



Provo City Planning Commission

Report of Action

August 28, 2024

***ITEM #2** Development Services requests Ordinance Text Amendments to Title 14 with Regards to Multifamily Amenities. Citywide application. Hannah Salzl (801) 852-6423 hsalzl@provo.org PLOTA20240211

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 28, 2024:

CONTINUED

On a vote of 7:0, the Planning Commission recommended that the above noted application be continued before being heard by the Municipal Council.

Motion By: Jonathon Hill

Second By: Lisa Jensen

Votes in Favor of Motion: Adam Shin, Lisa Jensen, Andrew South, Jeff Whitlock, Jonathon Hill, Melissa Kendall, Barbara DeSoto

Jeff Whitlock 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.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibits A and B.

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.

Staff also recommend in 14.34.330(2)(b), replacing “developer” with “developer, HOA, or other responsible party.”

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was city-wide or affected multiple neighborhoods.
- No members of the public chose to address the Planning Commission.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Shin expressed two concerns: first that developers could easily reach the minimum score of 60 without including electric vehicle (EV) charging and second what counts as the minimum quality to qualify for an amenity, citing examples of indoor and outdoor gathering spaces that are so bare that no one spends time there.
- Commissioner Jensen raised the question of whether EV charging spaces count as parking spaces or count toward the square footage of amenity spaces. After discussion, the Commission agreed that it should be counted as a parking space for the following reasons.
- Commissioner Jensen liked that the point values could be changed to reflect changing priorities over time and that new amenities could be added.
- Commissioner Jensen appreciated addressing pet waste spaces but did not want pet-focused spaces to become more valuable than human-focused spaces. However, current code does not permit more than 50% of the amenity space to be outdoors at ground level. Additionally, pet waste space does not bring the development to the minimum score of 60, and developers would likely want a broader range of amenities to attract residents.
- Commissioner Whitlock asked why bicycle repair stations were on the list and bicycle parking was not. The City already requires bicycle parking. Staff considered including covered bicycle parking and assigned parking on the list but determined that those should instead be standard. They will be addressed in the current code rewrite.
- Commissioner Whitlock asked about related substitutions, for example a hot tub instead of a pool. There are provisions for substitutions in the code, and staff suggested adding “and adjust the scores accordingly” to the end of 14.34.330(2)(a) to allow more department discretion.
- Commissioner Shin raised the question of whether EV charging space should be made a requirement, separate from any amenity space. Commissioner Whitlock agreed that EV ownership rates are going up but that EV charging spaces might not be suitable for every multifamily development.
- C Whitlock thought the point values did not reflect the cost to the developer. In a market with more housing demand than supply, the amenity standard should not be so low that they continue to allow low quality developments. The scores should better reward developers who provide nicer amenities. C Hill supported requiring EV charging. C DeSoto explained that the need for EV charging is not even across the market and so the standards should allow developers to cater to their markets and provide low-cost options. C Jensen expressed that almost all of new developments that are large enough to trigger the requirements are more expensive and not geared toward low-income tenants and students.
- C Hill liked the concept but expressed interest in increasing the minimum score and adjusting points for amenities but wanted more information before making recommendations. C Whitlock agreed. C Kendall asked for a bigger difference between EV readiness and a complete EV charger, and the other Commissioners agreed.
- The Commission continued the item to an unspecified future date and asked staff to return with the following amendments and information:
 - In 14.34.330(2)(a), adding “and adjust the scores accordingly” to the end of the paragraph
 - In 14.34.330(2)(b), replacing “developer” with “developer, HOA, or other responsible party,” per staff’s recommendation
 - Clarify that the parking spaces with EV chargers or infrastructure count as parking spaces but do not count toward the square footage amenity coverage requirement for each zone
 - Explore increasing the total minimum score
 - Consider a different, higher score for especially large developments
 - Increase the score for an EV charger to increase the difference between the charger and the infrastructure
 - Provide information about past developments and show:
 - what amenities they have,
 - what score they would have received for those amenities,
 - what percent square footage was dedicated to amenities total and each amenity individually, and how does that compare to the lot and building square footage,
 - a variety of the zones in which the City most commonly sees development,
 - a mix of small, medium, and large developments, and
 - one or two developments that would not meet the proposed standard with the current minimum score of 60.



Planning Commission Chair



Director of Development Services

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 the 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 **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Development Services Department, 445 West Center Street, Provo, Utah, **within fourteen (14) calendar days of the Hearing Officer'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

14.34.330 Multifamily Amenities.

(1) Each multifamily zone requires that in any new project consisting of a certain number of units, a certain percentage of the residential gross floor area shall be developed for recreational amenities. Landscaping in front and streetside yards, minimum setbacks, and other required areas (such as distance provisions required by the International Building Code) shall not be calculated towards meeting this provision. Only fifty percent (50%) of the required recreational amenity space may be located outdoors at the ground floor level. The open space must be massed or accumulated to be functional as a recreational amenity or gathering space. Amenities that are enclosed may count towards meeting this provision.

(2) Amenities may be selected in any combination from the table below as long as they meet a total score of 60.

(a) If a developer would like to pursue an amenity that is not on this list, the Department Director (or his or her designee) may give authorization to assign that amenity the score of the most similar amenity on the given list.

(b) All amenities shall be maintained for the entire duration of occupancy. Should a developer remove an amenity, they must replace it with an amenity or combination of amenities such that the total score for the new amenities meets the required total score of 60.

AMENITY	SCORE
Open space for pets and pet waste	41
Electric vehicle charging stations ($\geq 5\%$ of spaces)	38
Electric vehicle-ready charging infrastructure ($\geq 5\%$ of spaces)	35
Outdoor gathering space (no clubhouse)	31
Indoor gather space (within main building)	30
Clubhouse (separate from main building)	28
Playground (if $\geq 50\%$ of units have 2 or more bedrooms)	28
Gym	24
Sport court	24
Pool	24
Playground (if $< 50\%$ of units have fewer than 2 bedrooms)	23
Bike repair station	20
Co-work space	18
Pet grooming station	17

(3) All amenities shall be for use by the residents of the building and not for commercial use.

EXHIBIT B

LOW DENSITY RESIDENTIAL ZONE (LDR)

14.14A.090 Other Requirements

...

(6) In any new project consisting of twenty (20) or more residential units, an area equivalent to twenty percent (20%) of the gross lot area shall be developed in residential amenities [per the requirements in 14.34.330.](#), ~~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.

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MEDIUM DENSITY RESIDENTIAL ZONE (MDR)

14.14B.090 Other Requirements

...

(6) In any new project consisting of twenty (20) or more residential units, an area equivalent to ten percent (10%) of the residential gross floor area shall be developed in residential amenities [per the requirements in 14.34.330.](#), ~~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.

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HIGH DENSITY RESIDENTIAL ZONE (HDR)

14.14C.090 Other Requirements

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(6) In any new project consisting of twenty (20) or more residential units, an area equivalent to ten percent (10%) of the residential gross floor area shall be developed in residential amenities [per the requirements in 14.34.330.](#), ~~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.

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MIXED-USE ZONES (MU)

14.14D.120 Amenities and Landscaping

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(1) *Mixed-Use Zone (MU)*. In any new project consisting of twenty (20) or more residential units, an area equivalent to twenty percent (20%) or more of the residential gross floor area must be developed in recreational amenities [per the requirements in 14.34.330.](#), ~~such as a common clubhouse, gym, pool, roof-top garden, or other amenity. Amenities that are enclosed may count towards meeting this provision.~~ Landscaping in front and streetside yards, the fifteen (15) foot minimum facade setback, and other required areas (such as distance provisions required by the International Building Code) shall not be calculated towards meeting this provision. Only fifty percent (50%) of the required recreational amenity space may be located outdoors at the ground floor level. Any open space counting towards this requirement must be massed or accumulated to be functional as a recreational amenity or gathering space.

(2) *Neighborhood Mixed-Use Zone (NMU)*. In any new project consisting of [twenty \(20\)](#) ~~ten (10)~~ or more residential units, an area equivalent to ten percent (10%) or more of the gross lot area must be developed in residential amenities [per the requirements in 14.34.330.](#), ~~such as a common clubhouse, gym, pool, roof-top garden, or other amenity. Amenities that are enclosed may count towards meeting this provision.~~ . . .

CAMPUS RESIDENTIAL ZONE (CR)

14.14E.090 Other Requirements

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(6) In any new project consisting of twenty (20) or more residential units, an area equivalent to ten percent (10%) of the residential gross floor area shall be developed in residential amenities [per the requirements in 14.34.330.](#), ~~such as a common clubhouse, gym, pool, roof-top garden, or other amenity.~~ This space must be massed or accumulated to be functional as a recreational or gathering space.

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VERY LOW DENSITY RESIDENTIAL ZONE (VLDR)

14.14F.090 Other Requirements

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(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 [per the requirements in 14.34.330.](#), ~~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.

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REGIONAL SHOPPING CENTER ZONE (SC3)

14.20.150 Other Requirements

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(7) *Residential Uses*. Residential uses and the necessary appurtenances (e.g., parking, landscape, etc.) are permitted provided they do not comprise more than twenty percent (20%) of the overall project site area and that they comply with the design standards outlined in Section 14.34.287, Provo City Code.

(a) In any new project consisting of twenty (20) or more residential units, an area equivalent to ten percent (10%) of the residential gross floor area shall be developed as residential amenities [per the requirements in 14.34.330.](#), ~~such as a common clubhouse, gym, pool, rooftop garden, or other amenity.~~

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GENERAL DOWNTOWN ZONE (DT1)

14.21A.160 Landscaping and Recreational Amenities

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(2) In any new project consisting of twenty (20) or more residential units, an area equivalent to ten percent (10%) of the residential gross floor area shall be developed in recreational amenities [per the requirements in 14.34.330.](#), ~~such as a common clubhouse, gym, pool, roof-top garden, or other amenity.~~ . . .

DOWNTOWN CORE ZONE (DT2)

14.21B.150 Landscaping and Recreational Amenities

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(2) In any new project consisting of [twenty \(20\)](#) ~~five (5)~~ or more residential units, an area equivalent to ten percent (10%) of the residential gross floor area shall be developed in recreational amenities [per the requirements in 14.34.330.](#), ~~such as a common clubhouse, gym, pool, roof-top garden, or other amenity.~~ . . .

INTERIM TRANSIT ORIENTED DEVELOPMENT ZONE (ITOD)

14.23.160 Landscaping and Recreational Amenities

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(3) Landscaping. See Chapter 15.20, Provo City Code. In any new project consisting of twenty (20) or more residential units, an area equivalent to ten percent (10%) of the residential gross floor area shall be developed in usable open space or recreational amenities [per the requirements in 14.34.330.](#), ~~such as a common clubhouse, gym, pool, roof-top garden, or other amenity.~~

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