

Ordinance 2022-45

SHORT TITLE:

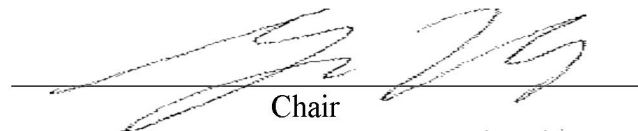
AN ORDINANCE AMENDING PROVO CITY CODE REGARDING THE MIXED-USE (MU) AND NEIGHBORHOOD MIXED-USE (NMU) ZONES. CITYWIDE APPLICATION. (PLOTA20220144 & PLOTA20220224)

I
PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

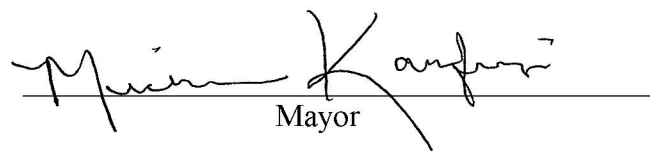
| DISTRICT | NAME | FOR | AGAINST | OTHER |
|----------|-------------------|-----|---------|-------|
| CW 1 | KATRICE MACKAY | ✓ | | |
| CW 2 | DAVID SHIPLEY | ✓ | | |
| CD 1 | BILL FILLMORE | ✓ | | |
| CD 2 | GEORGE HANDLEY | ✓ | | |
| CD 3 | SHANNON ELLSWORTH | ✓ | | |
| CD 4 | TRAVIS HOBAN | ✓ | | |
| CD 5 | RACHEL WHIPPLE | ✓ | | |
| TOTALS | | 7 | 0 | |

This ordinance was passed by the Municipal Council of Provo City, on the 18th day of October 2022, on a roll call vote as described above. Signed this 9th day of November 2022.


Chair

II
APPROVAL BY MAYOR

This ordinance is approved by me this 9th day of November 2022.


Mayor

Ordinance 2022-45

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 30th day of November 2022 and was published on the Utah Public Notice Website on the 19th day of October 2022. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2022-45.



A handwritten signature in cursive script, reading "Heidi Allman".

City Recorder

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ORDINANCE 2022-45

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING THE MIXED-USE (MU) AND NEIGHBORHOOD MIXED-USE (NMU) ZONES. CITYWIDE APPLICATION. (PLOTA20220144 & PLOTA20220224)

WHEREAS, it is proposed that Provo City Code Chapter be amended to update the sign standards for two mixed-use zones and that certain design standards and requirements be amended to reference these zones; and

WHEREAS, on May 25 and July 27, 2022, the Planning Commission held duly noticed public hearings to consider the proposed action, and after such meetings, the Planning Commission recommended approval to the Municipal Council by a vote of 6:0; and

WHEREAS, on June 7, June 21, August 9, and October 18, 2022, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the Planning Commission's recommendation and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code should be amended as described herein and (ii) the proposed action reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

Provo City Code Chapter 14.38 is hereby amended as set forth in Exhibit A.

PART II:

Provo City Code Section 14.34.287 is hereby amended as set forth in Exhibit B.

PART III:

Provo City Code Section 15.20.080 is hereby amended as set forth in Exhibit C.

PART IV:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

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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 14.38
SIGNS AND OUTDOOR ADVERTISING

Sections:

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14.38.070 Signs Permitted – Agricultural (A1) and Residential (R) Zones.

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14.38.010

General Requirements.

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(3) *Electronic Display and Animated Signs.* Except as otherwise provided in this Chapter, all animated signs are prohibited. On-premises electronic display signs are prohibited in all Project Redevelopment Option (PRO) zones, the Special Development Plan (SDP) Overlay zone, the Downtown Historic district, and the A1, RA, RC, R1, R2, VLDR, LDR, MDR, ~~and~~ HDR, MU, and NMU zones, but are permitted elsewhere. Businesses using electronic display signs are subject to the business licensing regulations contained in Chapter 6.06, Provo City Code. On-premises short hold time electronic display signs are prohibited in all zones, except as otherwise provided in Section 14.38.025, Provo City Code.

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14.38.070

Signs Permitted – Agricultural (A1) and Residential (R) Zones.

No sign shall be erected in any agricultural or any residential zones except as provided within the provisions of the respective zoning districts as established in this Title, except that certain special purpose signs may be erected in all zones in compliance with the provisions of Section 14.38.050, Provo City Code.

Exhibit B

14.34.287

Residential and Mixed-Use Design Standards.

(1) *Purpose and Intent.* This Section establishes **residential** design standards that are intended to improve the quality and compatibility of new residential development **and mixed-use development**. These standards address yard design, building location and orientation, driveway and parking design, landscaping design, building form, mass and scale, building materials, and compatible additions. They are intended to provide design standards for project applicants, staff, the Design Review Committee, and the general public.

...

(2) *Applicability.* The design standards set forth in this Section shall apply to all new **residential** buildings and uses located in the Very Low Density Residential (**VLDR**), Low Density Residential (**LDR**), Medium Density Residential (**MDR**), High Density Residential (**HDR**), **and** Campus Mixed-Use (**CMU**), **Neighborhood Mixed-Use (NMU)**, **and Mixed-Use (MU)** zones.

...

(3) *Site Design Standards.*

...

(c) *Building Location.*

(i) New structures shall be sited consistently with the existing front setbacks of adjoining properties to maintain neighborhood compatibility, with the exception of projects that are zoned ~~High Density Residential (HDR)~~ or ~~Campus Mixed-Use (CMU)~~, **and MU** where the zone permits lesser setbacks than the existing housing stock.

...

(4) *Building Facades.*

(a) *Ground Floor Treatment.*

(i) *Commercial Ground Floors in the ~~Campus Mixed-Use CMU, MU, and NMU Zones.~~*

...

(7) *Building Form, Mass and Scale (VLDR, ~~and~~ LDR, and NMU Zones Only).*

...

(8) *Building Form, Mass and Scale (MDR, HDR, ~~and~~ CMU, and MU Zones).*

...

Exhibit C

15.20.080

Supplemental Landscaping Requirements by Zone.

...

(2) Within the following zones, all open areas except driveways, parking areas, walkways, utility areas, decks, patios, porches, etc., shall be landscaped by the following standards:

...

(b) Within all VLDR, LDR, MDR, HDR, **and** CMU, **NMU**, **and MU** zones, landscaping shall meet the following requirements:

(i) Each property shall have a minimum of one (1) tree per two thousand (2,000) square feet of landscape space (parkway and interior parking lot trees shall not be counted towards this requirement).

(ii) Foundation area plantings (including fences) shall have a minimum four (4) foot planting bed, a minimum three (3) foot average plant height, and have minimum fifty percent (50%) coverage at maturity; layered planting is encouraged (additional width may be required to accommodate mature spread of selected plant materials).

...

(3) Within the **MU**, DT1, and DT2 zones any open areas or courts lying between a front or side property line and the front or side of any building or structure located on the property, except those portions devoted to driveways, shall be maintained with suitable landscaping of plants, shrubs, trees, grass, and similar landscaping materials. Landscaping materials shall be in character with and shall complement the landscaping provided in adjacent public rights-of-way.

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