Ordinance 2015-20

SHORT TITLE:

An ordinance amending Sections 14.21A.070 and 14.21B.070 of the Provo City Code to delete the maximum number of building stories allowed and to include a minimum first story height requirement in the DT1 (General Downtown) and DT2 (Downtown Core) zones.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

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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	CALLI HALES			√		
•			TOTALS	7	0	0

This ordinance was passed by the Municipal Council of roll call vote as described above. Signed this	Provo City, on the 5 th day of May, 2015 on a day of June, 2015.
	Chair
APPROVAL	L BY MAYOR
This ordinance is approved by me this 29th day of	June 2015.
	Mayor

ORDINANCE 2015-20

III

CITY RECORDER'S CERTIFICATE AND ATTEST

Tł	is ordinance was rec	corded in the office of the Provo City Recorder on the 7th day	
ofJuly	2015, with	a short summary being published on the 25 th day of April 2015, in <u>Tl</u>	<u>he</u>
Daily Her	ald, a newspaper cir	culated in Provo, Utah. I hereby certify and attest that the foregoing	
constitute	s a true and accurate	record of proceedings with respect to Ordinance Number 2015-20.	
* US	OUNTY US	Signed this 7th day of July 20	15.
		City Recorder	

1 2 **ORDINANCE 2015-20.** 3 4 AN ORDINANCE AMENDING SECTIONS 14.21A.070 AND 14.21B.070 OF 5 THE PROVO CITY CODE TO DELETE THE MAXIMUM NUMBER OF 6 BUILDING STORIES ALLOWED AND TO INCLUDE A MINIMUM FIRST 7 STORY HEIGHT REQUIREMENT IN THE DT1 (GENERAL DOWNTOWN) 8 AND DT2 (DOWNTOWN CORE) ZONES. CITY-WIDE IMPACT. (15-9 0004OA) 10 WHEREAS, it is proposed that amendments be made to Sections 14.21A.070 and 11 12 14.21B.070 of the Provo City Code to delete the maximum number of building stories 13 allowed and to include a minimum first story height requirement in the DT1 (General 14 Downtown) and DT2 (Downtown Core) Zones; and 15 16 WHEREAS, the maximum height of a building in the DT1 and DT2 zones is regulated by 17 both total height and maximum number of stories; and 18 19 WHEREAS, the elimination of the maximum number of building stories allowed in DT1 20 (General Downtown) and DT2 (Downtown Core) zones would not increase the maximum 21 permitted building height; and 22 23 WHEREAS, minimum first floor heights are necessary to ensure viable ground floor 24 commercial and residential spaces and compatibility with historic building forms in the 25 downtown; and 26 27 WHEREAS, first story floor to ceiling height in commercial space along Center Street 28 and University in the downtown area currently averages nearly 14 feet; 29 30 WHEREAS, on March 25, 2015 the Planning Commission held a duly noticed public 31 hearing to consider the proposal and after such hearing the Planning Commission recommended 32 to the Municipal Council that the proposed amendment be approved as set forth below; and 33 34 WHEREAS, on May 5, 2015 the Municipal Council held a duly noticed public hearing 35 to receive public comment and ascertain the facts regarding this matter, which facts and 36 comments are found in the hearing record; and 37 38 WHEREAS, after considering the Planning Commission's recommendation, and facts 39 and comments presented to the Municipal Council, the Council finds (i) Provo City Code 40 Sections 14.21A.070 and 14.21B.070 should be amended on the basis recommended by the 41 Planning Commission and (ii) this action, as set forth below, reasonably furthers the health, 42 safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as

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follows:

47 PART I: 48 49 Sections 14.21A.070 and 14.21B.070 of the Provo City code are hereby amended as 50 follows: 51 52 14.21A.070. DT1 Building Height 53 54 Building height, measured from the top of the street curb, shall be determined by the following 55 standards. Buildings located within 60 feet of a residential district, as defined in Section 14.21A.080, Transitional Development Standards, shall comply with the transitional height 56 57 setbacks listed below: 58 59 100 feet (1) Total Maximum Building Height: (2) Minimum Number of Building Stories-Transitional: 60 1 story 61 (3) (2) Minimum Number of Building Stories: 2 stories 62 (4) Maximum Number of Building Stories-Transitional: 3 stories (5) Maximum Number of Building Stories: 6 stories 63 64 (6) Maximum First Story Height-Commercial Use: 20 feet 14 feet 65 (7) Maximum Story Height: (8) (3) Maximum Parapet/Cornice Height: 66 5 feet 67 (9) Main Floor Elevation – Residential: 3 feet maximum above curb (10) Main Floor Elevation – Commercial: 1 foot maximum above curb 68 69 (4) Transitional Area (a) Minimum Number of Building Stories: 70 1 story 71 (b) Maximum Number of Building Stories: 3 stories 72 (5) Commercial 73 (a) Maximum Main Floor Elevation: 1 foot above curb 74 (b) Minimum First Story Height: 14 feet floor to ceiling 75 (c) Maximum First Story Height: 20 feet floor to ceiling 76 (d) Maximum Upper Story Height: <u>14 feet</u> 77 (6) Residential 78 (a) Maximum Main Floor Elevation: 3 feet above curb 79 (b) Minimum First Story Height: 10 feet floor to ceiling 80 (c) Maximum Story Height: 14 feet 81 (11)(7) Roof mounted mechanical equipment shall be permitted so long as it is 82 completely screened behind an architectural feature of the primary structure.

83 (12)(8) Section 14.34.090. Height Limitations and Exceptions—shall be adhered to within 84 the DT1 zone. 85 86 14.21B.070. DT2 Building Height 87 88 Building height, measured from the top of the street curb, shall be determined by the following: 89 90 (1) Total Maximum Building Height: 180 feet 91 (2) Minimum Number of Building Stories: 3 stories (3) Maximum Number of Building Stories: 92 12 stories 93 (4) Maximum First Story Height-Commercial Use: 20 feet 94 (5) Maximum Story Height: 14 feet 95 (6) (3) Maximum Parapet/Cornice Height: 5 feet 96 (7) Main Floor Elevation Residential: 3 feet maximum above curb (8) Main Floor Elevation Commercial: 97 1 foot maximum above curb 98 (4) Commercial 99 (a) Maximum Main Floor Elevation: 1 foot above curb 100 (b) Minimum First Story Height: 14 feet floor to ceiling 101 (c) Maximum First Story Height: 20 feet floor to ceiling 102 (d) Maximum Upper Story Height: 14 feet 103 (6) Residential 104 (a) Maximum Main Floor Elevation: 3 feet above curb 105 (b) Minimum First Story Height: 10 feet floor to ceiling 106 (c) Maximum Story Height: 14 feet 107 (9)(7) Roof mounted mechanical equipment shall be permitted so long as it is completely 108 screened behind an architectural feature of the primary structure. 109 (10)(8) Section 14.34.090. Height Limitations and Exceptions—shall be adhered to within 110 the DT2 zone. 111 112 PART II: 113 114 A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this 115 ordinance shall prevail. 116 117 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be 118 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the 119 remainder of the ordinance shall not be affected thereby.

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- 121 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.
- 126 <u>END OF ORDINANCE.</u>