ORDINANCE 2011-12

SHORT TITLE:

AN ORDINANCE AMENDING CHAPTER 14.50(16) (BRENTWOOD CONDOMINIUM [PRO-A-16] PROJECT REDEVELOPMENT OPTION ZONE) AND AMENDING SECTION 14.50.100 (PRO ZONES ADOPTED) OF THE PROVO CITY CODE. NORTH PARK NEIGHBORHOOD.

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PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER
CW I	LAURA H. CABANILLA					Absent
CW 2	STEVEN C. TURLEY					
CD I	CYNTHIA R. DAYTON					exuse
CD 2	RICHARD D. HEALEY			-		
CD3	MIDGE JOHNSON	-				
CD 4	SHERRIE HALL EVERETT		~	<u></u>		
CD 5	STERLING BECK					
			TOTALS			

TOTALS
This ordinance was passed by the Municipal Council of Provo City, on the 1944 day
of
of April , 2011.
Midge Johnson
Chair
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<u>APPROVAL BY MAYOR</u>
This ordinance is approved by me this 20th day of 2011.

Mayor

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CITY RECORDER'S CERTIFICATE AND ATTEST

7	This ordinance v	vas recorded in th	e office of the P	rovo City	Recorder on	the	312	_day
of	pril.	_2011, with a	short summary	being pu	blished on	the	Sth	_day
of	ay	_2011, in <u>The Da</u>	aily Herald, a ne	wspaper c	irculated in I	²rovo, t	Jiah. The	ereby
certify an	id attest that the	foregoing constit	utes a true and a	ccurate rec	ord of proce	edings	with respo	ect to
Ordinanç	ee Number 2011-	12.						
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City Recorder

ORDINANCE 2011-12.

AN ORDINANCE AMENDING CHAPTER 14.50(16) (BRENTWOOD CONDOMINIUM [PRO-A-16] PROJECT REDEVELOPMENT OPTION ZONE) AND AMENDING SECTION 14.50.100 (PRO ZONES ADOPTED) OF THE PROVO CITY CODE. 06-0008 PRO.

WHEREAS, it is proposed that Section 14.50.100 (PRO Zones Adopted) and Chapter 14.50(16) (Brentwood Condominium PRO Zone) of the Provo City Code be amended to change the name of the zone, allow for an increase in occupancy and amend the parking ratio; and,

WHEREAS, on March 9, 2011 the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended to the Municipal Council that the zoning ordinance not be amended as set forth below; and,

WHEREAS, on April 19, 2011 the Municipal Council held a duly noticed public hearing to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and,

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Planning and Zoning Title of Provo City should be amended substantially on the basis recommended by the Planning Commission and (ii) the ordinance amendment, as set forth below, reasonably furthers the health, safety and general welfare of the citizens of Provo City.

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

PART I:

Chapter 14.50(16) of the Provo City Code is hereby amended as follows:

Brentwood Woodland Heights Condominiums Project Redevelopment Option Zone

14.50(16).010. Purpose and Intent.

14.50(16).020. Compliance with Chapter 14 and 15 Required.

14.50(16).030. Permitted Uses.

14.50(16).040. Single Ownership and Control.

14.50(16).050. Lot Area.

14.50(16).060. Minimum Finished Floor Area.

14.50(16).070. Lot Depth.

14.50(16).080. Lot Frontage.

14.50(16).090. Residential Density.

14.50(16).100. Yard Requirements.

14.50(16).110. Projections into Yards.

14.50(16).120. Garbage Collection.

14.50(16).130. Trash Storage.

14.50(16).140. Building Height.

14.50(16).150. Distance Between Buildings.

14.50(16).160. Permissible Site Coverage.

14.50(16).170. Parking, Loading, and Access.

14.50(16).180. Notice of Parking and Occupancy Restrictions.

14.50(16).190. Project Plan Approval/Design Review.

14.50(16).200. Fencing Standards.

14.50(16).010. Purpose and Intent.

The Brentwood Woodland Heights Condominiums Project Redevelopment Option (PRO-A-16) zone is established to provide high density multiple-family residential facilities near the University Neighborhood. The standards set forth herein are intended to provide quality housing to student families and improve the North University Avenue corridor. The densities permitted by this zone are intended to encourage redevelopment of land for residential uses and to improve pedestrian activity. The uses typically permitted in this zone are high density multiple-family residential.

14.50(16).020. Compliance with Chapter 14 and Chapter 15 Required.

The Brentwood Woodland Heights Condominiums PRO zone shall comply with the development requirements in Chapters 14 and 15, Provo City Code, unless alternative standards are specifically set forth within this Chapter.

14.50(16).030. Permitted Uses.

- (1) Those uses or categories of uses as listed herein, and no others, are permitted in the Brentwood Woodland Heights Condominiums PRO zone.
- (2) All uses listed 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 groupings of such uses permitted in the zone are identified by a four (4) digit number in which the last one or two digits are zeros.
- (3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code shall be permitted in The Brentwood Woodland Heights Condominiums zone, subject to the limitations set forth in this Chapter.
- (4) Permitted Principal Uses. The following principal uses and structures are permitted in the Brentwood-Woodland Heights Condominiums PRO zone:

Use No.	Use Classification
1140	Apartments containing five (5) or more units, two (2) stories or less in height; includes condominiums (family or baching single occupancy limited to two (2) four (4) related or unrelated adults with or without children per dwelling unit)
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-ofway of the activity)
4831	Water pipeline right-of-way (identifies areas where the surface is devoted
	exclusively to the right-of-way of the activity)
4841	Sewage pipeline right-of-way (identifies areas where surface is devoted
	exclusively to the right-of way of the activity)
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)

- (5) Permitted Accessory Uses. Accessory uses and structures are permitted in the Brentwood Woodland Heights Condominiums PRO zone provided they are incidental to and do not substantially alter the character of a permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:
 - (a) Home occupations subject to the regulations of the Provo City Code.
 - (b) Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is 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 there shall be no more than two (2) such pets, over the age of four (4) months, per dwelling unit. 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.
 - (d) Storage for individual residential units within a semi-enclosed parking structure.
- (7) Conditional Uses. There are no conditional uses in the Brentwood Woodland Heights Condominiums PRO zone.

14.50(16).040. Single Ownership and Control.

Land within the Brentwood Woodland Heights Condominiums PRO zone shall be in single ownership or single control during construction to insure conformance with these provisions and all conditions imposed upon preliminary and final development plans. Completed units may be owned by an individual, partnership, corporation, and other legally recognized entity. Common open space areas, if any, shall be managed by a homeowners association created in conformance with Utah State law.

14.50(16).050. Lot Area.

 The minimum area for a project in the Brentwood Woodland Heights Condominiums PRO zone shall be 0.60 acre.

14.50(16).060. Minimum Finished Floor Area.

The minimum finished floor area of a dwelling unit in the Brentwood Woodland Heights Condominiums PRO zone shall be nine hundred (900) square feet.

14.50(16).070. Lot Depth.

Each lot or parcel of land in the Brentwood Woodland Heights Condominiums PRO zone shall have a minimum depth of sixty (60) feet.



14.50(16).080. Lot Frontage.

Each lot in the Brentwood Woodland Heights Condominiums PRO zone shall have public street frontage of at least two hundred forty (240) feet.

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14.50(16).090. Residential Density.

141 142 Residential density in the Brentwood Woodland Heights Condominiums PRO zone shall not exceed fifty (50) dwelling units per gross acre.

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14.50(16).100. Yard Requirements.

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The following minimum yard requirements shall apply in the Brentwood Woodland Heights Condominiums PRO zone:

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(1) Front Yard. Each residential structure shall have a front yard of at least twenty (20) feet.

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(2) Interior Side Yard. Each residential structure shall have an interior side yard of at least ten (10) feet. A parking structure may have no side yard setback as permitted by the building code.

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(3) Street Side Yard: Each residential structure shall have a street side yard of at least fifteen (15) feet.

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(4) Rear Yard. Each residential structure shall have a rear yard of at least ten (10) feet.

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14.50(16).110. Projections into Yards.

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- (1) The following structures may be erected on or project into any required yard:
 - (a) fences and walls in conformance with the Provo City Code;
 - (b) landscape elements including trees, shrubs, agricultural crops, and other plants;
 - (c) necessary appurtenances for utility service;
 - (d) parking areas including stalls and access roads. and
- (e) garbage containers screened with durable materials architecturally compatible with the principal structure. Such containers shall not be visible from any abutting lot or public street.
- (2) The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side or street side yard not more than two (2) feet unless a deviation is authorized by the Design Review Committee based upon findings that such deviation constitutes a better design in character with the surrounding neighborhood built environment.
 - (a) cornices, eaves, belt courses, sills, buttresses, or other similar architectural features;
 - (b) fireplace structures and bays, provided they are not wider than eight (8) feet and are generally parallel to the wall of which they are a part; and
 - (c) stairways, balconies, door stoops, fire escapes, awnings, and planter boxes.

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14.50(16).120 Garbage Collection.

175 176 Garbage containers and collection shall be provided by a private company contracted by a homeowners association. Garbage containers shall be stored inside a trash storage container enclosure designed in accordance with Section 14.34.080, Provo City Code.

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14.50(16).130. Trash Storage.

No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. Storage of commercial goods or materials shall be prohibited.





14.50(16).140. Building Height.

No lot or parcel of land in the Brentwood Woodland Heights Condominiums PRO zone shall have a building or structure that exceeds a height of fifty (50) feet. Parapets, chimneys, flagpoles, or similar structures not used for human occupancy shall be excluded in determining height.

14.50(16).150. Distance Between Buildings.

The minimum distance between any buildings on a lot or parcel shall be as allowed by the building code.

14.50(16).160. Permissible Site Coverage.

The total coverage of all buildings and structures shall not exceed seventy (70) percent of the site area.

14.50(16).170. Parking, Loading, and Access.

- (1) Each dwelling unit in the Brentwood Woodland Heights Condominiums PRO zone shall have two (2) two and eight-tenths (2.8) parking spaces per dwelling unit.
- (2) The minimum number of visitor parking stalls shall be an additional one-quarter (0.25) space per dwelling unit:
- (32) Accessible parking shall be provided in compliance with I.B.C. 1106.2 (requiring two [2] percent of the total number of stalls provided to be accessible for occupancies in groups R2 and R3).
- (43) Additional back-up area, such as a hammerhead, shall be provided at the end of a deadend parking aisle.
- (54) In all other respects parking shall be provided in accordance with Chapter 14.37, Provo City Code.

14.50(16).180. Notice of Parking and Occupancy Restrictions.

- (1) Prior to the issuance of a building permit for any multiple residential project over two (2) dwelling units, Provo City and the developer shall enter into a contract agreeing to a determined occupancy based on a given number of parking spaces.
 - (a) Such contract shall be recorded with the Utah County Recorder and shall run with the property.
 - (b) A copy of a recorded deed for the property in question shall also be submitted prior to the issuance of a building permit which indicates the maximum allowable occupancy as a deed restriction.
 - (i) Attached to the deed shall be a document that separately lists the occupancy according to Provo City Code, the foregoing deed restrictions, and any other use restrictions pertaining to parking and occupancy such as restrictions of use as noted in condominium documents.
 - (ii) This document shall be signed, dated, and notarized indicating that the owner acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.
- (2) Prior to the issuance of a certificate of occupancy for new multiple residential dwelling units a permanent notice shall be placed on the electrical box within each unit indicating the maximum allowable occupancy of the unit based on the approved occupancy consistent with the

recorded parking and occupancy contract. This notice shall be set forth on a $6" \times 6"$ metal or plastic plate that is permanently attached to the electrical box with minimum one-half ($\frac{1}{2}$) inch engraved letters.

(3) Upon submittal of the foregoing documents, any violation to the restrictions and regulations noted therein shall be a misdemeanor offense subject to criminal action as provided in Section 1.03.010, Provo City Code.

14.50(16).190. Project Plan Approval/Design Review.

Each development in the Brentwood Woodland Heights Condominiums PRO zone shall comply with Sections 14.04A.020 (Project Plan), 14.34.280 (Design Review), 14.34.285 (Residential Design Standards), 14.34.290 (North University Avenue Design Corridor Criteria) except as may be modified by the Planning Commission at the time of project plan approval as permitted by express provisions of this Chapter. The following specific design standards shall apply to all development in The Brentwood Woodland Heights Condominiums PRO zone:

(1) Building Requirements

- (a) Development design shall include variety among individual building colors and textures. Building forms and landscape materials shall be harmonious with existing neighborhood dwellings. Architectural features should enhance individual identity of each dwelling unit.
 - (b) Diversity of detail and materials among different buildings is encouraged.
- (c) Windows, balconies, and porches should be oriented to a public street. Window designs may be varied to reflect the diversity of architecture.
- (d) Roof forms shall harmonize with the architectural character of adjacent buildings; including gable, hip, and pyramid.
- (e) Building materials should be durable and suitable for the design in which they are used.
 - (f) Light fixtures shall be provided at each building entry.
- (2) Signage.
 - (a) Sign design shall reflect the architectural style of the project.
- (b) One (1) monument sign shall be permitted. Monument sign square footage shall not exceed thirty-two (32) square feet. Maximum height for a monument sign shall not exceed four (4) feet. A monument sign shall not impede the clear vision area.
- (3) Landscape Requirements. Landscaping shall be provided in accordance with Chapter 15.20, Provo City Code, except as otherwise provided in this subsection.
 - (a) All residential yard areas except those portions devoted to driveways, buildings, or parking, shall be designed with suitable landscaping of plants, shrubs, trees, grass, and similar landscaping materials.
 - (b) Trees shall be developed and maintained to improve and beautify the PRO zone. Trees to have two (2) inch caliper minimum (measured six inches above grade or six inches from the top of the root ball).
 - (c) Pedestrian and bicycle circulation shall be encouraged in The Brentwood Woodland Heights Condominiums PRO zone.

14.50(16).200. Fencing Standards.

(1) Structural fences six (6) feet or less in height shall not require a building permit.

Structural fences over six (6) feet in height shall require a building permit from the Building Inspection Division. A structural or vegetative fence shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City Traffic Engineer.

- (2) Solid walls, fences, hedges or screening materials which are sight obscuring may be built to a maximum of three (3) feet in height in any required front yard perimeter. Such walls, fences, hedges or screening materials may slope upward to connect with a higher side yard fence. The length of a sloped fence section shall not exceed one (1) section or a maximum of ten (10) feet.
- (3) Solid, sigh obscuring fences or walls and non-sight obscuring fences may be built to a maximum height of six (6) feet in a side yard.

PART 1I:

14.50.100. PRO Zones Adopted.

The following Project Redevelopment Option zones have been adopted:

- (1) Franklin Commons Project Redevelopment Option zone, denominated as "PRO-R-1". See Chapter 14.50(1), Provo City Code.
- (2) High Density Mixed Use Project Redevelopment Option zone, denominated as "PRO-A-2". See Chapter 14.50(2), Provo City Code.
- (3) Pinetree Place Project Redevelopment Option zone, denominated as "PRO-R-3". See Chapter 14.50(3), Provo City Code.
- (4) Taylor Place Project Redevelopment Option zone, denominated as "PRO-R-4". See Chapter 14.50(4), Provo City Code.
- (5) Canyon Village Project Redevelopment Option zone, denominated as "PRO-A-5". See Chapter 14.50(5), Provo City Code.
- (6) Trellis on the Green Project Redevelopment Option zone, denominated as "PRO-A-6". See Chapter 14.50(6), Provo City Code.
- (7) Historic Maeser Neighborhood Project Redevelopment Option zone, denominated as "PRO-A-7". See Chapter 14.50(7), Provo City Code.
- (8) High Density Residential Project Redevelopment Option zone, denominated as "PRO-A-8". See Chapter 14.50(8), Provo City Code.
- (9) Low Density Residential Project Redevelopment Option zone, denominated as "PRO-R-9". See Chapter 14.50(9), Provo City Code.
- (10) Arbors on the Avenue Project Redevelopment Option zone, denominated as "PRO-A-10". See Chapter 14.50(10), Provo City Code.
- (11) Very-High Density Mixed-Use Redevelopment Option zone, denominated as "PRO-A-11". See Chapter 14.50(11), Provo City Code.
- (12) INDEPENDENCE AVENUE REDEVELOPMENT OPTION ZONE, DENOMINATED AS · PRO-A-12·. SEE CHAPTER 14.50(12), PROVO CITY CODE.
- (13) Town Centre Townhomes Project Redevelopment Option Zone, denominated as "PRO-R-13". See Chapter 14.50(13), Provo City Code.
- (14) Place on Ninth Project Redevelopment Option Zone, denominated as "PRO-R-14". See Chapter 14.50(14), Provo City Code.
- (15) Edgemont Auto Service Project Redevelopment Option Zone, denominated as "PRO-B-15". See Chapter 14.50(15), Provo City Code.
 - (16) Brentwood Woodland Heights Condominiums Project Redevelopment Option Zone,



denominated as "PRO-A-16". See Chapter 14.50(16), Provo City Code.

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(17) Joaquin Village PRO Zone, denominated as "PRO-A-17". See Chapter 14.50(17), Provo City Code.

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(18) Century Townhomes PRO Zone, denominated as "PRO-A-18". See Chapter 14.50(18), Provo City Code.

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(19) McClellan Court PRO Zone, denominated as "PRO-A-19". See Chapter 14.50(19). Provo City Code.

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(20) Del Coronado PRO Zone, denominated as "PRO-A-20". See Chapter 14.50(20), Provo City Code.

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(21) Franklin Fields PRO Zone, denominated as "PRO-A-21". See Chapter 14.50(21), Provo City Code.

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(22) Hollows at Riverwoods PRO Zone, denominated as "PRO-R-22". See Chapter 14.50(22), Provo City Code.

328 329 (23) Franklin Heights PRO Zone, denominated as "PRO-R-23". See Chapter 14.50(23),

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Provo City Code. (24) Brimhall Estates PRO Zone, denominated as "PRO-R-24". See Chapter 14.50(24),

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Provo City Code.

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(25) Huntington Place PRO Zone, denominated as "PRO-R-25". See Chapter 14.50(25), Provo City Code.

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(26) Autumn View Townhome Project Redevelopment Option Zone, denominated as "PRO-

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R-26". See Chapter 14.50(26), Provo City Code.

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(27) Provo Senior Day Center Project Redevelopment Option Zone, denominated as "PRO-R-27". See Chapter 14.50(27), Provo City Code.

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(28) Crown II Project Redevelopment Option Zone, denominated as "PRO-R-28". See Chapter 14.50(28), Provo City Code.

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(29) Rocky Mountain Townhomes Project Redevelopment Option Zone, denominated as"PRO-R-29". See Chapter 14.50(29), Provo City Code.

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(30) 50 East Project Redevelopment Option Zone, denominated as "PRO-R-30". See Chapter 14.50(30), Provo City Code.

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(31) The Isles Project Redevelopment Option Zone, denominated as "PRO-R-31". See Chapter 14.50(31), Provo City Code.

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(32) Beacon on 100 Project Redevelopment Option Zone, denominated as "PRO-R-32". See Chapter 14.50(32), Provo City Code.

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(33) Old Academy Project Redevelopment Option Zone, denominated as "PRO-R-33". See Chapter 14.50(33), Provo City Code.

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PART III:

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A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.

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B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

362	C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.
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364	D. This ordinance shall take effect immediately after being posted or published as required

D. This ordinance shall take effect immediately after being posted or published as required by law.

END OF ORDINANCE.

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PROOF OF PUBLICATIO

from

The Daily Herald

STATE OF UTAH \ SS Utah County

LEGAL NOTICES

PROVO CITY CORPORATION OFFICE OF THE RECORDER ORDINANCE 2011-12

Notice is hereby given that in the regular Municipal Council Meeting of April 19, 2011, the Provo Municipal Council passed Ordinance 2011-12. This is an ordinance amending Chapter 14.50(16) (Brentwood Condominium [PRO-A-16] Project Redevelopment Option Zone) and amending Section 14.50.100 (PRO Zones Adopted) of the Provo City Code. North Park Neighborhood.

/s/Janene M. Weiss, City Recorder Legal Notice 373347 Published in The Daily Heraid May 8, 2011.

I, Morgan Bassett, being first duly sworn depose and say that I am the Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the notice attached hereto, 373347 - ORDINANCE 2011-12, and which is a copy, was published in said newspaper, the first publication having been made on the 8th day of May, 2011, and the last on the 8th day of May, 2011; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

Same was also published online at utahlegals.com, according to Section 45-1-101, Utah Code Annotated beginning on the first date of publication and for 30 days thereafter.

Subscribed and sworn before me this 9th day of May, 2011.

Notary Public

Residence: Spanish Fork, Utah My commission expires 06/05/2013

