other areas of their operations by introducing a diversity of programming, and they would use the same concepts to guide their management of the regional sports park. Regarding the popularity of the recreation center, Mr. Henderson indicated that they have been able to do some amazing things with the Triple Play program; 15% of fitness use was now taking place at the Peaks Ice Arena. Their department routinely comes up with new ideas that do not require additional capital or additional brick and mortar to spread out their population. He acknowledged that it was a decision they would continually look at, but opening a second facility would definitely have a major financial impact on how the current facility operates.

- Councilor Shannon Ellsworth shared her positive impressions of the department and the tangible benefit to quality of life for Provo residents by having access to great parks and recreation facilities. Ms. Ellsworth asked about the firm selected for the regional sports park and whether Parks and Recreation officials were confident that we would meet the project budget while also getting a quality project. Mr. Henderson indicated that the firm has worked on the Rock Canyon project; going in, the consultants knew it would be a complicated site. Mr. Henderson and his staff were confident in the skills of the consultant and Provo City has had good experience with their deliverables.
- Mr. Harding asked about a beach park at Utah Lake. Mr. Henderson indicated that they have worked with the State to facilitate much of the design process for a beach park at the Provo entrance to Utah Lake State Park. This had been a desire of Mayor Curtis, but there have been issues with algal blooms which have halted some of the momentum. He hoped the project at the State would move forward, as it would be an exciting facility to introduce on Provo's west side.
- Mr. Handley asked for an update on Rock Canyon trail updates. Mr. Henderson indicated that the CIP plan was funded at \$250,000 and they hoped to secure an additional \$100,000 in grant funding in order to expedite the process.
- Cliff Strachan, Council Executive Director, asked about the ice arena funding. Mr. Henderson indicated that the Utah Olympic Oval in Kearns was subsidized with Olympic Foundation funding, while the Peaks Ice Arena has been a standalone facility for a long time. **Presentation only.**

2. A training on the use of development agreements. (20-030) (1:02:30)

Brian Jones, Council Attorney, presented. He introduced the topic of development agreements, noting that they were mentioned a number of times in the Land Use, Development, and Management Act (LUDMA). However, none of the provisions in LUDMA or in city code gave a definition of a development agreement as they pertain to municipal governments. Mr. Jones indicated that while they were not defined, there was a long history nationwide of development agreements. This history rises out of attempts to solve tension between the vesting of developer rights and constitutional limitations on municipal exactions.

At a certain point, a developer has obtained the legal right to develop a property in a particular way. The Utah Supreme Court ruled on vested rights in 1980, citing provisions protecting a developer from changes to legislation after they have undertaken a project or had their

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development rights vested. Since that time, these provisions have been put into State code. Once a developer has submitted a completed application, the application is subject to a review of the regulations which were in effect on the day the application was complete. Mr. Jones explained the six-month period associated with pending legislation and how a developer's vested rights interface with that timeline. Mr. Jones also explained the legal precedent established in several landmark cases, which requires a nexus and proportionality between conditions imposed on a developer with the impacts of their development. Mr. Jones clarified the additional requirements imposed by state regulations. Cities cannot impose taxes that the state legislature has not expressly authorized them to levy; requiring something of a developer could be considered an illegal tax if there is not an enabling statute.

Mr. Jones shared background history of development agreements (DA). DAs are a tool which a developer can proffer as part of a project, to secure more long-term certainty than is offered with their vested rights. The tool also serves to formalize the mitigation of potential impacts or commitments regarding infrastructure which may be of concern to the City. Utah is one of about 15 states that authorize the use of DAs. Councilor David Shipley asked about multi-phase projects versus single-phase projects; Mr. Jones explained that because DAs are not defined in Utah, they could be appropriately used in either instance. Mr. Jones cited an example in Provo which resulted in an undesirable project; the Chevron on 500 West 800 North was supposed to be a medical office. The City approved the zone change, then the developer could make the project financially viable so built a gas station. Where development agreements have been used, typically the developer and the City are reaching a mutually beneficial agreement.

Mr. Jones shared two challenges raised in the past about the legality of development agreements. The City cannot give up its power to engage in the regulation and passing of laws for the health and safety of the public. It can also be problematic if the city enters a DA promising to approve something; the legislative body cannot bind a future Council, as doing so would illegally restrict their police power. It also does not work to have the Planning Commission impose conditions on a project, as that is outside of their purview. Mr. Jones reiterated some best practices for DAs:

- Make sure there is enabling statute.
- Restrict the use of a development agreement to the purposes listed in enabling statute.
- Limit the length of agreement so that the binding of the city is not seen as unreasonable.
- Avoid excessive conditions and conditions not for a public purpose.
- Conditions should have rough proportionality and nexus.

Mr. Jones also explained that having the DA tied to the property is problematic; Mr. Jones recommended that a development agreement needs to expire with the building permits, and needs to have only requirements that can be met by the time the building permits are issued. Mr. Jones explained that using a DA to impose conditions that are likely unconstitutional to impose, would appear as an exaction or involuntary to the court. Another consideration is whether a DA is truly voluntary if the zoning is not already in place; is the DA the only way for the developer to get the zoning they desire? Mr. Jones stressed the vital importance of building a record that the DA was voluntary and proffered by the developer.

Cliff Strachan, Council Executive Director, shared insight about the cautions the Council should exercise. Neighborhood chairs and Council members often mention DAs, which tends to

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In summation, Mr. Jones expressed that development agreements were not a silver bullet and he felt that it was not true and dangerous to think that; they may be a useful tool but should be used thoughtfully and purposefully. Mr. Jones offered some clarifications on how the Planning Commission should act and he suggested that it would be helpful to do a joint presentation and discussion for the Council and Planning Commission together. Council Chair George Handley suggested this topic should also be addressed with neighborhood chairs *Presentation only*.

3. A discussion regarding the creation of a Very Low Density Residential (VLDR) Zone. (20-029) ([1:46:33](#))

Gary McGinn, Community and Neighborhood Services Director, presented. He explained that there were a number of zones codified in the city code which did not appear anywhere on the City's zoning map. For instance, many developers create a PRO (project redevelopment option) zone, and then many of them have gone unused. In most PRO zones, the modifications are typically for setback requirements or parking ratios, leaving most else the same. In an effort to simplify the code and make it easier to enforce, staff was exploring a zone that would allow a density between Low-Density Residential and the traditional residential zoning. They had some elements of an open space subdivision zone which they planned to adapt and develop into a VLDR zone. The intent was to create a zone that would also allow a little more creativity in how someone approaches a site with particular constraints of size, shape, or geological issues. This would also reduce the instances where developers proffer development agreements, because the regulatory schemes are codified in the city code.

Councilors shared comments on the proposal. Several commented that they could think of several projects in recent months where this type of zone would have been appropriate and very helpful. Mr. McGinn was interested in whether the Council was receptive to the idea. If so, then staff will invest some time in developing a proposal. They wanted to have a sense of high-level issues which were of concern to the Council before they began the process. Mr. McGinn indicated that they would also conduct a proforma to identify circumstances where existing PRO zones could be reassigned. Councilors were generally supportive of the idea and looked forward to hearing the future proposal. *Presentation only*.

4. A discussion regarding Councilors' committee assignments. (20-021) ([2:05:33](#))

Cliff Strachan, Council Executive Director, presented. He summarized recent discussions on the audit and budget committees. Mr. Strachan also shared background information about the initial purposes behind the housing and zoning committees, which had been created several years

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previously in response to the priorities of the then-Council. He invited discussion from the Council regarding the direction of other Council committees. Councilors' comments included:

- Councilor Shannon Ellsworth suggested that having targeted, tight objectives, as well as a timeline or due date would make committees more effective. She also suggested that the Planning Commission is comprised of individuals with professional expertise that is underutilized. They constantly discuss and review housing developments. She hoped the Council could help break down silos and redundancies. She was comfortable with outsourcing and delegating responsibilities that staff already worked closely on. Perhaps issues of homelessness and other needs could be more focused with the right partners.
- Ms. Ellsworth was also interested in promoting owner-occupancy and long-term residency. However, this is often weaponized against people like her who rent homes. She hoped the Council could be cognizant of some of these issues moving forward.
- Councilor George Handley echoed comments about the nebulous nature of the Housing Committee in the past. As a member of the committee, he observed that they were most often putting out metaphorical fires, rather than using the expertise and backgrounds of the committee members toward planning and long-term vision. He wondered if making a standing committee and redefining its mission would achieve the desired result.
- Councilor David Harding expressed a desire for more formal training on committee work. He also echoed the suggestion for organizing a formal housing board.
- Mr. Harding outlined several issues he felt needed to be addressed by the Council relating to housing: short-term rentals, inclusionary zoning, and housing affordability.
- Ms. Ellsworth and Mr. Harding were both interested in furthering this conversation and bringing proposals back to the Council for the direction to take on housing issues.

Motion: George Handley moved to nominate David Shipley as chair and Travis Hoban as vice-chair of the Audit Committee; to charge them with examining the scope of what committee would do and who would be involved; and to approve the mission statement: "The mission of the Audit Committee is to review and make recommendations to the Mayor and City Council concerning the City's financial reporting processes, standards, financial statements, and internal controls, as audited by the City's independent auditors; and other audit related assignments as requested by the City Council." Seconded by David Sewell.

Vote: Approved 7:0.

The word "objectively" was struck from the Budget Committee mission statement by unanimous consent: "The mission of the Budget Committee is to ~~objectively~~ review and make recommendations concerning the City's annual budgets, which should be results-oriented and structurally balanced, have sustainable revenues, and promote cost effective management of programs and capital infrastructure."

5. A discussion regarding Tier 3 gasoline and a proposed resolution calling for state action to educate consumers about where Tier 3 gasoline is sold. (20-031) (2:32:28)

John Magness, Policy Analyst, shared background information on Tier 3 gasoline and a presentation given by the Sustainability and Natural Resources Committee. Every refinery is

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Councilors shared feedback and concerns about issuing a formal resolution. Cliff Strachan, Council Executive Director, explained that this was a request from Don Jarvis, Chair of the Mayor’s Sustainability and Natural Resources Committee. Buying Tier-3 credits does not contribute to an overall improvement in local air quality; a resolution by the Council contributes further to publicizing where Tier 3 gasoline is sold, and to place pressure on refineries to officially move to producing Tier 3 gasoline. Several Councilors commented that the state legislators seemed reluctant to help advance this, so they felt a resolution would send a clear message that the Council and Provo City favors these changes. Councilor George Handley didn’t feel that the power behind a resolution was diluted by nature of the Council passing a certain number of them. Councilor David Sewell expressed that he thought the Sustainability Committee had a great track record with the specific resolutions they bring to the Council.

Mr. Jarvis explained that the three main refineries north of Salt Lake serve most of the state. Two of these three is producing Tier 3 gas, but the third is not. Mr. Jarvis emphasized the critical need for public education, as market forces won’t cause a shift in production unless there is knowledge about and demand for Tier 3 gas. He noted that Provo City has passed five resolutions since 2014 related to sustainability issues that the State Legislature has acted on. Mr. Jarvis also highlighted efforts by Representative Harrison in Draper to publicize Tier 3 availability. He suggested someUCAIR funding could be applied toward Tier 3 publicity. Councilors suggested stronger language in the resolution regarding education initiatives. Several Councilors also expressed that if 6 or 7 Councilors did not support the resolution, it might send mixed messages to the State legislature.

Motion: George Handley moved to authorize Council Leadership to send a letter to state legislators about the Council’s consideration of this resolution in two weeks and encourage legislators to advance and pass legislation for Tier 3 gasoline; and to bring this resolution to the Council Meeting on February 18, 2020. Seconded by Bill Fillmore.

Vote: Approved 7:0.

Policy Items Referred from the Planning Commission

6. An ordinance amending Provo City Code relating to floor area ratio, setback, and buffer yard requirements in the Research and Business Park (R&BP) Zone. Citywide Application. (PLOTA20190425) (2:55:28)

Dustin Wright, Planner, presented. The applicant, who represented the ownership in the area, wishes to modify the zone to eliminate the floor ratio requirement. Mr. Wright explained that this was not a typical element in other zones but was very innovative about 20 years ago when business parks were being created in Provo and other cities. Staff felt there was still sufficient language within this zone to regulate development. The revised language would allow the Director of Development Services to reduce setback requirements, but the language did not

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- 7. An ordinance amending the General Plan designation of approx. 151 acres, generally located between 300 E. and 1000 E. and between 4800 N. and 6000 N., from Agricultural (A) to Residential (R). North Timpview Neighborhood. (PLGPA20190352) ([3:01:26](#))**

Brian Maxfield, Planner, presented. Mr. Maxfield explained that this application was only to address the General Plan land use map; this proposal did not involve approving a rezone, project plan, or any other portion of the plan. Mr. Maxfield outlined several possible outcomes following the Council's decision on this General Plan Amendment. He clarified that this decision would not supersede the City ordinance about sensitive lands. The land was already zoned in the County for planned unit development of 3 houses per acre. The property would still need to get utilities installed, but the owner could technically proceed with the County. Of the total acreage, about two-thirds, or 100 acres, was in the County with the remaining 50 acres in Provo. In response to a question from Councilor Shannon Ellsworth, Mr. Maxfield indicated that current recreation use on private property was trespassing, though the owner could ensure access if they wanted to during the development stage. ***Presentation only. This item was already scheduled for the Council Meeting on February 4, 2020.***

Closed Meeting

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

Brian Jones, Council Attorney, outlined the statutory basis for the closed meeting, which was a strategy session regarding reasonably imminent litigation.

Motion: David Harding moved to close the meeting. Seconded by George Handley.
Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.

Pending minutes – awaiting approval



PROVO MUNICIPAL COUNCIL Work Meeting Minutes

1:00 PM, Tuesday, February 18, 2020
Room 310, Provo City Conference Room
351 W. Center Street, Provo, UT 84601

Agenda (0:00:00)

Roll Call

The following elected officials were present:

Council Chair George Handley, conducting
Council Vice-Chair David Harding
Councilor Shannon Ellsworth
Councilor Bill Fillmore
Councilor Travis Hoban
Councilor David Sewell
Councilor David Shipley
Mayor Michelle Kaufusi

Prayer

Amy Addington, Council Intern, offered the prayer.

Approval of Minutes

October 8, 2019 Work Meeting
Approved by unanimous consent.

Business

- 1. A presentation regarding the fiscal year (FY) 2021-2022 budget from Public Works. (20-007) (0:01:55)**

Dave Decker, Public Works Director, presented and outlined the various operations of Public Works. Jimmy McKnight, Public Works Budget Analyst, and various Division Directors were also present to answer more specific questions related to the operations of their areas. Mr. Decker acknowledged the partnership and collaboration between Public Works and other City departments, which has contributed to their effectiveness. Mr. Decker shared highlights of recent projects completed by the Public Works department, including Aquifer Storage and Recovery (ASR) and related capital improvements to shore up the City's aquifer and water supply.

Mr. Decker shared a brief review of capital improvements to the sewer system, particularly as it impacts the west side of Provo. He also shared details about stormwater projects. Both these areas have in-house crews doing work as part of the broader airport construction and new

Pending minutes – awaiting approval

terminal. Mr. Decker also highlighted the funding mechanisms for the airport, including FAA grants. Mr. Decker reviewed personnel changes, noting the increase in sanitation staff as a result of the City assuming recycling and composting operations, which provides a great benefit to residents. In response to a question from Councilor Shannon Ellsworth, Mr. Decker explained the calculation model using full-time equivalents; decimal portions could illustrate seasonal, part-time, or intern employees, in addition to full-time staff. He also reviewed the CIP projects planned for Fiscal Year 2021 in more detail, including construction updates from the airport, Lakeview Parkway north of Center Street, wastewater infrastructure, aquifer storage and recovery, savings for reservoir replacement, well development, and spring runoff preparation.

Councilor George Handley asked for an update on street maintenance. Ms. Ellsworth also asked for clarification about the roads budget and the Utility Transportation Fee. Mr. Decker indicated that the entire UTF revenue goes to street overlay. The total roads budget is approximately \$2.6 million, including both funding sources. Public Works staff explained that the State's gas tax funding is broken into three classes: A for interstate and state highways, B for counties, and C for municipalities. B&C roads refers to these second and third portions of the formula. Provo has consistently utilized about \$500,000 from B&C road funds toward sidewalk repair, though the Council may wish to discuss increased funding for sidewalks.

In response to a question from Ms. Ellsworth regarding whether the UTF was in jeopardy during the legislative session, Mr. Decker expressed confidence with Provo's approach to the UTF. They were participating actively in the process at the legislature. Mr. Decker highlighted the issues with bonding for street repairs which befall many cities, such as Salt Lake. Due to the proportion of non-profit property ownership in Provo, the UTF is a much better solution to address Provo's street funding needs. Provo's position continues to resonate with many legislators.

Councilor David Shipley asked what the equivalent amount of sidewalk \$500,000 could repair. Mr. Decker said that would cover about 5000-7000 square feet of sidewalk. Mr. Decker shared an example of an area in the Franklin Neighborhood, where every single block, most of the whole block's sidewalk needed to be replaced due to its aged condition. ***Presentation only.***

2. A discussion regarding information on restaurants with ancillary breweries. (PLOTA20190378) ([1:01:57](#))

John Magness, Policy Analyst, presented. He reviewed the Open City Hall survey, highlighting the methodology as well as the data collected. This was not a scientific survey, but Mr. Magness shared trends seen in the data: women tended to be more supportive than men and younger individuals tended to be more supportive than older individuals. Mr. Magness addressed survey structure—the beginning tried to identify a baseline idea of how people think, then to give them more information and see if that changes their mind. In this survey, it generally did not.

Councilors shared comments about the survey. Council Chair George Handley noted that it would be critical to explain to the public that the survey was not scientific. A couple of Councilors were concerned that the survey was suggestive; they expressed a desire to hear from constituents on both sides of the issue to review the benefits and drawbacks. ***Presentation only. This item was already scheduled for the Council Meeting on February 18, 2020.***

Pending minutes – awaiting approval

3. A discussion regarding the appropriations on the agenda for the evening Council Meeting. (20-035, 20-038, 20-039, and 20-040) ([1:21:23](#))

David Mortensen, Budget Officer, presented. Mr. Mortensen gave an overview of the appropriations scheduled for the Council Meeting that evening:

- \$15,000 in the General Fund for a public bike rack expansion project
 - These funds were revenue from the Zagster scootershare program. The funds had already been programmed to be used in this way.
- transfer \$200,000 from the Community and Neighborhood Services Department to the Development Services Department
 - The final budget for the fiscal year incorrectly allocated this funding to Community and Neighborhood Services; in the intervening months, staff have verified which positions were part of each department's reorganization.
- \$26,819.85 in the General Fund for a reimbursement to satisfy the Participation and Reimbursement Agreement with Parkway Village Provo Holdings, LLC
 - This is a reimbursement payment to satisfy a previous agreement.
- \$3,638,455 in grant funds and sale proceeds for the design and construction of a new roadway, utilities, and infrastructure at the Mountain Vista Business Center
 - John Borget, Administrative Services Director, explained that this property sale had been conditional on the installation of the road. The appropriation would be for the full amount in order to construct the road and infrastructure. The City will then submit reimbursement requests to the federal government for half of the funds, which would come from EDA grants.

Councilors asked several clarifying questions regarding the appropriations. Mr. Mortensen explained that more detail would be shared during the presentations at the evening Council Meeting. *Presentation only. This item was already scheduled for the Council Meeting on February 18, 2020.*

4. A discussion regarding the 2020 Consolidated Plan goals and priorities to direct Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funding. (20-036) ([1:32:51](#))

Dan Gonzalez, CDBG & HOME Administrator, presented. Mr. Gonzalez gave a high-level overview of the purposes and goals of the CDBG program, which has been in place since 1974. He noted that 20% of the allocation can cover costs associated with the administration and planning of the program. Mr. Gonzalez also shared an overview of the HOME Consortium, which is comprised of Provo and several other member cities. Mr. Gonzalez reviewed the project year 2020 consolidated plan, which addresses the next five years, describing needs, resources, goals, priorities, and activities. It also includes a housing needs assessment.

Mr. Gonzalez distributed a survey to the Councilors and hoped to review the Councilors' prioritization of various areas. He also shared the results from surveying the public regarding different priority areas. He noted that among the Council's responses, services for special needs populations rated high, and the other areas had a variety of rankings. Councilor Shannon

Pending minutes – awaiting approval

Ellsworth asked what might fall under commercial rehabilitation; Mr. Gonzalez cited façade update grants as a program in that area. Mr. Gonzalez also highlighted the process for review of the consolidated plan and accompanying public hearings to come before it is submitted to HUD.

Council Chair George Handley raised the question of how the Council wants to approach housing. There is a lot of data the City needs, but does not have, although the CDBG packet had a lot of great data included with its recommendations. Mr. Handley hoped there would be ways to better integrate the Council’s decision-making process for housing with a better understanding of underlying issues for different demographics in Provo, such as minorities, renters (including non-student renters and families who rent), and individuals experiencing homelessness. Ms. Ellsworth added that there are regional issues and there are Provo-specific issues. She felt that Provo needs to be nuanced and strategic with its approach to housing. She also noted that housing is mandated by the State to be included in the General Plan; she suggested focusing efforts there, rather than creating redundant documents or policies. *Presentation only.*

5. A discussion regarding zoning enforcement. (20-037) ([2:01:13](#))

Carrie Walls, Zoning Administrator, presented. Ms. Walls shared details about the staffing of the Zoning division as well as various aspects of their operations, including handling code enforcement cases, rental dwelling licensing and research, scheduling inspections, contacting residents, and working with the public at the front counter, on the phone, and in the field. She highlighted some specific issues that were ongoing in their focus, or coming up, including short-term rentals, business license enforcement (both enforcing on delinquent businesses or businesses entirely without licenses), additional kitchens, occupancy, and accessory and supplementary apartments.

Councilor David Sewell asked a question about staffing and retention. Ms. Walls outlined more about senior staff and what kind of training and opportunities they are given. She explained that they haven't looked into why other cities have a longer tenure for zoning staff, but it is something she would like to investigate. She highlighted a recent change to the reclassification of the staff as code compliance (versus enforcement). She hoped that the change would provide a signal that they hoped to have a positive influence and encourage a positive environment.

Councilor Shannon Ellsworth asked for data on the implementation of the rental disclosure agreements. She wondered if it was an effective tool, as there were probably many people who did not have one or were not aware of the fact that they needed one. Ms. Walls shared additional details about how they track the licenses and the process for using the disclosure form. She explained that it was a time-intensive process, but they were trying to automate various aspects of it. Councilor Bill Fillmore asked about the relationship with BYU on compliance for BYU-contracted housing as well as the quality of the off-campus housing stock. Ms. Walls said that BYU has a process for students to submit documentation for non-BYU housing waivers and BYU has improved their guidelines somewhat to be more in line with what the City requires. However, enforcement is entirely the City’s responsibility. She explained that they can inspect a rental property every 3 years or if there is a specific issue reported. She noted that some complaints are not authorized by the City; for instance, air conditioning is not required, but tenants may complain about not having air conditioning.

Pending minutes – awaiting approval

Gary McGinn, Community and Neighborhood Services Director, explained that the health and safety requirements in the City ordinance are fairly minimal, as the State has limited what cities can do with requiring certain standards for housing. He explained that the apartment lobby has a lot of influence at the State level and the State is very pro-landlord oriented in its laws. Mr. McGinn noted that BYU could actually hold more sway with requiring a higher quality of housing for housing to qualify as BYU-approved. The City's health and safety oversight relates primarily to the structural integrity of the building, having smoke detectors, etc. Mr. Fillmore asked about black mold, for example. Mr. McGinn said there was very little the City could do without a landlord's cooperation. Councilor George Handley asked about non-BYU rental units and whether those were more likely to be at risk. Mr. McGinn explained that affordable housing, which is also healthy and safe, was a big need outside of the student population in Provo. Councilors expressed that renters are often a somewhat vulnerable population, in that many are reticent to report issues lest they experience a punitive or retaliatory response. Ms. Ellsworth thought that even many BYU-approved housing units were low-quality as there are a few main rental companies that have a quasi-monopoly in the city.

Ms. Walls explained that even when the City can and does enforce on landlords or rental managers, it can be a lengthy process to take them to court and often only results in a \$250 fine and plea and abeyance. She thought that a different type of enforcement process was needed for rentals. Brian Jones, Council Attorney, highlighted some of the differences between local versus state perspectives on this issue. There was some concern that the consequences of zoning violations would not hold as much sway and therefore would render enforcement less effective. ULCT was actively engaging on the bill. Councilors shared comments on the hazards of potential changes that would lessen the City's ability to enforce zoning code.

Councilor David Shipley asked whether zoning staff have the bandwidth to handle some of the broader issues discussed during this presentation. For context, with six full-time staff members, each manage about 100 cases. Mr. McGinn noted that they try to work on some of the broader issues, but they are limited with the resources and time they have at the current staffing level. Mr. Shipley also asked if zoning receives calls or complaints about short-term rentals. Ms. Walls indicated that typically they do receive calls from neighbors to the rental property. Mr. Sewell reiterated his concern about the retention issues in the zoning division as a high priority for zoning. Mr. McGinn said that anecdotally, what they hear from staff who leave, is that they have sought out higher-paying jobs or a career path better aligned with their aspirations.

Motion: George Handley moved to reaffirm the Council's wish that funding short-term rental software from carryover funds and selection of a vendor would move forward; and to discuss the most strategic and cost-effective recommendations for zoning staffing in a future Work Meeting. Seconded by David Sewell.

Vote: Approved 7:0.

6. A discussion regarding Community and Neighborhood Services' vision for the General Plan and Neighborhood Plans. (20-044) ([2:49:11](#))

Gary McGinn, Community and Neighborhood Services Director, and Robert Mills, Planner, presented. They highlighted completed neighborhood plans for various neighborhoods and areas

Pending minutes – awaiting approval

of the City, as well as those which were currently in progress. Mr. Mills also shared background on the General Plan, which should be the guiding plan and articulate the values and principles of the City. Often, neighborhood plans are more granular and specific. Mr. Mills explained that neighborhood plans were a way to implement General Plan policies in a specific area. They hoped for the General Plan to become a more concise statement of the City's broad goals. Community and Neighborhood Services wanted to determine if the Council supported that more comprehensive approach. Councilors shared comments on the neighborhood plans, including:

- Councilor George Handley asked about the northeast area plan as it related to the Council's work on foothills protection. Neighborhood plans help a neighborhood come to an understanding of what the General Plan is—when done well, it gets more local buy-in into the bigger picture for the whole City. He felt that efforts needed to be more coordinated to include the canyons and foothills, rather than just what falls within a neighborhood's boundaries. He was concerned about creating fragmented local plans and wanted to make sure they continue to be aligned with the General Plan.
- Councilor Shannon Ellsworth was uncomfortable with the current direction of neighborhood plans. She felt they were a valuable tool to preserve a specific aesthetic in historic neighborhoods, but she worried that more often they are a reactionary tool. She felt the City needed a stronger and simpler General Plan that addressed cohesiveness and connectivity (rather than disparate neighborhoods), gateways into the city, and housing. She did not feel that neighborhood plans were strong enough to do this for Provo.
- Council David Harding felt that neighborhood plans needed to be written by professional staff, similar to the General Plan. They were a tool which could be more contextually sensitive than the General Plan.
- Mr. Handley felt that, if done right and as long as it was not a tool which would enable reactionary policies, that neighborhood plans could reduce reactionary moves—they could serve as a tool to articulate a collective vision.
- Councilor Bill Fillmore asked for clarification on the General Plan—it is a state requirement but are not enforced like the city code. He suggested that neighborhood plans represented a similar aspirational view.
- Ms. Ellsworth hoped the City would work toward an overhaul of the General Plan, as the current version was adopted in 1997. She suggested presenting the Planning Commission with some options and giving them the ability to make a recommendation to the Council on the direction to go. The process would still take 12 months with a professional consultant. The City paid about \$120,000 for the transportation master plan that is currently underway, so that was a solid baseline of what to expect for a General Plan.
- Mr. Harding was interested in recommendations from both the Planning Commission and the department of Community and Neighborhood Services. ***Presentation only.***

7. A discussion regarding the Provo Power renewable energy goal for 50% renewable sources by 2030. (20-043) ([3:13:01](#))

Travis Ball, Provo Power Director, presented. He highlighted some distinctions between carbon-free and renewable energy, noting that many of the dams (including the Glen Canyon Dam) were outside of Utah and did not meet the State's renewable standards as it was considered out-of-state. Carbon-free is power generated that does not distribute carbon into the air. Some sources are renewable but not carbon-free, such as the combined heat and power generator at

Pending minutes – awaiting approval

BYU; residual or waste heat from the generator is used to cool and heat BYU campus facilities. Utah's renewable standards allows the City to count demand-site management programs. Provo has counted rooftop solar among its resources and continues to implement solar through the community solar projects sponsored by UMPA. Solar continues to become more economical. As certain resources or contracts expire, Provo Power continually evaluates what these can be replaced with to further the City's carbon-free and renewable goals. Councilors shared comments on the energy goal. Council Attorney Brian Jones suggested that this discussion continue at the joint meeting of the Council and Energy Board in March. ***Presentation only.***

Closed Meeting

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

Motion: David Harding moved to close the meeting. Seconded by Bill Fillmore.

Vote: Approved 7:0.

Adjournment

Adjourned by unanimous consent.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: HSALZL
Department: Council
Requested Meeting Date: 07-07-2020

SUBJECT: A discussion regarding proposed amendments from the Sign Committee to Provo City Code regarding electronic sign hold times and permitted locations. (20-101)

RECOMMENDATION: Discussion only. If the Council is supportive of the proposed amendments, the item will be scheduled for the Council Meeting on July 21, 2020.

BACKGROUND: The Sign Committee has spent the last year reviewing Provo City's policy regarding electronic signs. At the suggestion of the committee, the Council approved an ordinance prohibiting electronic signs in residential and agricultural zones in October 2019. The committee is now bringing a second proposal to the Council for consideration. The committee proposes that Provo be divided into three areas:

1. areas where digital signs are prohibited
2. areas where long hold times no shorter than one hour are permitted
3. areas where short hold times no shorter than one minute are permitted (unless the sign is in an SC3 zone and represents 20 or more tenants, in which case the shortest permitted hold time would be 15 seconds)

Digital Sign Hold Time Principles v5 gives more details and outlines where each would be applied.

After reviewing the available academic literature and visiting with local business owners, the committee believes that this is the best compromise between Provo's commitment to public safety and the need to create an environment where local businesses can thrive. A more thorough explanation of the rationale behind this proposal, including a short list of studies consulted, is available in the Digital Sign Ordinance Preamble.

In Provo City Code, the current long hold time is that a sign may change up to three times per day. The short hold time is eight seconds, which is the most common hold time in neighboring cities.

FISCAL IMPACT: None anticipated for Provo City. The impact for individual businesses will vary.

PRESENTER'S NAME: Hannah Salzl, Policy Analyst

REQUESTED DURATION OF PRESENTATION: 30 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-101

WHEREAS, Provo is open for business. We want new businesses and existing businesses to thrive. Signage is an important way for businesses to communicate their presence and location and to advertise;

WHEREAS, signage can also be detrimental to community aesthetics and traffic safety. It can be distracting due to size, brightness or frequency of message updates. Provo desires to regulate signage in a way that strikes a good balance between the interests of businesses and community residents;

WHEREAS, Provo regulates signage size according to such factors as zone and street frontage of the business. Somewhat larger signs are allowed in predominantly commercial areas;

WHEREAS, based on studies (a list of which are included in Exhibit A), the Provo Municipal Council finds that:

- Crash risk increases when a driver's eyes leave the road for 2 or more seconds;
- Research and industry sponsored studies show that digital signs take drivers' eyes off the road for 2, 3 and even 5 seconds at a time;
- Changing digital signs receive significantly more glances and more long glances than static signs;
- When a driver sees an image transition, there is an increase in glances longer than two seconds;
- To reduce the number of drivers seeing changes on highways, a hold time longer than 10 seconds is suggested;
- For traffic safety, it is also recommended to set minimum hold times such that no driver will see more than one message change;
- Drivers are neurophysiologically predisposed to orient to motion and sudden changes in the periphery of their vision. Increased transition duration (hold time) helps avoid or reduce such sudden motion or changes; and
- The International Sign Association has recommended a best practice regarding digital sign brightness. That recommendation is that signs not exceed a brightness level of 0.3 foot candles above ambient lighting conditions as measured by a foot candle (lux) meter perpendicular to the sign face, from a specified distance related to the size of the sign. Signs that follow this guideline are readable at night but not so bright as to be offensive or overly distracting on account of the brightness level.

Exhibit A

Studies Consulted

“Digital Signs and Billboards: Crafting and Enforcing Local Regulations” – a slide summary of a 90-minute presentation from the Veridian Group, a consultancy specializing in human factors research, available at <http://media.straffordpub.com/products/digital-signs-and-billboards-crafting-and-enforcing-local-regulations-2013-12-11/presentation.pdf>.

“The impact of road advertising signs on driver behavior and implications for road safety: A critical systematic review”, a study from Australia examining 90 research papers related to the topic, available at <https://www.sciencedirect.com/science/article/pii/S0965856418310632>

“Effects of electronic billboards on driver distraction”, a Swedish study available at <https://www.scenic.org/wp-content/uploads/2019/09/eebdd.pdf>.

Night-time Brightness Level Recommendations for On-Premise Electronic Message Centers, update August 2016 (https://www.signs.org/media/files/ISA_EMC_Recommendations_Refresh_FINAL.pdf).

Digital Sign Hold Time Principles

Divide the city geographically into three areas with respect to digital sign hold times:

- 1) No digital signs
- 2) Long hold times
- 3) Short hold times

Prioritized principles for assigning areas. The first principle that applies governs:

- 1) Predominantly residential zones – no digital signs
- 2) SC3 zones – short hold times
- 3) Long and short hold time areas are defined by street and apply to both sides of the street, except when principle #1 or #2 is applicable
- 4) Historic downtown areas – long hold times
- 5) Gateways to the city – long hold times
- 6) Predominantly commercial areas – short hold times
- 7) Mixed use and other areas – long hold times

Minimum hold times:

- Long hold time areas
 - One hour
- Short hold time areas
 - One minute everywhere unless:
 - Sign is in an SC3 zone and represents 20 or more tenants – then 15 seconds.

We propose extending the short hold time area currently designated in Code on Freedom Blvd. from 500 North south to Center Street in order to include the businesses along that stretch and the Convention Center.

Digital Signs: Hold Times and Locations

Sign Committee
July 7, 2020



AGENDA

Goals and Rationale

Hold Times

Locations

Questions

Goals

- Promote safety for drivers, pedestrians, cyclists, etc.
- Support new and existing businesses
- Preserve community aesthetic

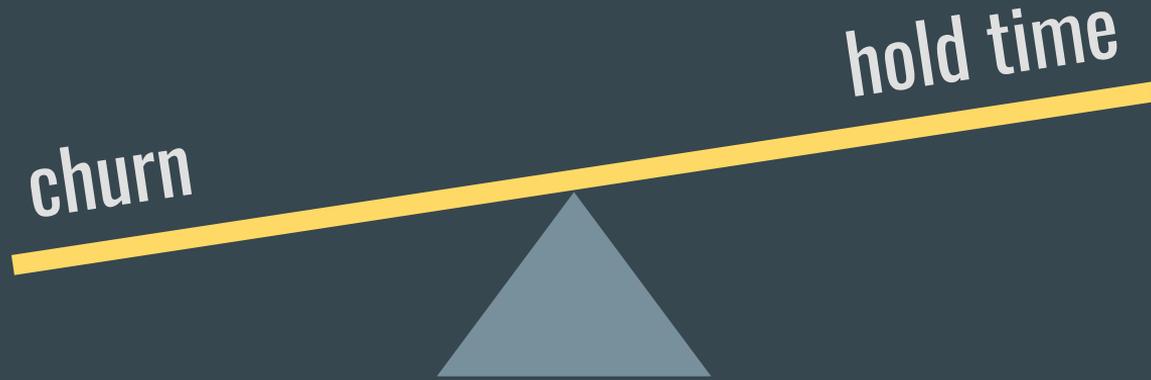
Rationale

- Given that:
 - Distractions of 2+ seconds increase crash risk
 - Drivers glance longer and more often at changing signs than static ones
 - Seeing an image transition draws glances that are longer than 2 seconds
 - Longer hold times minimizes peripheral visual distractions for drivers
 - Business parks often have one sign that is shared by several businesses
 - Signs play a critical role in both placefinding and advertising
- Then:
 - Drivers should see as few transitions as possible while driving down a given block
 - Hold times should be long enough not to create distractions but short enough to be useful to businesses, especially when businesses share signs

Churn and Hold Times

high-churn = short image hold time

low-churn = long image hold time



Current and Proposed Hold Times

Provo City Code 6.06.020 and 14.38.025

Area	Current	Proposed
high-churn/short hold	8 seconds	1 minute*
low-churn/long hold	3 times per day	1 hour
not permitted	none	none

* If SC3 zone and representing 20 or more tenants, then 15 seconds

Locations - current

Digital signs are not permitted in predominantly residential zones.

Signs along the highway are regulated by the state and have an 8-second hold time.

Short Hold Time

- Permitted everywhere except in the A, RA, RC, R1, R2, R2.5, R3, R4, and R5 zones (14.38.010)

Long Hold Time

- Certain zones along 9 designated sections of streets

Locations - proposed

Digital signs would still not be permitted in predominantly residential zones.

Long and short hold time areas would be defined by street and apply to both sides of the street, except in SC3 or predominantly residential zones under the new proposal.

Short Hold Time

- Predominantly commercial areas
- SC3 zones

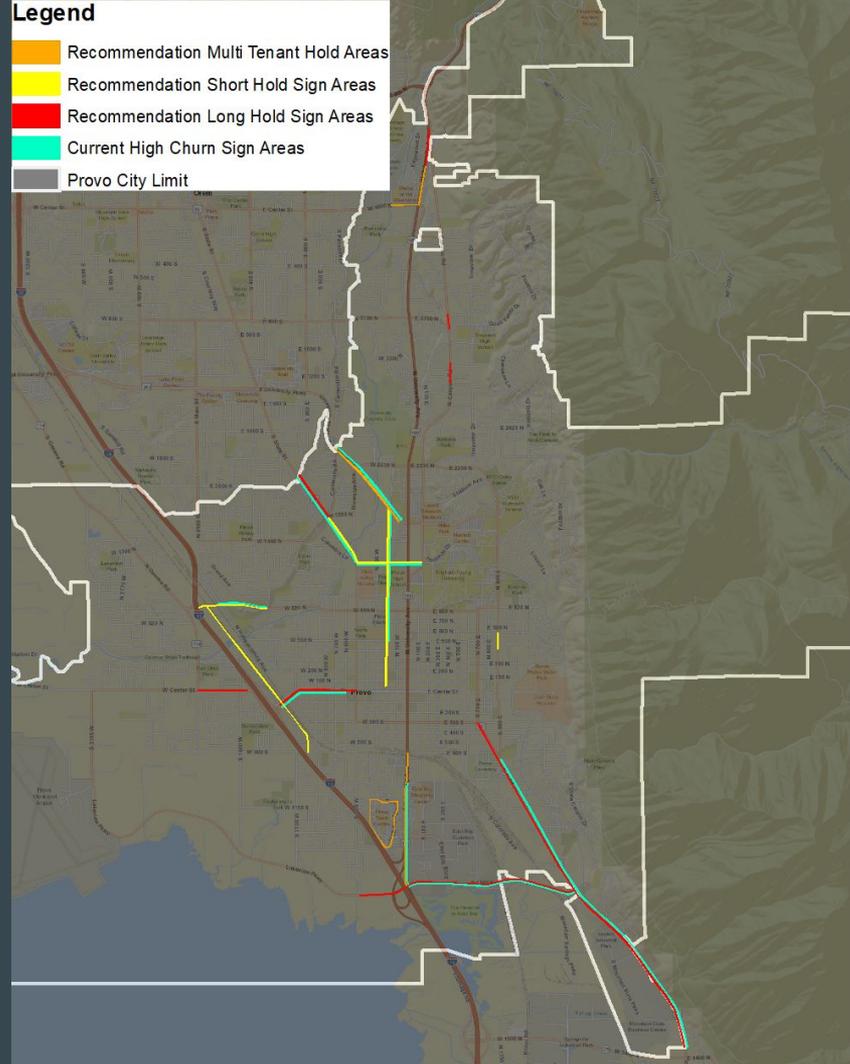
Long Hold Time

- Historic downtown areas
- Gateways
- Mixed use and other areas

Proposed Hold Time Areas

Legend

- Recommendation Multi Tenant Hold Areas
- Recommendation Short Hold Sign Areas
- Recommendation Long Hold Sign Areas
- Current High Churn Sign Areas
- Provo City Limit





Provo City Municipal Council

Staff Memorandum

Electronic Sign Hold Time and Buffer Zone Comparisons

Hannah Salzl, Policy Analyst

Hold Times

Provo City Code currently permits a hold time of eight seconds in high-churn areas ([PCC 14.38.170\(5.c\)](#)) and permits signs in low-churn areas to change no more than three times per day ([PCC 14.38.160](#)). The Sign Ordinance Committee has discussed increasing the minimum permissible hold time in high-churn areas to once per minute. The committee has also discussed changing both areas to once per minute to create a city-wide standard.

In the Work Meeting on September 24, 2019, the Council requested a comparison of hold times in other local cities. The 13 cities in the following table were selected based on proximity and comparability to Provo and have been listed by population (largest to smallest). Six of the 13 cities had a hold time of eight seconds, which is also the state standard ([Utah State Code 72-7-505\(1\)\(d\)](#)).

CITY	HOLD TIME	REFERENCE	NOTABLE REQUIREMENTS
Salt Lake City	Eight seconds	21A.60.160(U.2.a.1)	Electronic billboards shall not be located closer than one thousand six hundred (1,600) linear feet from any other electronic billboard on the same or opposite side of the street. (21A.46.160(T.3))
West Valley City	Six seconds with a fade time of three seconds	11-1-104(12.a.ii)	Electronic message signs shall automatically terminate any and all energy that may allow the electronic message sign to light up ... from 10:00 P.M. to 6:00 A.M. (11-5-108(6.b))
West Jordan	Eight seconds	12-3-3(D.13.h)	
Orem	None	14-3-3	
Sandy	Eight seconds	21-26-5	City code does not specify a hold time. The city uses the state standard (eight seconds with three second transition).

CITY, cont.	HOLD TIME, cont.	REFERENCE, cont.	NOTABLE REQUIREMENTS, cont.
St. George	Eight seconds	9-13-4(B.4.f.1)	No off premises sign structure shall be located closer than one thousand five hundred feet (1,500') to another off premises sign structure, except that within two thousand feet (2,000') of an interchange, signs may be five hundred feet (500') apart. (9-13-4(B.4.c))
Layton	Eight seconds	20.06.080(3)	The angle of the sign affects the distance criteria for buffer zones (see page seven for illustration)
Lehi	Three seconds	23.090.(C.5)	
Murray	Two seconds	17.48.280 (E)	A minimum of five percent (5%) of the time the sign is in use the message shall be devoted to public service messages. (17.48.280(G)) Electronic messages centers are not allowed off premises (17.48.280(A)) An electronic message center located within three hundred feet (300') of a residential use, or as otherwise determined by the Planning Commission, may not operate between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. of the following day. (17.48.280(F))
Draper	Eight seconds	9-26-090(D.1.b)	No [electronic sign] shall utilize a white or solid colored background for greater than or equal to fifty percent (50%) of the sign area. (9-26-090(D.1.d))
Spanish Fork	None	5.36	
Springville	Three seconds	11-6-313(5.c)	... All electronic message signs shall be manually or automatically shut off between the hours of 10:00 p.m. and 6:00 a.m. in residential zones. (11-6-313(5.a))
American Fork	Five seconds unless the sign is a non-accessory, then eight seconds	17.12.219(6.e.d)	All electronic displays shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with natural ambient light conditions at all times. (17.12.219(6.e.a)) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign. (17.12.219(6.e.e))

Buffer Zones

Provo City Code does not currently require any electronic sign buffer zones – areas in which signs must be dimmed or turned off during certain curfew hours. A comparison of the same 13 cities found that eight required a buffer zone with varying requirements as shown in the table below.

Code Requirement	Number of Cities
Off during certain hours	5
Off or dimmed during certain hours	1
One static message during certain hours	1
None specified (code is vague)	1
None	4

The most common requirement was that signs be turned off during certain hours, most commonly between 10:00 PM and 6:00 AM, if the sign is located in or near a residential zone. Uniquely, Layton applies their curfew city-wide. Lehi permits electronic signs to display only one static message during curfew hours. Two cities, Lehi and West Jordan, permitted electronic signs to display public safety messages such as Amber Alerts during curfew. Sandy simply required that electronic signs be oriented so the light they emit not be a nuisance to adjacent properties.

The table beginning on page four shows the comparison of buffer zone requirements in the 13 cities selected. Cities have again been organized by population, largest to smallest.

CITY	HOURS	AREA	REFERENCE	FULL TEXT
Salt Lake City	Off between 12:00 AM-6:00 AM	within 600 feet of a residential, mixed use, downtown, or other listed zone	21A.60.160(U.2.b)	Electronic billboards may not be illuminated or lit between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. if they are located in, or within six hundred feet (600') of a residential, mixed use, downtown, Sugar House business district, gateway, neighborhood commercial, community business, or community shopping center zoning district.
West Valley City	Off or dimmed between 10:00 PM-6:00 AM	C-2, C-3, LI and M zones (dimmed) RB, MXD, CC, and C-1 zones (off)	11-5-108(5.a) 11-5-108(6.a)	In the C-2, C-3, LI and M zones ... Full color electronic message signs shall be dimmed to a maximum of 1,500 cd/m2 or NITs from 10:00 P.M. to 6:00 A.M. ... Monochrome color electronic message signs shall be dimmed to a maximum of 500 cd/m2 or NITs from 10:00 P.M. to 6:00 A.M.
West Jordan	Off between 10:00 PM-7:00 AM	Oriented toward or within 300 feet of residential property (except public safety alerts)	12-3-3(D.13.k)	A billboard sign (digital display) may not be illuminated, lit or operated between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. if it is oriented toward and located within three hundred feet (300') of any property zoned or occupied for a residential use unless the message is an emergency public safety warning or alert, such as an "Amber Alert".
Orem	None	None	14-3-3	
Sandy	None specified	None specified	21-26-5(e)	Signs shall be carefully oriented so that light emitted from a sign or group of signs is not a traffic hazard, obtrusive, or a nuisance to adjacent properties, particularly residential.

CITY, cont.	HOURS, cont.	AREA, cont.	REFERENCE, cont.	FULL TEXT, cont.
St. George	None specified	Not permitted within 300 feet of a residential zone	9-13-4(B.4.f.5)	Off premises EMS (electronic message sign) must be at least three hundred feet (300') away from any residential zone. An existing off premises sign within three hundred feet (300') of a residential zone, may be converted to an EMS, if the EMS and the residential zone is separated by topography or a geological feature which will permanently visually obstruct the sign from the residential zone or the electronic message sign view area is not located within the residential zone.
Layton	Off between 10:00 PM-6:00 AM	Within 300 feet of an occupied dwelling	20.06.080(3)	<p>a. If a billboard is within three hundred feet (300') of a legally occupied dwelling and is within a one hundred and twenty degree (120°) radius area measured from the center point of the digital billboard face (Exhibit 3), then this billboard face shall adhere to the curfew; or</p> <p>b. If a billboard is within one hundred and fifty feet (150') of a legally occupied dwelling and is within a thirty degree (30°) radius area measured from the center point of the digital billboard face and beginning at the one hundred and twenty degree (120°) line (Exhibit 3), then this billboard face shall adhere to the curfew</p>
Lehi	Single message from 11:00 PM-6:00AM	Within 400 feet and 180 degrees of a dwelling (except public safety alerts)	23.090.(D.2.j)	An off-premises EDS (electronic display sign) shall only display a single, static message nightly from 11 p.m. until 6 a.m. if the EDS is located within 400 feet of a legally occupied dwelling and the face of the sign is located within 180 degrees of a dwelling. This curfew shall not be applicable if the message displayed is an emergency public safety warning or alert, such as an AMBER Alert. (see page seven for illustration)

CITY, cont.	HOURS, cont.	AREA, cont.	REFERENCE, cont.	FULL TEXT, cont.
Murray	Off between 10:00 PM-6:00 AM	Within 300 feet of a residential use, or as determined by the Planning Commission	17.48.280 (F)	An electronic message center located within three hundred feet (300') of a residential use, or as otherwise determined by the Planning Commission, may not operate between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. of the following day.
Draper	None	None	9-26-090(D.1)	
Spanish Fork	None	None	5.36	
Springville	Off between 10:00 PM-6:00 AM	Within residential zones where electronic signs are permitted	11-6-313(5.a)	In all residential zones where allowed, EMSs shall be limited to vertical or horizontal messages with no pulsing or flashing images or lettering. All electronic message signs shall be manually or automatically shut off between the hours of 10:00 p.m. and 6:00 a.m. in residential zones.
American Fork	None	None	17.12.219(6.e.)	

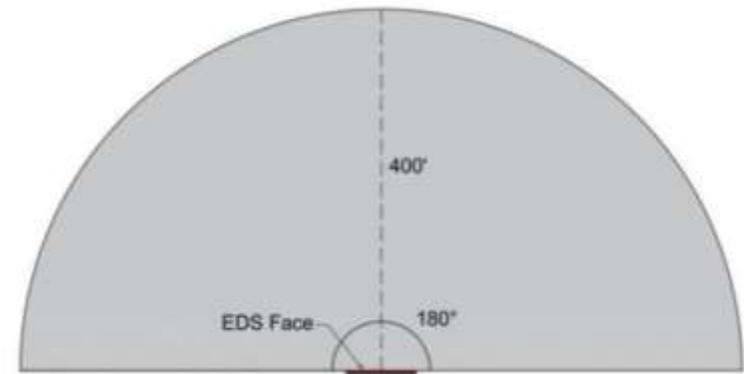
Sign Radius

Some includes the radius from the center of the sign's face in their criteria for buffer zones. Lehi requires that if a sign is within 400 feet of a dwelling that falls within 180 degrees the sign's face, the sign may show only one static message between 11:00 PM and 6:00 AM. The image to the right illustrates the area as it relates to the electronic display sign (EDS).

Section (20.06.080(5) of Layton's Municipal Code requires that:

- a. If a billboard is within three hundred feet (300') of a legally occupied dwelling and is within a one hundred and twenty degree (120°) radius area measured from the center point of the digital billboard face (Exhibit 3), then this billboard face shall adhere to the curfew; or
- b. If a billboard is within one hundred and fifty feet (150') of a legally occupied dwelling and is within a thirty degree (30°) radius area measured from the center point of the digital billboard face and beginning at the one hundred and twenty degree (120°) line (Exhibit 3), then this billboard face shall adhere to the curfew[.]

Whether Provo adopts a buffer zone requirement and includes the radius from the sign as a criterion will depend on the advice of Planning Commission and the decision of the Council.



Electronic sign buffer area in Lehi City Code

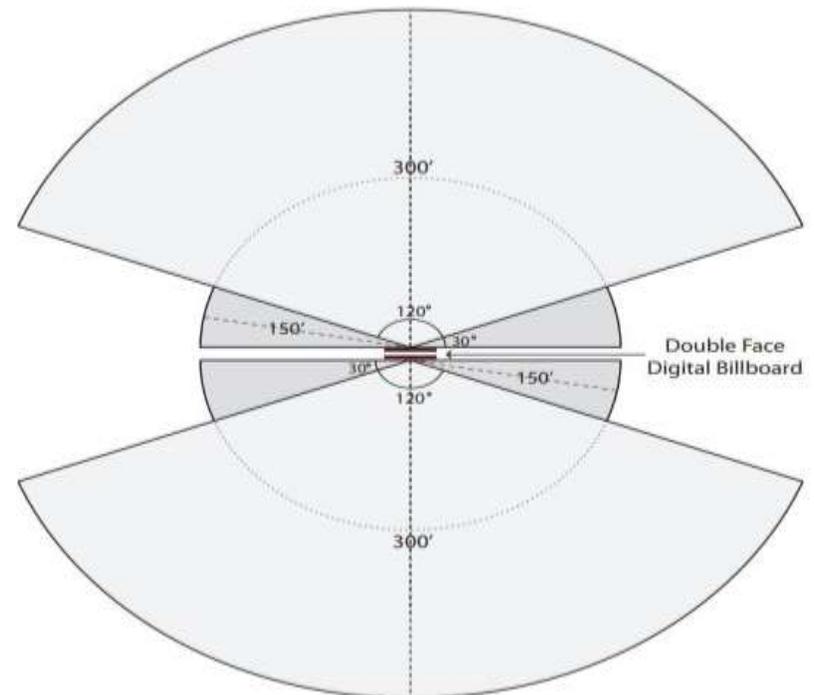


Exhibit 3 from Layton Municipal Code



Provo City Municipal Council

Staff Memorandum

Electronic Billboards Safety Research

David Rodgers, Intern; and Hannah Salzl, Policy Analyst

Question

Do electronic billboards pose a safety hazard for drivers?

In order to answer this question, Council staff diversified the research base by making sure to include original observation studies as well as a meta-analysis of other studies. Overall, the reviewed research indicates that electronic billboards draw longer and more frequent glances from some drivers than conventional billboards, but cannot yet determine whether electronic billboards cause more accidents than conventional billboards do.

Background

Electronic billboards switch between ads, displaying a new add every 6-10 seconds on average. Currently, Provo City Code limits ad rotation to three times per day unless the sign is high-churn in a permitted area.¹ Those high-churn signs may change ads no more frequently than eight seconds.² Utah State Code specifies that “A changeable message sign is permitted if the interval between message changes is not more frequent than at least eight seconds and the actual message rotation process is accomplished in three seconds or less.”³

Research on electronic billboards is relatively new and sparse, though researchers commonly accept that distracted driving is one of the leading causes of automobile accidents. Evidence suggests that external distraction affects between six and nine percent of auto accidents.⁴ Researchers have found that glances of longer than two seconds increase the risk of accidents.⁵

All of the reviewed studies found that at least some drivers glance longer at electronic billboards than conventional billboards, but that the data was insufficient to determine the effect of

¹ Provo City Code 6.06.020

² Provo City Code 14.38.025

³ Utah State Code 72-7-501(1)(d)

⁴ Decker, et al., “The Impact of Billboards on Driver Visual Behavior”

⁵ Lee, et al., “Driving Performance and Digital Billboards”

electronic billboards on driver safety. Whether electronic billboards distract drivers enough to pose a safety hazard has yet to be determined.

Academic rigor and best practices hold research to a very high standard in order to determine a causal relationship. There could be several reasons why all of the peer-reviewed, published studies staff found correlations between electronic billboards and distracted driving, but could not say conclusively whether electronic billboards caused an increase in traffic accidents.

First, many of the studies had sample sizes that were too small to be considered statistically sound. Second, few of the observation studies have been replicated. This means that any findings in a single study could have been caused by a fluke or by factors the researchers did not take into consideration. This could be one of the reasons why many of the reports called for further studies.

Third, the method of the observation studies potentially introduces several cognitive biases that could undermine the findings. In every study staff found, glance frequency and duration were measured by devices that watched drivers on a stretch of road. In these cases, the drivers knew they were being watched and could have altered their behavior accordingly (or what is known as the Hawthorne effect). Although none of the researchers told the subjects the real reason why they were being observed, they could have subconsciously communicated focuses or expectations to the subjects (the observer-expectancy effect).

Although the research teams in the reviewed studies cautiously presented their findings, all concluded that signs that change or move (including electronic signs) hold at least some drivers' attention longer than conventional signs.

Research

A meta-analysis of the available literature found that active billboards with changing elements (including electronic billboards) caused some drivers to glance more frequently and for longer durations than passive billboards; however the total average frequency and duration did not increase. In other words, some drivers, but not most, looked at active billboards longer. The researchers found that electronic billboards were more likely to be present at accident scenes than conventional billboards, but the correlation was not statistically significant enough to determine that electronic billboards cause an increase in accidents. The researchers recommended that further research be done on the outlying drivers with longer glances, which would logically present a safety hazard.⁶

⁶ Decker, et al., "The Impact of Billboards on Driver Visual Behavior"

A 2012 study in Sweden similarly found that electronic billboards that changed ads every seven seconds drew more frequent and long glances than other billboards and signs but could not conclude from the data that electronic billboards pose a traffic safety hazard. Observation noted 126 instances of drivers' gazes fixing on one of four of the electronic billboards, six of which lasted longer than two seconds (the commonly accepted hazard threshold). In comparison, of the 65 glances at one of the seven conventional billboards along the same road, only one lasted longer than two seconds. Drivers glanced at electronic billboards nearly twice as frequently. As for durations, 4.6 percent of glances at electronic billboards lasted long enough to be considered hazardous, compared to 1.5 percent of glances at conventional billboards. The study found no difference between glance frequency and duration in daytime and nighttime conditions.⁷

A systematic review of road advertising signs on driver behavior published in 2019 looked at multiple different aspects of signs and how they impact drivers. Research examined the effects of three different types of roadside advertising:

1. loaded signs that are colorful and contain small quantities of graphic elements and large quantities of text,
2. graphical signs that are also colorful but contain large quantities of graphics and small amounts of text, and
3. minimal signs that have few graphic elements and small amounts of text with larger letters.

When looking at these different types of signs, researchers found that loaded roadside advertising signs seem to interfere more with drivers' tracking performance and continuous motor performance than graphical and minimal signs. Indeed, minimal roadside advertising signs did not seem to interfere with any of the experimental tasks explored in this study. The findings also reported that crash risk increased by approximately 25–29% in the presence of digital roadside advertising signs compared to control areas. However, static roadside advertising signs have not been linked with differences in the crash count. The report concludes by saying that while there is evidence that shows that electronic signs do have an impact on drivers, further research is needed to substantiate that claim.⁸

Conclusion

While evidence so far suggests that drivers spend more time looking at electronic billboards than conventional billboards, the evidence is not yet sufficiently conclusive to be able to say that electronic billboards are distracting enough to pose a hazard to drivers. There is evidence that distracted drivers have more accidents than focused drivers, but more research is needed in order to determine any relationship between electronic billboards and automotive accidents.

⁷ Dukic, et al., "Effects of Electronic Billboards on Driver Distraction"

⁸ Oviedo-Trespalacios, et al., "The Impact of Road Advertising Signs"

References

- Decker, John S., et al. "The Impact of Billboards on Driver Visual Behavior: A Systematic Literature Review." *Traffic Injury Prevention*, vol. 16, no. 3, July 2014, pp. 234–239. doi:10.1080/15389588.2014.936407.
- Dukic, Tania, et al. "Effects of Electronic Billboards on Driver Distraction." *Traffic Injury Prevention*, vol. 14, no. 5, Apr. 2013, pp. 469–476., doi:10.1080/15389588.2012.731546.
- Oviedo-Trespalacios, O., Truelove, V., Watson, B., & Hinton, J. A. (2019). The impact of road advertising signs on driver behavior and implications for road safety: A critical systematic review. *Transportation Research Part A: Policy and Practice*, 122, 85-98. doi:10.1016/j.tra.2019.01.012
- Provo City Code 6.06.020. <https://provo.municipal.codes/Code/6.06.020>.
- Provo City Code 14.38.025. <https://provo.municipal.codes/Code/14.38.025>.
- Richtel, Matt. "Digital Billboards, Diversions Drivers Can't Escape." *The New York Times*, The New York Times, 1 Mar. 2010, <https://www.nytimes.com/2010/03/02/technology/02billboard.html?mtrref=undefined&gwh=94DD2AD985131D92E8B0BDDDB87126BCD&gwt=pay&assetType=REGIWALL>.
- Utah State Code 72-7-501(1)(d). https://le.utah.gov/xcode/Title72/Chapter7/C72-7-P5_1800010118000101.pdf.

Summary: The Effectiveness of Signs in Business

Question

In a digital age, are physical signs an effective way to promote a business?

Findings

- Signs serve both place marking and advertising functions. Place marking cannot be fully replaced by online information.
- Drivers do notice and read signs.
- A 2009 study found that people changed their behavior as consumers based on what they saw on billboards. For example, 58 percent of survey respondents said that they had learned about a restaurant they later visited from a billboard.
- Over one-third of people look at outdoor advertisements (e.g., busses, billboards, etc.) every time they pass one.
- Stores' sales increased an average of 2.1 percent in the first year after installing a new electronic sign compared to the control store that did not.
- Restaurants with electronic menus saw on average a 5 percent increase in sales.
- Electronic signs increase brand awareness.
- Consumers have come to expect useful information to be presented on screens.
- Electronic signs are more effective than Facebook advertisements.

Conclusion

Signs are an effective way to promote a business. Electronic signs are even more effective and show greater profit increase than traditional signs.



Provo City Municipal Council

Staff Memorandum

The Effectiveness of Signs in Business

Hannah Salzl, Policy Analyst

Question

In a digital age, are physical signs an effective way to promote a business?

Background

Signs, from sandwich boards to electronic billboards, have been the standard in advertising. As advertising becomes more digital, signs still effectively promote a variety of businesses.

Sign Functions

Signs serve two critical functions for a business: place marking (indicating that a business is located near the sign) and advertising (sharing information about a business, such as sales or events). A sign can serve both purposes simultaneously. Although much of advertising has shifted to the internet and social media, the place marking function of a sign cannot be replaced. None of the studies in this analysis differentiated between these two functions of signs.

In a meeting with the Sign Ordinance Committee, one Provo business owner, Doug Nielsen, gave anecdotal evidence of the advantage of electronic signs in effectively promoting a business. Unlike traditional signs, electronic signs can change to identify or advertise multiple businesses. This means that the area of the sign can be devoted to one business at a time rather than being divided for multiple smaller signs as shown in the picture below.



An example of a sign shared by multiple businesses (not in Provo)

Source: solvsigns.com

According to Nielsen, owner of the Courtyard and Jamestown on University Avenue, businesses worry that sharing space makes their individual signs more difficult to see, especially during peak traffic. Nielsen feels that electronic signs do not face this same space restriction.

Elements of Sign Effectiveness

The Journal of Advertising Research found that two elements impact the effectiveness of a sign: content and context.¹

Sign content is protected from regulation by the first amendment. Sign content therefore depends almost entirely on the decision of the business's leadership. Because sign content varies unpredictably, it is difficult to determine the effectiveness of signs generally. Research in this area has focused more on the effect of different focuses or elements of sign content, which cannot be regulated.²

The context of a sign (e.g., location, size, message duration, hours of visibility, the needs and states of its audience, etc.) also impact a sign's effectiveness and can vary almost as widely as its content. Cities have more leeway to regulate some elements of sign context.

Potential Bias

Much of the research about signs has been sponsored or published by sign companies and lobbying groups. These do not negate the findings of that research, which have been included in this analysis, but it does mean that those findings should be interpreted cautiously. Potentially biased findings have been noted.

Findings

Traditional Signs

In one informal study in 2018, researchers posted a sign that asked drivers to honk if they saw the sign.³ The study was conducted on a moderately trafficked metropolitan area near Salt Lake City. In one day, the researchers received over 350 responses. The study found that drivers do see signs, though responses varied depending on the content of the sign (e.g., brevity, color, etc.).⁴

¹ Burke, "Behavioral Effects of Digital Signage"

² Oviedo-Trespalacios, et al., "The Impact of Road Advertising Signs"

³ Although this study was conducted by Signs.com, a potentially biased source, its methodology was sound and well documented.

⁴ Peterson, "Outdoor Sign Effectiveness Study & Statistics"

The Arbitron⁵ National In-Car Study from 2009 interviewed 1,858 people to determine in-car media habits. This study is ten years old, but also the most thorough of its kind. The study found that:

- Most viewers could recall specific information from billboards.
- Thirty-seven percent look at outdoor advertisements (e.g., busses, billboards, etc.) every time they pass one.
- Seventy-one percent of travelers often look at roadside billboards.

When asked about whether they had ever engaged in a list of specific behaviors because of something they had seen on a billboard, participants responded “yes” at the rates shown in the table below.

On a roadside billboard, have you ever ...	Percent Who Answered “Yes”
... seen something funny that you talked about with others?	56%
... learned about an event in which you were interested?	58%
... learned about a store that you later visited?	50%
... learned about a restaurant that you later visited?	58%
... noted a phone number?	26%
... noted a website address?	28%
... learned about or been reminded to listen to a radio station?	44%
... learned about or been reminded to watch a television program?	33%

The responses might have changed over the last decade, but at the time of the study, the researchers concluded that signs, especially billboards, can effectively promote a business.⁶

Electronic Signs

Several sources say that electronic signs have an even greater effect on businesses than traditional signs.

A study prepared for The Signage Foundation, Inc. by the University of Cincinnati Economics center in 2014 examined 19 stores that installed their first electronic sign between 2010 and 2010. Over the first year, the stores saw an average increase in sales of 2.1 percent compared to the control store that did not install an electronic sign. Researchers concluded the break-even point for an electronic sign to be between three and fifteen months, after which, the sign contributed to the stores’ profits for the remainder of its use.⁷

⁵ Arbitron Inc. was a media and marketing information company that was purchased by Nielsen Holdings, a global measurement and data analytics company, in 2013. It has been rebranded as Nielsen Audio.

⁶ Williams, “Arbitron National In-Car Study: 2009 Edition”

⁷ University of Cincinnati, “The Economic Impact of Exterior Electronic Message Boards”

Mvix Digital Signage⁸ published that companies with electronic signs saw the following increases:

- 46 percent increase in customer satisfaction
- 32.8 percent increase in repeat buyers
- 31.8 percent increase in overall sales

Restaurants with electronic menus also saw on average a 5 percent increase in sales.⁹

Visix,¹⁰ an electronic signage company, claims that 80 percent say they have entered a store because a digital sign caught their interest. They also claim that electronic signs increase brand awareness by 47.7 percent. Visix explains that with the near-ubiquity of smart technology, consumers have come to expect useful information to be presented on screens.¹¹

According to MEGA LED Technology,¹² electronic signs attract the attention of 70 percent of people while Facebook attracts the attention of only 45 percent, making electronic signs more effective than some social media. Additionally, 42 percent of visitors are more likely to visit a store with an electronic sign.¹³

Conclusion

After examining peer-reviewed studies and corporate promotions, staff have found that signs are an effective way to promote a business. Based on the evidence so far, electronic signs have an even greater effect on a business' bottom line. The place marking function of a sign also cannot be fully replaced.

⁸ Most of the information they published came from other electronic sign companies and might therefore be biased or inaccurate.

⁹ "Getting Real about Digital Signage Statistics [Infographic]"

¹⁰ As with Mvix, Visix provided almost no peer-reviewed or credible sources.

¹¹ "40 Digital Signage Statistics That Prove It Works"

¹² MEGA provided only the name of their source, which made it difficult for staff to verify any of the information.

¹³ Kirichik, Roman. "10 Compelling Stats That Make Digital Signs A No-Brainer For Smart Business Owners"

References

- “40 Digital Signage Statistics That Prove It Works.” Visix, 1 Aug. 2019, <https://www.visix.com/resources/blog/40-digital-signage-statistics-that-prove-it-works/>.
- Burke, Raymond R. “Behavioral Effects of Digital Signage.” *Journal of Advertising Research*, 1 June 2009, <http://www.journalofadvertisingresearch.com/content/49/2/180.abstract>.
- “Getting Real about Digital Signage Statistics [Infographic].” Mvix, 1 Nov. 2016, <https://mvixdigitalsignage.com/blog/digital-signage-statistics-infographic/>.
- Kirichik, Roman. “10 Compelling Stats That Make Digital Signs A No-Brainer For Smart Business Owners.” *MEGA LED Technology*, 24 Oct. 2019, <https://www.megasigninc.com/10-compelling-sign-statistics/>.
- Nielsen, Doug. Meeting with Sign Ordinance Committee. July 31, 2019.
- Oviedo-Trespalacios, O., Truelove, V., Watson, B., & Hinton, J. A. (2019). The impact of road advertising signs on driver behavior and implications for road safety: A critical systematic review. *Transportation Research Part A: Policy and Practice*, 122, 85-98. doi:10.1016/j.tra.2019.01.012
- Peterson, Michael. “Outdoor Sign Effectiveness Study & Statistics.” Signs.com, 16 Nov. 2018, <https://www.signs.com/blog/how-to-drive-engagement-with-outdoor-signs/>.
- Williams, Diane. “Arbitron National In-Car Study: 2009 Edition.” Arbitron, Inc. 2019. <http://www.arbitron.com/downloads/InCarStudy2009.pdf>
- University of Cincinnati. “The Economic Impact of Exterior Electronic Message Boards.” Signresearch.org. April, 2014. <http://www.signresearch.org/wp-content/uploads/The-Economic-Impact-of-Exterior-Electronic-Message-Boards.pdf>

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: JMAGNESS
Department: City Council
Requested Meeting Date: 05-05-2020

SUBJECT: A discussion regarding Provo City’s permitting process for demonstrations and protest. (2020-103)

RECOMMENDATION: Presentation and discussion.

BACKGROUND: With the increase of protest and demonstrations taking place in Provo City, and the increase in the potential for violence associated with these protests, the administration would like to review the policies regarding permitting for demonstrations. In addition, they would like to review the policies regarding non-permitted protest, and what role the police will play in protecting life and property during these unpermitted protests.

FISCAL IMPACT: none

PRESENTER’S NAME: Wayne Parker, Chief Administrative Officer

REQUESTED DURATION OF PRESENTATION: 30 minutes.

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 2020-103



EVENTS AND SERVICES APPLICATION POLICIES AND INSTRUCTIONS

General Information

The City of Provo recognizes special events as valuable to the community. In the City's role of both support and regulation of special events, City departments must operate in a consistent and coordinated manner. Although special events may be distinguished from continuing service functions for some departments, special events constitute an integral component of a departments' overall support service obligation.

A special event is defined as an activity or series of activities, specific to an identifiable time and place, produced in conjunction with community organizations often held on public property. Such events may include but are not limited to filming, protests and rallies, block parties, fund raisers, street parties, runs, races, walks, and other community events. They may occur on streets and/or sidewalks, parks, and other City-owned property. They may also include mass gatherings as defined in the city ordinance. For the purposes of this policy, special events shall not include privately sponsored events (unless a Mass Gathering) which rent space inside city facilities. Most functions or special events located on private property will not require a permit, but will be required to comply with all city ordinances including road closures, noise level and noise curfews.

Provo River Parkway Trail/Parks

If your event requires the use of a Provo City trail including the Provo River Parkway Trail or one of the Provo City parks, please refer to the Park Use Guidelines included in this application. As with all Special Events, you will be required to fill out application pages 1-4 along with Section F all other applicable sections pertaining to your event. The Provo River Parkway Trail is designed and is maintained for use by the general public as part of the Provo/Jordan River Parkway system. The trail serves as a non-motorized recreation/transportation corridor where citizens and visitors to Provo may walk, run, or leisurely ride bicycles or inline skate. The Provo River Parkway Trail may not be used for bicycle races. Small scale running races may be allowed on a limited, not-for-profit basis, so as to allow continuous public access and safety on the trail.

The Application

The Events and Services application is required for all special events. Pages 1-4 are required for every event all other supplemental forms are to be completed as needed.

Deadlines

Applications submitted fewer than 90 days before the proposed special event will not be refused, however there is no guarantee that the special event permit will be issued. Larger events will need to abide by the 90 day rule. Please do not print brochures, packets, maps, advertisements, etc., or circulate promotional information until the City has approved your event. The City will not be responsible for printed materials, promotional items, etc., if dates, locations, and/or other requested services are denied, amended, or changed during the permit process. An application may not be submitted more than 18 months in advance of an event's proposed date.

Mass Gathering

"Temporary Mass Gathering" or "Gathering" means an actual or reasonably anticipated assembly of 1000 or more people, which continues or can reasonably be expected to continue for two or more hours per day at a site for a purpose different from the designed use and usual type of occupancy. A temporary mass gathering does not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless the designed occupancy levels are exceeded. Utah Administrative Rule 392-400.

Noise Ordinance Exception

Any event whether on Public or Private property that will last past 10:00 pm, will require a signed authorization noise ordinance exception (Provo City noise ordinance 9.19.120) from the Mayors Department. A letter requesting the noise ordinance exception needs to have the following information: Date of event, start and end time, address of event, name of organizer/party responsible for the event, email and phone number of organizer, description of your event, and specify if it is on Public or Private property. Contact Jessy at 801-852-7834 or email her at licensing@provo.utah.gov.

Permit Fee (Per consolidated fee schedule)

Application Review fee: \$50 (Mandatory for all events and non-refundable)
Fees collected by the Engineering Department if appropriate to your event, and are due at the time the permit is issued.

- » Traffic control plan review: \$75 (for permits requiring multiple traffic control plans only)
- » Street closure: \$200 * Closing the street without permit; 4x the permit fee

The following fees are required where closure exceed 24 hours or where multiple daily closures are required;

- » Local street (per lane/per day) \$150
- » Arterial street (per lane/per day) \$250
- » Side walk, parking bike lanes, shoulders, trails (per block/per day) \$50

Special Parks Use and Trail Use Fees

For events where attendees exceed reserved pavilion capacity or where multiple areas of a park are being used for an event	\$200
Trail use fee/base up to 200 participants	\$200
Up to 500 participants	\$1 per person
More than 500 participants (Base fee plus)	\$0.50 per person

* Fee collected by Parks and Recreation Department, if appropriate for your event, will be collected during the review process.

Police Services

Security Details- If your event is expecting and excess of 750 attendees you will be required to hire a minimum of two off duty Police Officers or license security guards. For every additional 750 expected attendees, you will be required to hire additional security.

Traffic Details Police Officers will be required to direct traffic at each signalized intersection during any event that is being held on a public street, excluding a full street closure.

Cost of Services- There is a minimum three hour charge for all police services. Event sponsors should expect a minimum \$50 charge per each assigned Officer per hour.

* At the completion of each event the person requesting services shall receive an invoice for Police services.

Fire

All special events must have a medical plan. The most basic plan for small events with a low medical risk assessment is the designation of an event representative to call 9-1-1, and a representative on site with CPR certification, and first aid skills. Events with a high potential for risk are required to implement an appropriate medical plan to address the specific needs of service provider is **REQUIRED** Provo Fire and Rescue, or the Provo 311 response.

It is your responsibility to ensure that all medical support personnel whether paid, or volunteer have the appropriate licensing, certification as per the State of Utah Department of Health, or the Bureau of Emergency Medical Service (BEMS), and insurance to provide services requirements, and will evaluate these requirements based on a number of factors related to your specific event.

To assist you in determining the appropriate type of medical services for your event, Provo Fire and Rescue has developed the following matrix of emergency medical service recourses which can be used as a guide-line in developing your medical plan. Fees collected by the Fire Department if appropriate to your event.

Advanced Life Support (ALS) transport fees \$150/hr a 2 hour maximum.

MATRIX

Event Type	Anticipated crowd size	Knowledge of CPR and access to 911	First-Aid Station First-Aid trained or EMT	First-Aid Station with Nurse and water	First-Aid station with a PA or Dr	Paramedic Ambulance (ALS)	Mobile teams: Bike ATV Foot Patrols
Concerts Music Festivals	<2,500	Required	Required	Recommended			
	2,500-15,000	Required				Required	
Street Fair	15,000-50,000	Required		Required	Recommended	Required	
Block Parties	>50,000	Required			Required	Required	
Athletic Sporting Events	<2,500	Required	Required	Recommended			
	2,500-15,000	Required		Required	Recommended	Recommended	
	15,000-50,000	Required			Required	Required	Required
	>50,000	Required			Required	Required	Required
Parades	<2,500	Required	Required				
Public Assembly	2,500-15,000	Required	Required	Recommended		Recommended	
	15,000-50,000	Required		Required	Recommended	Required	Required
	>50,000	Required		Required	Recommended	Required	Required
Conference Conventions	<2,500	Required	Required				
	2,500-15,000	Required	Required	Recommended			
	15,000-50,000	Required		Required		Required	Required
	>50,000	Required		Required	Recommended	Required	Required

Insurance Requirements

Insurance is required for special events unless the event is a public assembly that qualifies for an exemption. Applicants required to provide insurance may choose one of the following options.

- 1) A certificate of insurance with coverage of at least \$1 million per occurrence with a \$2 million aggregate limit naming Provo City, its officers, employees and volunteers as additional insured. Required coverage limits will be determined based on the type of event, number of participants and other relevant risk factors. The certificate must also state that coverage will not be canceled without ten days prior written notice to the City.
- 2) Applicants may choose special event insurance coverage through the City's insurance carrier by completing an application and paying the Tenant User Liability Insurance Program (T.U.L.I.P) policy premium. Applicants shall also execute a standard City indemnification agreement if required to provide insurance.

Review Process

Event applications are reviewed by the City's Special Events Review Committee, including representatives from the Mayor's office, Police Department, Fire Department, Administrative Services, Public Works Department and Parks and Recreation Department. The Committee will look at the impact of the proposed event, the logistics of the event, the requested and required city services for the event (if any), and whether all other licenses, insurance permits and agreements are in place. At each stage of the review, the events coordinator will contact the applicant by email and advise of the status of the review.

For more information on special event permitting, contact a Provo 311 Licensing Representative at 801-852-6000.

prOVO



311

CUSTOMER SERVICE

SPECIAL EVENTS QUESTIONNAIRE

Mark the box(s) that apply to your event. Mandatory documentation is listed under each event as well as other documentation if applicable. All documentation that apply needs to be turned in at the time of submission along with the appropriate fees.

Paper work and fees that must accompany your application: **If applicable, added forms:**

- Private assembly on Public property (Weddings, birthdays, Company parties)
 - Liability insurance
 - \$200 Park Use Fee (section F)
 - \$50 review fee
 - Tent 200 sq feet or larger inspection by Fire prior to event
 - Bounce houses or large inflatable toys liability insurance
 - Pavilions/parks reserved with proof
 - Placement map of all areas being utilized outside of pavilion.
 - Noise ordinance approval if music will go after 10 pm.
 - Canopy 400 sq feet or larger inspected by Fire prior to event
 - Attach a Medical Plan

- Block Party
 - Traffic control plan/street closure permit
 - Liability insurance
 - Road closure signed petition (section D)
 - \$50 review fee
 - Noise ordinance approval if music will go after 10 pm
 - Tent 200 sq feet or larger/inspected by fire
 - Canopy 400 sq feet or larger/inspected by fire Department prior to event
 - Temporary sales tax number-if there will be sales
 - Attach a Medical Plan

- Parade
 - Liability insurance
 - Traffic control plan/street closure permit
 - Map and Description
 - Road closure signed petition (section D in packet)
 - Downtown Provo Inc., (which includes 500 W-University (DPI) approval contact Quinn Peterson at Quinn@downtownprovo.org or call 801-372-6147
 - \$50 review fee
 - Attach a Medical Plan

- Concert
 - Mass gathering permit (See instructions on page ii)
 - If held in a park, \$200 Park Use Fee (section F)
 - Liability insurance
 - Traffic control plan/street closure permit
 - Road closure signed petition (section D)
 - Map and description
 - 90 days notice
 - \$50 review fee
 - Bounce houses or large inflatable toys liability insurance
 - Canopy 400 sq feet or larger/inspected by fire Department prior to event
 - Tent 200 sq feet or larger/inspected by fire Department prior to event
 - Pavilions/parks reserved with proof
 - Attach a Medical Plan
 - Downtown Provo Inc., (which includes 500 W-University (DPI) approval) contact Quinn Peterson at Quinn@downtownprovo.org or call 801-372-6147

Paper work that must accompany your application

If applicable, added forms

Marathons, walks, runs

- Detailed map and description, providing all coordinates, intersections or street addresses
- Liability insurance
- \$50 review fee
- Traffic control plan/street closure permit
- Attach a Medical Plan
- If held on a trail, Trail Use Fee (section F)
- Bounce houses or large inflatable toys liability insurance
- Park pavilion(s) reservation confirmation
- Trail use and Park use fees

90 days notice if a very large group

Downtown Provo Inc, (which includes 500 W-University) (DPI) approval contact Quinn Peterson at Quinn@downtownprovo.org or call 801-372-6147

Protests/Rallies/Pickets

- Liability insurance
- Map and description
- \$50 review fee
- If held in a park, \$200 Park Use Fee (section F)
- Park pavilion(s) reservation confirmation
- Map location and description

Attach a Medical Plan

Downtow Provo Inc, (which includes 500 W-University (DPI) approval contact Quinn Peterson at Quinn Peterson at Quinn@downtownprovo.org or call 801-372-6147.

Filming

- Liability insurance
- Map and description
- \$50 review fee
- If held in a park, \$200 Park Use Fee (section D&E)
- Park pavilion(s) reservation confirmation

Pavilion/parks reservation with proof (section F)

Street closure permit

Attach a Medical Plan

Downtown Provo Inc., (which includes 500 W-University (DPI) approval contact Quinn Peterson at Quinn@downtownprovo.org or call 801-372-6147

Carnivals or Festivals

- Liability insurance
- Detailed map and description, providing all coordinates, intersections or street addresses
- Traffic control plan/street closure
- Canopy 200 sq feet or larger, inspection by Fire department prior to event
- Tent 200 sq feet or larger, inspection by
- 90 days notice
- Temporary business license
- Temporary sales tax number
- If held in a park, \$200 Park Use Fee (section F)
- Park pavilions(s) reservation confirmation
- Bounce houses or large inflatable toys liability insurance

\$50 review fee

Downtown Provo Inc., (which includes 500 W-University) (DPI) approval contact Quinn Peterson at Quinn@downtownprovo.org or call 801-372-6147

Attach a Medical Plan

City-sponsored Events

If your event is a City sponsored or cosponsored event, please provide with your application signed documentation from the Mayor's office so that fees may be adjusted accordingly.

Mayor's approval in writing

Liability insurance waiver

Mass gatherings (proof of approval is required to be attached to application).

\$50 review fee

Liability insurance

Attach a Medical Plan

- Before being issued a license, the applicant shall first determine the maximum number of people which will be assembled or admitted to the location of the assembly.
- The maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly.
- Any person who violates any provision of this Chapter, shall be guilty of a misdemeanor.

Per Provo City Code-large Public Assemblies. Chapter 6.20. For more details, see Provo City Code Chapter 6.20.020

To acquire a mass gathering permit, log on to utahcountyonline.org, or you may visit them at 151 S University Ave. Provo.



Office Use Only	
Permit #	_____
CMEV	_____ \$50 _____
CC	_____ CK _____ Cash _____
CSR Initials	_____
Date	_____
Park fee	_____

SPECIAL EVENTS AND SERVICES APPLICATION

Name of Event _____

Date of Event _____ Type of Event _____

Setup Time Start _____ Event Start Time _____ Event End Time _____ Take Down Time _____

Location of Event _____

(Attach a Map showing Location and/or Route)

Number of Participants Expected: _____

Please describe your event, be specific

CONTACT INFORMATION (Mandatory for acceptance)

Contact Name _____

Address _____ City _____ State _____ Zip _____

Home Phone _____ Cell Phone _____ Work Phone _____

Email Address _____ Fax _____

BILLING INFORMATION (Mandatory for acceptance)

Billing Name: _____

Mailing Address _____

City _____ State _____ Zip _____

Home Phone _____ Work Phone _____ Cell Phone _____

Email Address _____ Fax _____

Application fee must be received before your application will be processed. Include a check with your application form made out to Provo City or call Provo 311 at 801-852-6000 to pay with a credit card.

Does your event include the following: Please answer each question
(Public property includes: city-owned land, streets, sidewalks, facilities and parks)

	Yes	No
Community event on public property (If yes, complete Section A)		
Event using Provo City streets or sidewalks (If yes, complete Section B)		
Event involving more than 500 participants on private property (If yes, complete Section A)		
Block Party (If yes, complete Section A & C)		
Filming on public property (If yes, complete Section D & E)		
Rally or protest on public property (If yes, complete Section G)		
Does your event involve a Park or Trail use (If yes, complete Section F)		

Notice:
If your event requires more forms than you have provided, the department requesting the additional forms will contact you.

PLEASE COMPLETE THE APPROPRIATE SUPPLEMENTAL FORMS BASED ON THE TYPE AND SCOPE OF YOUR EVENT

As a condition for receiving a special event permit, I agree to reimburse the City and/or Applicant for the necessary requested support services provided by the City.

Signature of Applicant _____ Date _____

Please Print & send the form and attachments to:

Hand Deliver

Provo 311 Licensing Representative
351 West Center St.
Provo, UT 84601

All documentation and fees need to accompany your application at the time of submission. Any missing documentation or fees, will cause your application to be rejected.

If your event is canceled or rescheduled after the permit is issued and fees are paid, another application will need to be submitted and another \$50 review fee is required.

Section A: Community Event/Block Party/ Public Assembly

Attach a detailed map of the location showing where activities will take place

	Yes	No
Will this event interfere with or interrupt pedestrian traffic?		
Will this event interfere with or interrupt vehicle traffic?		
Will this event require closing a street?		

(Road closure requires the applicant to obtain a street closure permit from the Engineering Department.)

	Yes	No
Will this event involve music or other amplification?		
Please describe the source of music or amplification		
Will food be served at this event?		
Will the food be served by a caterer?		
Will the food be cooked on site?		
Will any funds or proceeds be collected from this event?		
Will a fee be charged admission?		
Will products be sold at the event?		

List available parking including the number of spaces available:

Trash Services

Describe your plan for disposal of all garbage (Where disposed, type of containers,etc)?
How many garbage containers will be used?

What Provo City Services do you anticipate needing for the event?

Note: Attach a Medical Plan (see Matrix)

Section B: Street or Sidewalk Closure

Provide a legible, detailed Traffic Control Plan showing intersections, roads, and sidewalks affected by this event. Please show and/or include the following information:

- Location of Barricades and signs
- Barricade and sign types
- Police and flagger locations
 - Flaggers must be certified
 - Volunteers are not allowed to direct traffic
- Detour routes with location of detour signs

Please be aware:

- The applicant will be responsible to rent traffic control devices from a licensed barricade company.
- Provo City does not provide barricades or signs.
 - The applicant agrees to provide, at their own expense, traffic control devices and signs which will be conspicuously displayed and lighted if the event takes place prior to dawn or after dusk.
- Full street closures must be barricade at all intersections.
 - Traffic will not be permitted to make U-turns.
- Police officers are required at all intersections that are controlled by a traffic light.
- The applicant agrees to assume all liability of the applicant's use of the street during the specified period.

For every 750 people expected to attend, provisions for not less than one security guard licensed under the Utah Security Personnel and Licensing and Regulation Act must be provided.

- Provo City does not provide barricades or signs.

Attach the Traffic Control Plan to the Street Closure Permit application, inclusive of all of the information described above and submit to the Engineering Department.

What Provo City services do you anticipate needing for the event?

Have you attached your traffic control plan? YES___ NO___

For a block party, which will close a street, also complete Section C

Section D: Filming Application

General Terms and Conditions for filming to which the applicant agrees:

1. The permit provided with the approval of this application must be kept in the possession of the applicant at all times while on location and must be made available for inspection when requested by City authorities or the public.
2. Applicant agrees to comply with all applicable Federal, State and Local laws, ordinances, regulations and rules.
3. In the event an authorized representative of the City finds that the activities being conducted by the applicant endangers the health and safety of any person or that said activities are or will cause damage to real or personal property, said representative at his sole discretion, may suspend, cancel or amend this permit at any time without incurring any liability to the applicant.

If any changes occur to the scope authorized by the permit, the Applicant must contact the Provo City Police Department at 801-852-6211 immediately.

We hereby accept this permit and agree to abide by the terms and conditions hereof. The undersigned hereby personally covenants, guarantees and warrants that he/she has the power to obligate the filming company to the terms and conditions hereof.

Media Organization _____

Country of Origin _____ Network Affiliation _____

Location of Manager _____ Cell Phone _____

Location of Asst. Manager _____ Cell Phone _____

Signature _____ Date _____

Section E: Filming Information

Film Start Date: _____

Film End Date: _____

	Yes	No
Does filming involve more than 4 people?	<input type="checkbox"/>	<input type="checkbox"/>
Does filming involve restriction of public access including stopping or disruption of vehicular or Pedestrian traffic?	<input type="checkbox"/>	<input type="checkbox"/>
Does filming require vehicle access adjacent to the filming location?	<input type="checkbox"/>	<input type="checkbox"/>

(If yes was marked on any item, please complete Part 1, if not, proceed to Part 2)

Part 1: Crew Information

Number of crew members: _____

Number of vehicles: _____

Part 2: Location Information

Location	Date	Time	Type of Shot

What Provo City services do you anticipate needing for the filming?

SECTION F: Special Parks and Trail Use

Park or trail area requested _____

Pavilion #(s) _____ Estimated attendance _____ Estimated parking spaces needed _____

Pavilion(s) reservation number(s) _____

Please attach the following documents:

- A detailed map of activities and their specific locations.
- Liability insurance for bounce houses, large inflatable toys and rock walls.

The following fees which pertain to my event have been paid

- \$200 Parks Use Fee
- \$200 Trail Use Fee
- \$200 Film Fee
- \$200 Wedding/Reception Fee

Please answer each question below. If you answer YES to any of the questions, please refer to the Parks Use Guidelines attached in this packet for additional information.

YES NO

Will this event involve music or other amplification?		
Describe the source of music or amplification		
Have you received a noise ordinance exception from the Mayor's office?		
Will food be serviced at this event?		
Will the food be served by a caterer?		
Will the food be cooked on site?		
Will there be a food truck?		
Will any funds or proceeds be collected from this event?		
Will a fee be charged for admission?		
Will products be sold at the event?		
Does your organization have an IRS 501c3 or similar designation?		
Will any of your proceeds benefit a charitable/non-profit organization?		
If yes, which charity?		

Will you be bringing in or setting up any special equipment? (Check all that apply)

YES NO

Are you planning on staking anything into the ground?		
Bounce house or inflatables?		
If yes, how many? (Water slides and water inflatable are not permitted)		
Tent (size) 200 sq. feet or larger Qty?		
Canopy (size) 200 sq. feet or larger Qty?		
Booths? Qty?		
Extra tables and/or chairs? Qty?		
Dunk Tank?		
Carnival Games?		
Will you need access through a secured park gate? (Key check-out is required)		
Will you have over 400 people in attendance of your event?		
If yes, it's required to bring in portable restrooms and trash containers for your event. Trash must be hauled out prior to leaving the park.		
I have read and agree to all items in the Parks Use Guidelines		
All Pavilion reservations and corresponding fees have been paid*		
* All reservations and fees must be paid prior to submitting this application		

After reviewing the Parks Use Guidelines, are there additional details that should be addressed?

--

Section G: Public Assembly - Pickets, Protests or Rallies

Include a brief description of this event:

Location of Event _____

(Attach a Map showing location and /or Route)

Question:	Yes	No
Will this event include a march?		
Will this event include picketing?		
Will this event include a rally?		
Will any printed material be handed out to citizens?		
Will any vehicles be used in this event?		
Will this event include music or other amplification?		
Will this event interfere with or interrupt pedestrian or vehicle traffic? *If yes, a traffic control plan must be submitted with this permit. (Section B)		
Will this event require Police services?		

What Provo City Services do you anticipate needing for this event?

Is applicant indigent Yes ___ No ___

If yes, attach a notarized affidavit to your application To print this form visit the website at provo.org

List the sizes and location of any props, signs, etc. that will be used in the event.

Attach a Medical Plan

For guidelines for public assemblies, please visit the website at provo.org

REQUIRED INSURANCE AND INDEMNIFICATION

Insurance Requirements

The City requires event insurance and indemnification for special events, unless:

- a) the sponsor of the event makes written application for a waiver of one or both of these requirements
- b) the Mayor finds that the sponsor
 - (i) is seeking to exercise First Amendment rights and
 - (ii) cannot pay the cost of insurance and/or indemnify Provo City: (refer to code 6.20.050 (5 & 6), and
- c) the Mayor grants a waiver of one or both conditions.

Unless waived, the applicant must execute a City indemnification agreement and provide evidence of insurance to the City by selecting one of the following options prior to the issuance of a permit:

- A certificate of insurance with coverage of at least \$1 million per occurrence with a \$2 million aggregate limit naming Provo City, its officers, employees and volunteers as additional insureds. Required coverage limits will be determined based on the type of event, number of participants and other relevant risk factors. The certificate must also state that coverage will not be canceled without ten days prior written notice to the City.

- If the event organizer cannot provide such a certificate, the City has arranged with its insurance carrier to provide single event coverage if the event organizer pays the policy's premium. (For more information, see instructions sheet).

To purchase insurance through the City, please contact Andrea Wright by email awright@provo.org or call 801-852-6518.

Indemnification

Applicant/Applicant's organization agrees to indemnify and hold the City of Provo harmless from any and all loss, injury or damage to the premises caused by Applicant/Applicant's organization, its guests or invitees, or to the personal property or persons of Applicant/Applicant's organization, its guests and invitees on the premises during Applicant/Applicant's organization use of the premises, unless the loss or injury is solely caused by the gross negligence or willful misconduct of the City of Provo, its officers, employees, or representatives.

Signature _____ Date _____



PROVO CITY CORPORATION

PUBLIC WORKS DEPARTMENT - ENGINEERING DIVISION

PERMIT APPLICATION

OWNER INFORMATION

Owner _____
Address _____
City _____ State _____ Zip Code _____
Contact _____ Mobile Phone _____ Office Phone _____
fax _____ Email _____

CLOSURE INFORMATION

Location of Closure _____ Event Name _____
Date/Time Setup to Begin _____ Completion Date/Time _____

EVENT TYPE

- BLOCK PARTY FILMING FESTIVAL
 PROTEST RACE OTHER _____
 BIRTHDAY/WEDDING FUND RAISER

DESCRIBE PROPOSED EVENT: _____

DESCRIBE ANY ADMISSIONS CHARGED, REGISTRATIONS, PROCEEDS, OR SALES AT/FOR THE EVENT: _____

APPLICATION CHECKLIST

Will this event be within the public street right of way. **Yes** **No** If Yes, is a **TRAFFIC PLAN** Attached. **Yes** **No**
The Traffic Control Plan must be MUTCD Compliant, showing all traffic control devices, signs, detour routes, flaggers, and their locations.

*Submit this Street Closure Permit application to the Public Works Department, Engineering Division with all applicable fees for review.

Print Name _____ Signature _____ Date _____

Planned Public Assembly Guidelines

1. Any signs should be carried by hand or supported by lathe-type sticks only.
2. Participants may not interfere with pedestrians or vehicular traffic, except as a special event permit may allow. If people do not stop to listen to the participants, they may not insist that they do so. Specifically, participants may not grab or attempt to physically restrain or touch visitors of the businesses or residences in the area or any person on public or private property.
3. Participants may not block or attempt to block any entrance or driveway.
4. The Applicant has agreed to be the coordinator and contact person for the assembly.
5. The Applicant shall use its best efforts to notify all participants of these rules before the start of the event.
6. The Applicant acknowledges that the event is for nonviolent purposes, violent acts will NOT be tolerated.
7. The Applicant agrees to be responsible to leave the areas of the event clean, and that all objects such as: signs, sticks, leaflets, or candles will be removed by the applicant's group.
8. The Applicant acknowledges the constitutional right of anyone to ignore or not listen to Applicant's group and ignore or not read any information literature that the group may be passing out.
9. The Applicant's group may not obstruct the free passage of pedestrians, vehicles, block driveways, entrances, or exits to any business or building, and may not enter onto private property without the permission of the property owner.
10. The Applicant/group shall abide by all pertinent Local, State, and Federal ordinances and laws while conducting the activity.

Chapter 6.20

PUBLIC ASSEMBLIES AND SPECIAL EVENTS

Sections:

- 6.20.010 Intent.**
- 6.20.020 Definitions.**
- 6.20.030 Application and Permit Required.**
- 6.20.040 Conditions for Issuing Permit.**
- 6.20.050 Application – Fees – Cost Recovery.**
- 6.20.060 Issuance, Suspension, Revocation – Cure – Appeal.**
- 6.20.070 Conflicting Applications.**
- 6.20.080 Enforcement.**
- 6.20.090 Free Expression Regulation.**

6.20.010 Intent.

(1) It is the intent of Provo City in this Chapter to regulate, consistent with the provisions of the Constitutions of the United States and the State of Utah, public assemblies and special events within Provo City in order to protect the health, safety and welfare of all persons within the City, residents and visitors alike. It is the policy of Provo City to accommodate public assemblies and special events subject to reasonable time, place and manner restrictions.

(2) The issuance or nonissuance of a permit described in this Chapter is intended to be an action immune from suit as described in the Utah Governmental Immunity Act, Utah Code Section [63G-7-301](#) (5)(c), as amended.

(Am 1987-43, Am 2015-24)

6.20.020 Definitions.

As used in this Chapter, unless the context shall otherwise require, the following terms shall have the following meanings:

“Applicant” means the individual, group or organization sponsoring or organizing a special event and applying for a special event permit pursuant to this Chapter.

“Application” or **“permit application”** means the City’s written application for a permit to hold a special event.

“Business days” means Mondays through Thursdays, and does not include Fridays, Saturdays, or legal holidays as outlined in Utah Code Section [63G-1-301](#), plus Christmas Eve and excepting Columbus Day and Veterans Day.

“Chief Administrative Officer” or **“CAO”** means the Chief Administrative Officer of the City of Provo, Utah.

“Chief Building Official” means the Chief Building Official of the City of Provo, Utah.

“City” means the City of Provo, Utah.

“Fire Chief” means the Chief of the Fire Department of the City of Provo, Utah.

“Health Director” means the Executive Director of the Utah County Health Department, or other Utah government official with the authority to grant a temporary mass gathering permit.

“Parade” means any march, walk or run, procession, demonstration, motorcade, or other similar activity consisting of persons, animals, vehicles or any combination thereof, upon any public street, sidewalk, alley or other public right-of-way within the City, that interferes with the normal flow or regulation of traffic upon the streets, sidewalks, alley or other public right-of-way within the City.

“Person” means any individual human being, firm, partnership, association, corporation, company or organization of any kind.

“Police Chief” means the Chief of the Police Department of the City of Provo, Utah.

“Public assembly” means a gathering of persons on public property with the purpose of exercising free speech, association, assembly and similar rights protected by the United States and Utah Constitutions which interferes or has a tendency to interfere with the normal flow or regulation of pedestrian or vehicular traffic upon any public way, or other public grounds within the City, or does not comply with normal or usual traffic regulation or controls; or which occupies any public area open to the general public to the exclusion of others.

“Public way” means any public highway, street, alley, sidewalk, or other public right-of-way within the City.

“Public Works Director” means the Director of the Public Works Department of the City of Provo, Utah.

“Sidewalk” means any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

“Special event” means:

- (a) Any event, activity, or series of activities, including a planned public assembly, which: (i) occurs on public property and significantly restricts or otherwise impacts the normal access or use of the public property by the general public or adjacent property owners; or (ii) occurs on public or private property and is subject to the requirement of obtaining a temporary mass gathering permit.
- (b) Special events may include but are not limited to block parties, street parties, fundraisers, public assemblies, movie productions and other filming, protests and rallies, runs, races, walks, parades, and similar community events.
- (c) The term “special event” does not include a gathering of persons at a location with permanent facilities designed for that specific assembly (unless the designed occupancy levels are exceeded), including: (i) privately sponsored events which rent space inside City facilities; (ii) programmed activities provided or managed by the City, i.e., recreational or senior center programs; (iii) any event that would otherwise fall

within the definition of a special event held in a Provo City park but which involves fewer than twenty-five (25) people at the same time within a circumscribed one hundred (100) foot radius and does not interfere with the regular use of the park by those who have reserved adjacent park facilities and/or the general public; (iv) an activity on, and the permitting of, sports fields, sports facilities, park pavilions, or other similar government facilities otherwise regulated by the Provo City Parks and Recreation Department.

(d) The term “special event” does not include an unplanned or spontaneous public assembly which due to nature and scope of the event does not result in the unreasonable obstruction of City streets or sidewalks, nor unreasonably compromise the City’s ability to respond timely to a fire, medical emergency, or other public safety emergency.

“Special event location” means the geographic area authorized by the City where a special event is to take place.

“Special event permit” or **“permit”** means the permit issued by the City for a special event.

“Street” means any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.

“Support services” means those police, fire, inspection, sanitation and other special services, other than basic routine everyday services, that are provided by the City for a fee, and that are necessary for the safe and successful execution of the special event.

“Support services fees” means those fees set forth on the City’s [Consolidated Fee Schedule](#) that are charged by the City for providing support services for a special event, including a temporary mass gathering.

“Temporary mass gathering permit” means the permit defined in, and issued pursuant to, Utah Administrative Rule 392-400.

(Enacted 2015-24)

6.20.030 Application and Permit Required.

(1) All persons sponsoring, maintaining, promoting, or conducting a special event shall pay the application processing fee, complete a permit application, and obtain a special event permit prior to conducting the special event. A valid permit to hold a special event shall authorize any person expressly named in the permit to engage in any lawful activity described in the permit.

(2) A special event permit shall normally be granted upon: (i) proper completion of the application for the permit; (ii) the availability of the special event location for reservation; (iii) the payment of all required fees; (iv) the presentation of evidence that the applicant has complied with the conditions set forth in Section [6.20.040](#), Provo City Code, and has secured all necessary inspections and permits, including a temporary mass gathering permit, if required; and (v) the applicant’s certification that the conduct of the event will be in compliance with all applicable laws and regulations. Notwithstanding the foregoing, the Mayor may deny the issuance of a permit if after a careful and thorough review of the application, the Mayor makes written findings that: (a) there are compelling grounds to believe that the special event would either endanger the public’s health, safety or welfare or interfere

with another previously approved public assembly or special event; and (b) the Mayor cannot through reasonable governmental action address the concerns raised in Subsection (2)(a) of this Section. In taking reasonable government action to facilitate and protect the orderly conduct of public assemblies and special events, the Mayor is authorized to create buffer zones between groups by executive order where there is a history of violence between groups. The Mayor is also authorized to take such other actions consistent with free exercise of constitutional rights to prevent conflicting special events from interfering with each other or otherwise endangering the public's health, safety or welfare.

(3) A separate event permit shall be required for each location for which a temporary mass gathering permit is required. The permit shall identify the maximum number of people, vehicles, and/or animals permitted to assemble at the special event location. The specific activities to take place shall also be expressly stated in the permit. The permit holder shall not sell tickets to, nor allow to assemble at the special event location, more people, vehicles, and animals than the maximum permissible number specified in the permit.

(4) The permit requirements of this Chapter shall apply to government-sponsored fairs and other special events held on regularly established fairgrounds or other government property, and to public assemblies and special events sponsored by Provo City or expressly authorized by the Provo City Code, City ordinances, the Mayor's administrative directives, executive orders, or other City regulations.

(Am 1987-43, Am 2006-15, Am 2015-24)

6.20.040 Conditions for Issuing Permit.

(1) In addition to identifying the maximum number of people, vehicles, and/or animals that will gather at the special event location as a condition for receiving the permit, applicants for permits shall certify that the maximum number of persons at the special event location shall not exceed the number which can reasonably safely gather at the special event location given the nature of the event; provided, that if the special event is to continue overnight, the maximum number shall not be more than are allowed to sleep within the boundaries of the special event location by the Provo City Code, City and County zoning or health ordinances, or other applicable health, safety or public welfare laws, ordinances, and regulations.

(2) An application that otherwise satisfies the requirements and conditions of this Chapter shall normally be approved if:

(a) The Fire Chief or the Fire Chief's designee finds: (i) the special event complies with all applicable fire code rules and regulations; (ii) if the special event location is to be enclosed, the plans therefor include a reasonable means of ingress and egress under normal and emergency conditions for all persons attending the special event; and (iii) the plans include reasonable provisions for a first aid station which shall be sufficient to handle minor medical complaints;

(b) The Chief Building Official or the Chief Building Official's designee finds: if bleachers, a stage, or other similar structure(s) are to be used as part of the special event, the structures meet the minimum requirements of all applicable building codes;

- (c) A valid temporary mass gathering permit has been issued by the appropriate health official, if such a permit is required under Utah Administrative Code Rule R392-400, as amended;
- (d) The Director of the Department of Public Works or the Director's designee finds that the application for the special event includes plans for a reasonable method of collecting and disposing of all solid waste generated by the special event;
- (e) The Chief of Police or the Chief of Police's designee finds that the application for the special event includes adequate provisions for rerouting pedestrian and vehicular traffic and public safety for the special event, including, in the Chief's or the Chief's designee's discretion, that not less than one (1) security guard, licensed under the Utah Security Personnel Licensing Act, Utah Code [58-63-101](#), as amended, is provided by the applicant for every seven hundred fifty (750) people expected to attend; and
- (f) The applicant has complied with the insurance and fee requirements contained in this Section and Section [6.20.050](#), Provo City Code.
- (3) The plans, specifications, prerequisites, and preconditions set forth in this Subsection that are incorporated into the application form the basis for the approval of the permit issued by the City and shall be performed by the applicant. Failure to perform the plans, specifications, prerequisites and preconditions incorporated into the application shall be grounds for the suspension or revocation of the permit. The intentional or negligent noncompliance with said plans, specifications, prerequisites and preconditions shall be unlawful.
- (4) Insurance is required for special events unless the event is a public assembly that qualifies for an exemption pursuant to Subsection [\(5\)](#) of this Section. Depending on the type of event, number of participants and other risk factors, applicants may be required to submit a risk mitigation plan even for events in which insurance is not required. Applicants required to provide insurance may choose one (1) of the following options: (a) Applicants may provide a certificate of insurance with coverage of at least one million dollars (\$1,000,000.00) per occurrence with a two million dollar (\$2,000,000.00) aggregate limit naming Provo City, its officers, employees and volunteers as additional insureds. Required coverage limits will be determined based on the type of event, number of participants and other relevant risk factors. The certificate shall also state that coverage will not be canceled without ten (10) days' prior written notice to the City; or (b) Applicants may choose special event insurance coverage through the City's insurance carrier by paying the Tenant User Liability Insurance Program (TULIP) policy premium. Applicants required to provide insurance shall provide such evidence of insurance prior to the issuance of a permit. Applicants shall also execute a standard City indemnification agreement if required to provide insurance.
- (5) The applicant for a permit for a planned public assembly who is indigent shall not be required to provide insurance. To evidence indigency, the applicant shall submit a notarized affidavit certifying that: (a) the costs for insurance to be imposed exceed the available resources of the applicant and the applicant does not reasonably foresee such funds becoming available before, during, or within a reasonable period after the planned public assembly, and (b) the applicant is not charging participation fees or other admittance fees to the general public for the planned public assembly, and (c) no other person is underwriting the cost of the planned public assembly.
- (6) Permits for a special event that is a planned public assembly shall:

- (a) Contain only such restrictions on time, place, and manner as are reasonably related to Provo City's significant interests in furthering the public's health, safety and welfare;
 - (b) Be issued upon applicant's agreement to pay for support services fees that reflect the City's cost of providing support services for the planned public assembly, unless the applicant is indigent. In the event that the applicant for the planned public assembly permit can evidence indigency, the support services fee shall be a nominal fee reasonably related to the services requested by the applicant, based on the financial resources of the applicant. To evidence indigency, the applicant for a planned public assembly permit shall submit a notarized affidavit disclosing the resources available to the applicant and certifying that: (i) the full cost for support services to be imposed exceeds the available resources of the applicant and the applicant does not reasonably foresee such funds becoming available within a reasonable period before, during, or within a reasonable period after the public assembly; (ii) the applicant is not charging participation fees or other admittance fees to the general public for the public assembly; and (iii) no other person is underwriting the cost of the planned public assembly.
- (7) By signing the application, the applicant:
- (a) Agrees to abide by all Federal, State and local laws, ordinances, rules, regulations, and administrative directives pertaining to the event, including all provisions of the Provo City Code, including, but not limited to: (a) the noise provisions of Chapter [9.06](#), Provo City Code; (b) the "commercial entertainment" provisions of Chapter [6.15](#), Provo City Code; and (c) if the event is a parade, Chapter [6.23](#) and Section [9.14.220](#), Provo City Code, as amended, regulating parades.
 - (b) Acknowledges that, unless expressly authorized in the special event permit, no special event shall take place between the hours of 12:00 a.m. and 6:00 a.m. and that no person associated with the special event shall place, construct, erect, use, or employ any tent or other enclosed shelter, vehicle, or trailer. Further, applicant agrees to return the special event location to public use promptly upon the expiration of the special event permit without damage, to remove all personal property, equipment, vehicles, other property, and trash from the special event location, and to be responsible for leaving the special event location in a clean and orderly condition.

(Am 1987-43, Am 2002-35, Am 2006-08, Am 2006-45, Am 2015-24)

6.20.050 Application – Fees – Cost Recovery.

- (1) Application for a permit to hold an actual or anticipated special event shall be made in writing to the Provo City Customer Service Division ("Customer Service Division").
- (2) The application shall contain a certification made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the person making the application, or the person's duly authorized agent. A false statement shall be unlawful.
- (3) The application shall contain and disclose:

- (a) The name, age, residence and mailing address of the individual signing the application and the names and addresses of the person(s) applying for the special event permit; and, in the case of a person not a natural person, a certified copy of the legal document(s) creating said entity;
- (b) The address and legal description of all property upon which the assembly is to be held together with the name, residence and address of the record owner(s) of such property or a map providing such information;
- (c) If the property is not owned or controlled by Provo City, proof of ownership, lease, license or right to use all property upon which the special event is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for the special event;
- (d) The nature or purpose of the special event;
- (e) The total number of days and/or hours during which the special event will be held;
- (f) The maximum number of persons, vehicles, and animals which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the special event as provided by this Chapter;
- (g) The maximum number of tickets to be sold, if any;
- (h) A complete description of all plans and arrangements made to comply with Section [6.20.040](#), Provo City Code, including the following information:
 - (i) If the event is or includes a parade:
 - (i) The proposed route to be traveled, including the starting point and the termination point;
 - (ii) The approximate number of persons who, and number and type of animals and vehicles which, will constitute the parade;
 - (iii) The proposed time when the parade will start and terminate;
 - (iv) A statement as to whether the parade is intended to occupy all or only a portion of the width of the streets proposed to be traversed;
 - (v) The proposed location of any assembly and disbanding areas for such parade;
 - (vi) The proposed time at which units of the parade will begin to assemble at the assembly area and will be finished disbanding at the disbanding area;
 - (vii) Minimum and maximum speed of parade units;
 - (viii) Maximum interval of space to be maintained between parade units;
 - (ix) The maximum length of the parade in miles or fractions thereof;
- (j) The portions of the streets or sidewalks that may be occupied by the special event;

- (k) The number and location of tents, booths, bleachers or other temporary structures to be used;
 - (l) The timing, location, and use of fireworks, smoke, or special effects or activities that may create a risk of fire or injury;
 - (m) A description of any sound amplification equipment, including the number and the proposed amplifying range and decibel level;
 - (n) A description of any banners, signs, or other attention getting devices proposed to be used in connection with the event;
 - (o) A description of the types of animals; the types of vehicles to be used; the number of bands and other musical units and sound trucks to be used;
 - (p) The number of persons who will be designated to monitor the event and the name of the person in charge; and
 - (q) Such other information as the Fire Chief and/or Police Chief, or the Police Chief and/or Fire Chief's designee(s) shall find necessary for the proper enforcement of this Chapter and the preservation of public safety.
- (4) An application review fee shall be collected at the time an application is submitted to the City's Licensing Division. The application review fee for special events shall be the amount set forth in the City [Consolidated Fee Schedule](#). This fee is intended to cover the City's cost of reviewing the application and therefore is not refundable even if the permit is denied.
- (5) If the application requires or requests the use of any City services, the applicant shall reimburse the City for all charges applicable for any such services agreed to be provided by the City. Unless rates for City services have been established by ordinance of the Municipal Council, standardized rates for City services may be established by administrative directive of the Mayor, which rates may not exceed the reasonable costs of providing such service. Rates established by administrative directive of the Mayor shall be reviewed annually and are subject to revision or updating, as needed, as a result of such review.
- (6) Immediately after the special event, the permit holder shall be responsible for cleaning the special event area of litter and debris, and disposing of all waste in accordance with City rules and regulations unless the City has agreed to provide such services. The permit holder shall also be responsible for immediately restoring property damaged, disturbed, or defaced in connection with the special event to the same condition existing before the event.
- (7) Prior to the issuance of a special event permit, the applicant shall provide a deposit, in an amount equal to an estimate of:
- (a) All City services agreed to be provided by the City; and
 - (b) The City's cost of cleaning the special event area of litter and debris and restoring any City property damaged in connection with the special event, if not adequately performed by the applicant.

Such deposit shall be in the form of a cash deposit, or a bond issued by surety acceptable to the City or an irrevocable letter of credit issued by a federally insured bank or savings institution licensed by the State of Utah, which bond or letter of credit shall be in a form approved by the City Attorney or the City Attorney's designee. Such deposit may be reduced for good performance by the applicant for three (3) consecutive years at previous special events as evidenced by prior events or other documentation and no outstanding amount owed to the City.

(8) Within a reasonable time after the conclusion of the event, the City shall mail or deliver to the permit holder an invoice for the cost of City services provided by the City and any costs incurred by the City in restoring the site. If the amount exceeds any cash deposit, the permit holder shall pay the unpaid portion of the invoice amount within thirty (30) days of the date that the invoice was mailed or delivered. If the amount is less than any cash deposit, the City shall return the excess to the permit holder within thirty (30) days.

(9) Provision of City services is based on availability. If such services are not available from the City, it shall be the applicant's responsibility to procure the services, either desired by the applicant or determined to be necessary by the City, at the sole expense of the applicant. Notwithstanding anything to the contrary in this Chapter, the City shall not be required to provide any service beyond basic public safety services and those services that are necessary to keep the peace and maintain order.

(10) Indigent applicants for planned public assembly permits may be exempted from certain fees upon compliance with Sections [6.20.040\(5\)](#) and (6), Provo City Code.

(11) The City shall also be entitled to recover from the special event applicant any costs incurred by the City that are attributable to the unlawful conduct of the applicant and any fees originally waived by the City for the applicant for a planned public assembly permit who claimed indigency on the application, but who is found not to be indigent.

(12) Applications for special event permits shall be submitted at least ninety (90) days prior to the date of the desired special event. Applications submitted after ninety (90) days may be denied if the City in the ordinary course of business is unable to arrange the necessary support services for the special event. Applications for a special event shall not be accepted sooner than October 1 of the prior calendar year.

(13) Applications for a special event shall:

- (a) Be evaluated on a content-neutral basis to the extent required by law;
- (b) Be evaluated and responded to by the City within forty-five (45) days from the receipt of the application, or within five (5) business days from the receipt of a completed permit application for a planned public assembly (i) that is intended to respond to current events, and (ii) which depends for its value on a timely response.

(14) Special event applications that require support services shall be referred to and reviewed by a City Special Events Review Committee established by the Mayor and comprised of representatives from various City departments who are routinely involved with the review of special event applications and providing support services for special events. Given the City's limited resources and the impact to the community, the Mayor shall have authority to limit the number of special event permits in any one calendar year and may establish courses for

parades and races to minimize disruption to the public or prevent conflict among groups seeking to use the same route, time, location, or resources.

(Am 1987-43, Am 2015-24)

6.20.060 Issuance, Suspension, Revocation – Cure – Appeal.

(1) *Issuance.* The Licensing Division shall issue a permit only after receipt of an application together with evidence that all terms, conditions, and provisions of this Chapter have been met.

(2) *Suspension or Revocation.* A special event permit may be suspended or revoked by the Mayor or the Mayor's designee, or by the Chief of Police or Fire Chief, or their respective designees, if it is determined that any required information submitted by the applicant was materially incorrect or fraudulently provided, or that the permittee has violated any of the terms, conditions or provisions of the permit, any of the provisions of this Chapter, or other Federal, State, or City law, ordinance, regulation or administrative directive.

(3) *Service of Notice.* Where reasonably possible, a copy of the notice of revocation and notice to cure shall be provided to the holder of the permit. At the applicant's request, a copy of the notice may be sent by mail, fax, or email.

(4) *Cure.* If the person responsible for the revocation or suspension under Subsection [\(2\)](#) of this Section or the Mayor determines that any permit that has been suspended or revoked pursuant to this Chapter is subject to reinstatement if certain conditions are met, notice to cure may be provided and the permit holder may be provided a reasonable opportunity to cure the unfulfilled condition, deficiency, or violation within a reasonable time frame.

(5) *Failure to Cure.* Failure to cure within the time frame designated in the notice shall result in the permit's permanent suspension or revocation.

(6) *Appeal.* If for any reason an opportunity to cure is denied, an application is denied or not issued, or a permit is suspended or revoked, the applicant or the permit holder may appeal that decision to the Mayor by following the administrative hearing process set forth in Chapter [3.06](#), Provo City Code.

(Rep&ReEn 1987-43, Am 2015-24)

6.20.070 Conflicting Applications.

(1) *Conflict Priority Evaluation.* When more than one (1) application for a special event or public assembly, each of which is compliant with this Chapter, is received for the same day and time and for the same or conflicting locations or routes, the Licensing Division shall issue a permit, subject to the other provisions of this Chapter, based on the following order of priorities:

- (a) Events planned, organized or presented by State, Federal, or City governmental entities or their agents, if the governmental request is made in good faith and not with the intent or purpose of improperly chilling constitutionally protected rights of competing applicants;
- (b) Historic usage by commercially related special events or advance planned free expression activities where the same applicant has been granted use of a particular City forum at a particular date, time, and place for more than three (3) consecutive years;
- (c) If neither Subsection (1)(a) nor (b) of this Section is applicable, priority shall be given to a first in time filing; and
- (d) Notwithstanding anything in this Subsection to the contrary, exceptions may occur when the Mayor or the Mayor's designee finds that one (1) event provides greater benefit to the public than the competing event.

(2) *Consideration for Unsuccessful Applicant.* After granting the successful applicant's request for the time, place, manner and date, the Licensing Division shall authorize the unsuccessful applicant to use an appropriate public forum at another suitable time, place, date and manner.

(Enacted 2015-24)

6.20.080 Enforcement.

- (1) The provisions of this Chapter may be enforced by any remedy available in law or equity.
- (2) The holding of a special event in violation of any of the provisions or conditions contained in this Chapter shall be unlawful and shall be deemed a public nuisance, which may be abated as such.
- (3) If a sworn law enforcement officer or fire official determines that any failure to cure a violation of this Chapter creates the clear and present danger of immediate significant harm to life, public safety, or property; such danger cannot be reasonably mitigated by increased public safety enforcement; and such danger, on balance, outweighs the constitutionally protected rights of the organizers or participants in the special event or public assembly, then the applicant, or the applicant's on-site representative, shall be notified that the permit is revoked and that the special event or public assembly must immediately cease and desist. Such a determination may only be made after consultation with the Police Chief or Fire Chief, or their respective designee.
- (4) Any person who violates a cease and desist order issued pursuant to Subsection (3) of this Section, or who fails or refuses to comply with, do, undertake, or perform any representation in their special event application or the plans thereto, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate violation.

(Ren 1986-40, Am 1987-43, Am 2015-24. Formerly 6.20.070)

6.20.090 Free Expression Regulation.

(1) It is the policy of Provo City that persons and groups have a right to organize and participate in peaceful expressive activities including demonstrations, rallies, parades, signature gathering, marches, picketing or other similar actions conducted for the purpose of exercising their constitutional rights on those public grounds of the City, as defined herein, subject to reasonable time, place and manner restrictions designed to protect public safety, persons, and property and to accommodate the interests of persons not participating in the assemblies, including their interests in using the streets and sidewalks to travel to their intended destinations, and to use the parks and park facilities for recreational purposes. In accordance with Section [11-61-104](#), Utah Code, Provo City may impose a generally applicable time, place, and manner restriction on expressive activity on public grounds:

- (a) By ordinance; or
- (b) By policy or practice that comports with this Section.

(2) For purposes of this Section:

- (a) **“Public grounds”** means the area outside a public building, as that term is defined in Section [11-61-102\(5\)](#), Utah Code, that is a traditional public forum where members of the public may safely gather to engage in expressive activity;
- (b) **“Traditional public forum”** refers to: a public park or street, or a public sidewalk, as defined by the United States Supreme Court, or as that Court may later define it;
- (c) **“Public grounds”** do not include:
 - (i) The interior of a public building; or
 - (ii) Any public property that is not a traditional public forum, such as, but not limited to, sidewalks constructed primarily to assist patrons to negotiate the space between a parking lot and the entrance of a Provo City facility as defined in accordance with the rulings of the United States Supreme Court.

(3) In accordance with Section [11-61-103](#), Utah Code, this Section does not apply to:

- (a) A restriction on expressive activity on public grounds that is imposed in order to comply with Title [20A](#), Utah Code, Election Code;
- (b) Property that Provo owns or leases:
 - (i) That is closed to public access; or
 - (ii) Where State or Federal law restricts expressive activity; or
- (c) A limited or nonpublic forum governed by other applicable City or State law.

(4) A generally applicable or individually applicable time, place, and manner restriction on expressive activity on public grounds imposed by City ordinance, policy, or practice shall comport with State law, constitutional law, and case law, and, in accordance with Section [11-61-104](#), Utah Code, shall be:

- (a) Narrowly tailored to serve an important governmental interest, including public access to the public building, public safety, and protection of public property;
 - (b) Unrelated to the suppression of a particular message or the content of the expressive activity that the restriction addresses; and
 - (c) Leave open reasonable alternative means for the expressive activity.
- (5) The Mayor is authorized to establish policies and practices consistent with this Section for City property, and may delegate such authority to department directors with regard to the City property they manage.
- (6) This Section is not intended to infringe on the rights individuals have to use public forums in accordance with State law.

(Enacted 2019-22)

The Provo City Code is current through Ordinance 2020-11, passed April 14, 2020.

Disclaimer: The city recorder has the official version of the Provo City Code. Users should contact the city recorder for ordinances passed subsequent to the ordinance cited above.

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[Code Publishing Company](#)

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: NLA
Department: Development Services
Requested Meeting Date: 01-21-2020

SUBJECT: A discussion regarding rezoning all R2.5, R3, R4 properties to Low Density Res., Medium Density Res., or High Density Res. and the removal of the R2.5, R3, R4, R5, and Campus High Density zones from City Code. (PLRZ20190427 and PLOTA20190428)

RECOMMENDATION: Information only. These items are scheduled to be heard in the Council Meeting this evening. The Planning Commission has recommended approval (8:0).

BACKGROUND: In order to streamline the different zones in Provo, the Community and Neighborhood Services is proposing to eliminate five different residential zones and replace them with three new zones. This will create more flexibility and clarity.

FISCAL IMPACT: None anticipated

PRESENTER'S NAME: Javin Weaver (801) 852-6413

REQUESTED DURATION OF PRESENTATION: 10 Minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: PLRZ20190427



**Planning Commission
Staff Report
Hearing Date:
January 22, 2020**

***ITEM #3** The Community and Neighborhoods Department requests zone changes to all properties zoned R2.5, R3, and R4 to Low Density Residential (LDR), Medium Density Residential (MDR) or High Density Residential (HDR) so the former zones may be removed from the city code. Citywide application. Javin Weaver (801) 852-6413 jweaver@provo.org PLRZ20190427

Applicant: Community and Neighborhood Services Department
Staff Coordinator: Javin Weaver
Current Zone: Low Multiple Residential Zone (R2.5PD), Medium Multiple Residential Zone (R3 & R3PD), and High Multiple Residential Zone (R4 & R4PD)
General Plan Designation: Residential (R)
Acreage: 137.45 acres (5,987,322 sq. ft.)
Number of Properties: 1,548
Number of Lots: 2,230
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 February 12, 2020, 6:00 p.m.*

2. Deny of the proposed rezoning. This would be a change from the Staff recommendation; the Planning commission should state new findings.

Current Legal Use: The properties various in use, but consist primarily of one-family dwelling attached, multiple-family dwelling, and apartments.

Relevant History: The LDR, MDR and HDR zones were adopted in 2011 (LDR) and 2013 (MDR, HDR & CMU) (11-0009OA)

Neighborhood Issues: No neighborhood concerns have been identified as of the time of staff drafting this report.

Staff Recommendation:

Staff recommends the Planning Commission recommend approval of the proposed zone changes to all properties zoned R2.5, R3, R4 to Low Density Residential (LDR), Medium Density Residential (MDR) or High Density Residential (HDR).

OVERVIEW

The proposed rezone would serve three objectives: 1 - It would allow for allow for the Low Multiple Residential Zone (R2.5), Medium Multiple Residential Zone (R3), (High Multiple Residential Zone (R4), Very High Multiple Residential Zone (R5) and Campus High Density Residential Zone (CHDR) zones to be removed from Provo City Ordinance; 2 - The LDR, MDR, and HDR zones require that the Residential Design Guidelines Standards (Provo City Code 14.34.285) are followed so therefore as properties are redeveloped the end product is more desirable; 3 - When the LDR, MDR, HDR, and Campus Mixed Use (CMU) zones were adopted it was the intent of planning staff that the R2.5, R3, R4, R5 and CHDR zones would be removed from the Provo City code. R5 and CHDR zones have not been used and no property is designated either zone. The CMU zone has accomplished the purpose and intent of the CHDR zone.

GENERAL PLAN POLICIES

Protect existing owner-occupied housing and neighborhoods and encourage an increased percentage of owner-occupied or long-term residency housing in Provo neighborhoods. (Goal 1.4.11)

Maintain and encourage good quality, sustainable housing and infill developments. (Goal 3.4.1.2)

Regulate the scale of buildings by the land size of the parcel. (Goal 3.4.1.8)

Emphasize continued renewal and beautification of the city's older sections. (Goal 3.4.3.2)

Encourage new developments to create a sense of identity and belonging in their designs, fencing, entrances, landscaping, etc. (Goal 1.4.2.5)

FINDING OF FACTS

1. The subject properties are zoned R2.5, R3, and R4.
2. The adopted zones of R5 and CHDR have not been utilized.
3. There are twenty-one existing residential complexes that would be rezoned within the city (see table below).

STAFF ANALYSIS

When the LDR, MDR, HDR and CMU zones were adopted by the Municipal Council it was the Planning Department's intention to transition existing properties zoned R2.5-R4 to the aforementioned zones. Provo City has established that higher density of housing is appropriate in the Downtown Neighborhood.

The R2.5 through R5 zones is very specific in terms of the listed permitted and conditional uses. The LDR, MDR and HDR zones provide more generalized land use descriptions for permitted and conditional uses. The R2.5 through R5 zones is very repetitive by listing the same standards in each of the zones. The LDR, MDR and HDR zones have standards that apply to all zones into the general provisions of the ordinance so there is no need to repeat the same requirements in each zone. For example, the same landscaping requirements are repeated in each zone. The R2.5 through R5 zones were amended repeatedly over the years which sometimes conflict with other. The R2.5-R5 zones have not been updated since the Residential Conservation zone was adopted. The LDR, MDR and HRD zones provide standards that can be used uniformly.

The following table is a summary of the properties proposed to be rezone:

R25PD						
Property Name	Address	Number of Units	Acreage	Density	New Zone	
Franklin Park Condo	125 S 1050 W	96	7.12	13	LDR	
Pioneer D	1596 E 1350 S	28	2.08	13	LDR	
Pioneer C	1142 S 1410 E	72	5.72	13	LDR	
Total			14.92			

R3 and R3PD						
Property Name	Address	Number of Units	Acreage	Density	New Zone	
Eastgate Townhomes	935 S Eastgate Dr	106	8.64	12	LDR	
Canyonbrook Condos	4990 N Univ Ave	64	3.88	16	MDR	
North Canyon Condos	2244 N Canyon Rd	48	1.48	33	HDR	
Belmont	450 N Seven Peaks Blvd	215	12.81	17	MDR	
Riverstone Condos	1227 N Riverside Ave	60	3.04	20	MDR	
Branbury	475 W 1720 N	317	13.81	23	MDR	
Grandview Gateway Condos	865 W Columbia Ln	36	1.97	18	MDR	
Castlebrook Condos	1401 W Lancelot Dr	100	6.61	15	LDR	
Deer Haven	1334 S 1370 E	116	8.45	14	LDR	
The Boulders	750 S 650 W	367	19.66	19	MDR	
Canyon Meadow Condos	1028 S Canyon Vista Rd	163	13.03	13	LDR	
Alpine Brook Townhomes	1236 S Alpine Way	72	10.87	7	LDR	
Sunrise Village Condos	255 W 920 S	78	6.48	12	MDR	
Total			110.72			

R4 and R4PD						
Property Name	Address	Number of			New Zone	
		Units	Acreage	Density		
Timpanogos Gateway Condos	1963 N Canyon Rd	54	3.24	17	MDR	
Millrace Townhouse	245 W 2230 N	30	1.60	19	MDR	
Santa Barbara Villa Condos	734 E 560 N	54	1.68	32	HDR	
Fifth Avenue Condos	909 N 500 W	48	1.53	31	HDR	
Windsor Park Condos	112 W 1230 N	106	3.76	28	HDR	
Total		11.81				
Combined Total		137.45				

Most of the properties transition from their current zone to the density appropriate zone of R2.5→LDR, R3→MRD or R4→HDR. Some of the properties will be zoned to a lower density such as R3→LDR based on density, building type, and location of the parcel. However, one of the properties will be zoned to a higher density R3→MDR based on the location of the residential complex and to foster additional housing units near the Provo Towne Centre as potential redevelopment of the area occurs. Some of the R4 properties have a density within the MDR range; however the existing buildings are stacked units resembling a use found within the HDR zone. Additionally, each of residential complexes is compliant with the permitted uses, lot standards, and yard requirements for the proposed zone change to each property.

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

Upon receipt of a petition by the Planning Commission, the Commission shall hold a public hearing in accordance with the provisions of Section 14.02.010 of this Title and may approve, conditionally approve, or deny the preliminary project plan. Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

(a) *Public purpose for the amendment in question.*

The R2.5-R5 zones vary in specific terms listed in the permitted and conditional uses. The LDR, MDR and HDR zones rezone serves the public as that it allows for provides for better residential projects

utilizing the Residential Design Standards as properties redevelop over time.

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

The public purpose stated above can be served by amending the zoning map.

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

The proposed zones will not hinder or obstruct policies of the General Plan, but will aid in the implementation of policies, as stated above.

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

If the subject properties are to be rezoned by the Municipal Council, then the next step would be to remove the R2.5, R3, R4, R5 and CHDR zones from the Provo City Code.

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

None

(f) Adverse impacts on adjacent land owners.

No adverse impacts are anticipated on adjacent landowners. The use of the subject properties is not changing. Some of the subject properties will actually have a decrease on impact with the proposed rezone R3 → LDR versus R3→MDR. This is based upon the density calculations.

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

The current General Plan designation for each area is either Residential or Mixed Use.

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

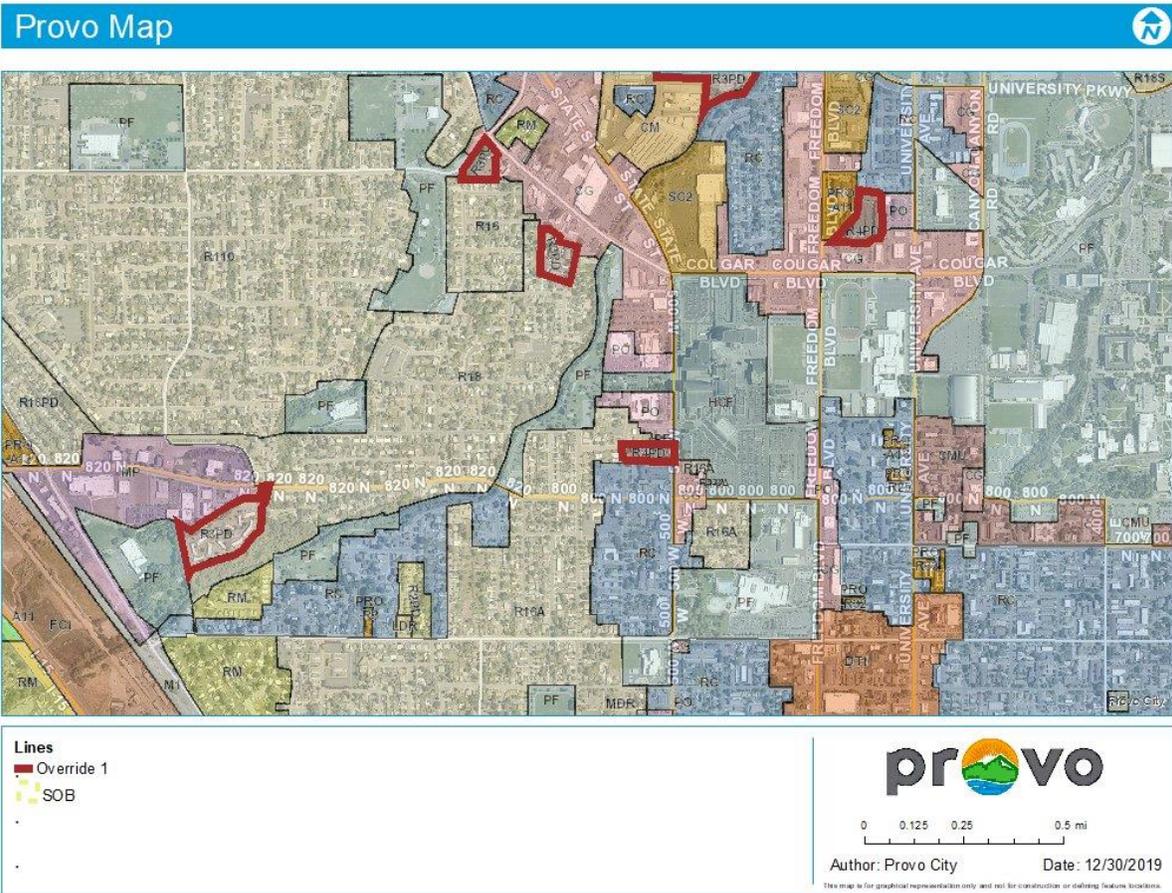
No conflict exists.

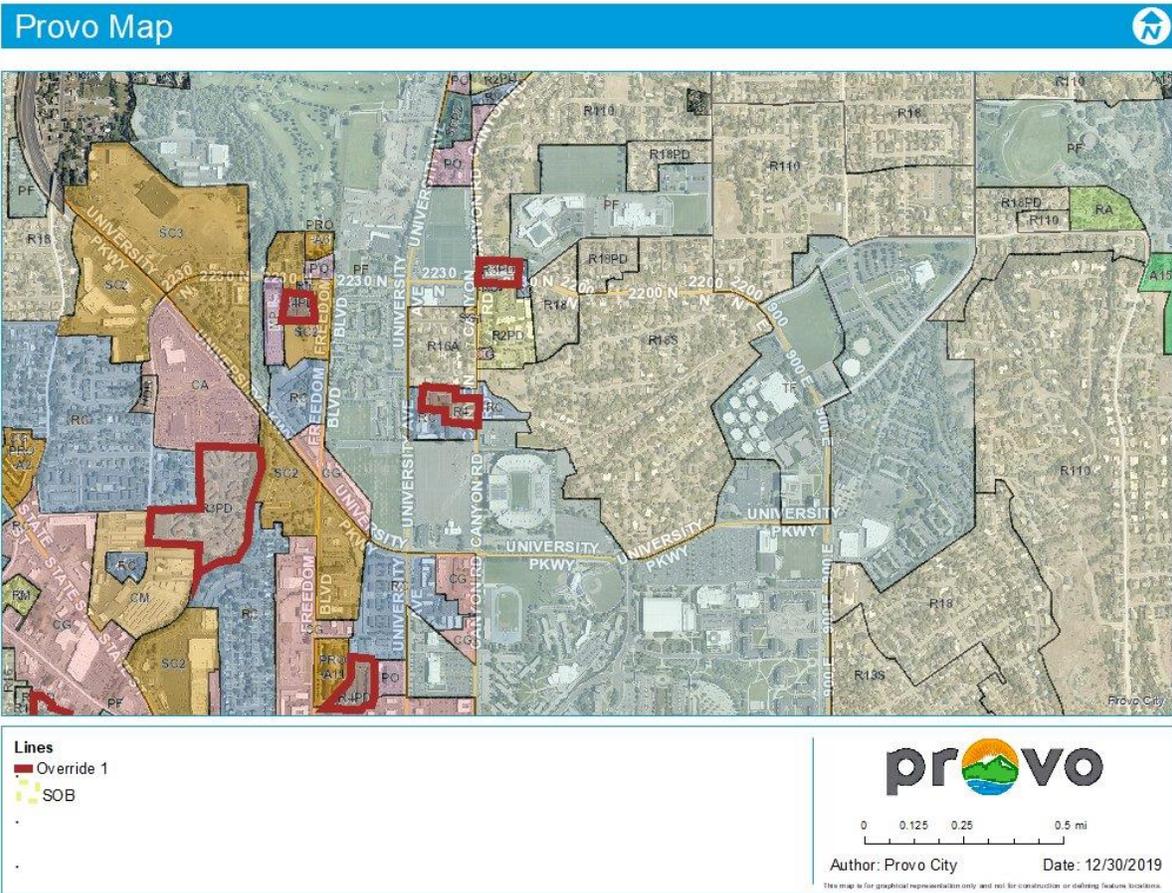
STAFF RECOMMENDATION

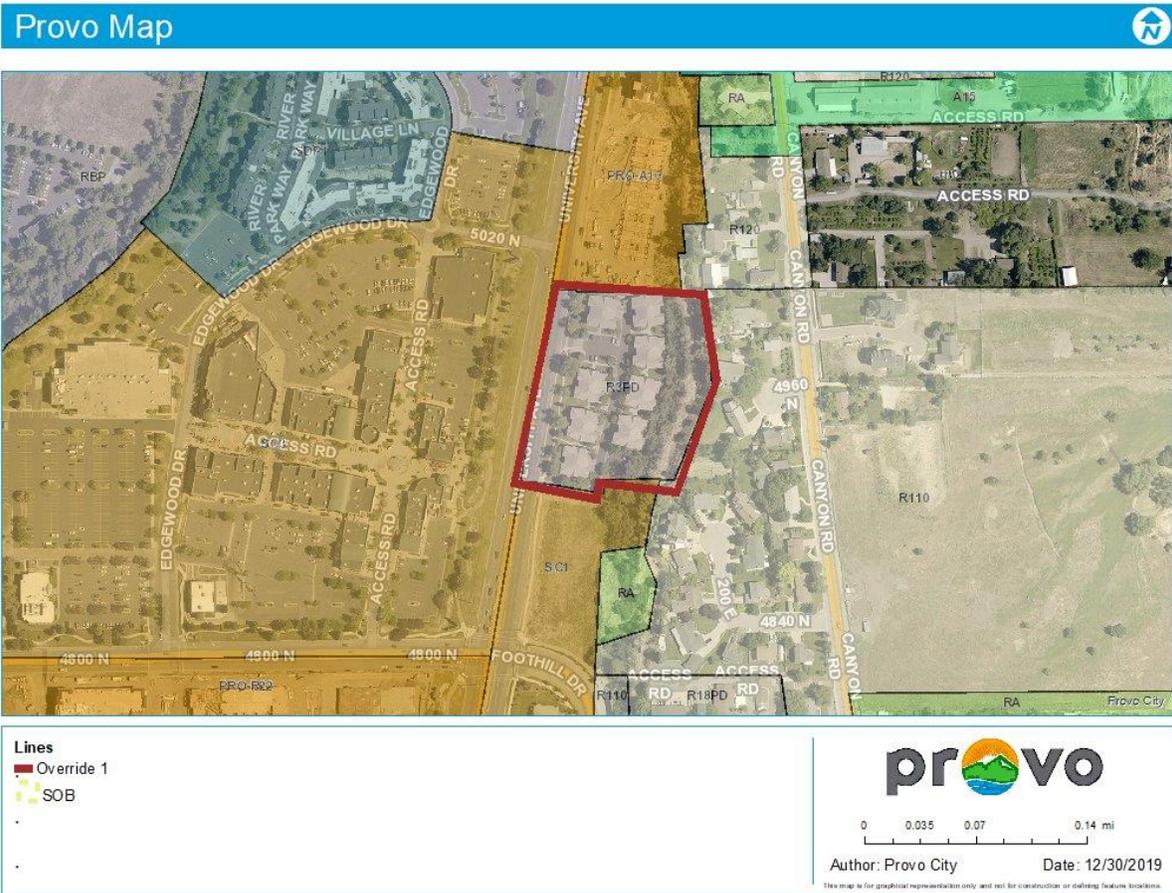
1. Staff recommends the Planning Commission recommend approval of the proposed zone changes to the Municipal Council.

ATTACHMENTS

- 1 – Map of properties subject to being rezoned**









Provo City Planning Commission

Report of Action

January 22, 2020

*Item 3 The Community and Neighborhoods Department requests zone changes to all properties zoned R2.5, R3, R4 to Low Density Residential (LDR), Medium Density Residential (MDR) or High Density Residential (HDR) so the former zones may be removed from the city code. Citywide application. Javin Weaver (801) 852-6413 jweaver@provo.org PLRZ20190427

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 22, 2020:

POSITIVE RECOMMENDATION

On a vote of 8:0, the Planning Commission recommended that the Municipal Council approve the above noted application

Motion By: Laurie Urquiaga

Second By: Maria Winden

Votes in Favor of Motion: Laurie Urquiaga, Maria Winden, Andrew Howard, Dave Anderson, Deborah Jensen, Russ Phillips, Lisa Jensen, and 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.

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: An overview of the request for the Spring Creek High Occupancy PRO zone and limits proffered by the applicant.

- The LDR, MDR, HDR, and Campus Mixed Use zones were adopted by City Council in 2011.
- It was the intent of planning staff to transition the existing properties zoned R2.5-R4 to then newly adopted residential zones.
- This rezone application is for twenty individual properties currently existing (see Exhibit A for property names and Exhibit B-G for locations).
- Staff calculated the density of each property subject to being rezoned and assigned it to LDR, MDR or HDR zone.
- The zone assigned to each property corresponds to the density allowed by the LDR, MDR or HDR zone (see Exhibit G). If new development were to occur it would be of similar density as to what currently exists.
 - Staff notified every property by mail of this application and received only positive feedback from various properties.

CITY DEPARTMENTAL ISSUES

- No issues were raised.

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NEIGHBORHOOD MEETING DATE

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

NEIGHBORHOOD AND PUBLIC COMMENT

- No neighborhood chairs or public were present.

PLANNING COMMISSION DISCUSSION

- Laurie Urquiaga inquired about how the property owners were notified.
- Maria Winden spoke in favor of this as long as the density use remained the same.



Planning Commission Chair



Director of Community and Neighborhood 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 BEGINS

EXHIBIT A

R25PD

Property Name	Address	Number of Units	Acreage	Density	New Zone
Franklin Park Condo	125 S 1050 W	96	7.12	13	LDR
Pioneer D	1596 E 1350 S	28	2.08	13	LDR
Pioneer C	1142 S 1410 E	72	5.72	13	LDR
Total			14.92		

R3 and R3PD

Property Name	Address	Number of Units	Acreage	Density	New Zone
Eastgate Townhomes	935 S Eastgate Dr	106	8.64	12	LDR
Canyonbrook Condos	4990 N Univ Ave	64	3.88	16	MDR
North Canyon Condos	2244 N Canyon Rd 450 N Seven Peaks	48	1.48	33	HDR
Belmont	Blvd	215	12.81	17	MDR
Riverstone Condos	1227 N Riverside Ave	60	3.04	20	MDR
Branbury	475 W 1720 N	317	13.81	23	MDR
Grandview Gateway Condos	865 W Columbia Ln	36	1.97	18	MDR
Castlebrook Condos	1401 W Lancelot Dr	100	6.61	15	LDR
Deer Haven	1334 S 1370 E	116	8.45	14	LDR
The Boulders	750 S 650 W	367	19.66	19	MDR
Canyon Meadow Condos	1028 S Canyon Vista Rd	163	13.03	13	LDR
Alpine Brook Townhomes	1236 S Alpine Way	72	10.87	7	LDR
Sunrise Village Condos	255 W 920 S	78	6.48	12	MDR
Total			110.72		

R4 and R4PD

Property Name	Address	Number of Units	Acreage	Density	New Zone
Timpanogos Gateway Condos	1963 N Canyon Rd	54	3.24	17	MDR
Millrace Townhouse	245 W 2230 N	30	1.60	19	MDR
Santa Barbara Villa Condos	734 E 560 N	54	1.68	32	HDR
Fifth Avenue Condos	909 N 500 W	48	1.53	31	HDR
Windsor Park Condos	112 W 1230 N	106	3.76	28	HDR
Total			11.81		
Combined Total			137.45		

EXHIBIT B – LDR – Yellow; MDR – Orange; HDR – Red

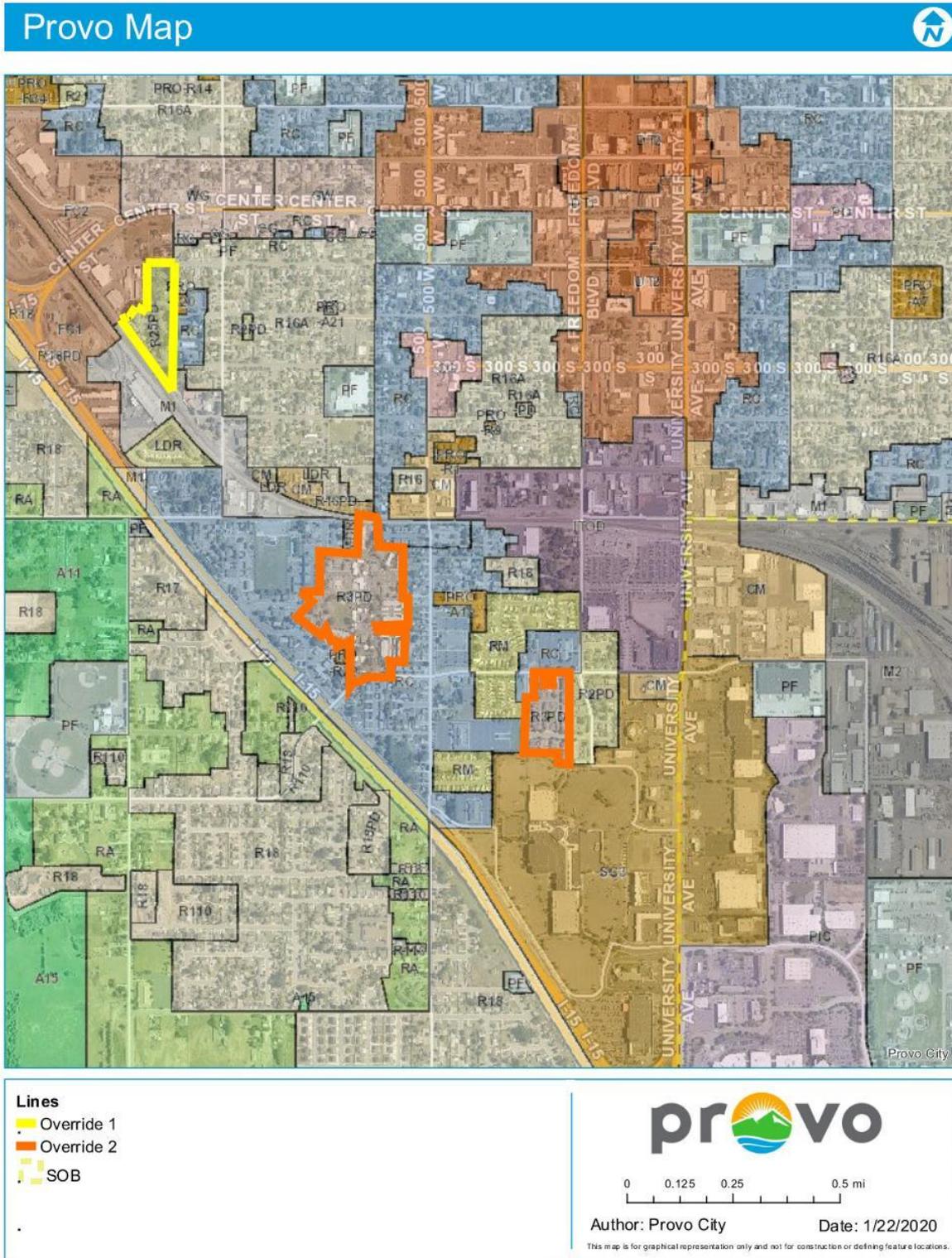
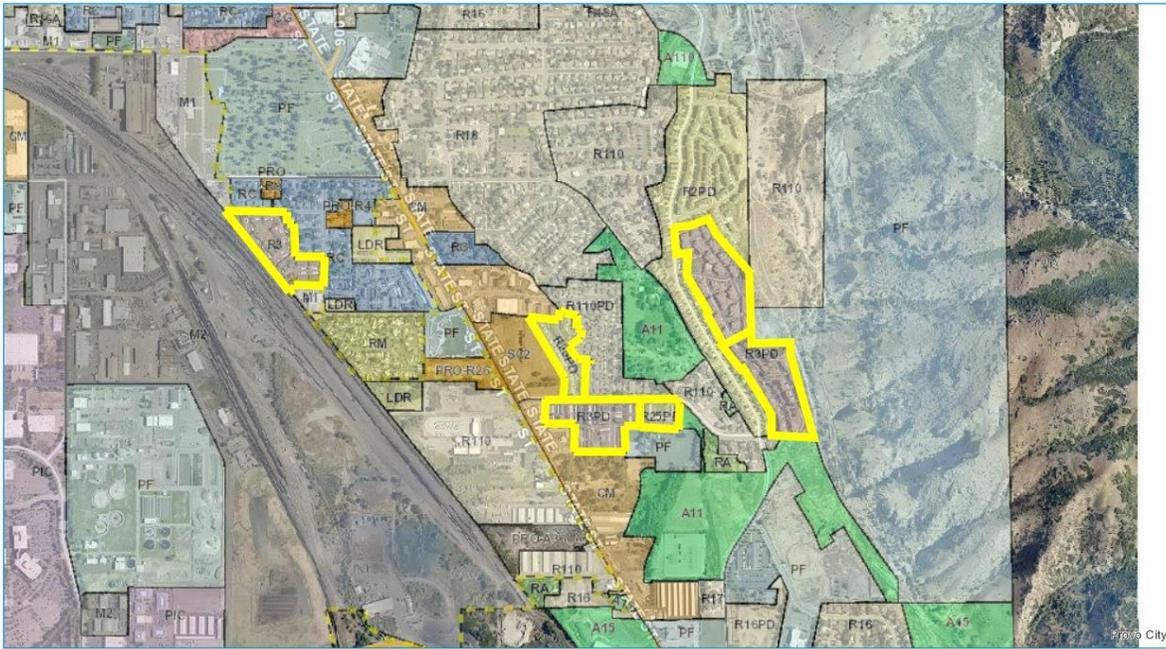


EXHIBIT C - LDR – Yellow; MDR – Orange; HDR – Red

Provo Map



Lines

- Override 1
- SOB



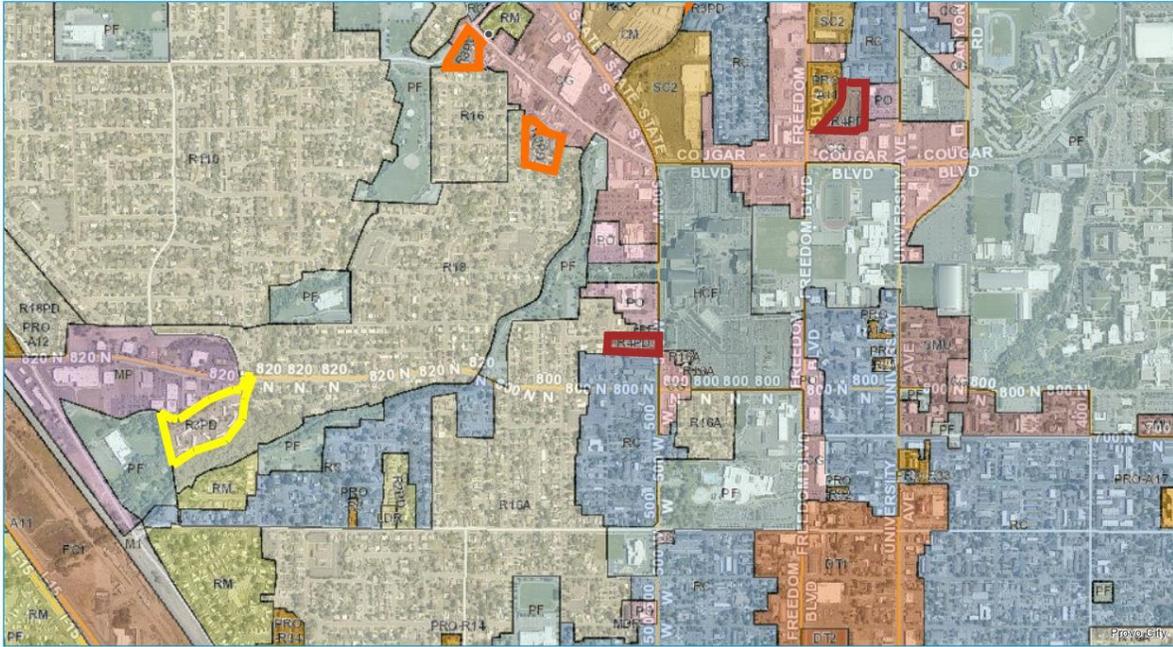
Author: Provo City

Date: 1/22/2020

This map is for graphical representation only and not for construction or defining feature locations.

EXHIBIT E - LDR – Yellow; MDR – Orange; HDR – Red

Provo Map



Lines

- Override 1
- Override 2
- Override 3
- SOB



Author: Provo City

Date: 1/22/2020

This map is for graphical representation only and not for construction or defining feature locations.

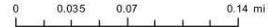
EXHIBIT G - LDR – Yellow; MDR – Orange; HDR – Red

Provo Map



Lines

- Override 2
- SOB



Author: Provo City

Date: 1/22/2020

This map is for graphical representation only and not for construction or defining feature locations.



**Planning Commission
Staff Report
Hearing Date: January 22, 2020**

***ITEM #4** The Community and Neighborhood Services Department requests an Ordinance Text Amendment to remove the R2.5, R3, R4, R5 and Campus High Density Residential zones from the city code. These zones include Chapters 14.12, 14.12A, 14.13, 14.14, and 14.14D of the Provo City Code. Citywide application. Javin Weaver (801) 852-6413 PLOTA21090428

<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 February 12, 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 state new findings.</i></p>	<p>Relevant History: A concurrent application to rezone all applicable properties with a R2.5, R3, R4, R5, or CHDR designation is also being considered by the Planning Commission with a decision to come by the Municipal Council.</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 the Municipal Council approve the proposed ordinance text amendment to remove the R2.5, R3, R4, R5, and Campus High Density Residential zones from Title 14 of the Provo City Code.</p>
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OVERVIEW

The Community and Neighborhood Services Department has proposed to amend Title 14 of the Provo City Code to remove the R2.5 – Low Multiple Residential Zone (14.12), R3 – Medium Multiple Residential Zone (14.12A), R4 – High Multiple Residential Zone (14.13), R5 – Very High Multiple Residential Zone (14.14), and Campus High Density Residential Zone (14.14D) because the allowable densities and development patterns are better enumerated and regulated using the Low Density Residential (LDR), Medium

Density Residential (MDR), High Density Residential (HDR), and Campus Mixed Use (CMU) zones. When the LDR, MDR, and HDR zones were adopted in 2011, the intention was to identify all the properties with an existing R2.5, R3, R4, or R5 zoning designation and then change the zoning to LDR, MDR, or HDR, depending on the existing or desired density and land uses.

The Campus High Density Residential (CHDR) and CMU zones were both adopted in 2013 with the intent of providing high density housing options near Brigham Young University; however, since its adoption, the CHDR zone has not been utilized. Projects near the university have used the CMU zone instead.

FINDINGS OF FACT

1. All permitted uses in the R2.5, R3, R4, R5, and CHDR zones are permitted in the corresponding LDR, MDR, HDR, or CMU zones.
2. Future development projects within the LDR, MDR, or HDR zones will be subject to the Residential Design Standards found in Section 14.34.285 of the Provo City Code. Conversely, future development projects in the R2.5, R3, R4, or R5 zones would not be subject to the same design requirements.
3. No parcel in Provo City is zoned R5 or CHDR.

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 removal of R2.5, R3, R4, R5 and CHDR zones reduces the number of zones within the city and provides more refined development standards for low-, medium-, and high-density residential projects.

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

The public purpose is served by providing clarity to the residential development process within Provo City.

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

The proposed amendment is compatible with General Plan policy because it will promote quality design standards for residential developments (1.4.5.1) and increases beautification within neighborhoods (1.4.11.2).

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

The timing of this proposed amendment is consistent with the "timing and sequencing" of the General Plan.

- (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.*

The proposed amendment to remove the subject zones will likely create some existing nonconformities, but adverse impacts from the proposed amendment and any amendments to rezone affected properties are not anticipated.

CONCLUSIONS

The removal of the R2.5, R3, R4, R5, and CHDR zones from the Provo City Code will establish clear expectations that LDR, MDR and HDR zones are more appropriate for residential development other than single-family detached and would complete the task set in motion back in 2011.

Additionally, reducing the number of zones in the Provo City Code is very desirable in administering the code.

STAFF RECOMMENDATION

Staff recommends the Planning Commission forward a positive recommendation to the Municipal Council to approve the proposed ordinance text amendment to remove the R2.5, R3, R4, R5, and Campus High Density Residential zones from Title 14 of the Provo City Code.

ATTACHMENTS

- 1 – Low Multiple Residential Zone Proposed Text (14.12)**
- 2 – Medium Multiple Residential Zone Proposed Text (14.12A)**
- 3 – High Multiple Residential Zone Proposed Text (14.13)**
- 4 – Very High Multiple Residential Zone Proposed Text (14.14)**
- 5 – Campus High Density Residential Zone Proposed Text (14.14D)**

Attachment 1 – Low Multiple Residential Zone Proposed Text (14.12)

Chapter 14.12

~~R2.5 LOW MULTIPLE RESIDENTIAL ZONE~~

Sections:

- ~~14.12.010 Purpose and Objectives.~~
- ~~14.12.020 Permitted Uses.~~
- ~~14.12.030 Lot Area.~~
- ~~14.12.035 Special Exceptions to Lot Area Per Dwelling.~~
- ~~14.12.040 Lot Width.~~
- ~~14.12.045 Lot Depth.~~
- ~~14.12.050 Lot Frontage.~~
- ~~14.12.060 Prior Created Lots.~~
- ~~14.12.070 Yard Requirements.~~
- ~~14.12.080 Projections into Yards.~~
- ~~14.12.090 Building Height.~~
- ~~14.12.100 Distance Between Buildings.~~
- ~~14.12.110 Permissible Lot Coverage.~~
- ~~14.12.120 Parking, Loading and Access.~~
- ~~14.12.130 Project Plan Approval/Design Review.~~
- ~~14.12.140 Other Requirements.~~
- ~~14.12.150 Notice of Parking and Occupancy Restrictions.~~

14.12.010

Purpose and Objectives.

~~The Low Multiple Residential Zone (R2.5) is established to provide areas of the community which shall be characterized by low-rise multiple-family residential development. This zone is intended to provide an attractive setting for three (3) and four (4) family dwellings, and one (1) and two (2) family dwellings which will be harmoniously blended with existing and new one/two (2) family structures in~~

~~any older neighborhood. The R2.5 zone is intended to be a transition zone between low density one (1) and two (2) family areas and medium density R3 multi-family apartment zones. The one (1) and two (2) story three (3) and four (4) plexes allowed in the R2.5 zone will be more harmonious in size and scale with the surrounding residential neighborhoods.~~

~~(Enacted 1994-108)~~

14.12.020

Permitted Uses.

~~(1) Those uses or categories of uses as listed herein, and no others, are permitted in the R2.5 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.~~

~~(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the R2.5 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 R2.5 zone:~~

Use No.	Use Classification
1111	One family dwelling—detached
1112	One family dwelling—attached (eight (8) maximum in row, only in approved planned development)
1112	Twin Home (One family dwelling—semi-detached, subject to the standards in Section <u>14.34.340</u>, Provo City Code)
1121	Two family dwelling (duplex, family

Use No.	Use Classification
	occupancy only, subject to the "appearance" standards in Section <u>14.34.340</u> , Provo City Code)
1131	Multiple-family dwelling (family occupancy only)
1241	Assisted Living Facility (subject to the standards of Section <u>14.34.470</u> , Provo City Code), Residential Health Care Facility
1291	Residential Facility for Elderly Persons (See Section <u>14.34.230</u> , Provo City Code)
1292	Residential facility for persons with a disability (see Section <u>14.34.230</u> , 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)
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)
7600	Parks

~~(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R2.5 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, bath houses, greenhouses, gardening sheds, recreation rooms and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure;~~
- ~~(b) Swimming pools and incidental bath houses subject to the standards of Section 14.34.210, Provo City Code;~~
- ~~(c) Vegetable and flower gardens and noncommercial orchards;~~
- ~~(d) Home occupations subject to the regulations of Chapter 14.41, Provo City Code;~~
- ~~(e) 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 hereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter;~~
- ~~(f) Household pets, provided that no more than two (2) dogs and two (2) cats six (6) months of age or older shall be kept at any residence or commercial establishment at any time. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property; and~~

~~(g) Accessory living spaces in conjunction with an owner-occupied one-family dwelling, subject to the issuance of a building permit and in accordance with the requirements of Section 14.30.030(2), Provo City Code.~~

~~(6) Conditional Uses. The following uses and structures are permitted in the R2.5 zone only after a Conditional Use Permit has been issued and subject to the terms and conditions thereof.~~

Use No.	Use Classification
1112	Twin Home (one-family dwelling—semi-detached) subject to the standards in Section <u>14.34.340</u>, Provo City Code)
4700	Communications
4814	Electricity-regulating substations
4818	Small-Generation
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)
5320	Mail and Phone Order Houses (Only in historic buildings on arterial streets)
5391	Dry Goods and General Merchandise (yarn, linen, crafts, fabric, etc.) (Only in historic buildings on arterial streets)
5441	Candy, nut, and confectionery (Only in historic buildings as defined in this Title)
5462-3	Bakeries and doughnut shops (Only in historic buildings as defined in this Title)

Use No.	Use Classification
5600	Apparel and Accessories (Only in historic buildings on arterial streets)
5811	Restaurants (only in historic buildings as defined in this Title)
5900	Miscellaneous retail trade (except 5920, 5930, 5960, and 5980; only in historic buildings as defined in this Title)
5931	Antiques (Includes furniture, glass-ware, etc.)
5932	Second hand clothing, shoes, furniture and books (does not include 5933, flea markets, or 5936, thrift stores) (Only in historic buildings on arterial streets)
6220	Photography studio (Only in historic buildings on arterial streets)
6230	Beauty and Barber shop (Only in historic buildings on arterial streets)
6241	Mortuary (Only in historic buildings on arterial streets)
6242	Cemeteries
6500	Professional services (except 6513 to 6518; only in historic buildings as defined in this Title)
6722	Police Protection and related activities, branch (Office only)
6910	Religious activities
7411	Golf courses – public
7412	Golf courses – private
7420	Playground and athletics areas (noncommercial only)

~~(Enacted 1994-108, Am 1995-10, Am 1995-20, Am 1995-91, Am 1997-49, Am 1998-07, Am 1998-10, Am 1998-50, Am 1999-50, Am 2000-09, Am 2005-18, Am 2019-45)~~

14.12.030

Lot Area.

~~The minimum area of any lot or parcel of land in the R2.5 zone shall be six thousand (6,000) square feet. The minimum lot area in the R2.5 zone for a one-family dwelling is six thousand (6,000) square feet; eight thousand (8,000) square feet for a two-family dwelling; twelve thousand (12,000) square feet for a three-plex; and sixteen thousand (16,000) square feet for a four-plex.~~

~~(Enacted 1994-108)~~

14.12.035

Special Exceptions to Lot Area Per Dwelling.

~~(1) The Municipal Council recognizes the difficulty in maintaining and developing small one-family dwelling lots in areas that are predominantly built out as multiple family residential in the higher density zones. In order to provide some relief from the existing regulations and incentives to improve these lots, special exceptions may be granted upon specific findings made by the Planning Commission through the issuance of a Conditional Use Permit in a public hearing that a strict application of the provisions of this Chapter would deprive the owner of the reasonable use of said lot. These findings may include:~~

- ~~(a) The lot has multiple family (four-plex or greater) development on both lateral sides.~~
- ~~(b) This is a single lot, and cannot be amassed with other adjoining properties.~~
- ~~(c) All other provisions of this Chapter can be met, (i.e. setbacks, landscaping, open space and parking).~~
- ~~(d) The Planning Commission may find that there are other circumstances relating to the property that would warrant special exceptions.~~

~~(2) Once the Planning Commission has made the above listed findings, then a lot may be developed under the density provisions of one (1) unit per two thousand five hundred (2,500) square feet of lot area in R2.5. The Planning Commission may also impose reasonable additional conditions to help mitigate any negative impacts created by the proposed project as described in Section 14.02.040, Provo City Code.~~

~~(Enacted 1995-85)~~

14.12.040

Lot Width.

~~Each lot or parcel of land in the R2.5 zone, except corner lots, shall have an average width of not less than sixty (60) feet. Each corner lot or parcel shall have a minimum average width of seventy (70) feet.~~

~~(Enacted 1994-108)~~

14.12.045

Lot Depth.

~~Each lot or parcel of land in the R 2.5 zone shall have a minimum lot depth of ninety (90) feet.~~

~~(Am 1998-20)~~

14.12.050

Lot Frontage.

~~Each lot or parcel of land in the R2.5 zone shall abut on a public street for a minimum distance of thirty-five (35) feet on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.~~

~~(Enacted 1994-108)~~

14.12.060

~~Prior Created Lots.~~

~~Lots or parcels of land which were created prior to the application of this zone (December 12, 1974), shall not be denied a building permit, for a one-family residence, solely for reason of nonconformance with the above parcel requirements of this Chapter.~~

~~(Enacted 1994-108, Am 1995-21)~~

14.12.070

~~Yard Requirements.~~

~~The following minimum yard requirements shall apply in the R2.5 zone: (Note: All setbacks are measured from the property line.)~~

~~(1) *Front Yard.* Each lot or parcel in the R2.5 zone shall have a front yard of not less than thirty (30) feet.~~

~~(2) *Side Yard.* Except as provided in Subsections (3), (4), (5), and (6) of this Section, each lot or parcel of land in the R2.5 zone shall have a side yard of at least ten (10) feet on each side. Buildings exceeding thirty five (35) feet in height pursuant to a conditional use permit shall have side yards of at least ten (10) feet per side plus an additional one (1) foot of setback for each two (2) feet of building height over thirty five (35) feet.~~

~~(3) *Side Yard - Corner Lots.* On corner lots, the side yard contiguous to the street shall not be less than twenty (20) feet in width, and shall not be used for vehicular parking except such portion as is devoted to driveway use for access to a garage or carport.~~

~~(4) *Side Yard - Driveway.* See Section 14.37.100, Provo City Code.~~

~~(5) *Accessory Buildings Within the Buildable area.* Accessory buildings meeting all setback requirements (within the buildable area) for the main dwelling shall:~~

- ~~(a) Have a building footprint and height less than the main dwelling.~~
- ~~(b) Comply with all lot coverage requirements.~~
- ~~(c) Comply with the latest adopted edition of the International Building code.~~
- ~~(d) Only be used for those accessory uses allowed in the respective zone.~~
- ~~(e) Maintain architecturally similar material and colors with main building.~~

~~(6) Accessory Building Outside the Buildable area. Accessory buildings that do not meet the setback requirements (outside the buildable area) for the main dwelling shall meet the conditions in Subsection (5) above and the following:~~

- ~~(a) Be no closer to the front property line than the main building.~~
- ~~(b) Be no larger than ten percent (10%) of the actual lot area of said property.~~
- ~~(c) Be set back a minimum of three (3) feet from any property line.~~
- ~~(d) Not be located within a recorded public utility easement, unless a release can be secured from all public utilities.~~
- ~~(e) Have no portion of the building exceed (12) feet in height within ten (10) feet of a property line.~~
- ~~(f) Not be located within a front or street side yard.~~
- ~~(g) Comply with distance between buildings requirements.~~

~~(7) Rear Yard. Each lot or parcel shall have a rear yard of no less than thirty (30) feet.~~

~~(8) Exceptions for Garages and Carports. If an accessory use is a "garage-private" or a "carport" the rules stated above in this Section shall apply, except that in the rear yard of a residential corner lot, a garage or carport may be located not closer to the property line (next to the side street) than any residence on the adjoining lot, but in no case closer than thirty (30) feet from the property line, whichever limitation is the more restrictive.~~

~~(Enacted 1994-108, Am 1995-10, Am 1995-43, Am 1997-13, Am 1998-19, Am 1999-04, Am 1999-30, Am 2011-08)~~

14.12.080

Projections into Yards.

~~(1) The following structures may be erected on or project into any required yard:~~

~~(a) Fences and walls in conformance with the Provo City Code and other City codes and ordinances;~~

~~(b) Landscape elements including trees, shrubs, agricultural crops, and other plants; and~~

~~(c) Necessary appurtenances for utility service.~~

~~(2) The structure, listed below, may project into any one (1) interior side yard, subject to International Building Code requirements. Only one (1) such structure shall be permitted per lot.~~

~~(a) A carport over a driveway, provided that such structure is not more than one (1) story in height and twenty four (24) feet in length, and is entirely open on at least three (3) sides except for necessary supporting columns and customary architectural features.~~

~~(3) The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet.~~

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

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

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

~~(Enacted 1994-108, Am 1995-10, Am 2011-08)~~

14.12.090

~~Building Height.~~

~~No lot or parcel of land in the R2.5 zone shall have a building or structure used for dwelling or public assembly which exceeds a height of thirty-five (35) feet; except as may be permitted by Section 14.31.060, Provo City Code. Chimneys, flagpoles, or similar structures not used for human occupancy are excluded in determining height.~~

~~(Enacted 1994-108, Am 1995-10)~~

14.12.100

~~Distance Between Buildings.~~

~~The minimum distance between any buildings on a lot shall be fifteen (15) feet.~~

~~(Enacted 1994-108, Am 1995-10)~~

14.12.110

~~Permissible Lot Coverage.~~

~~In an R2.5 zone, all buildings and structures shall not cover an area of more than forty percent (40%) of the lot or parcel of land upon which they are placed.~~

~~(Enacted 1994-108, Am 1995-10)~~

14.12.120

~~Parking, Loading and Access.~~

~~Each lot or parcel in the R2.5 zone shall have, on the same lot or parcel, automobile parking sufficient to comply with the requirements of Chapter 14.37, Provo City Code. All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with paved access from a public street. Parking spaces shall not be provided within a required front yard. Paved access for five (5) or~~

~~less parking spaces shall have a minimum width of twelve (12) feet. Paved access for six (6) or more spaces shall have a minimum width of twelve (12) feet for one (1) way traffic, and sixteen (16) feet for two (2) way traffic.~~

~~(Enacted 1994-108)~~

14.12.130

~~Project Plan Approval/Design Review.~~

~~See Sections 15.03.300 and 15.03.310, Provo City Code.~~

~~(Enacted 1994-108, Am 1999-44, Am 2001-10)~~

14.12.140

~~Other Requirements.~~

~~(1) *Signs.* Unless otherwise prohibited by law, signs of the type and description listed below, and no others, may be placed and maintained in the R2.5 zone:~~

~~(a) One (1) sign or name plate not exceeding twenty (20) square feet placed upon a building which identifies the name and/or address of an apartment structure or complex;~~

~~(b) One (1) sign or name plate not exceeding two (2) square feet which identifies the name and/or address of the occupant of each one-family dwelling;~~

~~(c) Two (2) temporary signs with a maximum area of six (6) square feet each, pertaining to the sale, lease, or rent of the particular building, property, or premises upon which displayed, and no other; and~~

~~(d) *Signs or monuments identifying points of interest or sites of historic significance.* The size and location of said signs or monuments shall be specifically approved by the Planning Commission.~~

~~(2) *Landscaping.* See Chapter 15.20, Provo City Code.~~

~~(3) *Trash Storage.* See Section 14.34.080, Provo City Code.~~

~~(4) *Fencing Standards.* Structural fences six (6) feet or less in height shall not require a building permit. Structural fences over six (6) feet in height shall require a building permit from the Building Inspection Division. A structural or vegetative fence shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City traffic engineer.~~

~~(a) *Front Yard.* Solid walls, fences, hedges or screening materials which are sight obscuring may be built to a maximum of three (3) feet in height in any required front yard perimeter. Such walls, fences, hedges or screening materials may slope upward to connect with a higher side yard fence. The length of a sloped fence section shall not exceed one (1) section or a maximum of ten (10) feet. Walls, fences, hedges or screening materials which are not sight obscuring (at least fifty percent (50%) open) may be built to a maximum of six (6) feet in height in a front yard.~~

~~(b) *Side Yard.* Solid, sight obscuring fences or walls and non-sight obscuring fences (at least fifty percent (50%) open) may be built to a maximum height of six (6) feet.~~

~~(c) *Rear Yard.* Walls and fences in a rear yard may exceed six (6) feet provided that a building permit is first obtained from the Building Inspection Division prior to construction.~~

~~(d) *Corner Lots.* A fence not more than six (6) feet high may be constructed in a side yard adjacent to a public street on a corner lot, provided it does not extend into the clear vision area of a corner lot as defined by Section 14.34.100, Provo City Code.~~

~~(e) *Entryways.* Entry treatments to private driveways or subdivision development entrances may not exceed six (6) feet at the highest point, except lamps on pillars, and must comply with the provisions of Section 14.34.100, Provo City Code. Pillars shall be allowed to extend up to eighteen (18) inches above the allowable height of a fence provided that the pillars shall have a minimum spacing of no less than six (6) feet, measured face to face.~~

~~(f) *Grade differences.* Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.~~

~~(g) *Retaining Walls.* Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a~~

~~fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.~~

~~(h) *Privacy Walls.* Privacy walls which project into a required front yard will be subject to staff review.~~

~~(i) *Double Frontage Lots.* A fence or wall may be erected in the rear yard of a double frontage lot subject to staff review.~~

~~(j) *Exceptions.* The provisions of this Section shall not apply to certain other fences such as tennis court backstops or patio enclosures as approved by the Zoning Administrator, if it is determined that such do not create a hazard or violation of other sections of the Provo City Code or other City ordinances. All other exceptions must obtain Planning Commission approval. Standards for barbed wire and similar types of fences are listed in Section 9.14.020, Provo City Code.~~

~~(k) All developments consisting of three (3) or more units shall be required to have perimeter screening along all interior lines. Perimeter screening may include a landscape hedge of six (6) feet at a two (2) year maturity, masonry or wood fence or a combination of landscaping with chain-link, with or without slats.~~

~~(Enacted 1994-108, Am 1995-06, Am 1995-10, Am 1996-03, Am 1996-72, Am 1998-43, Am 1999-25, Am 1999-61)~~

14.12.150

Notice of Parking and Occupancy Restrictions.

~~(1) Prior to the issuance of a building permit for any multiple residential project over two (2) dwelling units, a contract must be entered into between Provo City and the developer agreeing to a determined occupancy based on a given number of parking spaces. This contract will be recorded with the Utah County Recorder's office and will run with the property. A copy of a recorded deed for the property in question must also be submitted prior to the issuance of a building permit which indicates the maximum allowable occupancy as a deed restriction. Attached to the deed must be a document that separately list the occupancy according to Provo City Code, the previously mentioned deed restrictions and any other use restrictions pertaining to parking and occupancy such as~~

~~restrictions of use as noted in condominium covenants. This document must be signed, dated and notarized indicating that the owner acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.~~

~~(2) Prior to the issuance of a Certificate of Occupancy for new Multiple Residential dwelling units a permanent notice must be placed on the electrical box within each unit indicating the maximum allowable occupancy of each unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice must be a six by six inch (6" x 6") metal or plastic plate that is permanently attached to the electrical box with minimum one half (1/2) inch engraved letters.~~

~~(3) Upon submittal of these documents any violation to the restrictions and regulations noted therein will be considered a misdemeanor offense and will be subject to criminal action as provided in Section 1.03.010, Provo City Code.~~

~~(Enacted 1994-108, Am 1995-06, Am 1995-10)~~

Attachment 2 – Medium Multiple Residential Zone Proposed Text (14.12A)

~~Chapter 14.12A~~

~~R3 – MEDIUM MULTIPLE RESIDENTIAL ZONE~~

Sections:

- ~~14.12A.010 Purpose and Objectives.~~
- ~~14.12A.020 Permitted Uses.~~
- ~~14.12A.030 Lot Area.~~
- ~~14.12A.040 Lot Width.~~
- ~~14.12A.045 Lot Depth.~~
- ~~14.12A.050 Lot Frontage.~~
- ~~14.12A.060 Prior Created Lots.~~
- ~~14.12A.070 Lot Area Per Dwelling.~~
- ~~14.12A.075 Special Exceptions to Lot Area Per Dwelling.~~
- ~~14.12A.080 Yard Requirements.~~
- ~~14.12A.090 Projections into Yards.~~

- ~~14.12A.100 Building Height.~~
- ~~14.12A.110 Distance Between Buildings.~~
- ~~14.12A.120 Permissible Lot Coverage.~~
- ~~14.12A.130 Parking, Loading, and Access.~~
- ~~14.12A.140 Project Plan Approval/Design Review.~~
- ~~14.12A.150 Other Requirements.~~
- ~~14.12A.160 Notice of Parking and Occupancy Restrictions.~~

14.12A.010

Purpose and Objectives.

~~The Medium Multiple Residential Zone (R3) is established to provide areas of the community which shall be characterized by low rise multiple family and apartment residential development. This zone is intended to provide an attractive setting for multiple family apartments, and one (1) and two (2) family dwellings which will be harmoniously blended with existing and new one/two family structures in any older neighborhood.~~

14.12A.020

Permitted Uses.

~~(1) Those uses or categories of uses as listed herein, and no others, are permitted in the R3 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.~~

~~(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the R3 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 R3 zone:~~

Use No.	Use Classification
1111	One-family dwelling – detached (See Section <u>14.34.310</u>, Provo City Code)
1112	One-family dwelling – attached (eight (8) maximum in row, only in approved-planned development)
1121	Two-Family dwelling (duplex, family occupancy only) (See section <u>14.34.310</u>, Provo City Code)
1131	Multiple-family dwelling (family occupancy only)
1141	Apartments (low-rise, family occupancy only)
1241	Assisted Living Facility (subject to the standards of Section <u>14.34.470</u>, Provo City Code), Residential Health Care Facility
1291	Residential Facility for Elderly Persons (See Section <u>14.34.230</u>, Provo City Code)
1292	Residential facility for persons with a disability (see Section <u>14.34.230</u>, 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)
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

Use No.	Use Classification
4834	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 (Pre-dominantly covered pipes or boxes)
7600	Parks

~~(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R3 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, bath houses, greenhouses, gardening sheds, recreation rooms and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure;~~
- ~~(b) Swimming pools and incidental bath houses subject to the standards of Section 14.34.210, Provo City Code;~~
- ~~(c) Vegetable and flower gardens and noncommercial orchards;~~
- ~~(d) Home occupations subject to the regulations of Chapter 14.41, Provo City Code;~~

~~(e) 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;~~

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

~~(g) Accessory living spaces in conjunction with an owner-occupied one-family dwelling, subject to the issuance of a building permit and in accordance with the requirements of Section 14.30.030(2), Provo City Code.~~

~~(6) *Conditional Uses.* The following uses and structures are permitted in the R3 zone only after a Conditional Use Permit has been issued and subject to the terms and conditions thereof.~~

Use No.	Use Classification
1112	Twin Home (One-family dwelling -- semi-detached) subject to the standards in Section <u>14.34.340</u>, Provo City Code)
4700	Communications
4814	Electricity-regulating substations
4818	Small-Generation
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)

Use No.	Use Classification
5320	Mail and Phone Order Houses (Only in historic buildings on arterial streets)
5391	Dry Goods and General Merchandise (yarn, linen, crafts, fabric, etc.) (Only in historic buildings on arterial streets)
5441	Candy, nut, and confectionery (only in historic buildings as defined in this Title)
5462-3	Bakeries and doughnut shops (only in historic buildings as defined in this Title)
5600	Apparel and Accessories (Only in historic buildings on arterial streets)
5811	Restaurants (only in historic buildings as defined in this Title)
5900	Miscellaneous retail trade (except 5920, 5930, 5960, and 5980; only in historic buildings as defined in this Title)
5931	Antiques (Includes furniture, glassware, etc.)
5932	Second hand clothing, shoes, furniture and books (does not include 5933, flea markets, or 5936, thrift stores) (Only in historic buildings on arterial streets)
6220	Photography studio (Only in historic buildings on arterial streets)
6230	Beauty and Barber shop (Only in historic buildings on arterial streets)
6241	Mortuary (Only in historic buildings on arterial streets)
6242	Cemeteries
6500	Professional services (except 6513 to 6518; only in historic buildings as defined in this Title)

Use No.	Use Classification
6722	Police Protection and related activities, branch (Office only)
6910	Religious activities
7411	Golf courses—public
7412	Golf courses—private
7420	Playground and athletics areas (noncommercial only)

(Am 1986-10, Am 1987-19, Am 1987-24, Am 1989-56, Am 1991-14, Am 1991-46, Am 1992-58, Am 1994-28, Ren 1994-108, Am 1994-112, Am 1995-20, Am 1995-91, Am 1997-49, Am 1998-07, Am 1998-10, Am 1998-50, Am 1999-50, Am 2000-09, Am 2005-18, Am 2006-40, Am 2019-45)

14.12A.030

Lot Area.

The minimum area of any lot or parcel of land in the R3 zone shall be six thousand (6,000) square feet.

14.12A.040

Lot Width.

Each lot or parcel of land in the R3 zone, except corner lots, shall have an average width of not less than sixty (60) feet. Each corner lot or parcel shall have a minimum average width of seventy (70) feet.

14.12A.045

Lot Depth.

~~Each lot or parcel of land in the R3 zone shall have a minimum lot depth of ninety (90) feet.~~

~~(Am 1998-20)~~

14.12A.050

Lot Frontage.

~~Each lot or parcel of land in the R3 zone shall abut on a public street for a minimum distance of thirty-five (35) feet on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.~~

14.12A.060

Prior Created Lots.

~~Lots or parcels of land which were created prior to the application of this zone (December 12, 1974), shall not be denied a building permit, for a single family residence, solely for reason of nonconformance with the above parcel requirements of this Chapter.~~

~~(Am 1995-21)~~

14.12A.070

Lot Area Per Dwelling.

~~(1) Lot area per dwelling in the R3 zone shall be as follows:~~

~~(a) One (1) one-family dwelling per six thousand (6,000) square foot lot;~~

~~(b) One (1) two-family dwelling per eight thousand (8,000) square foot lot; or~~

~~(c) Two (2) dwelling units per the first eight thousand (8,000) square feet of lot area and one (1) additional dwelling unit per each two thousand seven hundred (2,700) square feet of lot area.~~

~~(2) When the Lot Area Per Dwelling standard results in a fraction, the number of allowed units shall be 'rounded' up or down depending on whether the fraction is greater or less than 0.5. For example: A parcel of property in the R3 zone containing 43,560 square feet would be allowed to have two (2) dwelling units per eight thousand (8,000) square feet of lot area and the remaining 35,560 square feet would be divided by two thousand seven hundred, which would allow an additional 13.17 units for a combined total of fifteen units.~~

~~(Am 1994-94, Ren 1994-108, Am 1994-112, Am 1995-10)~~

14.12A.075

~~Special Exceptions to Lot Area Per Dwelling.~~

~~(1) The Municipal Council recognizes the difficulty in maintaining and developing small one-family dwelling lots in areas that are predominantly built out as multiple family residential in the higher density zones. In order to provide some relief from the existing regulations and incentives to improve these lots, special exceptions may be granted upon specific findings made by the Planning Commission through the issuance of a Conditional Use Permit in a public hearing that a strict application of the provisions of this Chapter would deprive the owner of the reasonable use of said lot. These findings may include:~~

~~(a) The lot has multiple family (four-plex or greater) development on both lateral sides.~~

~~(b) This is a single lot, and cannot be amassed with other adjoining properties.~~

~~(c) All other provisions of this Chapter can be met, (i.e. setbacks, landscaping, open space and parking).~~

~~(d) The Planning Commission may find that there are other circumstances relating to the property that would warrant special exceptions.~~

~~(2) Once the Planning Commission has made the above listed findings, then a lot may be developed under the density provisions of one (1) unit per two thousand five hundred (2,500) square feet of lot~~

~~area in R3. The Planning Commission may also impose reasonable additional conditions to help mitigate any negative impacts created by the proposed project as described in Section 14.02.040, Provo City Code.~~

~~(Enacted 1995-85)~~

14.12A.080

Yard Requirements.

~~The following minimum yard requirements shall apply in the R3 zone: (Note: All setbacks are measured from the property line.)~~

~~(1) *Front Yard.* Each lot or parcel in the R3 zone shall have a front yard of not less than thirty (30) feet.~~

~~(2) *Side Yard.* Except as provided in Subsections (3), (4), and (5) of this Section, each lot or parcel of land in the R3 zone shall have a side yard of at least ten (10) feet on each side of the lot. Buildings exceeding thirty five (35) feet in height pursuant to a conditional use permit shall have side yards of at least ten (10) feet per side plus an additional one (1) foot of setback for each two (2) feet of building height over thirty five (35) feet.~~

~~(3) *Side Yard, Corner Lots.* On corner lots, the side yard contiguous to the street shall not be less than twenty (20) feet in width, and shall not be used for vehicular parking except such portion as is devoted to driveway use for access to a garage or carport.~~

~~(4) *Side Yard, Driveway.* See Section 14.37.100, Provo City Code.~~

~~(5) *Side Yard, Accessory Building.* An accessory building may be located on a side property line if, and only if, all of the following conditions are met:~~

~~(a) The accessory building is located twenty five (25) feet or more to the rear of the front setback line and is at least twenty (20) feet from the closest part of the main building.~~

~~(b) [Repealed.]~~

~~(c) The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is erected. An accessory building which is a minimum of fifteen (15) feet to the rear of a main building, but which does not conform to all of the above conditions, shall have a side yard of at least five (5) feet.~~

~~(6) All other accessory buildings shall maintain the same side yard as a main building.~~

~~(7) Rear Yard. Each lot or parcel in the R3 zone shall have a rear yard of not less than thirty (30) feet.~~

~~(8) Rear Yard, Accessory Buildings. An accessory building may be located on the rear property line when said building meets all of the following:~~

~~(a) Provides facilities to retain all roof drainage within the property on which said accessory building is located;~~

~~(b) Has facilities for the discharge of all roof drainage onto the subject lot or parcel of land. An accessory building which is more than ten (10) feet to the rear of the main building but does not meet the above requirements shall be located not less than five (5) feet from the property line.~~

~~(Am 1987-45, Am 1988-16, Am 1990-30, Am 1991-56, Ren 1994-108, Am 1994-112, Am 1995-02, Am 1995-10, Am 1998-19)~~

14.12A.090

Projections into Yards.

~~(1) The following structures may be erected on or project into any required yard:~~

~~(a) Fences and walls in conformance with the Provo City Code and other City codes and ordinances;~~

~~(b) Landscape elements including trees, shrubs, agricultural crops, and other plants; and~~

~~(c) Necessary appurtenances for utility service.~~

~~(2) The structure listed below may project into an interior side yard, subject to International Building Code requirements. Only one (1) such structure shall be permitted per lot.~~

~~(a) A carport over a driveway, provided such structure is not more than one (1) story in height and twenty-four (24) feet in length, and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.~~

~~(3) The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet.~~

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

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

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

~~(Am 1987-04, Ren 1994-108, Am 1994-112, Am 1995-10, Am 2011-08)~~

14.12A.100

Building Height.

~~No lot or parcel of land in the R3 zone shall have a building or structure used for dwelling or public assembly which exceeds a height of thirty-five (35) feet; except as may be permitted by Section 14.31.060, Provo City Code. Chimneys, flagpoles, or similar structures not used for human occupancy are excluded in determining height.~~

~~(Am 1985-65, Am 1987-45, Ren 1994-108, Am 1994-112, Am 1995-10)~~

14.12A.110

Distance Between Buildings.

~~The minimum distance between any buildings on a lot shall be fifteen (15) feet.~~

~~(Am 1985-65, Ren 1994-108, Am 1994-112, Am 1995-10)~~

14.12A.120

Permissible Lot Coverage.

~~In an R3 zone, all buildings and structures shall not cover an area of more than forty percent (40%) of the lot or parcel of land upon which they are placed.~~

14.12A.130

Parking, Loading, and Access.

~~Each lot or parcel in the R3 zone shall have, on the same lot or parcel, automobile parking sufficient to comply with the requirements of Chapter 14.37, Provo City Code. All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with paved access from a public street. Parking spaces shall not be provided within a required front yard. Paved access for five (5) or less parking spaces shall have a minimum width of twelve (12) feet. Paved access for six (6) or more spaces shall have a minimum width of twelve (12) feet for one (1) way traffic, and sixteen (16) feet for two (2) way traffic.~~

14.12A.140

Project Plan Approval/Design Review.

~~See Sections 15.03.300 and 15.03.310, Provo City Code.~~

~~(Am 1986-10, Am 1994-03, Ren 1994-108, Am 1994-112, Am 1995-10, Am 1999-44, Am 2001-10)~~

14.12A.150

Other Requirements.

~~(1) *Signs.* Unless otherwise prohibited by law, signs of the type and description listed below, and no others, may be placed and maintained in the R3 zone:~~

~~(a) One (1) sign or name plate not exceeding twenty (20) square feet placed upon a building which identifies the name and/or address of an apartment structure or complex;~~

~~(b) One (1) sign or name plate not exceeding two (2) square feet which identifies the name and/or address of the occupant of each one-family dwelling;~~

~~(c) Two (2) temporary signs with a maximum area of six (6) square feet each, pertaining to the sale, lease, or rent of the particular building, property, or premises upon which displayed, and no other; and~~

~~(d) Signs or monuments identifying points of interest or sites of historic significance. The size and location of said signs or monuments shall be specifically approved by the Planning Commission.~~

~~(2) Landscaping. See Chapter 15.20, Provo City Code.~~

~~(3) Trash Storage. See Section 14.34.080, Provo City Code.~~

~~(4) Fencing Standards. Structural fences six (6) feet or less in height shall not require a building permit. Structural fences over six feet in height shall require a building permit from the Building Inspection Division. A structural or vegetative fence shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City traffic engineer.~~

~~(a) Front Yard. Solid walls, fences, hedges or screening materials which are sight obscuring may be built to a maximum of three (3) feet in height in any required front yard perimeter. Such walls, fences, hedges or screening materials may slope upward to connect with a higher side yard fence. The length of a sloped fence section shall not exceed one (1) section or a maximum of ten (10) feet. Walls, fences, hedges or screening materials which are not sight obscuring (at least fifty percent (50%) open) may be built to a maximum of six (6) feet in height in a front yard.~~

~~(b) Side Yard. Solid, sight obscuring fences or walls and non-sight obscuring fences (at least fifty percent (50%) open) may be built to a maximum height of six (6) feet.~~

~~(c) Rear Yard. Walls and fences in a rear yard may exceed six (6) feet provided that a building permit is first obtained from the Building Inspection Division prior to construction.~~

~~(d) *Corner Lots.* A fence not more than six (6) feet high may be constructed in a side yard adjacent to a public street on a corner lot, provided it does not extend into the clear vision area of a corner lot as defined by Section 14.34.100, Provo City Code.~~

~~(e) *Entryways.* Entry treatments to private driveways or subdivision development entrances may not exceed six (6) feet at the highest point, except lamps on pillars, and must comply with the provisions of Section 14.34.100, Provo City Code. Pillars shall be allowed to extend up to eighteen (18) inches above the allowable height of a fence provided that the pillars shall have a minimum spacing of no less than six (6) feet, measured face to face.~~

~~(f) *Grade differences.* Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.~~

~~(g) *Retaining Walls.* Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.~~

~~(h) *Privacy Walls.* Privacy walls which project into a required front yard will be subject to staff review.~~

~~(i) *Double Frontage Lots.* A fence or wall may be erected in the rear yard of a double frontage lot subject to staff review.~~

~~(j) *Exceptions.* The provisions of this Section shall not apply to certain other fences such as tennis court backstops or patio enclosures as approved by the Zoning Administrator, if it is determined that such do not create a hazard or violation of other sections of the Provo City Code or other City ordinances. All other exceptions must obtain Planning Commission approval. Standards for barbed wire and similar types of fences are listed in Section 9.14.020, Provo City Code.~~

~~(k) All developments consisting of three (3) or more units shall be required to have perimeter screening along all interior lines. Perimeter screening may include a landscape hedge of six (6)~~

~~feet at a two (2) year maturity, masonry or wood fence or a combination of landscaping with chain-link, with or without slats.~~

~~(Am 1986-10, Am 1987-45, Am 1989-30, Am 1990-53, Am 1994-28, Ren 1994-108, Am 1994-112, Am 1995-06, Am 1995-10, Am 1996-03, Am 1996-72, Am 1998-43, Am 1999-25, Am 1999-61)~~

14.12A.160

Notice of Parking and Occupancy Restrictions.

~~(1) Prior to the issuance of a building permit for any multiple residential project over two (2) dwelling units, a contract must be entered into between Provo City and the developer agreeing to a determined occupancy based on a given number of parking spaces. This contract will be recorded with the Utah County Recorder's office and will run with the property. A copy of a recorded deed for the property in question must also be submitted prior to the issuance of a building permit which indicates the maximum allowable occupancy as a deed restriction. Attached to the deed must be a document that separately list the occupancy according to Provo City Code, the previously mentioned deed restrictions and any other use restrictions pertaining to parking and occupancy such as restrictions of use as noted in condominium covenants. This document must be signed, dated and notarized indicating that the owner acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.~~

~~(2) Prior to the issuance of a Certificate of Occupancy for new multiple residential dwelling units a permanent notice must be placed on the electrical box within each unit indicating the maximum allowable occupancy of each unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice must be a six inch by six inch (6" X 6") metal or plastic plate that is permanently attached to the electrical box with minimum one-half (1/2) inch engraved letters.~~

~~(3) Upon submittal of these documents any violation to the restrictions and regulations noted therein will be considered a misdemeanor offense and will be subject to criminal action as provided in Section 1.03.010, Provo City Code.~~

~~(Enacted 1991-81, Am 1992-30, Ren 1994-108, Am 1998-06)~~

Attachment 3 – High Multiple Residential Zone Proposed Text (14.13)

Chapter 14.13

R4 – HIGH MULTIPLE RESIDENTIAL ZONE

Sections:

- 14.13.010 — Purpose and Objectives.**
- 14.13.020 — Permitted Uses.**
- 14.13.030 — Lot Area.**
- 14.13.040 — Lot Width.**
- 14.13.045 — Lot Depth.**
- 14.13.050 — Lot Frontage.**
- 14.13.060 — Prior Created Lots.**
- 14.13.070 — Lot Area Per Dwelling.**
- 14.13.075 — Special Exceptions to Lot Area Per Dwelling.**
- 14.13.080 — Yard Requirements.**
- 14.13.090 — Projections into Yards.**
- 14.13.100 — Building Height.**
- 14.13.110 — Distance Between Buildings.**
- 14.13.120 — Permissible Lot Coverage.**
- 14.13.130 — Parking, Loading, and Access.**
- 14.13.140 — Project Plan Approval/Design Review.**
- 14.13.150 — Other Requirements.**
- 14.13.160 — Notice of Parking and Occupancy Restrictions.**

14.13.010

Purpose and Objectives.

The High Multiple Residential Zone (R4) is established to provide an area of suitable environment for single and family living in an area characterized by high density apartments and professional office uses. In general, this zone will be situated in or near the central area of the City and in areas where

~~there is a substantial demand for multiple dwelling units as indicated in the General Plan. Said zone should be established in areas where street and utility systems are adequate to accommodate the permitted density. Representative of the uses of this zone are one-family dwellings; duplexes; rooming houses; apartments; batching apartments; offices for doctors, dentists, accountants, and other similar professions; parks; playgrounds; and compatible institutional uses.~~

~~(Am 2000-26)~~

14.13.020

Permitted Uses.

~~(1) Those uses or categories of uses as listed herein, and no others, are permitted in the R4 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 zeroes.~~

~~(3) All such groupings listed herein, and all specific uses listed within them in the Standard Land Use Code, will be permitted in the R4 zone subject to the limitations set forth herein.~~

~~(4) *Permitted Principal Uses.* The following principal uses and no others, are permitted in the R4 zone:~~

Use No.	Use Classification
1111	One family dwelling—detached (See Section <u>14.34.310</u>, Provo City Code)
1121	Two family dwelling (See section <u>14.34.310</u>, Provo City Code)
1131	Multiple family dwelling
1140	Apartments (low rise) (a multiple family structure containing five (5) or more units,

Use No.	Use Classification
	two (2) stories or less in height, on one parcel, with or without garages. Includes condominiums)
1150	Apartments (high rise) (a multiple family structure containing five (5) or more units, three (3) stories or more in height, on one (1) parcel, with or without garages. Includes condominiums)
1210	Rooming and boarding house
1211	Batching apartments (maximum of six [6] individuals per unit)
1241	Assisted Living Facility, (subject to the standards of Section <u>14.34.470</u> , Provo City Code), Residential Health Care Facility
1291	Residential Facility for Elderly Persons (See Section <u>14.34.230</u> , Provo City Code)
1292	Residential facility for persons with a disability (see Section <u>14.34.230</u> , 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)
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

Use No.	Use Classification
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 (Pre-dominantly covered pipes or boxes)
6100	Financial, insurance, and real estate services (Only on arterial streets) When located along an arterial street the following specified 6300-type uses are permitted primary uses:
6311	Advertising services (office only)
6320	Consumer credit services
6330	Duplicating, stenographic, and office services
6340	Dwelling, janitorial, and other building services (office one pumping stations)
6350	News syndicate services (office only)
6360	Employment services
6390	Miscellaneous business services (office only)
6500	Professional offices only when located along an arterial street (except 6515 Behavior, drug and alcohol treatment which is not a permitted primary use)
7600	Parks

~~(5) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the R4 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, bath houses, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure;~~

~~(b) Swimming pools and incidental bath houses subject to the standards of Section 14.34.210, Provo City Code;~~

~~(c) Vegetable and flower gardens;~~

~~(d) Home occupations subject to the regulations of Chapter 14.41, Provo City Code;~~

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

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

~~(g) Accessory living spaces in conjunction with an owner-occupied one-family dwelling, subject to the issuance of a building permit and in accordance with the requirements of Section 14.30.030(2), Provo City Code.~~

~~(6) *Conditional Use.* The following uses and structures are permitted in the R4 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.~~

Use No.	Use Classification
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1112	Twin Home (one-family dwelling—semi-
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Use No.	Use Classification
	detached) subject to the standards in section <u>14.34.340, Provo City Code</u>
1516	Bed and Breakfast Inn
4700	Communications
4800	Utilities (except lines and rights-of-way)
4814	Electricity regulating substations
4818	Small Generation
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)
5320	Mail and Phone Order Houses (Only in historic buildings on arterial streets)
5391	Dry Goods and General Merchandise (yarn, linen, crafts, fabric, etc.) (Only in historic buildings on arterial streets)
5441	Candy, nut, and confectionery (only in historic buildings as defined in this Title.)
5462-3	Bakeries and doughnut shops (only in historic buildings as defined in this Title)
5600	Apparel and Accessories (Only in historic buildings on arterial streets)
5900	Miscellaneous retail trade (except 5920, 5930, 5960, and 5980; only in historic buildings as defined in this Title)
5912	Prescription pharmacy (intended for the

Use No.	Use Classification
	convenience of permitted establishments and/or clients thereof, provided that no such business occupies more than fifteen percent (15%) of the total floor area of the building in which it is located and has no separate entrance)
5931	Antiques (Includes furniture, glassware, etc.)
5932	Second hand clothing, shoes, furniture and books (does not include 5933, flea markets, or 5936, thrift stores) (Only in historic buildings on arterial streets)
6100	Financial, insurance, and real estate services
6220	Photography studio (Only in historic buildings on arterial streets)
6230	Beauty and Barber shop (Only in historic buildings on arterial streets)
6241	Mortuary (Only in historic buildings on arterial streets)
6242	Cemeteries
6311	Advertising services (office only)
6299	Personal Services (Wedding chapels and reception centers only in historic buildings as defined in this Title)
6320	Consumer credit services
6330	Duplicating, stenographic, and office services
6340	Dwelling, janitorial, and other building services (office only)
6350	News syndicate services (office only)
6360	Employment services
6390	Miscellaneous business services (office only)

Use No.	Use Classification
6722	Police Protection and related activities, branch (Office only)
6900	Miscellaneous service organizations (office only)
6910	Religious activities
7110	Libraries, museums, and art galleries
7420	Playground and athletic areas (noncommercial only)

~~(Am 1986-10, Am 1987-19, Am 1987-24, Am 1987-53, Am 1989-56, Am 1990-18, Am 1990-46, Am 1992-58, Am 1994-28, Am 1994-112, Am 1995-02, Am 1995-10, Am 1995-62, Am 1995-91, Am 1997-13, Am 1997-49, Am 1998-07, Am 1998-10, Am 1998-50, Am 1999-50, Am 2000-09, Am 2000-26, Am 2005-18, Am 2019-45)~~

14.13.030

Lot Area.

~~(1) The minimum area of any lot or parcel of land in the R4 zone used for a one-family dwelling shall be six thousand (6,000) square feet.~~

~~(2) The minimum area of any lot or parcel of land in the R4 zone used for multiple family, low rise apartments, or high rise apartments and located within the area bounded by North University Avenue, Center Street, 900 East and the south boundary of the Brigham Young University Campus shall be one (1) acre.~~

~~(Am 2000-26)~~

14.13.040

Lot Width.

Each lot or parcel of land in the R4 zone, except corner lots, shall have an average width of not less than sixty (60) feet. Each corner lot or parcel shall have a minimum average width of seventy (70) feet.

14.13.045

Lot Depth.

Each lot or parcel of land in the R4 zone shall have a minimum lot depth of ninety (90) feet.

(Am 1998-20)

14.13.050

Lot Frontage.

Each lot or parcel of land in the R4 zone shall abut on a public street for a minimum distance of thirty-five (35) feet, on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.

14.13.060

Prior Created Lots.

Lots or parcels of land which were created prior to the application of this zone (December 12, 1974) shall not be denied a building permit, for a one-family residence, solely for reasons of nonconformance with the above parcel requirements of this Chapter.

(Am 1995-21, Am 1995-62)

14.13.070

Lot Area Per Dwelling.

~~(1) Lot area per dwelling in the R4 zone shall be as follows:~~

~~(a) One (1) one-family dwelling per six thousand (6,000) square foot lot;~~

~~(b) One (1) two-family dwelling per eight thousand (8,000) square foot lot; or~~

~~(c) Two (2) dwelling units per the first eight thousand (8,000) square feet of lot area, and one (1) additional dwelling unit per each one thousand five hundred (1,500) square feet of lot area; or~~

~~(d) Within the area bounded by North University Avenue, Center Street, 900 East and the South boundary of the Brigham Young University campus, one (1) acre for the first three (3) dwelling units and up to twenty-six (26) dwelling units, and one thousand two hundred (1,200) square feet of additional lot area for each dwelling unit in excess of twenty-six (26).~~

~~(2) When the lot area per dwelling standard results in a fraction, the number of allowed units shall be "rounded" up or down depending on whether the fraction is greater or less than 0.5. For example, a parcel of property in the R4 zone containing 27,000 square feet would be allowed to have 15 dwelling units because the actual number allowed is 14.67 ($27,000 \text{ minus } 8,000 = 19,000$; $19,000 \text{ divided by } 1,500 = 12.67$; plus the first two units = 14.67).~~

~~(Am 1991-35, Am 1994-94, Am 1994-112, Am 1995-10, Am 1995-62, Am 1998-06, Am 2000-26)~~

14.13.075

Special Exceptions to Lot Area Per Dwelling.

~~(1) The Municipal Council recognizes the difficulty in maintaining and developing small one-family dwelling lots in areas that are predominantly built out as multiple family residential in the higher density zones. In order to provide some relief from the existing regulations and incentives to improve these lots, special exceptions may be granted upon specific findings made by the Planning Commission through the issuance of a Conditional Use Permit in a public hearing that a strict~~

~~application of the provisions of this Chapter would deprive the owner of the reasonable use of said lot. These findings may include:~~

- ~~(a) The lot has multiple family (four-plex or greater) development on both lateral sides.~~
- ~~(b) This is a single lot, and cannot be amassed with other adjoining properties.~~
- ~~(c) All other provisions of this Chapter can be met, (i.e. setbacks, landscaping, open space and parking).~~
- ~~(d) The Planning Commission may find that there are other circumstances relating to the property that would warrant special exceptions.~~

~~(2) Once the Planning Commission has made the above listed findings, then a lot may be developed under the density provisions of one (1) unit per seventeen hundred (1,700) square feet of lot area in R4. The Planning Commission may also impose reasonable additional conditions to help mitigate any negative impacts created by the proposed project as described in Section 14.02.040, Provo City Code.~~

~~(Enacted 1995-85)~~

14.13.080

Yard Requirements.

~~The following minimum yard requirements shall apply in the R4 zone: (Note: All setbacks are measured from the property line.)~~

~~(1) *Front Yard.* Each lot or parcel of land in the R4 zone shall have a front yard of not less than twenty (20) feet.~~

~~(2) *Side Yard.* Except as provided in Subsections (3), (4), and (5) of this Section, each lot or parcel of land in the R4 zone shall have a side yard of at least ten (10) feet on each side. Buildings exceeding thirty-five (35) feet in height shall have side yards of ten (10) feet per side plus an additional one (1) foot of setback for each two (2) feet of building height over thirty-five (35) feet.~~

~~(3) Side Yard – Corner Lots. On corner lots the side yard contiguous to the street shall not be less than twenty (20) feet in width, and shall not be used for vehicular parking except such portion as is devoted to driveway use for access to a garage or carport.~~

~~(4) Side Yard – Driveway. See Section 14.37.100, Provo City Code.~~

~~(5) Side Yard – Accessory Building. An accessory building may be located on a side property line if, and only if, all of the following conditions are met:~~

~~(a) The accessory building is located at least fifteen (15) feet or more to the rear of the front setback line, and is at least twenty (20) feet from the closest part of any main building.~~

~~(b) The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is erected.~~

~~(c) An accessory building which is more than ten (10) feet to the rear of a main building, but which does not conform to all of the above conditions, shall have a side yard of at least five (5) feet.~~

~~(d) All other accessory buildings shall maintain the same side yard as a main building.~~

~~(6) Rear Yard. Each lot or parcel of land in the R4 zone shall have a rear yard of not less than twenty (20) feet.~~

~~(7) Rear Yard – Accessory Building. An accessory building may be located on the rear property line when said building meets all of the following:~~

~~(a) Provides facilities to retain all roof drainage within the property on which said accessory building is located.~~

~~(b) An accessory building which is at least ten (10) feet behind the main building but does not meet the above requirements shall be located not less than five (5) feet from the property line.~~

~~(Am 1987-45, Am 1988-16, Am 1991-56, Am 1994-112, Am 1995-02, Am 1995-10, Am 1999-30)~~

14.13.090

Projections into Yards.

~~(1) The following structures may be erected on or project into any required yard:~~

~~(a) Fences and walks in conformance with the Provo City Code and other City codes and ordinances.~~

~~(b) Landscape elements, including trees, shrubs, agricultural crops, and other plants.~~

~~(c) Necessary appurtenances for utility service.~~

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

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

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

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

~~(d) Porte-cochere over a driveway in a side yard, provided that such a structure is not more than one (1) story in height and twenty-four (24) feet in length, and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.~~

~~(Am 1994-112, Am 1995-10, Am 1998-19)~~

14.13.100

Building Height.

~~No lot or parcel of land in the R4 zone shall have a building or structure including parking structures which exceeds a height of fifty-five (55) feet. Chimneys, flagpoles, towers, and similar structures not used for human occupancy are excluded in determining height. The height of Twin Homes shall be regulated by Section 14.34.340, Provo City Code.~~

~~(Am 1985-65, Am 1987-45, Am 1994-112, Am 1995-10, Am 1998-06)~~

14.13.110

~~Distance Between Buildings.~~

~~The minimum distance between main buildings on a lot in the R4 zone shall not be less than fifteen (15) feet.~~

~~(Am 1985-65, Am 1994-112, Am 1995-10)~~

14.13.120

~~Permissible Lot Coverage.~~

~~(1) In an R4 zone, all buildings and structures shall not cover an area of more than fifty percent (50%) of the lot or parcel of land upon which they are placed.~~

~~(2) Parking structures will not be considered as part of the lot coverage but will have additional review by the Planning Commission or its designee in regards to screening and buffering of parking structure from adjacent properties and public view.~~

~~(Am 1994-112, Am 1995-10)~~

14.13.130

~~Parking, Loading, and Access.~~

~~Each lot or parcel in the R4 zone shall have automobile parking sufficient to comply with the requirements of Chapter 14.37, Provo City Code. All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with paved access from a public street. Parking spaces shall not be provided within a required front yard. Paved access for five (5) or less parking spaces shall have a minimum of twelve (12) feet. Paved access for six (6) or more spaces shall have a minimum width of twelve (12) feet for one-way traffic, and sixteen (16) feet for two-way traffic.~~

14.13.140

~~Project Plan Approval/Design Review.~~

~~See Sections 15.03.300 and 15.03.310, Provo City Code.~~

~~(Am 1986-10, Am 1994-03, Am 1994-112, Am 1995-10, Am 1999-44, Am 2001-10)~~

14.13.150

~~Other Requirements.~~

~~(1) *Signs.* Unless otherwise prohibited by law, signs of the type and description listed below, and no others, may be placed and maintained in the R4 zone:~~

~~(a) One (1) unlighted sign or name plate not exceeding twenty (20) square feet placed upon a building or an ornamental masonry wall which identifies the name and/or address of an apartment structure or complex, of a professional office complex, or of a mixed apartment/office complex.~~

~~(b) One (1) sign or name plate not exceeding two (2) square feet which identifies the name and/or address of the occupant of each one-family dwelling, and/or the occupant of each individual office.~~

~~(c) Two (2) temporary signs with a maximum of six (6) square feet which identifies the name and/or address of the occupant of each one-family dwelling, and/or the occupant of each individual office.~~

~~(d) Two (2) temporary signs with a maximum of six (6) square feet each, pertaining to the sale, lease or rent of the particular building, property, or premises upon which displayed, and no other.~~

~~(e) *Signs or monuments identifying points of interest or sites of historic significance.* The size and location of said signs or monuments shall be specifically approved by the Planning Commission.~~

~~(2) *Landscaping.* See Chapter 15.20, Provo City Code.~~

~~(3) *Trash Storage.* See Section 14.34.080, Provo City Code.~~

~~(4) *Fencing Standards.* Structural fences six (6) feet or less in height shall not require a building permit. Structural fences over six feet in height shall require a building permit from the Building Inspection Division. A structural or vegetative fence shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City Traffic Engineer.~~

~~(a) *Front Yard.* Solid walls, fences, hedges or screening materials which are sight obscuring may be built to a maximum of three (3) feet in height in any required front yard perimeter. Such walls, fences, hedges or screening materials may slope upward to connect with a higher side yard fence. The length of a sloped fence section shall not exceed one (1) section or a maximum of ten (10) feet. Walls, fences, hedges or screening materials which are not sight obscuring (at least fifty percent (50%) open) may be built to a maximum of six (6) feet in height in a front yard.~~

~~(b) *Side Yard.* Solid, sight obscuring fences or walls and non-sight obscuring fences (at least fifty percent (50%) open) may be built to a maximum height of six (6) feet.~~

~~(c) *Rear Yard.* Walls and fences in a rear yard may exceed six (6) feet provided that a building permit is first obtained from the Building Inspection Division prior to construction.~~

~~(d) *Corner Lots.* A fence not more than six (6) feet high may be constructed in a side yard adjacent to a public street on a corner lot, provided it does not extend into the clear vision area of a corner lot as defined by Section 14.34.100, Provo City Code.~~

~~(e) *Entryways.* Entry treatments to private driveways or subdivision development entrances may not exceed six (6) feet at the highest point, except lamps on pillars, and must comply with the provisions of Section 14.34.100, Provo City Code. Pillars shall be allowed to extend up to eighteen (18) inches above the allowable height of a fence provided that the pillars shall have a minimum spacing of no less than six feet, measured face to face.~~

~~(f) *Grade differences.* Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.~~

~~(g) *Retaining Walls.* Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a~~

~~fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.~~

~~(h) *Privacy Walls.* Privacy walls which project into a required front yard will be subject to staff review.~~

~~(i) *Double Frontage Lots.* A fence or wall may be erected in the rear yard of a double frontage lot subject to staff review.~~

~~(j) *Exceptions.* The provisions of this Section shall not apply to certain other fences such as tennis court backstops or patio enclosures as approved by the Zoning Administrator, if it is determined that such do not create a hazard or violation of other sections of the Provo City Code or other City ordinances. All other exceptions must obtain Planning Commission approval. Standards for barbed wire and similar types of fences are listed in Section 9.14.020, Provo City Code.~~

~~(k) All developments consisting of three (3) or more units shall be required to have perimeter screening along all interior lines. Perimeter screening may include a landscape hedge of six (6) feet at a two (2) year maturity, masonry or wood fence or a combination of landscaping with chain-link, with or without slats.~~

~~(Am 1986-10, Am 1987-45, Am 1989-30, Am 1990-53, Am 1994-28, Am 1994-112, Am 1995-02, Am 1995-06, Am 1995-10, Am 1996-03, Am 1996-72, Am 1998-43, Am 1999-25, Am 1999-61)~~

14.13.160

Notice of Parking and Occupancy Restrictions.

~~(1) Prior to the issuance of a building permit for any multiple residential project over two (2) dwelling units, a contract must be entered into between Provo City and the developer agreeing to a determined occupancy based on a given number of parking spaces. This contract will be recorded with the Utah County Recorder's office and will run with the property. A copy of a recorded deed for the property in question must also be submitted prior to the issuance of a building permit which indicates the maximum allowable occupancy as a deed restriction. Attached to the deed must be a document that separately list the occupancy according to Provo City Code, the previously mentioned~~

~~deed restrictions and any other use restrictions pertaining to parking and occupancy such as restrictions of use as noted in condominium covenants. This document must be signed, dated and notarized indicating that the owner acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.~~

~~(2) Prior to the issuance of a Certificate of Occupancy for new Multiple Residential dwelling units a permanent notice must be placed on the electrical box within each unit indicating the maximum allowable occupancy of each unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice must be a six inch by six inch (6" X 6") metal or plastic plate that is permanently attached to the electrical box with minimum one-half (1/2) inch engraved letters.~~

~~(3) Upon submittal of these documents any violation to the restrictions and regulations noted therein will be considered a misdemeanor offense and will be subject to criminal action as provided in Section 1.03.010, Provo City Code.~~

~~(Am 1991-81, Am 1992-30, Am 1998-06)~~

Attachment 4 – Very High Multiple Residential Zone Proposed Text

(14.14)

~~Chapter 14.14~~

~~R5 – VERY HIGH MULTIPLE RESIDENTIAL ZONE~~

Sections:

~~**14.14.010 – Purposes and Objectives.**~~

~~**14.14.020 – Permitted Uses.**~~

~~**14.14.030 – Lot Area.**~~

~~**14.14.040 – Lot Width.**~~

~~**14.14.045 – Lot Depth.**~~

~~**14.14.050 – Lot Frontage.**~~

~~**14.14.060 – Prior Created Lots.**~~

~~14.14.070 — Lot Area per Dwelling.~~

~~14.14.075 — Special Exceptions to Lot Area Per Dwelling.~~

~~14.14.080 — Yard Requirements.~~

~~14.14.090 — Projections into Yards.~~

~~14.14.100 — Building Height.~~

~~14.14.110 — Distance Between Buildings.~~

~~14.14.120 — Permissible Lot Coverage.~~

~~14.14.130 — Parking, Loading, and Access.~~

~~14.14.140 — Project Plan Approval/Design Review.~~

~~14.14.150 — Other Requirements.~~

~~14.14.160 — North University Design Review Corridor.~~

~~14.14.170 — Notice of Parking and Occupancy Restrictions.~~

14.14.010

Purposes and Objectives.

The Very High Multiple Residential Zone (R5) is established to provide a high density multiple residential character located near Brigham Young University and other selected high density areas as designated in the General Plan of the Community. The densities permitted by this zone are intended to encourage redevelopment of land for residential uses where property values are high and demolition may be necessary. The uses typically permitted in this zone are apartments, baching apartments, and professional office complexes.

14.14.020

Permitted Uses.

(1) Those uses or categories of uses listed herein, and no others, are permitted in the R5 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 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 zeroes.~~

~~(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the R5 zone, subject to the limitations set forth herein.~~

~~(4) Permitted Principal Use. The following principal uses and structures, and no others, are permitted in the R5 zone:~~

Use No.	Use Classification
1111	One-family dwelling—detached (See Section <u>14.34.310</u>, Provo City Code)
1121	Two-family dwelling (See Section <u>14.34.310</u>, Provo City Code)
1140	Apartments (low-rise)
1150	Apartments (high-rise)
1210	Rooming and boarding houses
1211	Boarding apartments (maximum of six (6) individuals per unit)
1241	Assisted Living Facility (subject to the standards of Section <u>14.34.470</u>, Provo City Code), Residential Health Care Facility
1291	Residential Facility for Elderly Persons (See Section <u>14.34.230</u>, Provo City Code)
1292	Residential facility for persons with a disability (see Section <u>14.34.230</u>, 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)
4821	Gas pipeline right-of-way (Identifies areas

Use No.	Use Classification
	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)
5912	Prescription pharmacy (intended for the convenience of permitted establishments and/or clients thereof, provided that no such business occupies more than fifteen percent (15%) of the total floor area of the building in which it is located and has no separate street entrance)
6100	Financial, insurance, and real estate services
6311	Advertising services (office only)
6320	Consumer credit services
6330	Duplicating, stenographic, and office service
6340	Dwelling, janitorial, and other building services (office only)

Use No.	Use Classification
6350	News syndicate services (office only)
6360	Employment services
6390	Miscellaneous business services (office only)
6500	Professional Services (except 6515 Behavior, drug and alcohol treatment; office only)
6900	Miscellaneous service organizations (office only)
7110	Libraries, museums, and art galleries
7600	Parks

~~(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R5 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, bath houses, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with, and incidental to, a principal use or structure;~~

~~(b) Swimming pools and incidental bath houses subject to the standards of Section 14.34.210, Provo City Code;~~

~~(c) Vegetable and flower gardens;~~

~~(d) 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;~~

~~(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 persons or property.~~

~~(f) Accessory living spaces in conjunction with an owner-occupied one-family dwelling, subject to the issuance of a building permit and in accordance with the requirements of Section 14.30.030(2), Provo City Code.~~

~~(6) Conditional Uses. The following uses and structures are permitted in the R5 zone only after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.~~

Use No.	Use Classification
1112	Twin Home (One-family dwelling -- semi-detached) subject to the standards in Section <u>14.34.340</u>, Provo City Code)
1516	Bed and Breakfast Inn
1517	Seasonal Overflow Transient Housing
4700	Communications
4814	Electricity regulating substations
4818	Small Generation
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)
5320	Mail and Phone Order Houses (Only in historic buildings on arterial streets)
5391	Dry Goods and General Merchandise (yarn, linen, crafts, fabric, etc) (Only in historic buildings on arterial streets)
5441	Candy, nut, and confectionery (only in historic buildings as defined in this Title)

Use No.	Use Classification
5600	Apparel and Accessories (Only in historic buildings on arterial streets)
5670	Custom Tailoring (only on arterial streets)
5811	Restaurants (only in historic buildings as defined in this Title)
5900	Miscellaneous retail trade (except 5920, 5930, 5960, and 5980; only in historic buildings as defined in this Title)
5931	Antiques (Includes furniture, glassware, etc.)
5932	Second hand clothing, shoes, furniture and books (does not include 5933, flea markets, or 5936, thrift stores) (Only in historic buildings on arterial streets)
6220	Photography studio (Only in historic buildings on arterial streets)
6230	Beauty and Barber shop (Only in historic buildings on arterial streets)
6241	Mortuary (Only in historic buildings on arterial streets)
6291	Clothing Rental (only on arterial streets)
6299	Personal Services (Wedding chapels and reception centers only in historic buildings as defined in this Title.)
6722	Police Protection and related activities, branch (Office only)
6910	Religious activities
7420	Playground and athletic areas (noncommercial only)

~~(Am 1986-10, Am 1987-19, Am 1987-24, Am 1987-45, Am 1989-02, Am 1989-56, Am 1990-01, Am 1990-14, Am 1990-29, Am 1991-45, Am 1992-58, Am 1994-28, Am 1995-02, Am 1995-91, Am 1997-13, Am 1997-49, Am 1998-07, Am 1998-10, Am 1998-50, Am 1999-50, Am 2000-09, Am 2005-18, Am 2019-45)~~

14.14.030

Lot Area.

~~(1) The minimum area of any lot or parcel of land in the R5 zone used for a one-family dwelling shall be five thousand (5,000) square feet.~~

~~(2) The minimum area of any lot or parcel of land in the R5 zone containing multiple family, low-rise apartments, or high-rise apartments and located within the area bounded by North University Avenue, Center Street, 900 East and the south boundary of the Brigham Young University campus shall be one (1) acre.~~

~~(Am 1995-74, Am 2000-26)~~

14.14.040

Lot Width.

~~Each lot or parcel of land in the R5 zone, except corner lots, shall have a minimum average width of fifty (50) feet. Each corner lot or parcel shall have a minimum average width of seventy (70) feet.~~

~~(Am 1998-20)~~

14.14.045

Lot Depth.

~~Each lot or parcel of land in the R5 zone shall have a minimum lot depth of ninety (90) feet.~~

~~(Am 1998-20)~~

14.14.050

Lot Frontage.

~~Each lot or parcel of land in the R5 zone shall abut on a public street for a minimum distance of thirty-five (35) feet, on a line parallel to the centerline of the street or along the circumference of a cul-de-sac improved to City standards. Frontage on a street end which does not have a cul-de-sac improved to City standards shall not be counted in meeting this requirement.~~

14.14.060

Prior Created Lots.

~~Lots or parcels of land which were created prior to the application of this zone shall not be denied a building permit solely for reasons of nonconformance with the above parcel requirements of this Chapter.~~

~~(Am 1995-21)~~

14.14.070

Lot Area per Dwelling.

~~(1) Lot area per dwelling in the R5 zone shall be as follows:~~

~~(a) One (1) one-family dwelling per five thousand (5,000) square foot lot;~~

~~(b) One (1) two-family dwelling per seven thousand (7,000) square foot lot; or~~

~~(c) Two (2) dwelling units per the first seven thousand (7,000) square feet of lot area, and one (1) additional dwelling unit per each eight hundred seventy (870) square feet of lot area; or~~

~~(d) within the area bounded by North University Avenue, Center Street, 900 East and the south boundary of the Brigham Young University campus, one (1) acre for the first forty four (44) dwelling units and eight hundred seventy (870) square feet of additional lot area for each dwelling unit in excess of forty-four (44).~~

~~(2) When the lot area per dwelling standard results in a fraction, the number of allowed units shall be "rounded" up or down depending on whether the fraction is greater or less than 0.5. For example, a parcel of property in the R5 zone containing 27,500 square feet would be allowed to have 26 dwelling units because the actual number allowed is 25.56 (27,500 minus 7,000 = 20,500; 20,500 divided by 870 = 23.56; plus the first 2 units = 25.56).~~

~~(Am 1988-02, Am 1991-14, Am 1991-35, Am 1994-94, Am 1995-74, Am 1998-06, Am 2000-26)~~

14.14.075

~~Special Exceptions to Lot Area Per Dwelling.~~

~~(1) The Municipal Council recognizes the difficulty in maintaining and developing small one-family dwelling lots in areas that are predominantly built out as multiple family residential in the higher density zones. In order to provide some relief from the existing regulations and incentives to improve these lots, special exceptions may be granted upon specific findings made by the Planning Commission through the issuance of a Conditional Use Permit in a public hearing that a strict application of the provisions of this Chapter would deprive the owner of the reasonable use of said lot. These findings may include:~~

- ~~(a) The lot has multiple family (four-plex or greater) development on both lateral sides.~~
- ~~(b) This is a single lot, and cannot be amassed with other adjoining properties.~~
- ~~(c) All other provisions of this Chapter can be met, (i.e. setbacks, landscaping, open space and parking).~~
- ~~(d) The Planning Commission may find that there are other circumstances relating to the property that would warrant special exceptions.~~

~~(2) Once the Planning Commission has made the above listed findings, then a lot may be developed under the density provisions of one (1) unit per one thousand (1,000) square feet of lot area in R5. The Planning Commission may also impose reasonable additional conditions to help mitigate any negative impacts created by the proposed project as described in Section 14.02.040, Provo City Code.~~

~~(Enacted 1995-85)~~

14.14.080

Yard Requirements.

~~The following minimum yard requirements shall apply in the R5 zone: (Note: All setbacks are measured from the property line.)~~

~~(1) *Front Yard.* Each lot or parcel in the R5 zone shall have a front yard of at least twenty (20) feet.~~

~~(2) *Side Yard.* Except as provided in Subsections (3), (4), and (5) of this Section, each lot or parcel of land in the R5 zone shall have a side yard of at least ten (10) feet on each side. Buildings exceeding thirty-five (35) feet in height shall have side yards of ten (10) feet per side plus an additional one (1) foot of setback for each two (2) feet of building height over thirty-five (35) feet.~~

~~(3) *Side Yard – Corner Lots.* On corner lots, the side yard contiguous to the street shall not be less than twenty (20) feet in width, and shall not be used for vehicular parking.~~

~~(4) *Side Yard – Driveway.* See Section 14.37.100, Provo City Code.~~

~~(5) *Side Yard – Accessory Building.* An accessory building may be located on a side property line if, and only if, all of the following conditions are met:~~

~~(a) The accessory building is located at least fifteen (15) feet or more to the rear of the front setback line, and is at least twenty (20) feet from the closest part of any main building.~~

~~(b) The accessory building has facilities for the discharge of all roof drainage onto the lot or parcel on which it is erected. An accessory building which is more than ten (10) feet to the rear of a main building, but which does not conform to all of the above conditions, shall have a side yard of at least five (5) feet. All other accessory buildings shall maintain the same side yard as a main building.~~

~~(6) *Rear Yard.* Each lot or parcel of land in the R5 zone shall have a rear yard of not less than twenty (20) feet.~~

~~(7) *Rear Yard – Accessory Building.* An accessory building may be located on the rear property line when said building meets all of the following:~~

~~(a) Provides facilities to retain all roof drainage within the property on which said accessory building is located. An accessory building which is at least ten (10) feet behind the main building but does not meet the above requirements shall be located not less than five (5) feet from the property line.~~

~~(Am 1987-45, Am 1988-16, Am 1991-56, Am 1995-02, Am 1995-10, Am 1995-74, Am 1998-06, Am 1998-19, Am 1999-30)~~

14.14.090

Projections into Yards.

~~(1) The following structures may be erected on or project into any required yard;~~

~~(a) Fences and walks in conformance with the Provo City Code and other City codes and ordinances;~~

~~(b) Landscape elements including trees, shrubs, agricultural crops, and other plants; and~~

~~(c) Necessary appurtenances for utility service.~~

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

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

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

~~(c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes.~~

~~(Am 1995-10)~~

14.14.100

Building Height.

~~No lot or parcel of land in the R5 zone shall have a building or structure including parking structures which exceeds a height of fifty-five (55) feet, except as may be permitted by Section 14.31.060. Chimneys, flagpoles, towers and similar structures not used for human occupancy are excluded in determining height. The height of Twin Homes shall be regulated by Section 14.34.340, Provo City Code.~~

~~(Am 1986-65, Am 1987-45, Am 1995-10, Am 1997-16, Am 1998-06)~~

14.14.110

Distance Between Buildings.

~~The minimum distance between main buildings on a lot in the R5 zone shall not be less than fifteen (15) feet.~~

~~(Am 1985-65, Am 1995-10, Am 1997-13, Am 1998-06)~~

14.14.120

Permissible Lot Coverage.

~~(1) In an R5 zone, all buildings and structures shall cover an area of not more than fifty percent (50%) of the lot or parcel of land upon which they are placed.~~

~~(2) Parking structures will not be considered as part of the lot coverage but will have additional review by the Planning Commission or its designee in regards to screening and buffering of parking structure from adjacent properties and public view.~~

~~(Am 1995-10)~~

14.14.130

~~Parking, Loading, and Access.~~

~~Each lot or parcel of land in the R5 zone shall have automobile parking sufficient to comply with the requirements of Chapter 14.37, Provo City Code. Paved access for five (5) or less parking spaces shall have a minimum of twelve (12) feet. Paved access for six (6) or more parking spaces shall have a minimum width of twelve (12) feet for one-way traffic, and sixteen (16) feet for two-way traffic.~~

14.14.140

~~Project Plan Approval/Design Review.~~

~~See Sections 15.03.300 and 15.03.310, Provo City Code.~~

~~(Am 1986-10, Am 1994-03, Am 1995-10, Am 1999-44, Am 2001-10)~~

14.14.150

~~Other Requirements.~~

~~(1) *Signs.* Unless otherwise prohibited by law, signs of the type and description listed below, and no others, may be placed and maintained in the R5 zone:~~

~~(a) One (1) sign or name plate not exceeding fifty (50) square feet placed upon a building or ornamental masonry wall which identifies the name and/or address of an apartment structure or complex, a professional office complex, or a mixed apartment/office complex.~~

~~(b) One (1) directory sign identifying the names and locations of tenants occupying the premises on which located. Said sign shall not exceed ten (10) square feet and shall not be placed within the front yard area.~~

~~(c) Two (2) temporary signs with a maximum area of six (6) square feet each pertaining to the sale, lease or rent of the particular building, property, or premises upon which displayed, and no other.~~

~~(d) Signs or monuments identifying points of interest or sites of historic significance. The size and location of said signs or monuments shall be specifically approved by the Planning Commission.~~

~~(2) Landscaping. See Chapter 15.20, Provo City Code.~~

~~(3) Trash Storage. See Section 14.34.080, Provo City Code.~~

~~(4) Fencing Standards. Structural fences six (6) feet or less in height shall not require a building permit. Structural fences over six (6) feet in height shall require a building permit from the Building Inspection Division. A structural or vegetative fence shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City Traffic Engineer.~~

~~(a) Front Yard. Solid walls, fences, hedges or screening materials which are sight obscuring may be built to a maximum of three (3) feet in height in any required front yard perimeter. Such walls, fences, hedges or screening materials may slope upward to connect with a higher side yard fence. The length of a sloped fence section shall not exceed one (1) section or a maximum of ten (10) feet. Walls, fences, hedges or screening materials which are not sight obscuring (at least fifty percent (50%) open) may be built to a maximum of six (6) feet in height in a front yard.~~

~~(b) Side Yard. Solid, sight obscuring fences or walls and non-sight obscuring fences (at least fifty percent (50%) open) may be built to a maximum height of six (6) feet.~~

~~(c) Rear Yard. Walls and fences in a rear yard may exceed six (6) feet provided that a building permit is first obtained from the Building Inspection Division prior to construction.~~

~~(d) Corner Lots. A fence not more than six (6) feet high may be constructed in a side yard adjacent to a public street on a corner lot, provided it does not extend into the clear vision area of a corner lot as defined by Section 14.34.100, Provo City Code.~~

~~(e) Entryways. Entry treatments to private driveways or subdivision development entrances may not exceed six (6) feet at the highest point, except lamps on pillars, and must comply with the provisions of Section 14.34.100, Provo City Code. Pillars shall be allowed to extend up to eighteen (18) inches above the allowable height of a fence provided that the pillars shall have a minimum spacing of no less than six feet, measured face to face.~~

~~(f) *Grade differences.* Where there is a difference in the grade of the properties on either side of a fence, wall or other similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located.~~

~~(g) *Retaining Walls.* Where a retaining wall protects a cut below or a fill above the natural grade and is located on the line separating lots or properties, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.~~

~~(h) *Privacy Walls.* Privacy walls which project into a required front yard will be subject to staff review.~~

~~(i) *Double Frontage Lots.* A fence or wall may be erected in the rear yard of a double frontage lot subject to staff review.~~

~~(j) *Exceptions.* The provisions of this Section shall not apply to certain other fences such as tennis court backstops or patio enclosures as approved by the Zoning Administrator, if it is determined that such do not create a hazard or violation of other sections of the Provo City Code or other City ordinances. All other exceptions must obtain Planning Commission approval. Standards for barbed wire and similar types of fences are listed in Section 9.14.020, Provo City Code.~~

~~(k) All developments consisting of three (3) or more units shall be required to have perimeter screening along all interior lines. Perimeter screening may include a landscape hedge of six (6) feet at a two (2) year maturity, masonry or wood fence or a combination of landscaping with chain-link, with or without slats.~~

~~(Am 1986-10, Am 1987-45, Am 1989-30, Am 1990-53, Am 1994-28, Am 1994-112, Am 1995-06, Am 1995-10, Am 1996-03, Am 1996-72, Am 1998-43, Am 1999-25, Am 1999-61)~~

14.14.160

North University Design Review Corridor.

~~(1) The Provo Municipal Council finds that the various aspects of architectural design have a significant impact on the character and value of the University Avenue corridor, and that preserving~~

~~and enhancing this character requires the existence of a certain harmony and compatibility in these aspects, from one (1) building to the next and throughout the district. They have also determined that preserving and enhancing the visual character of this corridor, and protecting its unique historical and architectural significance furthers the economic and cultural well-being of the community. Although certain incompatible intrusions have occurred over the years, it is the intent not to repeat these mistakes.~~

~~(a) To promote these objectives a Design Review Corridor is hereby established, within which no building permit, sign permit, building relocation permit, or demolition permit, will be issued unless the specific development, relocation, sign, or demolition project shall have first been reviewed by the Planning Commission and approved by the issuance of a Certificate of Appropriateness. The North University Avenue Design Review Corridor is the area within the following boundaries:~~

~~Commencing at the intersection of 500 North Street and University Avenue; running thence north (including the frontage properties on both sides of the Avenue) to and including the northwest and northeast corners of the inter-section of 960 North Street and University Avenue.~~

~~(b) This area shall be designated on the Zoning Map with the subscript (DR) for Design Review.~~

~~(2) *Design Review Committee.* Applications for Certificates of Appropriateness shall be made to the Design Review Committee established under Section 14.34.260(1), Provo City Code.~~

~~(3) *Building Design Standards.* All applications for building, relocation, signs, and demolition permits shall comply with the standards set forth in 14.34.260 Design Review.~~

~~(a) The Commission shall also adopt specific design guidelines for the district within which the design review process has been designated. Copies of these district guidelines will be on file with the City Recorder and shall be made available at the office of Community Development.~~

~~(Am 1990-24)~~

14.14.170

Notice of Parking and Occupancy Restrictions.

~~(1) Prior to the issuance of a building permit for any multiple residential project over two (2) dwelling units, a contract must be entered into between Provo City and the developer agreeing to a determined occupancy based on a given number of parking spaces. This contract will be recorded with the Utah County Recorder's office and will run with the property. A copy of a recorded deed for the property in question must also be submitted prior to the issuance of a building permit which indicates the maximum allowable occupancy as a deed restriction. Attached to the deed must be a document that separately lists the occupancy according to Provo City Code, the previously mentioned deed restrictions and any other use restrictions pertaining to parking and occupancy such as restrictions of use as noted in condominium covenants. This document must be signed, dated and notarized indicating that the owner acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.~~

~~(2) Prior to the issuance of a Certificate of Occupancy for new Multiple Residential dwelling units a permanent notice must be placed on the electrical box within each unit indicating the maximum allowable occupancy of each unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice must be a six by six inch (6" X 6") metal or plastic plate that is permanently attached to the electrical box with minimum one-half (1/2) inch engraved letters.~~

~~(3) Upon submittal of these documents any violation to the restrictions and regulations noted therein will be considered a misdemeanor offense and will be subject to criminal action as provided in Section 1.03.010, Provo City Code.~~

~~(Enacted 1991-81, Am 1992-30, Am 1998-06)~~

Attachment 5 – Campus High Density Residential Zone Proposed Text (14.14D)

~~Chapter 14.14D~~ ~~CAMPUS HIGH DENSITY RESIDENTIAL ZONE~~

Sections:

- ~~14.14D.010 Purpose and Objectives.~~
- ~~14.14D.020 Permitted Uses.~~
- ~~14.14D.030 Lot Standards.~~
- ~~14.14D.040 Prior Created Lots.~~
- ~~14.14D.050 Yard Requirements.~~
- ~~14.14D.060 Projections into Yards.~~
- ~~14.14D.070 Building Height.~~
- ~~14.14D.080 Project Plan Approval/Design Review/Design Guideline.~~
- ~~14.14D.090 Other Requirements.~~
- ~~14.14D.100 Notice of Parking and Occupancy Restrictions.~~

~~14.14D.010~~

~~Purpose and Objectives.~~

~~The Campus High Density Residential (CHDR) zone is established to provide a high density multiple residential character near Brigham Young University. The densities permitted in this zone are intended to encourage redevelopment of land for residential uses where property values are high and demolition is necessary. The uses typically permitted in this zone are apartments, batching apartments and condominiums.~~

~~(Enacted 2013-03)~~

14.14D.020

Permitted Uses.

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

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

~~(2) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the CHDR zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:~~

- ~~(a) Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and incidental to a principal use or structure;~~
- ~~(b) Swimming pools and incidental accessory structures subject to the standards of Section 14.34.210, Provo City Code;~~
- ~~(c) Vegetable and flower gardens;~~
- ~~(d) Home occupations subject to the regulations of Chapter 14.41, Provo City Code;~~
- ~~(e) Storage of materials used to construct a building, including the contractor's temporary office; provided, that such use is on the building site or immediately adjacent thereto; and~~

~~provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter;~~

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

~~(Enacted 2013-03)~~

14.14D.030

Lot Standards.

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

~~(1) Min. Lot Area:~~

~~(a) Apartments and condominium projects: forty thousand (40,000) sf.~~

~~(2) Maximum housing density: eighty (80) units per gross acre.~~

~~(3) Multifamily residential developments of less than forty thousand (40,000) sf may not exceed forty (40) units per gross acre.~~

~~(4) Min. lot frontage: thirty five (35) ft.~~

~~(5) Min. lot width: fifty (50) ft.~~

~~(a) Corner lots: sixty (60) ft.~~

~~(6) Max. lot coverage: seventy five percent (75%).~~

~~(Enacted 2013-03)~~

14.14D.040

Prior Created Lots.

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

~~(Enacted 2013-03)~~

14.14D.050

Yard Requirements.

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

~~(1) Front yard: ten (10) ft. (maximum).~~

~~(2) Side street yard: ten (10) ft. (maximum).~~

~~(3) Side yard: ten (10) ft.~~

~~(4) Rear yard: twenty (20) ft.~~

~~(5) Distance between buildings on the same parcel: fifteen (15) ft.~~

~~(6) Side Yard Driveway. See Section 14.37.100, Provo City Code.~~

~~(7) The Community Development Director, or designee, may modify the setbacks of this zone subject to finding that all of the following conditions exist:~~

~~(a) The proposed setback is visually compatible with neighboring development and does not cause an undue burden or harm to the adjacent property;~~

~~(b) The proposed setback does not violate an existing or needed utility easement; and~~

~~(c) The proposed setback does not cause a violation of the International Building Code or the Fire Code.~~

~~(8) Accessory Buildings.~~

~~(a) Accessory buildings shall be located in the rear yard and may be located no closer to an interior side or rear lot line than five (5) feet.~~

~~(b) Accessory buildings on corner lots may be no closer to the side street than the principal structure.~~

~~(c) The maximum height for an accessory building is twelve (12) feet, as measured to the midpoint of a sloped roof.~~

~~(Enacted 2013-03)~~

14.14D.060

Projections into Yards.

~~(1) The following structures may be erected on or project into any required yard:~~

~~(a) Fencing (see Section 14.34.500, Provo City Code).~~

~~(b) Landscaping (see Chapter 15.20, Provo City Code).~~

~~(c) Necessary appurtenances for utility service, subject to City approval.~~

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

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

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

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

~~(Enacted 2013-03)~~

14.14D.070

Building Height.

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

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

~~(Enacted 2013-03)~~

14.14D.080

Project Plan Approval/Design Review/Design Guideline.

~~See Sections 15.03.300 and 15.03.310, Chapter 14.04A, and Section 14.34.285, Provo City Code.~~

~~(Enacted 2013-03)~~

14.14D.090

Other Requirements.

~~(1) Signs (see Chapter 14.38, Provo City Code).~~

~~(2) Landscaping (see Chapter 15.20, Provo City Code).~~

~~(3) Trash storage (see Section 14.34.080, Provo City Code).~~

~~(4) Fencing (see Section 14.34.500, Provo City Code).~~

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

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

~~Landscaping within the required setbacks shall not be calculated towards meeting this provision.~~

~~(7) In any new project consisting of twenty (20) or more residential units, the open space must be massed or accumulated to be functional as a recreational amenity or gathering space.~~

~~(Enacted 2013-03)~~

14.14D.100

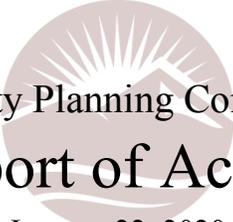
Notice of Parking and Occupancy Restrictions.

~~(1) Prior to the issuance of a building permit for any multiple residential project over two (2) dwelling units, a contract must be entered into between Provo City and the developer agreeing to a determined occupancy based on a given number of parking spaces. This contract shall be recorded with the Utah County Recorder's office and shall be a covenant running with the property. A copy of a recorded deed for the property in question must also be submitted prior to the issuance of a building permit which indicates the maximum allowable occupancy as a deed restriction. Attached to the deed must be a document that separately lists the occupancy according to Provo City Code, the previously mentioned deed restrictions and any other use restrictions pertaining to parking and occupancy such as restrictions of use as noted in condominium covenants. This document must be signed, dated and notarized indicating that the owner acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.~~

~~(2) Prior to the issuance of a certificate of occupancy for new multiple residential dwelling units a permanent notice must be placed on the electrical box within each unit indicating the maximum allowable occupancy of each unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice must be a six (6) by six (6) inch metal or plastic plate that is permanently attached to the electrical box with minimum one-half (1/2) inch engraved letters.~~

~~(3) Upon submittal of the documents required in this section any violation to the restrictions and regulations noted therein will be considered a misdemeanor offense and will be subject to criminal action as provided in Section 1.03.010, Provo City Code.~~

~~(Enacted 2013-03)~~



Provo City Planning Commission

Report of Action

January 22, 2020

*Item 4 The Community and Neighborhoods Department requests an Ordinance Text Amendment to remove the R2.5, R3, R4, R5 and Campus High Density Residential zones from the city code. These zones include sections 14.12, 14.12A, 14.13, 14.14 and 14.14D. Citywide application. Javin Weaver (801) 852-6413 jweaver@provo.org PLOTA21090428

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 22, 2020:

POSITIVE RECOMMENDATION

On a vote of 8:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Laurie Urquiaga

Second By: Maria Winden

Votes in Favor of Motion: Laurie Urquiaga, Maria Winden, Andrew Howard, Dave Anderson, Deborah Jensen, Russ Phillips, Lisa Jensen, and 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.

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:

- Provo City has 71 zones that allow for some type of residential development.
- Staff saw the need to remove the residential zones of R2.5, R3, R4, R5 and Campus Residential High Density from the Provo City Ordinance as they are not zones staff would recommend to be used for new developments. Additionally, when the Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR) zones were adopted in 2011 it was the intent of planning staff to remove the aforementioned zones.
- The aforementioned zones do not require project plans to meet the Residential Design Guidelines (14.34.285). LDR, MDR and HDR zones do require that these guidelines are met and satisfied.
- The removal of these residential zones allows a developer to not bypass the Residential Design Guidelines.
- The residential zones of R5 and CHDR have not been used by any property and the Campus Mixed Use Zone accomplishes what the CHDR zone was designed to do.

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 chairs or public were present.

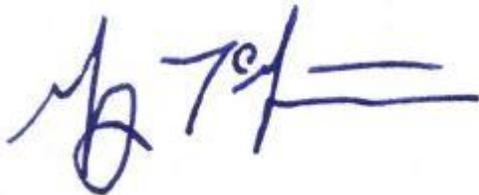
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Laurie Urquiaga, Deborah Jensen, and Andrew Howard spoke in favor of simplifying the zoning ordinance.
- Deborah Jensen thought that this standardizes the zoning ordinance by only having the LDR, MDR, HDR, Campus Mixed Use.



Planning Commission Chair



Director of Community and Neighborhood 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 BEGINS