

Ordinance 2014-23

SHORT TITLE:

An ordinance amending Section 14.21A.030 (Permitted Uses) of the Provo City Code to allow nonresidential uses as an option rather than a required use on the first floor of buildings fronting Center Street east of 200 East and west of 500 West, and on the portion of University Avenue south of Center Street, all within the General Downtown (DT1) 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	6	1	0

This ordinance was passed by the Municipal Council of Provo City, on the 5th day of August, 2014 on a roll call vote as described above. Signed this 18th day of Sept, 2014.

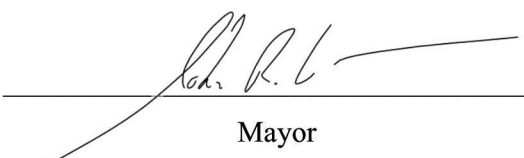


 Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 23rd day of September 2014.



 Mayor

ORDINANCE 2014-23

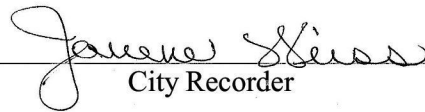
III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 23rd day of September 2014, with a short summary being published on the 9th day of August 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 2014-23.



Signed this 23rd day of September 2014.



City Recorder

ORDINANCE 2014-23.

AN ORDINANCE AMENDING SECTION 14.21A.030 (PERMITTED USES) OF THE PROVO CITY CODE TO ALLOW NONRESIDENTIAL USES AS AN OPTIONAL RATHER THAN A REQUIRED USE ON THE FIRST FLOOR OF BUILDINGS FRONTING CENTER STREET EAST OF 200 EAST AND WEST OF 500 WEST, AND ON THE PORTION OF UNIVERSITY AVENUE SOUTH OF CENTER STREET, ALL WITHIN THE GENERAL DOWNTOWN (DT1) ZONE. CENTRAL BUSINESS DISTRICT NEIGHBORHOOD AND CITY WIDE IMPACT. (14-00040A)

WHEREAS, it is proposed that amendments be made to Section 14.21A.030 (Permitted Uses) of the Provo City Code to allow nonresidential uses as an optional rather than a required use on the first floor of buildings fronting Center Street east of 200 East and west of 500 West, and on the portion of University Avenue south of Center Street, all within the General Downtown (DT1) Zone; and

WHEREAS, the DT1 Zone currently requires first floor nonresidential uses in buildings along Center Street and University Avenue; and

WHEREAS, commercial viability often lags behind residential development; and

WHEREAS, it is almost always less expensive to design and develop for nonresidential uses as the building is constructed, rather than including the nonresidential uses through reconstruction when the market viability occurs; and

WHEREAS, Gardner & Associates and PEG Development have requested modifications of this requirement because of the current market; and

WHEREAS, on May 28, 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 amendment be approved as set forth below; and

WHEREAS, on August 5, 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 Section 14.21A.030 (Permitted Uses) should be amended on the basis recommended by the Planning Commission and (ii) this action, 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 14.21A.030 of the Provo City code is hereby amended as follows:

Section 14.21A.030 Permitted Uses

...

(4) First Floor Commercial.

(a) Except as allowed under subsection (b) below, Nonresidential uses are required in the minimal habitable floor depth on the first story of all building frontage on University Avenue and Center Street within the -district zone.

57 (b) For buildings fronting University Avenue south of Center Street, or else fronting Center
58 Street west of 500 West and east of 200 East Streets, the first floor areas shall be
59 designed and the shell constructed to allow for nonresidential uses, however, residential
60 use is permitted until the building owner determines the nonresidential use of the area to
61 be economically viable.

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65 PART II:

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67 A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance
68 shall prevail.
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70 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any
71 part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance
72 shall not be affected thereby.
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74 C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the
75 provisions enacted by this ordinance.
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77 D. This ordinance shall take effect immediately after being posted or published as required by law.

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79 END OF ORDINANCE.

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