



Provo City Planning Commission

Report of Action

June 28, 2017

ITEM 3* The Provo City Community Development Department request an amendment to Subsection 14.10.080(3) regarding street-side yards on corner lots. *City-Wide Impact*. 17-0007OA, Brian Maxfield, 801-852-6429

The following action was taken by the Planning Commission on the above described item at its regular meeting of June 28, 2017:

RECOMMENDATION FOR APPROVAL

On a vote of 4:0, the Planning Commission recommended the Municipal Council approve the above noted application

Motion By: Dave Anderson

Second By: Brian Smith

Votes in Favor of Motion: Dave Anderson, Brian Smith, Ed Jones, Deborah Jensen

Deborah Jensen acted as Chair.

- The motion includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- The main purpose of the amendment is to bring the setback required for the street side-yard on corner lots, into conformance with the recent changes made to the required front yard setback.
- A proposed change to the wording of the amendment from that presented in the staff report was noted. The noted change (displayed as Exhibit A) eliminated the parking reference from the subject section. Staff noted that instead, they would recommend a future amendment to address the possible allowance of such parking under certain conditions as had been included in Exhibit A of the staff report (displayed as Exhibit B). The future amendment would allow Staff to better examine several different situations regarding parking for corner lots as well as interior lots, including a number of examples displayed at the meeting. The future amendment would also likely propose placing the parking restriction/allowance either within the section of the ordinance related to parking or else within the general regulations for the single-family residential zones.
- Staff's recommendation was for adoption of the displayed Exhibit A, which eliminates the reference to parking.

CITY DEPARTMENTAL ISSUES

None

NEIGHBORHOOD MEETING DATE

City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

Melanie Densley asked several questions relating to the presentation on the parking restrictions/allowances and how those might be addressed in the future proposed amendment.

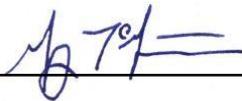
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission clarified the recommendation to the Council was for Exhibit “A” as displayed at the meeting.



Planning Commission Chair



Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

EXHIBIT "A"

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14.10.080. Yard Requirements.

(3) Street Side Yard - Corner Lots. On corner lots, the side yard contiguous to the street shall ~~not be less than twenty (20) feet~~ meet the same minimum requirement as for a front yard, and shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or carport.

END



**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: June 28, 2017**

ITEM 3* The Provo City Community Development Department request an amendment to Subsection 14.10.080(3) regarding street-side yards on corner lots. **City-Wide Impact.** 17-0007OA, Brian Maxfield, 801-852-6429

Applicant: Community Development Department
Staff Coordinator: Brian Maxfield

Property Owner: N/A

Parcel ID#: N/A

Current General Plan Designation: N/A

Proposed General Plan Designation: N/A

Current Zone: N/A

Acreage: N/A

Number of Properties: N/A

*Council Action Required: Yes

Related Application: 17-0008OA

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is July 12, 2017, at 5:30 p.m.*

2. **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

Relevant History:

This item is related to the front yard setback changes adopted by the Municipal Council on May 16, 2017.

Neighborhood Issues:

City-wide Application. To date, no comments from Neighborhood Chairs have been received.

Summary of Key Issues:

- The need to adopt an amendment regarding side street setbacks in correlation with the recently approved amendment regarding front yard setbacks.
- Staff's desire to add a further amendment to the same paragraph in order to remedy an ongoing code enforcement issue.

Staff Recommendation:

Recommend Approval of the proposed ordinance amendment to Section 14.10.080 of the City Code as shown on the attached Exhibit "A", establishing the required building setback on the street side yard, and allowing vehicular parking in the street side yard setback upon meeting certain conditions.

This action would be consistent with the recommendation of the Staff Report. Any additional changes should be stated with the motion

OVERVIEW

This item is a proposed amendment regarding the required minimum setback for the side yard contiguous to the street corner lots. The amendment also includes the allowance for vehicular parking in the side street yard setback upon meeting certain conditions

On May 16, 2017, the Municipal Council approved a change in the determination of the front yard setback. That Front/Rear Yard setback requirement now reads:

14.10.080. Yard Requirements

Except where allowed elsewhere within this Title, the following minimum yard requirements shall apply in the R1 zone: (Note: Unless otherwise noted, all side and rear yard setbacks are measured from the property line.)

(1) Front/Rear Yards

(a) Combined Front/Rear Yards. Each lot or parcel in the R1 zone shall have a minimum combined front and rear yard of at least:

(i) Fifty (50) feet for parcels or lots with an average depth greater than 113 feet.

(ii) Forty (40) feet for parcels or lots with an average depth of 113 feet or less.

(b) Front Yard: 23 feet from the back of curb or 14 feet behind the sidewalk or property line, whichever results in the greater setback. However, except where approved through other provisions of this ordinance, all garages and carports shall have a minimum setback of 20 feet behind a sidewalk, or where no sidewalk exists, 26 feet behind the back of curb.

(c) Rear Yard: 20 feet, except that up to 100 square feet of the primary building may extend an additional 5 feet toward the rear property line on lots with an average depth of 113 feet or less, so long as the extension is not more than one-story or 15 feet in height.

After the amendment review and adoption process of the front and rear yard setbacks had been presented to the Municipal Council, it was realized a change would also need to be made to Subsection 14.10.080(3) which addresses the setback from the side street on a corner lot. As Section 14.10.080 now stands, there is an inconsistency

between the front yard setback requirement under Subsection (1) and the side-street setback requirement under Subsection (3). However, because a change to Subsection (3) wasn't within the scope of notice for the recently adopted amendment, it is now being presented as a separate amendment. This newly proposed amendment is:

14.10.080. Yard Requirements.

(3) Street Side Yard - Corner Lots. On corner lots, the ~~side~~ yard contiguous to the street shall ~~not be less than twenty (20) feet~~ meet the same minimum requirement as for a front yard, with no combined yard requirement. ~~and~~ Such yard shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or carport, or else where there is direct driveway access and permitted fencing and/or year-round vegetative cover would screen such area from the side street with an opaqueness factor of at least 75 percent.

STAFF ANALYSIS

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

(a) Public purpose for the amendment in question.

The proposed amendment addresses an inconsistency in setback requirements on corner lots. Additionally, the amendment address a difficult to enforce limitation on parking in side yards, where there actually could be less impact than might otherwise occur with vehicles being parked elsewhere.

(b) Confirmation that the public purpose is best served by the amendment in question.

One of the major goals of the City's General Plan is to encourage and facilitate the orderly growth and development of the City. An additional goal is to stabilize and improve property values.

Staff believes the proposed amendment would further address these goals through ordinance consistency and through reducing street congestion and visual impact on adjacent property owners.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

See “(b)” above.

(d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.

The amendment would cause no conflict.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies.

The amendment would not hinder nor obstruct attainment of the General Plan’s articulated policies.

(f) Adverse impacts on adjacent land owners.

One of the goals of the amendment is to reduce or eliminate current adverse impacts from an adjoining property. There are frequent violations of parking in street side yards, but because of the movable nature of vehicles, they are difficult to enforce. Requiring screening of the vehicles could reduce adverse visual impact on adjacent land owners as well as reduce parking on streets.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Does not apply to an ordinance amendment.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Does not apply to an ordinance amendment.

CONCLUSIONS

Staff believes the proposed amendment would make the required setback from the street side yard consistent with the required setback for the front yard. Additionally, the amendment addresses a hard to enforce restriction on parking in side yards, by an allowance which would help mitigate any impact and work to reduce the need for on-street vehicle parking.

STAFF RECOMMENDATION

Recommend Approval of the proposed ordinance amendment to Section 14.10.080 of the City Code as shown on the attached Exhibit "A", establishing the required building setback on the street side yard, and allowing vehicular parking in the street side yard setback upon meeting certain conditions.

EXHIBIT "A"

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14.10.080. Yard Requirements.

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END