



Provo City Planning Commission

Report of Action

June 28, 2017

ITEM 4* The Provo City Community Development Department requests an amendment to Chapter 14.06 and Subsection 14.10.090(4) regarding patio roofs and their extension into a required setback. **City-Wide Impact.** 17-0008OA, 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: Ed Jones

Second By: Dave Anderson

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

- This amendment resulted from the recently approved changes to a rear yard that, with the allowance for a 100 square foot portion of a dwelling to extend within 15 feet of the rear yard, the current allowance for a covered patio to extend 12 feet into the required rear yard setback, would then allow the covered patio to come within 3 feet of the rear property line instead of the 8 feet with the previous rear yard requirements.
- The amendment also includes adding definitions for patio and patio roof to further clarify the allowance for the porch extension, as well as the measurement being to the edge of roof rather than a supporting pole.

CITY DEPARTMENTAL ISSUES

None

NEIGHBORHOOD MEETING DATE

City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

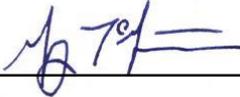
None

PLANNING COMMISSION DISCUSSION

The Planning Commission had no further discussion.



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.).

1 EXHIBIT "A"

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3 **14.06.020. Definitions.**

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

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

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12 **14.10.090. Projections into Yards.**

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

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21 END



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

ITEM 4* The Provo City Community Development Department requests an amendment to Chapter 14.06 and Subsection 14.10.090(4) regarding patio roofs and their extension into a required setback. **City-Wide Impact.** 17-0008OA, 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: 17-0007OA

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 rear 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 the amendment relating to porch roofs based on new rear yard setback and encroachment allowances.

Staff Recommendation:

Recommend Approval of the proposed ordinance amendment to Section 14.06.020 and Section 14.10.090(4) of the City Code, as shown on the attached Exhibit "A," establishing a definition of patio and patio roof, and clarifying the allowance of patio roofs to extend within a certain distance of the rear property line.

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 establishment of a definition for patios and patio roofs, as well as clarifying the allowance of patio roofs to extend only to within eight feet of the required rear-yard setback.

On May 16, 2017, the Municipal Council approved a change in the determination of the front yard setback. That 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.

As the amendment was discussed by the Council, it was felt that a conflict could occur between the current ordinance allowance for a covered patio to extend "into a required yard not more than twelve (12) feet," and the newly allowed encroachment where up to 100 square feet of the primary residential building may extend an additional 5 feet toward the rear property line. Without an amendment, the existing allowance for the 12-foot projection would result in the support posts for a roofed patio extending to within three feet of the property line instead the current eight feet. With an allowance for the

roof eave, this could be even closer. The council has stated they would like to continue an allowance for the covered patio extension, but because of the resulting distance between the structure and the property line, the result would be better is measured from the edge of the roof rather than the supporting posts. In comparison, accessory structures are generally allowed to extend within three feet of an adjoining property line.

Additionally, confusion has occurred as the common use of the term patio, relates more to a flat surface improvement located on the ground, and which wouldn't normally be subject to a setback requirement. Since it is actually a patio roof, as a structure that is intended to be regulated by the setback, staff is also proposing adding a definition to the ordinance clarifying the terms patio and patio roof or covered patio. The proposed amendments are attached to this report as Exhibit "A."

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 better addresses the allowance for the encroachment of a covered patio or patio roof into the require rear yard setback in a residential zone. It also clarifies that it is the patio roof being regulated rather than a patio which is uncovered.

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

The amendments can allow a better understanding for both staff and the general public of the City's Zoning Ordinance.

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

One of the major goals of the City's General Plan is to encourage and facilitate the orderly growth and development of the City. Staff believes the proposed amendments work toward that goal.

(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.

Staff believes the amendments will reduce possible adverse impacts on adjacent land owners though maintaining an adequate setback of the structure.

(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 better clarify the allowance for the extension of covered patios and patio roofs, while maintaining an adequate property setback with adjoining properties.

STAFF RECOMMENDATION

Recommend Approval of the proposed ordinance amendment to Section 14.06.020 and Section 14.10.090(4) of the City Code, as shown on the attached Exhibit "A," establishing a definition of patio and patio roof, and clarifying the allowance of patio roofs to extend within a certain distance of the rear property line.

EXHIBIT "A"

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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 architectural features~~ with a maximum height of twelve (12) feet within ten (10) feet of the property line.

END