

Ordinance 2014-24

SHORT TITLE:

An ordinance amending Section 14.23.070 (Yard Requirements) of the Provo City Code to allow street side yard setbacks within the Interim Transit Oriented Development (ITOD) zone to be extended beyond the 6-foot maximum, upon review by the Design Review Committee.

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 5th day of August, 2014 on a roll call vote as described above. Signed this 18th day of September, 2014.




 Chair

II

APPROVAL BY MAYOR

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



 Mayor

ORDINANCE 2014-24

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 2014-24.



Signed this 23rd day of September 2014.



City Recorder

ORDINANCE 2014-24.

AN ORDINANCE AMENDING SECTION 14.23.070 (YARD REQUIREMENTS) OF THE PROVO CITY CODE TO ALLOW STREET SIDE YARD SETBACKS WITHIN THE INTERIM TRANSIT ORIENTED DEVELOPMENT (ITOD) ZONE TO BE EXTENDED BEYOND THE 6 FOOT MAXIMUM, UPON REVIEW BY THE DESIGN REVIEW COMMITTEE. FRANKLIN, FRANKLIN SOUTH, CENTRAL BUSINESS DISTRICT, AND EAST BAY NEIGHBORHOODS. (14-00070A)

WHEREAS, it is proposed that amendments be made to Section 14.23.070 (Yard Requirements) of the Provo City Code to allow street side yard setbacks to be extended beyond the 6 foot maximum when a property in the Interim Oriented Development (ITOD) Zone is located within 100 feet of a railroad track, upon review by the Design Review Committee; and

WHEREAS, the proposed amendment will allow setback flexibility throughout the ITOD zone as it is currently allowed in the DT zones; and

WHEREAS, the proposed amendment will enable the implementation of the goals and policies of the General Plan for the ITOD area; and

WHEREAS, the proposed amendment addresses a shortcoming within the existing ITOD zone by inserting language that has performed well in allowing appropriate setback flexibility within the DT zones; and

WHEREAS, the applicant addressed the specific constraints of his project including requirements from Housing and Urban Development for minimum building setbacks adjacent to railroads; and

WHEREAS, on June 11, 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 14.23.070 (Yard Requirements) 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 14.23.070 of the Provo City code is hereby amended as follows:

14.23.070. Yard Requirements

...

(7) Noise Buffer Setbacks: Street side yards may be extended beyond the maximum setback limitations in the instance when property is located within 100 feet of a railroad track upon recommendation by the Design Review Committee. In determining the appropriateness of the increased setback, the approving body shall make the following finding in addition to the conditional use permit criteria:

57 (a) That the design of the area included in the increased setback enhance the public realm
58 and is necessary to mitigate the sound impacts of the adjacent railroad tracks.
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60 PART II:
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- 62 A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance
63 shall prevail.
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- 65 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any
66 part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance
67 shall not be affected thereby.
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- 69 C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the
70 provisions enacted by this ordinance.
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- 72 D. This ordinance shall take effect immediately after being posted or published as required by law.
73

74 END OF ORDINANCE.