

ORDINANCE 2013-47.

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

WHEREAS, it is proposed that Chapter 14.14(C) of the Provo City Code be enacted to create the 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 December 17, 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(C) of the Provo City Code is hereby enacted as follows:

**14.14(C) High Density Residential Zone**

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

**14.14(C).020. Permitted Uses.**

**14.14(C).030. Lot Standards.**

**14.14(C).040. Prior Created Lots.**

**14.14(C).050. Yard Requirements.**

**14.14(C).060. Projections into Yards.**

**14.14(C).070. Building Height.**

**14.14(C).080. Project Plan Review/Design Review.**

**14.14(C).090. Other Requirements.**

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

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

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

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54 **14.14(C).020. Permitted Uses.**

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

- 57 (a) One-family dwelling - attached;
- 58 (b) Multiple family dwellings (3 and 4 units);
- 59 (c) Apartments;
- 60 (d) Assisted living facilities (See Section 14.34.470. Standards for Assisted Living  
61 Facilities, Provo City Code);
- 62 (e) Residential health care facilities;
- 63 (f) Residential facilities for elderly or disabled (See Section 14.34.230. Residential  
64 Facilities, Provo City Code);
- 65 (g) Public utilities and rights-of-way and accompanying facilities;
- 66 (h) Police protection and related activities, branch (office only);
- 67 (i) Religious activities; and
- 68 (j) Parks.

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

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

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90 **14.14(C).030. Lot Standards.**

91 Lots within the HDR zone shall be developed according to the following standards:

92 (1) Min. Lot Area:

93 One-family attached: 10,000 sf

94 Multi-family residential and Apartments: 20,000 sf

- 95                   (2) Housing Density Maximum: 50 units per acre.  
96                   (3) Min. Lot Frontage:           35 ft  
97                   (4) Min. Lot Width:             50 ft  
98                       Corner Lot:                 70 ft  
99                   (5) Min Lot Depth:     90 ft  
100                  (6) Max. Lot Coverage by Structures: 75 %

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102                   **14.14(C).040. Prior Created Lots.**

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

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106                   **14.14(C).050. Yard Requirements.**

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

- 109                   (1) Front Yard:           10 ft (maximum)  
110                   (2) Side Yard, Street: 10 ft. (maximum)  
111                   (3) Side Yard:           10 ft  
112                   (4) Rear Yard:          20 ft  
113                   (5) Distance between buildings on the same parcel: 15 ft  
114                   (6) Side Yard - Driveway. (See Section 14.37.100, Provo City Code.)  
115                   (7) The Community Development Director, or designee, may modify the setbacks of this  
116                   zone subject to finding that all of the following conditions exist:  
117                   (a) The proposed setback is visually compatible with neighboring development and does  
118                   not cause an undue burden or harm to the adjacent property;  
119                   (b) The proposed setback does not violate an existing or needed utility easement; and  
120                   (c) The proposed setback does not cause a violation of the International Building Code or  
121                   the Fire Code.  
122                   (8) Accessory Buildings.  
123                   (a) Accessory buildings shall be located in the rear yard and may be located no closer to  
124                   an interior side or rear lot line than five (5) feet, subject to any existing utility easements.  
125                   (b) Accessory buildings on corner lots may be no closer to the side street than the  
126                   principal structure.  
127                   (c) The maximum height for an accessory building is twelve (12) feet, as measured to the  
128                   mid-point of a sloped roof.

129                   **14.14(C).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.  
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 features;  
137                       (b) Fireplace structures and bays, provided they are not wider than eight (8) feet  
138                   and are generally parallel to the wall of which they are a part; and  
139                       (c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or  
140                   masonry planters.

141                   **14.14(C).070. Building Height.**

- 142 (1) Maximum building height: 55 ft  
143 (2) Maximum main floor elevation: 30 inches above the lowest adjacent street curb  
144 elevation.

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146 **14.14(C).080. Project Plan Approval/Design Review/Design Guidelines.**

147 See Section 15.03.300 and 15.03.310, Section 14.04(A), and Section 14.34.285, Provo  
148 City Code.

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150 **14.14(C).090. Other Requirements.**

- 151 (1) Signs. (See Chapter 14.38, Provo City Code)  
152 (2) Landscaping. (See Chapter 15.20, Provo City Code)  
153 (3) Trash Storage. (See Section 14.34.080, Provo City Code)  
154 (4) Fencing. (See Section 14.34.500, Provo City Code)  
155 (5) Parking, Loading and Access. Each land use in the HDR zone shall have automobile  
156 parking sufficient to comply with the requirements of Chapter 14.37, Provo City Code.  
157 (6) In any new project consisting of twenty (20) or more residential units, an area  
158 equivalent to ten (10) percent of the residential gross floor area shall be developed in residential  
159 amenities, such as a common clubhouse, gym, pool, roof-top garden, or other amenity.  
160 Landscaping within the required setbacks shall not be calculated towards meeting this provision.  
161 (7) In any new project consisting of twenty (20) or more residential units, the open space  
162 must be massed or accumulated to be functional as a recreational amenity or gathering space.

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164 **14.14(C).100. Notice of Parking and Occupancy Restrictions.**

- 165 (1) Prior to the issuance of a building permit for any multiple residential project over two  
166 (2) dwelling units, a contract must be entered into between Provo City and the developer agreeing  
167 to a determined occupancy based on a given number of parking spaces. This contract shall be  
168 recorded with the Utah County Recorder's office and shall be a covenant running with the  
169 property. A copy of a recorded deed for the property in question must also be submitted prior to  
170 the issuance of a building permit which indicates the maximum allowable occupancy as a deed  
171 restriction. Attached to the deed must be a document that separately lists the occupancy according  
172 to Provo City Code, the previously mentioned deed restrictions and any other use restrictions  
173 pertaining to parking and occupancy such as restrictions of use as noted in condominium  
174 covenants. This document must be signed, dated and notarized indicating that the owner  
175 acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.  
176 (2) Prior to the issuance of a Certificate of Occupancy for new Multiple Residential  
177 dwelling units a permanent notice must be placed on the electrical box within each unit indicating  
178 the maximum allowable occupancy of each unit based on the approved occupancy consistent with  
179 the recorded parking and occupancy contract. This notice must be a six by six inch (6" x 6") metal  
180 or plastic plate that is permanently attached to the electrical box with minimum one half (½) inch  
181 engraved letters.

182 (3) Upon submittal of the documents required in this section, any violation of the  
183 restrictions and regulations noted therein is unlawful and is a misdemeanor offense and will be  
184 subject to criminal action as provided in Section 1.03.010, Provo City Code.  
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187 PART II:  
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189 A. If a provision of this Ordinance 2013-47 conflicts with a provision of a previously  
190 adopted ordinance concerning the same title, chapter, and/or section number amended herein, the  
191 provision in this ordinance shall prevail.  
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193 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to  
194 be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid,  
195 the remainder of the ordinance shall not be affected thereby.  
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197 C. The Municipal Council hereby directs that the official copy of the Provo City Code be  
198 updated to reflect the provisions enacted by this ordinance.  
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200 D. This ordinance shall take effect immediately after being posted or published as  
201 required by law.  
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203 END OF ORDINANCE.