

Ordinance 2017-18

SHORT TITLE:

An ordinance amending zone map classification of approximately four acres of real property, generally located at the northeast corner of 3700 North University Avenue from Agriculture (A1.5) to Specialty Support Commercial (SSC), Professional Office (PO), and Low Density Residential (LDR) with a Specific Development Plan (SDP) Overlay. (17-0003R)

I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	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	

This ordinance was passed by the Municipal Council of Provo City, on the 6th day of June 2017, on a roll call vote as described above. Signed this 21st day of June 2017.

David S. Sewell

Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 29th day of June 2017.

[Signature]

Mayor

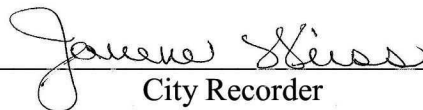
Ordinance 2017-18

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 29th day of June 2017, with a short summary being published on the 10th day of June 2017, 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 2017-18.





City Recorder

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ORDINANCE 2017-18.

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY FOUR ACRES OF REAL PROPERTY, GENERALLY LOCATED AT THE NORTHEAST CORNER OF 3700 NORTH UNIVERSITY AVENUE, FROM AGRICULTURE (A1.5) TO SPECIALTY SUPPORT COMMERCIAL (SSC), PROFESSIONAL OFFICE (PO), AND LOW DENSITY RESIDENTIAL (LDR), WITH A SPECIFIC DEVELOPMENT PLAN (SDP) OVERLAY. RIVERBOTTOMS NEIGHBORHOOD. (17-0003R)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately four acres of real property, generally located at the northeast corner of 3700 North University Avenue (as described in the attached Exhibit A and Exhibit B), be amended from Agriculture (A1.5) to Specialty Support Commercial (SSC), Professional Office (PO), and Low Density Residential (LDR), with a Specific Development Plan (SDP) Overlay; and

WHEREAS, on April 12, 2017, 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 that the zoning of the property be changed by a 5:0 vote; and

WHEREAS, on May 2, 2017 and May 16, 2017, the Municipal Council held duly noticed public meetings to ascertain the facts regarding this matter, which facts are found in the meeting records; and

WHEREAS, on May 16, 2017, the Council approved Ordinance 2017-18 by a vote of 6-0, with Council Member Santiago excused; and

WHEREAS, on June 6, 2017, a *motion to amend something previously adopted* was made in accordance with council rules by Council Member Dave Sewell, seconded, and approved by a vote of 7-0, which served to amend Ordinance 2017-18 and enact it as shown herein rather than as originally voted on; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Zone Map of Provo, Utah should be amended as described herein; and (ii) the proposed Zone Map Classification amendment for the real property described in the attached Exhibit A and Exhibit B 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:

The Mayor is hereby authorized to negotiate and execute a development agreement as proposed by the applicant for this zone change, consistent with those commitments and representations made by the applicant and the applicant's representatives in the Council Meeting

47 of May 16, 2017.

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49 PART II:

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51 Provo City Code Chapter 14.49F SDP-6 – Olde Ivy Specific Development Plan Overlay
52 Zone is hereby enacted as shown in the attached Exhibit B. The effective date of this Chapter
53 14.49F shall be the date of final execution of the development agreement described in Part I.

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55 PART III:

56 The classification on the Zone Map of Provo, Utah is hereby amended from the
57 Agriculture (A1.5) Zone to Specialty Support Commercial (SSC), Professional Office (PO), and
58 Low Density Residential (LDR) for approximately four acres of real property, generally located
59 at the northeast corner 3700 North University Avenue, as described in the attached Exhibit A.
60 This reclassification specifically includes, and is contingent upon, the application to this same
61 property of the Specific Development Plan (SDP) Overlay found in Provo City Code Chapter
62 14.49F, as shown in Exhibit B. The effective date of this zone map change shall be the date of
63 final execution of the development agreement described in Part I.

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65 PART IV:

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

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

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74 C. The Municipal Council hereby directs that the official copy of the Provo City Code and
75 the Zone Map of Provo City, Utah be updated and codified to reflect the provisions
76 enacted by this ordinance.

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78 D. Except as otherwise stated in Parts II and III, this ordinance shall take effect immediately
79 after it has been posted or published in accordance with Utah Code 10-3-711, presented
80 to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with
81 Utah Code 10-3-713.

82

83 END OF ORDINANCE.

Exhibit A
General Land Use Plan Map



Map Showing Current Zoning



Map Showing Proposed Zoning



EXHIBIT B

Chapter 14.49F

SDP-6 – Olde Ivy Specific Development Plan Overlay Zone.

- 14.49F.010. Purpose and Objectives.
- 14.49F.020. Compliance with Underlying Zones.
- 14.49F.030. Underlying Zone Boundaries.
- 14.49F.040. Variations to Underlying Zones.
- 14.49F.050. Project Design and Development Standards

14.49F.010. Purpose and Objectives

The purpose of the Olde Ivy Specific Development Plan Overlay Zone is to provide site and development standards relating specifically to the northeast corner of 3700 North and University Avenue, as a means to better coordinate and unify the various land uses permitted by the underlying zones. These mixed land uses include provisions for retail development at the corner, an office building further north along the University Avenue frontage, and 24 residential townhomes on the eastern and northeastern portions of the site. The included land uses, and the required site design and development standards are based on the following principal objectives:

(1) Provide for a mix of appropriate land uses which will be complimentary to the nature of the surrounding area while also providing an appropriate transition to the adjoining residential neighborhood.

(a) The inclusion of well-designed and well-built townhomes as a desirable and a viable alternative housing option;

(b) The inclusion of limited retail development with a restriction on those land uses which might generate excessive light and noise, or which might have high traffic generation and customer turnover such as might occur with a fast food restaurant; and

(c) The inclusion of professional and business offices which can provide local services and nearby employment opportunity for residents in the area.

(2) Require architectural and design elements which will tie each portion of the project (townhomes; office; and retail) to the overall development, in a unifying fashion. This includes the use of building materials which are similar or complimentary in nature and which may include thematic design elements, as well as common streetscape and landscaping features.

(3) Require landscaping standards which will enhance the development and the neighborhood.

14.49F.020. Use in Combination with Underlying Zones.

As called out in Section 14.49.020. of this Ordinance, an SDP Overlay Zone is to be used in combination with conventional zoning districts. The underlying, conventional zoning districts for the Olde Ivy SDP Overlay Zone include the SSC-1 (Specialty Support Commercial) Zone; the PO (Professional Office) Zone; and, the LDR (Low Density Residential) Zone.

14.49F.030. Underlying Zone Boundaries.

In order to allow design flexibility through the actual approval of the project plan(s), zone borders may be adjusted so long as allowable minimum and maximum areas of the underlying zones are met.

14.49F.040. Variations to Underlying Zones.

As allowed by Section 14.49.030. of this Title, variations to the development standards of the underlying zones are permitted through the adoption of an SDP Zone, with any adopted variation

to be listed within the text related to the particular SDP Zone. When no variation is listed, or where no specific Architectural or Site Design standards are called out within this Chapter, the land uses, setbacks, parking requirements, and architectural and site design standards shall adhere to the requirements of the underlying zoning district. In cases of conflicting requirements with the standards of the underlying zone, the standards of the SDP Overlay Zone shall apply.

(1) SSC Specialty Support Commercial Zone.

(a) Permitted Uses. Variations to the land uses listed within Chapter 14.47 Specialty Support Commercial (SSC) Zone, are as follows:

(i) Excluded Land Uses. The following uses are excluded and not permitted:

4923 Travel Agencies

6111 Banking Services

6141 Insurance Carriers

6211 Laundries

6213 Dry Cleaning

6230 Beauty and barber shops, reducing salons

6254 Shoe Repair

6334 Duplicating, quick print services

6395 Photo finishing services

6511 Physicians office

6512 Dental office

6591 Accounting, auditing, bookkeeping, income tax preparation, etc.

6730 Postal services

6815 Day nurseries and child care services

6834 Music schools (only in conjunction with a music store)

6839 Other Special Training, includes karate, judo, kung fu schools

7398 Video rental

(ii) Included Land Uses. The following use is included as a permitted use:

6419 Automotive Tune-up and Lube Centers (not including automotive repair or towing services).

(b) No Conditional Uses listed within Chapter 14.47 Special Support Commercial Zone are allowed within the Olde Ivy SDP Overlay Zone.

(c) Yard Requirements.

(i) Setback from University Avenue. As permitted by Section 14.34.290., the Planning Commission may approve a project plan with modifications to the standards listed within that Section. Modifications to the listed standards for the North University Avenue Riverbottoms Design Corridor include the following minimum standards (except where otherwise noted, measurements are from the project's property line):

(A) Nonresidential Buffer Yard may be reduced to a minimum of five (5) feet. Such area shall be landscaped with turf, trees, and shrubs as approved with the project landscape plan. Space between the roadway and the project's property line shall also be landscaped as approved with the project plan, and with permission from the Utah Department of Transportation. (see 14.34.290.(2)(b)(iii) North University Avenue Riverbottoms Design Corridor Criteria – Screening and Landscaping Standards)

(B) Building Setbacks (see Section 14.34.290(2)(c)(v) North University Avenue

Riverbottoms Design Corridor Criteria – Building Appearance and Setbacks):
Five (5) feet.

(ii) Setback from 3700 North: Twenty (20) feet for any building, drive aisle, or parking area. Such yard area, as well as the area extending to the street curb-line shall be landscaped.

(iii)Setbacks next to the LDR zone:

(A) Thirty (30) feet from any residential dwelling or residential yard area.

(B) Ten (10) feet from any public roadway interior to the site.

(iv)Setbacks next to the PO Zone.

(A) For any structure or building: Fifteen (15) feet.

(B) For any drive aisle and parking areas: Ten (10) feet.

(2) PO Professional Office Zone.

(a) Permitted Uses. Variations to the land uses listed within Chapter 14.16 Professional Office (PO) Zone, are as follows:

(i) Excluded Land Uses. The following use is excluded and not permitted:

7398 Video Rental Shops

(ii) Included Land Uses. No additional land uses are included as a permitted use.

(b) No Conditional Uses listed within Chapter 14.16 Professional Office Zone are allowed within the Olde Ivy SDP Overlay Zone.

(c) Yard Requirements.

(i) Setback from University Avenue. As permitted by Section 14.34.290., the Planning Commission may approve a project plan with modifications to the standards listed within that Section. Modifications to the listed standards for the North University Avenue Riverbottoms Design Corridor include the following minimum standards (measured from the project's property line):

(A) Nonresidential Buffer Yard (see 14.34.290.(2)(b)(iii)): Five (5) feet. Such area shall be landscaped with turf, trees, and shrubs as approved with the project landscape plan. Space between the roadway and the property line shall also be landscaped as approved with the project plan, and with permission from the Utah Department of Transportation.

(B) Building Setbacks (see 14.34.290.(2)(c)(v)): Five (5) feet.

(ii) Setback from 3800 North:

(A) For any structure or building: Fifteen (15) feet.

(B) For any drive aisle or parking area: Ten (10) feet. Such yard area, as well as the area extending to the street curb-line shall be landscaped.

(iii)Setbacks next to the LDR zone:

(A) Thirty (30) feet from any residential dwelling or residential yard area.

(B) Ten (10) feet from any public roadway interior to the site, other than 3800 North.

(iv)Setbacks next to the SSC Zone.

(A) For any structure or building: Fifteen (15) feet.

(B) For drive aisle and parking areas: Ten (10) feet.

(3) LDR Low-Density Residential Area.

(a) Permitted Uses. Variations to the land uses listed within Chapter 14.14A Low Density Residential (LDR) Zone, are as follows:

(i) Excluded Land Uses. The following uses are excluded and not permitted:

(A) Two-family dwellings;

(B) Police protection and related services, branch (office only)

(ii) Included Land Uses. No additional land uses are included as a permitted use.

(b) Density: Variations to the maximum density allowed by Chapter 14.14A Low Density Residential Zone, includes a maximum total of 24 townhome units for the entire area designated as LDR (approximately 2.4 acres).

(c) Yard Requirements. Variations to the minimum yard requirements within Chapter 14.14.A Low Density Residential Zone include the following:

(i) Perimeter Yards. Minimum yards between the perimeter boundary of the project and a residential unit within the project are as follows:

(A) Building's Side Yard: 10 feet

(B) Building's Rear Yard: 15 feet

(ii) Interior Yards. Minimum yards within the areas of the project not affected by the perimeter setbacks are as follows:

(A) Front Yard: 20 feet

(B) Side Yard, Corner Lots: 8 feet

(C) Rear Yard: 15 feet

(D) Between building groups: As required by the International Residential Code

(d) Maximum Building Height. Thirty-six (36) feet as measured to the mid-point of the roof pitch.

(e) Parking, Loading and Access:

(i) Each townhome shall include a two-car garage with a minimum interior width and length of twenty (20) feet.

(ii) Visitor parking shall be provided at one space per unit. Driveways having a depth of at least 20 feet will count for the required visitor space for that unit, however, no other visitor parking may be located in the front yard area of any townhome unit.

(iii) No visitor parking areas shall be located closer than 10 feet to the perimeter of the project.

(iv) No townhome may have direct driveway access to a public street.

(v) No recreational vehicles shall be stored on-site, unless a specific parking area for recreational vehicles is approved as part of the site plan. Any such area shall be appropriately screened and landscaped as determined by the Planning Commission through site plan review.

14.49F.050. Project Design and Development Standards

The design and development standards contained in this Section are intended to provide a fully unified development which will enhance the development and the neighborhood. If any conflict exists between the requirements of the overlay zone with the underlying zone, the requirements of the overlay zone shall apply.

(1) Building Architecture and Materials. In addition to the requirements contained within the various underlying zones as well as within the Zoning Title, the following requirements shall apply within the Olde Ivy SPD Overlay Zone:

(a) All residential, retail and office buildings within the project shall contain common design elements.

(b) Exterior materials may consist only of stucco, stone, brick, Hardiboard siding, wood

trim, composition roofing, and other design features which are part of an element of the overall design approved by the Design Review Committee.

(c) No vinyl or aluminum siding may be used, except for soffits, gutters, and window trim unless the Design Review Committee approves other design features as part of an element of the overall design.

(2) Landscaping. In addition to the requirements contained within the various underlying zones as well as within the Zoning Title, the following requirements shall apply within the Olde Ivy SPD Overlay Zone:

(a) A landscaping plan for the entire project area shall be required as part of the approval of the project plan. Where a specific building design and layout is not yet being considered, such as in the case of the office building, general elements should be called out. However, details may be submitted with the specific project plan for that site.

(b) Landscaping shall be consistent in terms of design and general planting materials throughout the entire project.

(3) Fencing and Walls. In addition to the requirements contained within the various underlying zones as well as within the Zoning Title, the following requirements shall apply within the Olde Ivy SPD Overlay Zone:

(a) All fencing and wall design and materials shall be approved by the Design Review Committee.

(b) The type of fencing shall be consistent throughout the project. The color used throughout the community shall be consistent and determined at the time of final plat approval by the Design Review Committee and the Planning Commission.

(c) No fence or wall shall create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City Traffic Engineer.

(4) Residential Entryways. Entryway features to the residential portion of the development may be included with the following allowances or restrictions:

(a) Any entryway feature shall be consistent with or complimentary to the fencing and wall design for the project.

(b) Entryway features may exceed six (6) feet in height so long as the height transitions to no more than six (6) feet within fifteen (15) feet of any adjoining property outside of the development project boundaries.

(c) All entryway features shall be constructed of decorative iron, brick, stone, decorative masonry, or combinations thereof.

14.49F.060. Other Requirements.

(1) Home Owners Association - Guarantees and Covenants.

(a) Adequate guarantees and covenants shall be provided for permanent retention and maintenance of all parks, open space, trails, and other amenities owned in common within the Olde Ivy development. No final plat may be approved until restrictive covenants have been submitted to and approved by the Community Development Department. Said guarantees shall include the following:

(b) A homeowner's association for the entire development shall be created for the common maintenance of all street frontage areas.

(c) A separate homeowner's association for the residential development shall be created for the residential portion of the property.

(i) The care and maintenance of the area within any open space reservation shall be

insured by the developer by establishing a private association or corporation responsible for such maintenance which shall levy the cost thereof as an assessment on the property owners within the Olde Ivy development. Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the City and made a part of the conditions of the final plan approval.

(ii) Maintenance of open space reservations shall be managed by a person, partnership, or corporate entity which has adequate expertise and experience in property management to assure that maintenance is accomplished efficiently and at a high standard of quality.

(d) Parking and occupancy requirements, association funds, and establishment of maintenance estimates and funds shall be disclosed prior to any purchase of property within the development.

(e) Ongoing maintenance fees that will be assessed prior to the purchase or lease of property shall be disclosed.