



**Planning Commission Staff Report
Ordinance Amendment
Hearing Date: September 12, 2018**

ITEM # 1* Western Community Crossroads LC requests an Ordinance Text amendment to Section 14.34.350 Recreational Vehicle Storage (Including Boats, Trailers and Recreational Vehicles) and Towing Impound Yards to increase buffering requirements when adjacent to a Residential Zone. City Wide application. PLOTA20180216

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| <p>Applicant: Western Community Crossroads Lc. Staff Coordinator: Dustin Wright</p> <p>Number of Properties: City Wide</p> <p>*Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Recommend Approval of the proposed ordinance amendment. <i>This would be <u>a change from the Staff recommendation</u>; the Planning Commission should <u>state new findings</u>. Any additional changes should be stated with the motion.</i></p> <p>2. Recommend Denial of the proposed ordinance amendment. <i>This would be <u>a change from the Staff recommendation</u>; the Planning Commission should <u>state new findings</u>. Any additional changes should be stated with the motion.</i></p> | <p>Current Legal Use: N/A</p> <p>Relevant History: In 2015 some changes were made to 14.34.350 that required these uses to be located on arterial or collector streets. At the July 25th, 2018 Planning Commission hearing this item was continued to a future date to allow staff to gather additional information.</p> <p>Neighborhood Issues: No issues have been made know to staff.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none">• Existing impound yards being affected by the amendment.• Zones allowing tow yards as permitted uses are inconsistent with 14.34.350 which requires a CUP in all zones.• Feasibility to create standards for towing yards so they could be Permitted Uses in the zones where they are allowed.• Requirements when the use is adjacent residential zones. <p>Staff Recommendation: Continue to a future date to allow staff to draft any recommended changes from the Planning Commission. <i>The next available meeting date is September 26, 2018, at 6:00 p.m.</i></p> |
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OVERVIEW

The applicant is requesting an amendment to 14.34.350, Recreational Vehicle Storage and Towing Impound Yards, and other applicable code sections related to impound yards. The amendment proposes six foot high fencing on all sides of the lot, a hedge row on all side adjacent to residential uses, an increase from ten feet to 200 feet setback from a residential zone boundary, and removing “gravel road base” as an approved parking area surface.

Section 14.34.350, allows impound yards as a Conditional Use in the CM, M1, M2, and PIC zones. However, in the text of some of those zones, impound yards are listed as Permitted Uses. Additionally, the CG zone includes Impound Yards as a Conditional Use. While this section of the Code is being considered for an amendment, it would be beneficial to examine these other applicable sections of the Code and correct any conflicting ordinances and have staff work on applicable updates and bring them back to the Planning Commission. It would also allow staff to identify how the proposed changes could affect existing impound yards in the City.

Staff has examined the zones that allow recreational vehicle storage areas and tow yards and provided ordinance revisions that would clean up the inconsistencies in the code and establish zones that these uses can be permitted in and outline criteria that would have to be met. Input from the Planning Commission regarding if there are other requirements that need to be included or if these uses should just not be allowed when they are adjacent to a residential zone.

FINDINGS OF FACT

1. 14.34.350 requires a CUP for impound yards in CM, M1, M2, and PIC zones.
2. Standard Land Use Code (SLU Code) 6419 - auto towing service.
3. In M1, M2, CM zones SLU 6400 is a Permitted Use.
4. In PIC, F1, CG zones 6410 is a Conditional Use.
5. 14.34.300 requires transitional standards for incompatible uses adjacent to residential.
6. There are approximately 20 existing towing services in Provo.

STAFF ANALYSIS

Provo City Code has a section that identifies zones where impound yards can be and are subject to a CUP. Staff suggests that these could become permitted uses that are subject to meeting a list of requirements that are established to mitigate impacts associated with these uses.

Some of the zones allow impound yards as a Permitted Use which is conflicting with 14.34.350 where it says they need a Conditional Use permit. The proposed ordinance from staff would clear this up by having 14.34.350 say they are permitted uses subject outlined criteria being met. Feedback from the Planning Commission would be helpful in identifying any additional requirements that should be added to the list.

Staff suggests disallowing Impound Yards in the CG Zone. The General Commercial Zone (CG) is the least industrial of the zones listed and it has significant borders with residential zones. Additionally, many of the CG zones are in viable commercial areas. Do we want to allow a non-commercial use like Impound Yards in prime retail, commercial areas?

A number of existing impound yards in the City have been identified. These would become legally non-conforming should any new legislation is passed that they are not compliant with. Staff has identified 16 existing towing yards with 3 being adjacent to residential and 4 across the street from a residential zone. Zoning enforcement has not experienced any issues with the existing lots that are adjacent to residential zones.

The applicant has proposed changing the existing 10-foot setback to a 200-foot setback from residential. Our existing ordinance (Transitional Development Standards 14.34.300) that regulates uses with higher impacts that abut residential zones calls for a 10-foot landscaped buffer. The tow yard ordinance also has a requirement for the 10 foot buffer and staff's recommendation would be to increase it 20 feet so that the required fence would not be too close to a residential property. However, there is a concern that this buffer area could become an unmaintained and an attractive nuisance should the 20-foot, landscaped buffer fall between two fences.

There are several specific questions on which the Staff would appreciate Planning Commission input:

1. Does the Planning Commission agree with adding conditions of approval and making Impound Yards a Permitted Use in the specific zones listed above?
2. Should Impound Yards be allowed adjacent to residential zones?

3. Does the Planning Commission agree that Impound Yards should be removed from the CG Zone?
4. Should the landscaped buffer be increased from 10 feet to 20 feet? The 10-foot landscaped buffer that is currently required would be inside fencing or a wall that would be placed on the property line. The adjacent property owners have no ability to see the landscaped buffer so it only serves to push parked vehicles 10 feet away from the fence or wall.
5. Should the 10 or 20-foot landscaped buffer be required outside of the fence or wall, so essentially creating a 20-foot setback for the fence or wall. This would create better buffering adjacent to residential zones but it could become a no-man's-land if it falls between two fences or walls.

CONCLUSIONS

The applicant has expressed concerns with the existing buffering requirements of impound yards near residential zones. Staff finds that there are inconsistencies in the zoning code related to impound yards and where they are Permitted or Conditional Uses. Staff has proposed ordinance revisions to clean up the inconsistencies and move towards having them be permitted uses subject to meeting established criteria that the Planning Commission feels would mitigate impacts related to these land uses.

STAFF RECOMMENDATION

Continue to a future date to allow staff to draft any recommended changes from the Planning Commission. *The next available meeting date is September 26, 2018, at 6:00 p.m.*

ATTACHMENTS

1. Staff's Proposed Text Amendment
2. Applicant's Proposed Text Amendment

1 **Attachment 1**

2 **14.34.350. Recreational Vehicle Storage (Includes Boats, Trailers, and**
3 **Recreational Vehicles) and Towing Impound Yards.**

4 Subject to the standards set forth in Subsections (1) through (96) of this Section ~~and the standards for~~
5 ~~a conditional use permit set forth in Section 14.02.040, Provo City Code,~~ storage of recreational vehicles shall
6 be allowed as a permitted use in A1 zones and towing impound yards shall be allowed as a ~~conditional~~
7 **permitted** use in CM, M1, M2, **FI** and PIC zones. ~~The Planning Commission shall consider the circumstances of~~
8 ~~existing surrounding land uses and existing improvements when applying these standards. Where~~
9 ~~circumstances warrant it, the Commission may apply the most restrictive standards, subject to making findings~~
10 ~~justifying such application.~~

11 (1) Every recreational vehicle storage area and towing impound yard shall be screened on ~~one (1) or more~~ **all**
12 ~~sides (as determined by the Planning Commission)~~ by an opaque wall or fence. Fence height shall be at least
13 eight (8) feet for recreational vehicle storage areas and at least six (6) feet for towing
14 impound yards. Fence height may be shorter ~~than~~ if built upon a permanent landscaped berm, and the
15 combined height of the berm and fence meets the requirements of this Subsection.

16 (a) Fencing **material** ~~appropriate to the area shall be utilized. This may~~ **shall** include “Beauty Link” chain
17 link **with slats**, wood, decorative block, or brick.

18 (i) **A masonry wall shall be required if located adjacent to a residential zone.**

19 (b) An appropriate hedge row capable of growing to a height of at least five (5) feet at maturity ~~may~~ **shall**
20 be required along ~~one (1) or more~~ sides of the fence, ~~as deemed necessary by the Planning~~
21 ~~Commission~~ **that are adjacent to a residential zone.**

22 (2) The front yard setback shall be landscaped with some combination of trees, shrubs, hedgerows, and turf.
23 Preference shall be given to drought resistant native species. Landscaping shall be irrigated and permanently
24 maintained.

25 (3) When adjoining a residential zone boundary, a minimum ~~ten twenty~~ **(10)20** foot landscaped setback ~~may~~
26 **shall** be required from the residential zone boundary. The landscaped ~~yard~~ **setback** shall be located between
27 the property or zone boundary line and the fence.

28 (4) All parking areas shall be graded, drained, and improved with gravel road base material, concrete, or
29 asphaltic cement. The driveway from the street shall be paved with asphaltic cement or concrete.
30 Gravel parking areas shall be maintained in a weed-free condition.

31 (5) One (1) on-premises sign shall be permitted per street frontage in the front or side yard setback.
32 Said sign shall be no higher than five (5) feet, and no more than thirty-two (32) square feet in area.

33 (6) All lighting shall meet the requirements of Chapter 15.21, Provo City Code.

34 ~~(7) Sites adjoining existing residential development may not be appropriate for the land uses permitted by this~~
35 ~~Section. The Commission shall consider the circumstances of surrounding land uses, and area circulation in~~
36 ~~making a decision regarding a conditional use permit. It shall be the intent of these standards to discourage~~
37 ~~recreational vehicle storage areas and towing impound yards from drawing undue attention through signage,~~
38 ~~lighting, etc.~~

39 ~~(8) Upon review by the Planning Commission, the Commission may allow up to thirty percent (30%) of a~~
40 ~~developed project to be fully enclosed or partially enclosed storage structures for the purpose of~~
41 ~~storing recreational vehicles.~~

42

43 **Chapter 14.24**
44 **CM - Heavy Commercial Zone**

45 14.24.020(4) Permitted Principal Uses

46 (c) The following uses shall be permitted in the CM zone without stipulation:

47 6400 Repair services (6419 – Recreational vehicle storage and Auto towing
48 yards subject to 14.34.350)

49

50 **Chapter 14.27**
51 **M1 - Light Manufacturing Zone.**

52 14.27.020(4) Permitted Principal Uses

53 6400 - Repair services (except blacksmiths and horse shoeing), (6419 – Recreational vehicle
54 storage and Auto towing yards subject to 14.34.350)

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56 **Chapter 14.28**
57 **M2 - Heavy Manufacturing Zone.**

58 14.28.020(4) Permitted Principal Uses

59 6400 - Repair services (except blacksmiths and horse shoeing), (6419 – Recreational vehicle
60 storage and Auto towing yards subject to 14.34.350)

61

62 **Chapter 14.29**
63 **PIC - Planned Industrial Commercial Zone.**

64 14.29.020(4) Permitted Principal Uses

65 6400 - Repair services (except 6410 automobile repair and related services and 6499 horse shoeing),
66 (6419 – Recreational vehicle storage and Auto towing yards subject to
67 14.34.350)

68 14.29.020(6) Conditional Uses

69 6410 - Automobile repair and related services (Recreational vehicle storage and Auto
70 towing yards – see permitted uses 6419)

71

72 **Chapter 14.22**
73 **CG - General Commercial Zone**

74 14.22.020(6) Conditional Uses

75 6419 - Automobile services, except repair, and wash (motor clinics), and recreational vehicle
76 storage and auto towing yards.

77

78 **Chapter 14.27A**
79 **FI - Freeway Industrial Zone.**

80 14.27A.020(4) Permitted Principal Uses

81 **6419 – Recreational vehicle storage and Auto towing yards only subject to**
82 **14.34.350**

83 14.27A.020(6) Conditional Uses

84 6400 - Repair services (indoors only, no outdoor storage except uses subject to Section 14.34.240,
85 Provo City Code), **(Recreational vehicle storage and Auto towing yards – see**
86 **permitted uses 6419)**

87 **Chapter 14.08**
88 **A1 - Agricultural Zone.**

89 14.08.020(4)

90 **4603 – Recreational Vehicle Storage only subject to 14.34.350**

91

92 **Attachment 2**

93 **14.34.350. Recreational Vehicle Storage (Includes Boats, Trailers, and**
94 **Recreational Vehicles) and Towing Impound Yards.**

95 Subject to the standards set forth in Subsections (1) through (9) of this Section and the standards for
96 a conditional use permit set forth in Section 14.02.040, Provo City Code, storage of recreational vehicles shall
97 be allowed as a conditional use in A1 zones and towing impound yards shall be allowed as a conditional use in
98 CM, M1, M2 and PIC zones. The Planning Commission shall consider the circumstances of existing
99 surrounding land uses and existing improvements when applying these standards. Where circumstances
100 warrant it, the Commission may apply the most restrictive standards, subject to making findings justifying such
101 application.

102 (1) Every recreational vehicle storage area and towing impound yard shall be screened on ~~one (1) or more~~ **all**
103 sides (as determined by the Planning Commission) by an opaque wall or fence. Fence height shall be at least

104 eight (8) feet for recreational vehicle storage areas and at least six (6) feet for towing
105 impound yards. Fence height may be shorter than if built upon a permanent landscaped berm, and the
106 combined height of the berm and fence meets the requirements of this Subsection.

107 (a) Fencing appropriate to the area shall be utilized. This may include "Beauty Link" chain link, wood,
108 decorative block, or brick.

109 (b) An appropriate hedge row capable of growing to a height of at least five (5) feet at maturity may be
110 required along one (1) or more sides of the fence, as deemed necessary by the Planning Commission. A
111 hedge row shall be required on all sides adjacent to residential uses.

112 (2) The front yard setback shall be landscaped with some combination of trees, shrubs, hedgerows, and turf.
113 Preference shall be given to drought resistant native species. Landscaping shall be irrigated and permanently
114 maintained.

115 (3) When adjoining a residential zone boundary, a minimum ~~ten (10) foot landscaped~~ two hundred (200) foot
116 setback ~~may~~ shall be required from the residential zone boundary. The landscaped yard shall be located
117 between the property or zone boundary line and the fence.

118 (4) All parking areas shall be graded, drained, and improved with ~~gravel road base material~~, concrete, or
119 asphaltic cement. The driveway from the street shall be paved with asphaltic cement or concrete.
120 Gravel parking areas shall be maintained in a weed-free condition.

121 (5) One (1) on-premises sign shall be permitted per street frontage in the front or side yard setback.
122 Said sign shall be no higher than five (5) feet, and no more than thirty-two (32) square feet in area.

123 (6) All lighting shall meet the requirements of Chapter 15.21, Provo City Code.

124 (7) Sites adjoining existing residential development may not be appropriate for the land uses permitted by this
125 Section. The Commission shall consider the circumstances of surrounding land uses, and area circulation in
126 making a decision regarding a conditional use permit. It shall be the intent of these standards to discourage
127 recreational vehicle storage areas and towing impound yards from drawing undue attention through signage,
128 lighting, visual blight, etc.

129 (8) Upon review by the Planning Commission, the Commission may allow up to thirty percent (30%) of a
130 developed project to be fully enclosed or partially enclosed storage structures for the purpose of
131 storing recreational vehicles.

