

Ordinance 2016-23

SHORT TITLE:

An ordinance amending Provo City Code to reduce the minimum story height in the General Downtown Zone and change the application of the Transitional Development Standards.

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			√			
CD 3	DAVID KNECHT			√			
CD 4	KAY VAN BUREN		√	√			
CD 5	DAVID HARDING				√		
				TOTALS	6	1	0

This ordinance was passed by the Municipal Council of Provo City, on the 16<sup>th</sup> day of August, 2016, on a roll call vote as described above. Signed this October 11, 2016.

  
\_\_\_\_\_  
Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 10/12/2016.

  
\_\_\_\_\_  
Mayor

Ordinance 2016-23

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the  
12th day of October, 2016 , with a short summary being published on the 20<sup>th</sup> day of August, 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 2016-23.



*Janeel Steen*  
\_\_\_\_\_  
City Recorder

ORDINANCE 2016-23.

AN ORDINANCE AMENDING PROVO CITY CODE TO REDUCE THE MINIMUM STORY HEIGHT IN THE GENERAL DOWNTOWN ZONE AND CHANGE THE APPLICATION OF THE TRANSITIONAL DEVELOPMENT STANDARDS. TIMP NEIGHBORHOOD. (16-00170A)

WHEREAS, it is proposed that amendments be made to Provo City Code Sections 14.21A.070 and 14.21A.080 to reduce minimum story height from 14 feet to 12 feet in the General Downtown (DT1) Zone and change the areas to which the transitional development standards apply; and

WHEREAS, the applicant is relocating their business and desires these amendments to ease the burden of the relocation; and

WHEREAS, on July 27, 2016, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended by a 4:0 vote that the proposed amendment be approved as set forth below; and

WHEREAS, on August 16, 2016, the Municipal Council held duly noticed public meetings to ascertain the facts regarding this matter, which facts are found in the meeting records; 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 14.21A.070 and 14.21A.080 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:

Provo City Code Section 14.21A.070 is hereby amended as follows:

**14.21A.070. Building Height.**

**Except as otherwise provided in Section 14.21A.080,** building height, measured from the top of the street curb, shall be determined by the following standards. ~~Buildings located within 60 feet of a residential districts, as defined in Section 14.21A.080, Provo City Code, Transitional Development Standards, shall comply with the transitional height setbacks listed below:~~

- |   |           |
|---|-----------|
| (1) Total Maximum Building Height:      | 100 feet  |
| (2) Minimum Number of Building Stories: | 2 stories |
| (3) Maximum Parapet/Cornice Height:     | 5 feet    |

- ~~(4) Transitional Area.~~
  - ~~(a) Minimum Number of Building Stories: 1 story~~
  - ~~(b) Maximum Number of Building Stories: 3 stories~~
- (45) Commercial.
  - (a) Maximum Main Floor Elevation: 1 foot above curb
  - (b) Minimum First Story Height: 14 feet floor to ceiling
    - (i) One Story Buildings: 12 feet floor to ceiling
    - (ii) Two or more Story Buildings: 14 feet floor to ceiling
  - (c) Maximum First Story Height: 20 feet floor to ceiling
  - (d) Maximum Upper Story Height: 14 feet
- (56) Residential.
  - (a) Maximum Main Floor Elevation: 3 feet above curb
  - (b) Minimum First Story Height: 10 feet floor to ceiling
  - (c) Maximum Story Height: 14 feet
- (67) Roof mounted mechanical equipment shall be permitted so long as it is completely screened behind an architectural feature of the primary structure.
- (78) Section 14.34.090, Provo City Code, Height Limitations and Exceptions, shall be adhered to within the DT1 zone.

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PART II:

Provo City Code Section 14.21A.080 is hereby amended as follows:

**14.21A.080. Transitional Development Standards**

(1) Buildings or portions of buildings in the DT1 zone located ~~directly across the street from, or on city blocks~~ within 60 feet of, or directly across the street from, ~~an~~ **which also include properties within, an RC, R1, R2 or PRO-R zone** shall comply with the following standards for the first sixty (60) feet of property adjacent to the residential district or the first sixty (60) feet of the property across the street:

Standard	Minimum	Maximum
Front Yard	10 feet	20 feet
Street Side Yard	10 feet	20 feet
Building Height	1 story	3 stories*
Parking-One Bedroom Residential	1 ½ spaces	
Parking-Two+ Bedroom Residential	2 ¼ spaces	
Parking-Commercial	As required in Chapter 14.37	

\* Buildings on properties located adjacent to a residentially zoned property shall be designed with a pitched or gabled roof **where located** within the 60 foot transitional area

feet of an RC, R1, or PRO-R zone. A third [story](#) of usable [floor area](#) may be provided within the pitched/gabled roof.

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PART III:

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- 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.
- D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

END OF ORDINANCE