

ORDINANCE 2012-36

SHORT TITLE:

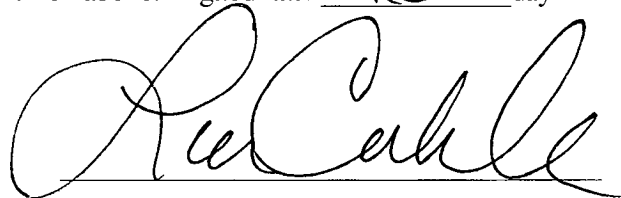
An ordinance enacting Section 14.34.285 (Residential Design Standards) of the Provo City Code to adopt design standards for HDR (Higher Density Residential) zones.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	LAURA H. CABANILLA			✓			
CW 2	GARY GARRETT		✓	✓			
CD 1	GARY WINTERTON			✓			
CD 2	RICHARD D. HEALEY			✓			
CD 3	HAL MILLER	✓		✓			
CD 4	KAY VAN BUREN			✓			
CD 5	STERLING BECK					excused	
				TOTALS	6	0	1

This ordinance was passed by the Municipal Council of Provo City, on the 16 day of October, 2012 on a roll call vote as described above. Signed this 16 day of October, 2012.



Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 25 day of Oct, 2012.



Mayor

ORDINANCE 2011-36

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 22nd day of October 2012, with a short summary being published on the 22nd day of October 2012, 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 2012-36.



Signed this 22nd day of October 2012.

Janeene Heiss
City Recorder

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ORDINANCE 2012-36.

AN ORDINANCE ENACTING SECTION 14.34.285 (RESIDENTIAL DESIGN STANDARDS) OF THE PROVO CITY CODE TO ADOPT DESIGN STANDARDS FOR HIGHER DENSITY RESIDENTIAL ZONES. (11-00090A)

WHEREAS, it is proposed that Section 14.34.285 of the Provo City Code be enacted to adopt design standards that would apply to certain residential zones; and

WHEREAS, on September 12, 2012, 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 the ordinance be amended as proposed; and

WHEREAS, on October 16, 2012, the Municipal Council held a duly noticed public hearing to receive public comments and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and

WHEREAS, all persons for and against the proposed ordinance amendment were given an opportunity to be heard; 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 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:

Section 14.34.285 of the Provo City Code is hereby enacted as follows:

14.34.285 Residential Design Standards.

(1) Purpose and Intent. This Section establishes residential design standards that are intended to improve the quality and compatibility of new residential development. These standards address yard design, building location and orientation, driveway and parking design, landscaping design, building form, mass and scale, building materials and compatible additions. They are intended to provide design standards for project applicants, Staff, the Design Review Committee and the general public.

(a) Design standards that are mandatory are indicated by the verb "shall". Design standards shall be required unless it can be demonstrated by the applicant that there is no practical means by which the standard can be achieved and an acceptable alternative is approved. Economic considerations alone do not constitute "no practical means" for altering a requirement.

46 (2) Applicability. The design standards set forth in this Section shall apply to all new
47 residential buildings and uses located in the Low Density Residential, Medium Density
48 Residential, High Density Residential, Campus High Density Residential and Campus Mixed
49 Use zones. In approving a project plan, the approving authority may impose reasonable
50 conditions consistent with the purpose and intent of this Section. The requirements for this
51 Section shall apply in addition to other applicable requirements of this Title. This Section shall
52 be interpreted to supersede other requirements of the Provo City Code which may impose more
53 restrictive requirements.

54 (3) Yard Design Standards.

55 (a) Front yards.

56 (i) There shall be a logical hard surface pedestrian connection between the street
57 and the front entry.

58 (ii) The front yard shall be predominantly landscaped with a combination of turf
59 and plants. Hard surfaces for driveways and parking shall be minimized and shall not
60 exceed ordinance requirements.

61 (iii) Utility boxes shall not be located in the front or street side yards or park strips
62 unless the applicant demonstrates that there is no other practical location for utility boxes
63 on the site.

64 (b) Fences.

65 (i) Fences shall complement the architectural character of the project.

66 (ii) Chain link fences shall be prohibited in front yards.

67 (iii) Fencing shall conform to Section 14.34.500, Provo City Code.

68 (4) Building Location.

69 (a) New structures shall be sited consistently with the existing front setbacks of
70 adjoining properties to maintain neighborhood compatibility, with the exception of
71 projects that are zoned High Density Residential (HDR), Campus High Density
72 Residential (CHDR), or Campus Mixed Use (CMU), where the zone permits lesser
73 setbacks than the existing housing stock.

74 (b) The majority of new buildings in multi-family developments shall be sited
75 along the block face rather than the interior of the block.

76 (i) Interior lot development should comprise no more than twenty-five percent
77 (25%) of a project's area.

78 (c) Buildings, including parking structures, shall be designed and located in a
79 manner that allows planting and growth of mature trees in the front and side yards.

80 (5) Building Facades.

81 (a) All structures shall have at least one (1) primary unit entry that faces the street.
82 Multi-family residential uses on corner lots shall have at least one (1) primary entry along
83 each street frontage.

84 (b) Additional entrances may be located on side or rear facades.

85 (c) The primary entrance of a multi-family structure shall be clearly defined by
86 use of a raised porch or other similar entry feature.

87 (i) The front porch or entry feature shall be oriented to the street.

88 (ii) The minimum size of the front porch or entry feature shall be functional rather
89 than merely decorative.

90 (iii) The porch floor height shall not exceed thirty (30) inches above the elevation
91 of the top of the street curb.

92 (d) Doors, windows and balconies of new housing should be located to respect the
93 privacy of neighboring properties.

94 (6) Driveways and Parking.

95 (a) New developments shall provide the minimum amount of driveway access
96 required as a means of preserving front yard space.

97 (i) Driveway placement should be toward the side property line to avoid dividing
98 a building by a single, central driveway to subterranean parking.

99 (ii) Alley access for properties should be encouraged to reduce the impact of
100 parking and traffic circulation on the front of the property.

101 (iii) Parking and interior access should be designed to minimize the number of
102 curb cuts.

103 (b) Parking shall not be placed in the front yard and should be minimized in the
104 rear yard, with the exception of one and two-family dwellings when the driveway leads to
105 a garage or carport as defined in Chapter 14.37, Provo City Code.

106 (i) Parking shall not be allowed between a primary building and a public street.

107 (ii) Surface parking areas in rear yards shall be screened from neighboring
108 properties with appropriate plant materials and/or fencing.

109 (iii) Entrances to underground parking shall be provided from driveways along
110 the sides of properties, not from a front-facing underground garage entry, unless the
111 applicant demonstrates that no alternative is feasible.

112 (c) It is recognized that providing parking within the primary building may create
113 a conflict with the desire for pedestrian connectivity at street-level. An alternate design
114 that includes parking on the main level of the building and on a façade that faces a public
115 street may be approved by the Design Review Committee, subject to the following
116 standards:

117 (i) There shall be a significant, pedestrian entrance to the building at street level to
118 maintain a pedestrian connection to the street;

119 (ii) A minimum of thirty percent (30%) of the primary street level building façade
120 must be habitable floor space such as living space, rental office or amenity space;

121 (iii) The parking structure shall be treated with materials, windows, building relief
122 and rhythm that masks the appearance of the parking structure. The parking structure
123 shall be appear to be part of the residential or commercial building; and

124 (iv) The Design Review Committee should consider aesthetic transitions at façade
125 corners when a side elevation is viewable from a public street.

126 (7) Landscape Design.

127 (a) Property owners shall comply with Section 15.20.030, Provo City Code, for
128 the protection of existing vegetation.

129 (b) New landscaping shall be complementary to existing neighborhood
130 vegetation.

131 (i) The species, size and placement of new landscaping shall be considered in the
132 design review process.

133 (c) Landscaping shall be used to reduce the impact of larger buildings on
134 neighboring properties.

135 (d) Buildings and driveway lighting should not extend beyond the boundaries of
136 the subject property, as per Chapter 15.21, Provo City Code.

137 (8) Building Form, Mass and Scale (LDR zone only).

138 (a) Building form, mass and scale should be appropriate for the zone in which the
139 building is located and consistent with the established neighborhood character.

140 (i) Architectural elements such as roof form, windows, doors, etc. should be
141 consistent with the form and character of the existing housing in the area.

142 (ii) A porch or similar element, which defines the front entrance, shall be
143 provided.

144 (iii) An attached garage shall not be the dominant design feature of the front
145 elevation.

146 (iv) Sloping roofs such as gable or hip design should be used as the primary roof
147 form.

148 (v) Historic buildings are subject to Title 16, Provo City Code.

149 (b) Building additions shall not strongly alter the character of an original building.

150 (i) Windows, materials and doors should be compatible with those of the original
151 building.

152 (ii) Roof forms shall be compatible with the existing structure.

153 (9) Building Form, Mass and Scale (MDR, HDR, CHDR and CMU zones).

154 (a) The façade of any multiple-family or apartment structure shall have sufficient
155 relief and rhythm to give visual interest and appeal.

156 (b) One continuous roof-line shall be avoided. Variation in the roof-line, or roof
157 height, is encouraged.

158 (c) Structures located in the CHDR and CMU zones that are greater than four (4)
159 stories in height shall step back fifteen (15) feet from the first floor elevation for all
160 stories above the fourth floor on all elevations that front a public street unless the
161 applicant can demonstrate that there is sufficient variation and articulation in the building
162 planes to give visual interest and appeal.

163 (d) Building additions shall not strongly alter the character of the original
164 building.

165 (i) Windows, materials and doors shall be compatible with those of the original
166 building.

167 (ii) Roof forms shall be compatible with the existing structure.

168 (10) Building Materials.

169 (a) The primary exterior finish material of all structures shall not consist of vinyl,
170 aluminum or metal siding (including sheet or corrugated metal), plywood, particle board,
171 or other products not intended as an architectural finish product.

172 (i) Stucco may be considered when it is detailed with wood trim around windows
173 and doors. A shadow line around windows should be created.

174 (ii) A range of secondary materials including trim may be used as long as they
175 remain secondary.

176 (iii) Wood, slate, tiles and high-quality composition shingles and shakes shall be
177 used for roofing materials.

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179 PART II:
180

181 A. If a provision of this Ordinance 2012-__ conflicts with a provision of a previously
182 adopted ordinance concerning the same title, chapter, and/or section number amended herein, the
183 provision in this ordinance shall prevail.

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

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

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

194
195 END OF ORDINANCE.

PROOF OF PUBLICATION

from

The Daily Herald

STATE OF UTAH } SS.
Utah County }

LEGAL NOTICES

PROVO CITY CORPORATION OFFICE OF THE RECORDER ORDINANCE 2012-36

Notice is hereby given that in the regular Municipal Council Meeting of October 16, 2012, the Provo Municipal Council passed Ordinance 2012-36. This is an ordinance enacting Section 14.34.285 (Residential Design Standards) of the Provo City Code to adopt design standards for HDR (Higher Density Residential) zones.

/s/Janene M. Weiss
City Recorder

Legal Notice 391865 Published in The Daily Herald October 22, 2012.

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, 391865- ORDINANCE 2012-36, and which is a copy, was published in said newspaper, the first publication having been made on the 22nd day of October, 2012, and the last on the 22nd day of October, 2012; 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 22nd day of October, 2012.

Debbie L Chandler

Notary Public

Residence: Spanish Fork, Utah

My commission expires 06/05/2013

