

Ordinance 2021-39

SHORT TITLE:

AN ORDINANCE ENACTING THE AIRPORT AND AIRPORT INDUSTRIAL ZONES AND RELATED DEVELOPMENT STANDARDS. CITYWIDE APPLICATION. (PLOTA20210299)

I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL	✓		
CW 2	DAVID SHIPLEY	✓		
CD 1	BILL FILLMORE	✓		
CD 2	GEORGE HANDLEY	✓		
CD 3	SHANNON ELLSWORTH	✓		
CD 4	TRAVIS HOBAN	✓		
CD 5	DAVID HARDING	✓		
TOTALS		7	0	

This ordinance was passed by the Municipal Council of Provo City, on the 16<sup>th</sup> day of November 2021, on a roll call vote as described above. Signed this 24th day of November 2021.

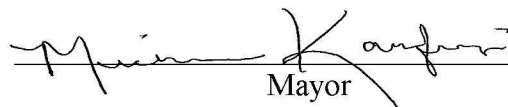


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 1st day of December 2021.



Mayor

Ordinance 2021-39

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 2nd day of December, 2021, and was published on the Utah Public Notice Website on the 17<sup>th</sup> day of November 2021. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2021-39.



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City Recorder



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PART VI:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.
- D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

END OF ORDINANCE.

# Exhibit A

## Chapter 14.17D

### Airport Zones

Sections:

- 14.17D.010 Purpose and Objectives.
- 14.17D.020 Permitted Uses.
- 14.17D.030 Lot Standards.
- 14.17D.040 Yard Requirements.
- 14.17D.050 Projections into Yards.
- 14.17D.060 Building Height.
- 14.17D.070 Parking, Loading and Access.
- 14.17D.080 Design Standards
- 14.17D.090 Project Plan Approval
- 14.17D.100 Prohibited Uses
- 14.17D.110 Other Requirements

**14.17D.010. Purpose and Objectives.**

The purpose of the Airport zone and the Airport Industrial zone is to allow certain land uses that are complimentary to the functions and services provided by a municipal airport. These zones are also intended to avoid conflicts with uses incompatible to airport operations. The airport zones are intended to promote economic opportunity and vitality for the City. For purposes of consolidation, the ordinance for the Airport and Airport Industrial zones have been drafted into one chapter. The purpose of each airport zone is described below:

(1) The Airport (A) zone is established to provide a high-quality development that is airport focused and complementary to the Provo Municipal Airport. This zone is only applicable to the area the City of Provo has designated as the Provo Municipal Airport.

(2) The Airport Industrial (AI) zone is established to provide for a range of uses that are compatible with the Provo Municipal Airport and encourage usage of the airport. The uses allowed in this zone are intended to not impact the surrounding residential areas as the noise, traffic and aesthetics are being taken into consideration. This zone is only applicable to areas surrounding the Provo Municipal Airport.

**14.17D.020. Permitted Uses.**

(1) Permitted Principal Uses. The following principal uses, and no others, are permitted in the Airport zones as indicated in Table 14.17D.1:

Table 14.17D.1 – Permitted Uses in Airport Zones			
Key: P = Permitted, C = Conditional, N = Not Permitted			
Uses	A	AI	Standards/Additional Info
Agriculture and Agriculture related activities	N	P	
Air cargo terminal and package delivery facility	P	P	See Chapter 13.06

Aircraft maintenance facilities and related activities	P	P	
Airport and related activities	P	N	See Title 13 - Aviation; Ramp, hangar and other facilities see Chapter 13.10
Airport rescue and firefighting (ARFF) facilities	P	N	
Airports, flying fields and other air transportation	P	N	
Antenna – communication tower	P	P	Subject to 14.34.090 and 14.34.250; Not exceeding the height limitation of the airport overlay boundary of 14.17D.100
Eating places, restaurants (no drive-through)	P	P	Subject to Section 14.34.250
Federal agencies	P	N	Inside the airport terminal only
Hotels	N	P	
Miscellaneous manufacturing	N	P	
Professional Office	N	P	
Police station (branch only)	P	N	Inside airport terminal only
Professional office related to airport activities	N	P	
Transportation terminal including bus and rail	P	N	
Vehicle parking – offsite	N	P	
Utility right-of-way	P	P	
Vehicle rental facility	P	P	Long term storage shall be provided offsite in the A zone
Vocational training school (related to aviation)	P	P	
Warehouse (products for air cargo)	N	P	

(2) Permitted Accessory Uses. Accessory uses and structures are permitted in the Airport zones; provided they are incidental to and do not substantially alter the character of the permitted principal use or structure.

**14.17D.030. Lot Standards.**

Lots shall be developed according to the following standards as listed in Table 14.17D.2:

	A	AI
Minimum Lot Area	No Requirement	10,000 SF
Minimum Lot Frontage		100 feet
Minimum Lot Width		100 feet
Minimum Lot Width Corner Lot		100 feet
Minimum Lot Depth		100 feet
Max Lot Coverage	No Requirement	

**14.17D.040. Yard Requirements.**

Yard requirements are listed in Table 14.17D.3 (measured from the property line):

Table 14.17D.3 – Yard Requirements				
	A		AI	
	Minimum	Maximum	Minimum	Maximum
Front Yard	No Requirement		10 feet	20 feet
Side Yard, corner lot			10 feet	20 feet
Side Yard, interior			10 feet	No requirement
Rear			20 feet	No requirement
Driveway Access	16 feet	30 feet	12 feet	24 feet

**14.17D.050. Projections into Yards.**

(1) The following structures may be erected on or project into any required yard within the AI zone. The A zone is exempt and is subject to the FAA regulations.

(a) Fences and walls in conformance with the Provo City Code and other City codes and ordinances, except in front yards;

(b) Landscape elements, including trees, shrubs, turf, and other plant materials; and

(c) Necessary appurtenances for utility service, subject to City approval.

(2) The following structures 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: Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.

**14.17D.060. Building Height.**

Building height requirements are listed in Table 14.17D.4. Airport communication towers are exempt from these requirements per Section 14.34.090.

Table 14.17D.4 – Building Height		
	A	AI
Total Maximum Building Height	65 feet	55 feet
Maximum Number of Building Stories	3 Stories	
Minimum First Story Height	12 feet floor to ceiling	
Maximum Main Floor Elevation	30 inches above highest adjacent curb elevation	

**14.17D.070. Parking, Loading, and Access.**

(1) The Airport Director or designee shall determine the number of parking spaces required based on the demand of the permitted use within the A zone.

(2) Parking Lot Lighting (see Chapter 15.21).

(3) Off-Street Parking Standards (see Chapter 14.37).

**14.17D.080. Design Standards.**

(1) All buildings within the AI zone shall follow the standards set forth in Section 14.34.296.

(2) All development within the A zone shall follow the standards set forth in Chapter 13.10.

**14.17D.090. Project Plan Approval.**

See sections 15.03.300 and 15.03.310.

**14.17D.100 Prohibited Uses**

(1) The following uses are prohibited within the AI zone:

(a) Uses that will create an electrical interference with navigational signals or radio communications between flight controllers in the airport and an aircraft;

(b) Uses that would make it difficult for pilots to distinguish airport lights, create glare, create dust, and other conditions that obscure vision;

(c) Uses that would cause a concentration of birds such that a hazard is created for aircraft landing or takeoff;

(d) Overhead transmission lines;

(e) Any use that creates a nuisance due to light, glare, noise, smoke, odor, dust, gas or other obnoxious emissions (excluding fire abatement chemicals); and

(f) The storage, treatment, processing, and manufacture of hazardous materials (excluding aviation fuel) where such activity is not appurtenant to an existing or proposed permitted use.

(2) Use of the A zone for business purposes without obtaining a lease agreement with the Airport Manager is prohibited.

**14.17D.110. Other Requirements.**

(1) Signs

(a) AI zone (see Chapter 14.38).

(b) A zone (see Chapter 13.11).

(2) Landscaping (see Chapter 15.20).

(3) Trash storage (see Section 14.34.080).

(4) Fencing.

(a) No chain-link fencing shall be permitted along the street frontage in the AI zone.

(b) Fencing requirements in the Airport zones shall comply with FAA requirements.



(c) Clear vision area (see 14.34.100).

(d) A decorative masonry wall, at least six (6) feet in height, shall be erected along all property lines which lie adjacent to a residential zone. In the case where there is mutual agreement between adjacent property owners in the AI zone and in the adjacent residential zone, the masonry wall requirement may be modified to allow other suitable materials. A signed agreement must be submitted to the Planning Commission or its designee, indicating this agreement. In the case where there is not mutual agreement, the masonry wall will be required.

(5) Temporary uses are not permitted.

(6) Transitional Development Standards. Where any lot in the AI zone borders a residential zone the standards set forth in Section 14.34.300 shall apply.

(7) For additional standards, provisions, and requirements regarding aviation see Title 13.

(8) Minimum Standards and Requirements for Aeronautical Business within the A zone (see Chapter 13.03).

(9) Applications for Commercial Aeronautical activities within the A zone (see Chapter 13.09).

(10) Any person operating commercial business activity in the A zone shall obtain a lease agreement with the Airport Manager (see Chapter 13.07).

(11) Any development within one (1) mile of the airport shall submit a Notice of Proposed Construction or Alteration Form FAA 7460-1 to the FAA.

# Exhibit B

## Chapter 14.34 SUPPLEMENTARY DEVELOPMENT STANDARDS

Sections:

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**14.34.295**                    **Downtown Development Design Standards.**

**14.34.296**                    **Airport Adjacent Development Design Standards.**

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### **14.34.296**

#### **Airport Adjacent Development Design Standards.**

The following standards shall apply in the AI zone:

(1) Building Orientation: The primary entrance to structures fronting Lakeview Parkway or Center Street shall have their primary entrance face these corridors.

(2) Design: The design elements located in this zone shall incorporate architectural elements located within the downtown area of Center Street between 500 West and 100 East. These elements include masonry wall surfaces, decorative cornices, steel and beam construction, and ground-floor storefronts. Post modern would be an acceptable form of design. Each side of the structure shall have architecture detailing. Blank walls void of architecture details are not permitted.

(3) Materials:

(a) Building wall materials shall be combined on each facade horizontally only, with the heavier elements (material or weight) below lighter elements. For example, stone should not be above stucco, and brick should not be below concrete. No material shall have a horizontal length of greater than sixty (60) feet.

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

(4) Each first floor commercial frontage situated along a primary street shall provide a minimum of forty percent (40%) completely transparent glass and on secondary streets thirty (30%) completely transparent glass.

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

- (6) Doors and windows that operate as sliders are prohibited on street frontages and facades.
- (7) Roofs: Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12 on all elevations facing a public street. This provision should not be construed to prohibit flat roof designs.
- (8) Windows, doors, and glass above the first story shall not exceed fifty (50) percent of the total building wall area, with each facade being calculated independently.
- (9) Mechanical equipment shall have an opaque screening barrier that is architecturally compatible with the primary structure. Only the minimal amount of screening necessary to fully screen such equipment shall be used.

# Exhibit C

## **Chapter 14.38 SIGNS AND OUTDOOR ADVERTISING**

Sections:

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**14.38.076**            **Signs Permitted in Airport Industrial (AI) zone**

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### **14.38.076**

#### **Signs Permitted in the Airport Industrial (AI) Zone.**

Signs permitted in the AI zone shall be regulated by the following provisions:

(1) Wall signs shall comply with the following requirements:

(a) Number. There shall be no more than one (1) such sign for each face of a building which faces onto a public street. In the case of multi-tenant buildings, there may be one (1) such sign for each tenant, or major division of a business which occupies a separate building.

(b) Area. Sign area shall be governed by Section 14.38.140.

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

(d) Projection. Signs shall not project more than eighteen (18) inches from the façade.

(e) Illumination. Signs may be illuminated only by an indirect or internal light source.

(2) Monument Signs:

(a) Number. No more than one (1) such sign per frontage, plus one (1) additional sign for each two hundred (200) foot increment of frontage in excess of two hundred (200) feet. Said signs shall be placed no closer than fifty (50) feet apart.

(b) Area. Sign area shall be governed by Section 14.38.120. In no case shall said sign exceed sixty (60) square feet in size.

(c) Height. The sign shall not exceed five (5) feet in height.

(d) Placement. The sign shall be mounted flush to the ground and not mounted on a pole. Signs may be placed on a berm, but in no case shall such signs exceed five (5) feet in height above the finished grade.

(e) Location. Said signs must be located fifteen (15) feet from the property line in the front yard, and five (5) feet from the property line in side yard corner lots, and shall not be located in the clear vision area as defined by Section 14.34.100.

(f) Materials. Materials shall be compatible with exterior materials used within the structure.

(g) Illumination. Internal illumination is permitted.

## Exhibit D

### **14.34.250**

#### **Standards for Conditional Uses.**

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(11) *Communications (4715 – Low-Power Radio Communication Towers and Antennas).*

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(b) Cellular facilities consisting solely of wall-mounted or roof-mounted antennas shall be allowed as a permitted principal use in the A, AI, A1, PO, PF, SC1, SC2, SC3, CG, DT1, DT2, GW, FC1, FC2, ITOD, CM, CA, MP, M1, M2, PIC, OSPR, R&BP and SSC zones subject to the conditions set forth in Subsections (11)(c), (11)(d), (11)(e) and (11)(g)(i) of this Section. Cellular facilities placed as a stealth fixture antenna or placed on a monopole structure shall be allowed as a conditional use in the same zones subject to the provisions of this Section.

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## Exhibit E

### **15.20.080**

#### **Supplemental Landscaping Requirements by Zone.**

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(c) Within all A, AI, PO, PF, PFS, SC1, SC2, SC3, CG, CM, MP, M1, M2, OSPR, 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.

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