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ORDINANCE 2011-15.

AN ORDINANCE AMENDING SECTION 14.10.120 (PERMISSIBLE LOT COVERAGE), SECTION 14.10.130 (PARKING, LOADING, AND ACCESS), AND SECTION 14.32.100 (PERMISSIBLE LOT COVERAGE) OF THE PROVO CITY CODE TO MODIFY THE PAVING AND LOT COVERAGE REGULATIONS IN THE ONE FAMILY RESIDENTIAL (R1) AND RESIDENTIAL CONSERVATION (RC) ZONES. 10-00130A

WHEREAS, it is proposed that Section 14.10.120, Section 14.10.130, and Section 14.32.100 of the Provo City Code be amended to modify the paving and lot coverage regulations in the One Family Residential (R1) and Residential Conservation (RC) zones; and,

WHEREAS, on April 13, 2011 the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission forwarded a split recommendation to the Municipal Council regarding whether the ordinance be amended as proposed; and,

WHEREAS, on June 7, 2011 the Municipal Council held a duly noticed public hearing to receive public comments and ascertain the facts regarding this matter, which facts and comments are found in the hearing record; and,

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) the Planning and Zoning Title of Provo City should be amended on the basis recommended by the Planning Commission and (ii) the ordinance amendment, as set forth below, 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:

Section 14.10.120 of the Provo City Code is hereby amended as follows:

**14.10.120. Permissible Lot Coverage.**

(1) In an R1 zone, all buildings, including accessory buildings and structures, shall not cover more than forty (40) percent of the area of the lot or parcel of land upon which they are placed.

~~(2) At least fifty (50) percent of the area of any lot shall be maintained in landscaping as defined in Section 15.20.040, Provo City Code. On any lot or parcel, concrete or asphaltic cement shall not cover more than twenty-five (25) percent of a front yard, twenty-five (25) percent of a rear yard, and no portion of at least one (1) side yard. The other side yard may be used for a paved driveway.~~

(2) Front and corner side yard paving shall be limited to the amount of paving necessary to provide direct access to an attached garage or carport, or legal interior side or rear yard parking. The

46 street curb cut shall not exceed 35 feet in width.

47 (3) Only one interior side yard may have paving of up to one hundred (100) percent. The  
48 other interior side yard shall have no paving. Remaining areas of the lot or parcel shall be  
49 maintained in landscaping, as set forth in Section 15.20.040, Provo City Code, and as otherwise  
50 provided in Section 15.20.080, Provo City Code, but may include pedestrian walkways, patios, a  
51 swimming pool, or similar features, with the exception of driveways, commonly incorporated into  
52 a landscaped yard.

53 (4) The total area of all paved parking and access in the front yard, including detached  
54 parking structures, shall not exceed more than thirty five (35) percent of the total front yard.

55 (5) The total area of all paved parking and access in the rear yard, including detached parking  
56 structures, shall not exceed more than forty (40) percent of the total rear yard.

57 (6) Areas of hardscape to be used for activities other than parking must be designed to  
58 prohibit the parking of vehicles. Any structure or device used to prohibit parking must be integrated  
59 with the overall design, be permanent, and immovable.

60 (7) All parking areas or spaces, covered or uncovered, must comply with the Design  
61 Standards as set forth in Section 14.37.100, Provo City Code.

62  
63 PART II:

64  
65 Section 14.10.130 of the Provo City Code is hereby amended as follows:

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67 **14.10.130. Parking, Loading, and Access.**

68 (1) Each lot in the R1 zone shall have, on the same lot, off-street parking sufficient to comply  
69 with Chapter 14.37, Provo City Code.

70 (2) Said spaces shall be paved with asphaltic cement or concrete and shall be provided with  
71 a paved access from a public street.

72 (3) Except for tandem parking on a driveway as provided in Subsection 14.37.080(1)(c)(i),  
73 Provo City Code, no parking spaces shall be provided within thirty (30) feet of a front property line.

74 ~~(4) The total area of all parking spaces on a lot (including a garage, carport, and uncovered~~  
75 ~~parking slabs) and associated access lanes shall cover not more than thirty (30) percent of the lot.~~

76  
77 PART II:

78  
79 Section 14.32.100 of the Provo City Code is hereby amended as follows:

80  
81 **14.32.100. Permissible Lot Coverage.**

82 (1) All buildings, including accessory buildings and structures, except as otherwise provided  
83 in Subsection (2) of this section, shall not cover more than fifty (50) percent of the lot or parcel upon  
84 which they are placed. A parking structure which is located below natural grade shall not be included  
85 in this calculation. The area covered by an at-grade parking area, whether paved or not, shall be  
86 included in the calculation of lot coverage under this section.

87 (2) Lot coverage for a one-family dwelling or any dwelling originally constructed as a  
88 one-family dwelling shall be determined by the yard requirements of Section 14.32.060, Provo City  
89 Code. Permissible lot coverage for accessory buildings outside the buildable area for dwellings  
90 within this Subsection (2) shall be subject to the limitations of Subsection (3) of this section, whether

91 used for parking or for other purposes.

92 ~~\_\_\_\_\_ (3) On any lot or parcel occupied by a one-family dwelling, or occupied by any dwelling~~  
93 ~~originally constructed as a one-family dwelling and converted for two-family ("duplex") or other~~  
94 ~~multiple-family occupancy, and its related accessory structures, any hard-surface paving for the~~  
95 ~~purpose of driveways or vehicle parking, including but not limited to concrete or asphaltic cement~~  
96 ~~and including any covered parking within a detached garage or carport outside the buildable area of~~  
97 ~~the lot or parcel, if such covered parking exists or is newly constructed, shall not cover more than:~~

98 ~~(a) twenty-five (25) percent of a front yard;~~

99 ~~(b) twenty-five (25) percent of a rear yard; and~~

100 ~~(c) no portion of at least one (1) side yard.~~

101 (3) Front and corner side yard paving shall be limited to the amount of paving necessary to  
102 provide direct access to an attached garage or carport, or legal interior side or rear yard parking. The  
103 street curb cut shall not exceed 35 feet in width.

104 (4) Only one interior side yard may have paving of up to one hundred (100) percent. The  
105 other interior side yard shall have no paving. Remaining areas of the lot or parcel shall be  
106 maintained in landscaping, as set forth in Section 15.20.040, Provo City Code, and as otherwise  
107 provided in Section 15.20.080, Provo City Code, but may include pedestrian walkways, patios, a  
108 swimming pool, or similar features, with the exception of driveways, commonly incorporated into  
109 a landscaped yard.

110 (5) The total area of all paved parking and access in the front yard, including detached  
111 parking structures, shall not exceed more than thirty five (35) percent of the total front yard.

112 (6) The total area of all paved parking and access in the rear yard, including detached parking  
113 structures, shall not exceed more than forty (40) percent of the total rear yard.

114 (7) Areas of hardscape to be used for activities other than parking must be designed to  
115 prohibit the parking of vehicles. Any structure or device used to prohibit parking must be integrated  
116 with the overall design, be permanent, and immovable.

117 (8) All parking areas or spaces, covered or uncovered, must comply with the Design  
118 Standards as set forth in Section 14.37.100, Provo City Code.

119 \_\_\_\_\_  
120 PART IV:

121  
122 A. If a provision of this Ordinance 2011-\_\_ conflicts with a provision of a previously adopted  
123 ordinance concerning the same title, chapter, and/or section number amended herein, the provision  
124 in this Ordinance shall prevail.

125  
126 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be  
127 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the  
128 remainder of the ordinance shall not be affected thereby.

129  
130 C. The Municipal Council hereby directs that the official copy of the Provo City Code be  
131 updated to reflect the provisions enacted by this ordinance.

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133 D. This ordinance shall take effect immediately after being posted or published as required  
134 by law.

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