

***ITEM #1** Development Services requests amendments to the Conventional and Open Space Subdivision Requirements (Chapter 15.04) and the PD Overlay (Chapter 14.31). Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20230098

Applicant: Development Services

Staff Coordinator: Aaron Ardmore

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider the information presented. *The next available meeting date is September 13, 2023, at 6:00 P.M.*

2. **Recommend Denial** of the requested amendments. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History: Staff have recently reviewed the “Open Space Subdivisions” and PD Overlay regulations in review of recent proposals to the City and found that the current regulations are somewhat convoluted, difficult to apply, and may lead to undesired outcomes.

Neighborhood Issues: This is a citywide application, but no comments or issues have been reported to staff or posted on Open City Hall at the time of this report.

Summary of Key Issues:

- Current regulations in Chapters 14.31 and 15.04 are problematic.
- Staff have gone through a process to review areas where these codes can be made clearer and improved to produce good development.

Staff Recommendation: Staff recommends that the Planning Commission recommend approval of the proposed amendments to the City Council.

OVERVIEW

The Planning Division of Development Services is bringing forward some proposed amendments to the Provo City Code regarding “Open Space” subdivisions and “Performance Development” subdivisions, in Chapters 14.31 and 15.04.

One of the purposes of these proposals is to remove the “open space” subdivision option and move the beneficial regulations of that section into the “performance development” standards. Staff found that having both the open space and performance development option in the code was redundant and confusing.

Another reason for the requested changes is to make the performance development chapter clearer for the public and staff to use and review. Removing dated and confusing standards and calculations from Chapter 14.31 is necessary to produce a better product for the development community to use.

Lastly, adding new standards and best practices into Chapter 14.31 allows the city to receive better applications that benefit the current and future residents of Provo. Providing possible density bonuses for a variety of buildings within a subdivision or deed-restricted pricing on homes will hopefully incentivize builders to create developments that meet goals within the General Plan.

Staff have written these proposals and had them reviewed by other City Departments prior to placing them on the Planning Commission agenda. This report will summarize and analyze the proposed changes, section by section below.

STAFF ANALYSIS

15.04 Amendments

Again, the main purpose of the amendments of this Chapter is to remove the “open space” subdivision but leave the rest of the conventional subdivision standards alone. The majority of the proposed changes, then, are to delete any references to open space subdivisions or their application. Specifically, the following changes are being proposed:

Line 4 (20-35): A “purpose and objectives” for this chapter is not needed as it is simply a regulatory chapter describing how to subdivide land in Provo.

Line 5 (36-44): This “applicability” section was only in reference to open space subdivisions and can therefore be removed.

Lines 7-9 (75-222): Removal of “Open Space”, “Density and Open Space Determination”, and “Design Standards for Open Space Subdivision Lots and Structures”. The idea of these sections, with some of the same specifics, is brought over

to Chapter 14.31, for use in PD overlays. Making this change should bring about similar developments but would be applied more easily and with the assurance of quality development.

Lines 49-74: Correction of terms and code references.

Lines 242-247: Changing “conditional uses” to “permitted uses” on conservation lands is due to the direction that cities have received from the State to minimize conditional uses in zones. Because of that change to allow these items by-right on conservation lands, staff proposed a more specific version of “recreational activities” to avoid harmful uses that do not meet the intent of conservation areas.

Lines 326-333: Again, removing references to “open space” subdivisions.

Lines 348-505: Updating terms and practices to match current policy and administration of subdivisions.

14.31 Amendments

Line 14 (361-374): This change removes the “density bonus calculations” that have not been user-friendly and problematic to implement.

Line 15 (375-466): These changes include altering the purpose of this section from design requirements to “density bonus amenities” to bring in opportunities for developers to increase density by providing building variety or affordable housing. Existing requirements in this section are either covered by a different section of code or dated regulations that did not provide ideal environments.

Line 19 (579-583): This change is simply removing redundant fee language that does not need to be in this Chapter.

Lines 47-52: The definition of “collective driveway” was acting more like a regulation, which should not be in a definition section. In addition, the term was not found in the Chapter, so it is being removed.

Lines 76-78: Parking lot is already a defined term in Section 14.06 and has design regulations in Chapter 14.37.

Lines 91-97: Subdivisions are not done with a “project plan” and keeping that language confuses them with an actual Project Plan Application. Additionally, the explanatory language of how staff applies the PD to the zone map does not need to be codified.

Line 101: Adding the Agricultural zones as an option for the PD overlay may help to get more housing while keeping agricultural uses in the city.

Line 108: Staff believes that since these PD overlay subdivisions are typically in or around single-family, detached homes that a maximum of eight connected units was not desirable; but that the connection of six is more appropriate, as seen in the LDR Zone.

Lines 113-116: This section only applied to the R5 Zone, which is no longer in Title 14.

Lines 123-136: Staff have removed all the density adjustments from this section since they are now described in Sections 14.31.090 and 14.31.100.

Lines 150-151: Planning Commission no longer reviews subdivisions.

Line 167: Added language and standard for A1 Zones since it was added above as an option for combining; and removed dated references.

Lines 169-170: Added reference for new “Critical Hillside” Chapter.

Lines 171-194: Setbacks have been largely removed from the PD since the underlying zone setbacks would typically apply (unless adjusted per Section 14.31.060) but choose to define specific standards for a garage to ensure viable parking behind the garage.

Lines 226-271: Adjustments to “Compatibility Standards” helps to remove obstacles to building more housing using the PD tool.

Lines 285-289: Open space standards have been simplified and defined to be more usable spaces in PD environments.

Lines 325-346: Minor corrections.

Lines 351-360: Redefines how density bonuses work. This should simplify the drawing and reviewing of PD plans, making it easier to use the tool.

Lines 485-578: Updated terms and language to be consistent with other city codes, policies, and staff job titles.

CONCLUSIONS

Staff have carefully crafted these amendments over several drafts since spring of 2023 and have developed language that will hopefully be clearer and more accessible to developers. Staff supports these amendments moving forward to the City Council.

ATTACHMENTS

1. Proposed 15.04 Amendments
2. Proposed 14.31 Amendments

ATTACHMENT 1 – PROPOSED 15.04 AMENDMENTS

1 **Chapter 15.04**

2 **~~CONVENTIONAL AND OPEN SPACE~~ SUBDIVISION REQUIREMENTS**

3 Sections:

4 ~~15.04.010~~ ~~Purpose and Objectives.~~

5 ~~15.04.020~~ ~~Applicability.~~

6 **15.04.030010** **Conceptual Integrated Development Street Layout Plan.**

7 ~~15.04.040~~ ~~Open Space.~~

8 ~~15.04.050~~ ~~Density and Open Space Determination.~~

9 ~~15.04.060~~ ~~Design Standards for Open Space Subdivision Lots and Structures.~~

10 **15.04.070020** **Land Uses for Conservation Areas.**

11 **15.04.080030** **Conservation Easements.**

12 **15.04.090040** **Conservation Area Design Standards.**

13 ~~15.04.100050~~ ~~Protection of Natural Habitat.~~

14 ~~15.04.110060~~ ~~Guarantees and Covenants.~~

15 ~~15.04.120070~~ ~~Conventional and Open Space Subdivision~~ **Application and Review**

16 **Procedures.**

17 **15.04.130080** **Preliminary Subdivision Plan.**

18 ~~15.04.140090~~ ~~Final Subdivision Plan.~~

19 ~~15.04.150100~~ ~~Vacating or Changing a Subdivision Plat.~~

20 ~~15.04.010~~

21 **~~Purpose and Objectives.~~**

22 ~~The purpose of this Chapter is to regulate the subdivision of land as set forth in this Title.~~

23 ~~Optional open space subdivision regulations are provided to encourage imaginative and~~

24 ~~efficient land utilization and to provide greater design flexibility and efficiency in the siting of~~

25 ~~services and infrastructure, including the opportunity to reduce road lengths, utility runs, and~~

26 ~~the amount of paving required for residential development. This is accomplished by providing~~

27 ~~greater flexibility in the location of buildings on the land, the conservation of open spaces, and~~

28 ~~the clustering of dwelling units. These provisions are intended to create more attractive and~~

29 ~~more desirable environments within the residential areas of the City by allowing open space~~

30 ~~residential subdivisions planned as a whole, single complex. Such open space subdivisions are~~
31 ~~intended to incorporate a development theme which includes the elements of usable open~~
32 ~~spaces, amenities, a well-planned circulation system, and attractive entrances as part of the~~
33 ~~design. Such open space subdivisions are also intended to provide a diversity of lot sizes to~~
34 ~~accommodate a variety of age and income groups and residential preferences so that the~~
35 ~~community's population diversity may be maintained.~~

36 ~~15.04.020~~

37 **Applicability.**

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

45 ~~15.04.030~~ **15.04.010**

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

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

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

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- 57 (a) Section 15.03.070, Provo City Code, Developable Land.
- 58 (b) Section 15.03.200, Provo City Code, Street Standards.
- 59 (c) Section 15.03.210, Provo City Code, Block Standards.
- 60 (d) Section 15.03.220, Provo City Code, Lot Standards.
- 61 (e) Section 15.05.160, Provo City Code, Hillside Development Standards.
- 62 (3) Preliminary plans shall integrate with the conceptual street layout plan. The conceptual
63 street layout plan is required for the purpose of demonstrating that the proposed subdivision
64 will not cause detriment to the integrated development of the overall area.
- 65 (4) Conceptual street layout plans demonstrating compliance with this Section shall not be
66 construed as having regulatory authority over properties included in the plan that are not the
67 subject of application for preliminary plan or final plan approval. Future developers of these
68 properties may propose alternative street layouts pursuant to the standards identified in this
69 Section and all other regulations of Titles 14 and 15, Provo City Code.
- 70 (5) Notwithstanding Subsection (4) of this Section, should ~~the Planning Commission~~ staff
71 determine that a specific conceptual street layout plan is crucial to ensuring the integrated
72 development of an area, the ~~Planning Commission, or their designee,~~ staff may forward a
73 recommendation to the Municipal Council to amend the local street plan pursuant to Section
74 14.03.~~040~~050, Provo City Code.

75 ~~15.04.040—~~
76 ~~Open Space.~~

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

82 ~~(1) Full density credit shall be allowed for secondary conservation areas that would be—~~
83 ~~buildable under local, state and federal regulations but for the requirement to provide a—~~

84 ~~secondary conservation area pursuant to Section 15.04.050. Such density credit may be applied~~
85 ~~to other unconstrained parts of an open space subdivision.~~

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

91 ~~**15.04.050**~~

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

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

96 ~~(2) A lot yield drawing shall be submitted indicating the number of lots could be created on~~
97 ~~developable land by conforming to conventional subdivision requirements and using the~~
98 ~~underlying zone as the basis for calculating density. The number of conventional subdivision~~
99 ~~lots that could be created in conformance with the requirements of the underlying zone shall~~
100 ~~establish the base density for an open space subdivision. Such density may be increased~~
101 ~~subject to receiving a density bonus and approval from the Planning Commission as provided in~~
102 ~~this Section.~~

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

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

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

Minimum Open Space	Lot Yield	Lot Size Min.
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>	

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

Minimum Open Space	Lot Yield	Lot Size Min.
35 percent (base)	<u>20</u>	<u>6,000</u>
40 percent	<u>21</u>	
45 percent	<u>22</u>	
50 percent	<u>23</u>	

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

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

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

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

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

116 ~~(a) A density bonus for the dedication and improvement of land for public use (including~~
117 ~~active and passive recreation areas, municipal buildings, parks, trails, etc.) may be granted~~
118 ~~at the rate of a maximum of three (3) dwelling units per acre of conservation land~~
119 ~~dedicated for public use. Any proposed park shall be approved by the Parks and Recreation~~
120 ~~Board and shall comply with the Parks Department Master Plan. Dedicated conservation~~
121 ~~land shall conform to General Plan policies, particularly those sections dealing with active~~
122 ~~recreational facilities and passive trail networks, as determined by the Planning~~
123 ~~Commission.~~

124 ~~(b) A density bonus may be granted if a fund is created to generate additional income for~~
125 ~~the sole purpose of off setting the continuing cost of maintaining the conservation land~~
126 ~~(such as mowing meadows, weeding, paying insurance premiums and local taxes).~~

127 ~~including costs associated with active or passive recreation facilities. Spending from this~~
128 ~~fund shall be restricted to expenditure of interest so that principal may be preserved.~~
129 ~~Assuming an annual average interest rate of five percent (5%), the amount designated for~~
130 ~~an endowment fund shall be at least twenty (20) times the estimated annual maintenance~~
131 ~~costs. Such estimate shall be prepared by an agency, firm or organization acceptable to the~~
132 ~~Planning Commission, with experience in managing conservation land and recreational~~
133 ~~facilities. The fund shall be transferred by the developer to the entity having ownership and~~
134 ~~maintenance responsibilities of the open space (such as a homeowner's association, a land~~
135 ~~trust, or the City) prior to occupancy. Not more than half of the bonus density awarded to a~~
136 ~~particular development may come from this category.~~

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

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

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

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

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

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

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

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

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

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

183 ~~(7) In order to achieve the bonus density allowed by this Section and promote affordable~~
184 ~~housing, flexibility in housing styles shall be permitted. While dwelling units allowed as part of~~
185 ~~the base density shall comply with the provisions of the underlying zoning district, any of the~~
186 ~~dwelling units to be constructed as a result of a density bonus may be attached units (such as~~
187 ~~twin homes, condominium units, zero lot line units, patio homes, etc.) or accessory living~~

188 ~~spaces. The number of attached units in a structure shall not exceed four (4). No attached units~~
189 ~~shall be constructed above or below other dwelling units, except that accessory living spaces,~~
190 ~~meeting the standards of Chapter 14.30, Provo City Code, may be located above or below a~~
191 ~~main dwelling unit or above a garage.~~

192 ~~**15.04.060**~~

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

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

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

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

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

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

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

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

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

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

211 ~~(a) Any development of fifty (50) or more one family or two family detached dwelling units~~
212 ~~shall have at least four (4) different types of housing models. Any development of fewer~~
213 ~~than fifty (50) one family dwelling units shall have at least three (3) different types of~~

214 ~~housing models. The developer shall include, in the application for approval of the~~
215 ~~preliminary subdivision development plan, documentation showing how the development~~
216 ~~will comply with the foregoing requirement.~~

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

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

223 **15.04.070020**

224 **Land Uses for Conservation Areas.**

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

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

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

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

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

- 239 (e) Public access to conservation areas shall be provided at a width of at least twenty (20)
240 feet unless otherwise approved by the Planning Commission. Such access ways may be
241 designed at a width of ten (10) feet if intended solely for bicycle or pedestrian use.
- 242 (2) ~~Conditional~~ Permitted uses on conservation lands shall be limited to:
- 243 (a) equestrian facilities;
- 244 (b) wholesale nurseries and associated buildings;
- 245 (c) golf courses;
- 246 (d) utility facilities; and
- 247 (e) ~~Other outdoor~~ recreational facilities ~~as determined by the Planning Commission.~~

248 **15.04.08030**

249 **Conservation Easements.**

- 250 (1) To protect primary and secondary conservation areas from future development,
251 conservation easements may be established as provided in the Utah Land Conservation
252 Easement Act. In the event of a conflict between such Act and this Title, the provisions of the Act
253 shall apply.
- 254 (2) A conservation easement is an interest in land and runs with the land encumbered by the
255 easement and is valid whether it is appurtenant or in gross. A conservation easement shall be
256 enforceable by the holder of the easement and its successors and assigns against the grantor
257 and its successors, heirs and assigns.
- 258 (3) Any property owner may grant a conservation easement to a charitable organization which
259 qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue Code or to a
260 governmental entity by purchase, gift, devise, grant, lease or bequest in the same manner and
261 with the same effect as any other conveyance of an interest in real property. A conservation
262 easement shall be in writing and shall be recorded in the Office of the Utah County Recorder.
263 The instrument that creates a conservation easement shall:

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- 264 (a) identify and describe the land subject to the conservation easement by legal
265 description;
- 266 (b) specify the purpose for which the easement is created, and
- 267 (c) include a termination date or a statement that the easement continues in perpetuity.
- 268 (4) Any qualified organization or entity that receives a conservation easement shall disclose to
269 the easement's grantor, at least three (3) days prior to the granting of the easement, the types
270 of conservation easements available, the legal effect of each easement and that the grantor
271 should contact an attorney concerning any possible legal and tax implications of granting a
272 conservation easement.
- 273 (5) A conservation easement may be terminated, in whole or in part, by release, abandonment,
274 merger, non-renewal, conditions set forth in the instrument creating the conservation
275 easement, or in any other lawful manner in which easements may be terminated if approved by
276 the Municipal Council after receiving a recommendation from the Planning Commission.
- 277 (6) A conservation easement may be enforced or protected by injunctive relief granted by a
278 court in a proceeding initiated by the grantor or holder of the easement. In addition to
279 injunctive relief, the holder of a conservation easement is entitled to recover monetary
280 damages. The holder of a conservation easement may enter the real property subject to the
281 easement at reasonable times and in a reasonable manner to ensure compliance.
- 282 (7) No conservation easement, or right-of-way or access to a conservation easement may be
283 obtained through the use of eminent domain.

284 **15.04.090040**

285 **Conservation Area Design Standards.**

- 286 (1) Fragmentation of conservation areas shall be minimized so that they are not divided in
287 smaller isolated parcels. Parcels less than one hundred (100) feet wide should be avoided,
288 unless necessary to connect other significant areas, such as streams or trails. Prime farm land
289 should be considered for conservation wherever possible in order to continue to promote the
290 farming activity.

- 291 (2) Conservation areas shall be designed as part of larger continuous and integrated open
292 space systems.
- 293 (3) Conservation areas shall be designed to provide buffers and to protect scenic views as seen
294 from roadways and from public parks.
- 295 (4) A portion of conservation areas may be commonly used by subdivision residents for
296 agricultural or horticultural purposes.
- 297 (5) No portion of any building lot may be used for meeting minimum amount of required
298 conservation land area; however, active agricultural land with farm buildings, excluding areas
299 used for residences, may be used to meet the minimum amount of required conservation land.
- 300 (6) All conservation areas that are not wooded, farmed or maintained as conservation
301 meadows shall be maintained or/and landscaped as determined by the Planning Commission.
302 The use of berming is encouraged to buffer residential areas from arterial and collector streets
303 and incompatible land uses.
- 304 (7) A maintenance plan shall be prepared for common open space areas. Such plan shall be
305 submitted with an open space subdivision application and shall, at a minimum, address the
306 following:
- 307 (a) vegetation management;
 - 308 (b) watershed management;
 - 309 (c) debris and litter removal;
 - 310 (d) fire access and suppression;
 - 311 (e) maintenance of public access and/or maintenance of limitations to public access;
 - 312 (f) horticultural and agricultural management; and
 - 313 (g) other factors deemed necessary by the Planning Commission (such as funding, staffing,
314 insurance and remedies in the case of default).

315 **15.04.10050**

316 **Protection of Natural Habitat.**

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

321 **15.04.11060**

322 **Guarantees and Covenants.**

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

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

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

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

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

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

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

347 **15.04.120070**

348 **~~Conventional and Open Space Subdivision~~ Application and Review**
349 **Procedures.**

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

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

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

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

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

- 369 (5) *Step 5.* Developer submits a PDF of the preliminary plat with a completed application,
370 required fees, ~~engineer or surveyor's computer generated information disk~~ and all supporting
371 documents to ~~the Planning Commission~~ city staff.
- 372 (6) *Step 6.* ~~Planning Commission or designated staff, in conjunction with the City Engineer and~~
373 ~~others as deemed appropriate,~~ City Staff reviews the preliminary plat for compliance with the
374 Provo City Code. If corrections to said plat are necessary, or if associated drawings or studies
375 are required, such corrections shall be resolved and approved by the City Engineer and others
376 as deemed appropriate before the plat is recorded. In any subdivision contiguous to property
377 owned by a public entity, such entity shall be notified of the proposed subdivision and shall be
378 invited to review the preliminary plat.
- 379 (7) *Step 7.* City staff approves, conditionally approves or denies preliminary plat based upon
380 findings that said plat does or does not comply with applicable provisions of the Provo City
381 Code. Preliminary approval shall expire one (1) year from the date the preliminary approval was
382 granted unless a final plat is submitted and approved for all or a part of the subdivision. When
383 a final subdivision does not cover the entire area included in a preliminary subdivision plat,
384 approval of the unplatted area shall be extended to one (1) year from the date of final approval
385 of a final plat. After expiration of the preliminary approval, no final approval shall be granted
386 unless the developer makes a complete re-submittal including new drawings and payment of
387 applicable fees.
- 388 (8) *Step 8.* Developer has a final plat prepared by a licensed surveyor according to City
389 standards and submits such plat, together with the required improvement and other drawings
390 done by a licensed engineer, and all other supporting documents and reports, along with
391 required fees. The developer shall provide ~~two (2)~~ a permanent reproducible ~~copies~~ copy on
392 Mylar of the final proposed plat. A final subdivision application shall expire one (1) year from
393 the date of the application unless final approval is received, or sufficient progress has been
394 made toward final approval as determined by the Development Services Director.
- 395 (9) *Step 9.* The ~~Planning Commission or designated~~ city staff reviews the final plat, in
396 conjunction with the City Engineer and others as deemed appropriate.
- 397 (10) *Step 10.* Developer posts a bond in the form of cash or an irrevocable letter of credit, along
398 with a subdivision improvements agreement, guaranteeing installation of the required
399 improvements.

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

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

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

410 **15.04.130080**

411 **Preliminary Subdivision Plan.**

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

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

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

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

418 (c) The developer has submitted to the City a plan, in an approved electronic format,
419 showing the proposed development layout, drawn to scale, and the following information:

420 (i) A complete and accurate legal description;

421 (ii) The names and addresses of the property owner, developer, the engineer, and/or
422 surveyor of the development, and the owners of the land immediately adjoining the
423 land to be subdivided;

424 (iii) Proposed name of the development;

- 425 (iv) The location of the development as forming a part of the larger tract or parcel
426 where the plan submitted covers only a part of the developer's tract;
- 427 (v) A conceptual integrated development plan meeting the requirements of Section
428 15.04.030010, Provo City Code;
- 429 (vi) A preliminary infrastructure plan for providing necessary streets, water, sewer,
430 storm drainage, and electrical distribution for the entire tract including the point from
431 which said services are to be extended;
- 432 (vii) A summary indicating the total area within the development, total area and
433 dimensions of each lot, and proposed net density of the development;
- 434 (viii) Any information noted as required in the Provo City Public Works Department
435 Development Guidelines referenced in Section 15.03.020(3)(b)(ii), Provo City Code.
- 436 (3) Based on the size, scope or complexity of the development proposal, staff may require any
437 other information required to ensure that the proposed project complies with applicable
438 requirements of the Provo City Code and standards and specifications adopted by the City.
- 439 (4) A final subdivision plan, meeting the requirements of Section 15.04.140090, Provo City
440 Code, shall be submitted within twelve (12) months of the ~~Planning Commission~~staff approval
441 of the preliminary subdivision plan. If a final subdivision plan is not submitted within the
442 required time period, the City may initiate proceedings to rezone the property back to the zone
443 classification that existed on the property prior to the approval.
- 444 (5) If an applicant seeks to revise a preliminary subdivision plan, the new plan shall be subject
445 to all new sections of the Provo City Code and other new City ordinances in effect at that time.

446 **15.04.140090**

447 **Final Subdivision Plan.**

- 448 (1) A final subdivision plan shall be prepared for all developments which require a recorded
449 plat as determined by the City Engineer. ~~In instances where a plat is not required, a lot line~~
450 ~~adjustment application must be verified and signed by the City Engineer and Development~~

451 ~~Services Director, or designee, and recorded with all other applicable documents required by-~~
452 ~~the Utah County Recorder.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

-
- 478 (x) Grading and drainage plan indicating the finished grade by solid line contours
479 superimposed on dashed line contours indicating the existing topography for the area
480 of the final plan. The plan shall identify natural slopes which exceed thirty percent
481 (30%) or greater slope and include quantities of borrowed or excess material;
- 482 (xi) All fences, barriers or landscaping as required;
- 483 (xii) All special improvements required as conditions of development approval;
- 484 (xiii) A final plat, meeting Provo City Standards, prepared by a professional land
485 surveyor.
- 486 (3) Upon notice of final approval, one (1) copy of the final plat on a twenty-four (24) inch by
487 thirty-six (36) inch mylar shall be submitted as part of the final plan approval.
- 488 (4) All final subdivision plans shall reference any related previously approved preliminary
489 subdivision plan.
- 490 (5) The final subdivision plan shall conform to the preliminary subdivision plan, except in those
491 instances where modifications have been required.
- 492 (6) A final subdivision plan application shall be subject to the expiration terms stated in Section
493 15.0, Provo City Code.

494 **15.04.150100**

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

- 496 (1) A petition to vacate, alter or amend an entire plat, or to vacate a street, or alley in a
497 subdivision shall conform to Utah Code.
- 498 (2) Petitions to adjust lot lines between adjacent properties may be executed upon the
499 recordation of an appropriate deed, and the recordation of an amended plat drawn according
500 the provisions of Section 15.04.140090, Provo City Code, if:
- 501 (a) the adjoining property owners consent to the lot line adjustment, including owners
502 adjacent to the subject property across the street, if applicable;
- 503 (b) no new dwelling lot or housing unit results from the lot line adjustment;

- 504 (c) the lot line adjustment does not violate applicable zoning ordinances; and
- 505 (d) the lot line adjustment does not result in remnant land that did not previously exist.

ATTACHMENTS 2 – 14.31 AMENDMENTS

1		Chapter 14.31
2		PD - PERFORMANCE DEVELOPMENT OVERLAY ZONE
3	Sections:	
4	14.31.010	Purpose and Objectives.
5	14.31.020	Definitions.
6	14.31.030	Use In Combination.
7	14.31.040	Zones With Which the Planned Development Zone May Be
8		Combined.
9	14.31.050	Permitted Uses.
10	14.31.060	Variations to Underlying Zone Permitted.
11	14.31.070	Density Determination.
12	14.31.080	Minimum Performance Standards.
13	14.31.090	Density Bonus.
14	14.31.100	Density Bonus Calculations.
15	14.31.110	Density Bonus Amenities-Design Requirements.
16	14.31.120	Concept Plan Approval.
17	14.31.130	Final Project Plan Approval.
18	14.31.140	Guarantees and Covenants.
19	14.31.150	Fees.
20	14.31.160	Appendix.

21 **14.31.010**

22 **Purpose and Objectives.**

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

29 (2) A Performance Development (PD) is a residential development planned as a whole, single
30 complex. It incorporates a definite development theme which includes the elements of usable
31 open spaces, diversity of lot design or residential use, amenities, a well-planned circulation
32 system, and attractive entrances as part of the design. The incorporation of one (1) or two (2) of
33 these elements into a development does not make a PD. The combination of all these elements
34 is necessary for the development of a PD.

35 **14.31.020**

36 **Definitions.**

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

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

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

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

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

53 **"Developable land"** means land under thirty percent (30%) slopes which is capable of being
54 improved, subject to the provisions Chapter 15.08 of the Provo City Code, with landscaping,
55 recreational facilities, buildings, or parking. Land devoted to street usage (the right-of-way for
56 public streets and the area from back-of-curb to back-of-curb for private streets) shall not be
57 considered developable land, and must be subtracted out of the total acreage before the

58 density calculation is made. (Access aisles in parking lots and driveways shall not be considered
59 private streets for purposes of this Section.)

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

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

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

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

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

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

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

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

84 **14.31.030**

85 **Use In Combination.**

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

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

98 **14.31.040**

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

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

102 **14.31.050**

103 **Permitted Uses.**

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

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

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

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

Use	Use Classification
No.	

4811	Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right- of-way of the activity)
-----------------	--

4821	Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
-----------------	--

4824	Gas pressure control stations
-----------------	--

4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right- of-way of the activity)
-----------------	---

4835	Irrigation distribution channels
-----------------	---

4836	Water pressure control stations and pumping plants
-----------------	---

Use No.	Use Classification
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

117 **14.31.060**

118 **Variations to Underlying Zone Permitted.**

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

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

ZONE	LOT AREA/DWELLING
RA	4 unit per 21,780 square feet
R1.20	4 unit per 20,000 square feet
R1.15	4 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~~

~~127 (2) Notwithstanding the foregoing provision, in no event shall the maximum number of
128 residential units exceed the number of units per developable acre in the PD that could be
129 achieved, without a density bonus, by conventional development of the property in the zone
130 with which the PD is proposed to be applied. Such maximum number of residential units shall
131 be reasonably determined by the Planning Commission using development criteria and
132 ordinance requirements applicable to the zone with which the PD is proposed to be combined.~~

~~133 (3) In the event an approved project plan is proposed to be amended and a density increase is
134 requested, the Planning Commission may, subject to the requirements of this Chapter, approve
135 such density increase; provided, however, that any density increase shall not exceed by more
136 than ten percent (10%) the density shown on the originally approved project plan.~~

137 **14.31.070**

138 **Density Determination.**

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

145 **14.31.080**

146 **Minimum Performance Standards.**

147 A performance development established under the provisions of this Chapter shall conform to
148 the standards and requirements of this Section. Project plans shall be approved or denied on
149 the basis of performance measured against development standards adopted in accordance
150 with this Chapter. ~~and on the findings made by the Planning Commission as required by Section~~
151 ~~14.31.120(2).~~

152 (1) *General Standards.*

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

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

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

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

A1 5 acres
zone

RA 5 acres
zone

R1 2 acres ~~(Exception: No minimum –
zone shall be required in the –
Neighborhood Conservation Area –
[as defined in Section 14.10.090] if
one family detached residential –
units are proposed.)~~

R2 2 acres ~~(Exception: No minimum –
zone shall be required in the –
Neighborhood Conservation Area –
[as defined in Section 14.10.090] if –
one family detached residential –
units are proposed.)~~

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

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

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

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

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

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

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

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

202 (i) Not isolate surrounding neighborhoods;

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

204 (iii) Be compatible with the neighborhood.

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

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

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

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

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

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

225 (2) *Compatibility Standards*.

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

230 ~~(b)(a) *Land Use Conflicts*. Land use conflicts that may exist between the proposed~~
231 ~~performance development and surrounding land uses shall be examined as provided in~~
232 ~~Section 14.31.140170(B), Guidelines Pertaining to Land Use Conflicts.~~

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

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

243 ~~(e) *Building Materials*. The type of exterior building material and ratio of surface coverage~~
244 ~~for the proposed facade for other than one family dwelling units shall be similar in material~~

245 ~~and ratio of coverage to fifty one percent (51%) of the existing residential structures~~
246 ~~adjacent to the development. (e.g. The majority of the existing buildings have the lower~~
247 ~~one-third (1/3) of the facade in brick on the front and the rest is siding, the new~~
248 ~~development shall have as a minimum one-third (1/3) of the front in brick and the rest in~~
249 ~~siding.) This provision shall not limit the use of brick in place of other material.~~

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

255 ~~(g)(d)~~ **(d)** *Garages.* In R1 and R2 zones, required off-street parking (excluding visitor and RV
256 parking) shall be provided **as required in the underlying zone and** in enclosed garages or
257 carports that are architecturally compatible with the main structures as set forth in Section
258 14.34.310, Provo City Code. Carports may only be approved in those cases where the
259 applicant demonstrates, to the satisfaction of the Commission, that carports are used
260 predominantly in the surrounding neighborhood, and that the proposed development
261 would still provide a more pleasant and attractive living environment than would be
262 obtained under the conventional residential subdivision standards. When garages are
263 provided for parking purposes within any zone, the size of garage shall be consistent with
264 the requirements set forth in Section 14.37.100, Provo City Code.

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

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

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

273 (3) *Design Theme.*

- 274 (a) *Entry Statement.* Entrance designs to the development are required. The minimum
275 entrance design to the development shall consist of a monument sign naming the
276 development surrounded by a variety of ground cover, shrubs, and trees.
- 277 (b) *Visual Relief.* Attached dwelling units shall have visual relief in facade and roof line
278 which adds variety and rhythm to the design and avoids monotonous straight lines. Refer
279 to Figure 14.31.080(c) at the end of this Chapter.
- 280 (c) *Unified Design.* Unifying architectural and landscaping design elements shall be carried
281 throughout the project. Therefore, detailed landscaping plans shall be submitted, along
282 with building elevation views and floor plans. In the case of PD subdivisions, design
283 guidelines or covenants may be substituted for building plans and individual lot
284 landscaping plans.
- 285 (4) *Open Space.* No less than ten percent (10%) of the total gross acreage in a PD shall be
286 devoted to open green space as defined in Section 14.31.020, Provo City Code. Such space shall
287 be consolidated and may not count required yards and building setbacks.

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

Zone	OGS
A1.1	.80
RA	.80
R1	.60
R2	.40

290 Each phase of development shall provide its proportionate required open green space needed
291 for that phase.

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

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

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

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

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

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

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

323 (f) *Water Conservation.* The majority of new plant material used for landscaping the
324 development should be water conserving plants. The landscaping design shall locate plant

325 materials in similar water usage demand zones to ~~insure~~ensure proper irrigation coverage
326 and reduce wasteful irrigation coverage and reduce wasteful watering.

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

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

333 (5) *Streets*. The type and arrangement of roadways peripheral to and abutting any
334 development shall be in compliance with the Master Street Plan, the Official Map, and any Local
335 Policy Street Maps for the area of the development. Projects which are located on or next to a
336 collector or arterial street shall be designed and developed so the public street continues
337 through the project in a logical, safe design. Projects which are located at the end of stubbed
338 local public streets may be required to extend the street through the development based on
339 the proposed circulation needs of the area as determined by the Planning Commission. The
340 Planning Commission, upon recommendation of the Planning and Engineering Staff, shall
341 determine if the street should be extended as a through street or as a cul-de-sac during the
342 concept or preliminary approval.

343 (a) *Public Streets*. All dedicated public streets shall be constructed to City standards
344 including width, as outlined in Section 15.03.~~040~~200, Provo City Code.

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

349 **14.31.090**

350 **Density Bonus.**

351 PD Developments are eligible for a density bonus based on additional amenities provided per
352 Section 14.31.100, Provo City Code. Each amenity is assigned a standard percentage increase in

353 dwelling units above the underlying zone density limit. The total density bonus for a project
354 shall not exceed forty percent (40%) above the underlying zone density limit.

355 ~~Density in excess of the base density for the underlying zone may be considered for projects~~
356 ~~which comply with the bonus density design requirements. The amount of density bonus shall~~
357 ~~be determined by the type of Bonus Density Design Requirements incorporated in the~~
358 ~~development proposal. In no case shall the density bonus exceed the maximum density~~
359 ~~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

360 * Net Developable Acre

361 ~~**14.31.100-**~~

362 ~~**Density Bonus Calculations.**~~

363 ~~For applicants requesting a density greater than the base density, the Planning Commission~~
364 ~~shall determine whether the applicant has complied with the necessary design components as~~
365 ~~provided in Section 14.31.110 of this Chapter and shall assign density points as applicable. The~~

366 ~~additional units per acre allowed above the base density for the PD shall be determined by~~
367 ~~multiplying the total number of density bonus points by the density coefficient of the~~
368 ~~underlying zone. This figure is the additional number of units per acre allowed above the base~~
369 ~~density. This number when added to the base density will determine the total density per acre~~
370 ~~for the project; provided that the number shall not exceed the maximum density allowed in the~~
371 ~~zone. (Example: The project is in an R2 zone and the design is awarded 75 bonus points. $75 \times$~~
372 ~~$.0435 = 3.26$ additional units per acre. $3.26 + 10.89$ (base density) = 14.15 maximum units per~~
373 ~~acre for the development.) The density coefficient for each underlying zone and the total~~
374 ~~amount of points needed for the maximum density are listed 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

375 **14.31.100110**

376 **Density Bonus Amenities. Design Requirements.**

377 (1) *Building Variety*. Any development providing four (4) or more types of housing models
378 defined by different floor plans, exterior materials, or roof lines are eligible for a ten percent
379 (10%) increase in density.

380 (2) *Affordable Housing*. Any PD which provides deed-restricted affordable housing defined by
381 80% AMI (Average Median Income) may be eligible for a density bonus. The percentage of
382 density bonus given for affordable housing shall be equal to the percentage of affordable
383 housing units provided, up to forty percent (40%) above the underlying zone base density.

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

394 ~~(1) *Energy Efficiency.*~~

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

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

403 ~~(2) *Building Design.*~~

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

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

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

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

412 ~~(3) *Design Theme.*~~

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

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

417 ~~(c) *Fencing.* Perimeter fencing is used throughout the project that matches the building~~
418 ~~design, i.e., masonry columns or piers using the same brick or stone as the buildings. (Up to~~
419 ~~15 points.)~~

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

423 ~~(4) *Parking Areas.*~~

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

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

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

433 ~~(5) *Recreational Amenities.*~~

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

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

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

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

451 ~~(6) *Landscaping.*~~

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

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

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

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

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

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

467 **14.31.130110**

468 **Concept Plan Approval.**

469 Concurrent with any request to rezone property to the Performance Development Overlay
470 Zone, and prior to final plan approval, a concept plan which meets the requirements of Section
471 15.03.300, Provo City Code, shall be submitted to the Provo City Planning Commission.

472 **14.31.140120**

473 **Final Project Plan Approval.**

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

481 **14.31.150130**

482 **Guarantees and Covenants.**

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

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

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

496 (c) In the case of private reservation, the open space to be reserved shall be protected
497 against building development by conveying to the City as part of the condition of project
498 approval, an open space easement over such open areas, restricting the area against any
499 future building or use, except as approved on the project plan.

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

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

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

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

515 (ii) An increase in overall coverage of structures;

516 (iii) An increase in the intensity of use;

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

518 (v) A reduction in approved open space;

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

520 (vii) A reduction in required pavement widths.

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

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

528 (3) The applicant (owner) of any performance development which is being developed as a
529 condominium project under the provisions of the Condominium Ownership Act of Utah, or
530 subsequent amendments thereto, shall, prior to the conveyance of any unit, submit to the
531 Planning Commission a declaration of covenants, conditions, and restrictions relating to the
532 project, which shall become part of the final development plan and shall be recorded to run
533 with the land. Said covenants, conditions, and restrictions shall include management policies
534 which shall set forth the quality of maintenance that will be performed and who is to be
535 responsible for said maintenance within said condominium development. Said document shall,
536 as a minimum, contain the following:

-
- 537 (a) Provisions for the type of occupancy (family or batching singles) as determined by the
538 amount of provided parking and by the underlying zone.
- 539 (b) The establishment of a private association or corporation responsible for all
540 maintenance, which shall levy the cost thereof as an assessment to each unit owner within
541 the condominium development.
- 542 (c) The establishment of a management committee, with provisions setting forth the
543 number of persons constituting the committee, the method of selection, and the powers
544 and duties of said committee; and including the person, partnership, or corporation with
545 property management expertise and experience who shall be designated to manage the
546 maintenance of the common areas and facilities in an efficient and quality manner.
- 547 (d) The method of calling a meeting of the members of the corporation or association with
548 the members thereof that will constitute a quorum authorized to transact business.
- 549 (e) The method for maintenance, repair, and replacement of common areas and facilities,
550 and distribution of costs thereof.
- 551 (f) The method for maintenance of all private streets and private utilities and
552 acknowledgment that such maintenance is the responsibility of the homeowners
553 corporation or association.
- 554 (g) The manner of collection from unit owners for their share of common expenses, and
555 the method of assessment.
- 556 (h) Provisions as to percentage of votes by unit owners which shall be necessary to
557 determine whether to rebuild, repair, restore, or sell property in the event of damage or
558 destruction of all part of the project.
- 559 (i) The method and procedure by which the declaration may be amended: the declaration
560 required herein, any amendment, and any instrument affecting the property or any unit
561 therein shall be approved by the Planning Commission and recorded with the County
562 Recorder. Neither the declaration nor any amendment thereto shall be valid until approved
563 and recorded. Said declaration and amendments thereto shall be maintained as part of the
564 project plan for the performance development.
-

565 (4) In case of failure or neglect to comply with any and all of the conditions and regulations
566 herein established, and as specifically made applicable to a performance development, the
567 building inspector shall not issue a certificate of zoning compliance therefore. Such failure or
568 neglect shall be cause for termination of the approval of the project. Such failure or neglect to
569 comply with the requirements and to maintain the buildings and premises in accordance with
570 the conditions or approval thereafter shall also be deemed to be a violation of this Chapter.

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

579 ~~14.31.160~~

580 ~~Fees.~~

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

584 ~~14.31.170~~140

585 **Appendix.**

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

591 (a) Land Use Conflict Mitigation Measures

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

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

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

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

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

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

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

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

614 (A) The buildings themselves can cause a buffer to be created by effectively
615 turning their backs on each other - orienting views, access and principal activities
616 away from the other land use. Care must be taken, however, that a hazardous and
617 unaesthetic "no-mans's land" is not created in the process. Some appropriate use
618 must be given to the intervening space. Alternately, the intervening space can be
619 eliminated altogether if the two (2) buildings share a common back wall. An entire
620 site plan can be oriented so that the activities and functions are aligned

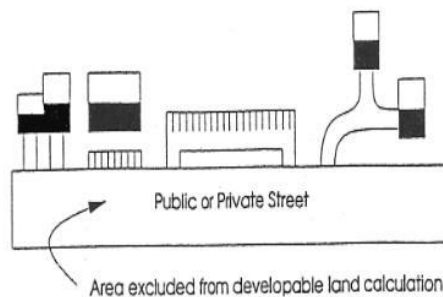
621 hierarchically - placing those least compatible furthest from the common
622 boundary between land uses and those most compatible near that boundary.

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

631 (v) *Architectural Compatibility.* In addition to the architectural considerations involved
632 in mitigation through orientation, the materials, colors, scale, and prominence of
633 buildings in adjacent land uses can be coordinated so there is a gradual transition from
634 one (1) land use to another rather than a sharp and displeasing contrast. Purely
635 aesthetic details that are "tacked" onto a building to cover up land use conflicts,
636 however, will cause more harm than good. The architectural compatibility should rise
637 from a total consideration of the function of each land use and the function of the
638 space between them.

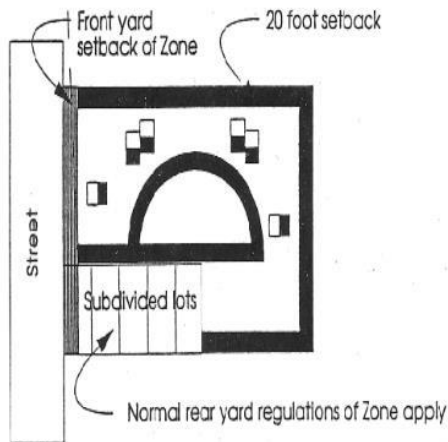
639 (vi) *Circulation.* Streets and parking areas can often serve to reduce certain types of
640 land use conflicts.

641 **Figure 14.31.070. Density Determination.**



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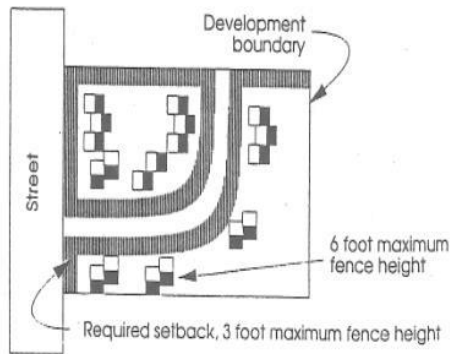
643 **Figure 14.31.080(a). Setbacks.**



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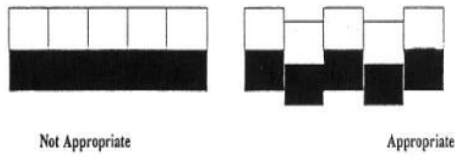
Figure 14.31.080(b). Fence Height.



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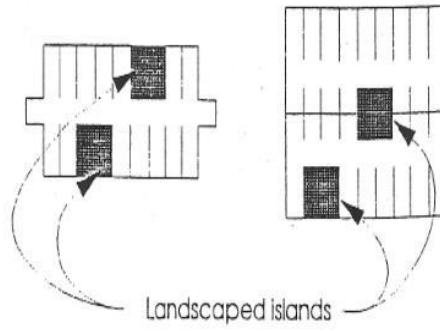
Figure 14.31.080(c). Visual Relief.



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Figure 14.31.100. Landscaped Islands.



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