

Ordinance 2015-30

SHORT TITLE:

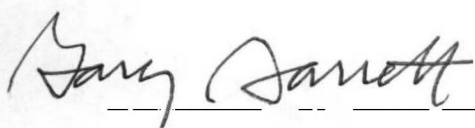
An ordinance amending Provo City Code Sections 14.37.080, 14.10.120, and 14.10.130 to modify the front yard parking requirement for One-Family Residential dwellings throughout the City by striking language that requires covered parking and modifying language to accommodate driveway parking.

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	DAVID SEWELL				√		
CW 2	GARY GARRETT			√			
CD 1	GARY WINTERTON			√			
CD 2	KIM SANTIAGO				√		
CD 3	HAL MILLER		√	√			
CD 4	KAY VAN BUREN	√		√			
CD 5	CALLI HALES			√			
				TOTALS	5	2	0

This ordinance was passed by the Municipal Council of Provo City, on the 7th day of July, 2015 on a roll call vote as described above. Signed this August 20, 2015.

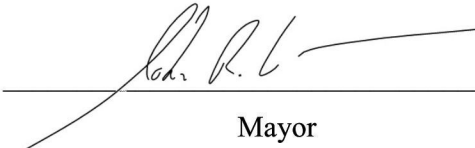


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this August 26, 2015.



Mayor

ORDINANCE 2015-30

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 26th day of August, 2015, with a short summary being published on the 11th day of July, 2015, 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 2015-30.



Signed this 26th day of August, 2015.



City Recorder

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ORDINANCE 2015-30.

AN ORDINANCE AMENDING PROVO CITY CODE SECTIONS 14.37.080, 14.10.120, AND 14.10.130 TO MODIFY THE FRONT YARD PARKING REQUIREMENTS FOR ONE-FAMILY RESIDENTIAL DWELLINGS THROUGHOUT THE CITY BY STRIKING LANGUAGE THAT REQUIRES COVERED PARKING AND MODIFYING LANGUAGE TO ACCOMMODATE DRIVEWAY PARKING. CITY WIDE IMPACT. (15-00030A)

WHEREAS, it is proposed that an amendment be made to Provo City Code Sections 14.37.080, 14.10.120, and 14.10.130 to modify the front yard parking requirements for one-family residential dwellings throughout the city, striking language that requires covered parking and modifying language to accommodate driveway parking; and

WHEREAS, there are a number of small, older homes that would benefit from increased living space; and

WHEREAS, current Provo City Code Section 14.37.080 prohibits parking within a required front or street side yard unless that parking leads to the minimum number of required covered off-street parking spaces, such as a carport or garage; and

WHEREAS, resulting from increased living space by carport or garage conversions, home owners are limited in their options for providing adequate parking; and

WHEREAS, on May 13, 2015, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended to the Municipal Council that the proposed amendment be approved as set forth below; and

WHEREAS, on July 7, 2015, the Municipal Council held a duly noticed public hearing to receive public comment 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) Provo City Code Sections 14.37.080, 14.10.120, and 14.10.130 should be amended on the basis recommended by the Planning Commission and (ii) this action, as set forth below, reasonably furthers the living standard, 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 Sections 14.37.080, 14.10.120, and 14.10.130 are hereby amended as follows:

47 **14.37.080. General Provisions.**

48
49 The following general provisions shall apply to off-street parking requirements in this Chapter.

50
51 (1) Location. Off-street parking facilities shall be located as hereinafter specified:

52
53 (a) For one-family, duplex, and multiple residential dwellings, required parking shall be
54 located on the same lot as the building which they are required to serve.

55
56 (b) For all other uses, (i.e. commercial uses), required parking shall be located on the
57 same lot or on an abutting lot. Required parking shall not be located across
58 a public street, or with an intervening property, except by a conditional use permit
59 approved by the Planning Commission, subject to the conditions set forth in
60 Section 14.34.320, Provo City Code. In the event a separately-owned lot is utilized, a
61 lease shall be recorded with the Utah County Recorder.

62
63 (c) No off-street parking shall be permitted in a required front yard or street side yard, as
64 otherwise stipulated in the respective zones, with the following exceptions:

65
66 (i) ~~Tandem~~ Parking spaces for a one-family dwelling, a one-family dwelling with
67 an accessory apartment, and a two-family dwelling may be located on a
68 driveway in a required front yard, provided:

69
70 (A) such driveway leads to the minimum number of required covered off-
71 street parking spaces which are located behind any required front setback,
72 and

73
74 (B) both parking spaces in each tandem parking area are designated to
75 serve the same dwelling unit.

76
77 (ii) Notwithstanding any contrary provision of this Title, **covered parking**
78 **requirements are eliminated and** required parking may be located **on a driveway** in a
79 required front yard of any one-family dwelling **when the following requirements are**
80 **met:** ~~lot or parcel located within the area bounded by 150 North on the south, 300~~
81 ~~North on the north, 800 East on the west, and Seven Peaks Boulevard on the east shall~~
82 ~~be permitted to have parking in a required front yard if such parking:~~

83 **(A) is located in front of a dwelling that was constructed prior to 1959 The**
84 **dwelling is one-story high and was originally constructed with 1,000 square**
85 **feet or less of habitable space on the main level. When determining the**
86 **square footage of the main level habitable space of a home, the Community**

87 Development Director or the Director's designee may approve an additional
88 exception up to ten (10) percent;

89 (B) The building lot is such that all existing side yards are insufficient to provide
90 driveway access to the side or rear yard;

91 (C) The parking meets the parking design standards set forth in Section 14.37.100
92 without being allowed to project over the public sidewalk or any other area
93 originally designed for pedestrian access.

94 (D) The parking located on the front yard driveway does not exceed three total
95 spaces;

96 (E) ~~(B)~~The parking is not located in front of the primary entry to the dwelling;
97 and

98 (F) ~~(C)~~The paved parking and access in the front yard, if created after May 19,
99 2009, does not violate an applicable lot coverage requirement set forth in this
100 title.

101

102

103 **14.10.120. Permissible Lot Coverage.**

104

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

107

108 (2) Front and corner side yard paving shall be limited to the amount of paving necessary to
109 provide direct access to ~~an attached garage or carport, or legal interior side or rear yard~~ parking.
110 The street curb cut shall not exceed thirty-five (35) feet in width.

111

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

118

119 (4) The total area of all paved parking and access in the front yard, including detached
120 parking structures, shall not exceed more than ~~thirty-five percent (35%)~~ **fifty percent (50%)** of
121 the total front yard.

122

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

125 (6) Areas of hardscape to be used for activities other than parking must be designed to prohibit
126 the parking of vehicles. Any structure or device used to prohibit parking must be integrated with
127 the overall design, be permanent, and immovable.
128

129 (7) All parking areas or spaces, covered or uncovered, must comply with the Design Standards as
130 set forth in Section 14.37.100, Provo City Code. (Am 2001-49, Am 2006-46, Am 2011-15)

131

132

133 **14.10.130. Parking, Loading, and Access.**

134

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

137

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

140

141 (3) Except for ~~tandem~~ parking on a driveway as provided in Section 14.37.080(1)(c)(i),
142 Provo City Code, no parking spaces shall be provided ~~within thirty (30) feet of a~~ closer to the
143 front property line **than the main dwelling**. (Am 2001-49, Am 2011-15)

144

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146 PART II:

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148 A. If a provision of this ordinance conflicts with a provision of a previously adopted
149 ordinance, this ordinance shall prevail.

150

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

154

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

157

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

160

161 END OF ORDINANCE.