

(b) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding twenty-four (24) inches in height.

(c) Carports and loading docks in a side yard or rear yard, provided that such a structure is not more than one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

14.22.100. Building Height.

In the CG zone, the height of every building or structure hereinafter designed, erected, or structurally altered or enlarged shall be regulated by conformance to the requirements of the most recent edition of the Uniform Building Code as adopted by action of the Municipal Council. After the effective date of this Chapter (December 12, 1974), all new structures exceeding two (2) stories in height shall be served with elevators or escalators in addition to the stairways otherwise required by law.

14.22.110. Distance Between Buildings.

No requirement.

14.22.120. Permissible Lot Coverage.

No requirements except as may be dictated by yard requirements, landscape requirements, and compliance with off-street parking provisions. Permissible lot coverage for mixed residential/ commercial uses, see 14.22.035.

14.22.130. Parking, Loading, and Access.

(1) Each lot or parcel in the CG zone shall have automobile parking sufficient to meet the requirements as set forth in Chapter 14.37, Provo City Code.

(2) All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with adequate drainage which shall not run across a public sidewalk.

(3) Parking spaces shall not be provided within a required front yard or side yard adjacent to a public street.

14.22.140. Project Plan Approval.

See Sections 15.03.300 and 15.03.310, Provo City Code. (Am 1986-10, Am 1988-52, Am 1994-03, 1999-44, 2001-10)

14.22.150. Other Requirements.

(1) Signs. All signs erected in the CG zone shall be in conformance with the sign provisions of Chapter 14.38, Provo City Code.

(2) Uses Within Buildings. All uses established in the CG zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open. Such uses may include, but would not be limited to, service stations, ice skating, miniature golf, plant nurseries, etc.

(3) Landscaping. See Chapter 15.20, Provo City Code.

(4) Trash Storage. See Section 14.34.080, Provo City Code.

(5) Walls and Fences.

(a) No wall, fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within a required front yard in a CG zone.

(b) A decorative masonry wall, at least six (6) feet in height, shall be erected along all property lines which lie adjacent to a residential zone. In the case where there is mutual agreement between the property owners of the commercial zone and the adjacent residential zone, the masonry wall requirement may be modified to allow other suitable materials. A signed agreement must be submitted to the Planning Commission or its designee,

indicating this agreement. In the case where there is not mutual agreement, the masonry wall will be required.

(6) Remodeling in Existing CG Zones. If the remodeling of a building in the CG zone causes the exterior of the building to be enlarged, the landscaping requirements of Subsection (3) of this Section shall apply, with the following limitations:

(a) The requirements of Subsection (3) of this Section shall not apply where those requirements would conflict with parking requirements, be incompatible with the design of existing buildings or impair ingress or egress to existing buildings or parking areas.

(b) See Chapter 15.20, Provo City Code.

(7) Transitional Development Standards. Where a lot in any business, commercial, manufacturing, industrial zone borders a residential zone the standards set forth in section 14.34.300, Provo City Code. (Am 1987-45, Am 1987-48, Am 1990-53, Am 1994-28, Am 1995-02, Am 1995-06, Am 1995-56, Am 1996-72, Am 1998-43, Am 1999-61)

Chapter 14.23. Interim Transit Oriented Development Zone.

14.23.010. Purpose and Objectives.

14.23.020. Permitted Uses.

14.23.025. Residential Mixed-Use Requirement.

14.23.030. Lot Area.

14.23.040. Lot Width.

14.23.050. Lot Frontage.

14.23.060. Prior Created Lots.

14.23.070. Yard Requirements.

14.23.080. Projections into Yards.

14.23.090. Building Height.

14.23.100. Distance Between Buildings.

14.23.110. Permissible Lot Coverage.

14.23.120. Parking, Loading and Access.

14.23.130. Project Plan Approval.

14.23.140. Minimum Habitable Main Floor Depth.

14.23.150. Architectural Standards.

14.23.160. Other Requirements.

14.23.170. Explanatory Graphics.

14.23.010. Purpose and Objectives.

The Interim Transit Oriented Development (ITOD) Zone is established to provide interim zoning measures while more comprehensive transit oriented development plans and ordinances are formulated for the planned intermodal hub area and other key transportation related locations within the City. These interim measures are intended to prevent land uses and development that would hinder long-range City goals while achieving quality housing, attracting long-term residents, on properties surrounding the proposed Intermodal Hub site. This zone's primary use is for residential and residential/support mixed-use development which is intended to provide housing and business opportunities adjacent to public transit and thereby facilitate increases in the use of public transit and reduce City-wide traffic and congestion elsewhere. The ITOD zone is characterized by, clean, well-lighted streets, ample pedestrian ways, and attractive, inviting, and residential uses, well-maintained shops, stores, offices, with a mixed use design. This zone will tend to encourage an architectural theme which will strengthen the continuity of the ITOD area and give it an identity with which the citizens of Provo can identify. (Enacted 2009-02)

14.23.020. Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the ITOD zone.

(2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or categories of such uses permitted within the zone are identified by a four (4) digit number in which the last one (1) or two (2) digits are zeroes.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the ITOD zone, subject to the limitations set forth.

(4) Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in the ITOD zone:

Use No.	Use Classification
1131	Multiple family dwelling
1140	Multiple family dwelling (low rise attached, stand alone or attached to commercial or other nonresidential use as a mixed-use project)
1150	Multiple family dwelling (high rise attached, stand alone or attached to commercial or other nonresidential use as a mixed-use project)
1250	Religious quarters
1291	Residential facility for elderly persons (see Section 14.34.230, Provo City Code)
1292	Residential facility for persons with a disability (see Section 14.34.230, Provo City Code).
1300	Residential hotels
4100	Railroad, rapid rail transit and street railway transportation
4210	Bus transportation (except 4214)
4290	Motor vehicle transportation
4600	Automobile parking, including park and ride lots and intermodal hubs (except 4603, long term storage of autos, trucks, boats, vacation trailers, etc.)
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
4837	Water utilities or irrigation company office
4841	Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4844	Sewage pumping stations
4853	Refuse disposal company office
4862	Gas and electric utility company office
4863	Water and electric utility company office
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)

Land use categories below are allowed as a permitted use only if they are two thousand (2,500) square feet or less in size (gross square footage). Land use categories below that consist

of gross building square footage in excess of two thousand five hundred (2,500) square feet shall be approved only as a conditional use.

4923	Travel agencies
5390	Retail trade - general merchandise
5400	Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
5490	Miscellaneous retail food establishments
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment (10,000 square foot maximum building size, no outdoor storage)
5810	Eating places (restaurants)
5910	Drug and proprietary stores
5930	Antiques and second-hand merchandise (indoor only) (except 5935, 5938, 5939)
5940	Books, stationery, art, and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies (entirely within a building only)
5970	Jewelry
5990	Miscellaneous retail stores (includes florists, cigars, newspapers and magazines, photo supplies, pet stores, and other similar retail stores)
6100	Banks, insurance, and real estate (office only)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6240)
6297	Athletic clubs, body building studios, spas, aerobic centers (no gymnasiums)
6300	Business services (office and retail sales only, except 6370, 6380, 6394 and 6397)
6500	Professional services (except 6515 Behavior, drug and alcohol treatment; office only)
6800	Educational services
6911	Churches, synagogues, temples, and missions
6912	Religious reading rooms
6919	Other religious activities
7100	Cultural activities
7398	Video rental shops

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the ITOD zone provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage buildings, and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the ITOD zone.

(b) Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use be located on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter.

(c) Household pets, provided that no more than two (2) dogs and two (2) cats six (6) months of age or older shall be kept at any residence or commercial establishment at any time. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

(6) Conditional Uses. The following uses and structures are permitted in the ITOD zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
4700	Communications (subject to Section 14.34.420, Provo City Code)
4814	Electricity regulating substations
4815	Electric utility company office
4818	Small generation
4819	Other electric utility, NEC
4825	Gas company office
4829	Other gas utilities, NEC
4834	Water storage as part of a utility system (covered including water storage stand pipes)
6722	Police protection and related activities, branch (office only)
6900	Miscellaneous service organizations
7210	Entertainment and assembly including legitimate theater
7212	Motion picture theaters (indoor - subject to the standards of Section 14.34.370, Provo City Code)
7391	Coin-operated amusements
7396	Dance halls, ballroom (subject to the standards of Section 14.34.370, Provo City Code)
7397	Billiards and pool halls

(7) Change of Use. Any change of use in the ITOD zone shall require compliance with all provisions of this Chapter. (Enacted 2009-02)

14.23.022 Temporary Uses.

Land use categories not authorized as either permitted, conditional, or accessory uses in the ITOD zone may be approved as a temporary use, subject to all requirements of Chapter 14.35.040 through 14.35.080, Provo City Code, and subject to the following:

- (1) the temporary use shall expire annually;
- (2) new construction or other significant property improvements shall not be authorized for the temporary use; and
- (3) no temporary business licenses shall be allowed in the ITOD zone after December 31, 2012. (Enacted 2009-02)

14.23.025. Residential Mixed Use Requirements.

At least fifty (50) percent of the square footage of any new principal building and fifty (50) percent of a building addition in excess of five thousand (5,000) square feet shall be occupied by residential dwelling units. Residential use requirement may be satisfied in the same building or a different property located within the same ITOD zone. (Enacted 2009-02)

14.23.030. New Development Lot Area.

The minimum lot area for any new development in the ITOD zone shall be one (1) acre. For the purpose of this Section, new development is defined as any new principal building. (Enacted 2009-02)

14.23.040. Lot Width.

Each lot or parcel of land in the ITOD zone shall have an average width of not less than one hundred (100) feet. (Enacted 2009-02)

14.23.050. Lot Frontage.

Each lot or parcel of land in the ITOD zone shall abut a public street for a minimum distance of one hundred (100) feet on a line parallel to the center of the street. (Enacted 2009-02)

14.23.060. Prior Created Lots.

Lots or parcels of land which were created prior to December 12, 1974, shall not be denied a building permit solely for reason of nonconformance with the lot requirements of this Chapter. (Enacted 2009-02)

14.23.070. Yard Requirements.

The following minimum yard requirements shall apply in the ITOD zone: (Note: All setbacks are measured from the property line.)

(1) Front Yard. No requirement except the front yard setback for any building shall not be greater than six (6) feet along any front yard with the following exception:

(a) No part of any building shall overhang the public right-of-way and no drainage shall be diverted into said public right-of-way. (See Section 14.21.150(4), Provo City Code, for canopy and marquee requirements.)

(2) Side Yard. No requirement except the side yard setback for any building shall not be greater than ten (10) feet with the following exception:

(a) In instances wherein a development cannot obtain interior lot vehicular access from a rear yard, alley, easement, or other right-of-way, a side yard may be increased to twenty (20) feet.

(3) Side Yard - Corner Lots. On a corner lot, the side yard contiguous to the street shall meet the same standards as Subsection (1) of this Section and shall not be used for vehicular parking except such portion as is devoted to driveway use for access to a garage or carport.

(4) Side Yard - Driveway. See Section 14.37.100, Provo City Code.

(5) Side Yard - Accessory Building. Accessory buildings are not permitted.

(6) Rear Yard. No requirement. (Enacted 2009-02)

14.23.080. Projections into Yards.

The following structures may be erected on or project into a required yard, provided it does not obstruct a required driveway:

- (1) fences and walls in conformance with the Provo City Code and other City codes and ordinances;
- (2) landscaping elements including trees, shrubs, and other planting materials;
- (3) necessary appurtenances for utility services with property-impact protection if located adjacent to driveway areas; and
- (4) stairs not projecting beyond a property line. Access to commercial ground floor uses shall not be by means of stairs along a primary or secondary street. (Enacted 2009-02)

14.23.090. Building Height.

The total maximum building height within the ITOD zone shall not exceed one hundred (100) feet according to the following:

- (1) Building height shall be measured in number of stories, excluding basement areas.
- (2) Each building shall not exceed six (6) stories nor shall have less than two (2) stories. The fifth and sixth story shall have an additional set back of no less than fifteen (15) feet from the first story building elevation adjacent to any street.
- (3) Each story within the ITOD zone shall not exceed fourteen (14) feet except for first story commercial functions may be up to twenty feet (20).

(4) Parapet walls and cornices shall not exceed five (5) feet, except as otherwise provided in Section 14.34.090, Provo City Code.

(5) Residential main floor level shall not exceed three (3) feet in height above street curb elevation.

(6) Commercial main floor level shall not exceed one (1) foot in height above street curb elevation.

(7) Mechanical equipment shall be screened. Only the minimal amount of screening necessary to fully screen such equipment shall be used. Mechanical equipment shall be setback in such manner that the required screening cannot be seen from the pedestrian street view, if possible. (Enacted 2009-02)

14.23.095. Transitional Building Height.

(1) The maximum building height for buildings or portions of buildings in the ITOD zone located within one hundred (100) feet of, or directly across the street from, an RC, R1, R2 or PRO-R zone shall be a maximum of three (3) stories (not to exceed fifty [50] feet) for the first one hundred (100) feet of building adjacent to the neighboring property or the first one hundred (100) feet of the building across the street.

(2) Buildings or portions of buildings in the ITOD zone located within fifty (50) feet of a property in an RC, R1, R2, or PRO-R zone or the first fifty (50) feet of buildings or portions of buildings in the ITOD zone located directly across the street from an RC, R1, R2, or PRO-R zone, shall be designed with a pitched or gabled roof.

(3) Buildings or portions of buildings in the ITOD Zone located adjacent to properties in an RC, R1, R2 or PRO-R zone shall have a twenty (20) foot landscaped buffer along the adjacent property line(s). (Enacted 2009-02)

14.23.100. Distance Between Buildings.

No requirement except as regulated by the provisions of the adopted version of the International Building Code. (Enacted 2009-02)

14.23.110. Permissible Lot Coverage.

No requirement except as may be dictated by necessary provision of off-street parking. (Enacted 2009-02)

14.23.120. Parking, Loading, and Access.

(1) Minimum parking requirements shall be as follows:

(a) Fifty (50) percent of the parking required for each use as provided in Chapter 14.37, Provo City Code.

(b) Parking for residential uses on a fifth and sixth story may be reduced to twenty five (25) percent of the parking otherwise required in Chapter 14.37, Provo City Code.

(c) Parking shall not be required for the first two thousand five hundred (2,500) square feet of retail or restaurant uses located in a building that consists of at least fifty (50) residential units.

(2) Each project shall not provide more parking than that required by Chapter 14.37, Provo City Code.

(3) All other requirements of Chapter 14.37, Provo City Code shall apply. (Enacted 2009-02)

14.23.130. Project Plan Approval.

See Sections 15.03.300 and 15.03.310, Provo City Code. (Enacted 2009-02)

14.23.140. Minimum Habitable Main Floor Depth.

(1) Each structure in the ITOD zone situated along a primary street shall have a minimum habitable main floor depth of forty (40)

feet along the entire frontage yard line exclusive of permitted yards and driveway approaches.

(2) Each structure in the ITOD zone situated along a secondary street shall have a minimum habitable main floor depth of thirty (30) feet along the entire frontage yard line exclusive of permitted yards and driveway approaches.

(3) For the purposes of this Section, primary streets are designated as Freedom Blvd. (200 West), 100 West, and 600 South. All other streets shall be designated as secondary streets. (Enacted 2009-02)

14.23.150. Architectural Standards.

(1) One (1) primary entrance door shall be provided for every fifty (50) feet of building frontage.

(2) Each structure in the ITOD zone situated along a primary street shall provide the first story of the building face with a minimum of fifty (50) percent completely transparent glass and on secondary streets forty (40) percent completely transparent glass. Ground floor residential buildings shall provide twenty (20) percent completely transparent glass.

(3) Building wall materials shall be combined on each facade horizontally only, with the heavier elements below lighter elements.

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

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

(6) Doors and windows that operate as sliders are prohibited on street frontages and facades.

(7) Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12 on all elevations facing a public street. Pitched roofs for porches and attached sheds may be no less than 2:12

(8) Windows and doors above the first story shall not exceed fifty (50) percent of the total building wall area, with each facade being calculated independently.

(9) Balconies consisting of a minimum area of fifty (50) square feet shall be provided for a minimum of fifty (50) percent of all residential units. Balconies may be inset into the building or project outward into the property line. Balconies facing a side or rear yard shall maintain a distance of at least ten (10) feet from the face of the balcony to the adjacent property line.

(10) All new buildings that are located within one hundred (100) feet of a rail road right-of-way shall include sound and vibration attenuating design and materials. Permit applicants shall provide documentation from an acoustical engineer that "best practices" for sound and vibration attenuation have been incorporated. (Enacted 2009-02)

14.23.160. Other Requirements.

(1) Signs. All signs erected in the ITOD zone shall be mounted flat against the face of a building, marquee, or canopy and shall be in conformance with the sign provisions of Chapter 14.38, Provo City Code. All signs shall be approved by the Planning Commission prior to the issuance of a sign permit.

(2) Uses Within Buildings. All uses established in the ITOD zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open, and other uses which are allowed by the Planning Commission to be conducted in the open through the granting of a conditional use permit. Uses customarily deemed to be conducted in the open may include, but are not limited to, outdoor dining, ice skating, and miniature golf.

(3) Landscaping. See Chapter 15.20, Provo City Code. Open/recreation space equivalent to at least twenty (20) percent of the lot area shall be provided at grade, within, or on top of the building.

(4) Canopies and Marquees. See Chapter 14.21.150(4), Provo City Code.

(5) Trash Storage. See Section 14.34.080, Provo City Code.

(6) Walls and Fences.

(a) No wall, fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within an area which would tend to inhibit a safe sight distance of traffic traveling upon a public street, or entering into the public street from a private driveway or alley.

(b) A decorative masonry wall, at least six (6) feet in height, shall be erected along all property lines which lie adjacent to a residential zone. In the case where a mutual agreement exists between the property owners of the commercial zone and the adjacent residential zone, the masonry wall requirement may be modified to allow other suitable materials. A signed agreement shall be submitted to the Planning Commission or its designee, indicating this agreement. In the case where no mutual agreement exists, the masonry wall shall be required.

(7) Transitional Development Standards. Where a non-residential use or mixed use in the ITOD zone borders a residential zone, the standards set forth in Chapter 14.34.300, Provo City Code, shall apply.

(8) Sidewalk Cafes. See Chapter 14.21.150(8), Provo City Code.
(Enacted 2009-02)

14.23.170. Explanatory Graphics

ITOD - Interim Transit Oriented Development Zone

Section 14.23.170(1) - Architectural Standards Illustrated

Building Entries: One primary entrance door shall be provided for every fifty (50) feet of building frontage.



Permitted



Not Permitted



Permitted



Not Permitted



Permitted



Not Permitted

*These photographic examples are illustrative of the written standards listed on this page and are not intended to address architectural standards elsewhere within this Title.

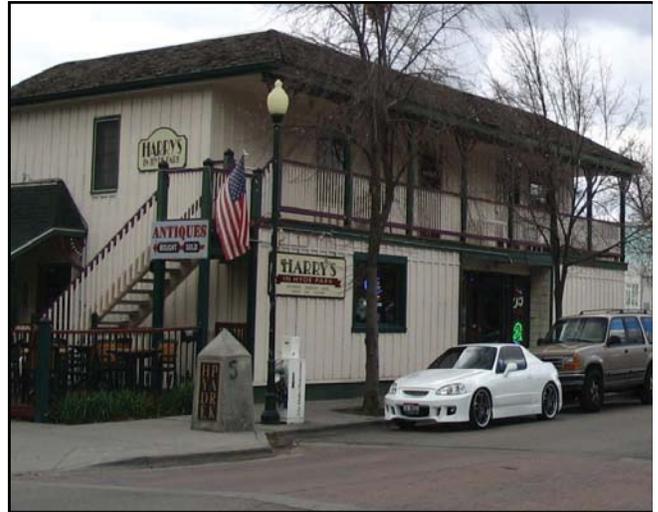
ITOD - Interim Transit Oriented Development Zone

Section 14.23.170(2) - Architectural Standards Illustrated

Clear Glass: Each structure in the TOD zone situated along a primary street shall provide the first story of the building face with a minimum of fifty percent (50%) completely transparent glass and on secondary streets forty percent (40%) completely transparent glass. Ground floor residential buildings, if allowed, shall provide twenty percent (20%) completely transparent glass.



Permitted



Not Permitted



Permitted



Not Permitted

*These photographic examples are illustrative of the written standards listed on this page and are not intended to address architectural standards elsewhere within this Title.

ITOD - Interim Transit Oriented Development Zone

Section 14.23.170(3) - Architectural Standards Illustrated

Facade Coverage: Windows and doors above the first story shall not exceed fifty percent (50%) of building wall area, with each facade being calculated independently.



Permitted



Not Permitted



Permitted



Not Permitted

*These photographic examples are illustrative of the written standards listed on this page and are not intended to address architectural standards elsewhere within this Title.

ITOD - Interim Transit Oriented Development Zone

Section 14.23.170(4) - Architectural Standards Illustrated

Balconies: Balconies consisting of a minimum area of fifty (50) square feet shall be provided for a minimum of fifty percent (50%) off all residential units. Balconies may be inset into the building or project outward to the property line.



Permitted



Permitted



Not Permitted

*These photographic examples are illustrative of the written standards listed on this page and are not intended to address architectural standards elsewhere within this Title.

ITOD - Interim Transit Oriented Development Zone

Section 14.23.170(5) - Architectural Standards Illustrated

Material Placement & Type:

Building wall materials shall be combined on each facade horizontally only, with the heavier elements below lighter elements.

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



Not Permitted



Permitted

*These photographic examples are illustrative of the written standards listed on this page and are not intended to address architectural standards elsewhere within this Title.

ITOD - Interim Transit Oriented Development Zone

Section 14.23.170(6) - Architectural Standards Illustrated

Windows: All windows and doors, with the exception of ground level shopfronts shall be square or vertical in proportion. Doors and windows that operate as sliders are prohibited along street frontages and facades.



Permitted



Not Permitted



Permitted



Not Permitted

*These photographic examples are illustrative of the written standards listed on this page and are not intended to address architectural standards elsewhere within this Title.

ITOD - Interim Transit Oriented Development Zone

Section 14.23.170(7) - Architectural Standards Illustrated

Roofs: Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that roofs for porches and attached sheds may be no less than 2:12.



Permitted



Not Permitted



Not Permitted

*These photographic examples are illustrative of the written standards listed on this page and are not intended to address architectural standards elsewhere within this Title.