

Ordinance 2023-38

SHORT TITLE:

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING PERFORMANCE DEVELOPMENT OVERLAY ZONES AND OPEN SPACE SUBDIVISIONS. CITYWIDE APPLICATION. (PLOT20230098)

I  
PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

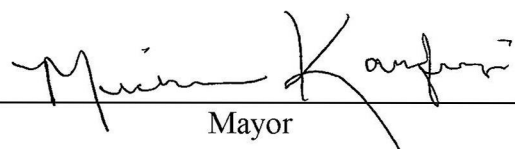
DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	KATRICE MACKAY	✓		
CW 2	DAVID SHIPLEY	✓		
CD 1	BILL FILLMORE	✓		
CD 2	GEORGE HANDLEY	✓		
CD 3	SHANNON ELLSWORTH	✓		
CD 4	TRAVIS HOBAN	✓		
CD 5	RACHEL WHIPPLE	✓		
TOTALS		7	0	

This ordinance was passed by the Municipal Council of Provo City, on the 19<sup>th</sup> day of September 2023, on a roll call vote as described above. Signed this 5th day of October 2023.

  
Chair

II  
APPROVAL BY MAYOR

This ordinance is approved by me this 10th day of October 2023.

  
Mayor

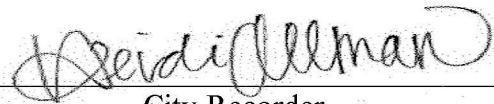
Ordinance 2023-38

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 10th day of October 2023 and was published on the Utah Public Notice Website on the 21<sup>st</sup> day of September 2023. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2023-38.





City Recorder

ORDINANCE 2023-38.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING  
PERFORMANCE DEVELOPMENT OVERLAY ZONES AND OPEN SPACE  
SUBDIVISIONS. CITYWIDE APPLICATION. (PLOT20230098)

WHEREAS, it is proposed that Provo City Code Chapters 14.31 and 15.04 be amended;  
and

WHEREAS, on August 23, 2023, the Planning Commission held a duly noticed public  
hearing to consider the proposed amendment, and after such meeting, the Planning Commission  
recommended approval to the Municipal Council by a vote of 7:0; and

WHEREAS, on September 19, 2023, 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 amendment 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 14.31 is hereby amended as set forth in Exhibit A.

PART II:

Provo City Code Chapter 15.04 is hereby amended as set forth in Exhibit B.

PART III:

- 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 14.31

#### PD - PERFORMANCE DEVELOPMENT OVERLAY ZONE

##### Sections:

14.31.010	Purpose and Objectives.
14.31.020	Definitions.
14.31.030	Use In Combination.
14.31.040	Zones With Which the Planned Development Zone May Be Combined.
14.31.050	Permitted Uses.
14.31.060	Variations to Underlying Zone Permitted.
14.31.070	Density Determination.
14.31.080	Minimum Performance Standards.
14.31.090	Density Bonus.
<del>14.31.100</del>	<del>Density Bonus Calculations.</del>
14.31. <del>110</del> 100	Density Bonus <del>Features</del> <del>Design Requirements.</del>
14.31. <del>130</del> 110	Concept Plan Approval.
14.31. <del>140</del> 120	Final Project Plan Approval.
14.31. <del>150</del> 130	Guarantees and Covenants.
<del>14.31.160</del>	<del>Fees.</del>
14.31. <del>170</del> 140	Appendix.

##### 14.31.010

##### Purpose and Objectives.

(1) The purpose of the Performance Development Overlay Zone is to encourage imaginative and efficient utilization of land, to develop a sense of community, and to insure compatibility with the surrounding neighborhoods and environment. This is accomplished by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces, and the clustering of dwelling units. These provisions are intended to create more attractive and more desirable environments within the residential areas of Provo City.

(2) A Performance Development (PD) is a residential development planned as a whole, single complex. It incorporates a definite development theme which includes the elements of usable open spaces, diversity of lot design or residential use, amenities, a well-planned circulation system, and attractive entrances as part of the design. ~~The incorporation of one (1) or two (2) of these elements~~

~~into a development does not make a PD. The combination of all these elements is necessary for the development of a PD.~~

## **14.31.020**

### **Definitions.**

For the purposes of this Chapter, certain words and phrases have the following meanings:

**“Alley”** means a public or private vehicular street designed to serve as secondary access to the side or rear of properties whose principal frontage is on some other street. See Chapter 15.03, Provo City Code.

**“Base density”** means the maximum number of residential units per developable acre in the PD that could be achieved, without a density bonus, by conventional development of the property in the zone with which the PD is proposed to be applied.

**“Bonus density”** means the maximum number of residential units per developable acre in the PD allowed when the project complies with the bonus density design requirements of this Chapter.

~~**“Collective driveway”** means a driveway, at least twelve (12) feet in width, serving not more than two (2) lots, or two (2) residential dwelling units, or twenty (20) feet in width serving not more than two (2) lots and four (4) single residential dwelling units and not exceeding one hundred twenty (120) feet in length. Except that in hillside areas (See Section 15.08.160(5)(b), Provo City Code) a collective driveway, at least twenty (20) feet in width may extend three hundred fifty (350) feet.~~

**“Developable land”** means land under thirty percent (30%) slopes which is capable of being improved, subject to the provisions Chapter 15.08 of the Provo City Code, with landscaping, recreational facilities, buildings, or parking. Land devoted to street usage (the right-of-way for public streets and the area from back-of-curb to back-of-curb for private streets) shall not be considered developable land, and must be subtracted out of the total acreage before the density calculation is made. (Access aisles in parking lots and driveways shall not be considered private streets for purposes of this Section.)

**“Developed common activity area”** means open green space which is designed to provide activity areas for use by all residents such as playgrounds, recreational courts, picnic pavilions, gazebos, and water features. Common developed activity areas shall be held by all residents in common ownership through a homeowners association or shall be available for use by all residents if the PD will be held in single ownership.

**“Driveway”** means a paved area used for ingress or egress of vehicles, and allowing access from a street to one (1) building, structure, or facility.

**“Gross acreage”** means the total amount of land in a PD development.

“Net acreage” means the total amount of land in a PD development excluding rights-of-way or roads.

“Open green space” means a planned open area suitable for relaxation, recreation or landscaping which may be held in common or private ownership that is unoccupied and unobstructed by buildings and hard surface, such as asphalt or cement, except that such open green spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos, and water features so long as such surfaces do not exceed fifteen percent (15%) of the required open green space.

~~“Parking lot” means an open area, other than a street or alley, used for the parking of more than four (4) automobiles whether for free, or for compensation. Parking spaces shall not be provided within a required front yard or side yard adjacent to the street on a corner lot.~~

“Parking lot aisle” means the traveled way by which cars enter and depart parking spaces. Aisle width standards are set forth in Section 14.37.100, Provo City Code. Parking aisles shall not be considered streets for purposes of this Chapter.

“Periphery” means a one hundred (100) foot depth around the perimeter of the project measured inward from the property line.

#### **14.31.030**

##### **Use In Combination.**

The Performance Development (PD) overlay zone may only be used in combination with existing conventional zones as designated herein, and the provisions of the performance development overlay zone shall become supplementary to the provisions of the zone with which it is combined. The PD zone shall not be applied to a land area as an independent zone. Property to which the PD zone has been applied shall be developed only in conformance with an approved project plan. When used in combination with the designated zones, the Performance Development zone designated (PD) shall become a suffix to the designation of the zone with which it is combined and shall be shown in parentheses. ~~When applied to land area, said combined designation shall be shown on the Zone Map of Provo City as set forth in the following example:~~

~~Example: If the Performance Development (PD) zone were being combined with the Residential zone (R1), it would be designated on the Zone Map of Provo City as “R1(PD).”~~

#### **14.31.040**

##### **Zones With Which the Planned Development Zone May Be Combined.**

The Performance Development overlay (PD) zone may be combined with the following zones: A1, RA, R1, and R2 zones.



148 **14.31.050**

149 **Permitted Uses.**

150 Uses permitted in the Planned Development overlay (PD) zone shall be limited to those listed as  
151 permitted uses by the provisions of the underlying zone with which the PD zone has been combined,  
152 except as follows:

153 (1) In one and two-family zones, dwelling units may be clustered in common-wall construction with  
154 a maximum of ~~eight (8)~~six (6) consecutively attached units. Such units may have no more than two  
155 (2) walls in common, with no units above other units.

156 (2) Accessory uses to the PD which are located in a common main building may be permitted.  
157 Accessory uses shall include recreational facilities and structures, day care centers, personal  
158 services, and RV parking, when approved as part of the final development plan.

159 ~~(3) When combined with an R5 zone only, the following service and commercial uses may be~~  
160 ~~allowed in conjunction with an apartment development provided said uses are located on the ground~~  
161 ~~floor only, meet all of the off-street parking requirements of Chapter 14.37, Provo City Code and are~~  
162 ~~approved in accordance with all of the standards and procedures of this Chapter.~~

Use No.	Use Classification
<del>4811</del>	<del>Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of- way of the activity)</del>
<del>4821</del>	<del>Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)</del>
<del>4824</del>	<del>Gas pressure control stations</del>
<del>4831</del>	<del>Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)</del>

Use No.	Use Classification
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)
5410	Groceries (convenience market, less than-five-thousand-(5,000)-square feet)
5814	Cafeterias, lunch counters, snack bars, etc., (non-auto-oriented)
5912	Prescription-pharmacy
5941- 42	Books, magazines, stationery
6111	Bank-branch-(non-auto-oriented)
6216	Self-service-laundry

Use No.	Use Classification
6230	Beauty and barber services
6252	Laundry and dry cleaning (pick-up station only)
6339	Stenographic services
6500	Professional Services (except 6515)
6910	Religious activities

## 14.31.060

### Variations to Underlying Zone Permitted.

Upon combining the PD zone with an appropriate existing zone, variations from the development standards of said underlying zone may be permitted provided the variations are specifically adopted as part of the approved project plan or approved supporting documents. Variations, however, shall not include changes in the permitted uses allowed by the zone with which the PD zone has been combined, ~~except to the extent set forth herein.~~

~~(1) *Base Density.* The maximum number of residential units allowed per developable acre in a PD which meets only the minimum development requirements of this Chapter shall be calculated using the Lot Area Per Dwelling Requirement of the underlying zone:~~

#### ~~ZONE LOT AREA/DWELLING~~

~~RA 1 unit per 21,780 square feet~~

~~R1.20 1 unit per 20,000 square feet~~

~~R1.15 1 unit per 15,000 square feet~~

~~R1.10 1 unit per 10,000 square feet~~

~~R1.9 1 unit per 9,000 square feet~~

~~R1.8 1 unit per 8,000 square feet~~

~~R1.7 1 unit per 7,000 square feet~~

~~R1.6 1 unit per 6,000 square feet~~

~~R2 2 units per 8,000 square feet~~

~~(2) Notwithstanding the foregoing provision, in no event shall the maximum number of residential units exceed the number of units per developable acre in the PD that could be achieved, without a density bonus, by conventional development of the property in the zone with which the PD is proposed to be applied. Such maximum number of residential units shall be reasonably determined by the Planning Commission using development criteria and ordinance requirements applicable to the zone with which the PD is proposed to be combined.~~

~~(3) In the event an approved project plan is proposed to be amended and a density increase is requested, the Planning Commission may, subject to the requirements of this Chapter, approve such density increase; provided, however, that any density increase shall not exceed by more than ten percent (10%) the density shown on the originally approved project plan.~~

#### **14.31.070**

##### **Density Determination.**

Density in a PD shall be determined by using the “developable land” of the entire proposed development. Developable land is land under thirty percent (30%) slope which is capable of being improved with landscaping, recreational facilities, buildings, or parking. Land devoted to street usage in PD subdivisions shall not be considered developable acreage and must be subtracted out of the total acreage used to determine density. Refer to Figure 14.31.070 at the end of this Chapter.

#### **14.31.080**

##### **Minimum Performance Standards.**

A performance development established under the provisions of this Chapter shall conform to the standards and requirements of this Section. Project plans shall be approved or denied on the basis of performance measured against development standards adopted in accordance with this Chapter. ~~and on the findings made by the Planning Commission as required by Section 14.31.120(2).~~

(1) *General Standards.*



(a) *Single Ownership or Control.* The area proposed for a performance development shall be in one (1) ownership or control during development to provide for full supervision and control of said development, and to insure conformance with these provisions and all conditions imposed upon the preliminary and final development plans. Mere development agreements between individuals shall not satisfy this requirement. Individual ownership, partnerships, corporations, and other legally recognized entities are acceptable.

(b) *Scope of Plan.* A plan for the development of a performance development shall cover the entire area proposed for development. Upon approval the development shall be strictly in accordance with the plan. Areas not proposed for development shall be designated as open space and shall conform to minimum landscaping requirements of this Chapter.

(c) *Design Team.* The final development plans shall be prepared by a design team composed of an architect, a landscape architect, and an engineer or land surveyor, all licensed to practice in the State of Utah.

(d) *Minimum Area.* The minimum land area for a performance development shall be as follows:

A1 zone	5 acres
RA zone	5 acres
R1 zone	2 acres <del>(Exception: No minimum shall be required in the Neighborhood Conservation Area [as defined in Section 14.10.090] if one-family detached residential units are proposed.)</del>
R2 zone	2 acres <del>(Exception: No minimum shall be required in the Neighborhood Conservation Area [as defined in Section 14.10.090] if one-family detached residential units are proposed.)</del>

(e) *Hazardous Conditions.* If located in “sensitive lands,” “high water table,” and/or “floodplain,” the project must comply with all provisions of the Sensitive Lands, Critical Hillside, and/or Floodplain sections of the Provo City Code.

(f) *Setbacks.* Garages with entrances facing directly on private or public streets, whether in a front or side yard, shall be set back at least twenty (20) feet from the property line, or shall be located within five (5) feet of said property line. ~~The minimum setback for all buildings (excluding fences) and parking in the periphery of the development shall be the front setback of the zone at those locations where development abuts a street and a minimum twenty (20) foot setback at those locations where development abuts other parcels of land outside the project. Departures from these setbacks must be justified by unique and unusual circumstances related to the site, or for reasons of improved design.~~

~~(i) Notwithstanding the above provision, if the development has subdivided one-family lots which abut other parcels of land, the specific zone regulations shall apply for rear and side yard setbacks on the subdivided lots. The required setback area shall be landscaped.~~

~~(ii) Structures shall be placed in such a way as not to impair lines of sight for pedestrian or vehicular traffic. Placement shall be in accordance with the provisions of Section 14.34.100, Provo City Code, Clear Vision Area—Corner Lots.~~

~~(iii) Garages with entrances facing directly on private or public streets, whether in a front or side yard, shall be set back at least twenty (20) feet from the property line, or shall be located within five (5) feet of said property line.~~

~~(iv) A minimum ten (10) foot landscaped setback shall be maintained from all interior roadways.~~

~~(v) Minimum distance between main buildings in the development shall be fifteen (15) feet for single story buildings, twenty (20) feet for two story buildings, and twenty five (25) feet for three or more stories. Refer to Figure 14.31.080(a) at the end of this Chapter.~~

(g) *Fence Height.* If fencing is proposed adjacent to a public or private street, the maximum fence height shall be three (3) feet for fences located in the required front yard and side yard setback facing a street as determined in the underlying zone. Fence heights located outside of these setbacks shall be limited to a maximum height of six (6) feet. The Planning Commission may vary the height or location if it determines the proposed fence design, materials, and location will not create a safety hazard due to obstructed vision of approaching vehicles or pedestrians and will:

(i) Not isolate surrounding neighborhoods;

(ii) Be consistent with the theme of the development; and

(iii) Be compatible with the neighborhood.

If fencing isolates property between the fence and the public street, the development shall provide means to ensure continued maintenance of this area. Refer to Figure 14.31.080(b) at the end of this Chapter.

(h) *Natural Features.* Developments shall be designed to preserve and incorporate the natural features of the land into the development. Natural features include drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.

(i) *Utilities.* All utilities shall be placed underground, including telephone, electrical, and television cables. Dwelling units under separate ownership shall have separate utility metering, unless otherwise approved by the Energy and Water Departments.

(j) *Phasing.* If the project is to be done in phases, no remnant parcels shall be created. Any land not proposed for development shall be designated as open space.

(k) *Air Quality.* The use of coal or wood burning furnaces, fireplaces or other heating devices which burn coal are prohibited unless especially equipped with devices proven to minimize air pollution.

(l) *Water Conservation.* Low volume irrigation systems with automatic controllers shall be used. Such an irrigation system includes, but is not limited to, low volume sprinkler heads, drip emitters, and bubbler emitters. A minimum of PVC schedule 40 or equivalent shall be used for main lines and under driveway areas, and a minimum of PVC schedule 200 or equivalent shall be used for lateral lines.

## (2) *Compatibility Standards.*

~~(a) *Neighborhood Compatibility.* The processes set forth in the Administrative Guidelines in Section 14.31.170(A), Identifying Impacts on Compatibility, shall be followed. All issues concerning the compatibility of the project with adjacent property and the neighborhood generally shall be resolved or mitigated.~~

~~(b)~~(a) *Land Use Conflicts.* Land use conflicts that may exist between the proposed performance development and surrounding land uses shall be examined as provided in Section 14.31. ~~140~~170(B), *Guidelines Pertaining to Land Use Conflicts.*

~~(c)~~(b) *Curb appeal.* The front of the units developed on the periphery of the project shall front onto the public streets. When units abut two (2) parallel streets, the fronts of the units shall face the public street bordering the PD. Units which are on corners may front either street. The Planning Commission may waive this provision due to unusual topographic features or unusual conditions provided such waiver does not negatively impact the continuity of the existing street scape.



~~(d)~~(c) *Height.* The maximum height of buildings within the performance development shall be the same as that permitted in the underlying zone with which the PD Zone is combined. Height requirements of the adjacent zone (if more restrictive) shall apply on the periphery of the project.

~~(e) *Building Materials.* The type of exterior building material and ratio of surface coverage for the proposed facade for other than one-family dwelling units shall be similar in material and ratio of coverage to fifty-one percent (51%) of the existing residential structures adjacent to the development. (e.g. The majority of the existing buildings have the lower one-third (1/3) of the facade in brick on the front and the rest is siding, the new development shall have as a minimum one-third (1/3) of the front in brick and the rest in siding.) This provision shall not limit the use of brick in place of other material.~~

~~(f) *Size of Dwellings and Dwelling Structures.* One and two-family dwellings in the PD zone shall meet the minimum floor area requirements of the respective underlying zone, as listed in Section 14.34.310, Provo City Code. In Very Low and Low Density neighborhoods, as designated by the Provo City General Plan, no more than four (4) dwelling units shall be combined in a single multiple family or apartment dwelling structure.~~

~~(g)~~(d) *Garages.* ~~In R1 and R2 zones,~~ Required off-street parking (excluding visitor and RV parking) shall be provided as required in the underlying zone and in enclosed garages or carports that are architecturally compatible with the main structures as set forth in Section 14.34.310, Provo City Code. Carports may only be approved in those cases where the applicant demonstrates, to the satisfaction of the Commission, that carports are used predominantly in the surrounding neighborhood, and that the proposed development would still provide a more pleasant and attractive living environment than would be obtained under the conventional residential subdivision standards. When garages are provided for parking purposes within any zone, the size of garage shall be consistent with the requirements set forth in Section 14.37.100, Provo City Code.

~~(h)~~(e) *Refuse Bins.* Refuse bins shall be stored in screened enclosures which are architecturally compatible in style and materials with the character of the development. Bins shall be located so they are not visible from outside circulation routes, and so they do not restrict vehicular movement or parking.

~~(i) *Screened Parking.* Parking lots of six (6) or more spaces shall be effectively screened from public streets and adjacent property ownerships.~~

~~(j)~~(f) *Glare Reduction.* Exterior lighting shall be designed such that the light source will be sufficiently obscured to prevent excessive glare into any residential area.

(3) *Design Theme.*

(a) *Entry Statement.* Entrance designs to the development are required. The minimum entrance design to the development shall consist of a monument sign naming the development surrounded by a variety of ground cover, shrubs, and trees.

(b) *Visual Relief.* Attached dwelling units shall have visual relief in facade and roof line which adds variety and rhythm to the design and avoids monotonous straight lines. Refer to Figure 14.31.080(c) at the end of this Chapter.

(c) *Unified Design.* Unifying architectural and landscaping design elements shall be carried throughout the project. Therefore, detailed landscaping plans shall be submitted, along with building elevation views and floor plans. In the case of PD subdivisions, design guidelines or covenants may be substituted for building plans and individual lot landscaping plans.

(4) *Open Space.* At least ten percent (10%) of the total gross acreage in a PD must be devoted to open green space as defined in Provo City Code Section 14.31.020. Such space must be consolidated and may not count required yards and building setbacks.

~~(a) *Minimum Open Green Space.* Minimum percentages of Open Green Space (OGS) for each zone are given in the following table, assuming no density bonus is granted:~~

Zone	OGS
<del>A1.1</del>	<del>.80</del>
<del>RA</del>	<del>.80</del>
<del>R1</del>	<del>.60</del>
<del>R2</del>	<del>.40</del>

(a) Each phase of development shall provide its proportionate required open green space needed for that phase.

(b) *Hardscape.* Such open green spaces may include walkways, patios, recreational activity areas, picnic pavilions, gazebos, and water features so long as such surfaces do not exceed fifteen percent (15%) of the required open green space.

(c) *Common Activity Areas.* At a minimum, open green space shall include either a playground with play equipment or pathways with benches and tables through a natural or planted landscaped area.

(i) Subdivided, one-family lots shall provide developed common activity area at a ratio of one thousand (1,000) square feet per lot.



(d) *Saving Existing Trees.* Developments shall be designed to incorporate existing large trees, clusters of trees or clusters of large shrubs. The Planning Commission, or a designated subcommittee, shall review the appropriateness of removal of portions of these types of vegetation if proposed in the development plan. The Commission may approve removal of some or all vegetation based on a determination of the benefits of the existing plant material and the efforts made to save and incorporate the existing plant material into the design of the project versus the problems the plant materials may create for the project in terms of general construction techniques, impact removal will have to the character of the area, the topography of the site, and harmful conditions the vegetation may create.

(i) As one of the purposes of a PD is to protect natural features, the Planning Commission may deny approval of a PD if it is determined there has been removal of trees or shrubs prior to submittal.

(e) *Landscaping Per Unit.* A minimum of three (3), one and one-half (1 1/2) inch caliper deciduous trees or four (4) foot tall evergreen trees, and four (4) shrubs shall be planted for each lot in a PD subdivision, as well as building foundation planting of appropriate shrubs, flowers, or ground covers. Landscaping in the park strip in the street right-of-way shall have a unified design theme in PD subdivisions. Multiple family PD's shall provide a minimum of one (1) deciduous or evergreen tree per two (2) units, and two (2) shrubs per unit. The intent is to have a variety of plant materials to give color and texture; to direct traffic; to frame views; and to screen undesirable views.

(i) The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees should be used as wind breaks, screening, and accent plantings.

(f) *Water Conservation.* The majority of new plant material used for landscaping the development should be water conserving plants. The landscaping design shall locate plant materials in similar water usage demand zones to ~~insure~~ensure proper irrigation coverage and reduce wasteful irrigation coverage and reduce wasteful watering.

(i) The use of turf grass shall be limited to areas of high foot traffic, play areas, and other appropriate areas as determined by the Planning Commission. All other areas which are normally planted with lawn, shall be planted with ground covers, shrubs, or trees.

(ii) Drip irrigation systems shall be designed and installed to irrigate all shrub and tree areas as needed.

(5) *Streets.* The type and arrangement of roadways peripheral to and abutting any development shall be in compliance with the Master Street Plan, the Official Map, and any Local Policy Street Maps for the area of the development. Projects which are located on or next to a collector or arterial street shall be designed and developed so the public street continues through the project in a logical,

safe design. Projects which are located at the end of stubbed local public streets may be required to extend the street through the development based on the proposed circulation needs of the area as determined by the Planning Commission. The Planning Commission, upon recommendation of the Planning and Engineering Staff, shall determine if the street should be extended as a through street or as a cul-de-sac during the concept or preliminary approval.

(a) *Public Streets.* All dedicated public streets shall be constructed to City standards including width, as outlined in Section 15.03.040~~200~~, Provo City Code.

(b) *Private Streets.* All streets shall be constructed to City standards including width, as set forth in ~~Section 15.03.040, and~~ Section 15.03.200, Provo City Code. The standards for local residential streets are identical for public and private streets. Refer to Figure 15.03.200 in Title 15.

## 14.31.090

### Density Bonus.

PD Developments are eligible for a density bonus based on additional amenities provided per Provo City Code Section 14.31.100. Each amenity is assigned a standard percentage increase in dwelling units above the underlying zone density limit. The total density bonus for a project shall not exceed forty percent (40%) above the underlying zone density limit.

~~Density in excess of the base density for the underlying zone may be considered for projects which comply with the bonus density design requirements. The amount of density bonus shall be determined by the type of Bonus Density Design Requirements incorporated in the development proposal. In no case shall the density bonus exceed the maximum density allowed for the zone in which the development occurs according to the following chart:~~

Zone	Base Density	Max Density
RA	2.17 Units/NDA	3.04 Units/NDA*
R1.20	2.17 Units/NDA	3.04 Units/NDA
R1.15	2.90 Units/NDA	4.06 Units/NDA
R1.10	4.35 Units/NDA	6.09 Units/NDA
R1.9	4.84 Units/NDA	6.77 Units/NDA



R1.8 5.44 Units/NDA 7.62 Units/NDA

R1.7 6.22 Units/NDA 8.71 Units/NDA

R1.6 7.26 Units/NDA 10.16 Units/NDA

396 \* Net Developable Acre

397 **14.31.100**

398 **Density Bonus Calculations.**

399 For applicants requesting a density greater than the base density, the Planning Commission shall  
400 determine whether the applicant has complied with the necessary design components as provided in  
401 Section 14.31.110 of this Chapter and shall assign density points as applicable. The additional units  
402 per acre allowed above the base density for the PD shall be determined by multiplying the total  
403 number of density bonus points by the density coefficient of the underlying zone. This figure is the  
404 additional number of units per acre allowed above the base density. This number when added to the  
405 base density will determine the total density per acre for the project; provided that the number shall  
406 not exceed the maximum density allowed in the zone. (Example: The project is in an R2 zone and  
407 the design is awarded 75 bonus points.  $75 \times .0435 = 3.26$  additional units per acre.  $3.26 + 10.89$   
408 (base density) = 14.15 maximum units per acre for the development.) The density coefficient for  
409 each underlying zone and the total amount of points needed for the maximum density are listed  
410 below:

Zone	Density Coefficient	Maximum Density Points
RA	.0087	100
R1.20	.0087	100
R1.15	.0116	100
R1.10	.0174	100
R1.9	.0193	100
R1.8	.0218	100

R1.7	.0249	100
R1.6	.0290	100
R2	.0435	100

#### 14.31.100110

#### Density Bonus Features. Design Requirements.

(1) *Building Variety*. Any development providing four (4) or more types of housing models defined by different floor plans, exterior materials, or roof lines are eligible for a ten percent (10%) increase in density.

(2) *Affordable Housing*. Any PD which provides deed-restricted affordable housing defined by 80% AMI (Average Median Income) may be eligible for a density bonus. The percentage of density bonus given for affordable housing shall be equal to the percentage of affordable housing units provided, up to forty percent (40%) above the underlying zone base density.

~~If greater density is requested above the base density, a PD development shall comply with one (1) or more of the following bonus density design requirements depending upon the desired density increase. The Planning Commission shall review and determine if the proposed design complies with the intent of the design requirement before the points are granted. The density bonus points for each individual design component are in parentheses at the end of each requirement. In order to receive the maximum density allowed in the zone, the development shall have received bonus density points from at least one design component in each of the following categories: energy efficiency, building design, design theme, landscaping, and open green space. A design component cannot be used to obtain points in more than one category. The density bonus design requirements are as follows:~~

#### ~~(1) Energy Efficiency.~~

~~(a) Insulation. All dwellings and main buildings shall have R-19 wall insulation and R-38 ceiling insulation. (Up to 10 points.)~~

~~(b) Solar Design. All dwellings are designed with an active or passive solar feature. The solar feature shall be a solar water heater, trombe wall, earth insulation of a majority of the walls, the building designed so that the main exposure faces south and has windows to allow solar access, or other features as approved by the Planning Commission. (Single feature per unit throughout the entire project, up to 20 points. Combination features per unit throughout the entire project, up to 30 points.)~~



~~(2) Building Design.~~

~~(a) Materials. All facades of each dwelling structure, exclusive of windows or doors, have a minimum coverage of eighty percent (80%) of the exterior surface in either brick or stone. (Up to 20 points.)~~

~~(b) Attached Garage. Required parking for each unit is provided for by an attached garage. (Up to 25 points.)~~

~~(c) Carports. All required parking for each unit is covered by carports. (Up to 10 points.)~~

~~(d) Roof Materials. All roofs of main buildings are clad with wood shake, tile, or slate shingles. (Up to 15 points.)~~

~~(3) Design Theme.~~

~~(a) Installed Landscaping. Landscaping is designed and installed along all streets of the development according to a theme which provides unity and interest. (Up to 20 points.)~~

~~(b) Theme Lighting. Theme lighting is used throughout the development for street lighting, lighting of walkways, parking areas, entrances, and building exteriors. (Up to 15 points.)~~

~~(c) Fencing. Perimeter fencing is used throughout the project that matches the building design, i.e., masonry columns or piers using the same brick or stone as the buildings. (Up to 15 points.)~~

~~(d) Special Features. Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong theme for the development and are utilized in highly visible locations in the development. (Up to 20 points.)~~

~~(4) Parking Areas.~~

~~(a) Screening. Parking lots of twenty (20) or more stalls are screened from view by means of berming or landscaping around the perimeter of the parking lot. (Up to 20 points.)~~

~~(b) Landscaped Islands. Parking lots of twenty (20) or more stalls or a continuous row of parking over ninety (90) feet in length has a landscaped island(s) which provides landscaping at a ratio of one (1) square foot of landscaping per thirteen (13) square feet of hard surface. (Up to 15 points.) Refer to Figure 14.31.100 at the end of this Chapter.~~

~~(c) Shade Trees. Areas with five (5) or more uncovered parking stalls are designed to include minimum two (2) inch-caliper trees located in such a manner as to shade fifty percent (50%) of the parking area upon maturation of the trees. (Up to 15 points.)~~

~~(5) Recreational Amenities.~~

~~(a) *Active Recreation.* The PD includes a recreational amenity primarily for the use of the residents of the development. Amenities may include swimming pools, sports courts, spas, barbecue and picnic facilities, or other features as approved by the Planning Commission. The Planning Commission may determine the points based on the cost of the amenity, its benefit to the residents of the development, its size and the number of amenities in the development. (Between 5 to 35 points.)~~

~~(b) *Common Building Facilities.* Development of a common building which shall be used for meetings, indoor recreation, day care, or other common uses as approved by the Planning Commission. RV parking facilities may also be considered with this design feature. (Up to 20 points.)~~

~~(c) *Park Dedication.* Dedication of land for public park, public access along a stream, or public access along a planned trail. The City must be willing to accept the proposed dedication before points are awarded. (Public access up to 15 points. Public park up to 40 points.)~~

~~(d) *Construction of Trail or Park.* Construction according to City standards of trail or park which has been dedicated to the City according to item number (c) above. (Trail 15 points, public park 40 points.)~~

~~(6) *Landscaping.*~~

~~(a) *Extra Trees.* Design and planting more than the minimum number of trees, shrubs, and perennials per dwelling unit in the development. (Up to 20 points.)~~

~~(b) *Soften Fence Appearance.* Areas which are to be screened use a solid non-see-through wood or masonry fence and landscaping which acts to soften the appearance of the fence. Landscaping may be vines, shrubs, or trees. (Up to 15 points.)~~

~~(7) *Open Green Space.*~~

~~(a) *Designed Plan.* Open green space is designed (not left over space between buildings) and flows uninterrupted through the entire development linking dwellings and recreation amenities. (Up to 25 points.)~~

~~(b) *Multiple Use.* Storm water detention facilities are designed and used for multiple purposes which blend with the overall theme of the open space design i.e., shape of the area is free flowing, the grading and landscaping are carried out in such a manner that the use as a detention pond is not discernible. (Up to 20 points.)~~

~~(8) *Public Streets.* All streets within the development are dedicated public streets, or at least built to public street standards. (Up to 25 points.)~~



501 **14.31.130110**

502 **Concept Plan Approval.**

503 Concurrent with any request to rezone property to the Performance Development Overlay Zone, and  
504 prior to final plan approval, a concept plan which meets the requirements of Section 15.03.300,  
505 Provo City Code, shall be submitted to the Provo City Planning Commission.

506 **14.31.140120**

507 **Final Project Plan Approval.**

508 Prior to the construction of any building or structure in the PD zone, a final project plan shall be  
509 submitted and approved that meets the requirements of Section 15.03.310, Provo City Code. Said  
510 plan may be submitted in units or phases, provided each such phase can exist as a separate entity  
511 capable of independently meeting all of the requirements and standards of this Chapter and of the  
512 underlying zone with which the PD zone has been combined. The separate development of said  
513 phases shall not be detrimental to the performance development nor to the adjacent properties in the  
514 event that the remainder of the project is not completed.

515 **14.31.150130**

516 **Guarantees and Covenants.**

517 (1) Adequate guarantees shall be provided for permanent retention and maintenance of all open  
518 space areas created within a performance development. The Chief Building ~~Inspector~~Official shall  
519 not issue a ~~final inspection clearance~~Certificate of Occupancy until all required guarantees have  
520 been submitted to and approved by the Planning Commission. Said open space guarantees may  
521 include the following:

522 (a) The City may require the developer to furnish and record protective covenants which will  
523 guarantee the retention of the open land area, or the City may require the creation of a  
524 corporation granting beneficial rights to the open space to all owners or occupants of land within  
525 the development.

526 (b) The developer shall be required to develop and provide for the maintenance of all open  
527 space, unless part of or all of it is contiguous to and is made a part of an existing park, and the  
528 City Parks and Recreation Department accepts dedication and approves the annexation of the  
529 property to said park.

530 (c) In the case of private reservation, the open space to be reserved shall be protected against  
531 building development by conveying to the City as part of the condition of project approval, an

open space easement over such open areas, restricting the area against any future building or use, except as approved on the project plan.

(d) The care and maintenance of the area within such open space reservation shall be insured by the developer by establishing a private association or corporation responsible for such maintenance which shall levy the cost thereof as an assessment on the property owners within the performance development. Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the City and made a part of the conditions of the final plan approval.

(e) Maintenance of open space reservations shall be managed by person, partnership, or corporate entity in which there is adequate expertise and experience in property management to assure that said maintenance is accomplished efficiently and at a high standard of quality.

(f) Minor changes in the location, siting, and height of buildings and structures may be authorized by ~~the Planning Commission~~ staff without additional public hearings if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this Subsection may cause any of the following:

(i) A change in the use or character of the development;

(ii) An increase in overall coverage of structures;

(iii) An increase in the intensity of use;

(iv) An increase in the problems of traffic circulation and public utilities;

(v) A reduction in approved open space;

(vi) A reduction of off-street parking and loading space;

(vii) A reduction in required pavement widths.

(g) All other changes in use, or rearrangement of lots, blocks, and building tracts, or any changes in the provision of common open spaces and changes other than listed above, must be made by the Municipal Council after report of the planning staff and recommendation by the Planning Commission.

(2) In order to insure that the performance development will be constructed to completion in an acceptable manner, the applicant (owner) shall post a performance bond in compliance with City bonding policy.

(3) The applicant (owner) of any performance development which is being developed as a condominium project under the provisions of the Condominium Ownership Act of Utah, or subsequent amendments thereto, shall, prior to the conveyance of any unit, submit to the Planning

Commission a declaration of covenants, conditions, and restrictions relating to the project, which shall become part of the final development plan and shall be recorded to run with the land. Said covenants, conditions, and restrictions shall include management policies which shall set forth the quality of maintenance that will be performed and who is to be responsible for said maintenance within said condominium development. Said document shall, as a minimum, contain the following:

(a) Provisions for the type of occupancy (family or batching singles) as determined by the amount of provided parking and by the underlying zone.

(b) The establishment of a private association or corporation responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the condominium development.

(c) The establishment of a management committee, with provisions setting forth the number of persons constituting the committee, the method of selection, and the powers and duties of said committee; and including the person, partnership, or corporation with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.

(d) The method of calling a meeting of the members of the corporation or association with the members thereof that will constitute a quorum authorized to transact business.

(e) The method for maintenance, repair, and replacement of common areas and facilities, and distribution of costs thereof.

(f) The method for maintenance of all private streets and private utilities and acknowledgment that such maintenance is the responsibility of the homeowners corporation or association.

(g) The manner of collection from unit owners for their share of common expenses, and the method of assessment.

(h) Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair, restore, or sell property in the event of damage or destruction of all part of the project.

(i) The method and procedure by which the declaration may be amended: the declaration required herein, any amendment, and any instrument affecting the property or any unit therein shall be approved by the Planning Commission and recorded with the County Recorder. Neither the declaration nor any amendment thereto shall be valid until approved and recorded. Said declaration and amendments thereto shall be maintained as part of the project plan for the performance development.

(4) In case of failure or neglect to comply with any and all of the conditions and regulations herein established, and as specifically made applicable to a performance development, the building



inspector shall not issue a certificate of zoning compliance therefore. Such failure or neglect shall be cause for termination of the approval of the project. Such failure or neglect to comply with the requirements and to maintain the buildings and premises in accordance with the conditions or approval thereafter shall also be deemed to be a violation of this Chapter.

(5) Streets not constructed to City width standards shall be noted in a required covenant. Such streets ~~cannot~~ **may only** be dedicated ~~unless brought up to City standards~~ **in compliance with Provo City Code Chapter 15.23**. The Municipal Council may vote to remove the property from the Performance Development Overlay Zone and deny the project plan, if the plan for the property is found to be out of character with the neighborhood; if, in the interest of promoting the general health, safety and welfare, the changed project plan should be denied; or if implementation of the new project plan would hinder or obstruct the attainment of policies established in the General Plan.

#### ~~14.31.160~~

#### ~~Fees.~~

~~Fees shall be charged to offset a portion of the costs incurred by the City in reviewing and processing project plans, pertaining to the PD (Performance Development) zone. Those fees shall be as shown on the Consolidated Fee Schedule adopted by the Municipal Council.~~

#### ~~14.31.170~~ **140**

#### **Appendix.**

(1) *Land Use Conflicts*. The matrix indicates the conflicts that are presumed to exist between land uses. The types of mitigation measures listed in the following Sections are the design tools that may be employed either separately or in combination to mitigate existing or potential land use conflicts. Minimum Performance Standards require that such conflicts be mitigated as a condition for approval of the development plan.

##### (a) Land Use Conflict Mitigation Measures

(i) *Open Space Setbacks*. By providing an open space buffer between conflicting land uses, conflicts can often be avoided. The width of the buffer required will depend on the extent of landscaping. To work effectively, the ownership, use, and maintenance of the open space buffer must be clearly defined.

(ii) *Landscaping and Topographic Changes*. As part of an open space buffer or as a treatment of land immediately adjacent to buildings, landscaping can be used to reduce conflicts.

(A) Dense plantings of evergreens can provide a visual buffer.

(B) Sensitive landscaping can soften the sharp visual contrast between two (2) abutting land uses by subduing the differences in architecture and bulk and by providing a gradual transition rather than a harsh edge between uses.

(C) Dense growth of plants can be visually appealing but also can be inhospitable to unwanted travelers. Such natural screen can discourage unwanted and unsafe pedestrian or bicycle access between land uses.

(D) Good landscaping can help other mitigation measures. It can reduce the width of open space buffer required. It can soften the visual conflict created by safety and security fences.

(E) Recontouring of the land can alter views, subdue sounds, change the sense of proximity, and channel pedestrian travel.

(iii) *Orientation*. The strict spatial proximity between land uses and the apparent or functional proximity can be very different depending on the orientation of buildings and activities of the two (2) land uses.

(A) The buildings themselves can cause a buffer to be created by effectively turning their backs on each other - orienting views, access and principal activities away from the other land use. Care must be taken, however, that a hazardous and unaesthetic "no-man's land" is not created in the process. Some appropriate use must be given to the intervening space. Alternately, the intervening space can be eliminated altogether if the two (2) buildings share a common back wall. An entire site plan can be oriented so that the activities and functions are aligned hierarchically - placing those least compatible furthest from the common boundary between land uses and those most compatible near that boundary.

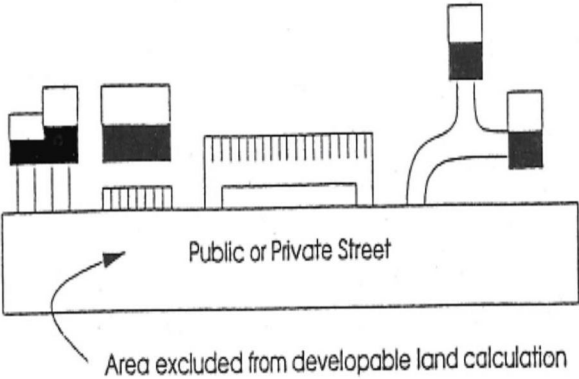
(iv) *Barriers and Alleviation*. It may be appropriate and necessary to use physical barriers to prevent the undesirable attributes of one land use from affecting the people and activities in the adjacent land use. Fences, walls and berms can prevent the passage of people into areas that would be unsafe or insecure. They can also prevent spillage of materials from one (1) site to another. Noise, light, and odor pollution can be reduced at the point of origin by modifying the normal design of the operations causing the pollution. Light and noise can also be mitigated through physical barriers such as fences, walls, berms, screens and landscaping.

(v) *Architectural Compatibility*. In addition to the architectural considerations involved in mitigation through orientation, the materials, colors, scale, and prominence of buildings in adjacent land uses can be coordinated so there is a gradual transition from one (1) land use to another rather than a sharp and displeasing contrast. Purely aesthetic details that are "tacked" onto a building to cover up land use conflicts, however, will cause more harm

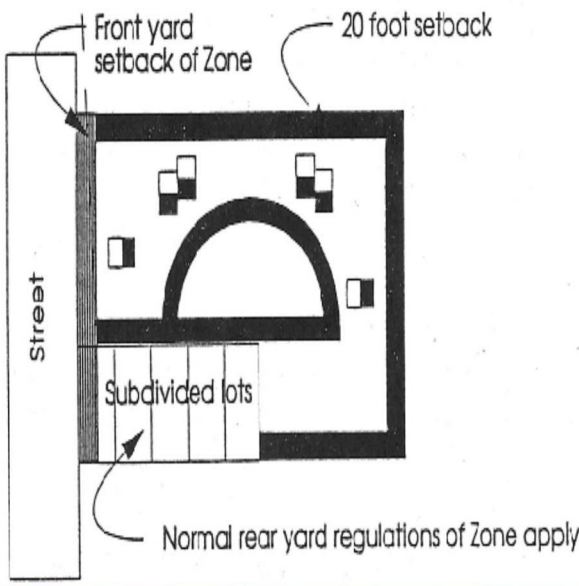
than good. The architectural compatibility should rise from a total consideration of the function of each land use and the function of the space between them.

(vi) *Circulation.* Streets and parking areas can often serve to reduce certain types of land use conflicts.

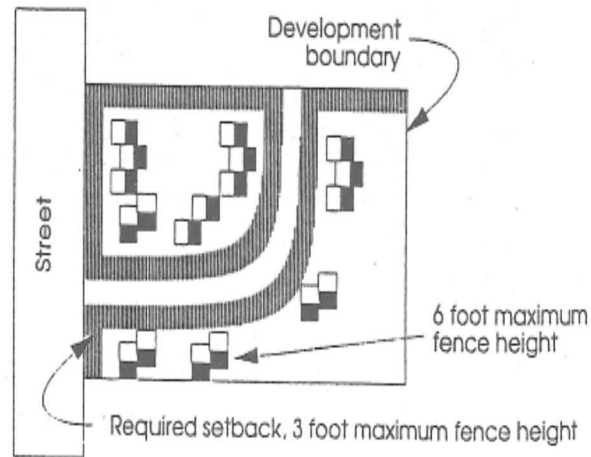
**Figure 14.31.070. Density Determination.**



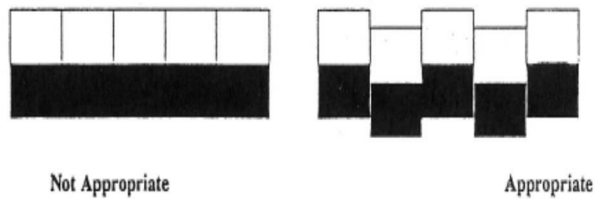
**Figure 14.31.080(a). Setbacks.**



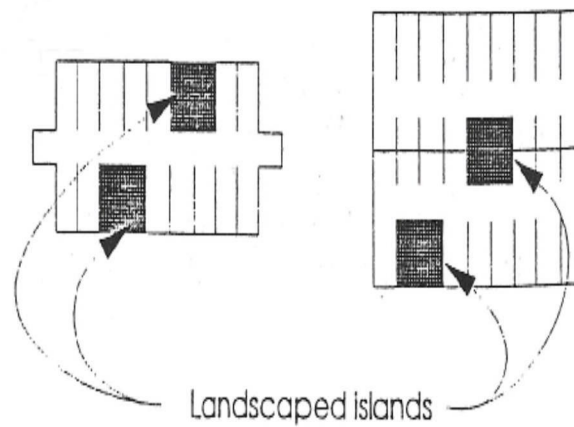
**Figure 14.31.080(ab). Fence Height.**



**Figure 14.31.080(b). Visual Relief.**



**Figure 14.31.100. Landscaped Islands.**







## EXHIBIT B

### Chapter 15.04

### ~~CONVENTIONAL AND OPEN SPACE~~ SUBDIVISION REQUIREMENTS

#### Sections:

<del>15.04.010</del>	<del>Purpose and Objectives.</del>
<del>15.04.020</del>	<del>Applicability.</del>
15.04.030010	Conceptual Integrated Development Street Layout Plan.
<del>15.04.040</del>	<del>Open Space.</del>
<del>15.04.050</del>	<del>Density and Open Space Determination.</del>
<del>15.04.060</del>	<del>Design Standards for Open Space Subdivision Lots and Structures.</del>
15.04.070020	Land Uses for Conservation Areas.
15.04.080030	Conservation Easements.
15.04.090040	Conservation Area Design Standards.
15.04.100050	Protection of Natural Habitat.
15.04.110060	Guarantees and Covenants.
15.04.120070	<del>Conventional and Open Space Subdivision</del> Application and Review Procedures.
15.04.130080	Preliminary Subdivision Plan.
15.04.140090	Final Subdivision Plan.
15.04.150100	Vacating or Changing a Subdivision Plat.

#### ~~15.04.010~~

#### ~~Purpose and Objectives.~~

~~The purpose of this Chapter is to regulate the subdivision of land as set forth in this Title. Optional open space subdivision regulations are provided to encourage imaginative and efficient land utilization and to provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce road lengths, utility runs, and the amount of paving required for residential development. This is accomplished by providing greater flexibility in the location of buildings on the land, the conservation of open spaces, and the clustering of dwelling units. These provisions are intended to create more attractive and more desirable environments within the residential areas of the City by allowing open space residential subdivisions planned as a whole, single complex. Such open space subdivisions are intended to incorporate a development theme which includes the elements of usable open spaces, amenities, a well-planned circulation system, and attractive entrances as part of the design. Such open space subdivisions are also~~

~~intended to provide a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences so that the community's population diversity may be maintained.~~

#### **15.04.020**

##### **~~Applicability.~~**

~~All subdivisions proposed in A1, RA, and R1.20 to R1.8 zones, regardless of location within the City, may apply the open space subdivision requirements of this Title unless the Planning Commission determines that the area to be developed would be better served by a conventional subdivision. Conventional and open space subdivisions shall conform with applicable requirements of this Title. The Planning Commission may require that open space subdivision regulations be applied in instances where primary and secondary conservation areas are in jeopardy and need preservation.~~

#### **15.04.030010**

##### **Conceptual Integrated Development Street Layout Plan.**

(1) All subdivisions require the submission of a conceptual street layout plan for undeveloped or partially developed property within five hundred (500) feet of the proposed subdivision. Such plan shall be submitted with an application for preliminary **planplat** or final **planplat** approval and such approval shall be subject to ~~the Planning Commission's~~**staff** review of the conceptual street layout plan for compliance with this Section. If the proposed development consists of less than three (3) acres or less than ten (10) lots and a preliminary **planplat** is not required under Section 15.04.~~130080~~(1), Provo City Code, the conceptual street layout plan shall be submitted independently and/or with the application for final **planplat** approval.

(2) The conceptual street layout plan shall provide general compliance with the following sections of the Provo City Code:

(a) Section 15.03.070, Provo City Code, Developable Land.

(b) Section 15.03.200, Provo City Code, Street Standards.

(c) Section 15.03.210, Provo City Code, Block Standards.

(d) Section 15.03.220, Provo City Code, Lot Standards.

(e) Section 15.05.160, Provo City Code, Hillside Development Standards.

(3) Preliminary plans shall integrate with the conceptual street layout plan. The conceptual street layout plan is required for the purpose of demonstrating that the proposed subdivision will not cause detriment to the integrated development of the overall area.



(4) Conceptual street layout plans demonstrating compliance with this Section shall not be construed as having regulatory authority over properties included in the plan that are not the subject of application for preliminary plan or final plan approval. Future developers of these properties may propose alternative street layouts pursuant to the standards identified in this Section and all other regulations of Titles 14 and 15, Provo City Code.

(5) Notwithstanding Subsection (4) of this Section, should ~~the Planning Commission~~ staff determine that a specific conceptual street layout plan is crucial to ensuring the integrated development of an area, the ~~Planning Commission, or their designee,~~ staff may forward a recommendation to the Municipal Council to amend the local street plan pursuant to Section 14.03.040050, Provo City Code.

#### **15.04.040**

##### **~~Open Space.~~**

~~The location of open space in open space subdivisions shall be consistent with policies contained in the General Plan, as interpreted by the Planning Commission, and with the requirements contained in this Chapter. The size of secondary conservation areas shall be determined as set forth in Section 15.04.050. Such areas may be used to buffer primary conservation areas from developable land.~~

~~(1) Full density credit shall be allowed for secondary conservation areas that would be buildable under local, state and federal regulations but for the requirement to provide a secondary conservation area pursuant to Section 15.04.050. Such density credit may be applied to other unconstrained parts of an open space subdivision.~~

~~(2) Yard areas within lots shall not be counted toward meeting the minimum open space requirement. The Planning Commission may consider applying all or a portion of primary conservation areas to meeting the open space requirements below provided that such primary conservation areas are enhanced and made usable for active or passive recreation. The majority of the lots within the subdivision should abut open space.~~

#### **15.04.050**

##### **~~Density and Open Space Determination.~~**

~~(1) Density in a subdivision shall be determined using the developable land of the proposed development set forth in 15.03.070. Density shall be computed using net rather than gross acreage.~~

~~(2) A lot yield drawing shall be submitted indicating the number of lots could be created on developable land by conforming to conventional subdivision requirements and using the underlying zone as the basis for calculating density. The number of conventional subdivision lots that could be~~

~~created in conformance with the requirements of the underlying zone shall establish the base density for an open space subdivision. Such density may be increased subject to receiving a density bonus and approval from the Planning Commission as provided in this Section.~~

~~(3) For every one percent (1%) increase in open space, base density may be increased by one percent (1%) as long as each lot conforms to minimum lot size requirements as shown on the tables below. For every one percent (1%) decrease in open space, base density shall be decreased by one percent (1%). In the event an open space impact fee is established, such fee may be paid in lieu of decreasing density.~~

~~(4) Minimum open space and lot yield in an open space subdivision shall be determined as shown on the tables below.~~

~~(a) A1.1 zone (base density = 1 d.u./43,560 sq. ft.)~~

<u>Minimum Open Space</u>	<u>Lot Yield</u>	<u>Lot Size Min.</u>
50 percent (base)	<u>10.0</u>	<u>8,000</u>
55 percent	<u>10.5</u>	
60 percent	<u>11.0</u>	
65 percent	<u>11.5</u>	
70 percent	<u>12.0</u>	
75 percent	<u>12.5</u>	

~~(b) RA and R1.20 zones (base density = 1 d.u./21,780 sq. ft. or 1 d.u./ 20,000 sq. ft.)~~

<u>Minimum Open Space</u>	<u>Lot Yield</u>	<u>Lot Size Min.</u>
35 percent (base)	<u>20</u>	<u>6,000</u>

<u>Minimum Open Space</u>	<u>Lot Yield</u>	<u>Lot Size Min.</u>
40 percent	<u>21</u>	
45 percent	<u>22</u>	
50 percent	<u>23</u>	

789 ~~(c) R1.10 zone (base density = 1 d.u. / 10,000 sq. ft)~~

<u>Minimum Open Space</u>	<u>Lot Yield</u>	<u>Lot Size Min.</u>
25 percent (base)	<u>43.5</u>	<u>5,000</u>
30 percent	<u>45.6</u>	
35 percent	<u>47.8</u>	

790 ~~(d) In the R1.8 zone: (base density = 1 d.u. / 8,000 sq. ft)~~

<u>Minimum Open Space</u>	<u>Lot Yield</u>	<u>Lot Size Min.</u>
20 percent (base)	<u>54</u>	<u>5,000</u>
25 percent	<u>56.7</u>	

791 ~~(5) A density bonus may be allowed by the Planning Commission when one (1) of the following~~  
 792 ~~public benefits is provided:~~

793 ~~(a) A density bonus for the dedication and improvement of land for public use (including active~~  
 794 ~~and passive recreation areas, municipal buildings, parks, trails, etc.) may be granted at the rate~~  
 795 ~~of a maximum of three (3) dwelling units per acre of conservation land dedicated for public use.~~



~~Any proposed park shall be approved by the Parks and Recreation Board and shall comply with the Parks Department Master Plan. Dedicated conservation land shall conform to General Plan policies, particularly those sections dealing with active recreational facilities and passive trail networks, as determined by the Planning Commission.~~

~~(b) A density bonus may be granted if a fund is created to generate additional income for the sole purpose of off-setting the continuing cost of maintaining the conservation land (such as mowing meadows, weeding, paying insurance premiums and local taxes), including costs associated with active or passive recreation facilities. Spending from this fund shall be restricted to expenditure of interest so that principal may be preserved. Assuming an annual average interest rate of five percent (5%), the amount designated for an endowment fund shall be at least twenty (20) times the estimated annual maintenance costs. Such estimate shall be prepared by an agency, firm or organization acceptable to the Planning Commission, with experience in managing conservation land and recreational facilities. The fund shall be transferred by the developer to the entity having ownership and maintenance responsibilities of the open space (such as a homeowner's association, a land trust, or the City) prior to occupancy. Not more than half of the bonus density awarded to a particular development may come from this category.~~

~~(c) A density increase is permitted where the open space subdivision proposal provides on site housing opportunities for low or moderate income families. The affordable housing shall be intermixed throughout the project and shall be proportional to the overall project or for each phase. For each affordable housing unit provided under this Subsection, one (1) additional building lot, dwelling unit or accessory dwelling unit shall be permitted up to a maximum of fifteen percent (15%) increase in dwelling units above the base density. For the purpose of this Subsection, affordable housing means units offered for sale at prices available to families earning seventy percent (70%) to one hundred twenty percent (120%) of the county median income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development. If accessory housing units are provided, they shall conform to the requirements of Title 14.~~

~~(6) A density of bonus of two and one half percent (2 1/2%) above base density may be granted to a project for each of the amenities set forth in this Subsection as determined by the Planning Commission. The total density bonus resulting from such amenities and any density bonus granted under Section 15.04.050(5) shall not exceed twenty five percent (25%) over base density.~~

~~(a) At least seventy-five percent (75%) of the dwellings are designed with an active or passive solar feature. Qualified solar features include solar water heaters, trombe walls, earth insulation of a majority of building walls, building design having south facing main exposures and solar access windows. Similar solar features may be approved by the Planning Commission.~~



~~(b) Special features such as fountains, streams, ponds, sculptures, lighting, buildings or other elements that establish a strong design theme for the subdivision and are utilized in highly visible locations. Such features shall be first reviewed and approved by the Design Review Committee.~~

~~(c) An active recreational amenity primarily for the use of the residents of the subdivision. Amenities may include swimming pools, sports courts, spas, barbecue and picnic facilities, or other similar features approved by the Planning Commission. The Planning Commission shall determine the amount of the bonus based on the cost of the amenity, its benefit to the residents of the subdivision, its size, and the number of amenities in the subdivision.~~

~~(d) The provision of day care within the subdivision accessible to all residences therein.~~

~~(e) Landscaping installed for all residential lots including front yards and all open space. The minimum requirements for such landscaping shall be as follows:~~

~~(i) Each dwelling unit shall have a minimum of three (3), one and one-half (1 1/2) inch caliper, deciduous trees or four (4) foot tall evergreen trees, four (4) shrubs, and building foundation planting of appropriate shrubs, flowers, or ground cover. All shrubs shall be a minimum size of five (5) gallons.~~

~~(ii) Landscaping in the park strip in the street right-of-way shall have a unified design theme. Berming is encouraged to separate and screen residential areas from arterial and collector streets. All landscaping installed within a park strip shall be installed in accordance with Chapter 15.20, Provo City Code.~~

~~(iii) Landscaping shall include a variety of plant materials to give color and texture; to direct traffic; to frame views; and to screen undesirable views. The placement and types of deciduous trees shall take into consideration use of the trees for summer cooling and winter solar access. Evergreen trees should be used as wind breaks, screening, and accent planting.~~

~~(7) In order to achieve the bonus density allowed by this Section and promote affordable housing, flexibility in housing styles shall be permitted. While dwelling units allowed as part of the base density shall comply with the provisions of the underlying zoning district, any of the dwelling units to be constructed as a result of a density bonus may be attached units (such as twin homes, condominium units, zero lot line units, patio homes, etc.) or accessory living spaces. The number of attached units in a structure shall not exceed four (4). No attached units shall be constructed above or below other dwelling units, except that accessory living spaces, meeting the standards of Chapter 14.30, Provo City Code, may be located above or below a main dwelling unit or above a garage.~~

**15.04.060**

**~~Design Standards for Open Space Subdivision Lots and Structures.~~**

~~(1) Lots within open space subdivisions shall be exempt from the minimum development requirements of the applicable zone, but minimum lot size shall be limited as set forth in Section 15.04.050.~~

~~(2) Access to dwelling units on residential lots shall be from interior streets and not from streets bordering the subdivision. Alleys should be used wherever possible providing access to rear facing garages.~~

~~(3) Yard requirements shall be as follows:~~

~~(a) each lot shall have a front yard of not less than twenty (20) feet in depth;~~

~~(b) each lot shall have a side yard of not less than eight (8) feet. The distance between principal buildings on each lot shall be a minimum of sixteen (16) feet;~~

~~(c) on corner lots, the side yard contiguous to the street shall be not less than sixteen (16) feet; and~~

~~(d) each lot shall have a rear yard of not less than twenty (20) feet.~~

~~(4) In order to reduce potential conflicts between new residents and adjoining agricultural or recreational practices and activities, the width of the conservation open space adjacent to residential lots shall be maximized.~~

~~(5) Detached housing shall vary in design and materials as follows:~~

~~(a) Any development of fifty (50) or more one-family or two-family detached dwelling units shall have at least four (4) different types of housing models. Any development of fewer than fifty (50) one-family dwelling units shall have at least three (3) different types of housing models. The developer shall include, in the application for approval of the preliminary subdivision development plan, documentation showing how the development will comply with the foregoing requirement.~~

~~(b) Each dwelling unit model type shall have at least three (3) characteristics which clearly and obviously distinguish it from other model types, including different floor plans, exterior materials, roof lines, garage placement, placement of the footprint on the lot, and/or building face.~~

~~(c) The requirements of subparagraphs (a) and (b) above shall not apply to an open space subdivision containing ten (10) or fewer dwelling units.~~



895 **15.04.070020**

896 **Land Uses for Conservation Areas.**

897 (1) If development must be located on open fields or pastures because of greater constraints in all  
898 other parts of a site, dwellings should be sited on the least prime agricultural soils, or soils rated  
899 lowest in productivity.

900 (a) Open space may be left in a natural state (for example, woodland, fallow field, managed  
901 meadow).

902 (b) Agricultural and horticultural uses, including raising crops or livestock as permitted in the  
903 underlying zone, shall be permitted on conservation land, ~~with the exception of raising of mink,~~  
904 ~~hogs and other animals likely to produce highly offensive odors, in large numbers.~~

905 ~~(c) Animal rights shall not be permitted on any lots smaller than the minimum lot size required~~  
906 ~~in the underlying zone.~~

907 ~~(d)~~(c) Neighborhood open space uses such as picnic areas, community gardens, trails and  
908 similar low-impact passive recreational uses shall be permitted uses on conservation lands.  
909 Motorized off-road vehicle areas, rifle ranges and other uses which may have a direct impact on  
910 the adjoining residential properties shall be prohibited on conservation lands.

911 ~~(e)~~(d) Public access to conservation areas shall be provided at a width of at least twenty (20)  
912 feet unless otherwise approved by ~~the Planning Commission~~staff. Such access ways may be  
913 designed at a width of ten (10) feet if intended solely for bicycle or pedestrian use.

914 (2) ~~Conditional~~Permitted uses on conservation lands shall be limited to:

915 (a) equestrian facilities;

916 (b) wholesale nurseries and associated buildings;

917 (c) golf courses;

918 (d) utility facilities; and

919 (e) ~~Other outdoor~~ recreational facilities ~~as determined by the Planning Commission.~~

920 **15.04.080030**

921 **Conservation Easements.**

922 (1) To protect primary and secondary conservation areas from future development, conservation  
923 easements may be established as provided in the Utah Land Conservation Easement Act. In the  
924 event of a conflict between such Act and this Title, the provisions of the Act shall apply.

(2) A conservation easement is an interest in land and runs with the land encumbered by the easement and is valid whether it is appurtenant or in gross. A conservation easement shall be enforceable by the holder of the easement and its successors and assigns against the grantor and its successors, heirs and assigns.

(3) Any property owner may grant a conservation easement to a charitable organization which qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue Code or to a governmental entity by purchase, gift, devise, grant, lease or bequest in the same manner and with the same effect as any other conveyance of an interest in real property. A conservation easement shall be in writing and shall be recorded in the Office of the Utah County Recorder. The instrument that creates a conservation easement shall:

(a) identify and describe the land subject to the conservation easement by legal description;

(b) specify the purpose for which the easement is created, and

(c) include a termination date or a statement that the easement continues in perpetuity.

(4) Any qualified organization or entity that receives a conservation easement shall disclose to the easement's grantor, at least three (3) days prior to the granting of the easement, the types of conservation easements available, the legal effect of each easement and that the grantor should contact an attorney concerning any possible legal and tax implications of granting a conservation easement.

(5) A conservation easement may be terminated, in whole or in part, by release, abandonment, merger, non-renewal, conditions set forth in the instrument creating the conservation easement, or in any other lawful manner in which easements may be terminated if approved by the Municipal Council after receiving a recommendation from the Planning Commission.

(6) A conservation easement may be enforced or protected by injunctive relief granted by a court in a proceeding initiated by the grantor or holder of the easement. In addition to injunctive relief, the holder of a conservation easement is entitled to recover monetary damages. The holder of a conservation easement may enter the real property subject to the easement at reasonable times and in a reasonable manner to ensure compliance.

(7) No conservation easement, or right-of-way or access to a conservation easement may be obtained through the use of eminent domain.

#### **15.04.090040**

### **Conservation Area Design Standards.**

(1) Fragmentation of conservation areas shall be minimized so that they are not divided in smaller isolated parcels. Parcels less than one hundred (100) feet wide should be avoided, unless

necessary to connect other significant areas, such as streams or trails. Prime farm land should be considered for conservation wherever possible in order to continue to promote the farming activity.

(2) Conservation areas shall be designed as part of larger continuous and integrated open space systems.

(3) Conservation areas shall be designed to provide buffers and to protect scenic views as seen from roadways and from public parks.

(4) A portion of conservation areas may be commonly used by subdivision residents for agricultural or horticultural purposes.

(5) No portion of any building lot may be used for meeting minimum amount of required conservation land area; however, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum amount of required conservation land.

(6) All conservation areas that are not wooded, farmed or maintained as conservation meadows shall be maintained or/and landscaped as determined by ~~the Planning Commission~~staff. The use of berming is encouraged to buffer residential areas from arterial and collector streets and incompatible land uses.

(7) A maintenance plan shall be prepared for common open space areas. Such plan shall be submitted with an open space subdivision application and shall, at a minimum, address the following:

(a) vegetation management;

(b) watershed management;

(c) debris and litter removal;

(d) fire access and suppression;

(e) maintenance of public access and/or maintenance of limitations to public access;

(f) horticultural and agricultural management; and

(g) other factors deemed necessary by the Planning Commission (such as funding, staffing, insurance and remedies in the case of default).



984 **15.04.100050**

985 **Protection of Natural Habitat.**

986 Conservation purposes include the protection of a fish, wildlife or plant habitat. This would include  
987 the preservation of a habitat or environment that to some extent has been altered by human activity  
988 if fish, wildlife, or plants exist there in a relatively natural state as determined by the Utah Division of  
989 Wildlife Resources.

990 **15.04.110060**

991 **Guarantees and Covenants.**

992 (1) Adequate guarantees shall be provided to protect all primary and secondary conservation areas  
993 from future development. The Chief Building Official shall not issue a Certificate of Occupancy for  
994 any structures in such subdivisions until all required guarantees have been submitted to and  
995 approved by the Planning Commission. ~~The developer of an open space subdivision may elect any~~  
996 ~~of the following to preserve conservation areas:~~

997 ~~(a) Furnish and record protective covenants which will guarantee the retention of the open land~~  
998 ~~area.~~

999 ~~(b) Create a corporation granting beneficial rights to the open space to all owners or occupants~~  
1000 ~~of land within the development.~~

1001 ~~(c) Establish a conservation easement restricting the area against any future building or use,~~  
1002 ~~except as approved as part of the open space subdivision.~~

1003 (2) The developer shall be required to develop and provide for the maintenance of all common  
1004 open space, unless part of or all of it is contiguous to and is made a part of an existing park, and the  
1005 City accepts dedication and approves the annexation of the property to said park.

1006 (a) The care and maintenance of such open space shall be insured by the developer by  
1007 establishing a private association or corporation responsible for such maintenance which shall  
1008 levy the cost thereof as an assessment on the property owners within the performance  
1009 development. Ownership and tax liability of private open space reservations shall be established  
1010 in a manner acceptable to the City and made a part of the conditions of the final plat approval.

1011 (b) Maintenance of open space reservations shall be managed by persons, partnerships, or  
1012 corporate entities in which there is adequate expertise and experience in property management  
1013 to assure that said maintenance is accomplished efficiently and at a high standard of quality.

1014 **15.04.120070**

1015 **~~Conventional and Open Space Subdivision~~ Application and Review**  
1016 **Procedures.**

1017 Notwithstanding the provisions of Section 15.01.020, Provo City Code, the following steps or  
1018 procedures shall be followed in order to obtain approval of a subdivision:

1019 (1) *Step 1.* Any person, partnership, firm, or corporation wishing to construct a subdivision with  
1020 three (3) acres or more or ten (10) lots or more, ~~shall~~may first participate in a preapplication  
1021 conference with the ~~Plan-Coordinating~~Coordinator Review Committee.

1022 (2) *Step 2.* If the proposed development is located within the high water table area as defined in  
1023 Section 15.03.010, Provo City Code or is regulated by Chapter 15.05 (Sensitive Lands), Provo City  
1024 Code, compliance with the same shall be presented at the time of application for a preliminary or  
1025 final subdivision.

1026 (3) *Step 3.* A recent policy of title insurance or a preliminary title report showing that the person(s)  
1027 listed as the owner(s) in the owner's dedication certificate on a plat or development have sufficient  
1028 control over the premises to effectually dedicate streets within the development where required and  
1029 to follow through with all other requirements of the City Code. The developer shall provide a tax  
1030 clearance indicating that all taxes, interest, and penalties owing on the subject property have been  
1031 paid.

1032 (4) *Step 4.* The developer has a preliminary plat prepared by a licensed surveyor according to City  
1033 standards, and shall include a vicinity plan, drawn at a readable scale, indicating the location of  
1034 property to be developed and all adjoining property under the ownership of the developer to be  
1035 developed as part of a future development.

1036 (5) *Step 5.* Developer submits a PDF of the preliminary plat with a completed application, required  
1037 fees, ~~engineer or surveyor's computer generated information disk~~ and all supporting documents to  
1038 ~~the Planning Commission~~city staff.

1039 (6) *Step 6.* ~~Planning Commission or designated staff, in conjunction with the City Engineer and~~  
1040 ~~others as deemed appropriate,~~City Staff reviews the preliminary plat for compliance with the Provo  
1041 City Code. If corrections to said plat are necessary, or if associated drawings or studies are required,  
1042 such corrections shall be resolved and approved by the City Engineer and others as deemed  
1043 appropriate before the plat is recorded. In any subdivision contiguous to property owned by a public  
1044 entity, such entity shall be notified of the proposed subdivision and shall be invited to review the  
1045 preliminary plat.

1046 (7) *Step 7.* City staff approves, conditionally approves or denies preliminary plat based upon  
1047 findings that said plat does or does not comply with applicable provisions of the Provo City Code.  
1048 Preliminary approval shall expire one (1) year from the date the preliminary approval was granted

unless a final plat is submitted and approved for all or a part of the subdivision. When a final subdivision does not cover the entire area included in a preliminary subdivision plat, approval of the unplatted area shall be extended to one (1) year from the date of final approval of a final plat. After expiration of the preliminary approval, no final approval shall be granted unless the developer makes a complete re-submittal including new drawings and payment of applicable fees.

(8) *Step 8.* Developer has a final plat prepared by a licensed surveyor according to City standards and submits such plat, together with the required improvement and other drawings done by a licensed engineer, and all other supporting documents and reports, along with required fees. The developer shall provide ~~two (2)~~ a permanent reproducible ~~copies~~ copy on Mylar of the final proposed plat. A final subdivision application shall expire one (1) year from the date of the application unless final approval is received, or sufficient progress has been made toward final approval as determined by the Development Services Director.

(9) *Step 9.* The ~~Planning Commission or designated~~ city staff reviews the final plat, in conjunction with the City Engineer and others as deemed appropriate.

(10) *Step 10.* Developer posts a bond in the form of cash or an irrevocable letter of credit, along with a subdivision improvements agreement, guaranteeing installation of the required improvements.

(11) *Step 11.* The City Engineer, when satisfied that the plat conforms with all engineering concerns, signs and seals the plat, prior to forwarding the plat to Development Services Department. The Development Services Director, ~~on behalf of the Planning Commission,~~ signs the plat after receiving a recommendation from City departments for approval or conditional approval.

(12) *Step 12.* The Mayor approves, disapproves, or conditionally approves the final plat with modifications as necessary to make the final plat conform to applicable City standards and after final approval, the plat is recorded in the office of the Utah County Recorder.

(13) *Step 13.* After the final plat is recorded building permits ~~or fast tracks~~ may be issued for individual subdivision lots.

#### **15.04.130080**

#### **Preliminary Subdivision Plan.**

(1) A preliminary subdivision plan shall be furnished for all proposed developments consisting of three (3) acres or greater or ten (10) lots or greater.

(2) A preliminary subdivision plan application shall vest, for purposes of Section 14.02.130, Provo City Code, when:

(a) The developer has signed an application form and submitted it to the City;



1081 (b) The developer has paid all application fees as evidenced by a receipt from the City; and

1082 (c) The developer has submitted to the City a plan, in an approved electronic format, showing

1083 the proposed development layout, drawn to scale, and the following information:

1084 (i) A complete and accurate legal description;

1085 (ii) The names and addresses of the property owner, developer, the engineer, and/or

1086 surveyor of the development, and the owners of the land immediately adjoining the land to

1087 be subdivided;

1088 (iii) Proposed name of the development;

1089 (iv) The location of the development as forming a part of the larger tract or parcel where

1090 the plan submitted covers only a part of the developer's tract;

1091 (v) A conceptual integrated development plan meeting the requirements of Section

1092 15.04.030010, Provo City Code;

1093 (vi) A preliminary infrastructure plan for providing necessary streets, water, sewer, storm

1094 drainage, and electrical distribution for the entire tract including the point from which said

1095 services are to be extended;

1096 (vii) A summary indicating the total area within the development, total area and

1097 dimensions of each lot, and proposed net density of the development;

1098 (viii) Any information noted as required in the Provo City Public Works Department

1099 Development Guidelines referenced in Section 15.03.020(3)(b)(ii), Provo City Code.

1100 (3) Based on the size, scope or complexity of the development proposal, staff may require any

1101 other information required to ensure that the proposed project complies with applicable requirements

1102 of the Provo City Code and standards and specifications adopted by the City.

1103 (4) A final subdivision plan, meeting the requirements of Section 15.04.140090, Provo City Code,

1104 shall be submitted within twelve (12) months of the ~~Planning Commission~~staff approval of the

1105 preliminary subdivision plan. If a final subdivision plan is not submitted within the required time

1106 period, the City may initiate proceedings to rezone the property back to the zone classification that

1107 existed on the property prior to the approval.

1108 (5) If an applicant seeks to revise a preliminary subdivision plan, the new plan shall be subject to all

1109 new sections of the Provo City Code and other new City ordinances in effect at that time.

1110 **15.04.140090**

1111 **Final Subdivision Plan.**

1112 (1) A final subdivision plan shall be prepared for all developments which require a recorded plat as  
1113 determined by the City Engineer. ~~In instances where a plat is not required, a lot line adjustment~~  
1114 ~~application must be verified and signed by the City Engineer and Development Services Director, or~~  
1115 ~~designee, and recorded with all other applicable documents required by the Utah County Recorder.~~

1116 (2) A final subdivision plan application shall vest, for purposes of Section 14.02.130, Provo City  
1117 Code, when:

1118 (a) The developer has signed an application form and submitted it to the City;

1119 (b) The developer has paid all application fees as evidenced by a receipt from the City; and

1120 (c) The developer has submitted to the City final drawings, in an approved electronic format.  
1121 The final drawings or plans shall be reviewed, stamped and signed by a professional engineer  
1122 and include the following:

1123 (i) Development name and the general location of the development;

1124 (ii) A north point and scale on the drawing and the date;

1125 (iii) *Accurately drawn boundaries, showing the proper bearings and distances, properly*  
1126 *tied to public survey monuments.* These lines should be heavier than street and lot lines to  
1127 clearly define said subdivision boundaries;

1128 (iv) The names, width, lengths, bearings, and curve data on center lines of proposed  
1129 public or private streets, alleys or easements. All proposed streets shall be named or  
1130 numbered in accordance and in conformity with the street naming and numbering system of  
1131 the City;

1132 (v) Boundaries, bearings and dimensions of all portions within the development, as  
1133 intended to be dedicated to the use of the public;

1134 (vi) Lines, dimensions, bearings, and numbers of all lots;

1135 (vii) *Blocks and parks reserved for any reason within the development.* All lots and blocks  
1136 shall be numbered consecutively under a definite system;

1137 (viii) Drawings showing plan layout, profile, and detailed design for sewer systems, water  
1138 systems, storm systems and electrical service lines, including street lights;

1139 (ix) Plan, profile and typical cross-section drawings of all streets, bridges, culverts and  
1140 other drainage structures;

(x) Grading and drainage plan indicating the finished grade by solid line contours superimposed on dashed line contours indicating the existing topography for the area of the final plan. The plan shall identify natural slopes which exceed thirty percent (30%) or greater slope and include quantities of borrowed or excess material;

(xi) All fences, barriers or landscaping as required;

(xii) All special improvements required as conditions of development approval;

(xiii) A final plat, meeting Provo City Standards, prepared by a professional land surveyor.

(3) Upon notice of final approval, one (1) copy of the final plat on a twenty-four (24) inch by thirty-six (36) inch mylar shall be submitted as part of the final plan approval.

(4) All final subdivision plans shall reference any related previously approved preliminary subdivision plan.

(5) The final subdivision plan shall conform to the preliminary subdivision plan, except in those instances where modifications have been required.

(6) A final subdivision plan application shall be subject to the expiration terms stated in Section 15.0, Provo City Code.

#### **15.04.150100**

#### **Vacating or Changing a Subdivision Plat.**

(1) A petition to vacate, alter or amend an entire plat, or to vacate a street, or alley in a subdivision shall conform to Utah Code.

(2) Petitions to adjust lot lines between adjacent properties may be executed upon the recordation of an appropriate deed, and the recordation of an amended plat drawn according the provisions of Section 15.04.140090, Provo City Code, if:

(a) the adjoining property owners consent to the lot line adjustment, including owners adjacent to the subject property across the street, if applicable;

(b) no new dwelling lot or housing unit results from the lot line adjustment;

(c) the lot line adjustment does not violate applicable zoning ordinances; and

(d) the lot line adjustment does not result in remnant land that did not previously exist.