

ORDINANCE 2013- 03

SHORT TITLE:

An ordinance enacting Chapter 14.14(d) of the Provo City Code to create the CHDR (Campus High Density Residential) zone.

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		✓	✓			
				TOTALS	7	0	0

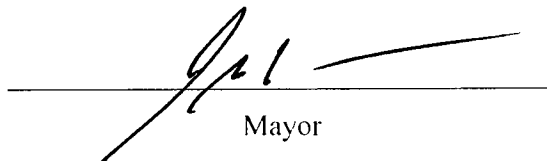
This ordinance was passed by the Municipal Council of Provo City, on the 8th day of January, 2013 on a roll call vote as described above. Signed this 8th day of January, 2013.


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 14th day of January, 2013.


Mayor

ORDINANCE 2013-03

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 22nd day of January 2013, with a short summary being published on the 19th day of January 2013, 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 2013-03.



Signed this 22nd day of January 2013.

Janene Weiss
City Recorder

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ORDINANCE 2013-03.

AN ORDINANCE ENACTING CHAPTER 14.14(D) OF THE PROVO CITY CODE TO CREATE THE CHDR (CAMPUS HIGH DENSITY RESIDENTIAL) ZONE. (11-00090A)

WHEREAS, it is proposed that Chapter 14.14(D) of the Provo City Code be enacted to create the Campus High Density Residential Zone; and

WHEREAS, on October 6, 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 the ordinance be amended as proposed; and

WHEREAS, on January 8, 2013, 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:

Chapter 14.14(D) of the Provo City Code is hereby enacted as follows:

14.14(D) Campus High Density Residential Zone

14.14(D).010. Purpose and Objectives.

14.14(D).020. Permitted Uses.

14.14(D).030. Lot Standards.

14.14(D).040. Prior Created Lots.

14.14(D).050. Yard Requirements.

14.14(D).060. Projections into Yards.

14.14(D).070. Building Height.

14.14(D).080. Project Plan Approval/Design Review.

14.14(D).090. Other Requirements.

14.14(D).100. Notice of Parking and Occupancy Restrictions.

47 **14.14(D).010. Purpose and Objectives.**

48 The Campus High Density Residential zone (CHDR) is established to provide a high-
49 density, multiple residential character near Brigham Young University. The densities permitted
50 in this zone are intended to encourage redevelopment of land for residential uses where property
51 values are high and demolition is necessary. The uses typically permitted in this zone are
52 apartments, batching apartments and condominiums.

53
54 **14.14(D).020. Permitted Uses.**

55 (1) Permitted Principal Uses. The following principal uses and no others, are permitted in
56 the CHDR zone:

- 57 (a) Apartments and condominiums;
58 (b) Batching apartments (maximum of six (6) individuals per unit);
59 (c) Residential facilities for the elderly or disabled (See Section 14.34.230, Provo

60 City Code:

- 61 (d) Public Utilities and rights-of-way, including accompanying facilities;
62 (e) Police Protection and related activities, branch (Office only);
63 (f) Religious activities; and
64 (g) Parks.

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

69 (a) Accessory buildings such as garages, carports, greenhouses, gardening sheds,
70 recreation rooms, and similar structures which are customarily used in conjunction with
71 and incidental to a principal use or structure;

72 (b) Swimming pools and incidental accessory structures subject to the standards
73 of Section 14.34.210, Provo City Code;

74 (c) Vegetable and flower gardens;

75 (d) Home occupations subject to the regulations of Chapter 14.41, Provo City
76 Code;

77 (e) Storage of materials used to construct a building, including the contractor's
78 temporary office, provided that such use is on the building site or immediately adjacent
79 thereto, and provided further that such use shall be permitted only during the construction
80 period and thirty (30) days thereafter;

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

86
87 **14.14(D).030. Lot Standards.**

88 Lots within the CHDR zone shall be developed according to the following standards:

89 (1) Min. Lot Area:

90 Apartment and Condominium projects: 40,000 s.f.

91 (2) Maximum Housing Density: 80 units per gross acre.

92 (3) Multi-family residential developments of less than 40,000 s.f. may not exceed 40
93 units per gross acre.

94 (4) Min. Lot Frontage: 35 ft

95 (5) Min. Lot Width 50 ft

96 Corner Lots: 60 ft

97 (6) Max. Lot Coverage: 75%

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99 **14.14(D).040. Prior Created Lots.**

100 Lots or parcels of land which were created prior to December 12, 1974 shall not be
101 denied a building permit solely for the reason of nonconformance with the parcel requirements of
102 this Chapter.

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104 **14.14(D).050. Yard Requirements.**

105 Yards shall be provided according to the requirements listed below (Note: All setbacks
106 are measured from the property line.)

107 (1) Front Yard: 10 ft (maximum)

108 (2) Side Street Yard: 10 ft (maximum)

109 (3) Side Yard: 10 ft

110 (4) Rear Yard: 20 ft

111 (5) Distance between buildings on the same parcel: 15 ft

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

113 (7) The Community Development Director, or designee, may modify the setbacks of this
114 zone subject to finding that all of the following conditions exist:

115 (a) The proposed setback is visually compatible with neighboring development
116 and does not cause an undue burden or harm to the adjacent property;

117 (b) The proposed setback does not violate an existing or needed utility easement;
118 and

119 (c) The proposed setback does not cause a violation of the International Building
120 Code or the Fire Code.

121 (8) Accessory Buildings.

122 (a) Accessory buildings shall be located in the rear yard and may be located no
123 closer to an interior side or rear lot line than five (5) feet.

124 (b) Accessory buildings on corner lots may be no closer to the side street than the
125 principal structure.

126 (c) The maximum height for an accessory building is twelve (12) feet, as
127 measured to the mid-point of a sloped roof.

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129 **14.14(D).060. Projections into Yards.**

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

131 (a) Fencing. (See Section 14.34.500, Provo City Code)

132 (b) Landscaping. (See Chapter 15.20, Provo City Code)

133 (c) Necessary appurtenances for utility service, subject to City approval.

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

136 (a) Cornices, eaves, belt courses, sills, buttresses, or other similar architectural
137 features.

138 (b) Fireplace structures and bays, provided they are not wider than eight (8) feet
139 and are generally parallel to the wall of which they are a part.

140 (c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or
141 masonry planters.

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143 **14.14(D).070. Building Height.**

144 (1) Maximum building height: 75 ft

145 (2) Maximum main floor elevation: 30 inches above the lowest adjacent street curb
146 elevation.

147
148 **14.14(D).080. Project Plan Approval/Design Review/Design Guideline.**

149 See Sections 15.03.300 and 15.03.310, Chapter 14.04(A), and Section 14.34.285, Provo
150 City Code.

151
152 **14.14(D).090. Other Requirements.**

153 (1) Signs. (See Chapter 14.38, Provo City Code)

154 (2) Landscaping. (See Chapter 15.20, Provo City Code)

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

156 (4) Fencing. (See Section 14.34.500, Provo City Code)

157 (5) Parking, Loading and Access. Each land use in the CHDR zone shall have automobile
158 parking sufficient to comply with the requirements of Chapter 14.37, Provo City Code.

159 (6) In any new project consisting of twenty (20) or more residential units, an area
160 equivalent to ten (10) percent of the residential gross floor area shall be developed in residential
161 amenities, such as a common clubhouse, gym, pool, roof-top garden, or other amenity.

162 Landscaping within the required setbacks shall not be calculated towards meeting this provision.

163 (7) In any new project consisting of twenty (20) or more residential units, the open space
164 must be massed or accumulated to be functional as a recreational amenity or gathering space.

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166 **14.14(D).100. Notice of Parking and Occupancy Restrictions.**

167 (1) Prior to the issuance of a building permit for any multiple residential project over two
168 (2) dwelling units, a contract must be entered into between Provo City and the developer

169 agreeing to a determined occupancy based on a given number of parking spaces. This contract
170 shall be recorded with the Utah County Recorder's office and shall be a covenant running with
171 the property. A copy of a recorded deed for the property in question must also be submitted prior
172 to the issuance of a building permit which indicates the maximum allowable occupancy as a deed
173 restriction. Attached to the deed must be a document that separately list the occupancy according
174 to Provo City Code, the previously mentioned deed restrictions and any other use restrictions

175 pertaining to parking and occupancy such as restrictions of use as noted in condominium
176 covenants. This document must be signed, dated and notarized indicating that the owner
177 acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.

178 (2) Prior to the issuance of a Certificate of Occupancy for new Multiple Residential
179 dwelling units a permanent notice must be placed on the electrical box within each unit
180 indicating the maximum allowable occupancy of each unit based on the approved occupancy
181 consistent with the recorded parking and occupancy contract. This notice must be a six by six
182 inch (6" x 6") metal or plastic plate that is permanently attached to the electrical box with
183 minimum one half (½) inch engraved letters.

184 | (3) Upon submittal of the documents required in this section any violation to the
185 | restrictions and regulations noted therein will be considered a misdemeanor offense and will be
186 | subject to criminal action as provided in Section 1.03.010, Provo City Code.
187 |

188 | PART II:
189 |

190 | A. If a provision of this Ordinance 2013-03 conflicts with a provision of a previously
191 | adopted ordinance concerning the same title, chapter, and/or section number amended herein, the
192 | provision in this ordinance shall prevail.
193 |

194 | B. This ordinance and its various sections, clauses and paragraphs are hereby declared to
195 | be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid,
196 | the remainder of the ordinance shall not be affected thereby.
197 |

198 | C. The Municipal Council hereby directs that the official copy of the Provo City Code be
199 | updated to reflect the provisions enacted by this ordinance.
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201 | D. This ordinance shall take effect immediately after being posted or published as
202 | required by law.
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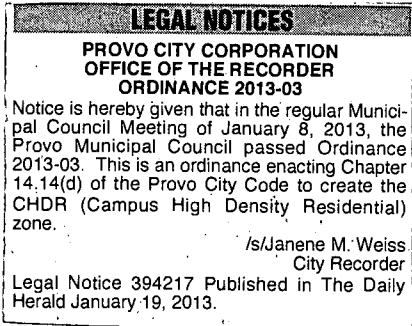
204 | END OF ORDINANCE.

PROOF OF PUBLICATION

from

The Daily Herald

STATE OF UTAH } SS.
Utah County }



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, 394217- ORDINANCE 2013-03, and which is a copy, was published in said newspaper, the first publication having been made on the 19th day of January, 2013, and the last on the 19th day of January, 2013; 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 21st day of January, 2013.

Debbie L Chandler

Notary Public

Residence: Debbie Chandler

My commission expires 06/05/2013

