

ORDINANCE 2011- 28

SHORT TITLE:

AN ORDINANCE AMENDMENT REGARDING A REQUEST BY GARDNER AND ASSOCIATES TO AMEND SECTION 14.49E.030 (PERMITTED USES) IN THE VILLAGES AT CELEBRATION (SDP-5) SPECIFIC DEVELOPMENT PLAN OVERLAY ZONE TO PERMIT SLU 6911 CHURCHES IN ALL VILLAGES. LAKE VIEW NORTH NEIGHBORHOOD


I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER
CW 1	LAURA H. CABANILLA			✓		
CW 2	GARY GARRETT			✓		
CD 1	CYNTHIA R. DAYTON		✓	✓		
CD 2	RICHARD D. HEALEY			✓		
CD 3	MIDGE JOHNSON			✓		
CD 4	SHERRIE HALL EVERETT	✓		✓		
CD 5	STERLING BECK			✓		
				TOTALS	7	0

This ordinance was passed by the Municipal Council of Provo City, on the 6th day of December, 2011 on a roll call vote as described above. Signed this 8th day of December, 2011.



 Chair

APPROVAL BY MAYOR

This ordinance is approved by me this 8th day of December, 2011.



 Mayor

ORDINANCE 2011-28

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 2th day of December 2011, with a short summary being published on the 10th day of December 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 2011-28.



Signed this 12th day of December 2011.

Janeene Steuss
City Recorder

ORDINANCE 2011-28.

AN ORDINANCE AMENDING SECTION 14.49E.030 (PERMITTED USES) OF THE PROVO CITY CODE TO ALLOW CHURCHES AS A PERMITTED USE IN THE VILLAGES AT CELEBRATION (SDP-5) SPECIFIC DEVELOPMENT PLAN OVERLAY ZONE. 10-00100A

WHEREAS, it is proposed that Section 14.39E.030 of the Provo City Code be amended to allow churches in the Villages at Celebration (SDP-5) Specific Development Plan Overlay zone; and,

WHEREAS, on October 12, 2011 the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended the ordinance be amended as proposed; and

WHEREAS, on November 15, 2011, the Municipal Council held a duly notice public meeting to ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and

WHEREAS, on December 6, 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 14.49E.030 of the Provo City Code is hereby amended as follows:

14.49E.030 Permitted Uses

(4) Permitted Principal Uses. The following principal uses and structures, and no others, are permitted within the designated villages as described. Commercial uses are permitted within the Village Town Center (Village 6) only:

(a) Residential Uses. All residential uses are specifically allowed in the individual Villages as designated below. No accessory units or apartments are permitted. Churches (SLU 6911) are permitted in all residential designated Villages.

Use Use

47	No.	Classification
48	1111	One family dwelling, detached
49	1112	One family dwelling, attached (three (3) to five (5) units attached)
50	1113	One family dwelling, attached (dwelling units must be above /over
51		the commercial)
52	1150	Multi-family (contains twelve units)
53	<u>6911</u>	<u>Churches</u>

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55 (b) Commercial Uses. All commercial uses are permitted in the Town Center
 56 (Village 6) only. All uses must be conducted within an enclosed building, except
 57 uses that are customarily conducted outdoors. Individual buildings within the
 58 center shall be limited to ground floor foot prints no larger than fifteen thousand
 59 (15,000) square feet, except as approved by the Planning Commission through the
 60 issuance of a conditional use permit.

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62	Use	Use
63	No.	Classification
64	5390	Other retail trade - general merchandise
65	5400	Food
66	5600	Apparel
67	5700	Furniture, home furnishings and equipment (retail only)
68	5810	Eating places
69	5910	Drug stores, pharmacy
70	5931	Antiques
71	5932	Secondhand clothing, furniture and books
72	5937	Stamp and coin collectors
73	5940	Books, stationery, art and hobby supplies
74	5950	Sporting goods, bicycles and toys
75	5969	Garden supplies, includes garden centers
76	5970	Jewelry
77	5990	Misc. retail trade
78	6100	Finance, insurance and real estate services (except 6123 Pawn
79		brokers, 6124 Bail bonds)
80	6200	Personal service (except 6240 Funeral Parlor, cemeteries and
81		crematory services, 6290
82		personal services, NEC)
83	6330	Duplicating, mailing, stenographic and office services (except
84		telemarketing)
85	6340	Dwelling and other building services
86	6350	News services
87	6360	Employment services
88	6395	Photo finishing services
89	6510	Professional services (except 6515 Behavior drug and alcohol
90		treatment centers, 6516 Sanitariums, convalescent and rest home
91		services)

- 92 6710 Executive, legislative and judicial functions (except military
- 93 operations)
- 94 6720 Police and fire protection services
- 95 6730 Postal services
- 96 6815 Day nursery - child care centers
- 97 6930 Business, professional and labor organizations and services
- 98 6990 Misc. services
- 99 7110 Cultural activities
- 100 7190 Cultural activities and nature exhibitions, NEC
- 101 7211 Amphitheaters
- 102 7212 Motion picture theaters (indoors)
- 103 7214 Legitimate theaters
- 104 7234 Civic theaters and halls
- 105 7600 Parks (includes play fields, tot lots, etc.)

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108 PART II:

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110 A. If a provision of this Ordinance 2011-28 conflicts with a provision of a

111 previously adopted ordinance concerning the same title, chapter, and/or section number

112 amended herein, the provision in this Ordinance shall prevail.

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114 B. This ordinance and its various sections, clauses and paragraphs are hereby

115 declared to be severable. If any part, sentence, clause or phrase is adjudged to be

116 unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

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118 C. The Municipal Council hereby directs that the official copy of the Provo City

119 Code be updated to reflect the provisions enacted by this ordinance.

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

122 required by law.

123

124 END OF ORDINANCE.

PROOF OF PUBLICATION

from

The Daily Herald

STATE OF UTAH } SS.
Utah County }

LEGAL NOTICES
PROVO CITY CORPORATION
OFFICE OF THE RECORDER
ORDINANCE 2011-28

Notice is hereby given that in the regular Municipal Council Meeting of December 6, 2011, the Provo Municipal Council passed Ordinance 2011-28. This is an ordinance amendment regarding a request by Gardner and Associates to amend Section 14.49E.030 (Permitted Uses) in the Villages at Celebration (SDP-5) Specific Development Plan Overlay Zone to permit SLU 6911 Churches in all villages. Lake View North Neighborhood.

Janene M. Weiss,
City Recorder
Legal Notice 381690 Published in The Daily Herald December 10, 2011.

I, Lisa Llewelyn, 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, 381690 - ORDINANCE 2011-28, and which is a copy, was published in said newspaper, the first publication having been made on the 10th day of December, 2011, and the last on the 10th day of December, 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.

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.

Lisa Llewelyn

Subscribed and sworn before me this 10th day of December, 2011.

Debbie L Chandler Notary Public

Residence: Spanish Fork, UT

My commission expires 06/05/2013

