

Ordinance 2020-08

SHORT TITLE:


An ordinance amending Provo City Code Relating to the Professional Office (PO) Zone to allow private educational services as a conditional use. Citywide application. (PLOTA20200047)

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL	✓		
CW 2	DAVID SHIPLEY	✓		
CD 1	BILL FILLMORE	✓		
CD 2	GEORGE HANDLEY	✓		
CD 3	SHANNON ELLSWORTH	✓		
CD 4	TRAVIS HOBAN	✓		
CD 5	DAVID HARDING	✓		
TOTALS		7		

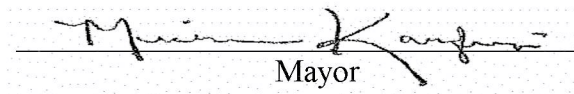
This ordinance was passed by the Municipal Council of Provo City, on the 10th day of March 2020, on a roll call vote as described above. Signed this 6th day of April 2020.


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 6th day of April 2020.

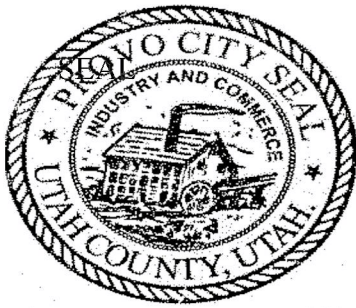

Mayor

Ordinance 2020-08

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 April 2020, with a short summary being published on the 17th day of March 2020, 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 2020-08.



Amanda Grambrack

City Recorder

1 ORDINANCE 2020-08.

2
3 AN ORDINANCE AMENDING PROVO CITY CODE RELATING TO THE
4 PROFESSIONAL OFFICE (PO) ZONE TO ALLOW PRIVATE
5 EDUCATIONAL SERVICES AS A CONDITIONAL USE. CITYWIDE
6 APPLICATION. (PLOT20200047)
7

8 WHEREAS, it is proposed that Provo City Code Section 14.16.020 (Permitted Uses) be
9 amended to allow private educational services as a conditional use in Professional Office Zone;
10 and
11

12 WHEREAS, it is proposed that Provo City Code Section 14.34.520 (Educational Services
13 as a Conditional Use) be enacted to set forth the requirements for approving such a conditional
14 use; and
15

16 WHEREAS, on February 26, 2020, the Planning Commission held a duly noticed public
17 hearing to consider the proposed amendment, and after such meeting, the Planning Commission
18 recommended approval to the Municipal Council by a vote of 5:0; and
19

20 WHEREAS, on March 10, 2020, the Municipal Council met to ascertain the facts
21 regarding this matter and receive public comment, which facts and comments are found in the
22 public record of the Council's consideration; and
23

24 WHEREAS, after considering the Planning Commission's recommendation and facts and
25 comments presented to the Municipal Council, the Council finds (i) Provo City Code should be
26 amended as described herein and (ii) the proposed amendment reasonably furthers the health,
27 safety and general welfare of the citizens of Provo City.
28

29 NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as
30 follows:
31

32 PART I:
33

34 Provo City Code Section 14.16.020 is hereby amended as set forth in Exhibit A.
35

36 PART II:
37

38 Provo City Code Section 14.34.520 is hereby enacted as set forth in Exhibit B.
39

40 PART III:
41

- 42 A. If a provision of this ordinance conflicts with a provision of a previously adopted
43 ordinance, this ordinance shall prevail.
44
45 B. This ordinance and its various sections, clauses and paragraphs are hereby
46 declared to be severable. If any part, sentence, clause or phrase is adjudged to be

47 unconstitutional or invalid, the remainder of the ordinance shall not be affected
48 thereby.

49
50 C. The Municipal Council hereby directs that the official copy of the Provo City
51 Code be updated to reflect the provisions enacted by this ordinance.

52
53 D. This ordinance shall take effect immediately after it has been posted or published
54 in accordance with Utah Code 10-3-711, presented to the Mayor in accordance
55 with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

56
57 END OF ORDINANCE.

Exhibit A

14.16.020 Permitted Uses.

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(6) *Conditional Uses.* The following uses and structures are permitted in the PO zone only after a Conditional Use Permit has been approved, and subject to the terms and conditions thereof.

Use No.	Use Classification
4700	Communications (Subject to Section 14.34.420 , Provo City Code)
4814	Electricity regulating substations
4818	Small generation
4829	Other gas utilities, NEC
4834	Water storage as part of a utility system (covered including water storage standpipes)
4872	Debris basin (A dam and basin for intercepting debris)
4874	Spreading grounds (Area for percolating water into underground)
5320	Mail and phone order houses (Only on in historic buildings arterial streets)
5391	Dry goods and general merchandise (yarn, linen, crafts, fabric, etc.) (Only in historic buildings on arterial streets)
5441	Candy, nut, and confectionery (only in historic buildings)
5600	Apparel and accessories (Only in historic buildings on arterial streets)
5811	Restaurants, subject to the following conditions:

Use No.	Use Classification
	<p>(a) that the restaurant be architecturally compatible with surrounding buildings;</p> <p>(b) that there be no short-order/fast food or drive-in restaurants;</p> <p>(c) that signs, landscaping, number of employees, and distance from existing commercial zones, and related matters, shall be factors considered in the review and approval of a conditional use permit.</p>
5900	Miscellaneous retail trade (except 5912, 5920, 5930, and 5980; only in historic buildings as defined in this Title)
5932	Second hand clothing, shoes, furniture and books (does not include 5933, flea markets, or 5936, thrift stores) (Only on arterial streets)
6220	Photography studio (Only in historic buildings on arterial streets)
6230	Beauty and barber shop (Only in historic buildings on arterial streets)
6241	Mortuary (Only in historic buildings on arterial streets)
6299	Wedding chapels and reception centers
6513	Hospitals
6515	Behavior, drug & alcohol treatment
6516	Sanitariums, convalescent and rest home services
6722	Police protection and related activities, branch (Office only)
6800	Educational Services (Subject to the provisions of Provo City Code Section 14.34.520)
8221	Veterinarian services, subject to the

Use No.	Use Classification
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following conditions:

- (a) experimental or scientific research activities are prohibited
- (b) no on-site disposal of dead animals
- (c) the facility shall be located completely within an air-conditioned and soundproofed building
- (d) animal noise shall not be audible at the nearest property line
- (e) overnight boarding shall be limited to animals receiving treatment on the premises
- (f) services shall be limited to small animals only
- (g) no services shall be permitted for poisonous or dangerous animals

Exhibit B

14.34.520 Educational Services as a Conditional Use.

Private Educational Services, when allowed as a Conditional Use, may be approved only in compliance with the applicable zoning district regulations, Provo City Code Section [14.02.040](#), and the following:

- (1) Parking requirements must follow the provisions enumerated in Provo City Code Section 14.37.060 relating to schools.
- (2) The applicant must submit a detailed parking and circulation plan prepared by an engineer, architect, planner, or other similar professional. The Conditional Use may only be approved if the plan empirically concludes to the satisfaction of Planning Commission, or its designee, that the existing or proposed facility will not negatively affect area traffic, surrounding land uses, or properties. The parking and circulation plan shall include:
 - (a) A designated drop-off and pick-up zone sufficient for the student population; and
 - (b) Sufficient queuing space on the property to prevent vehicle back-ups on city streets during drop-off and pick-up times.
- (3) Such use must conform to all applicable health, safety, and building codes.
- (4) No exterior lighting may shine directly into adjoining properties.