

Ordinance 2017-34

SHORT TITLE:

An ordinance amending Provo City Code regarding patio roofs and their extension into a required setback. Citywide impact. (17-0008OA)

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		7	0	

This ordinance was passed by the Municipal Council of Provo City, on the 8th day of August 2017, on a roll call vote as described above. Signed this 23rd day of August 2017.

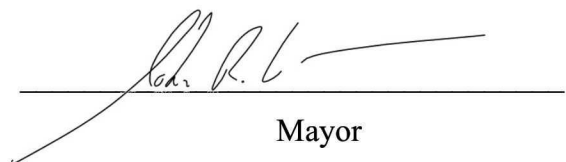


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 29 August 2017.


Mayor

Ordinance 2017-34

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 August 2017, with a short summary being published on the 12nd day of August 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 2017-34.





City Recorder

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ORDINANCE 2017-34.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING PATIO ROOFS AND THEIR EXTENSION INTO A REQUIRED SETBACK. CITY-WIDE IMPACT. (17-0008OA)

WHEREAS, it is proposed that Provo City Code Section 14.06.020 and Subsection 14.10.090(4) be amended to establish a definition of patio and patio roof, and to clarify the allowance of patio roofs to extend within a certain distance of the rear property line; and

WHEREAS, on June 28, 2017, the Planning Commission held a duly noticed public hearing to consider the proposal, and after such hearing the Planning Commission recommended approval to the Municipal Council by a vote of 4:0; and

WHEREAS, on July 18, 2017 and August 8, 2017, the Municipal Council held duly noticed public meetings to ascertain the facts regarding this matter, which facts are found in the meeting records; 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 Chapter 14.06 and Subsection 14.10.090(4) should be amended on the basis recommended by the Planning Commission and (ii) this action, 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:

Provo City Code Section 14.06.020 and Subsection 14.10.090(4) are hereby amended as follows:

14.06.020. Definitions.

...

“Parcel” See definition of “Lot.”

“Patio” means a relatively flat outdoor living or recreational area that is no more than thirty (30) inches above grade level and may be either detached or attached to another building or structure on the property.

“Patio Roof/Covered Patio” means a one-story roof structure extending over a patio that is open on at least three sides.

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14.10.090. Projections into Yards.

(4) ~~The structure listed below~~ Patio roofs may project up to twelve (12) feet into a required rear yard ~~not more than twelve (12) feet, but no closer than eight (8) feet to the rear property line, as measured from the patio roof edge.~~ Patio, and provided such structure is not more than one (1) story in height ~~and is open on at least three (3) sides, except for necessary supporting columns and customary architect features~~ with a maximum height of twelve (12) feet within ten (10) feet of the property line.

END

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.