



Provo City Planning Commission

Report of Action

May 10, 2017

ITEM 6* Kristen Lesa requests an ordinance amendment to add a new PRO Zone for property located at 691 East 600 North. The property is currently zoned Residential Conservation and would require this zone change. *Joaquin Neighborhood*. 17-00010A, Dustin Wright, 801-852-6414. *This item was continued from the April 26, 2017 Planning Commission Hearing.*

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 10, 2017:

RECOMMEND APPROVAL

On a vote of 4:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Brian Smith

Second By: David Anderson

Votes in Favor of Motion: Brian Smith, David Anderson, Deborah Jensen, Jamin Rowan

Jamin Rowan was present as Chair and Ed Jones recused himself.

- 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.

RELATED ACTIONS

- 17-0004R – May 10, 2017 Planning Commission
- 17-0007PPA – May 10, 2017 Planning Commission

DEVELOPMENT AGREEMENT

- Does not apply at this stage of review or approval.

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

The text of the proposed PRO Zone is attached as Exhibit A. This was distributed to the Commissioners at the hearing as it contains some revisions from the draft in the staff report.

STAFF 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:

- The current zone doesn't allow for new development other than one, single-family unit.
- The Joaquin Neighborhood Plan calls for higher density development in this area.
- The property is surrounded by other residential dwellings leaving this parcel to be developed separately.
- The Campus Mixed Use (CMU) zone allows for batching singles and this is not something that the applicant would like to pursue, they would like to provide one bedroom units that would attract married students.
- The proposed project for this site would require a rezone.
- A PRO Zone has been drafted to accommodate the development of this property.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee approved the ordinance amendment.

NEIGHBORHOOD MEETING

- The applicant met with representatives of the neighborhood.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- The front façade doesn't conform to the character of the neighborhood and that it seems like too many units are trying to fit on this site.
- That there could be a shortage of parking if every unit had more than an average of 1.5 vehicles.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The units will be one bedroom and they plan to have couples rent the units.
- Changes have been made to the front façade to help provide the human scale and other Design Review Committee (DRC) comments are being addressed.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- If the location of the trash containers would be an issue with collection. There will be individual cans that will be brought to the curb.
- If the neighborhood chair had seen the project and if there were any issues. The applicant met with the neighborhood and discussed the project.



 Planning Commission Chair



 Director of Community Development

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 Development 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

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, ~~Provo City Code, which that~~ have not been specifically addressed in this Chapter.

14.50(35).030. Permitted Uses.

- (1) Those uses or categories of uses ~~as~~ 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
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4811	Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
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4821	Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
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4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
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4841	Sewage pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
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4864	Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
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4873	Storm drain or right-of-way
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(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, ~~Provo City Code~~;
- (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 [u](#)ses 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 ~~of~~ 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, ~~Provo City Code~~.

(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, ~~Provo City Code~~.

(b) Landscaping, subject to [Provo City Code](#) Chapter 15.20, ~~Provo City Code~~.

(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, ~~Provo City Code~~.

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 ~~site area~~ 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, ~~Provo City Code~~.

(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), ~~and~~ 14.34.280 (Design Review), and 14.34.287 (Residential Design Standards), ~~Provo City Code~~. All structures ~~must~~ shall 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, ~~Provo City Code~~.

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 ~~this Provo City Code~~ Chapter 14.06, ~~Provo City Code~~. 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, ~~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.

(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, ~~Provo City Code~~.



**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: May 10, 2017**

ITEM 6* Kristen Lesa requests an ordinance amendment to add a new PRO Zone for property located at 691 East 600 North. The property is currently zoned Residential Conservation. **Joaquin Neighborhood.** 17-0001OA, Dustin Wright, 801-852-6414

Applicant: Kristen Lesa
Staff Coordinator: Dustin Wright

Property Owner: Kristen & Teiano Lesa
Parcel ID#: 220130003
Current Zone: Residential Conservation (RC)
Proposed Zone: Lesa PRO
General Plan Des.: Residential/Campus Mixed Use (CMU)
Acreage: 0.19
Number of Properties: 1
Number of Lots: 1

Council Action Required: YES

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is May 24, 2017, 5:30 p.m.*

2. **Deny** the requested Project Plan. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Current Legal Use:
Vacant lot in the RC zone.

Relevant History:
A zone change is needed for the proposed project at this site. A PRO zone is being proposed for this project. The future land use map in the adopted neighborhood plan shows CMU with batching overlay. The applicant wants to provide family housing and not batching.

Neighborhood Issues:
Staff has received a few calls asking for more information about the project and new zone. The neighborhood leadership has expressed a preference for married housing rather than additional housing for batching singles. This PRO zone is a mechanism to achieve that preference.

Summary of Key Issues:

1. The PRO zone will provide a way to develop the infill property without needing to change an existing zone.

Staff Recommendation:
Staff recommends that the Planning Commission forward a recommendation to approve the ordinance amendment for the Lesa PRO zone to the Municipal Council.

OVERVIEW

The applicant is requesting an ordinance amendment to add a new PRO Zone to facilitate the development of property located at 691 East 600 North. Because this property is in the RC zone, which doesn't allow for new developments other than detached, single-family homes, this project requires a rezone. The Joaquin Neighborhood Plan recommends Campus Mixed Use (CMU) with a batching singles overlay which would allow for up to six singles per apartment.

Under the CMU zone this site could have eight units totaling 48 tenants. Rather than perusing the CMU zone the applicant is proposing to have 10, one-bedroom units for family occupancy and do a development agreement to limit occupancy to one family or two singles per unit as part of a new PRO zone.

The PRO zone would allow for family housing on smaller lots that are surrounded by higher density. The zone permits 5 to 10 apartments on 8,000 square foot lots.

FINDINGS OF FACT

1. This property is under 40,000 square feet.
2. This property is currently located in the RC zone.
3. The RC zone allows for detached one-family dwellings.
4. The future land use map in the Joaquin Neighborhood Plan labels this property CMU with a batching overlay.
5. The property to the west has 15 units, to the east there are six units, and to the north there are eight units.

STAFF ANALYSIS

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments: **(Staff responses bolded.)**

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

- (a) *Public purpose for the amendment in question. **The amendment would allow for infill development of a parcel that doesn't have potential to consolidate with adjacent parcels.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **The creation of this PRO zone helps limit demand to amend an existing zone to accommodate smaller developments.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **The General Plan calls for residential use and the Joaquin Neighborhood Plan calls for high density in this area.***
- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **The proposed amendment is consistent with timing and sequencing.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **Policies of the Plan should not be negatively affected by this amendment.***
- (f) *Adverse impacts on adjacent land owners. **The amendment would allow for development of the property at a higher density than is currently permitted by zone.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **No issues with the zoning as currently established.***
- (h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies. **No conflicts.***

CONCLUSIONS

This ordinance amendment will conform to policies in the general plan and would allow the property owner to develop the property in a manner that would be consistent with unit density in the area but have a lower impact on traffic due to a reduced amount of tenants.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forwards a recommendation to approve the ordinance amendment for the Lesa PRO zone to the Municipal Council.

ATTACHMENTS

- 1. Site Aerial**
- 2. Proposed Ordinance Amendment**

ATTACHMENT 1- Site Aerial



ATTACHMENT 2- Proposed Ordinance Amendment

Chapter 14.50(35) Lesa Project Redevelopment Option Zone.

- 1
- 2
- 3 [14.50\(35\).010.](#) Purpose and Intent.
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19 **14.50(35).010. Purpose and Intent.**

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

22 **14.50(35).020. Compliance with Titles 14 and 15 Required.**

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

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30 digits are whole numbers. Classes or groupings of such uses permitted in the zone are identified by a four (4)
31 digit number in which the last one (1) or two (2) digits are zeros.
- 32 (3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code
33 shall be permitted in the Lesa PRO zone, subject to the limitations set forth in this Chapter.
- 34 (4) Permitted Principal Uses. The following principal uses and structures are permitted in the Lesa PRO zone:

Use No.	Use Classification
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4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
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4864	Combination utilities right-of-way
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(identifies areas where surface is devoted
exclusively to right-of-way activity)

4873 Storm drain or right-of-way

35 (5) Permitted Accessory Uses. Accessory uses and structures are permitted in the Lesa PRO zone; provided
36 they are incidental to and do not substantially alter the character of the permitted principal use or structure.
37 Such permitted accessory uses and structures include, but are not limited to, the following:

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40 (c) Storage of materials used for construction of a building, including the contractor temporary
41 office, provided that such use is on the building site or immediately adjacent thereto, and
42 provided further that such use shall be permitted only during the construction period and thirty
43 (30) days thereafter;

44 (d) Household pets, provided that no more than two (2) dogs and two (2) cats six (6) months of
45 age or older shall be kept at any residence or commercial establishment at any time. Nothing
46 herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or
47 discomfort or endangering the health and safety of any person or property.

48 (e) No accessory buildings shall be permitted except for bicycle enclosures.

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

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54 (500) square feet.

55 **14.50(35).060. Lot Width and Frontage Requirements.**

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

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

59 **14.50(35).080. Yard Requirements.**

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

62 (a) Front yard: ten (10) feet (maximum).

63 (b) Side yard, street: ten (10) feet (maximum).

64 (c) Side yard: ten (10) feet.

65 (d) Rear yard: twenty (20) feet.

66 (e) Distance between buildings on the same parcel: fifteen (15) feet.

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

68 (g) Accessory Buildings.

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

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

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

75 **14.50(35).090. Projections into Yards.**

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

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

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

79 (c) Necessary appurtenances for utility service.

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

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

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

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

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

87 **14.50(35).100. Trash Storage.**

88 (1) See Section 14.34.080, Provo City Code.

89 **14.50(35).110. Building Height.**

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

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94 In the Lesa PRO zone, the total coverage of all buildings and structures shall not exceed forty-five percent
95 (45%) of the site area.

96 **14.50(35).130. Parking, Loading, and Access.**

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

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

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

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

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

104 **14.50(35).140. Project Plan Approval/Design Review/Design Standards.**

105 Each development in the Lesa PRO zone shall comply with Sections 14.02.090 (Project Plan Required)
106 and 14.34.280 (Design Review) 14.34.287 (Residential Design Standards), Provo City Code.

107 All structures shall receive approval from the Design Review Committee prior to the issuance of
108 a building permit.

109 **14.50(35).150. Fencing Standards.**

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

111 **14.50(35).160. Notice of Parking Occupancy Restrictions.**

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

114 (2) Prior to the issuance of a building permit for a residential project, a contract must be entered into between
115 Provo City and the developer agreeing to a determined occupancy based on a given number of parking
116 spaces. This contract shall be recorded with the Utah County Recorder's office and shall be a covenant running
117 with the property. A copy of a recorded deed for the property in question must also be submitted prior to the
118 issuance of a building permit which indicates the maximum allowable occupancy as a deed restriction.

119 Attached to the deed must be a document that separately lists the occupancy according to Provo City Code,
120 the previously mentioned deed restrictions and any other use restrictions pertaining to parking and occupancy
121 such as restrictions of use as noted in condominium covenants. This document must be signed, dated and
122 notarized indicating that the owner acknowledges and agrees to all restrictions and regulations stated on the
123 deed and attachments.

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

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

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