

Ordinance 2014-26

SHORT TITLE:

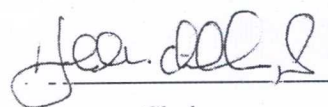
An ordinance amending Section 15.04.030 (Minimum Acreage Requirements) of the Provo City Code to reduce or eliminate the minimum acreage requirement for a subdivision; which currently may not be less than three acres unless the planning commission determines the area is an in-fill area and cannot reasonably be combined with adjacent properties.

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 2nd day of September, 2014 on a roll call vote as described above. Signed this 16th day of October, 2014.

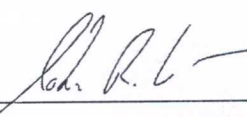


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 16th day of October, 2014.



Mayor

ORDINANCE 2014-26

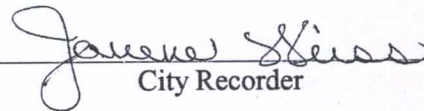
III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 16th day of October 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 2014-26.



Signed this 16th day of October 2014.



City Recorder

ORDINANCE 2014-26

AN ORDINANCE AMENDING SECTION 15.04.030 (MINIMUM ACREAGE REQUIREMENTS) OF THE PROVO CITY CODE TO REDUCE OR ELIMINATE THE MINIMUM ACREAGE REQUIREMENT FOR A SUBDIVISION, WHICH CURRENTLY MAY NOT BE LESS THAN THREE ACRES UNLESS THE PLANNING COMMISSION DETERMINES THE AREA IS AN IN-FILL AREA AND CANNOT REASONABLY BE COMBINED WITH ADJACENT PROPERTIES. CITY WIDE IMPACT. (14-0006OA)

WHEREAS, it is proposed that amendments be made to Section 15.04.030 (Minimum Acreage Requirements) of the Provo City Code to reduce or eliminate the minimum acreage requirement for a subdivision, which currently may not be less than three acres unless the planning commission determines the area is an in-fill area and cannot reasonably be combined with adjacent properties; and

WHEREAS, currently a property must have a minimum area of three acres without a finding that a project is in-fill to the development of an overall area; and

WHEREAS, the intent of the current requirement is to include enough minimum area within a development, not necessarily to better the actual development, but to instead reduce the possibility of leaving small disconnected properties and areas, which alone cannot always be successfully integrated into the larger neighborhood fabric; and

WHEREAS, the original intent of the requirement might be better met through requirement of concept plans for adjoining developments; and

WHEREAS, concept plan requirements should not be based on property size, but rather need to look at all adjoining properties regardless of the size of the subject property; 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 September 2, 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 15.04.030 (Minimum Acreage 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 15.04.030 of the Provo City code is hereby amended as follows:

15.04.030. Minimum Acreage Requirements.

~~No subdivision shall be less than three (3) acres unless the Planning Commission determines that a proposed subdivision of lesser size is in-fill to the development of an overall area and such property cannot reasonably be combined with adjacent properties and comply to the requirements of this Title.~~

15.04.030. Conceptual Integrated Development Street Layout Plan

(1) All subdivisions require the submission of a conceptual street layout plan for undeveloped or partially developed property within 500 feet of the proposed subdivision. Such plan shall be submitted

55 with an application for preliminary plan or final plan approval and such approval shall be subject to the
56 Planning Commission's review of the conceptual street layout plan for compliance with this section. If the
57 proposed development consists of less than three (3) acres or less than ten (10) lots and a preliminary plan
58 is not required under Provo City Code 15.04.130(1), the conceptual street layout plan shall be submitted
59 independently and/or with the application for final plan approval.

60
61 (2) The conceptual street layout plan shall provide general compliance with the following Sections of
62 Provo City Code:

- 63 (a) 15.03.070. Developable Land
- 64 (b) 15.03.200. Street Standards
- 65 (c) 15.03.210. Block Standards
- 66 (d) 15.03.220. Lot Standards
- 67 (e) 15.05.160. Hillside Development Standards

68
69 (3) Preliminary plans shall integrate with the conceptual street layout plan. The conceptual street
70 layout plan is required for the purpose of demonstrating that the proposed subdivision will not cause
71 detriment to the integrated development of the overall area.

72
73 (4) Conceptual street layout plans demonstrating compliance with this section shall not be construed
74 as having regulatory authority over properties included in the plan that are not the subject of application
75 for preliminary plan or final plan approval. Future developers of these properties may propose alternative
76 street layouts pursuant to the standards identified in this section and all other regulations of Provo City
77 Code Titles 14 and 15.

78
79 (5) Notwithstanding Subsection (4), should the Planning Commission determine that a specific
80 conceptual street layout plan is crucial to ensuring the integrated development of an area, the Planning
81 Commission, or their designee, may forward a recommendation to the Municipal Council to amend the
82 Local Street Plan pursuant to Section 14.03.040.

83
84 PART II:

- 85
86 A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance
87 shall prevail.
- 88
89 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any
90 part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance
91 shall not be affected thereby.
- 92
93 C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the
94 provisions enacted by this ordinance.
- 95
96 D. This ordinance shall take effect immediately after being posted or published as required by law.

97
98 END OF ORDINANCE.
99

*** Proof of Publication ***

The Daily Herald
State of Utah, Utah County > SS -----

Provo City Corporation
P.O. Box 1849
Provo, UT 84603

ORDER NUMBER 42400

I, 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 ad attached hereto, and which is a copy, was published in said newspaper; that said notice was published in the regular and entire issue of the paper during that period and times of publication, and 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 at least 30 days thereafter.

Whitney Sundell

**PROVO CITY CORPORATION
OFFICE OF THE RECORDER
ORDINANCE 2014-26**
Notice is hereby given that in the regular Municipal Council Meeting of September 2, 2014, the Provo Municipal Council passed Ordinance 2014-26. This is an ordinance amending Section 15.04.030 (Minimum Acreage Requirements) of the Provo City Code to reduce or eliminate the minimum acreage requirement for a subdivision, which currently may not be less than three acres unless the planning commission determines the area is an in-fill area and cannot reasonably be combined with adjacent properties.
Janene M. Weiss, City Recorder
Legal Notice 42400 Published in The Daily Herald November 1, 2014

PUBLISHED ON: 11/01/2014

TOTAL AD COST: 25.02

FILED ON: 11/3/2014

SIGNATURE

Willy Shaw

Subscribed and sworn to before me this the 3rd DAY OF November 2014

WILLY SHAW
NOTARY PUBLIC - STATE OF UTAH
COMMISSION# 670719
COMM. EXP. 09-24-2017