

Ordinance 2017-25

SHORT TITLE:

An ordinance amending Provo city Code to enact Provo City Code Chapter 14.50(Lesa Project Redevelopment Option Zone). (17-0001OA)

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			Excused
TOTALS		6	0	

This ordinance was passed by the Municipal Council of Provo City, on the 20th day of June 2017, on a roll call vote as described above. Signed this 5th day of July 2017.

_____ *David A. Sewell*
Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 10 July 2017.

_____ *John R. L.*
Mayor

Ordinance 2017-25

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 10th day of July 2017, with a short summary being published on the 24th 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 2017-25.





City Recorder

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ORDINANCE 2017-25.

AN ORDINANCE AMENDING PROVO CITY CODE TO ENACT PROVO CITY CODE CHAPTER 14.50(35) (LESA PROJECT REDEVELOPMENT OPTION ZONE). JOAQUIN NEIGHBORHOOD. (17-00010A)

WHEREAS, an applicant seeks to enact Provo City Code Chapter 14.50(35) (Les a Project Redevelopment Option Zone), as shown in Exhibit A, to create a new PRO Zone intended to be applied to real property generally located at 691 East 600 North; and

WHEREAS, the proposed PRO Zone would allow the following:

- Up to ten (10) apartment units;
- An increase in the maximum density;
- An increase in the maximum height allowance; and

WHEREAS, on May 10, 2017, the Planning Commission held a duly noticed public hearing to consider the proposal, and after such hearing the Planning Commission recommended by a 4:0 vote that the proposed PRO Zone ordinance be approved as set forth as in Exhibit A; and

WHEREAS, on June 6, 2017 and June 20, 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 Chapter 14.50(35) should be enacted as set forth in Exhibit A, 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:

PART I:

Provo City Code Chapter 14.50(35) is hereby enacted as shown in Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

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

49
50 D. This ordinance shall take effect immediately after it has been posted or published in
51 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
52 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

53
54 END OF ORDINANCE.

Exhibit A

Chapter 14.50(35)
Lesa Project Redevelopment Option Zone.

- [14.50\(35\).010.](#) Purpose and Intent.
- [14.50\(35\).020.](#) Compliance with Titles 14 and 15 Required.
- [14.50\(35\).030.](#) Permitted Uses.
- [14.50\(35\).040.](#) Minimum Lot Size.
- [14.50\(35\).050.](#) Minimum Finished Floor Area.
- [14.50\(35\).060.](#) Lot Width and Frontage Requirements.
- [14.50\(35\).070.](#) Residential Density.
- [14.50\(35\).080.](#) Yard Requirements.
- [14.50\(35\).090.](#) Projections into Yards.
- [14.50\(35\).100.](#) Trash Storage.
- [14.50\(35\).110.](#) Building Height.
- [14.50\(35\).120.](#) Permissible Site Coverage.
- [14.50\(35\).130.](#) Parking, Loading and Access.
- [14.50\(35\).140.](#) Project Plan Approval/Design Review/Design Standards.
- [14.50\(35\).150.](#) Fencing Standards.
- [14.50\(35\).160.](#) Notice of Parking and Occupancy Restrictions.

14.50(35).010. Purpose and Intent.

The purpose of the Lesa Project Redevelopment Option zone is to provide family housing on smaller lots that are surrounded by high density developments.

14.50(35).020. Compliance with Titles 14 and 15 Required.

In addition to the development standards contained in this Chapter, areas zoned to the Lesa PRO zone shall comply with the development requirements in Provo City Code Chapters 14 and 15 that have not been specifically addressed in this Chapter.

14.50(35).030. Permitted Uses.

(1) Those uses or categories of uses listed herein, and no others, are permitted in the Lesa 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 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 (1) or two (2) digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code shall be permitted in the Lesa PRO zone, subject to the limitations set forth in this Chapter.

(4) Permitted Principal Uses. The following principal uses and structures are permitted in the Lesa PRO zone:

Use Use Classification

No.

1151 Apartment (5 to 10 unit high-rise),
detached

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)

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

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the Lesa PRO zone; provided they are incidental to and do not substantially alter the character of the permitted principal use or structure.

Such permitted accessory uses and structures include, but are not limited to, the following:

- (a) Vegetable and flower gardens;
- (b) Home occupations subject to the regulations of Provo City Code Chapter 14.41;
- (c) Storage of materials used for construction of a building, including the contractor temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter;
- (d) Household pets, provided that no more than two (2) dogs and two (2) cats six (6) months of age or older shall be kept at any residence or commercial establishment at any time. 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 except for bicycle enclosures.

(6) Conditional Uses. No conditional uses shall be permitted in the Lesa PRO zone.

14.50(35).040. Minimum Lot Size.

The minimum lot size for a project in the Lesa PRO zone shall be eight thousand (8,000) square feet.

14.50(35).050. Minimum Finished Floor Area.

The minimum finished floor area of each dwelling unit constructed in the Lesa PRO zone shall be five hundred (500) square feet.

14.50(35).060. Lot Width and Frontage Requirements.

Each lot in the Lesa PRO zone shall have a minimum street frontage and lot width of seventy (70) feet.

14.50(35).070. Residential Density.

Residential density in the Lesa PRO zone shall not exceed ten (10) dwelling units on one (1) lot.

14.50(35).080. Yard Requirements.

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

- (a) Front yard: ten (10) feet (maximum).
- (b) Side yard, street: ten (10) feet (maximum).
- (c) Side yard: ten (10) feet (minimum).
- (d) Rear yard: twenty (20) feet (minimum).
- (e) Distance between buildings on the same parcel: fifteen (15) feet (minimum).
- (f) Side Yard - Driveway. See Provo City Code Section 14.37.100.
- (g) Accessory Buildings.

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

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

(3) The maximum height for an accessory building is twelve (12) feet, as measured to the midpoint of a sloped roof.

14.50(35).090. Projections into Yards.

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

(a) Fencing, subject to Provo City Code Section 14.34.500.

(b) Landscaping, subject to Provo City Code Chapter 15.20.

(c) Necessary appurtenances for utility service.

(d) Bike rack enclosure (rear yard only).

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

(a) Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features.

(b) Fireplace structures and bays, provided they are not wider than seventeen (17) feet and are generally parallel to the wall of which they are a part.

(c) Door stops, fire escapes, awnings, and planter boxes or masonry planters.

14.50(35).100. Trash Storage.

(1) See Provo City Code Section 14.34.080.

14.50(35).110. Building Height.

No lot or parcel of land in the Lesa PRO zone shall have a building or structure that exceeds a height of three (3) stories or thirty-six (36) feet. Chimneys, flag poles, or similar structures not used for human occupancy shall be excluded in determining height.

14.50(35).120. Permissible Site Coverage.

In the Lesa PRO zone, the total coverage of all buildings and structures on a lot or parcel shall not exceed forty-five percent (45%) of the lot or parcel.

14.50(35).130. Parking, Loading, and Access.

(1) The Lesa PRO zone development shall have automobile parking sufficient to comply with the requirements of Provo City Code Chapter 14.37.

(2) At least forty (40) percent of the required parking spaces shall be covered.

(3) Access to enclosed parking shall be provided by a driveway which is at least twenty (20) feet wide. No parking shall be permitted in the driveway, except in approved parking areas.

(4) No recreational vehicles shall be stored on property outside of an enclosed garage.

(5) No parking shall be permitted within the front yard setback.

14.50(35).140. Project Plan Approval/Design Review/Design Standards.

Each development in the Lesa PRO zone shall comply with Provo City Code Sections 14.02.090 (Project Plan Required), 14.34.280 (Design Review), and 14.34.287 (Residential Design Standards). All structures must receive approval from the Design Review Committee prior to the issuance of a building permit.

14.50(35).150. Fencing Standards.

(1) The Lesa PRO zone development shall conform to Provo City Code Section 14.34.500.

14.50(35).160. Notice of Parking and Occupancy Restrictions.

(1) Dwelling unit occupancy in the Lesa PRO zone shall be limited to family occupancy as defined by Provo City Code Chapter 14.06. No accessory apartment or second kitchens shall be permitted.

(2) Prior to the issuance of a building permit for a residential project, a contract must be entered into between Provo City and the developer agreeing to a determined occupancy based on a given number of parking spaces. This contract shall be recorded with the Utah County Recorder's office and shall be a covenant running with the property. A copy of a recorded deed for the property in question must also be submitted prior to the issuance of a building permit which indicates the maximum allowable occupancy as a deed restriction. Attached to the deed must be a document that separately lists the occupancy according to Provo City Code, the previously mentioned deed restrictions, and any other use restrictions pertaining to parking and occupancy. This document must be signed, dated and notarized indicating that the owner acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.

(3) Prior to the issuance of a certificate of occupancy for new multiple residential dwelling units, a permanent notice must be placed on the electrical box within each unit indicating the maximum allowable occupancy of each unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice must be a six (6) inch by six (6) inch metal or plastic plate that is permanently attached to the electrical box with minimum one-half (1/2) inch engraved letters.

(4) Upon submittal of the documents required in this Section, any violation of the restrictions and regulations noted therein is unlawful and is a misdemeanor offense and will be subject to criminal action as provided in Provo City Code Section 1.03.010.