

Ordinance 2017-09

SHORT TITLE:

An ordinance amending the Provo City Code to adjust the parking ratios for off-street parking. (16-022OA)

I

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	DAVID SEWELL	√		
CW 2	GEORGE STEWART	√		
CD 1	GARY WINTERTON	√		
CD 2	KIM SANTIAGO	√		
CD 3	DAVID KNECHT	√		
CD 4	KAY VAN BUREN		√	
CD 5	DAVID HARDING	√		
TOTALS		6	1	0

This ordinance was passed by the Municipal Council of Provo City, on the 21st day of March 2017, on a roll call vote as described above. Signed this 23 March 2017.


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this March 23, 2017.


Mayor

Ordinance 2017-09

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 March 2017, with a short summary being published on the 25th day of March, 2017, 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 2017-09.





City Recorder

1 ORDINANCE 2017-09.

2
3 AN ORDINANCE AMENDING PROVO CITY CODE TO ADJUST THE
4 PARKING RATIOS FOR OFF-STREET PARKING. (16-022OA)

5
6 WHEREAS, it is proposed that amendments to the parking ratios for Off-Street Parking
7 Standards for the ITOD Zone, Provo City Code Section 14.23.120 (Parking, Loading and
8 Access), the General Downtown Zone, Provo City Code Section 14.21A.150 (Parking, Loading
9 and Access), the Downtown Core Zone, Provo City Code Section 14.21B.140 (Parking, Loading,
10 and Access), and for Baching Singles as provided in Provo City Code Section 14.37.060
11 (Parking Spaces Required) be amended to increase the relevant minimum parking requirement;
12 and

13
14 WHEREAS, the proposed amendments are being recommended by the Provo City
15 Community Development Department due to increased resident complaints in surrounding areas;
16 and

17
18 WHEREAS, on February 8, 2017, the Planning Commission held a duly noticed public
19 hearing to consider this proposal and after such hearing the Planning Commission recommended
20 approval to the Municipal Council by a vote of 3:1; and

21
22 WHEREAS, on February 21, 2017, the Municipal Council held a duly noticed public
23 meeting to ascertain the facts regarding this matter, and on March 7, 2017, and March 21, 2017,
24 the Municipal Council held duly noticed public hearings to solicit public feedback and ascertain
25 facts, which facts and comments are found in the meeting and hearing records; and

26
27 WHEREAS, after considering the Planning Commission recommendation, and facts and
28 comments presented to the Municipal Council, the Council finds (i) the amendments to the
29 parking ratios for Off-Street Parking Standards for Baching Singles, the ITOD Zone, the General
30 Downtown Zone, and the Downtown Core Zone be amended and (ii) this action, as set forth
31 below, reasonably furthers the health, safety, and general welfare of the citizens of Provo City.

32
33 NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as
34 follows:

35
36 PART I:

37
38 Provo City Code Sections 14.37.060 (Parking Spaces Required) is hereby amended as
39 shown below:

40
41 **14.37.060. Parking Spaces Required.**

42
43 ...

44
45 BACHING SINGLES

46

47 *1 to 6 bedrooms*

48

49 Minimum of two (2) spaces per bedroom plus .25 spaces per unit visitor parking, with a
50 maximum of three (3) bedrooms per unit, if the bedrooms are over one hundred (100)
51 square feet. If the bedrooms are less than one hundred (100) square feet, one (1) space per
52 bedroom plus one quarter (.25) space per unit visitor parking, with a maximum of six (6)
53 bedrooms per unit, if the bedrooms are under one hundred (100) square feet. Recreational
54 vehicles shall not be allowed in the required parking.

55

56 *Joaquin South Campus Planning Area (between University Ave. and 900 East; 500 N to*
57 *the southern boundary of BYU campus)*

58

59 Minimum ~~.70~~.80 parking space per tenant ~~which includes parking for visitors and for the~~
60 ~~disabled as outlined in 14.37.110.~~ plus .20 parking spaces per unit for visitors and for the
61 disabled as outlined in 14.37.110. Disabled Parking Space. Recreational vehicles shall
62 not be allowed in the required parking area.

63

64 . . .

65

66 PART II:

67

68 Provo City Code Section 14.23.120 (Parking, Loading and Access) is hereby
69 amended as shown below:

70

71 **14.23.120. Parking, Loading and Access**

72

73 (1) ~~Minimum parking requirements shall be as follows:~~ Each lot or parcel in the ITOD
74 zone shall provide a minimum of seventy-five (75%) percent of the required off-street
75 parking set forth in Provo City Code Section 14.37.060, except as otherwise provided
76 in subsection (2).

77

78 ~~(a) Fifty (50) percent of the parking required for each use as provided in Chapter~~
79 ~~14.37, Provo City Code;~~

80

81 ~~(b) Parking for residential uses on a fifth and sixth story may be reduced to twenty~~
82 ~~five (25) percent of the parking otherwise required in Chapter 14.37, Provo City~~
83 ~~Code; and~~

84

85 ~~(c) Parking shall not be required for the first two thousand five hundred (2,500)~~
86 ~~square feet of retail or restaurant uses located in a building that consists of at least~~
87 ~~fifty (50) residential units.~~

88

89 ~~(2) Each project shall not provide more parking than that required by Chapter 14.37,~~
90 ~~Provo City Code.~~

- 91
92 (2) Residential parking may be reduced to one space per unit for one bedroom units and
93 to one and one-quarter spaces for units with two or more bedrooms subject to
94 Planning Commission approval of a Transportation Demand Management (TDM)
95 program.
96
97 (a) Elements of a TDM program may include, but are not limited to, the following:
98
99 (i) Landscaped areas reserved for future parking, if needed;
100
101 (ii) Robust bicycle amenities (i.e. lockers and repair facility);
102
103 (iii) Coupling of rent with on-site parking fee;
104
105 (iv) Subsidized or discounted mass transit passes for tenants;
106
107 (v) Shuttle service;
108
109 (vi) Priority parking for carpool and/or van pool vehicles;
110
111 (vii) Priority parking for car-sharing; or
112
113 (viii) Electric vehicle charging facilities.
114
115 (b) Transportation Demand Management programs approved by the Planning
116 Commission shall be memorialized in a TDM agreement with Provo City, which
117 shall be an enforceable agreement that is recorded and shall run with the land.
118
119 (c) For property where a TDM agreement exists, failure by the property owner to
120 abide by the agreement shall be unlawful. In addition to other legal remedies
121 available to the City, a determination by the Planning Commission, after a duly
122 noticed hearing, that the owner has violated the agreement, shall mean that any
123 parking reduction allowed as the result of the TDM program is no longer allowed
124 for that property and the property must meet the parking requirements otherwise
125 required by Provo City Code.
126
127 (3) In no case shall parking for residential uses be less than one space per unit.
128
129 (4) Bicycle Parking. A minimum of one bicycle stall shall be required for every 2,000 square
130 feet of gross floor area. Bicycle stalls must be provided in an enclosed area in the primary
131 structure or within a parking structure on the property.
132
133 (35) All other requirements of Provo City Code Chapter 14.37, ~~Provo City Code~~ shall

134 apply.

135

136 PART III:

137

138 Provo City Code Section 14.21A.150 (Parking, Loading and Access) is hereby
139 amended as shown below:

140

141 **14.21A.150. Parking, Loading, and Access**

142

143 (1) Each lot or parcel in the DT1 zone shall provide a minimum of ~~fifty per cent (50%)~~ seventy-
144 five percent (75%) of the required off-street parking as set forth in Provo City Code
145 Chapter 14.37, Provo City Code, except:

146

147 (a) Buildings or portions of buildings located in the required 60-foot transitional setback shall
148 comply with the following parking requirements:

149

150 (i) Residential units shall have a minimum of one (1) and a half spaces for one (1)
151 bedroom units and two (2) and a quarter spaces for units with two (2) or more
152 bedrooms. This requirement does not include any disabled parking spaces required by
153 Section 14.37.110; and

154

155 (ii) Commercial uses shall provide the minimum parking required by Ch. 14.37.

156

157 ~~(2) Parking for up to two levels of residential uses above the fourth story of any building in the~~
158 ~~DT1 zone may be reduced to 25% of the amount required by Chapter 14.37.~~

159

160 ~~(2) Residential parking may be reduced to one space per unit for one bedroom units and~~
161 ~~to one and one-quarter spaces for units with two or more bedrooms subject to~~
162 ~~Planning Commission approval of a Transportation Demand Management (TDM)~~
163 ~~program.~~

164

165 (a) ~~Elements of a TDM program may include, but are not limited to, the following:~~

166

167 ~~(i) Landscaped areas reserved for future parking, if needed;~~

168

169 ~~(ii) Robust bicycle amenities (i.e. lockers and repair facility);~~

170

171 ~~(iii) Coupling of rent with on-site parking fee;~~

172

- 173 (iv) Subsidized or discounted mass transit passes for tenants;
174
175 (v) Shuttle service;
176
177 (vi) Priority parking for carpool and/or van pool vehicles;
178
179 (vii) Priority parking for car-sharing; or
180
181 (viii) Electric vehicle charging facilities.
182
- 183 (b) Transportation Demand Management programs approved by the Planning
184 Commission shall be memorialized in a TDM agreement with Provo City, which
185 shall be an enforceable agreement that is recorded and shall run with the land.
186
- 187 (c) For property where a TDM agreement exists, failure by the property owner to
188 abide by the agreement shall be unlawful. In addition to other legal remedies
189 available to the City, a determination by the Planning Commission, after a duly
190 noticed hearing, that the owner has violated the agreement, shall mean that any
191 parking reduction allowed as the result of the TDM program is no longer allowed
192 for that property and the property must meet the parking requirements otherwise
193 required by Provo City Code.
194
195
- 196 (3) ~~Maximum Parking. In no case shall parking exceed that required by Ch. 14.37—Parking.~~ In no
197 case shall parking for residential uses be less than one space per unit.
198
- 199 (4) Bicycle Parking. A minimum of one bicycle stall shall be required for every 2000 square feet
200 of gross floor area. Bicycle stalls must be provided in an enclosed area in the
201 primary structure or within a parking structure on the property.
202
- 203 (5) Parking Design. Parking shall be designed to the requirements of Section 14.37.100.
204
- 205 (a) Surface parking shall not be provided within thirty (30) feet of a front
206 or street side yard property line of any property adjacent to a primary street. Surface
207 parking is not permitted within the first six (6) feet of properties fronting secondary
208 streets and must be separated from the street by a 6 foot wide berm that is a minimum of
209 twenty-four (24) inches in height.
210

211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253

PART IV:

Provo City Code Section 14.21B.140 (Parking, Loading, and Access) is hereby amended as shown below:

14.21B.140. Parking, Loading, and Access.

(1) Each lot or parcel in the DT2 zone shall provide a minimum of ~~fifty per cent (50%)~~seventy-five percent (75%) of the required off-street parking as set forth in Provo City Code Chapter ~~14.37, Provo City Code~~.

~~(2) Parking for up to two (2) levels of residential uses above the fourth story of any building in the DT2 zone may be reduced to twenty five per cent (25%) of the amount required by Chapter 14.37.~~

(2) Residential parking may be reduced to one space per unit for one bedroom units and to one and one-quarter spaces for units with two or more bedrooms subject to Planning Commission approval of a Transportation Demand Management (TDM) program.

(a) Elements of a TDM program may include, but are not limited to, the following:

- (i) Landscaped areas reserved for future parking, if needed;
- (ii) Robust bicycle amenities (i.e. lockers and repair facility);
- (iii) Coupling of rent with on-site parking fee;
- (iv) Subsidized or discounted mass transit passes for tenants;
- (v) Shuttle service;
- (vi) Priority parking for carpool and/or van pool vehicles;
- (vii) Priority parking for car-sharing; or
- (viii) Electric vehicle charging facilities.

(b) Transportation Demand Management programs approved by the Planning Commission shall be memorialized in a TDM agreement with Provo City, which shall be an enforceable agreement that is recorded and shall run with the land.

254 (c)For property where a TDM agreement exists, failure by the property owner to
255 abide by the agreement shall be unlawful. In addition to other legal remedies
256 available to the City, a determination by the Planning Commission, after a duly
257 noticed hearing, that the owner has violated the agreement, shall mean that any
258 parking reduction allowed as the result of the TDM program is no longer allowed
259 for that property and the property must meet the parking requirements otherwise
260 required by Provo City Code.

261
262 (3) ~~Maximum Parking. In no case shall parking exceed that required by Ch. 14.37—Parking.~~In no
263 case shall parking for residential uses be less than one space per unit.

264
265 (4) Bicycle Parking. A minimum of one bicycle stall shall be required for every two thousand
266 (2000) square feet of gross floor area. Bicycle stalls must be provided in an enclosed area in
267 the primary structure or within a parking structure on the property.

268
269 (5) Parking Design. Parking shall be designed to the requirements of Section 14.37.100.

270
271 (a) Surface parking shall not be provided within thirty (30) feet of a front
272 or street side yard property line of any property adjacent to a primary street. Surface
273 parking is not permitted within the first six (6) feet of properties fronting secondary
274 streets and must be separated from the street by a six (6) foot wide berm that is a
275 minimum of twenty- four (24) inches in height.

276
277
278 PART V:

279
280 A. If a provision of this ordinance conflicts with a provision of a previously adopted
281 ordinance, this ordinance shall prevail.

282
283 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
284 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or
285 invalid, the remainder of the ordinance shall not be affected thereby.

286
287 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
288 updated to reflect the provisions enacted by this ordinance.

289
290 D. This ordinance shall take effect immediately after it has been posted or published in
291 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
292 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

293
294 END OF ORDINANCE.