

Ordinance 2016-37

SHORT TITLE:

An ordinance amending Provo City Code Chapter 14.20 (SC3 – Regional Shopping Center zone), to allow mixed-use development within the zone. City-wide Impact (16-0003OA)

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	DAVID SEWELL			√			
CW 2	GEORGE STEWART		√	√			
CD 1	GARY WINTERTON			√			
CD 2	KIM SANTIAGO			√			
CD 3	DAVID KNECHT			√			
CD 4	KAY VAN BUREN	√		√			
CD 5	DAVID HARDING			√			
				TOTALS	7	0	0

This ordinance was passed by the Municipal Council of Provo City, on the 6th day of December, 2016, on a roll call vote as described above. Signed this 11th January, 2017.

David S. Sewell

Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 12 January 2017.

Rob R. L.

Mayor

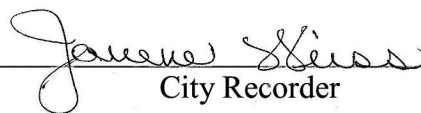
Ordinance 2016-37

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 12th day of January, 2017, with a short summary being published on the 10th day of December, 2016, 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 2016-37.





City Recorder

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

ORDINANCE 2016-37

AN ORDINANCE AMENDING PROVO CITY CODE CHAPTER 14.20 (SC3 - REGIONAL SHOPPING CENTER ZONE) TO ALLOW MIXED-USE DEVELOPMENT WITHIN THE ZONE. CITY-WIDE IMPACT. (16-0003OA)

WHEREAS, it is proposed that amendments be made to Provo City Code Chapter 14.20 (SC3 - Regional Shopping Center Zone) to allow Mixed-Use development within the zone; and

WHEREAS, the proposed amendments were requested in order to facilitate redevelopment of the Plum Tree Shopping Center, located at 2230 North University Parkway; and

WHEREAS, it is important to maintain an appropriate mix of uses when adding residential into an otherwise commercial zone; and

WHEREAS, the Planning Commission mentioned the importance of encouraging appropriate design when exceptions to setbacks or other standards are requested; and

WHEREAS, on October 26, 2016, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended denial to the Municipal Council; and

WHEREAS, on December 6, 2016, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts and comments are found in the meeting record; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Chapter 14.20 should be amended and (ii) this action, 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:

Provo City Code Chapter 14.20 (SC3 - Regional Shopping Center Zone) is hereby amended as shown in the attached Exhibit A:

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.

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

49
50 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
51 updated to reflect the provisions enacted by this ordinance.

52
53 D. This ordinance shall take effect immediately after it has been posted or published in
54 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
55 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

56
57 END OF ORDINANCE.

Chapter 14.20 SC3 - Regional Shopping Center Zone.

1 **14.20.010. Purpose and Objectives.**

2 The Regional Shopping Center Zone (SC3) is established to provide a district in which the primary use of
3 the land is for commercial and service uses to serve needs of people living in an entire region and to
4 serve as a place of employment in pleasant surroundings close to the center of the regional population it
5 is intended to serve. ~~This shopping center zone should have a minimum site area of twenty (20) acres to~~
6 ~~serve a population of at least one hundred thousand (100,000).~~ The SC3 zone should be located close to
7 freeways and adjacent to major arterials to provide convenient access for major traffic volumes without
8 hazard and without traversing through a residential area. It is intended that this zone shall be
9 characterized by a variety of stores, shops, and service buildings grouped into an integrated architectural
10 unit. ~~Required yards and areas surrounding buildings shall be attractively landscaped and maintained in~~
11 ~~harmony with the characteristics of the surrounding residential areas. The uses characteristic of this~~
12 ~~zone will be large chain department stores with satellite shops and facilities serving an extremely wide~~
13 ~~range of goods and services with an equally large selection of types and styles.~~ The typical uses allowed
14 in the zone will include virtually the whole range of retail and service establishments which can be
15 attractively accommodated within a unified shopping center complex. **When supported by the General**
16 **Plan, an appropriate mixture of uses, such as residential housing, professional office, and institutional**
17 **uses (preferably located above the ground level of mixed-use buildings), as well as entertainment and**
18 **recreational venues, is allowable. Where necessary and appropriate, the bulk density design of the**
19 **development should be tapered to provide for appropriate transition toward less intensive uses**
20 **neighboring the district.**

21 **14.20.020. Permitted Uses.**

22 **...**

23 (4) Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in
24 the SC3 zone.

Use No.	Use Classification
1113	One-Family Dwelling, attached to commercial (subject to Section 14.20.160 of this Chapter)
1130-50	Multi-Family and Apartment Dwelling (subject to Section 14.20.160 of this Chapter)
1511	Hotels
1512	Motels and automobile travel courts
1513	Tourist courts
4814	Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)

- 4824 ~~Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
- 4824 ~~Gas pressure control stations~~
- 4834 ~~Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)~~
- 4835 ~~Irrigation distribution channels~~
- 4836 ~~Water pressure control stations and pumping plants~~
- 4844 ~~Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)~~
- 4844 ~~Sewage pumping stations~~
- 4864 ~~Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)~~
- 4873 ~~Storm drain or right-of-way (predominantly covered pipes or boxes)~~
- 4923 ~~Travel agencies~~
-
- 7111 Libraries
- 7112 Museums
- 7212 Motion Picture Theaters (indoor – subject to the standards contained in the subsections to Provo City Code Section 14.34.370(3))
- 7398 Video rental shops

26 (6) Conditional Uses. The following uses and structures are permitted in the SC3 zone only after
27 a Conditional Use Permit has been issued, and subject to the terms and conditions thereof.

Use No.	Use Classification
1511	Hotels
4700	Communications (Subject to Section 14.34.420, Provo City Code)
4814	Electricity regulating substations
4818	Small generation
4823	Natural or manufactured gas storage; distribution points
4829	Other gas utilities, NEC
4834	Water storage as part of a utility system (covered including water storage standpipes)
4872	Debris basin (A dam and basin for intercepting debris)
4874	Spreading grounds (Area for percolating water into underground)
5313	Surplus store
...	...
6942	Fraternal associations and lodges
7212	Motion Picture Theaters (indoor — subject to the standards of Section 14.34.370, Provo City Code)
...	...

28 **14.20.080. Yard Requirements.**

29 The following minimum yard requirements shall apply in the SC3 zone: (Note all setbacks are measured from
30 the property line or approved private thoroughfares, including sidewalks and parkstrips, whichever is more
31 restrictive.)

32 ...

33 (8) The Community Development Director, or designee, may reduce the setbacks of this zone subject to finding
34 that all of the following conditions exist:

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

37 (b) The proposed setback does not violate a necessary clear vision area, as defined elsewhere in this
38 Title, or an existing or needed utility easement;

39 (c) The proposed setback does not cause a violation of the International Building Code or the Fire
40 Code; and

41 (d) The building façade adjacent to the street is animated with building entrances and/or glazing equal
42 to a minimum of 25% of the wall area on the first floor and is to be articulated with projections or
43 offsets of a minimum of twelve (12) inches at a maximum spacing of thirty (30) feet along the entire
44 face of the building.

45 (e) That a reduction in setbacks is in the best interest of Provo City.

46 ...

47 **14.20.100. Building Height.**

48 No lot or parcel of land in the SC3 zone shall have a building or structure which exceeds a height of ~~three~~
49 ~~(3) stories with a maximum of fifty-five (55)~~ **seventy-five (75)** feet. ~~The Planning Commission may~~
50 ~~allow building heights up to seventy-five (75) feet through the issuance of a conditional use permit.~~
51 Chimneys, flagpoles, or similar structures not used for human occupancy are excluded in determining
52 height.

53 ...

54 **14.20.130. Parking, Loading, and Access.**

55 (1) Each lot or parcel in the SC3 zone shall have ~~on the same lot or parcel~~ automobile parking sufficient
56 to meet the requirements as set forth in Chapter 14.37, Provo City Code.

57 (2) All parking spaces shall be paved with asphaltic cement or concrete, and shall be provided with
58 adequate drainage which shall not run across a public sidewalk.

59 (3) ~~Except as provided in this subsection, parking~~ ~~Parking~~ spaces shall not be provided within a
60 required front yard or side yard adjacent to a public street. ~~Parking may be permitted in a required front or~~
61 ~~side yard area adjacent to a street that is considered interior to the development, and not a classified~~
62 ~~arterial or collector road, if the conditions of Section 14.20.080(8) are met and a landscape buffer is~~
63 ~~provided that meets all of the following conditions:~~

64 (a) An innovative landscaping design is submitted that is superior to the landscaping that would
65 result from application of the minimum standards;

66 (b) A minimum six (6) foot wide landscape buffer is provided along the entire length of the
67 encroaching parking lot edge;

68 (c) Landscape buffer shall consist of berms, shrubs, vegetative groundcover, or a combination
69 thereof, achieving a minimum height of 30 inches;

70 (d) Landscape buffer shall achieve ninety percent (90%) screening at plant maturity without
71 extending over the adjacent sidewalk. Decorative walls may be incorporated as part of the buffer
72 area, but shall not be used exclusively;

73 (e) The perimeter buffer shall include one (1) shade tree per thirty (30) feet along the entire length
74 of the parking area, excluding necessary driveway access. Required street trees shall not be
75 used in meeting this requirement; and

76 (f) Parking structures which do not include habitable floor space shall not be located closer to the
77 street than the average of all other structures on the same block face and shall include additional
78 landscape buffering at a rate of one (1) foot of width for each two (2) feet of structure height, up to
79 the minimum building setback required by this Chapter.

80 (4) Above-grade parking structures shall be architecturally screened to be compatible with adjacent
81 building façades and/or provide habitable floor space meeting the following requirements:

82 (a) Parking structures which front a public or private street shall have a minimum habitable main
83 floor depth of thirty (30) feet along the entire street frontage other than for permitted side yards
84 and driveway approaches; and

85 (b) A minimum of one pedestrian entrance to a commercial space, lobby, or residential unit shall
86 be provided for every one hundred (100) feet of habitable building street frontage.

87 ...

88 **14.20.160. Other Requirements.**

89 ...

90 (7) Residential Uses. When incorporated as part of a mixed-use development, residential uses and the
91 necessary appurtenances (e.g. parking, landscape, etc.) are permitted provided they do not comprise
92 more than 20% of the overall project site area and that they comply with the design standards outlined in
93 Provo City Code Section 14.34.287.