ORDINANCE	2012	-13
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 AN ORDINANCE REPEALING SECTIONS 14.21A.090 (MINIMUM AVERAGE RESIDENTIAL UNIT SIZE) AND 14.21B.080 (MINIMUM AVERAGE RESIDENTIAL UNIT SIZE) OF THE PROVO CITY CODE TO REMOVE THE MINIMUM AVERAGE RESIDENTIAL UNIT SIZE REOUIREMENT IN THE GENERAL DOWNTOWN (DT1) AND DOWNTOWN CORE (DT2) ZONES AND AMENDING SECTION 14.21A.110 (FAÇADE STEP BACK) OF THE PROVO CITY CODE TO REDUCE FAÇADE STEP BACK REQUIREMENTS FOR PROPERTIES ADJACENT TO CENTER STREET BETWEEN UNIVERSITY AVENUE AND 100 EAST IN THE GENERAL DOWNTOWN (DT1) ZONE. (12-0003OA)

WHEREAS, it is proposed that Sections 14.21A.090 and 14.21B.080 of the Provo City Code be repealed to remove the minimum average residential unit size requirement in the General Downtown (DT1) and the Downtown Core (DT2) zones; and

WHEREAS, it is proposed that Section 14.21A.110 of the Provo City Code be amended to reduce set back requirements for façade step backs for buildings adjacent to Center Street between University Avenue and 100 East in the General Downtown (DT1) zone; and

WHEREAS, on April 25, 2012, 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and after such hearing the Planning Commission recommended to the Municipal Council the ordinances be amended and repealed as proposed; and

WHEREAS, on May 15, 2012, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts and comments are found in the meeting record; and

WHEREAS, on June 5, 2012, 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, all persons for and against the proposed ordinance amendment and repeal were given an opportunity to be heard; 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 and repeal, 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:

47 Section 14.21A.090 of the Provo City Code is hereby repealed as follows: 48 49 14.21A.090 Minimum Average Residential Unit Size 50 Each development that includes a residential use shall provide a minimum average unit 51 size of no less than 800 square feet. This requirement shall not apply to: 52 (a) Institutional housing units (i.e. elderly housing, assisted living facilities, etc.) 53 (b) Structures with frontage on Center Street or University Avenue between Center 54 Street and 100 North, subject to the following standards: 55 The structure was constructed prior to November 15, 2010. 56 57 (ii) The minimum habitable floor depth of the first floor of the structure is dedicated to Commercial uses. 58 (iii) Access to all residential units shall be within the interior of the building or 59 provided by an exterior access on the rear of the structure (exterior access to units 60 shall not be allowed on the front or side facades). 61 (iv) Additions to structures utilizing this exception are permitted subject to the 62 addition being not greater than 50% of the habitable floor area of the original 63 structure. Additions shall be located on the rear of buildings and shall be 64 architecturally compatible with the original structure. Residential units that are 65 located in an addition that exceeds 50% of the original habitable floor space shall 66 meet the minimum average residential unit size of 800 square feet. 67 (v) Residential units established under this exception, except those located in 68 a structure addition as described above, shall not be required to comply with 69 Section 14.21A.160, Landscaping and Recreational Amenities or provide 70

PART II:

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90 91 Section 14.21B.080 of the Provo City Code is hereby repealed as follows:

14.21B.080. Minimum Average Residential Unit Size.

Standards.

Each development that includes a residential use shall provide a minimum average unit size of no less than eight hundred (800) square feet. This requirement shall not apply to institutional housing units (i.e. Elderly housing, assisted living facilities, etc.).

balconies as required in Section 14.34.295(9), Downtown Development Design

PART III:

Section 14.21A.110 of the Provo City Code is hereby amended as follows:

14.21A.110. Facade Step-back.

(1) The fifth and sixth story shall step-back fifteen (15) feet from the first story building facade elevation adjacent to any street (except Center Street between 500 West and 200 East [14.21A.110(2)]). An architectural expression line, such as a cornice or similar feature, shall be used at the fourth story roof line.

- (2) Except as provide in subparagraph (2)(a), the fourth through sixth story shall step-back sixty (60) feet from the first story building facade elevation adjacent to Center Street between 500 West and 200 East. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.
 - (a) Between University Avenue and 100 East the fourth through sixth story shall step back twenty (20) feet from the first story building facade elevation adjacent to Center Street. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

PART IV:

- A. If a provision of this Ordinance 2012-__ conflicts with a provision of a previously adopted ordinance concerning the same title, chapter, and/or section number amended herein, the provision in this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.
- D. This ordinance shall take effect immediately after being posted or published as required by law.

END OF ORDINANCE.