

Ordinance 2016-13.

SHORT TITLE:

An ordinance amending Provo City Code Sections 14.32.020 and 14.32.140 to allow for reuse of an existing commercial building in the Residential Conservation (RC) zone, specifically for the building generally located at 389 East 200 North.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	DAVID SEWELL			√			
CW 2	GEORGE STEWART			√			
CD 1	GARY WINTERTON			√			
CD 2	KIM SANTIAGO					Excused	
CD 3	DAVID KNECHT		√	√			
CD 4	KAY VAN BUREN			√			
CD 5	DAVID HARDING	√		√			
				TOTALS	6	0	0


This ordinance was passed by the Municipal Council of Provo City, on the 7<sup>th</sup> day of June, 2016, on a roll call vote as described above. Signed this June 29, 2016.

  
\_\_\_\_\_  
Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this June 30, 2016.

  
\_\_\_\_\_  
Mayor

Ordinance 2016-13

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 30th day of June, 2016, with a short summary being published on the 11<sup>th</sup> day of June, 2016, 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 2016-13.



Signed this 30th day of June, 2016

Janeal Steen  
City Recorder

ORDINANCE 2016- 13

AN ORDINANCE AMENDING PROVO CITY CODE SECTIONS 14.32.020 AND 14.32.140 TO ALLOW FOR REUSE OF AN EXISTING COMMERCIAL BUILDING IN THE RESIDENTIAL CONSERVATION (RC) ZONE, SPECIFICALLY FOR THE BUILDING GENERALLY LOCATED AT 389 EAST 200 NORTH. JOAQUIN NEIGHBORHOOD AND CITY-WIDE IMPACT. (15-00200A)

WHEREAS, Provo City Code Section 14.32.020 provides a list of all permitted uses which can be established in the RC Zone and the applicant for the proposed ordinance amendment has identified two additional uses desired by the applicant that are currently not permitted; and

WHEREAS, it is proposed that an amendment be made to Provo City Code Sections 14.32.020 and 14.32.140 to allow for reuse of an existing commercial property; and

WHEREAS, although the application will have city-wide impact, the application request came to the city specifically for the building generally located at 389 East 200 North; and

WHEREAS, the specific building in question was specified in the existing Joaquin Neighborhood Plan to be reused for neighborhood commercial use; and

WHEREAS, the proposed amendment only allows for reuse of existing commercial structures in the RC zone, no new structures would be permitted by the adoption of the proposed ordinance amendment; and

WHEREAS, on April 13, 2016, 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 by a 6:0 vote that the proposed amendment be approved as set forth below; and

WHEREAS, on May 17, 2016, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, which facts and comments are found in the meeting record; and

WHEREAS, on June 7, 2016, 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 Sections 14.32.020 and 14.32.140 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.

47 NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as  
48 follows:

49  
50 PART I:

51  
52 Provo City Code Section 14.32.020 (Permitted Uses) is hereby amended as follows:

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54 **14.32.020. Permitted Uses.**

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56 ...

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58 (6) Conditional Uses. The following uses and structures are permitted in the RC zone only after  
59 a conditional use permit has been issued, and subject to the terms and conditions thereof.

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61 Use No.	62 Use Classification
63 ...	
64	
65 5391	Dry Goods and general merchandise (yarn, linen, crafts, fabric, etc.) (only 66 in historic buildings as defined in this Title)
67	
68 5410	Groceries (only in existing commercial structures that comply with the 69 provisions of Title 14.32.140(5))
70	
71 5441	Candy, nut, and confectionary (only in historic buildings as defined in this 72 title)
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74 ...	
75	
76	
77 5932	Second hand clothing, shoes, furniture and books (does not include 5933, 78 flea markets, or 5936, thrift stores; only in historic buildings as defined in 79 this Title)
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81 5952	Bicycles and parts (only in existing commercial structures that comply 82 with the provisions of Title 14.32.140(5))
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84 ...	

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87 PART II:

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89 Provo City Code Section 14.32.140 (Other Requirements) is hereby amended as follows:

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91 **14.32.140. Other Requirements.**

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93 ...  
94  
95 (5) Uses in Existing Commercial Structures. The following standards shall apply to all uses in  
96 existing commercial structures in the RC zone.

- 97  
98 (a) Maximum Size. Uses in existing commercial structures shall be confined to the  
99 current floor area of the existing structure, but for purposes of grocery uses permitted  
100 under Section 14.32.020(6), attached residential structures shall not count toward the  
101 current floor area used to determine this limit. If the existing commercial structure is  
102 a noncomplying structure it shall be subject to the provisions of Section 14.36.050 of  
103 this Title.  
104 (b) Hours of operation. Uses in existing commercial structures shall be open for business  
105 no earlier than 7 am and no later than 10 pm.  
106 (c) Loading and deliveries. Loading and delivery of goods is permitted only between the  
107 hours of 8 am and 9 pm.  
108 (d) Alcohol Sales. Uses in existing commercial structures in the RC zone shall be  
109 prohibited from selling alcoholic beverages of any kind.  
110 (e) Performance Standards. Uses in the existing commercial structures shall comply with  
111 the general standards of the RC Zone; however, the community development director  
112 shall be authorized to modify parking and loading, yard, and landscaping  
113 requirements. In addition, all exterior trash containers, heating or cooling equipment,  
114 refrigerators, and similar equipment shall be visually screened, and located and/or  
115 designed to avoid noise, odor, glare, or vibration impacts to neighboring properties.  
116 (f) Design Review. Uses in existing commercial structures shall be compatible with  
117 neighboring structures in terms of scale, massing, architectural character, colors and  
118 materials, access, exterior lighting and landscaping. Exterior changes shall require  
119 design review as outlined in Provo City Code Chapter 14.04A.  
120  
121

122 PART III:

- 123  
124 A. If a provision of this ordinance conflicts with a provision of a previously adopted  
125 ordinance, this ordinance shall prevail.  
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127 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be  
128 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or  
129 invalid, the remainder of the ordinance shall not be affected thereby.  
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131 C. The Municipal Council hereby directs that the official copy of the Provo City Code be  
132 updated to reflect the provisions enacted by this ordinance.  
133  
134 D. This ordinance shall take effect immediately after it has been posted or published in  
135 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah  
136 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

137  
138 END OF ORDINANCE.  
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