

ORDINANCE 2011-11

SHORT TITLE:

AN ORDINANCE TEXT AMENDMENT TO SECTION 14.17.020 (PERMITTED USES) TO REMOVE MINING AND QUARRYING AS A CONDITIONAL USE FROM THE PF (PUBLIC FACILITIES) ZONE.

I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER
CW 1	LAURA H. CABANILLA					Absent
CW 2	STEVEN C. TURLEY					✓
CD 1	CYNTHIA R. DAYTON	✓		✓		
CD 2	RICHARD D. HEALEY			✓		
CD 3	MIDGE JOHNSON			✓		
CD 4	SHERRIE HALL EVERETT		✓	✓		
CD 5	STERLING BECK			✓		
				TOTALS	5	0

This ordinance was passed by the Municipal Council of Provo City, on the 19th day of April, 2011 on a roll call vote as described above. Signed this 20th day of April, 2011.

Midge Johnson
Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 20th day of April, 2011.

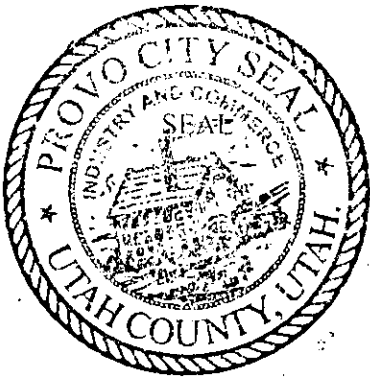
[Signature]
Mayor

ORDINANCE 2011-11

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 21st day of April 2011, with a short summary being published on the 8th day of May 2011, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2011-11.



Signed this 21st day of April 2011.

Janeene Sless
City Recorder

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ORDINANCE 2011-11.

AN ORDINANCE AMENDING SECTION 14.10.020 (PERMITTED USES) OF THE PROVO CITY CODE TO REMOVE MINING AND QUARRYING AS A CONDITIONAL USE IN THE PF (PUBLIC FACILITIES) ZONE. 10-00110A.

WHEREAS, it is proposed that Section 14.10.020 (Permitted Uses) of the Provo City Code is amended to remove mining and quarrying as a condition use in the PF (Public Facilities) Zone as set forth below; and,

WHEREAS, on February 23, 2011 the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended to the Municipal Council that the ordinance be amended as proposed; and,

WHEREAS, on April 5, 2011 the Municipal Council held a duly noticed public hearing to receive public comments and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and,

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Planning and Zoning Title of Provo City should be amended on the basis recommended by the Planning Commission and (ii) the ordinance amendment, as set forth below, reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Section 14.17.020 of the Provo City Code is hereby amended as follows:

14.17.020. Permitted Uses.

(1) Except as provided in Section 9.19.020, Provo City Code, those uses or categories of uses as listed herein, and no others, are permitted in the PF zone.

(2) All uses contained 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 groups 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 zeroes.

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

(4) Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in the PF zone:

Use	Use
No.	Classification

- 47 3442 Aircraft manufacturing and assembling (located on or adjacent to the Provo City Airport)
- 48 3443 Aircraft engines and engine parts (located on or adjacent to the Provo City Airport)
- 49 3444 Aircraft parts other than engines (located on or adjacent to the Provo City Airport)
- 50 4310 Airports, flying fields and hangars (located on or adjacent to the Provo City Airport)
- 51 4390 Heliports and general aircraft (located on or adjacent to the Provo City Airport)
- 52 4500 Highways and street rights-of-way
- 53 4811 Electric transmission right-of-way (Identifies areas where the surface is devoted
- 54 exclusively to the rights-of-way of the activity)
- 55 4821 Gas pipeline right-of-way (Identifies areas where the surface is devoted exclusively to the
- 56 right-of way of the activity)
- 57 4824 Gas pressure control stations
- 58 4831 Water pipeline right-of-way (Identifies areas where the surface is devoted exclusively to
- 59 the right-of-way of the activity)
- 60 4835 Irrigation distribution channels
- 61 4836 Water pressure control stations and pumping plants
- 62 4837 Water utilities or irrigation company office
- 63 4841 Sewage pipeline right-of-way (Identifies areas where surface is devoted exclusively to
- 64 right-of way activity)
- 65 4844 Sewage pumping stations
- 66 4862 Gas and electric utility company office
- 67 4863 Water and electric utility company office
- 68 4864 Combination utilities right-of-way (Identifies area where surface is devoted exclusively
- 69 to right-of-way activity)
- 70 4873 Storm drain or right-of-way (Predominantly-covered pipes or boxes)
- 71 6700 Governmental services (except 6714, 6722 and 6740)
- 72 6810 Nursery, primary, and secondary education
- 73 6820 University, college, junior college, professional school education
- 74 6830 Special training and schooling
- 75 7100 Cultural activities and nature exhibits
- 76 7400 Recreational activities (except 7417, 7425, and 7450)
- 77 7600 Parks
- 78 9210 Forest Reserves

79 (5) Permitted Accessory Uses. Accessory uses and structures are permitted in the PF zone
80 provided they are incidental to, and do not substantially alter the character of the permitted use
81 or structure, and are located on the same or an adjacent lot as the permitted use. Such permitted
82 accessory uses and structures include, but are not limited to, the following:

83 (a) Accessory buildings such as garages, carports, bathhouses, green houses,
84 gardening sheds, recreation rooms, and similar structures which are customarily used in
85 conjunction with and incidental to a principal use or structure, and offices associated with
86 a main permitted or conditional use, and a public dance held in conjunction with an
87 existing permitted use;

88 (b) Swimming pools and incidental bath houses subject to the standards of
89 Section 14.34.210, Provo City Code;

90 (c) A detached one-family residence used only for the use of a caretaker,
91 watchman, or similar employee of a permitted use, when located upon the same site as
92 said permitted use;

93 (d) Dormitories, fraternity and sorority buildings, other college housing owned by
94 the college or university recreational and service facilities, and office buildings
95 customarily associated with an educational facility or other institutional use, when said
96 facilities are accessory and incidental to the primary use of the land; and

97 (e) Storage of materials used for construction of a building, including the contractor's
98 temporary office, provided that such use is on the building site or immediately adjacent thereto,
99 and provided further that such use shall be permitted only during the construction period and
100 thirty (30) days thereafter;

101 (f) Nothing herein shall be construed to permit the open storage of materials or
102 equipment used in conjunction with permitted uses, or shall be concealed from view from public
103 or private streets.

104 (6) Conditional Uses. The following uses and structures are permitted in the PF zone only
105 after a Conditional Use Permit has been issued, and subject to the terms and conditions thereof:

106 Use Use

107 No. Classification

108 1100 Household units (Housing Authority housing only)

109 1292 Residential facility for persons with a disability

110 4100 Railroad, rapid transit (public or private)

111 4294 Ambulance services

112 4600 Automobile parking (except 4603)

113 4700 Communications (Subject to 14.34.420)

114 4812 Electric generation plants - conventional fuel including hydroelectric, solar, etc.)

115 4814 Electricity regulating substations

116 4815 Electric utility company office

117 4818 Small generation

118 4829 Other gas utilities, NEC

119 4832 Water treatment plants (purification)

120 4833 Water storage as part of a utility system (open reservoirs)

121 4834 Water storage as part of a utility system (covered including water storage standpipes)

122 4839 Other water utilities or irrigation, NEC

123 4846 Sewage company office

124 4853 Refuse disposal company office

125 4845 Water reclamation plants, sludge drying beds, etc.

126 4849 Other sewage disposal, NEC

127 4852 Central garbage grinding stations and composting plants

128 4857 Active slag dumps and mineral waste disposals

129 4861 Combination utilities company storage yards and equipment storage

130 4869 Combination utilities, NEC

131 4872 Debris basin (A dam and basin for intercepting debris)

132 4874 Spreading grounds (Area for percolating water into underground)

133 4890 Other utilities

134 6240 Funeral parlor, cemetery, and crematory services

135 6510 Medical and other health services (nonprofit or public entity only)

136 6714 Operation centers

137 6722 Police protection and related activities, branch (office only)

138 6819 Military academies

- 139 6910 Religious activities
- 140 7200 Public assembly (subject to the standards of Section 14.34.370, Provo City Code)
- 141 7396 Dance halls (subject to the standards of Section 14.34.370 and Chapter 6.15, Provo City
- 142 Code)
- 143 7520 Group or organized camps
- 144 8400 Fishing activities
- 145 ~~8540 Mining and quarrying~~

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147 PART V:

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149 A. If a provision of this Ordinance 2011- conflicts with a provision of a previously

150 adopted ordinance concerning the same title, chapter, and/or section number amended herein, the

151 provision in this Ordinance shall prevail.

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153 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to

154 be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid,

155 the remainder of the ordinance shall not be affected thereby.

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157 C. The Municipal Council hereby directs that the official copy of the Provo City Code be

158 updated to reflect the provisions enacted by this ordinance.

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160 D. This ordinance shall take effect immediately after being posted or published as

161 required by law.

162

163 END OF ORDINANCE.

PROOF OF PUBLICATION

from

The Daily Herald

STATE OF UTAH }
Utah County } SS.

I, Morgan Bassett, being first duly sworn depose and say that I am the Legal Billing Clerk of the Daily Herald, a newspaper of general circulation, published seven times each week at Provo, Utah, County of Utah; that the notice attached hereto, 373346 - ORDINANCE 2011-11, and which is a copy, was published in said newspaper, the first publication having been made on the 8th day of May, 2011, and the last on the 8th day of May, 2011; that said notice was published in the regular and entire issue of every number of the paper during the period and times of publication, and the same was published in the newspaper proper and not in the supplement.

LEGAL NOTICES
PROVO CITY CORPORATION
OFFICE OF THE RECORDER
ORDINANCE 2011-11

Notice is hereby given that in the regular Municipal Council Meeting of April 19, 2011, the Provo Municipal Council passed Ordinance 2011-11. This is a ordinance text amendment to Section 14.17.020 (Permitted Uses) to remove mining and quarrying as a conditional use from the PF (Public Facilities) zone.

Is/Janene M. Weiss,
City Recorder

Legal Notice 373346 Published in The Daily Herald May 8, 2011.

Same was also published online at utahlegals.com, according to Section 45-1-101, Utah Code Annotated beginning on the first date of publication and for 30 days thereafter.

Morgan Bassett

Subscribed and sworn before me this 9th day of May, 2011.

Debbie L. Chandler

Notary Public

Residence: Spanish Fork, Utah
My commission expires 06/05/2013

