

Ordinance 2017-19

SHORT TITLE:

An ordinance amending Provo City Code to allow apartment units and change various requirements in the PRO-R22 zone. (16-0024OA)

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 | | | Excused |
| CD 3 | DAVID KNECHT | ✓ | | |
| CD 4 | KAY VAN BUREN | | ✓ | |
| CD 5 | DAVID HARDING | ✓ | | |
| TOTALS | | 4 | 2 | |

This ordinance was passed by the Municipal Council of Provo City, on the 16th day of May 2017, on a roll call vote as described above. Signed this 25th day of May, 2017.



Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 5 day of June, 2017.



Mayor

Ordinance 2017-19

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 7th day of June, 2017, with a short summary being published on the 20th day of May 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 2017-19.





City Recorder

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ORDINANCE 2017-19.

AN ORDINANCE AMENDING PROVO CITY CODE TO ALLOW APARTMENT UNITS AND CHANGE VARIOUS REQUIREMENTS IN THE PRO-R22 ZONE. RIVERBOTTOMS NEIGHBORHOOD. (16-00240A)

WHEREAS, an applicant seeks to amend Provo City Code Section 14.50(22) (Hollows at Riverwoods Project Redevelopment Option (PRO-R22) Zone), as shown in Exhibit A, to allow apartment units and change various design requirements in order to develop an apartment complex buffered by 10,000 square foot single-family lots, generally located at 31 West 4800 North; and

WHEREAS, the proposed amendment specifically amends the zone to allow the following:

- Apartment units;
- An increase in the maximum density;
- An increase in the maximum height allowance; and

WHEREAS, currently the only land uses allowed within the PRO-R22 zone are one-family detached and one-family attached residential units; and

WHEREAS, the proposal came before the Planning Commission on February 22, 2017, and after a split vote by Planning Commission resulted in a failure to recommend either denial or approval, the applicant worked with the neighborhood and went again before the Planning Commission at a duly noticed public hearing on April 12, 2017 to consider this proposal, and after such hearing the Planning Commission recommended denial to the Municipal Council by a vote of 3:2 and expressed concerns regarding the density of the project; and

WHEREAS, the applicant again took their proposal to the neighborhood and after discussion and feedback with the neighborhood took their proposal for a third time before the Planning Commission on May 10, 2017, and after such hearing the Planning Commission recommended approval to the Municipal Council by a vote of 5:0, with a condition that the approved design include single family lots along 4750 North; and

WHEREAS, on March 21, 2017, April 11, 2017, April 18, 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, after considering the Planning Commission recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Section 14.50(22) should be amended as set forth below, and (ii) this action 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:

EXHIBIT A

Chapter 14.50(22)

Hollows at Riverwoods Project Redevelopment Option Zone.

- 1 14.50(22).010. Purpose and Intent.
- 2 14.50(22).020. Compliance with Titles 14 and 15 Required.
- 3 14.50(22).030. Permitted Uses.
- 4 14.50(22).040. Single Ownership and Control.
- 5 14.50(22).050. Project Area.
- 6 14.50(22).060. Minimum Finished Floor Area.
- 7 14.50(22).070. Building Pad Width and Depth Requirements.
- 8 14.50(22).080. Lot Frontage.
- 9 14.50(22).090. Residential Density.
- 10 14.50(22).100. Yard Requirements.
- 11 14.50(22).110. Projections into Yards.
- 12 14.50(22).120. Garbage Collection.
- 13 14.50(22).130. Trash Storage.
- 14 14.50(22).140. Building Height **and Dimensions**.
- 15 14.50(22).150. Distance Between Buildings.
- 16 14.50(22).160. Permissible Site Coverage.
- 17 14.50(22).170. Parking, Loading, and Access.
- 18 14.50(22).190. Project Plan Approval - Design Review.
- 19 14.50(22).200. Fencing Standards.
- 20 14.50(22).210. Notice of Parking and Occupancy Restrictions.
- 21 ~~14.50(22).220. Collective Driveways.~~

14.50(22).010. Purpose and Intent.

The Hollows at Riverwoods Project Redevelopment Option (PRO) zone is established to provide high density single and multiple-family residential facilities located near commercial areas and residential areas as designated in the Provo City General Plan in order to improve properties on the southwest corner of 4800 North and University Avenue. Over time, this area of the City has become one of the highlights of the City, and improving this corner with a new one-family and multifamily development not only will improve the aesthetics of the area, but will also generate a closer residential population to support nearby commercial areas. The principal uses permitted in this zone ~~are~~ **is** ~~high~~ **medium** density multiple-family residential **dwelling**s.

14.50(22).020. Compliance with Titles 14 and 15 Required.

The Hollows at Riverwoods PRO zone shall comply with the development requirements in chapters 14 and 15, Provo City Code, unless alternative standards are specifically set forth within this Chapter.

14.50(22).030. Permitted Use.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the Hollows at Riverwoods PRO zone.

(2) All uses listed herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all the digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four (4) digit number in which the last one or two digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard

48 Land Use Code shall be permitted in the Hollows at Riverwoods PRO zone, subject to limitations set
49 forth in this chapter.

50 (4) Permitted Principal Uses. The following principal uses and structures are permitted in the Hollows
51 at Riverwoods PRO zone:

Use Use Classification
No.

1111 One-family dwellings, detached (with or without an attached garage, ~~on one (1) parcel~~).

1112 One-family dwellings, attached (~~to one (1) or more one-family dwellings~~)

1140 Apartments (low rise) (a multiple-family structure containing five (5) or more units, two (2) stories or less in height, with or without garages. Includes condominiums)

1150 Apartments (high rise) (a multiple-family structure containing five (5) or more units, three (3) stories or more in height, with or without garages. Includes condominiums)

4811 Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity).

4821 Gas Pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)

4831 Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)

4841 Sewage pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)

4844 Sewage pumping station

4864 Combination utilities right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)

4873 Storm drain or right-of-way (predominantly covered pipes or boxes)

7800 Parks

52 (5) Permitted Accessory Uses. Accessory uses and structures are permitted in the Hollows at
53 Riverwoods PRO zone provided they are incidental to and do not substantially alter the character of a
54 permitted principal use or structure. Such permitted accessory uses and structures include, but are not
55 limited to, the following:

56 (a) planter boxes

57 (b) home occupations subject to the regulations of Chapter 14.41, Provo City Code,

58 (c) storage of materials used for construction of a building, including contractor's temporary
59 office, provided that such use is on the building site or immediately adjacent thereto, and provided
60 further that such use shall be permitted only during the construction period and thirty (30) days
61 thereafter final occupancy has been given for all buildings in each phase; and

(d) household pets, provided that there shall be no more than two (2) such pets, over the age of four (4) months, per dwelling unit. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

(e) No accessory buildings shall be permitted on lots designated for apartment structures, except gazebos, shelters, swimming pools, exercise facilities, clubhouse, and other recreational buildings or structures constructed in designated open space ~~for use by all or part of the entire development as determined by the homeowner's association.~~

(f) No accessory buildings shall be permitted on lots designated for detached one-family ~~unattached~~ dwellings, except garages, greenhouses, gardening sheds, swimming pools, and gazebos, ~~and shelters.~~

(6) Storage for individual residential units shall be located within ~~an enclosed carport, garage, or parking structure~~ a permitted accessory building.

(7) Recreational vehicle parking shall not be allowed outside of a permitted accessory building within the Hollows at Riverwoods PRO zone.

(8) Conditional Uses: There are no conditional uses in the Hollows at Riverwoods PRO zone except as permitted under Section 5(b) of this Section.

14.50(22).040. Single Ownership and Control.

~~Land~~ Lots designated for apartment structures within the Hollows at Riverwoods PRO zone shall be in single ownership or single control during construction to ensure conformance with these provisions and all conditions imposed upon preliminary and final development plans. Completed dwelling units that are legally subdivided may be owned by an individual, partnership, corporation, and other legally recognized entity. ~~Common open space areas, if any, shall be managed by a homeowner's association created in conformance with Utah State Law.~~

14.50(22).050. Project Area.

The minimum area for a project in the Hollows at Riverwoods PRO zone shall be one (1) acre and shall be based on all the phases of a particular project.

14.50(22).060. Minimum Finished Floor Area.

The minimum finished floor area of an ~~unattached~~ detached one-family dwelling unit in the Hollows at Riverwoods PRO zone shall be one-thousand eight-hundred (1,800) square feet. ~~and~~ ~~+~~ The minimum finished floor area of an attached dwelling unit building in the Hollows at Riverwoods PRO zone shall be two-thousand two-hundred (2,200) square feet.

14.50(22).070. Building Pad Width and Depth Requirements.

~~B~~ Single-family detached building pads ~~lots~~ in the Hollows at Riverwoods PRO zone shall measure at least 8,000 square feet in area. ~~meet the following requirements:~~

| Building type | Minimum width | Minimum depth |
|---------------|---------------|---------------|
| 1-unit: | 35 feet | 50 feet |
| 2-unit: | 56 feet | 50 feet |
| 3-unit: | 84 feet | 50 feet |
| 4-unit: | 112 feet | 50 feet |

14.50(22).080. Lot Frontage.

Each ~~phase~~ single-family detached lot within the Hollows at Riverwoods PRO zone shall have public street frontage of at least ~~two-hundred~~ eighty (200 80) feet and/or frontage of at least ~~two-~~

105 ~~hundred eighty~~ (200 80) feet along a private collective driveway. ~~Individual dwelling units shall~~
106 ~~have driveway frontages onto a public street or an internal private street that connects to the public street~~
107 ~~system.~~

108
109 **14.50(22).090. Residential Density.**

110 Overall residential density in the Hollows at Riverwoods PRO zone shall not average more than ~~seven~~
111 ~~and one quarter~~ **twenty nine** (7.25 29) dwelling units per net acre.

112
113 **14.50(22).100. Yard Requirements.**

114 The following minimum yard requirements shall apply in the Hollows at Riverwoods PRO zone. All
115 setbacks shall be measured from the property line adjacent to the public right-of-way (University Avenue,
116 4800 North, and 4750 North).

117 (1) Front Yard. Each lot or parcel in the Hollows at Riverwoods PRO zone shall have a front yard of
118 not less than fifteen (15) feet.

119 (2) Side Yard. Each lot or parcel in the Hollows at Riverwoods PRO zone shall have a side yard of at
120 least ~~twenty ten~~ (20 10) feet on each side of the lot. **Buildings exceeding thirty-five (35) feet in height**
121 **shall have side yards of ten (10) feet per side plus an additional one (1) foot of setback for each two (2)**
122 **feet of building height over thirty-five (35) feet.**

123 (3) Rear Yard. Each lot or parcel in the Hollows at Riverwoods PRO zone shall have a rear yard of
124 not less than fifteen (15) feet.

125 **(4) Additional Setback Requirements. Buildings with facades measuring eighty (80) feet or more in**
126 **length along University Avenue shall have façade offsets of at least five (5) feet of additional setback for**
127 **a minimum of twenty (20) feet of the length of the façade.**

128
129 **14.50(22).110. Projections into Yards.**

130 The following structures may be erected on or project into any required yard:

131 (1) fences and walls in conformance to Provo City Code or provisions of the Hollows at Riverwoods
132 PRO zone;

133 (2) landscape elements including trees, shrubs, agricultural crops, and other plants;

134 (3) necessary appurtenances for utility service; and

135 (4) garbage containers screened with durable materials architecturally compatible with the
136 principal structure. Such containers shall not be visible from any abutting lot or public street.

137
138 **14.50(22).120. Garbage Collection.**

139 Garbage containers and collection shall be provided **by Provo City for detached one-family detached**
140 **dwelling. Garbage containers and collections shall be provided** by private companies contracted by
141 the property owner's association **for apartment dwellings.** ~~Garbage collection shall be provided to~~
142 ~~individual dwelling units.~~

143 Each container shall be properly screened as required by Chapter 14.34.080, Provo City Code.

144
145 **14.50(22).130. Trash Storage.**

146 No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area.
147 ~~Storage of commercial goods or materials shall be prohibited.~~ Outside storage of commercial goods or
148 materials shall be prohibited in the Hollows at Riverwoods PRO zone.

149
150 **14.50(22).140. Building Height and Dimensions.**

151 ~~No lot or parcel of land in the Hollows at Riverwoods PRO zone shall have a building or structure that~~
152 ~~exceeds a height of two (2) stories with a maximum of thirty five (35) feet. Parapets, flagpoles, or~~
153 ~~similar structures not used for human occupancy shall be excluded in determining height.~~

154

155 (1) The maximum height of any building or structure in the Hallows at Riverwoods PRO zone shall
156 be:

157 (a) Three (3) stories with a maximum height of forty (40) feet for buildings fronting 4800
158 North street.

159 (b) Two (2) stories with a maximum height of thirty-five (35) feet for buildings fronting
160 4750 North street.

161 (c) Buildings along University Avenue within 35 feet of the East property line, shall have a
162 variation of 8 feet or more in height at the corners of the building.

163 (d) Parapets, flagpoles, or similar structures not used for human occupancy shall be excluded
164 in determining height.

165
166 (2) The building at the corner of 4800 North and University Avenue shall have a maximum footprint
167 of 30,000 square feet.

168
169 **14.50(22).150. Distance Between Buildings.**

170 The minimum distance between any buildings on a lot or parcel shall be as allowed by the building code
171 or ten (10) feet, whichever is greater, except the minimum distance between buildings fronting 4800
172 North street shall be seventy-five (75) feet. No single façade for any one building fronting 4800 North
173 street shall be longer than two hundred fifty (250) feet.

174
175 **14.50(22).160. Permissible Site Coverage.**

176 The total coverage of all buildings and structures shall not exceed forty (40) percent of the site area.
177 Parking structures and improved residential amenities will not be considered “buildings or structures” for
178 the purpose of this calculation.

179
180 **14.50(22).170. Parking, Loading and Access.**

181 (1) Each one-family dwelling unit in the Hollows at Riverwoods PRO zone shall have a minimum of:

182 (a) three (3.0) parking spaces per unit, two (2) of which shall be within a garage; ~~and~~

183 (b) visitor parking provided at the rate of one quarter (0.25) space per dwelling unit.

184 (2) ~~In accordance with the foregoing, the total number of parking spaces shall be two and one quarter~~
185 ~~(2.25) spaces per dwelling unit.~~ Each apartment dwelling unit in the Hollows at Riverwoods PRO zone
186 shall have a minimum of:

187 (a) One and one-half (1.5) parking spaces per studio or one-bedroom unit.

188 (b) Two and one-quarter (2.25) parking spaces per two- or three-bedroom unit.

189 ~~(3) Parking may be located within an interior driveway as shown on an approved preliminary project~~
190 ~~plan if there is a minimum of eighteen (18) feet between the building and the street.~~

191 ~~(4) Parking may be included along the roadway in accordance with Provo Engineering Standards~~
192 ~~and review.~~

193 ~~(5) In all other respects parking shall be provided in accordance with Chapter 14.37,~~
194 ~~Provo City Code.~~

195 ~~(6) No public access shall be allowed from 4750 North to property located generally at 99 West~~
196 ~~between 4750- apartment buildings fronting 4800 North. Secured access may be provided for emergency~~
197 ~~vehicles via a locked gate or by similar means which limits public access.~~

198
199 **14.50(22).190. Project Plan Approval - Design Review.**

200 Each development in the Hollows at Riverwoods PRO zone shall comply with
201 Sections 14.04A.020 (Project Plan), 14.34.280 (Design Review), 14.34.285 (Residential Design
202 Standards), and 14.34.290 (Design Corridor), Provo City Code, except as may be modified by
203 the Planning Commission at the time of project plan approval pursuant to the provisions of this Chapter.
204 The following specific design standards shall apply to all development in the Hollows at Riverwoods

- 205 PRO Zone:
- 206 (1) Building requirements
- 207 (a) Building forms and landscape materials shall be harmonious with existing
- 208 neighborhood dwellings or an improvement thereto as approved by the City Planning Commission.
- 209 (b) Roof shapes shall harmonize with the architectural character of other buildings in the vicinity.
- 210 (c) Building materials should be durable and suitable for the design in which they are used.
- 211 (d) Light fixtures shall be provided at each residential unit entry.
- 212 (e) Notwithstanding any other provision of this Title, a decorative ~~masonry~~ screening wall shall
- 213 be provided ~~around the perimeter~~ along the property lines fronting University Avenue and between
- 214 apartment and detached one-family dwelling lots of any project in the Hollows at Riverwoods
- 215 PRO zone, except at intersecting streets or other approved access points.
- 216 (2) Signage
- 217 (a) Sign design shall reflect the architectural style of the project.
- 218 (b) Two (2) entrance signs shall be permitted. Entrance sign square area shall not exceed thirty-
- 219 two (32) square feet per sign. The maximum height for each entrance sign shall not exceed four (4)
- 220 feet. No entrance sign shall impede the clear vision area.
- 221 (c) Two (2) wall mounted signs that do not exceed sixty (60) square feet shall also be permitted.
- 222 (3) Landscape requirements. Landscaping shall be provided in accordance with the R3 zone standards
- 223 within Chapter 15.20 of the Provo City Code, except as otherwise provided in this subsection.
- 224 (a) Landscaping within the parkway shall be bermed a minimum of three (3) feet within
- 225 the City right-of-way along 4800 North.
- 226 (b) The Hollows at Riverwoods PRO zone may have a walking trail compatible with overall
- 227 design, landscape, and use.
- 228 (c) ~~Projects~~ Multi-family projects within the Hollows at Riverwoods PRO zone shall have
- 229 appropriate resident amenities including water features and/or swimming pool adjacent to a
- 230 homeowner recreation area.

231

232 **14.50(22).200. Fencing Standards.**

- 233 (1) Walls, fences, hedges or screening materials which are sight obscuring shall be built to a
- 234 minimum of three (3) feet and a maximum of six (6) feet.
- 235 (2) Fences that do not obscure sight shall be a minimum of three (3) feet and a maximum of six (6)
- 236 feet.
- 237 (3) Structural walls six (6) feet or more in height shall require a building permit from
- 238 the Building Inspection Division. A structural or vegetative fence shall not create a sight distance hazard
- 239 to vehicular or pedestrian traffic as determined by the Provo City traffic engineer.

240

241 **14.50(22).210. Notice of Parking and Occupancy Restrictions.**

- 242 (1) Dwelling unit occupancy in the Hollows at Riverwoods PRO zone shall be limited to
- 243 the family occupancy as defined by this Title. No accessory apartment ~~or second kitchen~~ shall be
- 244 permitted in any dwelling unit.
- 245 (2) Prior to the issuance of a certificate of occupancy for a new dwelling unit, a permanent notice
- 246 shall be placed on the electrical box within the unit indicating maximum allowable occupancy of the unit
- 247 based on the approved occupancy consistent with a recorded parking and occupancy contract. This notice
- 248 shall be located on a six inch by six inch (6" x 6") metal or plastic plate permanently attached to the
- 249 electrical box with minimum one half (1/2) inch engraved letters.

250

251 **14.50(22).220. Collective Driveways.**

252 ~~All streets within the Hollows at Riverwoods PRO zone shall be in compliance with Section 15.03.200,~~

253 ~~Provo City Code. Collective driveways within any phase of development shall meet the following~~

254 ~~standards:~~

- 255 ~~—(1) Up to twenty one (21) dwelling units may share a common access onto a collective driveway.~~

256 ~~—(2) Collective driveways throughout the project will be privately owned and maintained by the~~
257 ~~Hollows at Riverwoods Condominium Association and shall be a minimum of twenty eight (28) feet back~~
258 ~~from back of curb to back of curb. Collective driveways sub base, base, hard surfacing, curb and gutters~~
259 ~~and the treatment of drainage courses shall comply with typical street standard specifications adopted by~~
260 ~~the City and administered by the City Engineer. Private dwelling unit driveways shall have a minimum~~
261 ~~width of sixteen (16) feet back of curb to back of curb and may service up to six (6) dwelling units.~~
262 ~~—(3) Sidewalks shall be adjacent to one (1) side of a collective driveway and shall be five (5) feet in~~
263 ~~width and comply with the latest American Disability Act requirements.~~
264
265 END