

Ordinance 2017-40

SHORT TITLE:

An ordinance amending Provo City Code to reduce the average apartment square footage from 800 feet to 600 feet in the General Downtown (DT1) zone in certain circumstances. Downtown Neighborhood. (17-00130A)

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			Excused
CD 5	DAVID HARDING	✓		
TOTALS		5	1	

This ordinance was passed by the Municipal Council of Provo City, on the 29th day of August 2017, on a roll call vote as described above. Signed this 30th day of August 2017.




Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 5 September 2017.



Mayor

Ordinance 2017-40

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 6th day of September 2017, with a short summary being published on the 2nd day of September 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 2017-40.



Amanda Grunbrack

City Recorder

ORDINANCE 2017-40.

AN ORDINANCE AMENDING PROVO CITY CODE TO REDUCE THE AVERAGE APARTMENT SQUARE FOOTAGE FROM 800 FEET TO 600 FEET IN THE GENERAL DOWNTOWN (DT1) ZONE IN CERTAIN CIRCUMSTANCES. DOWNTOWN NEIGHBORHOOD. (17-00130A)

WHEREAS, an applicant seeks to amend Provo City Code Sections 14.21A.090 to reduce the average apartment square footage from 800 feet to 600 feet in the General Downtown (DT1) Zone in certain circumstances; and

WHEREAS, a reduction in the average apartment square footage as proposed would better accommodate the market demand and the demographic for urban living; and

WHEREAS, on July 26, 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 5:0 of a change broader than that proposed by the applicant; and

WHEREAS, on August 8, 2017 and August 29, 2017, 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 recommendation and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Section 14.21A.090 should be amended as originally proposed by the applicant and 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:

PART I:

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

14.21A.090. Minimum and Average Residential Unit Size

(1) Except as provided in Subsection (2) of this Section, eEach development that includes a residential use shall provide a minimum unit size of no less than five hundred (500) square feet and a minimum average unit size of no less than eight hundred (800) square feet. This requirement shall not apply to institutional housing units (i.e., elderly housing, assisted living facilities, etc.)

(2) Mixed-use developments with ground floor commercial fronting Center Street shall provide a minimum residential unit size of no less than five hundred (500) square feet and a minimum average unit size of no less than six hundred (600) square feet.

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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.
- 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.