



**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: July 25, 2018**

ITEM 2* Grant Eckstein requests amendments to Sections 14.10.40 (Lot Width) and 14.10.45 (Lot Depth) to decrease the required minimums for R1 Single-family zones. City wide application. Robert Mills (801) 852-6407. PLOTA20180063

Applicant: Grant and Angela Eckstein

Staff Coordinator: Robert Mills

Property Owner: City Wide Amendment

Parcel ID#: N/A

Current General Plan Designation: N/A

Proposed General Plan Designation: N/A

Current Zone: N/A

Acreage: N/A

Number of Properties: N/A

*Council Action Required: Yes

Related Application(s): None

ALTERNATIVE ACTIONS

1 **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is August 8, 2018, at 6:00 p.m.*

2 **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

Relevant History: Similar lot amendments were proposed in 2016 and brought before the Planning Commission. The Planning Commission recommended approval of those amendments, but they were never taken to the City Council because a broader revision to Chapter 14.10 of the Provo City Code was recommended. Limited staff resources have not allowed that type of extensive revision.

Neighborhood Issues: The proposal has received a large amount of feedback from many neighborhood chairs which is included in the attachments.

Summary of Key Issues: Appropriateness of amendment.

Staff Recommendation:

That the Planning Commission recommend **partial approval** of the proposed ordinance amendment to the Municipal Council. Specifically, staff recommends the approval of the amendment relating to the revised lot depth requirements, but staff feels the proposed lot width requirements need additional review in order to fully understand the potential impacts to existing and future neighborhoods.

OVERVIEW

The proposed amendment seeks to modify the minimum lot width and minimum lot depth requirements for lots within R-1 single-family residential zones as noted below:

14.10.040. Lot Width.

(1) Each [lot](#) or [parcel](#) of land in the R1 [zone](#), except [corner lots](#), shall have an width of not less than the following for the subzone in which said [lot](#) or [parcel](#) of land is situated:

R1.6	sixty (60) feet
R1.7	seventy (70) feet
R1.8	eighty (80) feet sixty-five (65) feet
R1.9	eighty-five (85) feet seventy (70) feet
R1.10	ninety (90) feet seventy-five (75) feet
R1.15	ninety-five (95) feet ninety (90) feet
R1.20	one hundred (100) feet

(2) Each [corner lot](#) or [parcel](#) in the R1 [zone](#) shall be ten (10) feet wider than the minimum required for [interior lots](#) in the subzone in which it is located.

14.10.045. Lot Depth.

Each [lot](#) or [parcel](#) of land in the R1 [zone](#) shall have a minimum [lot depth](#) as indicated below for the subzone in which the [lot](#) or [parcel](#) is situated:

R1.6	ninety (90) feet
R1.7	ninety (90) feet seventy-five (75) feet
R1.8	one hundred (100) feet eighty (80) feet
R1.9	one hundred (100) feet ninety (90) feet
R1.10	one hundred (100) feet ninety (90) feet
R1.15	one hundred (100) feet ninety (90) feet
R1.20	one hundred (100) feet

The applicants are proposing the noted amendments to the minimum lot width and minimum lot depth requirements to allow for “infill” opportunities within developed neighborhoods; however, it’s important to note that the proposed amendments would have significant influence on any future single-family development or redevelopment projects within the R-1 zones.

The applicants have provided extensive research regarding how the proposed amendments could potentially apply to various lots in Provo. Their report is attached. The applicants have also sought the input of all neighborhood chairs, which is included in the report. Some of the comments of the neighborhood chairs are discussed in the Staff Analysis section of this report.

STAFF ANALYSIS

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments. Staff responses are in **bold**.

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 public purpose of the amendment is to allow increased housing opportunities as a result of the modified lot requirements.

(b) Confirmation that the public purpose is best served by the amendment in question.

The public purpose can be served by allowing the proposed amendments to the lot depth requirements; however the proposal to modify the lot width requirements does not serve the public purpose because of the unvetted potential impacts the reduced lot widths could have on current and potential development and surrounding land uses.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

The proposed amendments may help to implement the stated goal in Chapter Four of the General Plan, relating to providing housing for residents. However, the proposed amendments to the required lot width standards may be incompatible with the purpose of Chapter Five, which recognizes the important role Urban Design should play in Provo neighborhoods. The amendment to lot widths will likely have a

significant impact on the architectural design as well as the “rhythm” of the homes on the street.

Additional research and evaluation is needed to understand what the potential impact of the reduced lot width requirements would be on the resulting homes.

(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 not anticipated to have any effect on the General Plan’s timing and sequencing.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies.

The proposed amendment will likely not hinder or obstruct attainment of the General Plan’s articulated policies.

(f) Adverse impacts on adjacent land owners.

It is possible that the proposed amendment to the required lot width standards could have potential adverse impacts on adjacent land owners because, contrary to the statements in the applicants’ report, modifying the lot width requirements does have the potential to increase density in a proposed development or through redevelopment of existing lots. There may be instances when this potential increased density, combined with other site-specific circumstances could negatively impact surrounding land uses and properties. More analysis is needed to further understand the potential impacts.

However, it seems unlikely that the proposed amendment to lot depth requirements would have any adverse impacts on adjacent land owners.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Not applicable; the proposed amendments would apply to R-1 Residential Zones citywide.

(h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.*

Not applicable.

The staff applauds the applicants for the time and effort spent to create the attached report regarding the proposed amendments to the minimum lot standards and staff has no concerns with amending the requirements for lot depth in the R1.7 – R1.20 Zones, as noted in the request. Additionally, staff feels that the R1.6 Zone minimum lot depth requirement, although not mentioned in the applicants' request, should be also be amended to match the R1.7 Zone minimum lot depth requirement.

However, staff also agrees with several of the neighborhood chairs who expressed concern regarding the possible impacts that would result from the proposed amendment to the minimum lot width requirements for lots in the R1.8 – R1.15 Zones. There may be opportunities to make changes to these requirements, but staff is concerned that without proper residential design requirements in place, the resulting housing products would consist primarily of garage doors on the street. This poses a risk to public health and safety because of the decreased distances between driveways. Potential solutions exist, but have not been thoroughly explored.

Staff acknowledges that the Community Development Department previously advocated for similar amendments to the R-1 Residential Zones. However, even at that time, it was evident that additional study would be required. Additionally, circumstances regarding future development have continued to be evaluated and staff now feels that the proposed amendments to lot width requirements will significantly affect development patterns—especially with regard to the neighborhoods in Provo west of the freeway. For these reasons, the staff feels the proposed amendments to lot width is ill-timed.

STAFF RECOMMENDATION

Based on the foregoing staff analysis, staff suggests that the Planning Commission forward a recommendation of partial approval to the Municipal Council to amend the lot depth requirements found in Section 14.10.045 of the Provo City Code to reflect those suggested by the applicants, with the addition of amending the R1.6 subzone to have a minimum lot depth of seventy-five (75) feet to be consistent with the R1.7 subzone.

Staff does not suggest the Planning Commission forward a positive recommendation to the Municipal Council to amend Section 14.10.040 relating to the minimum lot width standards of the R1.8 – R1.15 subzones as requested by the applicants.

ATTACHMENTS

- 1. Proposed Amendments**
- 2. Applicants' Report**

ATTACHMENT 1 – PROPOSED AMENDMENTS

14.10.040. Lot Width.

(1) Each [lot](#) or [parcel](#) of land in the R1 [zone](#), except [corner lots](#), shall have an width of not less than the following for the subzone in which said [lot](#) or [parcel](#) of land is situated:

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(2) Each [corner lot](#) or [parcel](#) in the R1 [zone](#) shall be ten (10) feet wider than the minimum required for [interior lots](#) in the subzone in which it is located.

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ATTACHMENT 2 – APPLICANTS’ REPORT

Background

In 2016, a proposal to modify City Codes 14.10.040 Lot Width and 14.10.045 Lot Depth in R1 zones was presented to the Planning Commission and received a recommendation for approval. It was not presented to City Council because of concerns that reducing the frontage in the R1.5 and R1.6 zones with smaller 5000 and 6000 sq ft lots might result in lots that were too narrow to accommodate minimum setbacks and would lead to garages in front of the new houses. There was also a need for additional understanding of how the modification of City Code would affect Provo City as a whole. To redress this issue, the current proposal only requests changes to the code's minimum lot widths and depths for R1.7 through R1.20 zones, while preserving the existing minimum area (and thus density) requirements, and is accompanied by a quantified explanation of the actual city wide impact.

This study will show that the proposed ordinance change is in line with the City's General plan to "[make] use of confined parcels of land surrounded by existing development;" supports the orderly development of existing and new R1 subdivisions while potentially creating additional home ownership opportunities for single families; is aligned with neighboring city codes; has minimal city wide impact; allows for a larger variety of lot dimensions on infill properties and a more efficient use of land in single family developments of less than two acres; would provide development opportunities for smaller parcels seeking a zone change from RA and A1 zones to R1 that do not qualify for a PD designation.

In essence, the proposal is not seeking to change the nature or spirit of the code nor is it trying to challenge density expectations of existing zoning. The proposal is simply attempting to address site constraints that prevent citizens from developing their land to create more single family homes in existing single family housing areas and thus supporting Provo's General Plan.

The Proposal

The proposal seeks to maintain the existing Code 14.10.030 Lot Area requirements while requesting a modification of City Codes 14.10.040 Lot Width and 14.10.045 Lot Depth in R1.7 to R1.20 zones as illustrated below.

14.10.030. Lot Area.



The minimum [area](#) of any [lot](#) or [parcel](#) of land in the R1 [zone](#) shall be as indicated by the subzone used in conjunction with the R1 [zone](#) designation. Subzones are designated by adding a suffix number to the R1 zoning symbol. Such suffix number shall be the minimum [lot area](#) for the subzone, stated in thousands of square feet. For example, a subzone of the R1 [zone](#) requiring [lots](#) or [parcels](#) to be a minimum of eight thousand (8,000) square feet would be designated on the zoning map as R1.8. The minimum [area](#) of any [lot](#) or [parcel](#) of land in the R1 [zone](#) shall be as indicated below for the subzone in which the [lot](#) or [parcel](#) is situated.

R1.6	six thousand (6,000) square feet
R1.7	seven thousand (7,000) square feet
R1.8	eight thousand (8,000) square feet
R1.9	nine thousand (9,000) square feet
R1.10	ten thousand (10,000) square feet
R1.15	fifteen thousand (15,000) square feet
R1.20	twenty thousand (20,000) square feet.

14.10.040. Lot Width.

SHARE [social icons]

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14.10.045. Lot Depth.

SHARE [social icons]

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R1.10	one hundred (100) feet ninety (90) feet
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R1.20	one hundred (100) feet

Some may see the proposed reduction in minimum lot depths and widths requirements as an effort to create a loophole in the code to increase density or somehow circumvent the minimum area requirements. However, the proposal does not seek to change minimum lot areas and thus does not allow for increased density. Instead, the proposal seeks more flexibility in how a lot could achieve the existing minimum area and density required by its zone.

For example, the minimum lot width and depth in the current code for an R1.8 zone is 80' W x 100' D, which results in a minimum lot area of 8,000 sq ft. Under the proposed code, an R1.8 lot would still be required to have 8,000 sq ft, but could reach that area by satisfying the new minimum of 65' W, which would necessitate a depth of 124' to satisfy the minimum area. Or, the lot satisfying the new minimum depth of 80' as long as it has a width of 100' to meet the minimum area of 8,000 sq ft. In either configuration or in any other combination of widths and depths that satisfy the minimum lot area (e.g. 70' W x 115' D, 89' W x 90' D, or 75' W x 107' D), each R1 zone's minimum lot size remains in effect, and thus existing density for each zone is also preserved. The minimum area requirement and resulting density is essential to preserving the characteristics of Provo's existing neighborhoods and ensuring orderly development. Flexibility in lot dimensions of depth and width is not.

Zoning Code History, Population Growth, and Expressed Need for Infill Development

Provo's zoning code has evolved over the years as the increasing population has required the City to provide structure for more orderly growth. In 1949 with a population of 28,937, the minimum lot dimensions were simply 80' wide with no depth or area requirements. Over the next 3 decades, Provo's population almost tripled to 74,108 in 1980, and the City formed the existing code with minimum lot widths, depths, and areas for the differentiated R1 zones. Now, Provo's population is nearing 120,000 with a high demand for more housing options as experts expect Utah County's population to nearly triple in the next 50 years¹. Accommodating this population growth is a multi-faceted problem, and one very small part of the solution could be to reduce the minimum lot width and depth requirements in R1 zones to allow for a few more houses to be built using the City's existing infrastructure, an opportunity and goal identified in *Section 1.2.3 Urban Growth* of Provo's General Plan (emphases added):

Provo's population growth, and the resulting demands on the built environment, continues at a steady rate. Much of Provo is developed, with limited areas for new construction (particularly east of I-15)...Redevelopment (replacing or rehabilitating existing development) and **infill development (making use of confined parcels of land surrounded by existing development) are useful tools in these areas for meeting the City's current and expanding needs for housing, businesses, schools, medical facilities, recreational spaces and other uses**....If it is the desire of Provo to accommodate some of the projected population increase for Utah County, **a variety of housing products and forms will need to be considered due to the lack of available raw land.**

Provo is a mature city with an established infrastructure. Nevertheless, the City must balance demands for development with cost effective capacity in meeting the needs for water, sewer, storm drainage, flood protection, fire protection, police services, street construction and maintenance, and other aspects of public support for the City's residents and businesses. **Infill development may be more timely and appropriate in order to provide for logical growth of the built environment and control of costs to taxpayers for expansion of municipal services. Those constraints on new growth are particularly important when considering the mountainous bench areas to the east and on the agricultural lands of west Provo.**

Josh Romney, a member of the board of the Kem C. Gardner Policy Institute that projected Utah County's growth over the next 50 years, said that he believes "a more nuanced approach to setbacks will allow more infill development which will be crucial to our ability to keep up with the expected housing demand. This proposal will have minimal impact on the design, look and feel of the neighborhoods that it impacts while allowing for a make-sense approach to development. I am fully in support of the proposed changes." (See Appendix A).

The Neighborhood Chair and Vice Chair of Timp Neighborhood echo Romney's sentiments as they see the proposal as "laying some important groundwork for future development throughout Provo" and that this proposal would encourage home owners to use their land more efficiently—something that's in

¹Population statistics from US Census data. Neighboring city codes from respective websites. Provo's code history from books in the Community Development Office. Growth projections from Gardner Institute.

line with how Provo has historically developed with older houses on larger lots subdividing to make way for new houses so now neighborhoods have really old houses and newer houses intermingled.

An additional, though modest, benefit of amending the city code is that it improves the economy of scale by increasing Provo's base for utility work and road costs. For instance, accounting for infill could increase a neighborhood's size by one or two houses, thus spreading out engineering and maintenance costs as well as public goods costs (e.g., roads, sewage, etc.) over a larger number of houses. In essence, making this small adjustment to the City Code creates a more sustainable code that supports the projected growth and updating of an established infrastructure.

Comparison to Neighboring Cities

The proposed adjustment would be in line with the city codes of our neighboring cities of Orem and Springville. For example, Orem has very similar minimum lot sizes and widths as Provo, but has no minimum lot depth and allows for exceptions for lots to go to 65% of the minimum requirement. Our proposed reduction in lot width and depth requirements would essentially allow for lots to be developed at 80% of the existing minimum requirements (i.e. Reducing the R1.8 widths from 80 feet to 65 feet), which still leaves Provo with a more stringent R1 code than Orem. Springville also has similar lot sizes and width requirements as Provo, but also does not have a minimum lot depth relying instead on minimum front and rear setbacks to determine acceptable lot depth. The proposed adjustment to Provo's code would allow for more shallow lots, but the minimum setback requirements would remain in full force, which brings our code a little more in line with Springville's. In essence, allowing more flexibility to lot creation in existing R1 neighborhoods is not unique or groundbreaking; rather, such an adjustment would be similar to the existing code of neighboring cities.

Quantification of the City Wide Impact

Because this proposal has a city-wide impact and the City has limited resources to conduct a study regarding this proposal, I worked with Brian Maxfield and Robert Mills in Community Development to examine Provo's Zoning Map (updated 3/17) in conjunction with Utah County's GIS parcel map and Provo's Neighborhood Boundaries Map to identify Provo's remaining subdividable² properties. (The complete dataset is available upon request.)

I found that Provo has 522 parcels in existing R1, RA, and A1 zones that could be deemed subdividable under existing R1 zoning code or the proposed R1 zoning code (see Table 1) or with a zone change to R1 (see Table 2). **Ninety percent of these 522 lots would not be affected by the proposed change as they already meet their zone's minimum requirements for subdividing or could meet the R1 requirements upon receiving a zone change to R1.** This means that the proposed change of reduced minimum lot widths and depths would only have an immediate effect on 57 properties throughout all of Provo, making the city-wide impact a minimal and non-invasive impact.

² I defined subdividable as a parcel with twice the minimum area required for its zone (i.e. >.367 acres or 16,000 sq ft in R18 zones) and with sufficient frontage, setbacks, and depth and width dimensions under the existing code or the proposed code. I also deemed most A1 and RA lots as subdividable with the assumption that a zone change to R1 is consistent with Provo's Master Plan. I excluded properties owned by school districts, religious organizations, and the city. I also excluded considerations of topography, landscaping, owner intent, and proposed Westside plan.

Zone	# of Developable Parcels	# of Parcels Affected by Change
R18	47	14
R18s	14	9
R110	143	27
R120	14	7
Totals	218	57

Table 1: Number of parcels currently zoned R1 that are subdividable

Zone	# of Parcels
RA	89
A11	78
A15	121
A110	26
A120	12
A140	5
Total	331

Table 2: Number of parcels that could be subdivided with a zone change from existing RA and A1 zones to R1

In addition, although the proposed change is city wide with minimal impact, it only has an immediate impact on a little over half of Provo’s neighborhoods (18 of the 32) and a longer term effect as land owners seek zone changes on 50% of the neighborhoods (16 of 32). Table 3 shows which neighborhoods would be immediately affected in the existing R1 areas and the magnitude of that effect (center column). It also shows which neighborhoods would be affected as land owners applied for zone changes from RA/A1 to R1, a change that is consistent with the General Plan and aligned with the City’s agenda to provide more single-family housing, (right hand column) as well as how many developable parcels remain in each neighborhood (left hand column). For ease of access, the neighborhoods with no immediate or future effect are greyed out.

Neighborhood³	# of Potentially Developable Parcels	# of Residential Parcels Affected by Change	# of Parcels Affected w/Change & Zone Change
Carterville	1	1	n/a
Dixon	n/a	n/a	n/a
Downtown	n/a	n/a	n/a
East Bay	n/a	n/a	n/a
Edgemont	14	2	5
Foothills	15	2	n/a
Fort Utah	26	4	18

³ Neighborhood-specific notes: Lakewood and North Timpview have a large concentration of RA properties, so the future impact of zone changes may be greater. North Timpview also includes 25 smaller parcels around East Lawn that would have to be combined for development. Unsurprisingly, the West Side neighborhoods have the largest concentration of A1 lots, but the impact should be minimal as many qualify for PD developments that would provide lot dimension flexibility beyond the proposed change to the R1 code. Rivergrove’s larger lots lack the side yard requirements to qualify for subdivision even with the proposed change. The proposed change does not affect many of the central neighborhoods because of the large areas zoned as RC, R16, and other non-R1 zones. Spring Creek had lots that I deemed subdividable, but Mary Millar, the Neighborhood Chair, indicated that due to a no development agreement from the 1970s, her neighborhood is unaffected by the proposed change.

Franklin	n/a	n/a	n/a
Franklin South	n/a	n/a	n/a
Grandview North	14	n/a	7
Grandview South	2	n/a	n/a
Indian Hills	4	n/a	n/a
Joaquin	n/a	n/a	n/a
Lakeview North	32	9	16
Lakeview South	18	3	10
Lakewood	25	n/a	23
Maeser	n/a	n/a	n/a
North Park	n/a	n/a	n/a
North Timpview	58	2	40
Oak Hills	26	1	5
Pleasant View	10	6	n/a
Provo Bay	85	1	71
Provost	3	1	n/a
Provost South	9	n/a	7
Riverbottoms	45	2	36
Rivergrove	6	2	n/a
Riverside	4	1	2
Rock Canyon	19	3	2
Sherwood Hills	19	1	1
Spring Creek	n/a	n/a	n/a
Sunset	66	1	63
Timp	n/a	n/a	n/a
University	n/a	n/a	n/a
Wasatch	21	15	n/a
Totals	522	57	306

Table 3: Provo Neighborhoods' Developable parcels and the immediate effect of the proposed changes

Examples of How the Proposed Change May Affect a Lot

To demonstrate some possibilities of developing existing lots under the proposed code change, I have included three examples found in my study (including my own). One example illustrates how the proposed change could affect a lot in an existing R18s zone, one example shows an existing R110 zone lot, and one exemplifies an RA zone that would require a zone change in conjunction with the proposed code change. With these examples, I hope to illustrate how the proposed change is non-invasive and beneficial to the city in using one of its scarcest resources: raw land.

Existing R18s Parcel # 20:053:0001 Owned by Ross Woolf



Figure 1: Woolf's existing parcel in Pleasant View Neighborhood

Woolf's property located at 645 E 2130 N is a prime example of how this change could affect a property within an established R18s neighborhood. The house sits on .87 acres with a narrow driveway on Stadium Ave (35 feet) and a heavily-wooded back yard with 75' of frontage along 2100 North. The lot is unsubdividable due to being 5' shy of the minimum lot width required by current City Code. Under the

proposed code that reduces the minimum width to 65', Woolf could create a .28 acre parcel for a new single family home in an established neighborhood while still leaving .59 acres for the existing home. For illustrative purposes, a sample home footprint is included in black inside the hypothetical lot outlined in blue in Figure 2.

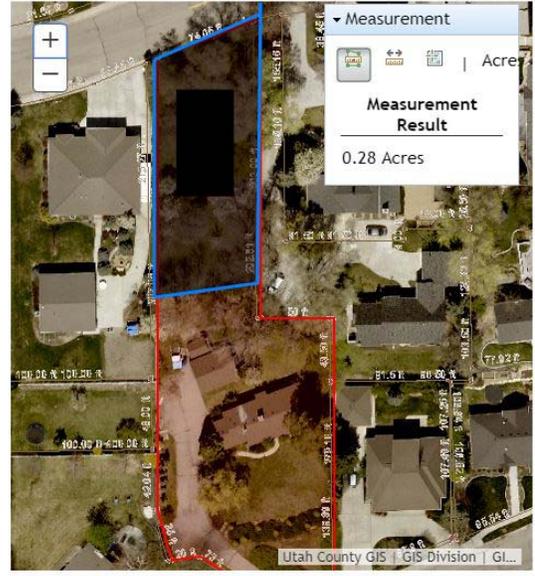


Figure 2: The shaded area represents a hypothetical lot and home that Woolf could create upon subdividing with the proposed code change in effect

Existing R110 Parcel #20:054:0011, Owned by Jean Brereton



Figure 3: Brereton's existing parcel in the Edgemont Neighborhood

Brereton's lot located at 2784 N Canyon Rd is an example of how the proposed change could affect an R110 property in the Edgemont neighborhood. Currently, this lot is unsubdividable because of where the house sits in relation to the sideyard. Were Brereton to want to subdivide to build a house on the ample side yard, the lot could only be 83' wide after accounting for the minimum sideyard

requirements. In an R110 zone with current zoning code, the lot would need 90 feet. If the proposed code change were in effect, Brereton's property would exceed the new minimum of 75 feet, and a subdivision could happen to create a lot for a new single family home in an established Provo neighborhood.



Figure 4: The shaded area represents a hypothetical lot and home that Brereton could create upon subdividing with the proposed change in effect

City's preferred method of development, they are a viable option for better utilizing some of the long, narrow lots within Provo's existing neighborhoods and are consistent with the character of many of Provo's Neighborhoods that already have flag lots in place. Mike Roan was also interested in having the proposal codify the use of 'shared driveways' and flag lots in residential developments. This is beyond the scope of this study.

East Bench Slopes

Councilman Winterton raised the concern of how this might affect lots on the East bench with their steep slopes. Brian Maxfield of the Community Development office indicated that the proposed change in lot widths and depths has no effect on the City Code's safeguards regarding slopes and developments.

Personal Interest

A neighborhood chair suggested that the proposed change is designed to help just one person get a development through. While the proposal would allow a more efficient subdivision of my RA acre in the Lakewood Neighborhood, Brian Maxfield said there are a number of lots in Provo similar to mine that need the code to change in order to pursue development. Due to privacy, the exact number and names of interested parties has not been disclosed. In essence, the current minimum lot depth and widths in the R1 zoning make developing lots like mine (less than 2 acres with odd shapes from years of surrounding growth) less feasible. The proposal would benefit other properties in the city that do not meet the minimum width and depth requirements and are too small to apply for a PD to gain the more flexible lot dimensions options of larger developments. In Appendix A are some letters of support and a petition with a couple dozen signatures. All this to say, that although my personal interest drove my participation in this proposal, the requested change benefits multiple property owners across the city.

Seeking a Different Zone

One neighborhood chair suggested that the code already has flexibility for smaller lots because applicants for development can simply request a zone change to a higher density zone, i.e. an RA lot could request a change to R1.6 instead of R1.8. Although on the surface this would be an elegant solution, in order to maintain the character of existing R1 neighborhoods, Community Development and many neighborhood residents are resistant to higher density zoning than the surrounding properties. As such, although requesting an R1.6 in a neighborhood such as North Park would be an option, that same request on the west side would be inconsistent with existing zoning.

Existing Setback and Side Yard Requirements

The proposed change does not affect the existing code governing minimum setbacks and side yard requirements. In fact, while conducting the study, many of Provo's larger lots did not qualify as being subdividable with the proposed code because of the existing setback and side yard requirements. These requirements are another safeguard to preserve the characteristics of existing neighborhoods and further reduce the impact of this proposal.

Future Development on Parcels with Existing Houses

In conversation with neighborhood chairs, two lines of thinking regarding the long-term effect of this proposal arose. J. Kirby Snideman of North Park pointed out that this could impact "future lots that are

created from combining two (or more) existing lots and then subdividing into smaller, irregular shaped lots,” which he argued would negatively affect the character of an existing neighborhood. On the other hand, R. Paul Evans of Pleasant View indicated that “the change in parcel size may also serve as incentive for older homes to be razed and replaced with two homes on two subdivided (and thus smaller) lots. The smaller homes having a lower cost is a great option for individuals looking to begin home ownership.” Celeste Kennard, the Joaquin Neighborhood Chair, also pointed out that “the one street in our area that has smaller lots is along 800 E remarkably it is the only street from Center to 560N does not have a single multiunit development, and I believe this is directly related to the cost of buying up several parcels of land. It was much cheaper to buy 2 big ones than 3 or 4 small ones.” Perhaps allowing more flexibility in parcel dimensions might bring additional stability into a neighborhood.

Adding an Exception Instead of Changing the Code

One chair, Mike Roan from Riverside, suggested that we add an option for variances for infill properties that would allow them “to request a variance of a ONE level reduction, if necessary to meet the square footage requirements. For example; in an R-10 neighborhood, a home might be on a lot using some part of the 75’ W x 90’ D (the proposed R-10) but would have to have 8,500 square feet (traditional R-9 square footage) vs the 9,000 in a traditional R-10 lot.” I talked with Brian Maxfield about the idea of adding an exception to the code, which he said would make the code more convoluted. He also said that creating a definition for “infill” in order to determine which properties could use such an exception (something Councilman Winterton was interested in pursuing) would be cumbersome and unhelpful.

Summary

This proposal examines the city-wide impact of reducing the minimum lot depth and width requirements of the current City Code. Approval of the proposal would help Provo meet the demand for additional single family housing, provide for additional opportunity for orderly and sustainable development; allow smaller parcels similar flexibility that larger parcels receive with a PD zone; help increase the tax base of some neighborhoods; and help Provo better fulfill its General Plan. The proposed adjustment to minimum lot width and depths of R1 zoning is a viable option for addressing housing needs with minimal impact across the City.

Appendix A: Voiced Opinions on the Proposal

A Letter of Support from Josh Romney

July 1, 2018

Provo City Council

Dear Council Members,

I am writing regarding the proposal to reduce the minimum lot depths and widths of R1 zoning code.

I currently serve on the board of the Kem C. Gardner Policy Institute, which has studied the expected growth in Utah County over the next 50 years. In addition, I serve on the Shelter the Homeless board in Salt Lake City, which owns and manages the homeless facilities in that city. In both of these responsibilities we are seeing an overwhelming need for additional housing. I believe that a more nuanced approach to setbacks will allow more infill development which will be crucial to our ability to keep up with the expected housing demand.

This proposal will have minimal impact on the design, look and feel of the neighborhoods that it impacts while allowing for a make-sense approach to development. I am fully in support of the proposed changes.

Thank you,

Josh Romney

A letter of Support from Brian Morrow

July 7, 2018

To Provo City,

I am in favor of reducing requirements for a lot. This will enable old dilapidated homes to be torn down that are sitting on a big lot. It is a win for Provo because we get 2 new homes—Instead of one undesirable home. It's better for taxes and utility collection. It cleans up the neighborhood.

Thanks,


Brian Morrow

Feedback from Neighborhood Chairs

Neighborhood	Comments from the Chair
Carterville	Sarah Asay: "This is a wonderful idea! I fully support it. As we spoke on the phone last night, I STRONGLY support you."
Dixon	Robbie Potter: No response.
Downtown	Quinn Peterson: No response.
East Bay	Diona Hechtle: "The East Bay neighborhood has NO residences. It is entirely made up of private businesses and all undeveloped properties are owned by business or investment owners. It does not apply to our area."
Edgemont	Marian Monnahan: No Response.
Foothills	Stephen Taylor: No Response.
Fort Utah	Jonathon Hill: No Response.
Franklin	Teri McCabe: No Response.
Franklin South	Michael Merz: No Response.
Grandview North	Ted Tronson: No Response.
Grandview South	Doug Gardner: No Response.
Indian Hills	Nancy Wilson: No Response.
Joaquin	<p>Celeste Kennard: I think that this might be a sore topic for my neighborhood's point of view because lot widths changing was historically linked with the 3 homes next to you being knocked down without any warning.</p> <p>As far as I can tell I do not have concerns based on the facts presented. As a neighborhood chair I am very aware of the current need for housing so I believe along those lines this is a positive plan. Also just as a note of fact, the one street in our area that has smaller lots is along 800 E remarkably it is the only street from Center to 560N does not have a single multi-unit development, and I believe this is directly related to the cost of buying up several parcels of land. It was much cheaper to buy 2 big ones than 3 or 4 small ones. On 700 E you see much of the same but in that case the Colony apartments have been buying all of that land over the last several years alone with houses on the west side of 800 E.</p>
Lakeview North	<p>Beth Alligood: I have been going back and forth about my response to you. I am split on this requested change.</p> <p>On the one hand I can see the reasoning behind the requested change. It would allow infill properties better opportunity to develop, it doesn't effect a lot of properties when you take into account the city as a whole and set back requirements will still govern the buildable space.</p> <p>Here are my concerns. First, there is a particular property that has been a source of contention in my neighborhood for 9 years. We finally came to a compromise with the developer and how it was zoned to alleviate some of the issues in the neighborhood. The neighborhood put it's trust in Community Development to hold the developer accountable to the zoning that was allowed. If these changes are approved then the compromise that was worked out with the neighborhood becomes null. That would get some people very angry and the city would loose a lot of trust that the citizens have placed in it. I understand that this is not a fact based</p>

	<p>argument but there are times when decisions made are not based on fact but based on how that decision affects others. Second, I understand the want and desire to gain as much as possible out of the land that you own. You have done a great amount of research that is very appreciated. I wonder if changing the laws to accommodate the desires of one person is the right thing to do though? Are there any other property owners that are in similar situations and would also like to see this happen? If we allow ordinances to change based on individuals wants and desires, the system would become bogged down and more convoluted than it already is.</p>
Lakeview South	Scott Yergensen: No response
Lakewood	<p>Becky Bogdin: I know some support this line of thinking for this is the only way some the infill can be developed but others are skeptical and are hesitant to proceed forward because of what has been tried before. We have discussed this a little bit but not a whole lot.</p> <p>In conversations with community development I was under the impression this was something the hierarchy of the department was not willing to support. "Our current code is sufficient", is what i have been told on more than one occasion.</p> <p>I have to say I am really impressed with the work that you have done. I have also heard comments on how refreshing it is to get a straight forward person coming to the chairs with their proposal. As much as I would LOVE to support you and Grant on this, this has city wide impact and I just cannot get on board with it. I am sorry.</p> <p>I have read Mike Roan's comments that he sent you. It was forwarded to me. I would put a lot of stock into those. If you get responses from Beth Alligood and/or Paul Evans...I would put great stock into those as well. They have been doing this a long time and really do know their stuff.</p> <p>If I understand this correctly, this changes the depth and width of all lots in Provo not just infill? correct? From my conversations with some, it was mentioned that in order for this to just impact infill you would need to make a definition of infill and state that these are the infill requirements in your code change. I could be wrong but that was pointed out to me by a friend.</p> <p>I also have some concerns about the areas on the east bench that Gary Winterton described to you as well as I know of at least one other area that would be negatively impacted by these changes.</p> <p>I hope this helps.</p>
Maeser	Keera McClellan: No response
North Park	J. Kirby Snideman: As a neighborhood chair in the North Park neighborhood, I would be opposed to the ordinance text amendment you're proposing. You're looking for greater "flexibility," but we already have it in Provo's existing code. To get lower width and depth requirements, most applicants can make application for a zone change to a smaller lot zone such as the R1.6 zone. You're proposing to keep the lot area requirements the same, but lot area is less significant than width and depth to maintaining the character of an existing neighborhood.

	<p>You say this won't impact my neighborhood. I would disagree with this statement. In addition to the existing lots that this would affect, this also would impact future lots that are created from combining two (or more) existing lots and then subdividing into smaller, irregular shaped lots (according to your proposal).</p> <p>As Provo allows greater density in the Downtown area and other strategic areas (which I support), I believe it's very important to balance this growth by maintaining the character of the existing single family neighborhoods. I would ask that you reconsider your proposal and work with staff to seek a zone change instead.</p>
North Timpview	Bonnie Morrow: "I think this is a very good idea."
Oak Hills	Michael Stevens: No response
Pleasant View	<p>R. Paul Evans: It is a great pleasure to read your reasoned and carefully researched proposal! My initial response is quite supportive. As the land in Provo will not be increasing and the demand for housing is increasing, one long term solution is to permit homes on smaller lots. With the setback requirements unchanged, the consequence will be smaller homes on smaller lots. As infill and as future development, the smaller lot requirements will be an attractive solution. The change in parcel size may also serve as incentive for older homes to be razed and replaced with two homes on two subdivided (and thus smaller) lots. The smaller homes having a lower cost is a great option for individuals looking to begin home ownership.</p>
Provo Bay	Cathy Sorensen: No response
Provost	Richard Holmes: No response
Provost South	Vickie Knecht: No response
Riverbottoms	David Rosen: No response
Rivergrove	Brent Hall: No response
Riverside	<p>Mike Roan: "I see the merits and wisdom of your suggestion, with 2 very significant caveats." These caveats included obtaining clarification on what the resultant lot sizes would be with the proposed change and a proposal for an "infill" variance on total lot area.</p> <p>"Thank you for...including the lots sizes for each R1 1-20 designation...I am in favor of that being maintained; but, would be willing to support some minor allowance, as I mentioned in my prior response, for variance for infill lots."</p> <p>"The code should be modified to allow the developer of 'infill' lots with these new (proposed) dimensions to request a variance of a ONE level reduction, if necessary to meet the square footage requirements. For example; in an R-10 neighborhood, a home might be on a lot using some part of the 75' W x 90' D (the proposed R-10) but would have to have 8,500 square feet (traditional R-9 square footage) vs the 9,000 in a traditional R-10 lot."</p> <p>He also said, "Further, I like the idea of codifying the use of 'shared driveways' (maybe as 'Tenants-in-Common' so both residential lots have an equity ownership and economic responsibility in and for the driveway, rather one having just an easement) and flag lots for 'infill' residential developments."</p>

	<p>"I hope this perspective helps in this discussion and the council's decision making process."</p>
Rock Canyon	<p>David Wright: "I am sympathetic to your request as long as the total area is preserved."</p>
Sherwood Hills	<p>Richard Pratt: No response</p>
Spring Creek	<p>Mary Millar: Spring Creek Neighborhood Chair says this does not affect the neighborhood because of a 1970s no development agreement and that residential in the area of RA/A1 between 1860 S and 1660 S and the RR tracks and State Street is inconsistent with the neighborhood's General Plan. Therefore, those properties have been excluded from this study as a change to R1 is unlikely. She also believes the current zoning parameters are sufficient.</p>
Sunset	<p>Brian Taylor: No response</p>
Timp	<p>Scott Bingham: In a phone conversation with Scott, he's in full support of this proposal and would love to see it pass because he believes it lays some important groundwork for future development throughout Provo.</p> <p>Shannon Bingham said, "My thoughts are the same as his."</p>
University	<p>Steve Sandberg: No response</p>
Wasatch	<p>Melissa Kendall: Would like to chat.</p>

Petition Signatures

• Petition to Change Provo City Width Ordinance 14.10.030 and Depth Ordinance

14.10.040

- Provo City has an increasing number of INFILL properties that cannot be developed under current Provo City codes governing lot width and depth. As such, we are asking Provo to REDUCE the required minimum lot width and lot depth:

Zone	Current Width	Proposed Width	Current Depth	Proposed Depth	Proposed Corner
R1.7	70 feet	N/A	90 feet	75 feet	75 feet
R1.8	80 feet	65 feet	100 feet	80 feet	80 feet
R1.9	90 feet	70 feet	100 feet	90 feet	90 feet
R1.10	90 feet	75 feet	100 feet	90 feet	90 feet
R1.15	100 feet	90 feet	100 feet	90 feet	90 feet

Please sign to voice your support to Provo City Council.

	Name	Address	Phone #	Email
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2	Mark Stroy	1371 N 1350	801-361-9955	mestroy810@gmail.com
3	Nathan Schappell	1386 Grand Ave	801-420-0122	NATILAN.REY.SCHAPPELL@comcast.net
4	John Tapp			
5	Larry Gardner	1491 W 1010 N	801-636-6874	larrygardner1491w1010n@comcast.net
6	Shedden Gauda	1462 W 1000 N	801-636-6707	
7	Marie Mauer	1491 W 1020 N	801-436-0771	N/A
8	Tom Mauer	1462 W 1000 N	801-518-2697	N/A
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12	Amy Grew	1462 W 1000 N	501-309-3861	
13	Debbie Carpenter	1462 W 1000 N	801-494-4165	
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19	Bob Smith	789 10th Ave	801-367-0105	
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