

Provo City Planning Commission

Report of Action

November 11, 2020

Item 1* The Community and Neighborhood Services Department requests an Ordinance Text Amendment to add the Open Space, Preservation & Recreation (OSPR) zone to the Provo City Code as Chapter 14.33 and to amend Provo City Code Section 15.20.080(2)(c), relating to supplemental landscape requirements and Provo City Code Section 14.38.075, relating to signs permitted within the OSPR zone. Citywide application. Javin Weaver (801) 852-6413 jweaver@provo.org PLOTA20200140

The following action was taken by the Planning Commission on the above described item at its regular meeting of November 11, 2020:

RECOMMOMEND APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council recommend approval of the above noted application.

Motion By: Laurie Urquiaga

Second By: Daniel Gonzales

Votes in Favor of Motion: Dave Anderson, Lisa Jensen, Daniel Gonzales, Laurie Urquiaga, and Brian Henrie

Dave Anderson was present as Chair.

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

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

The text of the proposed zone is attached as Exhibit A, Exhibit B, and Exhibit C

STAFF/APPLICANT PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- The proposed Open Space, Preservation & Recreation (OSPR) zone was collaboratively created with the Parks & Recreation Department and Ombudsman.
- Staff explained the key differences between the proposed OS zone and Public Facilities (PF) (14.17) zone which primarily include the purpose/objectives and permitted uses.
- The proposed OSPR zone furthers the goals and policies of the General Plan to protect parks and wildlife habitats.
- The proposed OSPR zone may be tool that can be used to preserve open space for the social needs, public health, and wellbeing of the of the citizens of Provo.

NEIGHBORHOOD AND PUBLIC COMMENT

- There was no neighborhood chair or public comment.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Lisa Jensen expressed concern of the need of the zone.
- Daniel Gonzales praised additional of the zone and mentioned that this type of zone is not uncommon in municipalities for parks and open space.



Planning Commission Chair



Director of Development Services Department

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

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

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Development Services Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

Chapter 14.33 Open Space, Preservation & Recreation Zone

14.33.010	Purpose and Objectives.
14.33.020	Permitted Uses.
14.33.030	Building Height.
14.33.040	Parking, Loading and Access.
14.33.050	Project Plan Approval.
14.33.060	Other Requirements.

14.33.010. Purpose and Objectives.

The Open Space, Preservation & Recreation (OSPR) zone is to protect public lands for outdoor recreation, education, scenic and visual enjoyment. It will provide for the social and physical needs of the community as they relate to public open space. It is intended that this zone be applied to lands such as parks, trails and environmentally protected lands in order to protect and preserve for future generations to use. The size of the permitted uses can vary from a small urban pocket park to a large regional park. This zone will enhance the identity that Provo City is committed to the health and development of its citizens by providing places to improve their wellbeing through recreation of various forms. It is intended that these lands remain in perpetuity as open space and recreation for the public and that any property taken out of this zone shall be replaced with equal or greater areas for recreational opportunities.

14.33.020. Permitted Uses.

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

- (a) Cemeteries (no crematories);
- (b) City owned community garden;
- (c) Conservation grounds;
- (d) Golf course (East Bay Neighborhood only; existing day of ordinance enactment);
- (e) Parks;
- (f) Recreational fields;
- (g) Recreational uses (camping, hiking, and mountain biking);
- (h) Trails and trailheads; and
- (i) Wetlands.

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

- (a) Communication (subject to the standards in 14.34.250)

(3) Permitted Accessory Uses. Accessory uses and structures are permitted in the OSPR 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 utilities, restrooms, playgrounds, pavilions, clubhouses, seating bleachers, greenhouses, grounds maintenance sheds and similar structures which are customarily used in conjunction with and incidental to a principal use or structure.

14.33.030 Building Height.

- (1) Total Maximum Building Height: 35 feet
- (2) Maximum Number of Building Stories: 2 stories

14.33.040. Parking, Loading and Access.

(1) The Parks and Recreation Director or designee shall determine the number of parking spaces required based on the demand of the permitted use.

14.33.050. Project Plan Approval.

See sections 15.03.300 and 15.03.310.

14.33.060. Other Requirements.

(1) Signs (see Chapter 14.38).

EXHIBIT B

15.20.080(2)(c)

Supplemental Landscaping Requirements by Zone.

(c) Within all PO, PF, PFS, SC1, SC2, SC3, CG, CM, MP, M1, M2, OS, PIC, FC1, FC2, HCF, and TF zones, landscaping shall have a minimum of fifteen (15) trees per acre.

(i) The Airport Director and Development Services Director may jointly approve any modifications to a requirement of this Chapter as applied to City-owned property located on or adjacent to the Provo City Airport.

(ii) The Development Services Director or designee may modify the minimum number of trees per acre required in the OS zone by this subsection on a finding that the existing landscaping satisfies the intent of the supplemental landscaping requirements.

EXHIBIT C

Signs Permitted in Public Facilities (PF) and Open Space, Preservation & Recreation (OSPR) Zones.

The signs described in the following Subsections (1) and (2) of this Section are permitted in the ~~the~~ PF and OSPR zones. The signs described in Subsections (3), (4), (5) and (6) of this Section are permitted pursuant to the conditional use process.

(1) *Nameplates.* Nameplates not exceeding fifty (50) square feet placed upon a building which identify the name and/or address of a structure or complex.

(2) *Sign or Monument.* A sign or a monument identifying points of interest or building complex not exceeding thirty-two (32) square feet placed upon an ornamental masonry wall which identifies the name and/or address of the structure or complex. The freestanding sign shall be five (5) feet or less in height and meet the following requirements:

(a) There may be one (1) such sign for each frontage of the property plus one (1) additional sign for each two hundred (200) foot increment of said frontage in excess of two hundred (200) feet. Said signs shall be placed no closer than one hundred (100) feet apart.

(3) *Wall Signs.* Except as otherwise provided in this Title, every wall sign in ~~the~~ PF or OSPR zones shall comply with the following requirements:

(a) *Area.* See Section 14.38.140, Provo City Code.

(b) *Number.* There shall be one (1) such sign for the front face of each building fronting a public street.

(c) *Height.* No part of any such sign shall extend above the top level of a wall upon or in front of which it is situated.

(d) *Thickness.* All such signs, including any light box or structural part, shall not project more than twelve (12) inches from the front face of the part of the building to which it is attached. No copy is permitted on the sides of any such sign.

(4) *Freestanding Signs over Five (5) Feet in Height.* On-premises freestanding signs over five (5) feet in height shall be allowed only with the issuance of a conditional use permit by the Planning Commission, and subject to the conditions established therein. Said sign shall not exceed a height of twenty-five (25) feet.

(5) *Projection.* No such signs shall project over a property line, nor project into any required front yard.

(6) *Lighted Signs.* Only indirect and diffused lighted signs are permitted in the PF and OSPR zones. Lights that are not an integral part of a sign must be directed away from surrounding properties and oncoming traffic. No flashing or rotating lights are permissible.

(7) *Public Facility Temporary Promotional Signs.* Signs of a temporary nature may be attached to structures within the ~~(PF)~~ and OSPR zones, provided that such signs are securely mounted and are in accord with the public purposes of the entity which is located in the PF and OSPR zones. Such signs shall be removed within forty-eight (48) hours of the conclusion of the event promoted by the sign.

(a) Area: See Section 14.38.140, Provo City Code.

(b) Number: There shall be one (1) such sign for the front face of each building fronting a public street.

(8) Signs erected within the interior of a public facility and located more than five hundred (500) feet from the nearest public road shall be exempt from the provisions of this Section.