

ORDINANCE 2013-05

SHORT TITLE:

An ordinance enacting Chapter 14.14(b) of the Provo City Code to create the MDR (Medium Density Residential) zone.

PASSAGE BY MUNICIPAL COUNCILROLL 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 | |

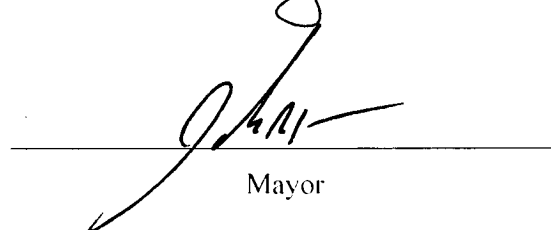
This ordinance was passed by the Municipal Council of Provo City, on the 8th day
of January, 2013 on a roll call vote as described above. Signed this 8th day
of January, 2013.


Chair

II

APPROVAL BY MAYOR

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

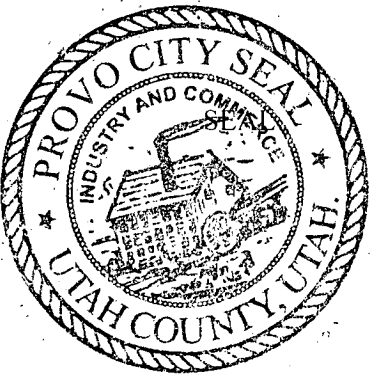

Mayor

ORDINANCE 2013-05

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 2013-05.



Signed this 22nd day of January 2013.

Janeene Heiss
City Recorder

ORDINANCE 2013-05.

AN ORDINANCE ENACTING CHAPTER 14.14(B) OF THE PROVO CITY
CODE TO CREATE THE MDR (MEDIUM DENSITY RESIDENTIAL) ZONE.
(11-00090A)

WHEREAS, it is proposed that Chapter 14.14(B) of the Provo City Code be enacted to
create the Low 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(B) of the Provo City Code is hereby enacted as follows:

14.14(B) Medium Density Residential Zone

14.14(B).010. Purpose and Objectives.

14.14(B).020. Permitted Uses.

14.14(B).030. Lot Standards.

14.14(B).040. Prior Created Lots.

14.14(B).045. Lot Depth.

14.14(B).050. Yard Requirements.

14.14(B).060. Projections into Yards.

14.14(B).070. Building Height.

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

14.14(B).090. Other Requirements.

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

47
48 **14.14(B).010. Purpose and Objectives.**

49 The Medium Density Residential (MDR) zone is established to provide a suitable
50 environment for medium-density, residential uses. This zone is generally located in or near the
51 central area of the City and in areas where there is a substantial demand for multiple dwelling
52 units as indicated in the General Plan. The MDR zone should be established in areas where street
53 and utility systems are adequate to accommodate the permitted density. Typical uses in this zone
54 are three and four-family dwellings, apartments, and batching apartments.

55
56 **14.14(B).020. Permitted Uses.**

57 (1) Permitted Principal Uses. The following principal uses, and no others, are permitted
58 in the MDR zone:

- 59 (a) One-family dwelling - detached (existing as of December 31, 2011) (see
60 Section 14.34.310, Provo City Code);
61 (b) One-family dwelling - attached (townhomes), not to exceed eight (8) units in
62 one building;
63 (c) Two-family dwellings (See Section 14.34.310, Provo City Code);
64 (d) Multiple family dwellings;
65 (e) Apartments and condominiums;
66 (f) Residential facilities for the elderly or disabled (See Section 14.34.230, Provo
67 City Code);
68 (g) Public utilities and rights-of-way, including accompanying facilities;
69 (h) Police protection and related activities, branch (office only);
70 (i) Religious activities; and
71 (j) Parks.

72 (2) Permitted Accessory Uses. Accessory uses and structures are permitted in the MDR
73 zone, provided they are incidental to and do not substantially alter the character of the permitted
74 principal use or structure. Such permitted accessory uses and structures include, but are not
75 limited to, the following:

- 76 (a) Accessory buildings such as garages, carports, greenhouses, gardening sheds,
77 recreation rooms and similar structures which are customarily used in conjunction with
78 and incidental to a principal use or structure;
79 (b) Swimming pools and incidental accessory structures subject to the standards
80 of Section 14.34.210, Provo City Code;
81 (c) Vegetable and flower gardens;
82 (d) Home occupations subject to the regulations of Chapter 14.41, Provo City
83 Code;
84 (e) Storage of materials used to construct a building, including the contractor's
85 temporary office, provided that such use is on the building site or immediately adjacent
86 thereto, and provided further that such use shall be permitted only during the construction
87 period and thirty (30) days thereafter;
88 (f) Household pets, provided that no more than two (2) dogs and two (2) cats six
89 (6) months of age or older shall be kept at any residence or commercial establishment at any
90 time. Nothing herein shall be construed as authorizing the keeping of any animal
91 capable of inflicting harm or discomfort or endangering the health and safety of any
92 person or property.

93
94 **14.14(B).030. Lot Standards.**

95 (1) Min Lot Area:

96 Twin home/duplex: 8,000 sf

97 One-family attached: 10,000 sf

98 Multi-family residential: 20,000 sf

99 (2) Housing Density Maximum: 30 dwelling units per gross acre

100 (3) Min. Lot Frontage: 35 ft

101 (4) Min. Lot Width: 40 ft

102 Corner Lot: 50 ft

103 (5) Min. Lot Depth: 90 ft

104 (6) Max. Lot Coverage: 50 %

105
106 **14.14(B).040. Prior Created Lots.**

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

110
111 **14.14(B).050. Yard Requirements.**

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

114 (1) Front Yard: 20 ft

115 (2) Side Yard, Street: 20 ft

116 (3) Side Yard, Interior:

117 One-family detached: 8 ft and 10 ft

118 All other buildings: 10 ft

119 (4) Rear Yard: 20 ft

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

121 (6) Side Yard, Driveway: See Section 14.37.100, Provo City Code.

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

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

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

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

130 (8) Accessory Buildings.

131 (a) Accessory buildings shall be located in the rear yard and may be located no
132 closer to an interior side or rear lot line than five (5) feet, subject to any existing utility
133 easements.

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

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

139 **14.14(B).060. Projections into Yards.**

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

141 (a) Fencing. (See Chapter 14.34.500, Provo City Code);

142 (b) Landscaping. (See Chapter 15.20, Provo City Code); and

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

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

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

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

150 (c) Porches, stairways, balconies, door stoops, fire escapes, awnings, and planter
151 boxes or masonry planters.

152
153 **14.14(B).070. Building Height.**

154 (1) Maximum building height: 45 ft

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

157
158 **14.14(B).080. Project Plan Approval/Design Review/Design Guidelines.**

159 See Section 15.03.300 and 15.03.310, Section 14.04(A), and Section 14.34.285, Provo
160 City Code.

161
162 **14.14(B).090. Other Requirements.**

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

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

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

166 (4) Fencing Standards (See Section 15.34.500, Provo City Code)

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

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

172 Amenities that are enclosed may count towards meeting this requirement. Landscaping within
173 the required setbacks shall not be calculated towards meeting this provision.

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

176
177 **14.14(B).100. Notice of Parking and Occupancy Restrictions.**

178 (1) Prior to the issuance of a building permit for any multiple residential project over two
179 (2) dwelling units, a contract must be entered into between Provo City and the developer
180 agreeing to a determined occupancy based on a given number of parking spaces. This contract
181 shall be recorded with the Utah County Recorder's office and shall be a covenant running with
182 the property. A copy of a recorded deed for the property in question must also be submitted prior
183 to the issuance of a building permit which indicates the maximum allowable occupancy as a deed
184 restriction. Attached to the deed must be a document that separately list the occupancy according

185 to Provo City Code, the previously mentioned deed restrictions and any other use restrictions
186 pertaining to parking and occupancy such as restrictions of use as noted in condominium
187 covenants. This document must be signed, dated and notarized indicating that the owner
188 acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.

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

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

198
199 PART II:

200
201 A. If a provision of this Ordinance 2013-05 conflicts with a provision of a previously
202 adopted ordinance concerning the same title, chapter, and/or section number amended herein, the
203 provision in this ordinance shall prevail.

204
205 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to
206 be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid,
207 the remainder of the ordinance shall not be affected thereby.

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

211
212 D. This ordinance shall take effect immediately after being posted or published as
213 required by law.

214
215 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 2013-05

Notice is hereby given that in the regular Municipal Council Meeting of January 8, 2013, the Provo Municipal Council passed Ordinance 2013-05. This is an ordinance enacting Chapter 14.14(b) of the Provo City Code to create the MDR (Medium Density Residential) zone.

/s/Janene M. Weiss
City Recorder

Legal Notice 394219 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, 394219- ORDINANCE 2013-05, 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

