

Ordinance 2018-18

SHORT TITLE:

An ordinance amending Provo City Code to make the definitions of “baching singles” and “family” consistent with state law. Citywide impact. (PLOTA20180121)

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	GEORGE HANDLEY			Excused
CD 3	DAVID KNECHT	✓		
CD 4	KAY VAN BUREN	✓		
CD 5	DAVID HARDING	✓		
TOTALS		6	0	

This ordinance was passed by the Municipal Council of Provo City, on the 5th day of June 2018, on a roll call vote as described above. Signed this 13th day of June 2018


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 14th day of June 2018


Mayor

Ordinance 2018-18

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the
19th day of June 2018, with a short summary being published on the 9th day of June 2018,
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
2018-18.




City Recorder

Exhibit A

14.06.020. Definitions.

...

“**Baching Singles**” means the number of related or unrelated individuals set forth in Subsection (a) of this definition, none of whom is a head of household, who are occupying a baching singles dwelling unit in accordance with regulations applicable to the zone where the dwelling unit is located.

(a) ~~(i) In R1 zones located within the areas described in Subsection (c) of this definition, the number of persons who constitute baching singles shall be three (3) or more.~~

~~(ii) In all zones other than those described in Subsection (a)(i) of this definition, the number of persons who constitute baching singles shall be four (4) or more.~~

(b) The following presumption shall be employed in applying this definition:

(i) A group of individuals living together in the same dwelling unit shall be presumed to be baching singles if the dwelling unit is occupied by the number of individuals authorized in the zone where the baching singles dwelling unit is located, and such individuals are:

(A) unrelated adults over the age of eighteen (18) years and do not have any minor dependent children who occupy the dwelling unit; or

(B) college students over the age of sixteen (16) years; or

(C) any combination of (A) and (B).

(D) A college student is a person who attends, at least half time, any college, university or other institution authorized to confer degrees by the State of Utah.

(ii) The burden of disproving this presumption shall be on the person challenging it and shall be made based on a preponderance of evidence.

(iii) For the purpose of this presumption minor dependent children of any individual resident of the dwelling unit shall be excluded in calculating the number of individuals living in the dwelling unit.

(c) Subsection (a) of this definition shall apply to the following neighborhood areas:

~~(i) Dixon – Commencing at the intersection of Interstate 15 and the Provo River; thence northeast along the Provo River to 500 North; thence east on 500 North to 600 West; thence south on 600 West to Center Street; thence west on Center Street to Interstate 15; thence north on Interstate 15 to the Provo River;~~

~~(ii) Edgement – Commencing at 3700 North and Lovers Lane; thence east along 3650 North to 870 East; thence south to 2780 North; thence west along 2780 North to Timpview Drive; thence south to 2600 North; thence west to Canyon Road at 2720 North; thence southwest along Canyon Road to 2680 North; thence west to University Avenue; thence north along University Avenue to Lover's Lane; thence North along Lovers Lane to 3700 North;~~

~~(iii) Foothills – Commencing at 1350 East and 820 North; thence northeast to 2000 East; thence south on 2000 East to 300 South; thence west on 300 South to 1250 East; thence north on 1250 East to 200 South; thence west from 200 South to 1050 East; thence north on 1050 East to Center Street; thence west on Center Street to 900 East; thence north on 900 East to Birch Lane; thence southwest on Birch Lane to 1350 East and 820 North;~~

~~(iv) Fort Utah – Commencing at the intersection of Center Street and the Provo River; thence east along the Provo River to I-15; thence south to Center Street; thence west to the Provo River;~~

~~(v) Franklin – Commencing at the intersection of Center Street and Interstate 15; thence east on Center Street to 500 West; thence South on 500 West to 100 South; thence east on 100 South to 250 West; thence south at 250 West to 200 South; thence east on 200 South to 200 West; thence south on 200 West to 600 South; thence west on 600 South to I-15; thence northwest on I-15 to Center Street;~~

~~(vi) Indian Hills – Commencing at 3460 North and Little Rock Drive; thence northeast to 3650 North and Foothill Drive; thence south on Flite Drive to Iroquois Drive at 3100 North; thence southwest on Iroquois Drive to Mojave Lane; thence northwest on Mojave Lane to Indian Hills Drive; thence southwest on Indian Hills Drive to 840 East; thence north on 840 East to 3460 North and Little Rock Drive;~~

~~(vii) Joaquin – Commencing at 960 North and University Avenue; thence east on 960 North to 150 East; thence south on 150 East to 600 North; thence west on 600 North to 700 East; thence north~~

on 700 East to 900 North; thence east on 900 North to 900 East; thence south on 900 East to Center Street; thence west on Center Street to 200 East; thence north on 200 East to 100 North; thence west on 100 North to 100 East; thence north on 100 East to 600 North; thence west on 600 North to University Avenue; thence north on University Avenue to 960 North;

(viii) Lakewood – Commencing at the intersection of 1100 West and 1020 South; thence east on 1020 South to Frontage Road; thence southeast on Frontage Road to the south boundary of Provo City; thence west along south boundary of Provo City to 1100 West; thence north on 1100 West to 1020 South;

(ix) North Park – Commencing at the intersection of Columbia Lane and Provo River; thence east along Columbia Lane, then east along Bulldog Boulevard to University Avenue; thence south on University Avenue to 500 North; thence west on 500 North to the intersection of 500 North and Provo River; thence northeast along the Provo River to Columbia Lane;

(x) Pleasant View – Commencing at 2230 North and University Avenue; thence east to 250 East; thence east along 2320 North to the intersection of North Temple Drive and Temple Hill Drive; thence southwest on North Temple Drive to 900 East; thence South on 900 East to Stadium Avenue; thence south to University Parkway; thence west along University Parkway to 350 East; thence north to Stadium Avenue; thence west to Canyon Road; thence north to 1800 North; thence west to the intersection of University Avenue and 1650 North; thence north on University Avenue to 2230 North;

(xi) Provost – Commencing at the intersection of Center Street and 900 East; thence east to 1060 East; thence south to 230 South; thence east to 1200 East; thence south to 300 South; thence east to the eastern boundary of Provo; thence south to 900 South; thence west to South State Street; thence northwest to 900 East; thence north to the intersection of 900 East and Center Street;

(xii) Rivergrove – Commencing at the intersection of I-15 and Grand Avenue; thence southeast along Grand Avenue to 900 North; thence east to 1250 West; thence north to 1000 North; thence northeast to the intersection of 1460 East and Jordan Avenue; thence northeast along Grandview Lane to State Street; thence south along State Street to the Provo River; thence west following the Provo River to I-15; thence north along I-15 to the intersection of I-15 and Grand Avenue;

(xiii) Sherwood Hills – Commencing directly north of East Lawn Drive at the northern boundary line of Provo; thence following the boundary line of Provo to Foothill Drive; thence southwest along N-

~~(xiii) Little Rock Drive to the intersection of 3460 North and 870 East; thence northwest curving around Scenic Drive and connecting to Timpview Drive at 4300 North; thence north along Timpview Drive, then along East Lawn Drive and continuing north to the northern boundary line of Prove; and~~

~~(xiv) Wasatch – Commencing at 1900 North and 1200 East; thence east on 1900 N to Oak Lane; thence east on Oak Lane to 1400 East; thence south on 1400 East to 820 North; thence west on 820 North to 1350 East; thence northwest from 1350 East (connecting to Birch Lane) to 900 East; thence north on 900 East to just north of Fir Circle (1500 North), thence northwest from 1500 North (connecting to Fir Ave.) to approximately 1200 East and 1700 North; thence north from the intersection of 1200 East and 1700 North to approximately 1900 North and 1200 East.~~

...

“Family,” unless otherwise expressly provided in this Title means:

(a) One (1) individual living alone; or

(b) One (1), but not more than one (1) at the same time, of the following groups of individuals described in subsections (i), (ii), or (iii) who together occupy a one-family dwelling unit as one (1) nonprofit housekeeping unit and who share common living, sleeping, cooking and eating facilities:

(i) A head of household and:

(A) All persons related to the head of household as a parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild by blood, marriage, adoption, guardianship, or any other duly authorized custodial relationship; and

(B) Not more than two (2) additional related or unrelated persons, including but not limited to, personal care or personal service providers; or

~~(ii) In R1 zones located within neighborhood areas described in Subsection (c) of the definition of “baching singles” in this Section, two (2) related or unrelated individuals and any children of either individual, if any; or~~

~~(iii) In all other zones, t~~Three (3) related or unrelated individuals and any children of either individual, if any.

(c) In applying this definition the existence of more than one (1) kitchen in a dwelling unit shall create a presumption that two (2) housekeeping units exist in the dwelling.

(d) "Family" does not include:

(i) Batching singles, as defined in this Section, even if related as set forth in Subsection (a)(i) of this definition;

(ii) Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;

(iii) Any number of individuals whose association is temporary or seasonal in nature; or

(iv) Any number of individuals who are in a group living arrangement as a result of criminal offenses.

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