

ORDINANCE 2013- 04

SHORT TITLE:

An ordinance enacting Chapter 14.14(e) of the Provo City Code to create the CMU (Campus Mixed-Use) 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

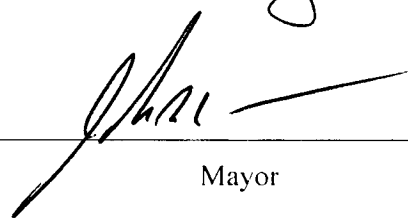
This ordinance was passed by the Municipal Council of Provo City, on the 8th day of January, 2013 on a roll call vote as described above. Signed this 8th day of January, 2013.

  
Chair

II

APPROVAL BY MAYOR

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

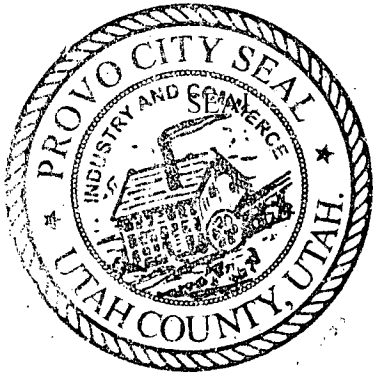
  
Mayor

ORDINANCE 2013-04

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 22<sup>nd</sup> day of January 2013, with a short summary being published on the 19<sup>th</sup> 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 2013-04.



Signed this 22<sup>nd</sup> day of January 2013.

Janeen Heiss  
City Recorder

ORDINANCE 2013-04.

AN ORDINANCE ENACTING CHAPTER 14.14(E) OF THE PROVO CITY CODE TO CREATE THE CMU (CAMPUS MIXED-USE) ZONE. (11-0009OA)

WHEREAS, it is proposed that Chapter 14.14(E) of the Provo City Code be enacted to create the Campus Mixed-Use 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(E) of the Provo City Code is hereby enacted as follows:

**14.14(E) Campus Mixed-Use Zone**

14.14(E).010. Purpose and Objectives.

14.14(E).020. Permitted Uses.

14.14(E).030. Lot Standards.

14.14(E).040. Prior Created Lots.

14.14(E).050. Yard Requirements.

14.14(E).060. Projections into Yards.

14.14(E).070. Building Height.

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

14.14(E).090. Other Requirements.

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

**14.14(E).010. Purpose and Objectives.**

47 The Campus Mixed-Use zone (CMU) is established to provide high-density housing and  
48 a mix of residential and commercial uses near Brigham Young University. The densities  
49 permitted by the zone are intended to encourage redevelopment of land for residential uses where  
50 property values are high and demolition is necessary. The uses typically permitted in this zone  
51 are apartments, batching apartments, condominiums and commercial services for the convenience  
52 of those living in the area (neighborhood commercial).

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

55 (1) Permitted Principal Uses. The following principal uses and no others, are permitted in  
56 the CMU 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 City  
60 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) The following uses are permitted as part of a mixed-use development and must be  
66 ancillary to the residential uses in the same building.

67 (a) Variety stores;

68 (b) General retail;

69 (c) Food or grocery stores;

70 (d) Eating places, restaurants;

71 (e) Banks;

72 (f) Postal services;

73 (g) Duplicating services;

74 (h) Pharmacy;

75 (i) Video rental;

76 (j) Day care; and

77 (k) Personal services (including laundry, barber shop, clothing repair).

78 (3) Permitted Accessory Uses.

79 Accessory uses and structures are permitted in the CMU zone, provided they are incidental to  
80 and do not substantially alter the character of the permitted principal use or structure. Such  
81 permitted accessory uses and structures include, but are not limited to, the following:

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

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

87 (c) Vegetable and flower gardens;

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

90 (e) Storage of materials used to construct a building, including the contractor's  
91 temporary office, provided that such use is on the building site or immediately adjacent

92 thereto, and provided further that such use shall be permitted only during the construction  
93 period and thirty (30) days thereafter;

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

99  
100 **14.14(E).030. Lot Standards.**

101 Lots within the CMU zone shall be developed according to the following standards:

102 (1) Min. Lot Area:

103         Apartments and Condominium projects: 40,000 sf

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

105 (3) Multi-family residential developments that are less than 40,000 sf may not exceed 40  
106 units per gross acre.

107 (4) Min. Lot Frontage: 35 ft

108 (5) Min. Lot Width: 50 ft

109         Corner Lots: 60 ft

110 (6) Max. Lot Coverage: 75 %

111  
112 **14.14(E).040. Prior Created Lots.**

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

116  
117 **14.14(E).050. Yard Requirements.**

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

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

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

122 (3) Side Yard, Interior: 10 ft

123 (4) Rear Yard: 20 ft

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

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

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

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

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

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

134 (8) Accessory Buildings.

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

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

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

141  
142 **14.14(E).060. Projections into Yards.**

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

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

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

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

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

149 (a) Cornices, eaves, belt courses, sills, buttresses, or other similar architectural  
150 features;

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

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

155  
156 **14.14(E).070. Building Height.**

157 (1) Maximum building height: 75 ft

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

160  
161 **14.14(E).080. Project Plan Approval/Design Review/Design Guideline.**

162 See Sections 15.03.300 and 15.03.310, Section 14.04(A) and Section 14.34.285, Provo  
163 City Code.

164  
165 **14.14(E).090. Other Requirements.**

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

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

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

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

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

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

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

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

178 (8) Each first floor commercial frontage situated along a public street shall provide an  
179 entry door and a minimum of thirty (30) percent completely transparent glass on street-facing  
180 facades.

181  
182 **14.14(E).100. Notice of Parking and Occupancy Restrictions.**

183 (1) Prior to the issuance of a building permit for any multiple residential project over two  
184 (2) dwelling units, a contract must be entered into between Provo City and the developer  
185 agreeing to a determined occupancy based on a given number of parking spaces. This contract  
186 shall be recorded with the Utah County Recorder's office and shall be a covenant running with  
187 the property. A copy of a recorded deed for the property in question must also be submitted prior  
188 to the issuance of a building permit which indicates the maximum allowable occupancy as a deed  
189 restriction. Attached to the deed must be a document that separately list the occupancy according  
190 to Provo City Code, the previously mentioned deed restrictions and any other use restrictions  
191 pertaining to parking and occupancy such as restrictions of use as noted in condominium  
192 covenants. This document must be signed, dated and notarized indicating that the owner  
193 acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.

194 (2) Prior to the issuance of a Certificate of Occupancy for new Multiple Residential  
195 dwelling units a permanent notice must be placed on the electrical box within each unit  
196 indicating the maximum allowable occupancy of each unit based on the approved occupancy  
197 consistent with the recorded parking and occupancy contract. This notice must be a six by six  
198 inch (6" x 6") metal or plastic plate that is permanently attached to the electrical box with  
199 minimum one half (1/2) inch engraved letters.

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

203  
204 PART II:

205  
206 A. If a provision of this Ordinance 2013-04 conflicts with a provision of a previously  
207 adopted ordinance concerning the same title, chapter, and/or section number amended herein, the  
208 provision in this ordinance shall prevail.

209  
210 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to  
211 be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid,  
212 the remainder of the ordinance shall not be affected thereby.

213  
214 C. The Municipal Council hereby directs that the official copy of the Provo City Code be  
215 updated to reflect the provisions enacted by this ordinance.

216  
217 D. This ordinance shall take effect immediately after being posted or published as  
218 required by law.

219  
220 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 2013-04**

Notice is hereby given that in the regular Municipal Council Meeting of January 8, 2013, the Provo Municipal Council passed Ordinance 2013-04. This is an ordinance enacting Chapter 14.14(e) of the Provo City Code to create the CMU (Campus Mixed-Use) zone.

/s/Janene M. Weiss  
City Recorder

Legal Notice 394218 Published in The Daily Herald January 19, 2013.

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, 394218- ORDINANCE 2013-04, 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

