

Ordinance 2015-13

SHORT TITLE:

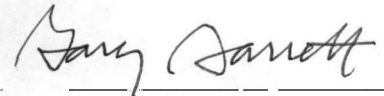
An ordinance amending Provo City Code Section 14.29.100 (Building Height) to reduce allowed building height in a Planned Industrial Commercial (PIC) zone when that zone abuts a residential zone.

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	CALLIE HALES			✓			
				TOTALS	7	0	0

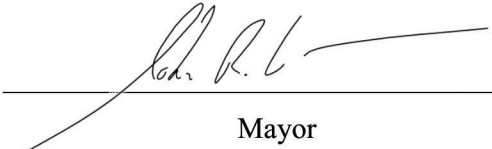
This ordinance was passed by the Municipal Council of Provo City, on the 17<sup>th</sup> day of March, 2015 on a roll call vote as described above. Signed this 21st day of May, 2015.

  
\_\_\_\_\_  
Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 28th day of May 2015.

  
\_\_\_\_\_  
Mayor

ORDINANCE 2015-13

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 28th day of May 2015, with a short summary being published on the 26<sup>th</sup> day of March 2015, 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 2015-13.



Signed this 28th day of May 2015.

  
\_\_\_\_\_  
City Recorder

ORDINANCE 2015-13.

AN ORDINANCE AMENDING PROVO CITY CODE SECTION 14.29.100 (BUILDING HEIGHT) TO REDUCE ALLOWED BUILDING HEIGHT IN A PLANNED INDUSTRIAL COMMERCIAL (PIC) ZONE WHEN THAT ZONE ABUTS A RESIDENTIAL ZONE. CITY WIDE (14-00120A)

WHEREAS, it is proposed that an amendment be made to Provo City Code Section 14.29.100 (Building Height) to reduce the allowed building height in a Planned Industrial Commercial (PIC) Zone when that zone abuts a residential zone; and

WHEREAS, the language proposed for this code amendment follows that used in the Public Facilities zone, where two feet of setback is required for every one foot of building height; and

WHEREAS, on January 28, 2015, 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 March 17, 2015, the Municipal Council held a duly noticed public meeting to receive public comment and ascertain the facts regarding this matter, which facts and comments are found in the meeting 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 14.29.100 (Building Height) 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 14.29.100 of the Provo City code is hereby amended as follows:

**14.29.100 Building Height**

(1) No lot or parcel in the PIC zone shall have a building or structure which exceeds a height of three (3) stories with a maximum height of fifty-five (55) feet, except that a building of greater height may be allowed by the provisions of a conditional use permit granted by the Planning Commission in accordance with the provisions of Section 14.02.040, Provo City Code.

(2) The horizontal setback of the building from the nearest residential zone boundary shall be equal to, or in excess of, twice the building's height. A conditional use permit may not be granted that violates this restriction.

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.

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D. This ordinance shall take effect immediately after being posted or published as required by law.

END OF ORDINANCE.