



Provo City Planning Commission

Report of Action

May 27, 2020

Item 2* The Provo Municipal Council requests an Ordinance Text Amendment to add the Very Low Density Residential (VLDR) zone to the Provo City Code as Chapter 14.14F. Citywide application. Javin Weaver (801) 852-6413
jweaver@provo.org PLOTA20200120

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 27, 2020:

POSITIVE RECOMMENDATION

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application

Motion By: Dave Anderson

Second By: Lisa Jensen

Votes in Favor of Motion: Dave Anderson, Lisa Jensen, Deborah Jensen, Andrew Howard, Laurie Urquiaga, and Robert Knudsen

Deborah Jensen was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

The text of the proposed zone is attached as Exhibit A.

STAFF/APPLICANT PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following: An overview of the request for the Very Low Density Residential zone and limits proffered by the applicant.

- The proposed Very Low Density Residential (VLDR) zone is requested on behalf of the Provo Municipal Council.
- Staff explained the key differences between the proposed VLDR zone and Low Density Residential (LDR) (14.14A) zone.
- The proposed VLDR zone may act as buffer between the One Family Residential (14.10) zone and LDR zone.
- The proposed VLDR zone may be used to rezone parcels within mostly built out neighborhoods.

NEIGHBORHOOD AND PUBLIC COMMENT

- Sharon Memmott, the Edgemont Neighborhood vice chair was present by phone via Zoom and expressed that this proposed VLDR zone would be positive to have as a resource for the developer to use when building adjacent to established neighborhoods. The VLDR title may be misleading to some not understanding what density it allows.

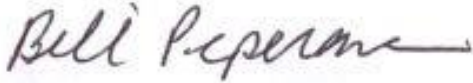
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Lisa Jensen expressed concern on the name of the proposed zone not being clear.
- Dave Anderson expressed concern that the language of the proposed zone is not user friendly. Staff responded that a future ordinance text amendment would facilitate the jargon found in Title 14 of the Provo City Code.
- Laurie Urquiaga and Deborah Jensen praised the proposed zone for being a positive transition zone between zones and a positive addition to the Provo City Code.



Planning Commission Chair



Director of Development Services Department

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community and Neighborhood Services Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Chapter 14.14F

VERY LOW DENSITY RESIDENTIAL ZONE

Sections:

14.14F.010	Purpose and Objectives.
14.14F.020	Permitted Uses.
14.14F.030	Lot Standards
14.14F.040	Prior Created Lots.
14.14F.050	Yard Requirements
14.14F.060	Projections into Yards.
14.14F.070	Building Height
14.14F.080	Project Plan Approval/Design Review/Design Guidelines.
14.14F.090	Other Requirements.
14.14F.100	Notice of Parking and Occupancy Restrictions.

14.14F.010

Purpose and Objectives.

The Very Low Density Residential Zone (VLDR) is established to provide a residential environment within the City which is characterized by attractively landscaped one-family (detached or attached) and two-family residential lots and structures. This zone is intended to permit a residential density less than the Low Density Residential (LDR) zone.

14.14F.020

Permitted Uses.

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

- (a) One-family dwelling - detached;
- (b) One-family dwelling - attached (townhomes), not to exceed seven (7) units in one (1) building;
- (c) Two-family dwellings (subject to the standards of Section [14.34.340](#), Provo City Code);
- (d) Assisted living facilities (subject to the standards of Section [14.34.470](#), Provo City Code);
- (e) Residential facilities for the elderly or disabled (see Section [14.34.230](#), Provo City Code);

- (f) Public utilities and rights-of-way and accompanying infrastructure (local distribution or services only);
- (g) Police protection and related services, branch (office only); and
- (h) Religious activities.

(2) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the VLDR 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) Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms and similar structures which are customarily used in conjunction with and incidental to a principal use or structure;
- (b) Accessory apartments in existing one-family, detached homes, subject to the requirements of Section 14.30.030, Provo City Code;
- (c) Swimming pools and incidental accessory structures, subject to the standards of Section [14.34.210](#), Provo City Code;
- (d) Home occupations subject to the regulations of Chapter [14.41](#), Provo City Code;
- (e) Storage of materials used to construct a building, including the contractor's 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; and
- (f) Household pets; provided that no more than two (2) dogs and two (2) cats 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.

14.14F.030

Lot Standards.

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

(1) Min. Lot Area:

One-family detached:	5,000 sf
Twin home/duplex:	8,000 sf

One-family attached:	10,000 sf
(2) Housing Density Maximum:	7 dwelling units per gross acre.
(3) Min. Lot Frontage:	35 ft
(4) Min. Lot Width:	40 ft
Corner Lot:	50 ft
(5) Min. Lot Depth:	90 ft
(6) Max. Lot Coverage:	50%

14.14F.040

Prior Created Lots.

Lots or parcels of land which were created prior to December 12, 1974, shall not be denied a building permit for a single-family dwelling solely for the reason of nonconformance with the parcel requirements of this Chapter.

14.14F.050

Yard Requirements.

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

(1) Front Yard:	20 ft
(2) Side Yard, Corner lot	20 ft
(3) Side Yard, Interior:	
One-family detached:	8 ft & 10 ft
All other buildings:	10 ft
(4) Rear Yard:	20 ft
(5) Distance between buildings on the same parcel:	15 ft.

(6) Side Yard - Driveway. (See Section 14.37.100, Provo City Code)

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

- (a) The proposed setback is visually compatible with neighboring development and does not cause an undue burden or harm to the adjacent property;
- (b) The proposed setback does not violate an existing or needed utility easement; and
- (c) The proposed setback does not cause a violation of the International Building Code or the Fire Code.

(8) *Accessory Buildings.*

- (a) 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.
- (b) Accessory buildings on corner lots may be no closer to the side street than the principal structure.
- (c) The maximum height for an accessory building is twelve (12) feet, as measured to the mid-point of a sloped roof.

14.14F.060

Projections into Yards.

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

- (a) Fences (see Section [14.34.500](#), Provo City Code).
- (b) Landscaping (see Chapter [15.20](#), Provo City Code).
- (c) Necessary appurtenances for utility service, subject to City approval.

(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 eight (8) feet and are generally parallel to the wall of which they are a part; and
- (c) Stairways, balconies, door stoops, fire escapes, awnings and planter boxes or masonry planters.

14.14F.070

Building Height.

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

14.14F.080

Project Plan Approval/Design Review/Design Guidelines.

See Sections [15.03.300](#) and [15.03.310](#), Chapter [14.04A](#), and Section [14.34.287](#), Provo City Code.

14.14F.090

Other Requirements.

- (1) Signs (see Chapter [14.38](#), Provo City Code).
- (2) Landscaping (see Chapter [15.20](#), Provo City Code).
- (3) Trash storage (see Section [14.34.080](#), Provo City Code).
- (4) Fencing (see Section [14.34.500](#), Provo City Code).
- (5) *Parking, Loading and Access.* Each land use in the VLDR zone shall have automobile parking sufficient to comply with the requirements of Chapter [14.37](#), Provo City Code.
- (6) In any new project consisting of ten (10) or more residential units, an area equivalent to ten percent (10%) of the gross lot area shall be developed in residential amenities, such as a common clubhouse, gym, pool, roof-top garden, or other amenity. Amenities that are enclosed may count towards meeting this provision. Landscaping within the required setbacks shall not be calculated towards meeting this provision.
- (7) In any new project consisting of ten (10) or more residential units, the open space must be massed or accumulated to be functional as a recreational amenity or gathering space.

14.14F.100

Notice of Parking and Occupancy Restrictions.

(1) Prior to the issuance of a building permit for any multiple residential project over two (2) dwelling units, 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 such as restrictions of use as noted in condominium covenants. 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.

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