

Ordinance 2022-46

SHORT TITLE:

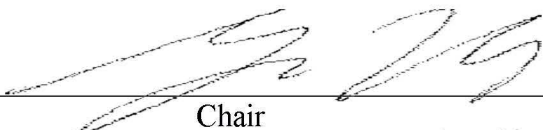
AN ORDINANCE AMENDING PROVO CITY CODE REGARDING ACCESSORY DWELLING UNITS. CITYWIDE APPLICATION. (PLOTA20220263)

I
PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

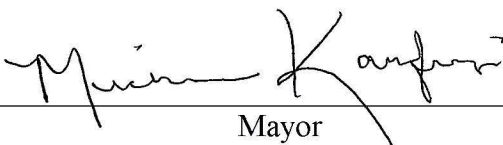
DISTRICT	NAME	FOR	AGAINST	OTHER
CW 1	KATRICE MACKAY	✓		
CW 2	DAVID SHIPLEY	✓		
CD 1	BILL FILLMORE		✓	
CD 2	GEORGE HANDLEY	✓		
CD 3	SHANNON ELLSWORTH	✓		
CD 4	TRAVIS HOBAN	✓		
CD 5	RACHEL WHIPPLE	✓		
TOTALS		6	1	

This ordinance was passed by the Municipal Council of Provo City, on the 18th day of October 2022, on a roll call vote as described above. Signed this 9th day of November 2022.


Chair

II
APPROVAL BY MAYOR

This ordinance is approved by me this 9th day of November 2022.


Mayor

Ordinance 2022-46

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was signed and recorded in the office of the Provo City Recorder on the 3rd day of January 2023 and was published on the Utah Public Notice Website on the 19th day of October 2022. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2022-46.





City Recorder

1 ORDINANCE 2022-46

2 AN ORDINANCE AMENDING PROVO CITY CODE REGARDING
3 ACCESSORY DWELLING UNITS. CITYWIDE APPLICATION.
4 (PLOTA20220263)

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6
7 WHEREAS, it is proposed that Provo City Code Chapter 14.30 be amended; and

8
9 WHEREAS, on September 14 and September 28, 2022, the Planning Commission held a
10 duly noticed public hearing to consider the proposed amendment, and after such meeting, the
11 Planning Commission recommended approval to the Municipal Council by a vote of 4:2; and

12
13 WHEREAS, on October 4 and October 18, 2022, the Municipal Council met to ascertain
14 the facts regarding this matter and receive public comment, which facts and comments are found
15 in the public record of the Council’s consideration; and

16
17 WHEREAS, after considering the Planning Commission's recommendation and facts and
18 comments presented to the Municipal Council, the Council finds (i) Provo City Code should be
19 amended as described herein and (ii) the proposed amendment reasonably furthers the health,
20 safety and general welfare of the citizens of Provo City.

21
22 NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as
23 follows:

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25 PART I:

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27 Provo City Code Section 14.30.020 is hereby amended as set forth in Exhibit A.

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29 PART II:

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31 Provo City Code Section 14.30.030 is hereby amended as set forth in Exhibit B.

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33 PART III:

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35 Provo City Code Section 14.30.040 is hereby enacted as set forth in Exhibit C.

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37 PART IV:

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39 Provo City Code Section 14.30.030 is hereby amended as set forth in Exhibit D.

40
41
42 PART V:

- 43
44 A. If a provision of this ordinance conflicts with a provision of a previously adopted
45 ordinance, this ordinance shall prevail.
46

47 B. This ordinance and its various sections, clauses and paragraphs are hereby
48 declared to be severable. If any part, sentence, clause or phrase is adjudged to be
49 unconstitutional or invalid, the remainder of the ordinance shall not be affected
50 thereby.

51
52 C. The Municipal Council hereby directs that the official copy of the Provo City
53 Code be updated to reflect the provisions enacted by this ordinance.

54
55 D. This ordinance shall take effect immediately after it has been posted or published
56 in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with
57 Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

58
59 END OF ORDINANCE.

Exhibit A

14.30.020

Permitted Use of Accessory Dwelling Units.

(1) Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.

(2) As required by Utah Code Section [10-9a-530](#), as amended, the use of an internal accessory dwelling unit in areas zoned primarily for residential use is a permitted use, except as otherwise provided in this Section.

(a) For purposes of this Section, the phrase “areas zoned primarily for residential use” means areas in the following zones: RA, R1, R2, LDR, MDR, HDR, CMU, VLDR, RM, RC, any Project Redevelopment Option (PRO) zone, and Specific Development Plan Overlay zones 2 through 5.

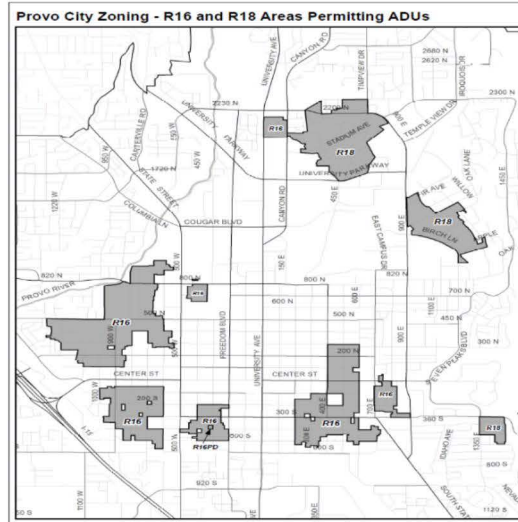
(3) Notwithstanding Subsection [\(2\)](#) of this Section, Utah Code Section [10-9a-530](#) allows the prohibition of internal accessory dwelling units in some areas zoned primarily for residential use. Accordingly, internal accessory dwelling units are prohibited in the following areas zoned primarily for residential use:

(a) All Project Redevelopment Option (PRO) zones, except: the High Density Mixed Use PRO zone, the Arbors on the Avenue PRO zone, the Independence Avenue PRO zone, the Hollows at Riverwoods PRO zone, the Liberty Place PRO zone, and the Spring Creek High Occupancy PRO zone;

(b) Areas in the Lakeview Fields (SDP-4) Specific Development Plan Overlay zone and the Villages at Celebration (SDP-5) Specific Development Plan Overlay zone;

(c) Areas designated R17, R19, or R110, including such areas with the Performance Development overlay; and

(d) Areas designated R16 or R18, including such areas with the Performance Development overlay, except as shown in the map below:



(4) Detached accessory dwelling units and detached accessory structures containing an ADU are a permitted use in those areas where internal ADUs are permitted under this Section.

[\(5\) Notwithstanding Subsection \(3\) of this Section, the use of an internal accessory dwelling unit in areas zoned primarily for residential use is a permitted use in all areas west of Interstate Highway 15.](#)

Exhibit B

14.30.030

Accessory Dwelling Unit (ADU) Development Standards.

ADUs shall be subject to the following development standards:

...

(4) *Occupancy.* A one-family dwelling with an ADU, which is authorized by and conforms to the requirements set forth in this Section, shall, for purposes of this Subsection, consist of two (2) component parts: the main dwelling unit and the ADU. Those two (2) parts shall be occupied as follows:

(a) Except as otherwise provided in Subsection [\(4\)\(d\)](#) of this Section, either the main dwelling unit or the ADU must be occupied by an owner occupant as that term is defined in Section [14.06.020](#), Provo City Code. If this requirement is not met, no ADU shall be permitted.

(b) The occupancy of the main dwelling unit shall be limited to one (1) "family" as that term is defined in Chapter [14.06](#), Provo City Code, except that if the ADU is also occupied, the occupancy of the main dwelling unit may not include the two (2) additional related or unrelated individuals described in Subsection (b)(i)(B) of the "Family" definition in Section [14.06.020](#), Provo City Code.

(c) The ADU shall not be occupied by more than ~~two (2)~~ [three \(3\)](#) related or unrelated adults, together with any minor children of those adults.

(d) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning of the temporary absence and meets the following criteria:

(i) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or

(ii) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.

(iii) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

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Exhibit C

Chapter 14.30 ACCESSORY DWELLING UNITS

Sections:

[14.30.010 Purpose and Objectives.](#)

[14.30.020 Permitted Use of Accessory Dwelling Units.](#)

[14.30.030 Accessory Dwelling Unit \(ADU\) Development Standards.](#)

[14.30.040 Special Use Permit for Internal Accessory Dwelling Unit](#)

[...](#)

[14.30.40 Special Use Permit for Internal Accessory Dwelling Unit](#)

- (1) [A property owner seeking to allow an internal accessory dwelling unit on a parcel in an area where such units are otherwise prohibited by Provo City Code Chapter 14.30, may submit a special use permit application to the Development Services Department seeking conditional approval of such use.](#)
- (2) [Application. Application for an internal accessory dwelling unit special use permit must be made on a form authorized by the Development Services Department and must be filed with that Department. The application must include:](#)
 - a. [The fee established for the application by the Consolidated Fee Schedule;](#)
 - b. [A list of addresses including the property for which the permit is sought and every immediately adjacent residential property, as defined in this Section.](#)

- i. “Immediately adjacent residential property” means each and every property:
 - 1. for which residential use is a permitted use; and
 - 2. that shares a common border with, or is immediately across or immediately diagonal from, or that lies within the same cul-de-sac as, the property for which the permit is sought, including any property separated only by a local street, canal, right-of-way, or other similar feature from the property for which the permit is sought;
- c. The name, address, and signature of the owners of at least at least sixty-six percent (66%) of the properties described in Subsection (2)(b) indicating that they are in support of the special use permit; and
- d. An application for a rental dwelling license meeting the requirements of Provo City Code Chapter 6.26.

(3) Review and Approval. An application shall be reviewed by Development Services Department staff. The application shall be approved, and an internal accessory dwelling unit special use permit shall be issued if, but only if:

- a. The application meets all the requirements of Subsection (2);
- b. The property for which the permit is sought meets all the standards for internal accessory dwelling units in Provo City Code 14.30.030;
- c. The applicant qualifies for and receives a rental dwelling license; and
- d. The applicant signs, on a form authorized by the Development Services Department, an acknowledgement of, and promise to abide by, all Provo City ordinances and regulations related to the use of an internal accessory dwelling unit, including, but not limited to:
 - i. either the main dwelling unit or the ADU must be occupied by an owner occupant;
 - ii. off-street parking must comply with parking standards as outlined in Provo City Code 14.30.030; and

- iii. the property owner must have a valid rental dwelling license at any time the internal accessory dwelling unit is in use.

(4) *Application for a Permitted Use for Multiple Homes.* Instead of submitting the special use permit application described in this Section, owners of multiple contiguous properties may submit a text amendment application to the Development Services Department seeking to amend this Chapter 14.30 in order to designate internal accessory dwelling units as a permitted use for all the subject properties. Such an application shall follow the procedures in Provo City Code Section 14.02.020, except that:

- a. the filing fee specific to such an application shown on the Consolidated Fee Schedule shall be required rather than the standard amendment fee; and
- b. the application need not comply with Provo City Code Section 14.02.020(1), but instead must include the information described in Subsections (2)(b) and (c) of this Section.

EXHIBIT D

...

(8) Outside Entrances. Outside entrances to the ADU shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.

~~(9) Internal Connections. To the extent that such a requirement is not prohibited by the laws of the State of Utah, ADUs located inside a one-family detached dwelling or in an addition to a one-family detached dwelling must have an internal connection between the ADU and the principal part of the dwelling.~~

(910) Building Codes. All existing construction and remodeling shall comply with building codes in effect at the time of the original construction or remodeling. Newly constructed ADUs shall meet current building codes.

(101) Rental Dwelling License. In accordance with Chapter 6.26, Provo City Code, any person operating an ADU under this Chapter shall obtain a rental dwelling license (RDL). Such license shall be in addition to any building permits that may be necessary. Before a rental dwelling license for an ADU is issued, the applicant shall:

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