

Ordinance 2017-15

SHORT TITLE:

An ordinance amending Provo City Code to adopt minimum dwelling unit sizes in the DT1, DT2, and ITOD zones. (16-00210A)

I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	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		5	2	0

This ordinance was passed by the Municipal Council of Provo City, on the 18th day of April 2017, on a roll call vote as described above. Signed this 27th day of April 2017.

David S. Sewell

Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this Did not approve.

Did not want to sign

Mayor

Ordinance 2017-15

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 May 2017, with a short summary being published on the 22nd day of April
2017, 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 2017-15.





City Recorder

ORDINANCE 2017-15.

AN ORDINANCE AMENDING PROVO CITY CODE TO ADOPT MINIMUM DWELLING UNIT SIZES IN THE DT1, DT2, AND ITOD ZONES. (16-00210A)

WHEREAS, the Provo City Community Development Department seeks to enact Provo City Code Sections 14.21A.090, 14.21B.080 and 14.23.145 to adopt minimum dwelling unit sizes in the General Downtown (DT1), Downtown Core (DT2), and Interim Transit Oriented District (ITOD) Zones; and

WHEREAS, Provo has received a disproportionate number of sub-500 square-foot apartment units in the DT1, DT2, and ITOD Zones; and

WHEREAS, larger, more livable units were anticipated when these zones were adopted; and

WHEREAS, on February 22, 2017, the Planning Commission held a duly noticed public hearing to consider this proposal and after such hearing the Planning Commission recommended approval to the Municipal Council by a vote of 6:0; and

WHEREAS, on March 21, 2017, the Municipal Council held a duly noticed public meeting to ascertain the facts regarding this matter, and on April 11, 2017, the Municipal Council held a duly noticed public hearing to solicit public feedback and ascertain facts, which facts and comments are found in the meeting and hearing records; and

WHEREAS, after considering the Planning Commission recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Sections 14.21A.090, 14.21B.080 and 14.23.145 should be enacted as set forth below, and (ii) this action 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:

35 PART I:

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37 Provo City Code Section 14.21 A.090 is hereby enacted as shown below, with regard to the
38 General Downtown (DT1) Zone:

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40 **14.21A.090 Minimum and Average Residential Unit Size**

41 Each development that includes a residential use shall provide a minimum unit size of
42 no less than five hundred (500) square feet and a minimum average unit size of no less
43 than eight hundred (800) square feet. This requirement shall not apply to institutional
44 housing units (i.e. elderly housing, assisted living facilities, etc.).

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46 PART II:

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48 Provo City Code Section 14.21B.080 is hereby enacted as shown below, with regard to
49 the Downtown Core (DT2) Zone:

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51 **14.21B.080 Minimum and Average Residential Unit Size**

52 Each development that includes a residential use shall provide a minimum unit size of
53 no less than five hundred (500) square feet and a minimum average unit size of no less
54 than eight hundred (800) square feet. This requirement shall not apply to institutional
55 housing units (i.e. elderly housing, assisted living facilities, etc.).

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57 PART III:

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59 Provo City Code Section 14.23.145 is hereby enacted as shown below, with regard to the
60 Interim Transit Oriented Development (ITOD) Zone:

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62 **14.23.145 Minimum and Average Residential Unit Size**

63 Each structure that includes a residential use shall provide a minimum unit size of
64 no less than five hundred (500) square feet and a minimum average unit size of
65 no less than eight hundred (800) square feet. This requirement shall not apply to
66 institutional housing units (i.e. elderly housing, assisted living facilities, etc.).

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69 PART IV:

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71 A. If a provision of this ordinance conflicts with a provision of a previously adopted
72 ordinance, this ordinance shall prevail.

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74 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
75 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or
76 invalid, the remainder of the ordinance shall not be affected thereby.

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78 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
79 updated to reflect the provisions enacted by this ordinance.

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

84

85 END OF ORDINANCE.