

ORDINANCE 2011- 21

SHORT TITLE:

AN ORDINANCE ENACTING CHAPTER 14.50(34) – LIBERTY PLACE PROJECT REDEVELOPMENT OPTION ZONE [PRO-R-34] AND AMENDING SECTION 14.50.100 – PRO ZONES ADOPTED OF THE PROVO CITY CODE. DIXON NEIGHBORHOOD.

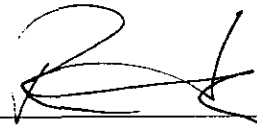
I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER
CW 1	LAURA H. CABANILLA			✓		
CW 2	STEVEN C. TURLEY					absent
CD 1	CYNTHIA R. DAYTON			✓		
CD 2	RICHARD D. HEALEY			✓		
CD 3	MIDGE JOHNSON		✓	✓		
CD 4	SHERRIE HALL EVERETT	✓		✓		
CD 5	STERLING BECK					excused
TOTALS				5	0	2

This ordinance was passed by the Municipal Council of Provo City, on the 16th day of August, 2011 on a roll call vote as described above. Signed this 17th day of August, 2011.

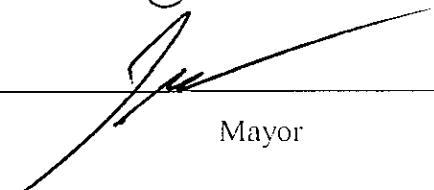


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 17th day of August, 2011.



Mayor

ORDINANCE 2011-21

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 29th day of August 2011, with a short summary being published on the 26th day of August 2011, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2011-21.



Signed this 29th day of August 2011.

Janeene Skene
City Recorder

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ORDINANCE 2011-21.

AN ORDINANCE ENACTING CHAPTER 14.50(34) - LIBERTY PLACE PROJECT REDEVELOPMENT OPTION ZONE - [PRO-R-34] AND AMENDING SECTION 14.50.100 - PRO ZONES ADOPTED OF THE PROVO CITY CODE. 11-0001 PRO.

WHEREAS, it is proposed that Section 14.50.100 (PRO Zones Adopted) of the Provo City Code be amended and Chapter 14.50(34) (Liberty Place PRO Zone) of the Provo City Code be enacted to create the Liberty Place PRO Zone; and,

WHEREAS, on July 13, 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 be amended as set forth below; and,

WHEREAS, on August 16, 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(34) of the Provo City Code is hereby enacted as follows:

Chapter 14.50(34) Liberty Place Project Redevelopment Option Zone.

14.50(34).010. Purpose and Intent.

14.50(34).020. Compliance with Titles 14 and 15 Required.

14.50(34).030. Permitted Uses.

14.50(34).040. Single Ownership and Control.

14.50(34).050. Phasing and Phase Frontage.

14.50(34).060. Residential Density.

14.50(34).070. Yard Requirements.

14.50(34).080. Projection into Yards.

14.50(34).090. Building Height.

14.50(34).100. Distance Between Buildings.

14.50(34).110. Permissible Lot Coverage.

14.50(34).120. Parking, Loading and Access.

14.50(34).130. Project Plan Approval/Design Review.

14.50(34).140. Landscaping and Lighting.

14.50(34).150. Fencing Standards.

48 14.50(34).160. Notice of Parking and Occupancy Restrictions.

49

50 **14.50(34).010. Purpose and Intent.**

51 The Liberty Place Project Redevelopment Option zone is a residential development zone.
52 The standards set forth herein are intended to enhance the quality of the neighborhood utilizing
53 moderate residential density; to reinforce existing neighborhoods with added residential uses;
54 and to provide new one-family attached dwellings with landscaped open spaces with additional
55 appropriate project amenities.

56

57 **14.50(34).020. Compliance with Titles 14 and 15 Required.**

58 In addition to the development standards contained in this Chapter, areas zoned to the
59 Liberty Place PRO zone shall comply with the development requirements in Titles 14 and 15,
60 Provo City Code, which are not specifically addressed in this Chapter.

61

62 **14.50(34).030. Permitted Uses.**

63 (1) Those uses or categories of uses as listed herein, and no others, are permitted in the
64 Liberty Place PRO zone.

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

70 (3) All such categories listed herein and all specific uses contained within them in the
71 Standard Land use Code shall be permitted in the Liberty Place PRO zone, subject to the
72 limitations set forth in this Chapter.

73 (4) Permitted Principal Uses. The following principal uses and structures are permitted in
74 the Liberty Place PRO zone:

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76 Use Use
77 No. Classification

78

79 1112 One-family attached dwellings containing three (3) or more dwelling units and two (2) or
80 more stories in height (a family without a head of household is limited to three (3)
81 individuals per dwelling unit)

82 4811 Electronic transmission right-of-way (identifies areas where the surface is devoted
83 exclusively to the right-of-way of the activity)

84 4821 Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the
85 right-of-way of the activity)

86 4824 Gas pressure control stations

87 4831 Water pipeline right-of-way (identifies areas where surface is devoted exclusively to
88 right-of-way activity)

89 4835 Irrigation distribution channels and pipes.

90 4841 Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to
91 right-of-way activity)

92 4864 Combination utilities right-of-way (identifies areas where the surface is devoted
93 exclusively to the right-of-way of the activity)

94 4873 Storm drain or right-of-way (predominantly covered pipes of boxes)

95
96 (5) Permitted Accessory Uses. Accessory uses and structures are permitted in the Liberty
97 Place PRO zone provided they are incidental to and do not substantially alter the character of the
98 permitted principal uses. Such permitted accessory uses and structures include, but are not
99 limited to, the following:

100 (a) Accessory buildings such as garages, carports, green houses, gardening sheds,
101 recreation building, and similar structures which are customarily used in conjunction
102 with, and incidental to, a principal use or structure or project amenity.

103 (b) Swimming pools and incidental bathhouses or clubhouse subject to the
104 standards of Section 14.34.210, Provo City Code.

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

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

113

Use	Use
No.	Classification
4700	Communications
4814	Electricity regulating substations
4818	Small generation
4829	Other gas utilities, NEC
4834	Water storage as part of a utility system
4835	Water pressure control stations and pumping plants

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123 **14.50(34).040. Single Ownership and Control.**

124 Land within the Liberty Place PRO zone (only in the area of construction) shall be in
125 single ownership or single control in order to provide for integrated development. The area
126 proposed for the zone shall be in single ownership or control during design and construction to
127 provide for full supervision and control of development, and to ensure conformance with these
128 provisions and all conditions imposed upon the preliminary and final development plans.

129

130 **14.50(34).050. Phasing and Phase Frontage.**

131 (1) A project in the Liberty Place PRO may be phased. Phases shall be contiguous and
132 contain multiple buildings, landscaped area, parking and appropriate amenities.

133 (2) Each lot or parcel of land in the Liberty Place PRO zone shall abut a public street for
134 a minimum distance of fifty (50) feet on a line parallel to the centerline of the street.

135

136 **14.50(34).060. Residential Density.**

137 Lot area per dwelling in the Liberty Place PRO zone shall be one (1) dwelling unit per
138 three thousand (3,000) square feet of land area or fourteen (14) units per acre, whichever is less.

139

140 **14.50(34).070. Yard Requirements.**

141 The following minimum yard requirements shall apply in the Liberty Place PRO zone:

142 (1) Front Yard. Each front yard shall be not less than twelve (12) feet, be landscaped and
143 maintained as common area.

144 (2) Side Yard - End units. The side yard for end units contiguous to another building or
145 adjacent to a drive or driveway shall be not less than ten (10) feet.

146 (3) Rear Yard. Each lot or parcel shall have a rear yard or private driveway of not less
147 than fifteen (15) feet.

148
149 **14.50(34).080. Projections into Yards.**

150 (1) The following structures may be erected on or project into any required yard:

151 (a) fences and walls in conformance with the Provo City Code.

152 (b) landscape elements including trees, shrubs, agricultural crops, and other
153 plants, and

154 (c) necessary appurtenances for utility service.

155 (2) The structures listed below may project into a minimum front or rear yard not more
156 than four (4) feet, and into a minimum side yard not more than two (2) feet:

157 (a) cornices, eaves, belt courses, sills, buttresses, or other similar architectural
158 features,

159 (b) fireplace structures and bays, provided they are not wider than eight (8) feet
160 and, are generally parallel to the wall of which they are a part, and

161 (c) stairways, balconies, door stoops, fire escapes, awnings, porches and planter
162 boxes or masonry planters.

163
164 **14.50(34).090. Building Height.**

165 Each building on a lot or parcel of land in the Liberty Place PRO zone shall have a
166 maximum height of thirty-five (35) feet or three (3) stories, whichever is less. Chimneys,
167 flagpoles, or similar structures not used for human occupancy shall be excluded in determining
168 height. Accessory buildings shall not exceed eight (8) feet in height.

169
170 **14.50(34).100. Distance Between Buildings.**

171 The minimum distance between buildings on a lot or parcel shall be as allowed by the
172 International Building Code.

173
174 **14.50(34).110. Permissible Site Coverage.**

175 In the Liberty Place PRO zone all building and structures shall not cover more than thirty
176 percent (30%) of the site upon which they are placed.

177
178 **14.50(34).120. Parking, and Access.**

179 Each lot or parcel in the Liberty Place PRO zone shall have on the same lot or parcel, or
180 adjacent to, or in front of, the lot or parcel located in the same zone, automobile parking
181 sufficient to comply with the following requirements:

182 (1) Multifamily residential: Parking in the amount of two (2) parking spaces for each two
183 (2) and three (3) bedroom unit, and 0.25 visitor parking space per dwelling unit. Visitor parking
184 spaces shall be located throughout the project and shall be designated and posted with signs or
185 markings to prohibit resident parking therein.

186 (2) All parking spaces shall be paved with asphaltic cement or concrete, and shall be
187 provided with a paved access from a private driveway.

188 (3) All parking and driveways shall comply with the provisions of Section 14.37.080,
189 Provo City Code.

190
191 **14.50(34).130. Project Plan Approval/Design Review.**

192 (1) See Sections 14.02.090 (Project Plan Required) and 14.34.280 (Design Review),
193 Provo City Code. In addition, the following specific design standards shall apply to all
194 development in the Liberty Place PRO zone:

195 (2) General building requirements.

196 (a) The design of development within the Liberty Place PRO zone shall include
197 common themes and styles in building designs. The project shall be approved by the
198 Provo City Planning Commission prior to the issuance of a building permit.

199 (b) Roof shapes shall harmonize with and shall reflect the diversity of the
200 building's architectural character.

201 (c) Building materials should be durable and suitable for the design in which they
202 are used. Natural materials such as stone, wood trim, plaster (EIFS), cement siding, wood
203 or vinyl siding shall be used. Aluminum siding is prohibited.

204 (d) To the extent allowed by flood protection measures set forth in the Provo City
205 Code or other applicable law, garages may be depressed below street grade.

206 (e) No trash, used materials, or wrecked or abandoned vehicles or equipment shall
207 be stored in an open area. Storage of commercial goods or materials shall be prohibited.
208 Containers for trash storage of a size, type and quantity approved by the City shall be
209 screened by a sight obscuring fence and maintained in an appropriate location.

210 (3) Any development phase which follows the initial phase of development within the
211 Liberty Place PRO zone shall be consistent with the design of such initial phase, as determined
212 by the Provo City Planning Commission.

213
214 **14.50(34).140. Landscaping and Lighting.**

215 (1) Landscaping and lighting within a project located in the Liberty Place PRO zone shall
216 comply with the standards and guidelines contained in Chapters 15.20 and 15.21, Provo City
217 Code, except as otherwise provided in this Section.

218 (2) All residential yard areas except those portions devoted to driveways, buildings,
219 private fenced back yards, or parking, shall be designed with suitable landscaping of plants,
220 shrubs, trees, grass, and similar landscaping materials.

221 (3) Street trees shall be provided and maintained to improve and beautify the Liberty
222 Place PRO zone. Street trees shall include a minimum of one (1) deciduous tree, two (2) inch
223 caliper minimum (measured six (6) inches above grade or six (6) inches from the top of the root
224 ball), per twenty-five (25) feet of street frontage. In addition, one (1) tree per three (3) dwelling
225 units and six (6) shrubs per one (1) dwelling unit shall be planted.

226 (4) Parking areas shall be landscaped in accordance with a landscaping plan approved as
227 part of a project plan approval. Landscaping shall be installed between individual driveways to
228 soften areas of paving.

229 (5) Buildings shall be situated with respect to and in accordance with the topography and
230 natural features of the developable lot or parcel.

231 (6) Pedestrian circulation shall be encouraged in the Liberty Place PRO zone. Sidewalks
232 adjacent to the front of units all have a minimum dimension of six (6) feet.

233 (7) Light fixtures shall be provided at each building entrance.
234

235 **14.50(34).150. Fencing Standards.**

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

240 (a) Solid walls, fences, hedges or screening materials which are sight obscuring
241 may be built to a maximum of three (3) feet in height in any required front yard. Such
242 walls, fences, hedges or screening materials may slope upward to connect with a higher
243 side yard fence. The length of a sloped fence section shall not exceed one (1) section or a
244 maximum of ten (10) feet.

245 (b) Solid, sight obscuring fences or walls and non-sight obscuring fences may be
246 built to a maximum height of six (6) feet in a side yard.

247 (c) Fences shall be constructed of vinyl, cedar, or masonry materials.

248 (d) A sound wall eight (8) feet in height shall be constructed adjacent to any
249 railroad right-of-way which abuts property in the Liberty Place PRO zone.
250

251 **14.50(34).160. Notice of Parking and Occupancy Restrictions.**

252 (1) Prior to the issuance of a building permit for any multiple residential project over two
253 (2) dwelling units, Provo City and the developer shall enter into a contract agreeing to a
254 determined occupancy based on a given number of parking spaces.

255 (a) Such contract shall be recorded with the Utah County Recorder and shall run
256 with the property.

257 (b) A copy of a recorded deed for the property in question shall also be submitted
258 prior to the issuance of a building permit which indicates the maximum allowable
259 occupancy as a deed restriction.

260 (i) Attached to the deed shall be a document that separately lists the
261 occupancy according to Provo City Code, the previously mentioned deed
262 restrictions, and any other use restrictions pertaining to parking and occupancy
263 such as restrictions of use as noted in condominium documents.

264 (ii) This document shall be signed, dated and notarized indicating that the
265 owner acknowledges and agrees to all restrictions and regulations stated on the
266 deed and attachments.

267 (2) Prior to the issuance of a certificate of occupancy for new multiple residential
268 dwelling units a permanent notice shall be placed on the electrical box within each unit
269 indicating the maximum allowable occupancy of each unit based on the approved occupancy
270 consistent with the recorded parking and occupancy contract. This notice shall set forth on a six
271 inch by six inch (6"X6") metal or plastic plate that is permanently attached to the electrical box
272 with minimum one-half (1/2) inch engraved letters.
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274 **PART II:**

275
276 Chapter 14.50.100 of the Provo City Code is hereby amended as follows:

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278 **14.50.100. PRO Zones Adopted.**

279 The following Project Redevelopment Option zones have been adopted:

280 (1) Franklin Commons Project Redevelopment Option zone, denominated as "PRO-R-
281 1". See Chapter 14.50(1), Provo City Code.

282 (2) High Density Mixed Use Project Redevelopment Option zone, denominated as "PRO-
283 A-2". See Chapter 14.50(2), Provo City Code.

284 (3) Pinetree Place Project Redevelopment Option zone, denominated as "PRO-R-3". See
285 Chapter 14.50(3), Provo City Code.

286 (4) Taylor Place Project Redevelopment Option zone, denominated as "PRO-R-4". See
287 Chapter 14.50(4), Provo City Code.

288 (5) Canyon Village Project Redevelopment Option zone, denominated as "PRO-A-5".
289 See Chapter 14.50(5), Provo City Code.

290 (6) Trellis on the Green Project Redevelopment Option zone, denominated as "PRO-A-
291 6". See Chapter 14.50(6), Provo City Code.

292 (7) Historic Maeser Neighborhood Project Redevelopment Option zone, denominated as
293 "PRO-A-7". See Chapter 14.50(7), Provo City Code.

294 (8) High Density Residential Project Redevelopment Option zone, denominated as "PRO-
295 A-8". See Chapter 14.50(8), Provo City Code.

296 (9) Low Density Residential Project Redevelopment Option zone, denominated as "PRO-
297 R-9". See Chapter 14.50(9), Provo City Code.

298 (10) Arbors on the Avenue Project Redevelopment Option zone, denominated as "PRO-
299 A-10". See Chapter 14.50(10), Provo City Code.

300 (11) Very-High Density Mixed-Use Redevelopment Option zone, denominated as "PRO-
301 A-11". See Chapter 14.50(11), Provo City Code.

302 (12) Independence Avenue Redevelopment Option zone, denominated as "PRO-A-12".
303 See Chapter 14.50(12), Provo City Code.

304 (13) Town Centre Townhomes Project Redevelopment Option Zone, denominated as
305 "PRO-R-13". See Chapter 14.50(13), Provo City Code.

306 (14) Place on Ninth Project Redevelopment Option Zone, denominated as "PRO-R-14".
307 See Chapter 14.50(14), Provo City Code.

308 (15) Edgemont Auto Service Project Redevelopment Option Zone, denominated as
309 "PRO-B-15". See Chapter 14.50(15), Provo City Code.

310 (16) Woodland Heights Condominiums Project Redevelopment Option Zone,
311 denominated as "PRO-A-16". See Chapter 14.50(16), Provo City Code.

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

314 (18) Century Townhomes PRO Zone, denominated as "PRO-A-18". See Chapter
315 14.50(18), Provo City Code.

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

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

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

322 (22) Hollows at Riverwoods PRO Zone, denominated as "PRO-R-22". See Chapter
323 14.50(22), Provo City Code.

324 (23) Franklin Heights PRO Zone, denominated as "PRO-R-23". See Chapter 14.50(23),
325 Provo City Code.

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

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

330 (26) Autumn View Townhome Project Redevelopment Option Zone, denominated as
331 "PRO-R-26". See Chapter 14.50(26), Provo City Code.

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

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

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

338 (30) 50 East Project Redevelopment Option Zone, denominated as "PRO-R-30". See
339 Chapter 14.50(30), Provo City Code.

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

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

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

346 (34) Liberty Place Project Redevelopment Option Zone, denominated as "PRO-R-34".
347 See Chapter 14.50(34), Provo City Code.

348

349 PART III:

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

353

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

357

358 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
359 updated to reflect the provisions enacted by this ordinance.

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

363

364 END OF ORDINANCE.

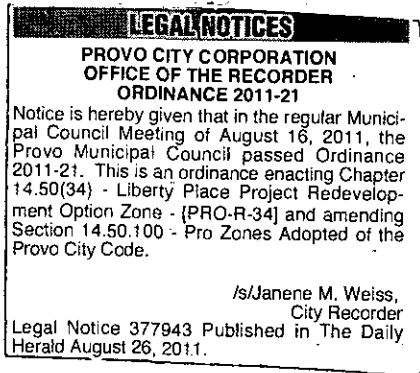
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PROOF OF PUBLICATION

from

The Daily Herald

STATE OF UTAH }
Utah County } SS. _____



I, Lisa Llewelyn, 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, 377943 - ORDINANCE 2011-21, and which is a copy, was published in said newspaper, the first publication having been made on the 26th day of August, 2011, and the last on the 26th day of August, 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.

Lisa Llewelyn

Subscribed and sworn before me this 26th day of August, 2011.

Cerbie L. Chandler

Notary Public

Residence: Spanish Fork, Utah

My commission expires 06/05/2013

