

Ordinance 2023-15

SHORT TITLE:

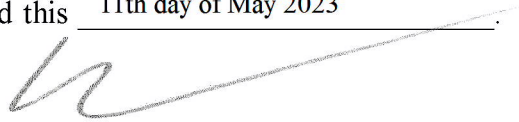
AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 0.48 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 734 SOUTH UTAH AVENUE, FROM HEAVY COMMERCIAL (CM) TO ONE FAMILY RESIDENIAL (R1.8). PROVOST NEIGHBORHOOD. (PLRZ20230019)

I
PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	KATRICE MACKAY	✓		
CW 2	DAVID SHIPLEY	✓		
CD 1	BILL FILLMORE	✓		
CD 2	GEORGE HANDLEY			Excused
CD 3	SHANNON ELLSWORTH	✓		
CD 4	TRAVIS HOBAN	✓		
CD 5	RACHEL WHIPPLE	✓		
TOTALS		6	0	

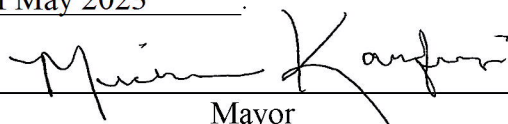
This ordinance was passed by the Municipal Council of Provo City, on the 18th day of April 2023, on a roll call vote as described above. Signed this 11th day of May 2023.



Chair

II
APPROVAL BY MAYOR

This ordinance is approved by me this 11th day of May 2023.



Mayor

Ordinance 2023-15

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 22nd day of May 2023 and was published on the Utah Public Notice Website on the 19th day of April 2023. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2023-15.



Deirdre Allman

City Recorder

ORDINANCE 2023-15

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 0.48 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 734 SOUTH UTAH AVENUE, FROM HEAVY COMMERCIAL (CM) TO ONE FAMILY RESIDENIAL (R1.8). PROVOST NEIGHBORHOOD. (PLRZ20230019)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 0.48 acres of real property, generally located 734 South Utah Avenue (an approximation of which is shown or described in Exhibit A and a more precise description of which will be attached hereto as Exhibit B after the Zone Map has been updated), be amended from Heavy Commercial (CM) to One Family Residential (R1.8); and

WHEREAS, on March 22, 2023, the Planning Commission held a duly noticed public hearing to consider the proposal, and after such hearing the Planning Commission recommended approval of the proposal to the Municipal Council by a 5:0 vote; and

WHEREAS, the Planning Commission's recommendation was based on the project design presented to the Commission; and

WHEREAS, on April 18, 2023, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Zone Map of Provo, Utah should be amended as described herein; and (ii) the proposed zone map classification amendment for the real property described herein 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:

The classification on the Zone Map of Provo, Utah is hereby amended from the Heavy Commercial (CM) Zone to the One Family Residential (R1.8) Zone for approximately 0.48 acres of real property generally located at 734 South Utah Avenue, as described herein.

41 PART II:

42

43 A. If a provision of this ordinance conflicts with a provision of a previously adopted
44 ordinance, this ordinance shall prevail.

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

49

50 C. The Municipal Council hereby directs that the official copy of the Zone Map of Provo City,
51 Utah be updated and codified to reflect the provisions enacted by this ordinance.

52

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

56

57 END OF ORDINANCE.

EXHIBIT A – ZONE MAP



Exhibit B

*A legal description changing the zone classification of land within the city of Provo, Utah**

Rezone: CM to R18

Project Name: Lucille S. Moore, Rezone small parcel of connected CM lot to R1.8 lot

Project Address: 734 South Utah Avenue

Applicant: Janet Dolan

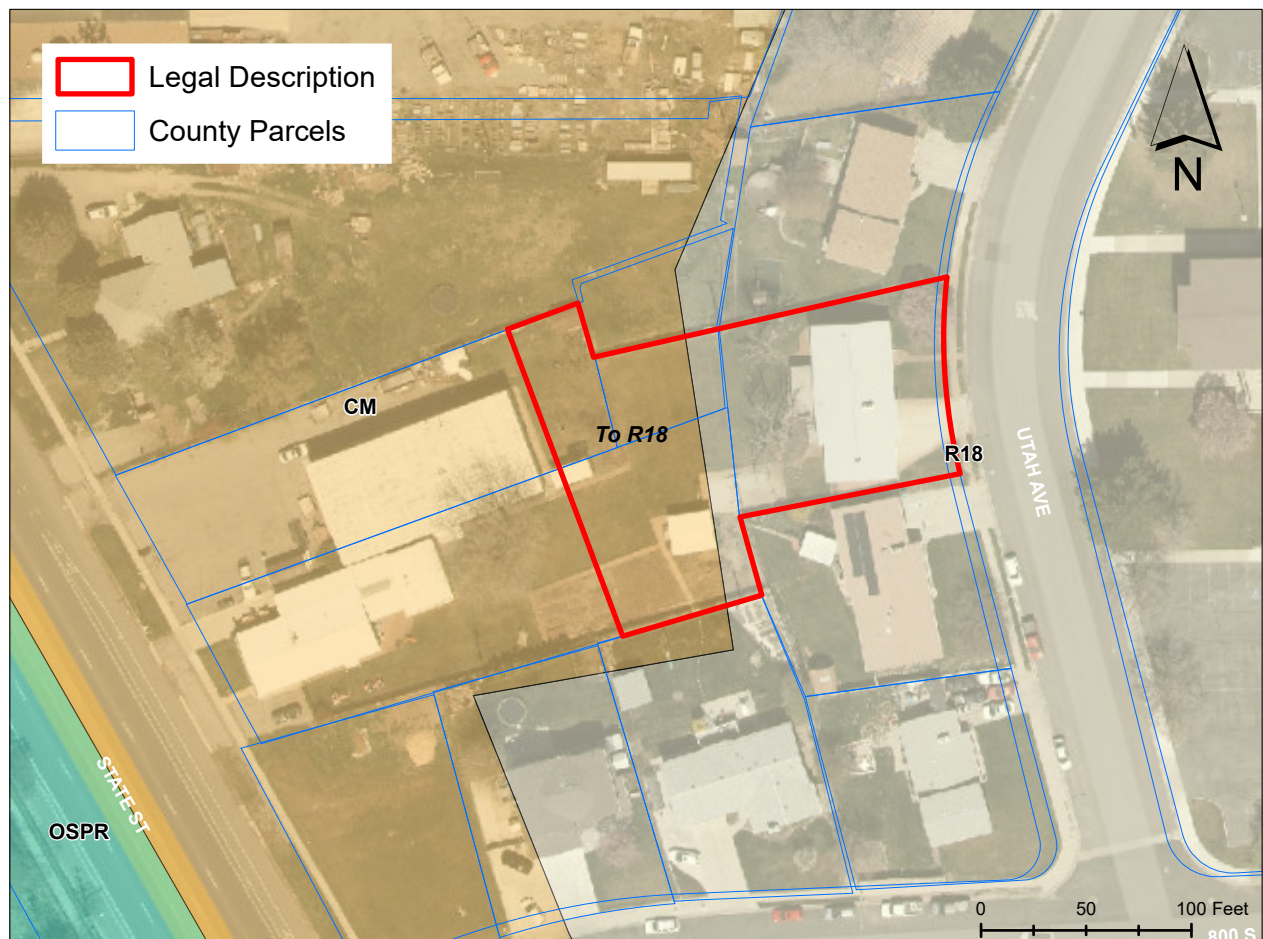
Community Development File #: PLRZ20230019

Confirmed correct by: Admin GIS Team, July 17, 2023

Note: This legal description represents parcel ID 36:070:0004 and portions of 22:035:0131, 22:035:0132, and 22:035:0133.

Legal Description

SEE FULL LEGAL DESCRIPTION ON PAGE 2 OF EXHIBIT B



* This zone change does not take effect until passed by ordinance and published publicly.

Exhibit B

*A legal description changing the zone classification of land within the city of Provo, Utah**

Legal Description

A PARCEL OF LAND THAT LIES FULLY WITHIN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 7 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN. SUBJECT PARCEL CONTAINS 0.50 OF AN ACRE OF LOT 4 OF THE CHAPEL DOWNS PLAT "A" AS FOUND IN THE UTAH COUNTY RECORDER'S OFFICE MAP NO. 569 AND A PORTION OF THE WARRANTY DEEDS AS FOUND IN SAID OFFICE ENTRY NO'S. 38497:2021 AND 104557:2021. BASIS OF BEARING FOR SUBJECT PARCEL IS NORTH AS DETERMINED BY GPS OR S 89° 09' 39" W 2662.41 FEET BETWEEN THE EAST QUARTER CORNER AND THE CENTER CORNER OF SAID SECTION 7. SUBJECT PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF LOT 4 OF THE CHAPEL DOWNS PLAT "A" AS FOUND IN THE UTAH COUNTY RECORDER'S OFFICE MAP NO. 569, SAID CORNER LIES 949.77 FEET S 89° 09' 39" W ALONG THE SECTION LINE AND 129.36 FEET SOUTH FROM THE EAST QUARTER CORNER OF SECTION 7, TOWNSHIP 7 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE ALONG SAID SUBDIVISION THE FOLLOWING (4) FOUR COURSES: (1) SOUTHERLY 94.23 FEET ALONG THE ARC OF A 270 FOOT RADIUS CURVE TO THE LEFT THROUGH A DELTA ANGLE OF 19° 59' 48" (NOTE: CHORD BEARS S 03° 51' 09" E 93.75 FEET (S 2° 57' E 93.76 FEET BY REOCD)), (2) S 78° 53' 48" W 106.70 FEET (N 79° 49' E BY RECORD), (3) S 15° 49' 12" E 38.60 FEET (S 14° 54' E BY RECORD), (4) S 73° 28' 48" W 69.01 FEET (S 74° 24' W BY RECORD) TO AN AGREED UPON BOUNDARY LINE: THENCE N 20° 35' 39" W 155.89 FEET TO AN OLD ESTABLISHED FENCE LINE AS CALLED OUT IN RECORD DESCRIPTION WARRANTY DEED ENTRY NO 38497:2021 AS FOUND IN THE UTAH COUNTY RECORDER'S OFFICE. THENCE ALONG SAID OLD ESTABLISHED FENCE LINE THE FOLLOWING (3) THREE COURSES, (1) N 69° 34' 38" E 35.72 FEET, (2) S 16° 07' 22" E 26.81 FEET, (3) N 77° 10' 48" E 61.25 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE N 77° 10' 48" E 111.00 FEET (N 78° 06' E BY RECORD) ALONG SAID LOT 4 TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 20.920 SQUARE FEET OR 0.480 ACRES