

***ITEM # 3** The Development Services Dept. requests Ordinance Text Amendments to Sections 14.32.060 and 14.32.090 to clarify the spacing requirements for accessory structures in relation to main buildings in the Residential Conservation (RC) zone. Citywide Impact. Dustin Wright (801) 852-6414 dwright@provo.org PLOTA20200291

Applicant: Development Services Dept.

Staff Coordinator: Dustin Wright

Property Owner: N/A

Parcel ID#: N/A

Acreage: N/A

Number of Properties: N/A

Number of Lots: N/A

*Council Action Required?: Yes

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is December 9, 2020 6:00p.m.*
2. **Deny** the requested text amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History:

Staff found unclear regulations for spacing of accessory structures in the Residential Conservation (RC) zone that need to be clarified with a text amendment.

Neighborhood Issues:

No issues have been made know to staff.

Summary of Key Issues:

- The existing code appears to require more spacing that would be practical on the majority of properties in the RC zone.
- The proposed update would bring clarity and conformity to spacing requirements in the RC zone with other comparable residential zones.

Staff Recommendation:

Move to **recommended approval** to the Municipal Council of the proposed Ordinance Text Amendment for sections 14.32.060 and 14.32.090 as written in Attachment 2.

BACKGROUND

The requirement for spacing between the main dwelling and an accessory structure in the RC zone is not clear and appears to imply that the structures would need to be twenty feet apart. Most of the properties in the RC zone are on smaller lots and would not be able to have an accessory structure if they had to be twenty feet back from the main dwelling.

Staff analyzed this and determined that this twenty foot requirement couldn't have been the intent and that this proposed change was needed to clarify what the requirement should be for spacing between the main dwelling and an accessory structure. In determining what the spacing requirement should be staff looked at the R1 zone requirements. The R1 zones have a six foot setback requirement between the main dwelling and the accessory building.

ANALYSIS

Sec. 14.020.020(2) establishes criteria for the amendments to the zoning title as follows:
(Staff response in bold type)

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 amendment will add clarity to the zoning requirements. It will also bring consistency with other comparable zoning requirements.

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

The amendment will allow a reasonable spacing requirement for residents in the RC to be able to have an accessory structure in their rear yard like those permitted in the R1 zones.

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

This is a small change and would not have major impact to meeting goals and objectives in the General Plan.

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

There are no issues with the proposed amendment.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the

General Plan's articulated policies.

Staff does not see any potential to disrupt any General Plan policies if the proposed amendment is adopted.

(f) Adverse impacts on adjacent land owners.

No impacts to adjacent land owners with this amendment are expected.

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

N/A as this item has city-wide applicability.

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

There are no conflicts here.

FINDINGS OF FACT

1. The proposed amendment would apply to property zoned Residential Conservation (RC).
2. One-family (R1) zones require six feet between accessory buildings and main dwelling per 14.10.110 of the Provo City Code.

STAFF RECOMMENDATION

Move to **recommended approval** to the Municipal Council of the proposed Ordinance Text Amendment for sections 14.32.060 and 14.32.090 as written in Attachment 2.

ATTACHMENTS

1. **Current Code Language**
2. **Proposed Code Language**

Attachment 1 – Current Code Language

14.32.090 Distance Between Buildings.

The minimum distance between main buildings shall not be less than twenty (20) feet.

...

14.32.060 Yard Requirements.

(5) Accessory Building Outside the Buildable Area. Accessory buildings that do not meet the setback requirements (outside the buildable area) for a main dwelling shall meet the conditions in Subsection (4) above and the following:

...

(g) Comply with distance between buildings requirements.

Attachment 2 – Proposed Code Language

14.32.090 Distance Between Buildings.

(1) The minimum distance between main buildings shall not be less than twenty (20) feet.

(2) The distance between any accessory buildings and a main building shall not be less than six (6) feet.

...

14.32.060 Yard Requirements.

(5) Accessory Building Outside the Buildable Area. Accessory buildings that do not meet the setback requirements (outside the buildable area) for a main dwelling shall meet the conditions in Subsection (4) above and the following:

...

(g) Comply with distance between buildings requirements in 14.32.090(2).