

Ordinance 2014-13

SHORT TITLE:

An ordinance amending Sections 8.02.180(3) and 14.34.360 of the Provo City Code, deleting the language referencing miniature horses in the R1 zone.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	DAVID SEWELL			✓			
CW 2	GARY GARRETT			✓			
CD 1	GARY WINTERTON			✓			
CD 2	KIM SANTIAGO		✓	✓			
CD 3	HAL MILLER			✓			
CD 4	KAY VAN BUREN	✓		✓			
CD 5	STEPHEN HALES			✓			
				TOTALS	7	0	0

This ordinance was passed by the Municipal Council of Provo City, on the 15th day of April, 2014 on a roll call vote as described above. Signed this 29th day of May, 2014.


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 10th day of June, 2014.


Mayor

ORDINANCE 2014-13

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 10th day of June 2014, with a short summary being published on the 19th day of April 2014, 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 2014-13.



Signed this 10th day of June 2014.



City Recorder

ORDINANCE 2014-13.

AN ORDINANCE AMENDING SECTIONS 8.02.180(3) AND 14.34.360 OF THE PROVO CITY CODE, DELETING THE LANGUAGE REFERENCING MINIATURE HORSES IN THE R1 ZONE. CITY WIDE IMPACT. 14-0002OA

WHEREAS, it is proposed that amendments be made to Sections 8.02.180(3) and 14.34.360 of the Provo City Code to delete the language referencing miniature horses in the R1 zone; and

WHEREAS, in 2009 an ordinance amendment was adopted by the Municipal Council to remove the boarding of miniature horses as a conditional use in all R1 zones; and

WHEREAS, the corresponding sections in Sections 8.02.180(3) and 14.34.360 that refer to miniature horses as a conditional use in an R1 zones were left out of the 2009 amendment; and

WHEREAS, on March 12, 2014 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 proposed amendments be approved as set forth below; and

WHEREAS, on April 15, 2014 the Municipal Council held a duly noticed public hearing to receive public comment 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) Provo City Code Sections 8.02.180(3) and 14.34.360 should be amended on the basis recommended by the Planning Commission and (ii) these actions, as set forth below, reasonably further 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:

Sections 8.02.180(3) and 14.34.360 of the Provo City code are hereby amended as follows:

8.02.180. Residential Pets - Requirements.

(1) Only animals defined by Title 8, Provo City Code as "pets," including but not limited to, dogs used for deterring crime and domesticated animals necessary to assist disabled persons, may be kept within fifty (50) feet of a residence in conformance with the provisions of Title 8, Provo City Code and other applicable licensing and zoning laws. Pets shall not be kept in such a manner that constitutes a nuisance as set forth in Section 8.02.100, Provo City Code.

(2) Vietnamese pot-belly pigs shall be limited to one (1) per residence.

~~(3) Boarding of miniature horses shall be in conformance with applicable zoning laws, including but not limited to, Section 14.34.360, Provo City Code.~~

~~(4) (3) This Section 8.02.180, Provo City Code shall not apply to animals on property designated as agricultural on the Provo City Zoning Map. (Enacted 1996-18)~~

~~14.34.360. Boarding of Miniature Horses.~~

~~The keeping of a miniature horse in the R1 Zone may be permitted by the Planning Commission through the issuance of a conditional use permit, subject to the following conditions:~~

~~(1) The animal must be kept in an enclosed, fenced yard, with fencing at least six (6) feet in height.~~

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~~(2) All corrals or stables must be located no closer than twenty five (25) feet to an adjacent neighbor's property line, and no closer than fifty (50) feet to an adjacent neighbor's dwelling unit.~~

~~(3) The owner must comply with whatever nuisance abatement programs required by the Utah County Department of Health.~~

~~(4) American Miniature Horse Registry (AMHR) registration is required for all miniatures horses.~~

~~(5) No more than one (1) miniature horse may be permitted per property. (Enacted 1992-65)~~

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, 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.