

Ordinance 2023-44

SHORT TITLE:

AN ORDINANCE AMENDING PROVO CITY CODE TO REMOVE THE STEP-BACK REQUIREMENT IN THE ITOD ZONE. CITYWIDE APPLICATION.
(PLOT A20230160)

I PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

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

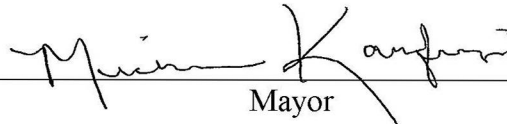
This ordinance was passed by the Municipal Council of Provo City, on the 17th day of October 2023, on a roll call vote as described above. Signed this 26th day of October 2023.



Chair

II APPROVAL BY MAYOR

This ordinance is approved by me this 30th day of October 2023.



Mayor

Ordinance 2023-44

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 30th day of October 2023 and was published on the Utah Public Notice Website on the 19th day of October 2023. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2023-44.



A handwritten signature in cursive script, reading "Heidi Ellman", is written over a horizontal line.

City Recorder

ORDINANCE 2023-44.

AN ORDINANCE AMENDING PROVO CITY CODE TO REMOVE THE
STEP-BACK REQUIREMENT IN THE ITOD ZONE. CITYWIDE
APPLICATION. (PLOT20230160)

WHEREAS, it is proposed that Provo City Code Section 14.23.090 be amended to
remove the step-back requirement in the Interim Transit Oriented Development (ITOD) Zone;
and

WHEREAS, on September 27, 2023, the Planning Commission held a duly noticed
public hearing to consider the proposed amendment, and after such meeting, the Planning
Commission recommended approval to the Municipal Council by a vote of 9:0; and

WHEREAS, on October 17, 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) Provo City Code should be
amended as described herein and (ii) the proposed amendment 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 14.23.090 is hereby amended as set forth in Exhibit A.

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.

Exhibit A

14.23.090 – Building Height.

The total maximum building height within the ITOD zone shall not exceed one hundred (100) feet according to the following:

(1) Building height shall be measured in number of stories, excluding basement areas;

(2) Each building shall not have less than two (2) stories. ~~The fifth story and each story above it shall have an additional setback of no less than fifteen (15) feet from the first story building elevation adjacent to any street;~~

(3) Each story within the ITOD zone shall not exceed fourteen (14) feet except for first story commercial functions may be up to twenty feet (20);

(4) Parapet walls and cornices shall not exceed five (5) feet, except as otherwise provided in Section 14.34.090, Provo City Code;

(5) Residential main floor level shall not exceed three (3) feet in height above street curb elevation;

(6) Commercial main floor level shall not exceed one (1) foot in height above street curb elevation; and

(7) Mechanical equipment shall be screened. Only the minimal amount of screening necessary to fully screen such equipment shall be used. Mechanical equipment shall be setback in such manner that the required screening cannot be seen from the pedestrian street view, if possible.