

ORDINANCE 2012- 23

SHORT TITLE:

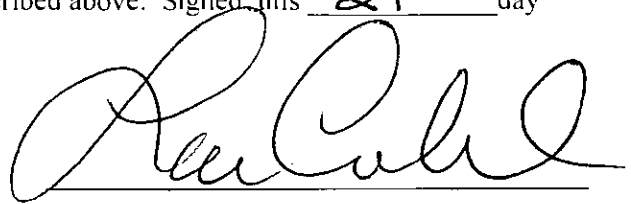
An ordinance enacting Chapter 14.20B FC2 – Freeway Commercial Two Zone.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	LAURA H. CABANILLA			✓			
CW 2	GARY GARRETT					excused	
CD 1	GARY WINTERTON	✓		✓			
CD 2	RICHARD D. HEALEY			✓			
CD 3	HAL MILLER					excused	
CD 4	KAY VAN BUREN			✓			
CD 5	STERLING BECK		✓	✓			
				TOTALS	5	0	2

This ordinance was passed by the Municipal Council of Provo City, on the 21 day
of Aug, 2012 on a roll call vote as described above. Signed this 21 day
of Aug, 2012.

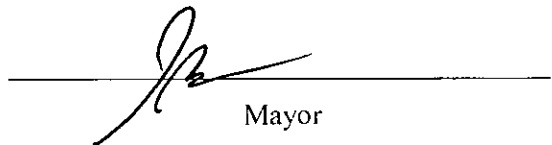


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 22 day of Aug 2012.



Mayor

ORDINANCE 2011-23
III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 4 day of September 2012, with a short summary being published on the 31 day of August 2012, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2012-23.



Signed this 4 day of September 2012.

Jane Heiss
City Recorder

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ORDINANCE 2012-23.

AN ORDINANCE ENACTING CHAPTER 14.20B FC2 – FREEWAY
COMMERCIAL TWO ZONE. *City Wide Impact* (12-0007OA)

WHEREAS, it is proposed that Chapter 14.20B (FC2 - Freeway Commercial Two Zone) be enacted to create a new commercial zone; and

WHEREAS, on June 27, 2012, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended to the Municipal Council the ordinance be amended as proposed; and

WHEREAS, on July 17, 2012, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts and comments are found in the meeting record; and

WHEREAS, on August 21, 2012, the Municipal Council held a duly noticed public hearing to receive public comments and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and

WHEREAS, all persons for and against the proposed ordinance amendment were given an opportunity to be heard; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Planning and Zoning Title of Provo City should be amended on the basis recommended by the Planning Commission and (ii) the ordinance amendment, as set forth below, reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

Chapter 14.20B.FC2 of the Provo City Code is hereby enacted as follows:

Chapter 14.20B. FC2 – Freeway Commercial Two Zone

14.20B.010. Purpose and Objectives.

14.20B.020. Permitted Uses.

14.20B.030. Prior Created Lots.

14.20B.040. Lot Standards.

14.20B.050. Yard Requirements.

14.20B.060. Projections into Yards.

14.20B.070. Building Height.

14.20B.080. Parking, Loading, and Access.

47 14.20B.090. Transitional Development Standards.

48 14.20B.100. Design Standards.

49 14.20B.110. Other Requirements.

50
51 **14.20B.010. Purpose and Objectives.**

52 The Freeway Commercial Two Zone (FC2) is established to provide a transition between
53 the freeway commercial area and the gateway into downtown. The primary use of the land is for
54 commercial and service uses to serve regional population needs, as well as local residents, and
55 should not compete with downtown. Buildings in this area should be attractive, well designed
56 and create an inviting entry to the City. Required yards and areas surrounding buildings shall be
57 attractively landscaped and maintained in harmony with the characteristics of the surrounding
58 residential areas. The uses characteristic of this zone will be a variety of medium to large-scale
59 retail and business uses with satellite shops and facilities serving a wide range of goods and
60 services.

61
62 **14.20B.020. Permitted Uses.**

63 (1) Those uses or categories of uses as listed herein, and no others, are permitted in the
64 FC2 zone.

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

70 (3) All such categories listed herein and all specific uses contained within them in the
71 Standard Land Use Code will be permitted in the FC2 zone, subject to the limitations set forth
72 herein.

73 (4) Permitted Principal Uses. The following principal uses and structures, and no others,
74 are permitted in the FC2 zone.

<u>Use</u>	<u>Use</u>
<u>No.</u>	<u>Classification</u>
<u>1511</u>	<u>Hotels</u>
<u>1512</u>	<u>Motels</u>
<u>4700</u>	<u>Communications (unless identified as a conditional use in Section</u>
<u>14.34.420)</u>	
<u>4811</u>	<u>Electric transmission right-of-way (Identifies areas where the surface is</u>
	<u>devoted exclusively to the right of-way of the activity)</u>
<u>4821</u>	<u>Gas pipeline right-of-way (Identifies areas where the surface is devoted</u>
	<u>exclusively to the right-of-way of the activity)</u>
<u>4824</u>	<u>Gas pressure control stations</u>
<u>4831</u>	<u>Water pipeline right-of-way (Identifies areas where the surface is devoted</u>
	<u>exclusively to the right-of-way of the activity.</u>
<u>4835</u>	<u>Irrigation distribution channels</u>
<u>4836</u>	<u>Water pressure control stations and pumping plants</u>

92	<u>4841</u>	<u>Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)</u>
93		
94	<u>4844</u>	<u>Sewage pumping stations</u>
95	<u>4864</u>	<u>Combination utilities right-of-way (Identifies areas where surface is devoted exclusively to right-of-way activity)</u>
96		
97	<u>4873</u>	<u>Storm drain or right-of-way (Predominantly covered pipes or boxes)</u>
98	<u>4923</u>	<u>Travel Agencies</u>
99	<u>5230</u>	<u>Paint, glass and wallpaper</u>
100	<u>5240</u>	<u>Electrical supplies</u>
101	<u>5251</u>	<u>Hardware</u>
102	<u>5255</u>	<u>Building maintenance</u>
103	<u>5256</u>	<u>Swimming pool supplies</u>
104	<u>5311</u>	<u>Department stores (includes major and junior chain department stores)</u>
105	<u>5312</u>	<u>Discount department stores</u>
106	<u>5330</u>	<u>Variety stores</u>
107	<u>5390</u>	<u>Retail trade - general merchandise</u>
108	<u>5400</u>	<u>Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy, bakeries, etc.)</u>
109		
110	<u>5490</u>	<u>Miscellaneous retail food establishment</u>
111	<u>5511</u>	<u>Motor vehicles, automobiles - new car sales and used car sales which will be permitted only as an accessory use to new car sales</u>
112		
113	<u>5515</u>	<u>Motor vehicles, trucks and buses - new vehicle sales and used vehicles sales permitted only as an accessory use to new truck and bus sales</u>
114		
115	<u>5520</u>	<u>Automobile accessories (except tire recapping and vulcanizing)</u>
116	<u>5530</u>	<u>Gasoline service stations</u>
117	<u>5594</u>	<u>Motorcycles, motor scooter parts, accessories, supplies</u>
118	<u>5600</u>	<u>Apparel and accessories</u>
119	<u>5700</u>	<u>Furniture, home furnishings, and equipment (no combined ware-housing)</u>
120	<u>5810</u>	<u>Eating places (restaurants)</u>
121	<u>5910</u>	<u>Drug and proprietary stores</u>
122	<u>5940</u>	<u>Books, stationery, art and hobby supplies</u>
123	<u>5950</u>	<u>Sporting goods, bicycles, and toys</u>
124	<u>5969</u>	<u>Garden supplies (entirely within a building only)</u>
125	<u>5970</u>	<u>Jewelry</u>
126	<u>5990</u>	<u>Miscellaneous retail stores (includes florists, newspapers and magazines, photo supplies, pet stores, and other similar retail stores, excluding tobacco products)</u>
127		
128		
129	<u>6100</u>	<u>Banks, insurance and real estate (except 6123 Pawnbrokers, 6124 Bail bonds, and 6129 Other credit services)</u>
130		
131	<u>6200</u>	<u>Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6294 Escort services and 6295 Tattooing)</u>
132		
133		
134	<u>6297</u>	<u>Athletic clubs, body building studios, Spas, aerobic centers, (no gymnasiums)</u>
135		
136	<u>6330</u>	<u>Duplicating, mailing, stenographic and office services</u>
137	<u>6360</u>	<u>Employment services</u>

138	<u>6493</u>	<u>Watch, clock, jewelry repair, etc.</u>
139	<u>6496</u>	<u>Locksmiths and key shops</u>
140	<u>6497</u>	<u>Gunsmiths</u>
141	<u>6511</u>	<u>Physicians' offices and services</u>
142	<u>6512</u>	<u>Dental offices and services</u>
143	<u>6520</u>	<u>Legal services</u>
144	<u>6530</u>	<u>Engineering, architectural, and planning services</u>
145	<u>6550</u>	<u>Data processing services</u>
146	<u>6590</u>	<u>Professional services</u>
147	<u>6720</u>	<u>Protective functions and related activities</u>
148	<u>6730</u>	<u>Postal services</u>
149	<u>6815</u>	<u>Day Care Center</u>
150	<u>6833</u>	<u>Beauty Schools</u>
151	<u>6835</u>	<u>Dance studios and schools</u>
152	<u>7111</u>	<u>Libraries</u>
153	<u>7212</u>	<u>Motion Picture Theaters (indoor - subject to the standards of Section</u>
154		<u>14.34.370, Provo City Code)</u>
155	<u>7398</u>	<u>Video Rental Shops</u>
156	<u>7600</u>	<u>Parks</u>

157
158 (5) Permitted Accessory Uses. Accessory uses are permitted in the FC2 zone provided
159 they are incidental to, and do not substantially alter, the character of the permitted principal use
160 or structure. Such permitted accessory uses and structures include, but are not limited to, the
161 following:

162 (a) Accessory buildings such as garages, carports, equipment storage and supply
163 storage buildings which are customarily used in conjunction with and incidental to a
164 principal use or structure permitted in the FC2 zone; and

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

169 (6) Conditional Uses. The following uses and structures are permitted in the FC2 zone
170 only after a Conditional Use Permit has been issued, and subject to the terms and conditions
171 thereof.

172		
173	<u>Use</u>	<u>Use</u>
174	<u>No.</u>	<u>Classification</u>
175		
176	<u>4700</u>	<u>Communications (Subject to Section 14.34.420, Provo City Code)</u>
177	<u>4814</u>	<u>Electricity regulating substations</u>
178	<u>4823</u>	<u>Natural or manufactured gas storage; distribution points</u>
179	<u>4829</u>	<u>Other gas utilities, NEC</u>
180	<u>4834</u>	<u>Water storage as part of a utility system (covered including water storage</u>
181		<u>standpipes)</u>
182	<u>4872</u>	<u>Debris basin (A dam and basin for intercepting debris)</u>
183	<u>4874</u>	<u>Spreading grounds (Area for percolating water into underground</u>

184	<u>5920</u>	<u>Liquor, package</u>
185	<u>5931</u>	<u>Antiques (no outside display)</u>
186	<u>6299</u>	<u>Personal services (wedding chapel and reception centers only)</u>
187	<u>6340</u>	<u>Dwelling and building services (not dwelling units)</u>
188	<u>6394</u>	<u>Equipment rental (indoor only)</u>
189	<u>6397</u>	<u>Vehicle rental (passenger auto-mobiles only)</u>
190	<u>6399</u>	<u>Miscellaneous business services</u>
191	<u>6416-7</u>	<u>Auto washing and polishing</u>
192	<u>6722</u>	<u>Police protection and related activities, branch (office only)</u>
193	<u>6942</u>	<u>Fraternal associations and lodges</u>
194	<u>7392</u>	<u>Miniature golf</u>

195
196 **14.20B.030. Prior Created Lots.**

197 Existing lots or parcels of land that do not meet the minimum lot standards found in
198 Section 14.21A.050 may not obtain a building permit without approval of a conditional use
199 permit. A conditional use permit may only be issued if the proposed project meets the conditions
200 outlined in Section 14.02.040 (2), in addition to the following:

201 (a) The applicant has demonstrated that consolidation of property to meet the
202 minimum lot requirements is not feasible due to surrounding projects, developments, or
203 buildings.

204 (b) Requiring a development that meets the minimum lot requirements would
205 result in a project that would be inconsistent with the characteristics of the surrounding
206 area or with the established pattern of the existing buildings.

207 (c) The applicant has demonstrated that the property can be developed to comply
208 with the purposes and requirements of this title without further need of variances or
209 exceptions.

210
211 **14.20B.040. Lot Standards.**

212 Lots within the FC2 Zone shall be developed according to the following:

213	<u>Minimum Lot Area:</u>	<u>1 Acre</u>
214	<u>Minimum Lot Width:</u>	<u>100 feet</u>
215	<u>Minimum Lot Depth:</u>	<u>100 feet</u>
216	<u>Minimum Lot Frontage:</u>	<u>100 feet</u>
217	<u>Maximum Lot Coverage:</u>	<u>No requirement</u>

218
219 **14.20B.050. Yard Requirements.**

220 Yards shall be provided according to the following:

221	<u>Yard</u>	<u>Minimum</u>
222	<u>(1) Front Yard:</u>	<u>10 feet</u>
223	<u>(2) Side Yard:</u>	<u>0 feet</u>
224	<u>(3) Street Side Yard:</u>	<u>10 feet</u>
225	<u>(4) Driveway Access:</u>	<u>16 feet</u>
226	<u>(5) Rear:</u>	<u>20 feet</u>
227	<u>(6) Clear Vision Area:</u>	<u>See Section 14.34.100 – ClearVision – Corner Lots.</u>

228
229 **14.20B.060. Projections into Yards.**

230 (1) The following structures may be erected on or project into any required yard, except
231 they may not obstruct a required driveway:

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

234 (b) Landscape elements, including trees, shrubs, and other plants; and

235 (c) Necessary appurtenances for utility services.

236 (2) The structures listed below may project into a minimum front or rear yard not more
237 than four (4) feet, and into a minimum side yard not more than two (2) feet, except that they may
238 not obstruct a required building.

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

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

243 (c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or
244 masonry planters not exceeding twenty-four (24) inches in height; and

245 (d) Carports and loading docks in a side yard or rear yard, provided that such a
246 structure is not more than one (1) story in height and is entirely open on at least three (3)
247 sides, except for necessary supporting columns and customary architectural features.

248 249 **14.20B.070. Building Height.**

250 No lot or parcel of land in the FC2 zone shall have a building or structure which exceeds
251 a height of three stories with a maximum of fifty (50) feet. Chimneys, flagpoles, or similar
252 structures not used for human occupancy are excluded in determining height.

253 254 **14.20B.080. Parking, Loading, and Access.**

255 (1) Each lot or parcel in the FC2 zone shall have on the same lot or parcel automobile
256 parking sufficient to meet the requirements as set forth in Chapter 14.37, Provo City Code.

257 (2) All parking spaces shall be paved with asphaltic cement or concrete, and shall be
258 provided with adequate drainage which shall not run across a public sidewalk.

259 (3) Parking spaces shall not be provided within a required front yard or side yard adjacent
260 to a public street.

261 (4) Loading spaces shall be provided as required by the Planning Commission.

262 263 **14.20B.090. Transitional Development Standards.**

264 (1) Buildings or portions of buildings in the FC2 zone located adjacent to properties in
265 any residential zone shall be located twenty (20) feet from the nearest property line of a
266 residentially zoned property.

267 (2) Loading docks shall not be located on the sides of structures which face a residential
268 property.

269 (3) Site design and access shall be oriented to flow traffic away from local secondary
270 streets.

271 (4) All business, commercial, manufacturing, and industrial development which borders a
272 residential zone shall comply with the standards set forth in section 14.34.300, Provo City Code.

273 274 **14.20B.100. Design Standards**

275 (1) Design Standards. The following design standards shall apply to the FC2 zone:

276 (a) The exterior finish material on all buildings shall not consist of vinyl or metal
277 siding (including sheet or corrugated metal), plywood, particle board or other wood products not
278 intended as an architectural finish product, or manufactured stone.

279 (b) Building wall materials shall be combined on each façade horizontally only,
280 with the heavier elements (material or weight) below lighter elements. For example, stone
281 should not be above stucco, or brick should not be below concrete.

282 (c) All windows and doors, with the exception of ground level shop fronts, shall
283 be square or vertical in proportion.

284 (d) Buildings in the FC2 zone are not required to be located along a public street;
285 however buildings that orient the rear of the building towards a public street must treat the rear
286 elevation so it is not immediately recognizable as a building rear. A minimum of fifty percent
287 (50%) of the rear façade must be dedicated to windows, door(s) or other façade treatments that
288 suggest a building front. The door need not be functional as a building entrance.

289
290 **14.20B.110. Other Requirements.**

291 (1) Signs. All signs erected in the FC2 zone shall be in conformance with the commercial
292 sign provisions of Chapter 14.38, Provo City Code. One freestanding sign over five (5) feet in
293 height is permitted per street frontage, subject to Section 14.38.080(2), Provo City Code.

294 (2) Uses within Buildings. All uses established in the FC2 zone shall be conducted
295 entirely within a fully-enclosed building except those uses deemed by the Planning Commission
296 to be customarily and appropriately conducted in the open. Such uses may include, but would not
297 be limited to, service stations, ice skating, miniature golf, etc.

298 (3) Landscaping. See Chapter 15.20, Provo City Code.

299 (4) Trash Storage. See Section 14.34.080, Provo City Code.

300 (5) Walls and Fences.

301 (a) No wall, fence, or opaque hedge or screening material higher than thirty-six
302 (36) inches shall be maintained within a required front yard in an FC2 zone.

303 (b) A decorative masonry wall, at least six feet in height, shall be erected along all
304 property lines which lie adjacent to a residential zone. In the case where there is mutual
305 agreement between the property owners of the commercial zone and the adjacent
306 residential zone, the masonry wall requirement may be modified to allow other suitable
307 materials. A signed agreement must be submitted to the Planning Commission or its
308 designee, indicating this agreement. In the case where there is not mutual agreement, the
309 masonry wall will be required.

310
311 **PART II:**

312
313 A. If a provision of this Ordinance 2012-23 conflicts with a provision of a previously
314 adopted ordinance concerning the same title, chapter, and/or section number amended herein, the
315 provision in this ordinance shall prevail.

316
317 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to
318 be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid,
319 the remainder of the ordinance shall not be affected thereby.

320

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

323

324 D. This ordinance shall take effect immediately after being posted or published as
325 required by law.

326

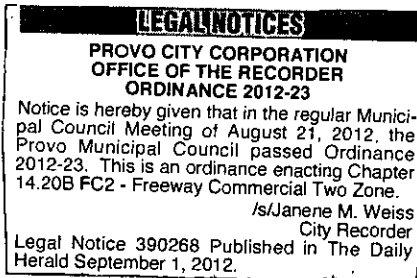
327 END OF ORDINANCE.

PROOF OF PUBLICATION

from

The Daily Herald

STATE OF UTAH } SS.
Utah County }



I, Lisa Llewelyn, being first duly sworn depose and say that I am the Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the notice attached hereto, 390268-ORDINANCE 2012-23, and which is a copy, was published in said newspaper, the first publication having been made on the 1st day of September, 2012, and the last on the 1st day of September, 2012; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

Same was also published online at utahlegals.com, according to Section 45-1-101, Utah Code Annotated beginning on the first date of publication and for 30 days thereafter.

Lisa Llewelyn

Subscribed and sworn before me this 4th day of September, 2012.

Kelsey Palmer

Notary Public

Residence: Orem, Utah

My commission expires 07/13/2015

