

Provo City Planning Commission

Report of Action

March 27, 2024

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- *ITEM 1 The Provo City Council proposes Ordinance Text Amendments to Section 14.30.020 (Permitted Use of Accessory Dwelling Units) to remove specific zones from ADU allowance. Citywide Application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20240066
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The following action was taken by the Planning Commission on the above described item at its regular meeting of March 27, 2024:

RECOMMENDED APPROVAL

On a vote of 5:0 the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Robert Knudsen

Second By: Lisa Jensen

Votes in Favor of Motion: Robert Knudsen, Lisa Jensen, Jonathon Hill, Jeff Whitlock, Barabara DeSoto

Jeff Whitlock was present as Chair.

- 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.

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.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- Citywide Application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following: None.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Melia Dayley spoke about the history of the ADU ordinance and how this amendment would impact allowances citywide.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioners addressed the background of the ordinance and the style in which it is written.
- There was general support for the proposed amendment in that it still meets the State requirements for the city and helps to protect neighborhoods.
- Some commissioners described their desire for ADU allowance to be more balanced throughout the city in future iterations.
- **Planning Commission made a formal recommendation to the City Council to expand the scope of the map in Section 14.30.020 to show a larger segment of the City and where ADU’s are permitted by-right.**



Planning Commission Chair



Director of Development Services

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 Development Services at 445 W Center St., 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.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Exhibit A

Chapter 14.30

ACCESSORY DWELLING UNITS

Sections:

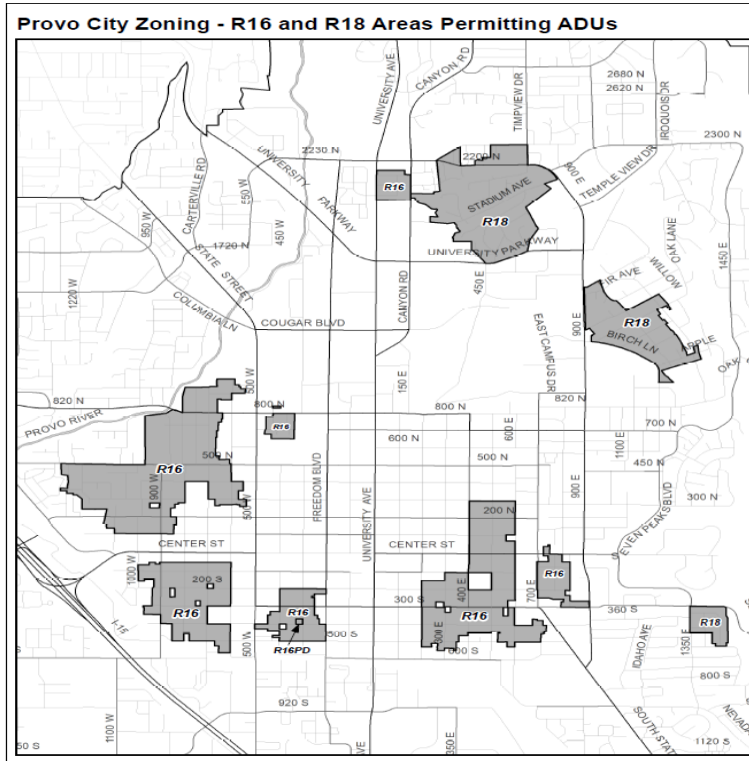
- 14.30.010 Purpose and Objectives.**
- 14.30.020 Permitted Use of Accessory Dwelling Units.**
- 14.30.030 Accessory Dwelling Unit (ADU) Development Standards.**
- 14.30.040 Special Use Permit for Accessory Dwelling Unit.**

Prior legislation: Ords. 1991-07, 1998-55, 2000-15, 2009-17, 2010-28, 2013-49, 2019-45.

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) Notwithstanding Section [14.30.010](#), Provo City Code, Utah Code Annotated Section [10-9a-530](#) allows the prohibition of accessory dwelling units in some areas zoned primarily for residential use. Accordingly, accessory dwelling units are prohibited in the following areas zoned primarily for residential use:
 - (a) All Project Redevelopment Option (PRO) zones;
 - [\(b\) R2 zones with a Performance Development Overlay \(R2PD\);](#)
 - (c) ~~(b)~~ Areas designated RM, R16, R17, R18, R19, or R110, including such areas with the Performance Development overlay, except as shown in the map below:



(3) Notwithstanding Subsection (2) of this Section, the use of an accessory dwelling unit in areas zoned primarily for residential use is a permitted use in all areas west of Interstate Highway 15, [except the Specific Development Plan Overlay Zone- 5 \(SDP5\) zone.](#)