



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Agenda

5:30 PM, Tuesday, January 09, 2024

Council Chambers (Room 100)

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or

<https://www.youtube.com/provocitycouncil>

The in-person meeting will be held in the **Council Chambers**. The meeting will be available to the public for live broadcast and on-demand viewing on YouTube and Facebook at: youtube.com/provocitycouncil and facebook.com/provocouncil. If one platform is unavailable, please try the other. If you do not have access to the Internet, you can join via telephone following the instructions below.

TO MAKE A VIRTUAL PUBLIC COMMENT:

To participate in the public comment portion(s) of the meeting, call in as an audience member as the presentation is wrapping up. Be sure to mute/silence any external audio on your end to reduce feedback (if you are viewing the live proceedings on YouTube, mute the YouTube video; you will be able to hear the meeting audio through the phone while you are on the line).

Press *9 from your phone to indicate that you would like to speak. When you are invited to speak, the meeting host will grant you speaking permission, calling on you by the last four digits of your phone number. Please begin by stating your first and last name, and city of residence for the record. After you have shared your comment, hang up. If you wish to comment on a later item, simply re-dial to rejoin the meeting for any subsequent comment period(s).

January 09 Council Meeting: Dial **346 248 7799**. Enter Meeting ID 881 6666 2447 and press **#**. When asked for a participant ID, press **#**. To join via computer, visit zoom.us and enter the meeting ID and passcode: **452798**.

Decorum

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

Opening Ceremony

Roll Call

Prayer

Pledge of Allegiance

Presentations, Proclamations, and Awards

1. A recognition of Provo City's receipt of the National Inclusion Alliance's Digital Inclusion Trailblazer Award (24-008)
2. A presentation of the Fiscal Year 2023 Popular Annual Financial Report (24-014)

Public Comment

Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda:

Please state your name and city of residence into the microphone.

Please limit your comments to two minutes.

State Law prohibits the Council from acting on items that do not appear on the agenda.

Action Agenda

3. The election of the Municipal Council Chair and Vice-chair. (24-001)
4. A resolution acknowledging the election of the Chair and Vice-chair of the Provo Municipal Council for calendar year 2024. (24-001)
5. An ordinance amending Provo City Code regarding various administrative reports. (23-025)
6. A resolution approving the appropriation of \$60,000 in the Covey Center fund and a related transfer of \$60,000 from the General Fund to the Covey Center fund (23-087)
7. A resolution approving the appropriation of \$81,400 in the General Fund (23-087)
8. An ordinance amending Provo City Code regarding the sale of electricity at fast-charging stations for electric vehicles. (23-085)
9. An ordinance amending Provo City Code Chapter 14.30 (Accessory Dwelling Units) to update and clarify regulations (PLOTA202301312)

Redevelopment Agency of Provo

10. The election of the Redevelopment Agency Chair and Vice-chair. (24-001)
11. A resolution acknowledging the appointment of the Chair and Vice-chair of the Redevelopment Agency of Provo City for calendar year 2024. (24-001)

Adjournment

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.org or using their contact information listed at: provo.org/government/city-council/meet-the-council

Materials and Agenda: agendas.provo.org

Council meetings are broadcast live and available later on demand at youtube.com/ProvoCityCouncil
To send comments to the Council or weigh in on current issues, visit OpenCityHall.provo.org.

The next Council Meeting will be held on Tuesday, January 23, 2024. The meeting will be held in the Council Chambers, 445 W. Center Street, Provo, UT 84601 with an online broadcast. Work Meetings generally begin

between 12 and 4 PM. Council Meetings begin at 5:30 PM. The start time for additional meetings may vary. All meeting start times are noticed at least 24 hours prior to the meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the ADA, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting are invited to notify the Provo Council Office at 445 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email evanderwerken@provo.org at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at youtube.com/ProvoCityCouncil.

Notice of Telephonic Communications

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

Notice of Compliance with Public Noticing Regulations

This meeting was noticed in compliance with Utah Code 52-4-207(4), which supersedes some requirements listed in Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at agendas.provo.org. Council meeting agendas are available through the Utah Public Meeting Notice website at utah.gov/pmn, which also offers email subscriptions to notices.

PROVO MUNICIPAL COUNCIL

STAFF REPORT



Submitter: JOHNB
Department: Administrative Services
Requested Meeting Date: 01-09-2024

SUBJECT: A recognition of Provo City's receipt of the National Inclusion Alliance's Digital Inclusion Trailblazer Award (24-008)

RECOMMENDATION: Award

BACKGROUND: While lacking in traditional pomp and circumstance, the low-key graduation of 46 adult students from a ten-week computer class could be life-changing. These were the latest graduates from Provo's 20-year Digital Inclusion Program that is funded and offered by United Way of Utah County, Provo City, and strong community partnerships. Stakeholders include the city, United Way, Google Fiber, Comcast, Provo School District, Head Start, Intuitive IT and community volunteers.

This is one of many services earning Provo City its fourth consecutive recognition as a Digital Inclusion Trailblazer by The National Inclusion Alliance (NDIA). Provo City joins a record number of Digital Inclusion Trailblazers, with 47 total awardees representing municipal, county, and regional governments paving the way for digitally inclusive communities across the US.

FISCAL IMPACT: None

PRESENTER'S NAME: John Borget, Director of Administrative Services

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-008

FOR IMMEDIATE RELEASE

Contact: Nicole Martin
Public Information Officer
Provo City
(801) 361-3937
nmartin@provo.org



**FOR THE FOURTH CONSECUTIVE YEAR, PROVO CITY IS NAMED
ONE OF NATION'S DIGITAL INCLUSION TRAILBLAZERS**
Receives Highest Honor as 'Visionary Digital Inclusion Trailblazer'

PROVO, Utah (December 13, 2023) — While lacking in traditional pomp and circumstance, the low-key graduation of 46 adult students from a ten-week computer class could be life-changing. These were the latest graduates from Provo's 20-year Digital Inclusion Program that is funded and offered by United Way of Utah County, Provo City, and strong community partnerships. Stakeholders include the city, United Way, Google Fiber, Comcast, Provo School District, Head Start, Intuitive IT and community volunteers.

This is one of many services earning Provo City its fourth consecutive recognition as a Digital Inclusion Trailblazer by The National Inclusion Alliance (NDIA). Provo City joins a record number of Digital Inclusion Trailblazers, with 47 total awardees representing municipal, county, and regional governments paving the way for digitally inclusive communities across the US.

“Nonprofits, libraries, churches, and other community organizations can’t reach digital equity on their own. For everyone to thrive in today’s digital world, we need all hands on deck,” said Angela Siefer, NDIA executive director. “NDIA’s Digital Inclusion Trailblazers exemplify the key role local governments have in building connected communities for all of their residents.”

“Provo City envisions a digitally equitable Provo where communities are connected, not divided by technology,” said Mayor Michelle Kaufusi. “We have been dedicated to this cause for two decades knowing its importance in providing every resident the opportunity to easily, safely, affordably and reliably access and use information and technology in the ways that best serve their individual needs. That is how we build communities.”

The Digital Inclusion program effectively fills what’s known as the ‘Digital Divide,’ referring to the gap between demographics and regions that have access to modern information and communications technology (ICT), and those who don’t or who have restricted access.

“As the pandemic demonstrated, digital inclusion – access to affordable high-speed internet, devices, and digital skills training – is essential to participating and thriving in today’s world. Recognizing the ongoing needs of the community, Provo City didn’t stop digital inclusion efforts at the end of the quarantine. We just continued the outreach efforts we’ve established for 20 years,” said Josh Ihrig, Provo’s Information Systems Division Director.

Provo’s Digital Inclusion program offerings include competitive commercial internet providers offering low-cost high-speed internet services, free Wi-Fi locations, device access options (adopt-a-computer, computer

checkout, computer labs), no cost digital literacy classes, free open computer help labs, adult & aging adult education offerings, and access to additional offerings via our community volunteers.

The Digital Inclusion program has been highly successful with thousands of participants receiving services over the years. Current graduates range in age, background and residency, including Provo, American Fork and Pleasant Grove. The ten-week course included instruction on internet safety, spam prevention, Google Suite programs, online calendars and typing. Additionally, graduates received a free refurbished computer.

According to Ihrig, access to equipment, information and education opportunities should be equitably available in all Provo neighborhoods, and adaptive to the diverse needs of resident skills, identities, languages, disabilities and abilities, life stages and experiences.

Ihrig continued, “Without digital equity, full participation in nearly every aspect of American society including employment, education, health, and civic engagement and democracy is compromised along with the ability to access essential services. New skills and a computer may seem insignificant but it has the potential to help a person better participate in the growing digital world, improve their self-reliance and ultimately increase the economic vibrancy of our community.”

“Families can become self-sufficient through improving technology skills, which lead to greater employment opportunities,” Mayor Kaufusi said. “The high level of internet connectivity in Provo is an amazing opportunity to improve the economy, by increasing the skills of our citizens.”

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PROVO MUNICIPAL COUNCIL

STAFF REPORT



Submitter: KZARBOCK
Department: Finance
Requested Meeting Date: 01-09-2024

SUBJECT: A presentation of the Fiscal Year 2023 Popular Annual Financial Report (24-014)

RECOMMENDATION: Presentation only - no action requested

BACKGROUND: The Provo City Finance Division has prepared the Popular Annual Financial Report (PAFR) for Fiscal Year 2023. This is a citizen-friendly summary of the Annual Comprehensive Financial Report that was presented to the Council in December 2023. The purpose of this presentation is to highlight a few areas of the document and show the Council and the public how to find it online.

FISCAL IMPACT: \$0

PRESENTER'S NAME: Kelsey Zarbock

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-014



2023 POPULAR ANNUAL FINANCIAL REPORT



City of Provo, Utah

FISCAL YEAR ENDED
June 30, 2023



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TO THE CITIZENS OF PROVO

We are proud to present the City of Provo's Popular Annual Financial Report (PAFR) for the fiscal year ended June 30, 2023. This report gives readers a summary of the City's financial standing. The purpose of the PAFR is to illustrate the City's financial information in a clear, concise manner giving all readers, both financial and non-financial, the understanding of where revenue comes from and where dollars are being spent. Most importantly, it is essential that our citizens understand the key services that the City provides to make Provo a safer and more enjoyable place in which to work, live, and play.

The PAFR summarizes the financial activities of the City and is drawn from a more detailed report called the **Annual Comprehensive Financial Report**. This annual report includes financial statements that were prepared in conformance with Generally Accepted Accounting Principles (GAAP) and audited by HBME, LLC, an independent auditing firm. The 2023 annual report has received an unmodified (clean) opinion. The numbers contained within the annual report were acquired by applying the basis of accounting principles as prescribed by the Governmental Accounting Standards Board (GASB).

Although the numbers used in the PAFR come from an audited source, we have presented them in a condensed, easy to understand, non-GAAP format. GAAP reports deal with the presentation of segregated funds as well as full disclosure of all material financial and non-financial events in notes to the financial statements, while non-GAAP reports do not contain such notes. **Citizens who wish to review audited GAAP basis financial statements can refer to the City of Provo's Annual Comprehensive Financial Report, which is available from the Finance Department or on the City of Provo's website at <https://www.provo.org/departments/finance/financial-reports>.**

Provo has received the Government Finance Officer Association award for last year's PAFR which indicates the City's commitment to providing a report to residents that is easy to understand and gives an overview of the City's finances. As a municipality, we want to continue to be transparent with and accountable for the City's financial information. We anticipate that after reading this year's PAFR, community members will be reassured that public dollars are being used to build a better, safer, and stronger Provo. With the help of all departments, the City, in 2023, has accomplished many goals set within the General Plan and Master Plan documents. All of these positive achievements have helped to increase growth and success in our City. We look forward to the future of Provo.

We are honored to serve Provo citizens and hope you enjoy reviewing the 2023 PAFR. We welcome any input, questions, and comments you may have regarding this report. You may contact the Finance Division at 801-852-6505.

Sincerely,



Michelle Kaufusi

Government Finance Officers Association



Award for
Outstanding
Achievement in
Popular Annual
Financial Reporting

Presented to

City of Provo
Utah

For its Annual Financial Report
For the Fiscal Year Ended

June 30, 2022

Christopher P. Morris
Executive Director/CEO

GFOA Outstanding Achievement Award
for the 2022 PAFR

TO VIEW BOTH THE CITY'S FULL
**ANNUAL COMPREHENSIVE
FINANCIAL REPORT AND
POPULAR ANNUAL FINANCIAL
REPORT, PLEASE VISIT: <https://www.provo.org/departments/>**

**COVER PHOTO: Provo City
Center**

PROVO AT A GLANCE

The City of Provo was incorporated in 1851 and is located in a metropolitan area in Utah County that has a dynamic and diverse economy. The City has received numerous awards as one of the finest cities in the United States in which to live and do business.

The City has a diverse manufacturing and industrial base. Major industries include retail business, light manufacturing, software development, and a university community. This diversity stabilizes the unemployment rate and offers a broad range of employment opportunities.

Provo's economy continues to outperform the national economy, with Provo's unemployment rate averaging 2.2% for the fiscal year compared to the United States average unemployment rate of 3.6%. The City closely monitors the current economic environment and plans and budgets for the future accordingly. You can view the City's budget at <https://www.provo.org/departments/finance/financial-reports>.



TOP TEN EMPLOYERS

1. Brigham Young University
2. Utah Valley Regional Medical Center
3. Vivint, Inc.
4. Revere Health (Central Utah Medical Clinic)
5. Chrysalis Utah, Inc.
6. Qualtrics, LLC
7. A&A Staffing Solutions
8. Arm Security Inc
9. Provo City
10. RBD Acquisition Sub, Inc

PROVO AT A GLANCE (continued)

Major Initiatives

New Airport Terminal: Provo Municipal Airport (PVU) is Utah's second busiest airport. Commercial service is provided through our partners Breeze airways and Allegiant Air. Due to the overwhelming success the City is working on expanding the facility.

Wastewater Treatment Plant: Demolition and reconstruction continues on Phase One. Construction is anticipated to be complete mid-2024 with testing and adjustments finishing up before 2025.

Regional Sports Park: Located near the Airport, with 100 acres, 21 multi-use fields, the pickleball facility and park amenities, the area is expected to draw individuals and families from throughout the U.S. The \$20 million, tournament-size Regional Sports Park will open in fall 2024.

New Fire Station 1: The old City Center's demolition is complete and the site is getting prepped for construction. The new Fire Station 1 will be complete by the end of calendar year 2024.

New Water Treatment Plant: construction of a new 30 million gallon per day water treatment plant will begin in fiscal 2024

Top Rankings

#1 Metro for Having the Most Energy Efficient Buildings Per Capita
(Environmental Protection's Agency; September 2022)

#1 Best Performing City (Milken Institute ; May 2023)

#1 City for Worker Satisfaction
(Glassdoor; May 2023)

#2 Happiest City in America
(HouseFresh; July 2022)

#3 Most Neighborly City in the U.S.
(Neighbor.com; October 2022)

#5 Best Run City (WalletHub; June 2023)

Digital Inclusion Trailblazer (NDIA; August 2022)



ELECTED OFFICIALS

MAYOR & CITY COUNCIL



Left to right: William Fillmore, Rachel Whipple (Vice-Chair), George Handley, Mayor Michelle Kaufusi, Travis Hoban, Shannon Ellsworth, David Shipley, Katrice Mackay (Chair)

CITY ADMINISTRATION (801) 852-6000

Chief Deputy Mayor	Isaac Paxman
Chief Administrative Officer	Scott Henderson *
Administrative Services.....	John Borget
City Attorney	Brian Jones
Customer Service	Amanda Ercanbrack
Development Services	Bill Peperone
Energy	Travis Ball
Fire Chief	Jeremy Headman *
Library Services	Carla Gordon
Parks and Recreation	Doug Robins *
Police Chief.....	Troy Beebe
Public Works	David Decker

COUNCIL ADMINISTRATION (801) 852-8200

Council Executive Director	Justin Harrison
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*Appointed in Fiscal Year 2024

KEY CITY SERVICES

The following includes brief highlights of major departments and services within Provo City. Please refer to the Provo City website at provo.org for any additional information about departments or services described.

Mayor—The Mayor's Office enforces laws applicable to those residing or conducting business in Provo, executes policies adopted by the Municipal Council, prepares and submits the annual city budget, and recommends for adoption such measures as may be deemed necessary or proper for the efficient operation of the City.

Administrative Services—Administrative Services is comprised of the Finance, Recorder, Human Resources, and Information Systems divisions within the general fund. Administrative Services is also responsible for the administration of the Justice Court and for facility maintenance throughout the City of Provo.

Attorney's Office—The Attorney's Office provides the City with a broad range of legal services, including criminal prosecution, litigation, claims and risk management, and safety. The Attorney's Office also initiates and defends civil lawsuits on behalf of Provo City, reviews contracts, participates in negotiations, and provides legal opinions.

Customer Service—The Customer Service Department provides residents with a way to report issues and acquire information from the City. The department also provides other services such as issuing passports and accepting utility payments.

Development Services—is responsible for regulating land development that takes place within the City. Short Term Planning balances socio-economic forces, natural resources, and public input to promote sound and orderly development in Provo. This department is also responsible for regulating land development that takes place within the City. Long Range Planning, Zoning, Housing, Parking Enforcement, Licensing, and Property Management work together to provide the City with an aesthetically pleasing, clean, and safe environment.

Energy—The Energy Department provides reliable electricity with superior customer service at a competitive price to the residents and businesses in Provo.

Fire—The Fire Department is responsible for delivering emergency and support services in the following areas: fire prevention and education, inspection services, fire suppression, emergency medical treatment and ambulance transport, rescue services, and hazardous materials response.

Library—The Provo City Library provides the community with a center for information, instruction, learning, leisure, and cultural opportunities. The Library has over 215 thousand items in adult and children's circulation, along with access to thousands of online eBooks and audiobooks.

Parks and Recreation—The Parks and Recreation Department oversees the maintenance of all parks throughout Provo. The recreation center, Timpanogos Golf Club, the gun range, Peaks Ice Arena, and the Covey Center are also managed by this department, as well as all youth and adult recreation programs.

Police—The Police Department provides response to community-initiated calls for service and enforces all laws. The department provides proactive policing and service to the community including animal control, community-based pollution, and crime prevention.

Public Works—The Public Works Department is responsible for maintaining streets in Provo, garbage collection, water resources and reclamation, storm drain maintenance, airport administration, and fleet management.

STATEMENT OF NET POSITION

By far the largest portion of the City's net position (74.8 percent) reflects its investment in capital assets (e.g., infrastructure, land, building, machinery and equipment). The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. The net position section shows the amount the City has invested in capital assets, less any related outstanding debt used to acquire those assets. It should be noted that since the capital assets themselves cannot be used to liquidate these liabilities, the resources needed to repay this debt must be provided from other sources.

The full Statement of Net Position can be located in our Annual Comprehensive Financial Report, located at <https://www.provo.org/departments/finance/financial-reports>.

STATEMENT OF NET POSITION

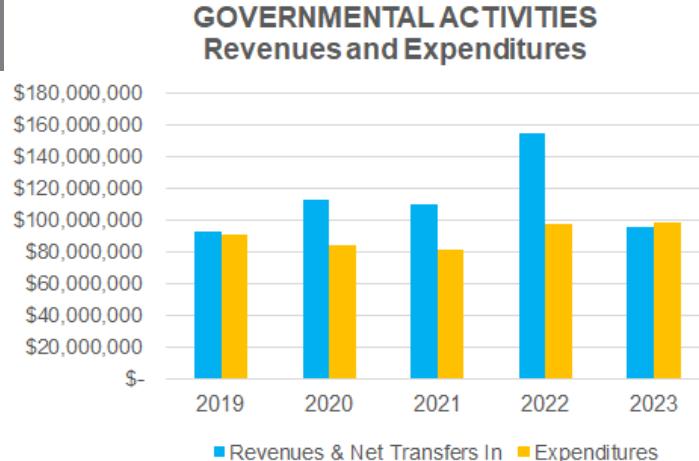
	Governmental Activities		Business-Type Activities		Total	
	2023	2022	2023	2022	2023	2022
Current assets	\$ 153,667,214	\$ 190,006,514	\$ 95,653,015	\$ 65,691,894	\$ 249,320,229	\$ 255,698,408
Capital assets, net	436,948,557	436,743,669	504,664,640	433,928,277	941,613,197	870,671,946
Other non-current assets	24,908,844	23,981,166	0	19,623,076	24,908,844	43,604,242
Total Assets	615,524,615	650,731,349	600,317,655	519,243,247	1,215,842,270	1,169,974,596
Deferred Outflows of Resources	12,532,769	10,520,721	2,285,416	1,852,118	14,818,185	12,372,839
Current liabilities	39,909,767	30,650,049	33,198,437	22,561,964	73,108,204	53,212,013
Non-current liabilities	109,997,201	122,968,267	115,052,498	93,398,312	225,049,699	216,366,579
Total Liabilities	149,906,968	153,618,316	148,250,935	115,960,276	298,157,903	269,578,592
Deferred Inflows of Resources	19,086,484	44,999,784	504,962	5,778,656	19,591,446	50,778,440
Net Position						
Net investment in capital assets	336,739,790	315,125,037	346,480,079	321,576,887	683,219,869	636,701,924
Restricted	12,331,794	45,507,278	24,515,405	4,306,308	36,847,199	49,813,586
Unrestricted	109,992,348	102,001,655	82,851,690	73,473,238	192,844,038	175,474,893
Total net position	\$ 459,063,932	\$ 462,633,970	\$ 453,847,174	\$ 399,356,433	\$ 912,911,106	\$ 861,990,403

Unrestricted net position represents the available funds the City has at a point in time to *pay for emergencies, shortfalls, or other unexpected needs* in both the Governmental and Business-Type Activities. Unrestricted net position allows management to *track the City's financial position over time*. The City's unrestricted net position increased during fiscal year 2023.

STATEMENT OF ACTIVITIES

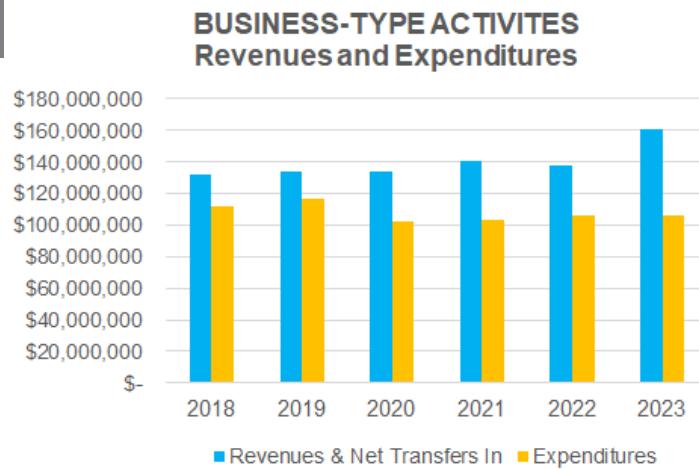
FUNCTIONS OF GOVERNMENTAL ACTIVITIES

- General Government
- Public Safety
- Public Services
- Culture and Recreation
- Community Revitalization
- Interest on Long-Term Debt



FUNCTIONS OF BUSINESS-TYPE ACTIVITIES

- Golf Course
- Water
- Wastewater
- Energy
- Airport
- Utility Transportation
- Sanitation
- Storm Drain



As shown in the graphs above, both the Governmental and Business-type activities show trends of steady or increasing revenues. Expenditures have been consistently lower than revenues for both Governmental and Business-type activities. During 2023 Governmental Activities exceeded expenditures due to the utilization of Federal COVID/ARPA Funding revenues received in prior years.

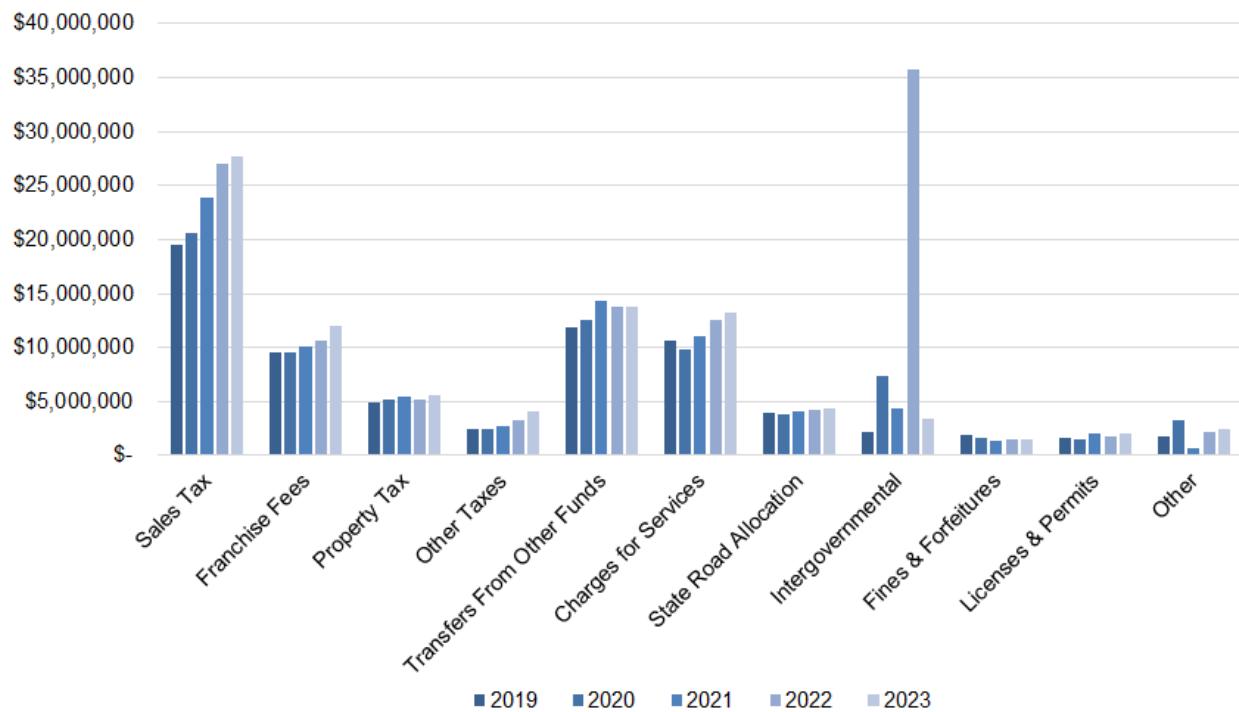
The graph for governmental activities includes net transfers-in with revenues since 10% of certain business-type revenues (i.e., energy, storm drain, water, sanitation, and wastewater revenues) are transferred to the general fund to support governmental activities. In addition, 1% of these same revenues is transferred out of business-type activities for road maintenance. Consequently, because of the transfers, the graph for business-type activities includes net transfers out with expenditures.

The full, disclosed Statement of Activities can be located in our Annual Comprehensive Financial Report located at <https://www.provo.org/departments/finance/financial-reports>.

GENERAL FUND REVENUES

The General Fund is the general operating fund of the City. By law, the City may only have one general fund. Below is a five-year comparison of the General Fund total revenues and transfers in.

**GENERAL FUND:
TOTAL REVENUES & TRANSFERS IN**

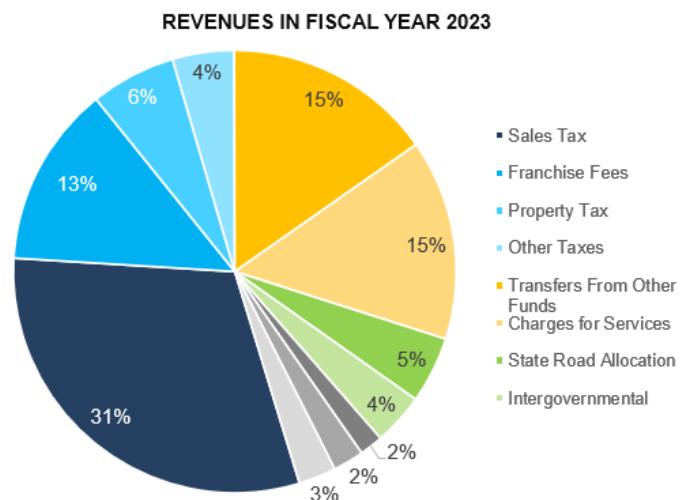


Sales and use taxes, which increased from the prior year, are normally the single greatest source of revenue for the City. The Intergovernmental revenue was significantly higher in FY22 due to the federal ARPA funding (COVID-19 relief) the City received.

The largest source of revenue for the General Fund was Sales Tax (31%), followed by Transfers From Other Funds (15%) and Charges for Services (15%)

Transfer From Other Funds consist of 10% of certain business-type revenues to support governmental activities

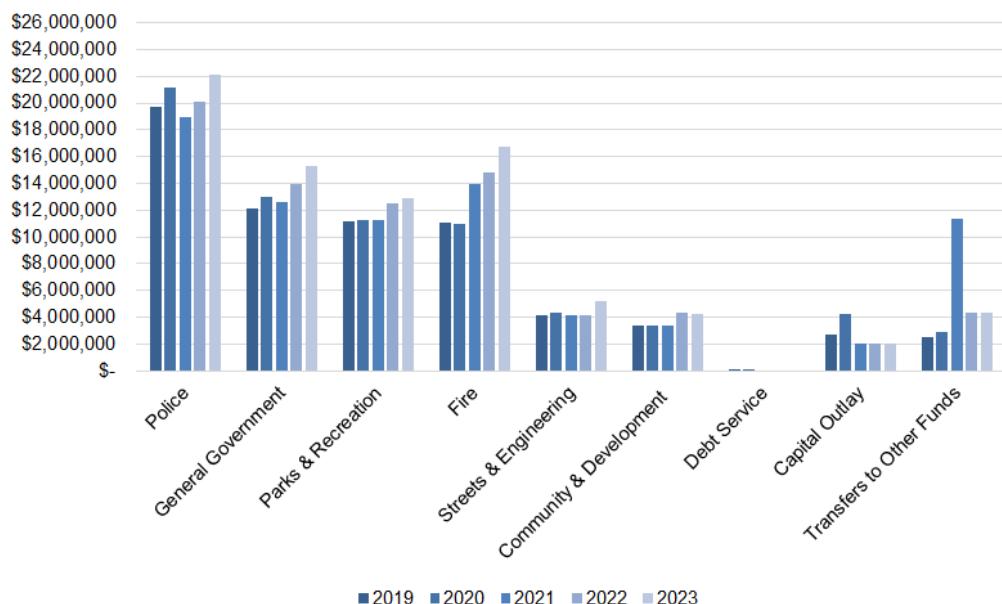
Charges for Services includes fees charged by various City departments, such as Parks & Recreation fees.



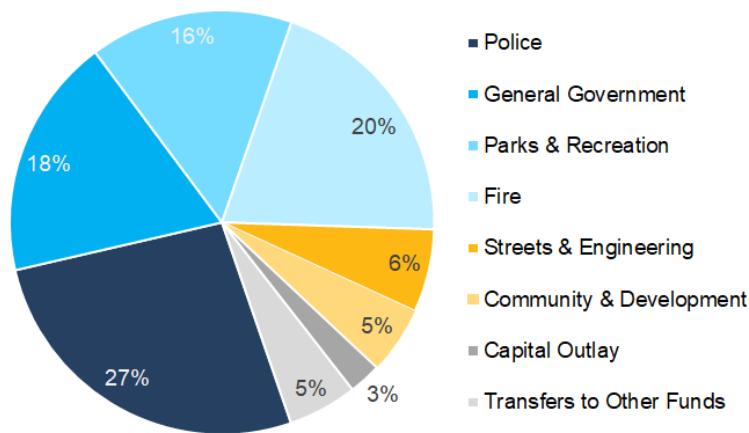
GENERAL FUND EXPENDITURES

Below is a five-year comparison of general fund expenditures and transfers out. Back in FY21, Fire's expenditures increased and Police decreased because the Emergency Response expenditures were moved from the Police Department to the Fire Department. Also in FY21, Transfers to Other Funds was higher because savings from the CARES Act federal funding (COVID-19 relief) was transferred to a new fund called the Legacy CIP Fund. In FY22, most departments had higher expenditures due to nationwide inflation trends.

**GENERAL FUND:
TOTAL EXPENDITURES & TRANSFERS OUT**



EXPENDITURES IN FISCAL YEAR 2023



The general fund's largest expenditures continued to come from the Police Department (27%), followed by the Fire department (20%), which includes Dispatch. The next largest spending area was General Government category (16%), which is comprised of the Mayor's Office, City Council, Finance, Human Resources, Justice Court, and Legal functions. Parks & Recreation accounted for 16% of expenditures.

In most categories, personnel costs made up the largest portion of expenditures.

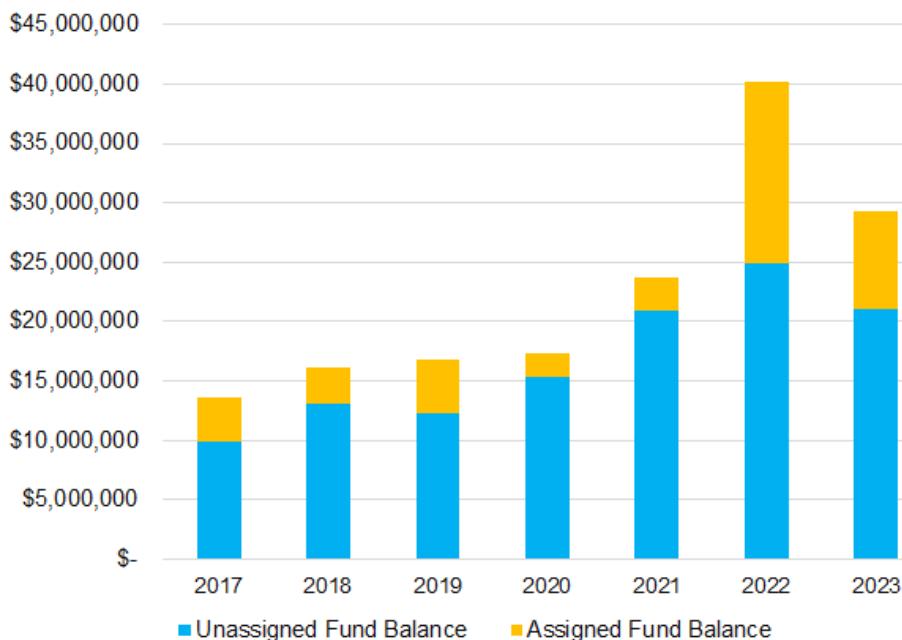
of EMPLOYEES WORKING UNDER THE GENERAL FUND

Employees = Full-time Equivalents (FTE's)

Police.....	159	General Government.....	150	Parks & Rec.....	257
Fire.....	85	Streets & Engineering.....	37	Dispatch.....	28

GENERAL FUND: FUND BALANCE

GENERAL FUND FUND BALANCE: ASSIGNED & UNASSIGNED



FUND BALANCE is the difference between the General Fund's assets and liabilities. It is the net worth of the City.

Assigned fund balance shows how much money has been set aside for specific purposes.

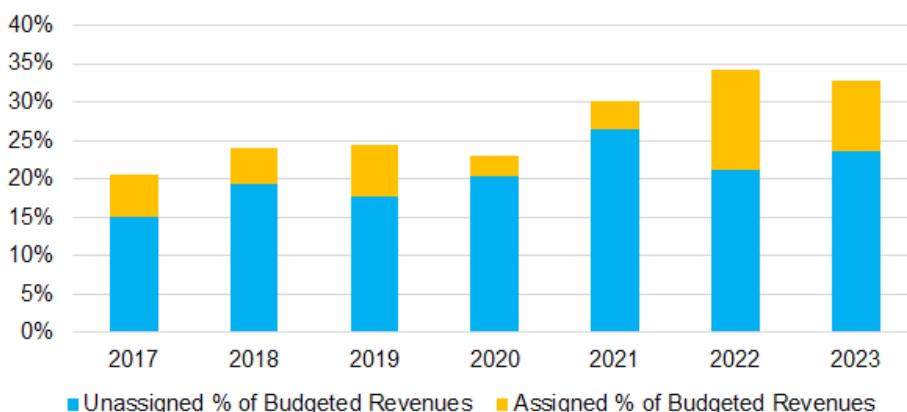
Unassigned fund balance is an indication of the amount of available resources the City has at a point in time to fund emergencies, shortfalls, or other unexpected needs.

The ratio depicted in the bottom left graph is determined by dividing the amount of assigned & unassigned fund balance by the general fund revenue and subsidy transfers.

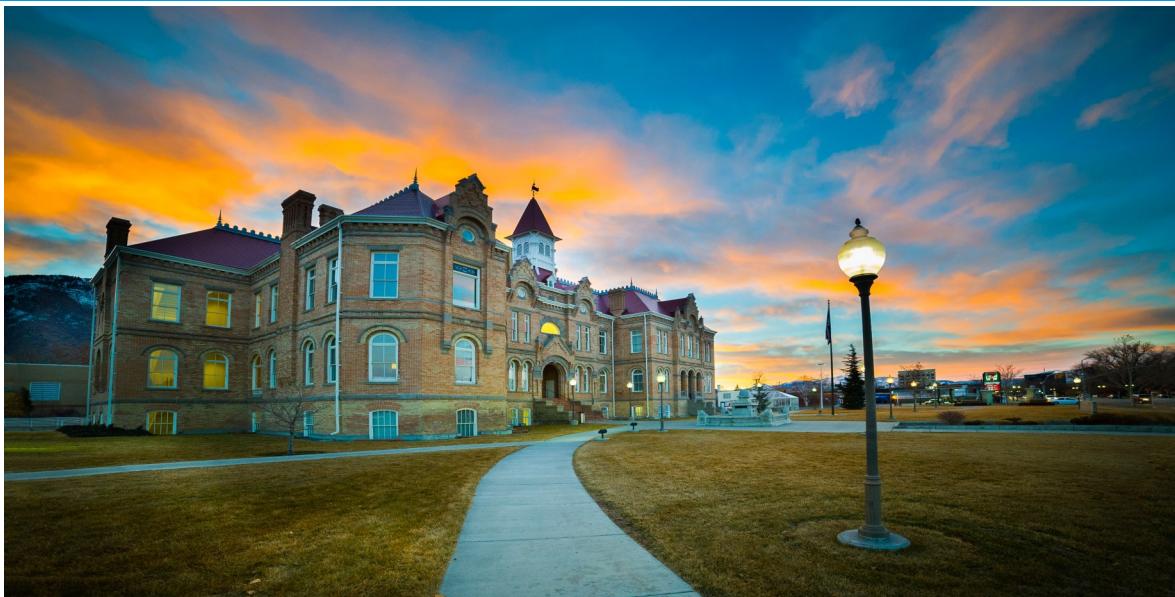
The Municipal Council has established a goal to have assigned & unassigned general fund balance between 20%-35%.

In fiscal year 2023, assigned and unassigned fund balance for the general fund was \$29,301,162 or approximately 33 percent of 2023 general fund revenues and transfers. There was a decrease of assigned and unassigned fund balance of \$10.9M from the prior year, the primary reason for the decrease was a \$10M transfer of ARPA funds to the General CIP and the Parks CIP.

RATIO of ASSIGNED & UNASSIGNED FUND BALANCE to REVENUES & TRANSFERS



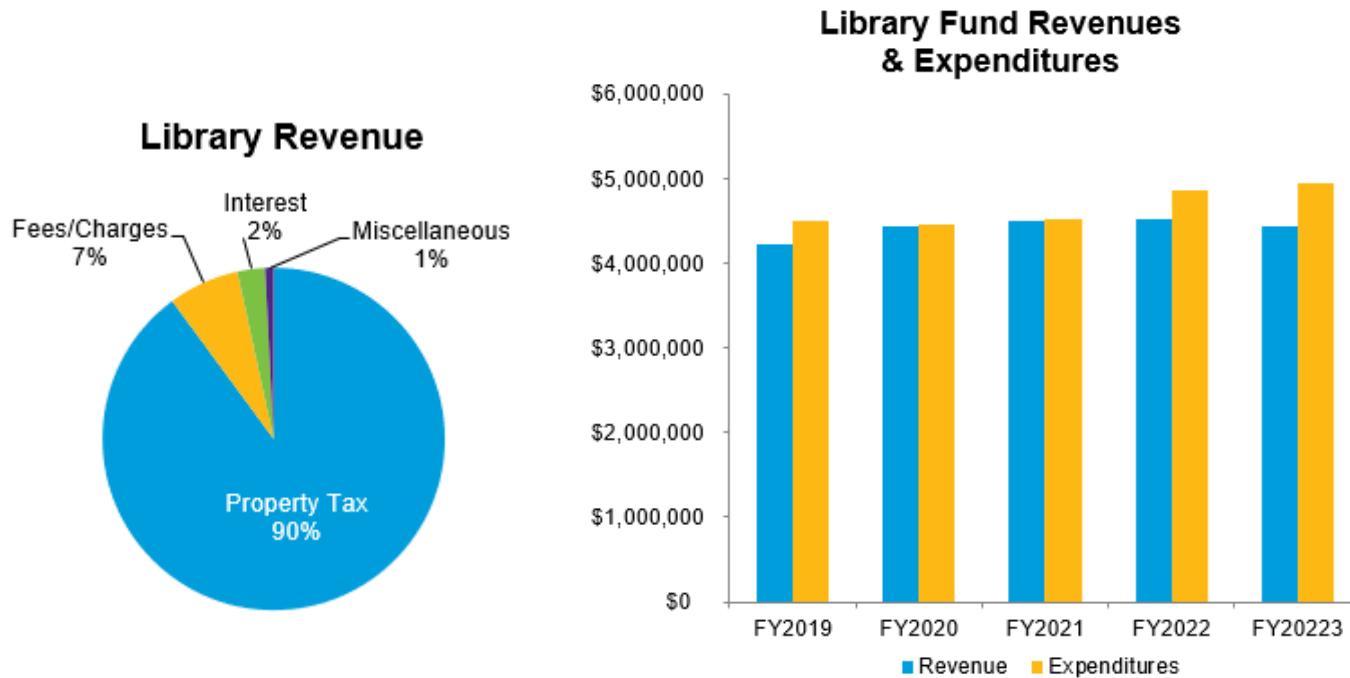
LIBRARY FUND



The Provo Library was founded over 100 years ago with the goal of being a community center for information, instruction, leisure, and cultural opportunities.

In the past year, the Library checked out over 1.7 million items, which includes formats such as downloadable eBooks and audiobooks. During fiscal year 2023, 63,791 people attended 1,548 programs held for children, teens, and adults. We also had 445 Outreach visits in the community, bringing the library to our citizens!

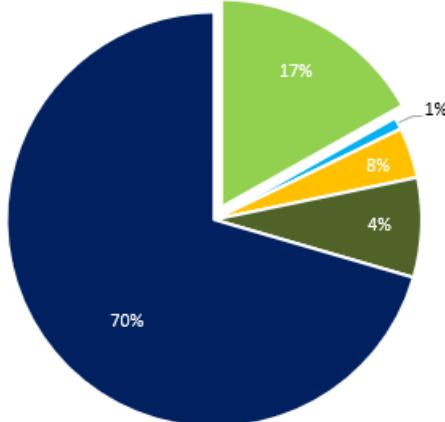
The Library Fund is the largest single **special revenue fund** within Provo City. The Provo City Library is funded primarily by property tax dollars.



THERE ARE 22 FULL TIME EMPLOYEES WORKING UNDER THE LIBRARY FUND
Employees = Full-time Equivalents (FTE's)

PROPERTY TAX SUMMARY

The City of Provo receives a portion of the property taxes collected on taxable real property located within the City. These tax dollars support public safety services such as those provided by police and fire departments, as well as many other critical government functions.



Between its three funds, Provo City received 17% of the overall property tax burden.

Property Tax Burden for \$391,500 Market Value Property		
Provo :		
Debt Service Fund	\$	170.32
General Fund		116.06
Library Fund		81.82
Provo Total	\$	368.20
State Charter Schools		20.67
Central Utah Water		86.13
Utah County		169.46
School District		1,556.15
Total Tax Burden for the taxable value of a \$391,500 Home.	\$	2,200.61

The majority of the property taxes paid by Provo City residents are allocated to the Provo School District, which is a separate entity from Provo City.

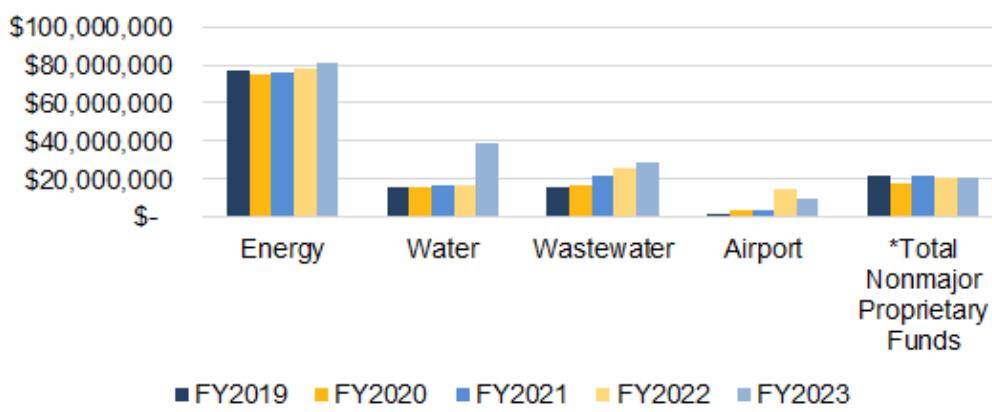
PROVO CITY'S TOP TEN PROPERTY TAX PAYERS

Amounts expressed in thousands

Tax Payer	Type of Business	2023 Assessed Valuations	% Total of Valuation
SIR Properties Trust (Microfocus)	Technology	\$ 119,238	1.25%
Nu Skin International Inc	Retail	93,218	0.98%
IHC Hospitals Inc	Health Care	91,499	0.96%
B+F Timpanogos Tech Center LLC	Technology	71,409	0.75%
Storyteller Canyon Property Owner	Investments	62,437	0.66%
Duncan Aviation	Transportation	55,320	0.58%
Central Utah Investment Company	Investments	51,310	0.54%
PEG PRV 200 Freedom Office LLC	Investments	44,821	0.47%
Qestar Gas	Utilities	43,613	0.46%
Qualtrics	Technology	40,776	0.43%
	Subtotal	673,641	7.08%
	All Others	8,840,732	92.92%
		\$ 9,514,373	100.00%

ENTERPRISE FUNDS

ENTERPRISE FUNDS: REVENUES & TRANSFERS IN 5-Year Comparison

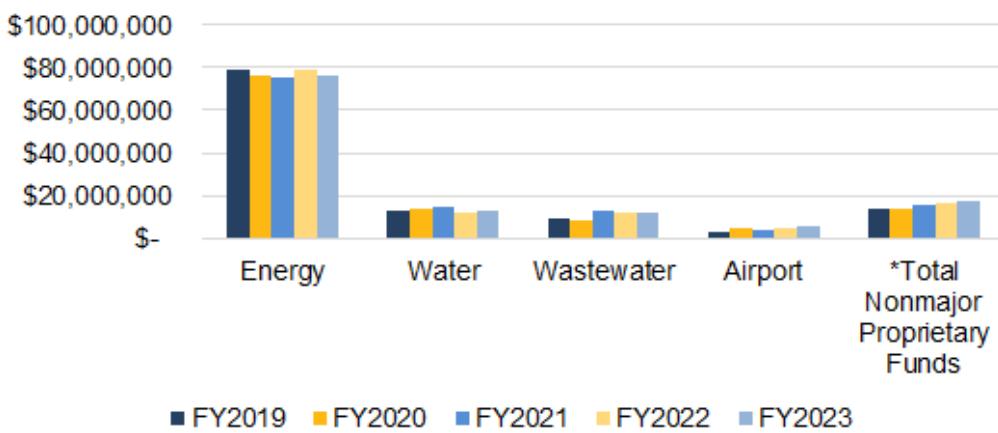


Enterprise funds are used to account for City operations that are financed and operated in a manner **similar to private businesses**. Revenues and expenditures related to utilities including Provo Power (energy), water, wastewater, and sanitation (garbage, recycling, and green waste) are accounted for in enterprise funds.

Fiscal year 2022 Water revenues/Transfers In were high due to a large transfer of ARPA federal funding for the Water Treatment Plant.

*Readers interested in more details may read the Annual Comprehensive Financial Report available at <https://www.provo.org/departments/finance/financial-reports>.

ENTERPRISE FUNDS: EXPENDITURES & TRANSFERS OUT 5-Year Comparison



of EMPLOYEES WORKING UNDER ENTERPRISE FUNDS Employees = Full-time Equivalents (FTE's)

Energy.....	68	Water.....	39	Wastewater.....	36	Airport.....	14
Sanitation.....	22	Golf.....	28				

DEBT SUMMARY (CITYWIDE)

Provo City has employed a variety of financing techniques for capital improvements, as described below:

General Obligation Bonds: These bonds allow municipalities to borrow money to fund capital improvements and infrastructure. Repayment of General Obligation Bonds is guaranteed by the “full faith and credit” of the City.

Revenue Bonds: Revenue bonds are secured by the issuer pledging specific revenues either from the projects being financed and/or other dedicated revenue sources such as franchise fees of utility service revenue.

Leases: The City uses leases to purchase vehicles and equipment.

At the end of fiscal year 2023, the City had \$226 million in long-term debt outstanding which represents a 9.24% increase from the prior year .

Debt Activity (in \$000s)	Balance at 6/30/2022	Net Debt Added (Issued)	Net Debt Repaid (Retired)	Balance at 6/30/2023
Compensated Absences	9,554	618	(2,866)	7,306
Leases	4,016	-	(1,581)	2,435
Notes Payable	12,123	-	(295)	11,828
General Obligation Bonds	89,611	-	(4,928)	84,683
General Revenue Bonds	12,857	-	(2,702)	10,155
Energy Revenue Bonds	14,649	-	(890)	13,759
Water Revenue Bonds	8,763	150	(552)	8,361
Wastewater Revenue Bonds	49,397	33,053	(461)	81,989
Stormwater Revenue Bonds	1,402	-	(691)	711
Airport Sales Tax Revenue Bonds	4,681	-	(334)	4,347
Subscription Based IT Arrangement	-	904	(290)	614
Total:	\$ 207,053	\$ 34,725	\$ (15,590)	\$ 226,188

Historical Debt (in \$000s)	2019	2020	2021	2022	2023
General Obligation Bonds	\$ 103,961	\$ 99,237	\$ 94,399	\$ 89,611	\$ 84,683
General Revenue Bonds	20,156	17,850	15,420	12,857	10,155
Utility Revenue Bonds	39,381	37,042	49,578	74,211	104,820
Sales Tax Revenue Bonds	5,473	5,309	5,000	4,681	4,347
Leases	7,274	5,958	5,030	4,016	2,435
Notes Payable	1,150	8,370	13,285	12,123	11,828
Compensated Absences	8,897	9,474	9,915	9,554	7,306
Subscription Based IT Arrangements	-	-	-	-	614
Total:	\$ 186,292	\$ 183,240	\$ 192,627	\$ 207,053	\$ 226,188

DEBT SUMMARY (CONTINUED)

Bond Ratings: Similar to how individuals have credit scores, municipalities receive bond ratings from three agencies. The three agencies are S&P Global, Fitch Ratings, and Moody's Investors Service. The table below shows Provo City's bond ratings from one or more of these agencies for individual revenue and general obligation bonds that comprise the City's debt.

Bond Ratings			
	Rating Agency		
Bond	S&P	Fitch	Moody's
Energy Systems Revenue bonds Series 2015A	AA	AA-	
WasteWatter Revenue Bond Series 2015A	AA	AA	
Water Revenue Bonds Series 2015A	AA	AA-	
General Obligation Series 2011	AA+		
General Obligation Refunding Bonds Series 2017	AA+		Aa1
General Obligation Bonds Series 2019	AA+		Aa1
Sales Tax Revenue Bonds 2004	AAA		Baa2
Sales Tax Revenue Bonds Series 2017	AAA		
Stormwater Revenue Bonds Series 2010B			Aa3





CONTACT US:

General - (801) 852-6000
Finance - (801) 852-6505

PROVO MUNICIPAL COUNCIL

STAFF REPORT



Submitter: EVANDERWERKEN

Department: Council

Requested Meeting Date:

SUBJECT: The election of the Municipal Council Chair and Vice-chair. (24-001)

RECOMMENDATION: Follow the stipulated process to select a new Chair and Vice-chair of the Council. A resolution will be scheduled for the Council Meeting on January 09, 2024. The Redevelopment Agency Governing Board will also select its new leadership at a meeting on January 09, 2024.

BACKGROUND: Per Provo City Code Section 2.50.020(2), the Council is required to elect a Chair and Vice-chair. The current (2023) Council Chair conducts the meeting until after the election process is completed for the new (2024) Council Chair. In addition to Provo City Code, the Municipal Council Rules help to establish and clarify the process for the election of the new Chair and Vice-chair.

During the item for Chair election, the Chair asks for nominations from Councilors for a new Chair (no second is required for a nomination). By Provo City Code, no discussion shall be had regarding the nomination. When all nominations have been made, the Chair then calls for a separate vote on each nominee in the order of their nomination. As soon as any nominee receives four or more votes, that nominee is elected as the new Chair and more votes are held. If no nominee receives four or more votes in the first round of voting then subsequent rounds of voting will continue until a majority vote is accomplished. The current Chair then repeats the process for the office of Vice-chair

FISCAL IMPACT:

PRESENTER'S NAME: Katrice MacKay, Council Chair

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-001

PROVO MUNICIPAL COUNCIL

STAFF REPORT



Submitter: EVANDERWERKEN

Department: Council

Requested Meeting Date:

SUBJECT: A resolution acknowledging the election of the Chair and Vice-chair of the Provo Municipal Council for calendar year 2024. (24-001)

RECOMMENDATION: Approve Resolution as written

BACKGROUND: Per Provo City Code, the municipal council rules help establish and clarify the process for the election of new Chair and Vice-Chair. Immediately following the conclusion of the leadership election for Chair and Vice-Chair, the council will consider a resolution acknowledging the election of the Municipal Council Chair and Vice-Chair for the calendar year. The new Chair and Vice-Chair then exchange seats with the outgoing leadership. The newly elected Chair assumes leadership and conducts the remainder of the council meeting. The Chair shall occupy the center seat and the Vice-Chair shall occupy the seat to the left of the Chair.

FISCAL IMPACT:

PRESENTER'S NAME: TBD

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-001

RESOLUTION 2024-XX.

A RESOLUTION ACKNOWLEDGING THE ELECTION OF THE CHAIR AND VICE-CHAIR OF THE PROVO MUNICIPAL COUNCIL FOR CALENDAR YEAR 2024. (24-001)

WHEREAS, pursuant to Provo City Code Section 2.50.020(2), the Municipal Council is required to elect a Council Chair and Council Vice-chair for calendar year 2024; and

WHEREAS, in a duly noticed public meeting held on January 09, 2024, the individuals listed below were nominated and elected by majority vote to each position.

NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as follows:

PART I:

A. The election of _____ as Chair and _____ as Vice-chair of the Municipal Council of the City of Provo, Utah for calendar year 2023 is hereby acknowledged.

B. Each election shall be subject to acceptance by the persons named herein.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.

PROVO MUNICIPAL COUNCIL

STAFF REPORT



Submitter: MISANDERS
Department: Council
Requested Meeting Date: 11-14-2023

SUBJECT: An ordinance amending Provo City Code regarding various administrative reports. (23-025)

RECOMMENDATION: Approval of the ordinance to 1) amend various reporting requirements and deadlines and 2) repeal various required reports.

BACKGROUND: For the past several months, the Council Office has been reviewing the City Code looking for all the required administrative reports. Many of these have been forgotten over the years and have not been formally reported to the Council. During the August 22nd Work Meeting, the Council received a briefing from Staff. It was found that currently there are 29 reports required in the Code. In order to both increase transparency and aid in the Council's decision making process, all reports have been amended to include specific deadlines and reporting requirements:

The following reports are proposed to be deleted:

Cemetery Sexton Report
Mobile Home Park Business License Report
Graffiti Removal Report

A full list of all regular and triggered reports along with due dates will be included in the Council Handbook.

FISCAL IMPACT: \$0

PRESENTER'S NAME: Justin Harrison, Council Executive Director

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

Provo City Code 2.50.130(2)(i): The Executive Director's powers and duties may include...Evaluate, report and make recommendations to the Council as to whether the general intent of Council policies, in the form of ordinances and resolutions, are being complied with and carried forth by the City, in order to determine whether additional ordinances, resolutions or policies are required

CITYVIEW OR ISSUE FILE NUMBER: 23-025

ORDINANCE 2023-_____.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING
VARIOUS ADMINISTRATIVE REPORTS (23-025)

RECITALS:

It is proposed that Provo City Code be amended to update various administrative reporting requirements; and

Utah State Code 10-3b-203(1)(a)(ii) allows for the review of municipal administration; and

During the August 22nd Work Meeting, the Council heard a presentation detailing various options for cleaning up code sections regarding administrative reports; and

Accurate, informative, and timely delivery of reports will benefit the Municipal Council's decision-making process; and

On November 14, 2023 and January 9, 2024, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds that (i) Provo City Code should be amended as set forth below, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Municipal Council of Provo City, Utah ordains as follows:

PART I:

The various sections of the Provo City Code listed therein are amended as shown in Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.
- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.

45 C. This ordinance takes effect immediately after it has been posted or published in accordance
46 with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code
47 Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

48
49 D. The Municipal Council directs that the official copy of Provo City Code be updated to
50 reflect the provisions enacted by this ordinance

EXHIBIT A

2.10.030 Mayor - Functions and Duties.

The Mayor shall be the chief executive officer of the City and its official head for ceremonial purposes. The Mayor's powers and duties include but are not limited to the following:

...

(13) Furnishing the Municipal Council with a written report, ~~by the first day of the fourth quarter of each calendar year~~~~periodically as determined by ordinance~~, setting forth the amounts of all budget appropriations, the total disbursements to date from these appropriations, and the amount of indebtedness incurred or contracted against each appropriations (including disbursements and indebtedness incurred and not paid) and the percentage of the appropriations encumbered to date ~~for the previous fiscal year~~, which reports shall be made available for public inspections;

...

(15) Preparing and submitting to the Municipal Council:

- (a) a ~~budget transmittal letter~~ ~~State of the City report~~ to coincide with submittal of the budget;
- (b) an annual report of the City's financial affairs, within 180 days following the close of the City's fiscal year (as established by State law);

...

(18) Ensuring that the Municipal Council is furnished with those reports required by State and City code. The Mayor may delegate responsibility to provide each such report to any executive branch employee. References within the code to reports to be provided by the Mayor automatically include any such delegatee. The following table summarizes those reports.

Name of Report	Code Chapter
Appropriations Report	2.10.030(13)
Budget Transmittal Letter	2.10.030(15)(a)

Annual Comprehensive Financial Report	2.10.030(15)(b)
Library Report	2.26.110
Capital Improvement Project Report	3.03.020(1)
Active Capital Improvement Project Report	3.03.040
Disposal of Property Report	3.04.030(9)
Settled Claims Report	3.10.050(5)
Utility Transportation Fund Report	5.08.070
Rental Dwelling License Report	6.26.140
Mobile Home Rental Dwelling License Report	6.30.140
State and Affairs of the Police Department Report	9.01.100(2)
Airport Master Plan Implementation Report	13.01.040(3)
Impact Fee Report	15.08.115
Sewer Connection Projection Report	15.03.105(1)(a)

...

2.15.030 Sexton - Charge of Cemeteries - Reports.

...

(2) The Sexton shall pay into the City treasury, all monies received by the Office of the Sexton,
~~and shall annually make a full and complete report of official doings to the Mayor, and shall make other reports as the Mayor or Municipal Council may from time to time require.~~

...

2.26.110 Board - Annual Reports.

The Library ~~Board of~~ Directors shall ~~make~~ deliver an written annual report to the Municipal Council of the City on the ~~operation~~, condition and ~~operation~~ affairs of the library, including a financial statement. The Library ~~and~~ Directors shall also ~~provide for the keeping of such records as shall be required by the Utah state library commission in its request for an annual report from the public libraries, and shall~~ submit such annual report to the ~~commission~~ State Library Board as required in Utah Code Title 9, Chapter 7, Part 2, Section 211 as amended.

...

2.37.020 Purpose.

The purpose of the Provo Youth City Council is to provide training and opportunity to local youth to interact with the Municipal Council and other important organizations, to allow for an opportunity for input from local youth to local government, to deal with local issues impacting Provo's youth. The program is a volunteer program under the direction of the Council Chair or the Council Chair's delegate. The Provo Youth City Council ~~shall~~ may communicate information on current City issues, hold meetings, report ~~back~~ to the Municipal Council, gather information on youth issues and assist in providing suggestions on policy to be implemented by the Municipal Council over issues involving youth, youth programs, and do any other thing to accomplish the goals of the Provo Youth City Council as determined by the Municipal Council which promotes and protects the public's health, safety, morals and general welfare.

...

3.03.020 Capital Improvements.

(1) By March 1 of each year, the Mayor or the Mayor's designee shall prepare and submit to the Municipal Council a written report detailing a capital improvement plan which shall include a summary of each capital improvement project consisting of at least the following information:

...

3.03.040 Capital Improvement Project Reporting.

Within thirty (30) days after completion of the annual City financial report and audit report as required by the Uniform Fiscal Procedures Act for Utah Cities, the Mayor or the Mayor's designee shall submit to the Municipal Council a written report on the status of each active capital improvement project which shall include at least the following information:

...

3.03.050 Emergency Expenditures.

...

(2) If expenditures are made for an emergency pursuant to Subsection (1) of this Section, the Mayor or the Mayor's designee shall notify the Municipal Council of such expenditure and shall within thirty (30) days submit to the Municipal Council a written report which describes the nature of the emergency and the source of additional funding. The Municipal Council may review such budgetary action at the next available Municipal Council meeting following submission of the report. As part of such review, the Municipal Council may either ratify the source of funds used or take such other budgetary actions as are determined to be appropriate in order to fund the costs of such emergency.

...

3.04.030 Disposal of Property - Surplus Property List.

...

(9) The Mayor or the Mayor's designee shall provide to the Municipal Council an written annual report, no later than the first Council meeting in the month of December, detailing all real properties sold, traded, encumbered or divested by the administration over the past year, which report shall contain:

...

3.10.050 Authority to Settle Claims.

...

(4) The following schedule shall be used in determining the delegation of authority for settling various classes of claims through financial reimbursement or compensation:

(a) Private property claims with a value of up to seven hundred fifty dollars (\$750.00) may be settled by the responsible Department/Office with notification to the City

Attorney's Office. Personal injury or bodily injury claims will not be settled within a Department/Office.

(b) Any type of claim with a value between seven hundred fifty dollars and one cent (\$750.01) and twelve thousand dollars (\$12,000.00) may be settled by the Legal Office. If circumstances warrant, however, claims in this class may be referred to the Chief Administrative Officer for a recommendation.

(c) Any type of claim with a value over twelve thousand dollars (\$12,000.00) shall be reviewed by the Chief Administrative Officer and Director of Administrative Services and a recommendation for settlement shall be submitted to the Mayor for approval.

~~(d) The Municipal Council shall be notified by the Mayor of any settlement in excess of thirty thousand dollars (\$30,000.00).~~

~~(ed)~~ On July 1, 2025, and on July 1 every five (5) years thereafter, the dollar amounts in this Section shall automatically adjust for inflation by reference to the immediately preceding five (5) year actual percentage change in Consumer Price Index for All Urban Consumers, U.S. city average as published by the United States Bureau of Labor Statistics. Each resulting dollar amount after this calculation will then be rounded to the nearest one hundred dollars (\$100.00).

(5) The Mayor or the Mayor's designee shall submit a written semiannual report of settled claims.

...

5.08.070 Annual Report and Gas Tax Revenues.

(1) ~~Each year during the annual budget process, By the first day of the fourth quarter of each year, the Mayor or the Mayor's designee shall deliver a written report to the Municipal Council shall receive an annual report detailing the income and expenditures of the fund for the previous fiscal year. This report shall be in writing and shall be presented at a meeting of the Municipal Council by representatives of the Public Works Department or the Finance Division of the Administrative Services Department.~~

...

6.26.140 Compliance Reports.

(1) ~~Within ten (10) days of the beginning of each calendar quarter, the Mayor or the Mayor's designee shall provide to the Municipal Council a rental dwelling business license semiannual written report for the second half of the previous calendar year and the first half of the current calendar year, respectively, regarding rental dwelling business licenses that~~ which shows:

- (a) the number of rental dwelling business licenses that have been:**
 - (i) issued and have not expired or been revoked;**
 - (ii) applied for but not issued; and**
 - (iii) applied for and not issued which have been pending for more than six (6) months; and;**
- (b) the number of rental dwelling units authorized under all presently valid licenses.**

(2) In conjunction with the report required under Subsection (1) of this section, the Mayor or the Mayor's designee shall provide a report to the Municipal Council which details the reasons why any license pending for more than one (1) year has not been issued.

...

6.30.140 Compliance Reports.

(1) ~~Within ten (10) days of the beginning~~ By the first day of the second and fourth, ~~of each calendar~~ quarter, the Mayor or the Mayor's designee shall provide to the Municipal Council a ~~mobile home rental dwelling business license~~ semiannual written report for the second half of the previous calendar year and the first half of the current calendar year, respectively, regarding mobile home rental dwelling licenses that ~~which~~ shows:

- (a) the number of mobile home rental dwelling business licenses that have been:
 - (i) issued and have not expired or been revoked;
 - (ii) applied for but not issued; and
 - (iii) applied for and not issued which have been pending for more than six (6) months; and;
- (b) the number of mobile home rental dwelling units authorized under all presently valid licenses.

(2) In conjunction with the report required under Subsection (1) of this section, the Mayor or the Mayor's designee shall provide a report to the Municipal Council which details the reasons why any license pending for more than one (1) year has not been issued.

...

6.31.140 Compliance Reports.

~~(1) Within ten (10) days of the beginning of each calendar quarter the Mayor shall provide to the Municipal Council a mobile home park business license report which shows:~~

- ~~(a) the number of mobile home park licenses that have been:~~
 - ~~(i) issued and have not expired or been revoked;~~
 - ~~(ii) applied for but not issued; and~~
 - ~~(iii) applied for and not issued which have been pending for more than six (6) months; and;~~

~~(b) the number and location of mobile home parks authorized under all presently valid licenses.~~

~~(2) In conjunction with the report required under Subsection (1) of this section, the Mayor shall provide a report to the Municipal Council which details the reasons why any license pending for more than one (1) year has not been issued.~~

...

7.05.060 Graffiti Removal.

(1) The Mayor shall establish:

(a) a program to educate the public, particularly minors, about the detrimental effects of graffiti and methods to reduce its proliferation; and

(b) a procedure whereby City personnel will, at least ninety-five (95) percent of the time, remove graffiti located in the City within forty-eight (48) hours or sooner after City receipt of a report thereof if:

(i) the responsible party does not sooner do so; and

(ii) the responsible party has consented to City clean-up of the graffiti. Consent may be granted on a per incident or calendar year basis.

~~(2) At the beginning of each calendar quarter the Mayor shall submit a report to the Municipal Council detailing the following activity for the prior quarter:~~

~~(a) number of reported graffiti incidents;~~

~~(b) cost of graffiti removal; and~~

~~(c) educational efforts undertaken.~~

...

9.01.100 Chief of Police - Duties Generally.

...

(2) The Chief shall consult and advise with the Mayor, and act with the Mayor's approval on all matters pertaining to the Police Department not herein specifically provided for, and shall from time to time make such reports as the Mayor shall require and shall annually *during a regularly scheduled Council Meeting between the months of February and May* ~~make~~ deliver a written

report and presentation to the Municipal Council of the state of affairs and conditions of the Police Department.

...

9.80.070 Designation Process.

...

(6) Within one hundred twenty (120) days after directing that a study of the proposed permit parking area be undertaken, the City Parking Coordinator shall review the application and ~~submit~~ deliver a written report to the Mayor and Municipal Council which:

- (a) Verifies and quantifies petition signatures, if applicable;
- (b) Provides analysis from relevant City staff and other entities as appropriate, such as the Transportation and Mobility Advisory Committee, Planning Commission, etc., on the proposed permit parking area in light of designation criteria set forth in Section [9.80.060](#), Provo City Code; and
- (c) At a minimum, makes recommendations regarding the following:
 - (i) Permit parking area boundaries,
 - (ii) Parking time restrictions on public streets,
 - (iii) Time restriction exemptions, if any,
 - (iv) Permit cost (based on the total cost to administer program, and including a detail sheet showing number of residences and cost per vehicle in the proposed permit parking area),
 - (v) Planned enforcement method, and
 - (vi) Timeline for implementing the program.

...

9.90.050 Designation Process.

...

(2) *Development Services Director or the Director's Designee Initiation.*

(a) The Development Services Director or the Director's designee shall notify the Council of their intent to designate a new OSPM area. The Development Services Director or the Director's designee shall ~~bring~~ deliver a written report and recommendation to the Council within the next ninety (90) days. The report shall include the following:

- (i) A map of the proposed OSPM area;
- (ii) The reason for the proposal;
- (iii) Proposed block faces for parking zones; and
- (iv) Any input submitted by residents for and against the proposal.

...

(3) *Resident Initiation.*

(a) Any resident or property owner within the proposed OSPM area may submit an application to the Development Services Director or the Director's designee. The Development Services Director or the Director's designee shall notify the Council within thirty (30) days of receiving the application and ~~present~~ deliver a written report and recommendation no more than ninety (90) days after notification has been sent (one hundred twenty (120) days total).

...

12.02.010 Rates and Charges.

...

(3) *Adjustments.* The Municipal Council may by resolution permit the Director of the Energy Department to adjust the actual rates paid by consumers for electricity service where adjustments are made necessary or appropriate because of increases or decreases in the wholesale cost of power purchased by Provo City. A resolution adopted pursuant to this Subsection (3) of this Section may describe terms or conditions pursuant to which the Director may make rate adjustments. The Director shall annually, as part of the City budget process, submit to the Municipal Council a written summary report of all action taken by the Director pursuant to the authority granted by this Subsection (3) of this Section.

13.01.040 Master Plan - Adoption and Implementation.

...

(3) Within thirty (30) days following submittal of the capital improvements projects report required by Section 3.03.040 of this Code, the Mayor or the Mayor's designee shall deliver a written report to the Municipal Council ~~at a regularly scheduled Council meeting~~ regarding the activities, whether public or private, undertaken to implement the airport master plan.

...

15.08.115 Impact Fee Report.

In conjunction with submittal of annual tentative capital improvements budgets, the Mayor or the Mayor's designee shall ~~submit~~ deliver an written impact fee report to the Municipal Council which shows:

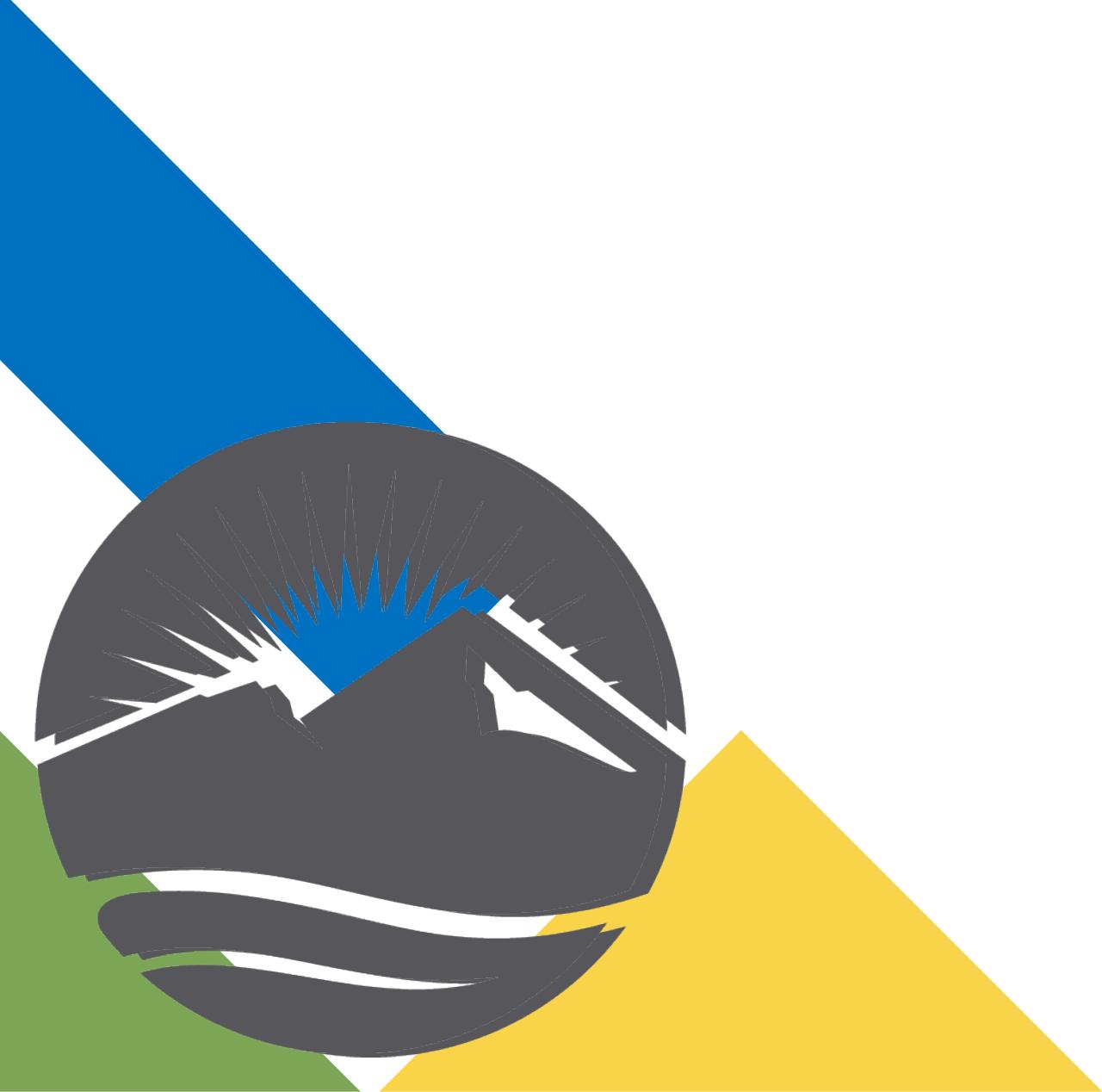
...

15.03.105 Temporary Limitations on Certain Sewer Connections.

(1) Due to limited sewer capacity within the catchment area of the thirty-six (36) inch sewer main that services the area west of the I-15 freeway and portions of the Grandview area and the potential for new development in that catchment area in excess of the capacity available, the following regulations apply to development projects in that catchment area:

a) The City shall monitor available sewer capacity and development projects that have been approved or submitted for approval and shall model the projected available sewer connections. Model projections ~~for the upcoming calendar year~~ shall be ~~reported~~ delivered in writing by the first ~~regularly to the Municipal Council~~ day of the second quarter of each calendar year by the Director of Public Works or the Director's designee and made available to the public. The model calculations are not a guarantee of available connections and each development project is subject to individual review regarding available sewer capacity.

...



Administrative Reports Update

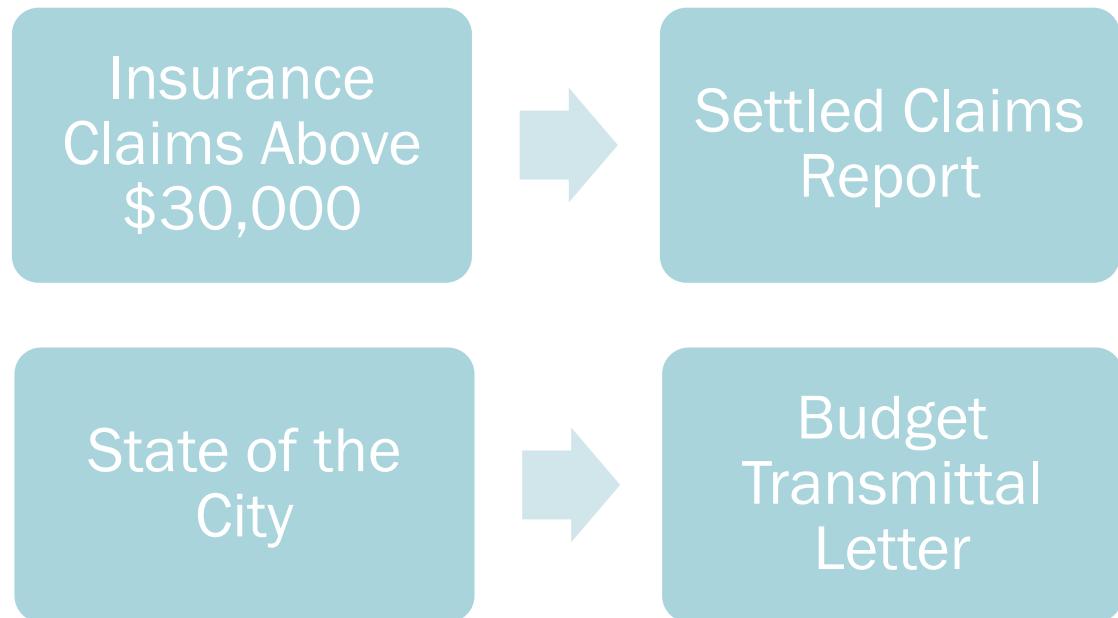
Justin Harrison, Council Executive Director

Deleted Reports



- Mobile Home Business License Report
- Cemetery Sexton Report
- Graffiti Removal Report

Changed Reports



Regular Reports



- Appropriations Report
- Budget Transmittal Letter
- Annual Comprehensive Financial Report
- Library Report
- Capital Improvement Project Report
- Active Capital Improvement Project Report
- Disposal of Property Report
- Settled Claims Report
- Utility Transportation Fund Report
- Rental Dwelling License Report
- Mobile Home Rental Dwelling License Report
- State and Affairs of the Police Department Report
- Airport Master Plan Implementation Report
- Impact Fee Report
- Sewer Connection Projection Report

Triggered Reports



- Landmark Register Nomination Report
- Energy Rate Adjustments Report
- Emergency Expenditure Report
- Annexation Petition Report
- On Street Parking Management Area Report (City Application)
- On Street Parking Management Area Resident Application Report
- Proposed Parking Permit Program Study Report

PROVO MUNICIPAL COUNCIL

STAFF REPORT



Submitter: KZARBOCK
Department: Finance
Requested Meeting Date: 12-12-2023

SUBJECT: A resolution approving the appropriation of \$60,000 in the Covey Center fund and a related transfer of \$60,000 from the General Fund to the Covey Center fund (23-087)

RECOMMENDATION: Approve the appropriation at a future Council meeting

BACKGROUND: During the FY2024 budget process, there was a miscommunication about the part-time budget in the Covey Center fund. As a result, \$60,000 was cut from the Covey Center's personnel budget when it should have remained intact. This appropriation, if approved, would restore the Covey Center's part-time budget to FY23 levels, which would allow the Covey Center to continue its operations with sufficient staffing. The funding source would be the General Fund balance.

FISCAL IMPACT: \$60,000

PRESENTER'S NAME: Kelsey Zarbock, City Budget Officer

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-087

RESOLUTION 2024-_____.

A RESOLUTION APPROVING THE APPROPRIATION OF \$60,000 IN THE COVEY CENTER FUND AND A RELATED TRANSFER OF \$60,000 FROM THE GENERAL FUND TO THE COVEY CENTER FUND.

RECITALS:

It is proposed that \$60,000 be appropriated in the Covey Center fund to replenish its part-time budget; and

The funding source for the appropriation is a proposed transfer of \$60,000 from the General fund to the Covey Center fund; and

On January 9, 2024, the Municipal Council met to consider the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds that (i) the \$60,000 appropriation in the Covey Center fund and the related \$60,000 transfer from the General fund should be approved as described herein, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Municipal Council of Provo City, Utah resolves as follows:

PART I:

The Mayor is authorized to appropriate \$60,000 in the Covey Center fund.

PART II:

The Mayor is authorized to transfer \$60,000 from the General Fund to the Covey Center fund.

PART III:

This resolution takes effect immediately.



ADMINISTRATIVE
SERVICES
TEL 801 852 6504
351 W CENTER ST
PO BOX 1849
PROVO, UT 84603

NOTICE OF PUBLIC HEARING BEFORE THE PROVO MUNICIPAL COUNCIL

Notice is hereby given that the Municipal Council of Provo, Utah will hold a public hearing on the following item during the Council Meeting that will take place on Tuesday, January 9th, 2024 at 5:30 p.m. in the Council Chambers located at the Provo City Center Building, 445 West Center Street, Provo, Utah. Anyone interested is invited to attend.

Provo City Council will consider an appropriation of \$60,000 in the Covey Center fund and a related \$60,000 transfer from the General fund to the Covey Center fund. The funding source of the appropriation is General fund balance.

The meeting will also be available to the public for live broadcast and on-demand viewing at: youtube.com/provocitycouncil. Those who would like to participate in the meeting virtually may do so via Zoom. To join the Zoom meeting, visit zoom.us/join and enter Meeting ID **881 6666 2447** and Passcode **452798**. To listen or comment via phone, dial **346-248-7799**, enter Meeting ID **881 6666 2447** and press **#**. Press **#** again for participant ID. Once connected, press ***9** to indicate that you would like to comment. For more information regarding how to comment in the electronic meeting, visit agendas.provo.org and click on the meeting agenda.

Kelsey Zarbock, Budget Officer

PROVO MUNICIPAL COUNCIL

STAFF REPORT



Submitter: KZARBOCK
Department: Finance
Requested Meeting Date: 12-12-2023

SUBJECT: A resolution approving the appropriation of \$81,400 in the General Fund (23-087)

RECOMMENDATION: Approve the proposed appropriation at a future Council meeting

BACKGROUND: During the fiscal year 2024 budget process, Parks & Recreation submitted a supplemental operating budget request totalling \$81,400 to fund part-time personnel costs, water utilities, and stormwater utilities for the Regional Sports Park. At the time, it was decided that rather than building the new cost into the fiscal year 2024 operating budget, the administration would wait until the middle of the fiscal year to determine if the Regional Sports Park's completion would be on time. At this point, the Regional Sports Park's construction is on schedule, and as a result, the Parks & Recreation Department will need the funding in fiscal year 2024 as they ready the fields for the fall grand opening.

FISCAL IMPACT: \$81,400

PRESENTER'S NAME: Kelsey Zarbock, City Budget Officer

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 23-087

RESOLUTION 2024-_____.

A RESOLUTION APPROVING THE APPROPRIATION OF \$81,400 IN THE
GENERAL FUND.

RECITALS:

It is proposed that \$81,400 be appropriated in the General Fund for parks athletic field maintenance operations; and

The funding source of the appropriation is General Fund balance; and

On January 9, 2024, the Municipal Council met to consider the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds that (i) the \$81,400 appropriation in the General Fund should be approved as described herein, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Municipal Council of Provo City, Utah resolves as follows:

PART I:

The Mayor is authorized to appropriate \$81,400 in the General Fund.

PART II:

This resolution takes effect immediately.



ADMINISTRATIVE
SERVICES
TEL 801 852 6504
351 W CENTER ST
PO BOX 1849
PROVO, UT 84603

NOTICE OF PUBLIC HEARING BEFORE THE PROVO MUNICIPAL COUNCIL

Notice is hereby given that the Municipal Council of Provo, Utah will hold a public hearing on the following item during the Council Meeting that will take place on Tuesday, January 9th, 2024 at 5:30 p.m. in the Council Chambers located at the Provo City Center Building, 445 West Center Street, Provo, Utah. Anyone interested is invited to attend.

Provo City Council will consider an appropriation of \$81,400 in the General fund for athletic field maintenance in the Parks & Recreation Department. The funding source of the appropriation is General fund balance.

The meeting will also be available to the public for live broadcast and on-demand viewing at: youtube.com/provocitycouncil. Those who would like to participate in the meeting virtually may do so via Zoom. To join the Zoom meeting, visit zoom.us/join and enter Meeting ID **881 6666 2447** and Passcode **452798**. To listen or comment via phone, dial **346-248-7799**, enter Meeting ID **881 6666 2447** and press **#**. Press **#** again for participant ID. Once connected, press ***9** to indicate that you would like to comment. For more information regarding how to comment in the electronic meeting, visit agendas.provo.org and click on the meeting agenda.

Kelsey Zarbock, Budget Officer

PROVO MUNICIPAL COUNCIL

STAFF REPORT



Submitter: TBALL
Department: Energy
Requested Meeting Date: 12-12-2023

SUBJECT: A discussion on an ordinance amending Provo City Code regarding the sale of electricity at fast-charging stations for electric vehicles. (23-085)

RECOMMENDATION: Adopt a new Direct Current Fast Charger (DCFC) transitional time of use rate. In addition to the new rate, the Council will also need to amend Provo City Code regarding the sale of electricity to allow the resale of power for the limited exception of charging Electric Vehicles in public areas.

BACKGROUND: The current commercial rate that charges for both demand (Highest instantaneous using during a month) and energy used for the month is too expensive to make a profit for companies who provide fast charging for Electric Vehicles. This rate will incentivize new charging stations throughout Provo by providing a transitional rate that only charges for Time of Use (TOU) energy. Once the provider has more than about 20% utilization, they can move back to the existing commercial rate to lower their electric bills.

The code needs to be amended in order to allow the resale of power.

FISCAL IMPACT: No fiscal impact

PRESENTER'S NAME: Travis Ball

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
Incentivize construction electric vehicle charging stations that in turn allows more EV's to be purchased, reducing range anxiety and ultimately help clean the air in Provo.

CITYVIEW OR ISSUE FILE NUMBER:

ORDINANCE 2023-_____.

AN ORDINANCE AMENDING PROVO CITY CODE REGARDING THE
SALE OF ELECTRICITY AT FAST-CHARGING STATIONS FOR ELECTRIC
VEHICLES. (23-085)

RECITALS:

WHEREAS, it is proposed that Section 12.02.010, regarding the maximum rates for the resale of electricity, be amended to exempt electric vehicle charging; and

WHEREAS, the City's current cap on rates for the resale of electricity do not incentivize fast-charging companies to establish services in Provo; and

WHEREAS, Provo's Energy Department has requested this change to encourage fast-charging station companies to establish charging stations in Provo;

On December 12, 2023, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds that (i) Provo City Code should be amended as set forth below, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Municipal Council of Provo City, Utah ordains as follows:

PART I:

Provo City Code Section 12.02.010 is amended as follows:

12.02.010 Rates and Charges

...

(2) *Resale of Power.* Except as provided in this Section, the rates fixed by the Municipal Council for the sale of electricity shall be the maximum rates for which electricity may be sold within the City. It shall be unlawful for any person to charge or otherwise resell electrical energy transmitted or distributed by the City of Provo at a rate in excess of that provided by the Municipal Council for the applicable class of service, except for the resale of electricity at fast-charging stations for electric vehicles

• • •

41

42

43 **PART II:**

44

45 A. If a provision of this ordinance conflicts with a provision of a previously adopted
46 ordinance, this ordinance prevails.

47

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

51

52 C. This ordinance takes effect immediately after it has been posted or published in accordance
53 with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code
54 Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

55

56 D. The Municipal Council directs that the official copy of Provo City Code be updated to
57 reflect the provisions enacted by this ordinance.

PROVO CITY ENERGY DEPARTMENT ELECTRIC SERVICE SCHEDULE

**GENERAL SERVICE – PUBLIC DC FAST CHARGER TRANSITIONAL RATE - TOU
(COMMERCIAL)
NO. 2.1**

AVAILABILITY

This schedule is available at any point on the Energy Department electric system where facilities of adequate capacity and standard general service distribution voltages are available. This schedule shall be available to non-residential customers taking service for electric vehicle charging stations separately metered from other electric service on Schedule 2. Customer charging sites must be broadly available to the general public and must include at least one direct current (DC) fast charger. This schedule shall be available to up to 10 customers on a first come, first served basis, and upon the installation of required Time-of-Day metering equipment. If such installation may be delayed due to installation schedules or limited availability of such metering equipment, customers shall be placed on a prioritized list for service as such installation schedules or metering equipment become available.

APPLICATION

This optional schedule is for electric service used exclusively for commercial purposes in conjunction with Schedule 2 for Public DC Fast Charging Electric Vehicles.

CHARACTER OF SERVICE

Service under this schedule shall be single-phase, 60 Hertz, alternating current at the Energy Department's available standard general service distribution voltages. At the option of the Energy Department, three-phase service may be provided. All service required on the premises by the customer will be supplied through one meter. Resale service is permitted under this schedule.

MONTHLY RATE

The monthly billing for electric service, excluding charges for other utility services and taxes, shall be the sum of the following charges:

Customer Service Charge: \$30.76 per Service Connection
On-Peak Energy Charge: \$0.3600 per kW/h
Off-Peak Energy Charge: \$0.1209 per kW/h

ON AND OFF-PEAK TIME PERIODS

On-Peak	3:00 pm to 8:00 pm, Monday through Friday, except holidays.
Off-Peak	All other times.

45 Holidays include only New Year's Day, President's Day, Memorial Day, Independence Day,

46 (RATE NO. 2.1 CONTINUED)

47

48 Pioneer Day, Labor Day, Thanksgiving Day, and Christmas Day. When a holiday falls on a
49 Saturday or Sunday, the Friday before the holiday (if the holiday falls on a Saturday) or the
50 Monday following the holiday (if the holiday falls on a Sunday) will be considered a holiday and
51 consequently off-peak.

52

53 **MINIMUM CHARGE**

54 The minimum monthly charge shall be the Customer Charge listed above under the
55 monthly rate section.

56

57 **SPECIAL CONDITIONS**

- 58 1. Billing under this schedule shall begin for the Customer following installation
59 of the time-of-use meter and the initial meter reading.
- 60 2. At the option of the Customer, service may be provided under the otherwise
61 applicable General Service Schedule.
- 62 3. A DC Fast Charger is defined for the purposes of eligibility on this rate
63 schedule as a charging station with a DC connection that has been designed to
64 recharge the battery of an electric vehicle.
- 65 4. An electric vehicle charging site is considered to be broadly available to the
66 general public for the purposes of eligibility on this rate schedule if it is
67 available for use by any driver and is capable of charging more than one make
68 of automobile. Eligibility and acceptance of a customer for service under this
69 rate schedule is subject to review and approval by the City.
- 70 5. The City reserves the right to terminate service under this schedule if it finds
71 that excessive fees imposed by the charging station owner result in the
72 charging station not being broadly available, per the requirements of this
73 schedule.
- 74 6. The Energy Department will not accept enrollment for accounts that have:
 - 75 a. Time-payment agreement in effect
 - 76 b. Received two or more final disconnect notices
 - 77 c. Been disconnected for non-payment within the last 12 months

78

79 **TAX ADJUSTMENTS**

80 The amount computed at the above monthly rate shall be subject to taxes, assessments
81 and surcharges imposed by Provo City or any governmental authority authorized to levy
82 said taxes, assessments, or surcharges.

83

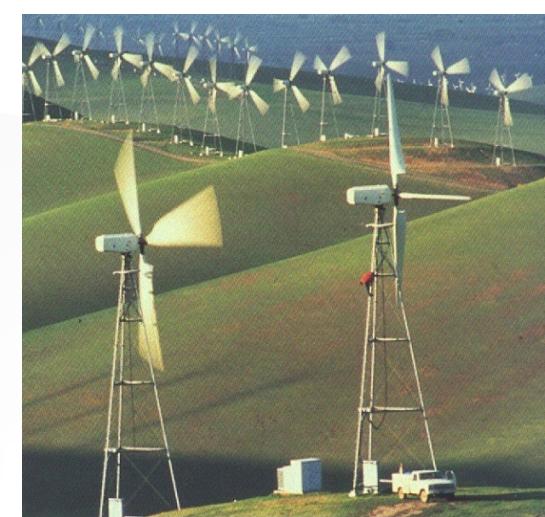
84 **TERMS AND CONDITIONS**

85 Service under this schedule will be in accordance with the Energy Department's electric
86 service standards and policies and terms and conditions set forth by the Department's
87 standard application requirements and Provo City Ordinances, including any future
88 additions or amendments.



Fast Charging EV Rate

Council Work Meeting – Dec 12, 2023



Agenda Introduction



- Purpose of New Rate
- Load Factor
- Fast Charging EV TOU Rate
- Code Change Requirement
- Questions

Purpose of New Rate

- Encourage the installation of Electric Vehicle Fast Charging stations
 - Cost effective option until load factor increases to take advantage of current rates
 - Time of Use rate protects the City and covers high cost of energy during peak usage
- Additional revenue source for Provo City

Purpose

Load Factor

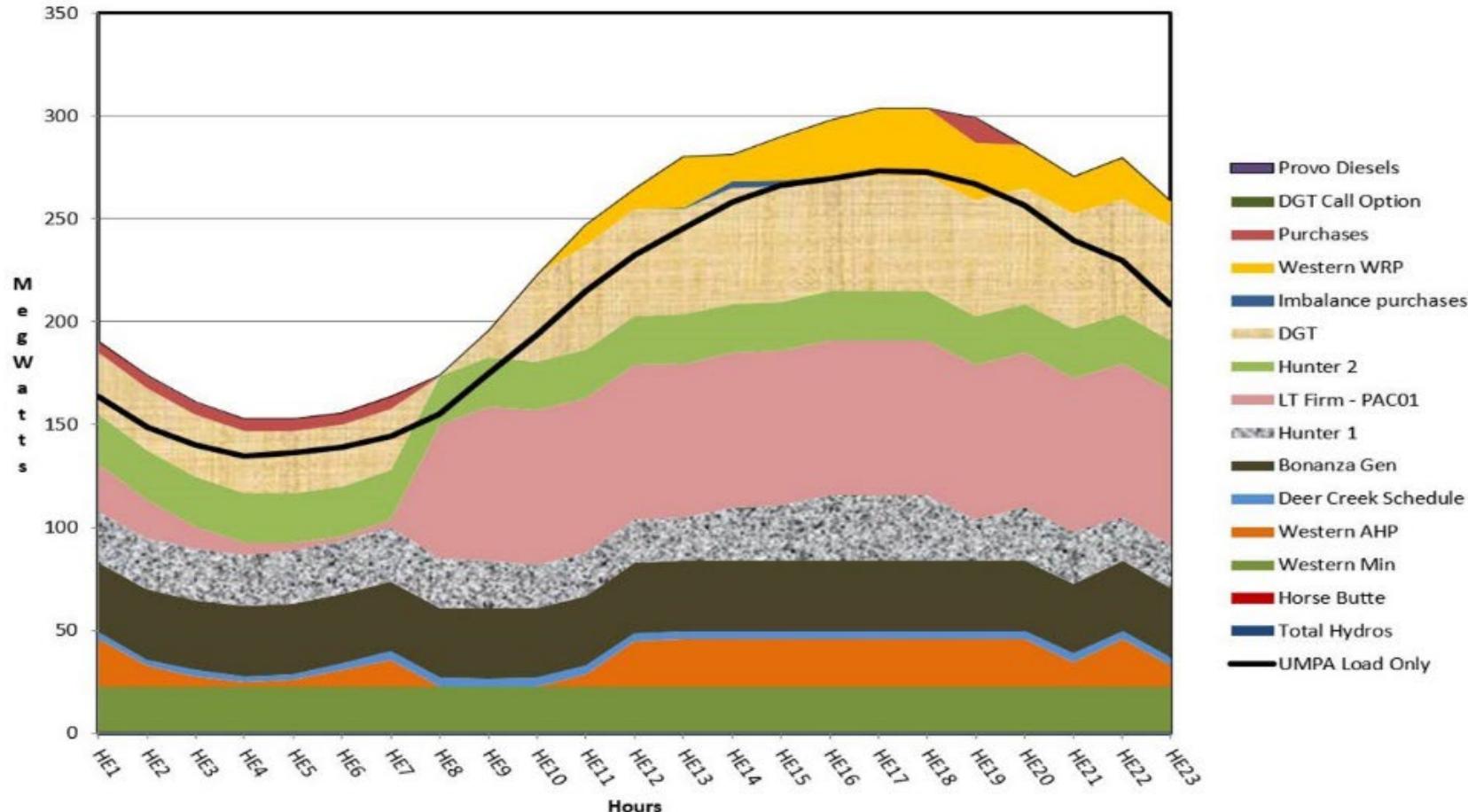
TOU Rate

Code Change

Questions

Load Factor

Tuesday July 26, 2016



Purpose

Load Factor

TOU Rate

Code Change

Questions

Load Factor

- Load factor is average demand (energy) divided by peak demand during a specific period of time
- Higher % load factor spreads fixed costs over more energy

Load Factor (%) =

$$\frac{\text{Energy (kWh)}}{\text{Demand (kW) * hrs}}$$

Purpose

Load Factor

TOU Rate

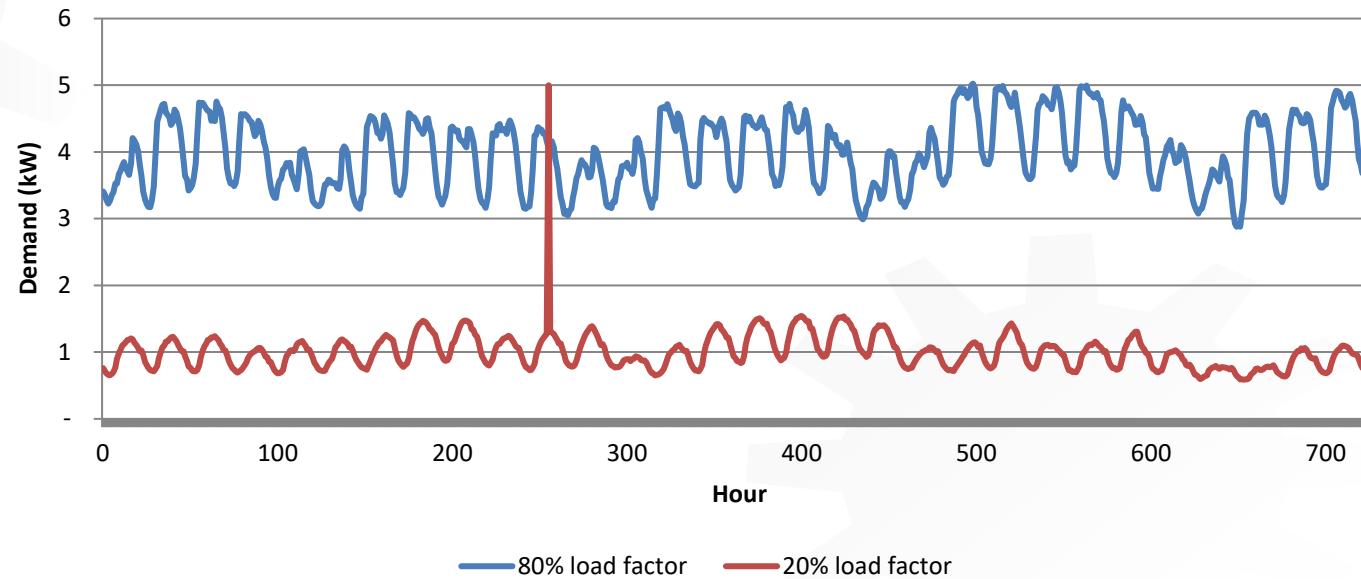
Code Change

Questions

Load Factor

- 5 kW peak customer
 - 730 kWh = 20% load factor
 - 2920 kWh = 80% load factor

Monthly load factor



Purpose

Load Factor

TOU Rate

Code Change

Questions

Load Factor

- Load Factor is the single most important factor behind average cost to serve per kWh

Why?

Purpose

Load Factor

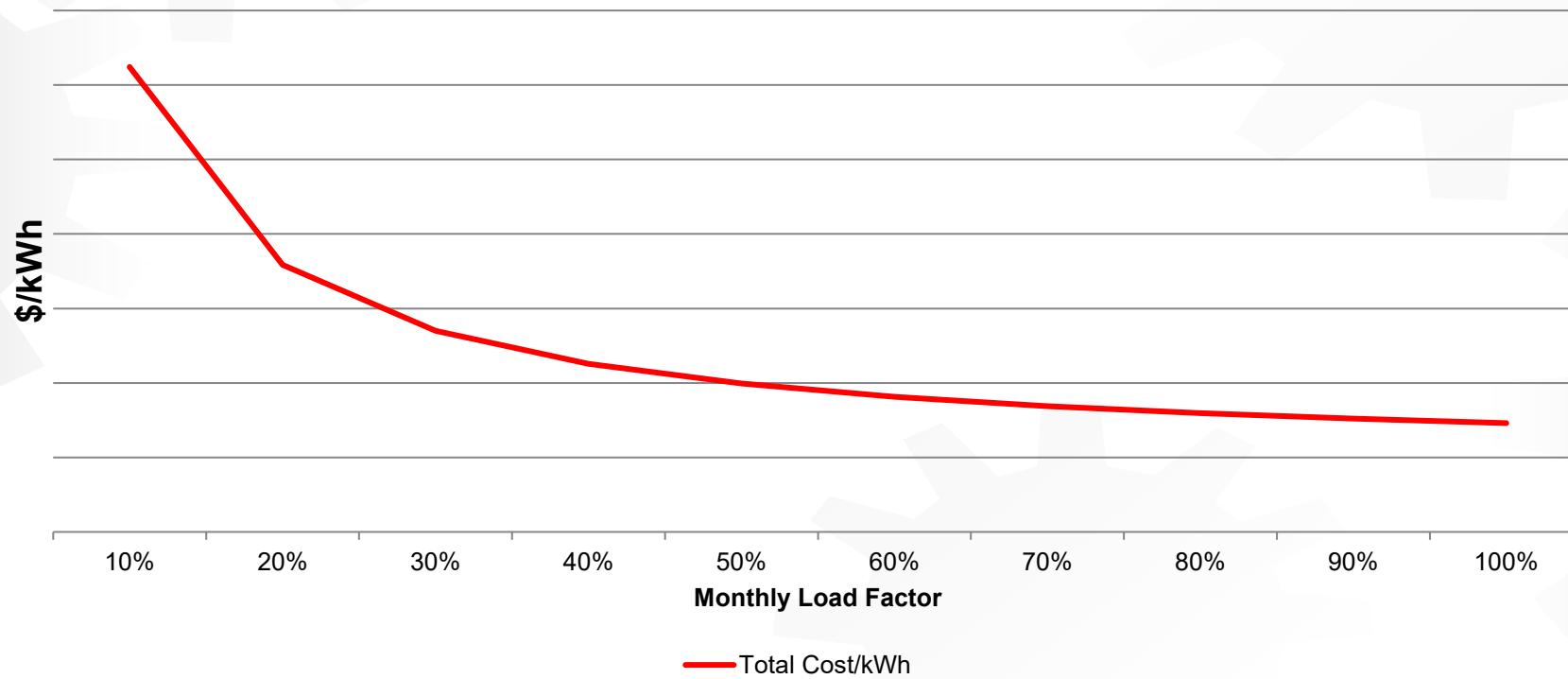
TOU Rate

Code Change

Questions

Load Factor

Commercial Customer
Total Cost vs. Load Factor



Purpose

Load Factor

TOU Rate

Code Change

Questions

TOU Rate

MONTHLY RATE

The monthly billing for electric service, excluding charges for other utility services and taxes, shall be the sum of the following charges:

Customer Service Charge:	\$30.76 per Service Connection
On-Peak Energy Charge:	\$0.3600 per kWh
Off-Peak Energy Charge:	\$0.1209 per kWh

ON AND OFF-PEAK TIME PERIODS

On-Peak except holidays.	3:00 pm to 8:00 pm, Monday through Friday,
Off-Peak	All other times.

MONTHLY RATE

The monthly billing for electric service, excluding charges for other utility services and taxes, shall be the sum of the following charges:

Customer Service Charge:	\$30.76 per Service Connection
Energy Charge:	\$0.0462 per kWh
Demand Charge block 1 (up to 5 kW):	\$8.35 per kW
Demand Charge block 2:	\$14.65000 for all additional kW

Purpose

Load Factor

TOU Rate

Code Change

Questions

TOU Rate

APPLICATION

This optional schedule is for electric service used exclusively for commercial purposes in conjunction with Schedule 2 for Public DC Fast Charging Electric Vehicles.

SPECIAL CONDITIONS

1. Billing under this schedule shall begin for the Customer following installation of the time-of-use meter and the initial meter reading.
2. At the option of the Customer, service may be provided under the otherwise applicable General Service Schedule.
3. A DC Fast Charger is defined for the purposes of eligibility on this rate schedule as a charging station with a DC connection that has been designed to recharge the battery of an electric vehicle.
4. An electric vehicle charging site is considered to be broadly available to the general public for the purposes of eligibility on this rate schedule if it is available for use by any driver and is capable of charging more than one make of automobile. Eligibility and acceptance of a customer for service under this rate schedule is subject to review and approval by the City.
5. The City reserves the right to terminate service under this schedule if it finds that excessive fees imposed by the charging station owner result in the charging station not being broadly available, per the requirements of this schedule.
6. The Energy Department will not accept enrollment for accounts that have:
 - a. Time-payment agreement in effect
 - b. Received two or more final disconnect notices
 - c. Been disconnected for non-payment within the last 12 months

Purpose

Load Factor

TOU Rate

Code Change

Questions

TOU Rate

EV Charging Customer - Rate Comparison										
Current Rate				Proposed Rate				Difference	Percent Change	
Month	Billed Consumption	Billed Demand	Total Cost	Month	On Peak Consumption	Off Peak Consumption	Total Cost			
April	2720	134	\$2,059	April	507	2,246	\$454	\$1,605	-78%	
May	3040	136	\$2,100	May	622	2,433	\$518	\$1,582	-75%	
June	3760	123	\$2,153	June	612	3,083	\$593	\$1,560	-72%	
July	3520	123	\$1,991	July	588	2,956	\$569	\$1,422	-71%	
August	4320	136	\$1,978	August	927	3,389	\$744	\$1,234	-62%	
September	2640	123	\$2,244	September	579	2,109	\$463	\$1,781	-79%	
October	4400	131	\$1,974	October	1,203	3,162	\$815	\$1,159	-59%	
November	4720	136	\$2,183	November	829	3,893	\$769	\$1,414	-65%	
Total	\$16,682			Total	\$4,926			\$11,756	-70%	

Purpose

Load Factor

TOU Rate

Code Change

Questions

Code Change Required

12.02.010 Rates and Charges

...

(2) *Resale of Power.* Except as provided in this Section, t~~The~~he rates fixed by the Municipal Council for the sale of electricity shall be the maximum rates for which electricity may be sold within the City. It shall be unlawful for any person to charge or otherwise resell electrical energy transmitted or distributed by the City of Provo at a rate in excess of that provided by the Municipal Council for the applicable class of service, except for the resale of electricity at fast-charging stations for electric vehicles.

Purpose

Load Factor

TOU Rate

Code Change

Questions

Energy Board Recommended

- Energy Board unanimously recommends the new rate and change in ordinance

Purpose

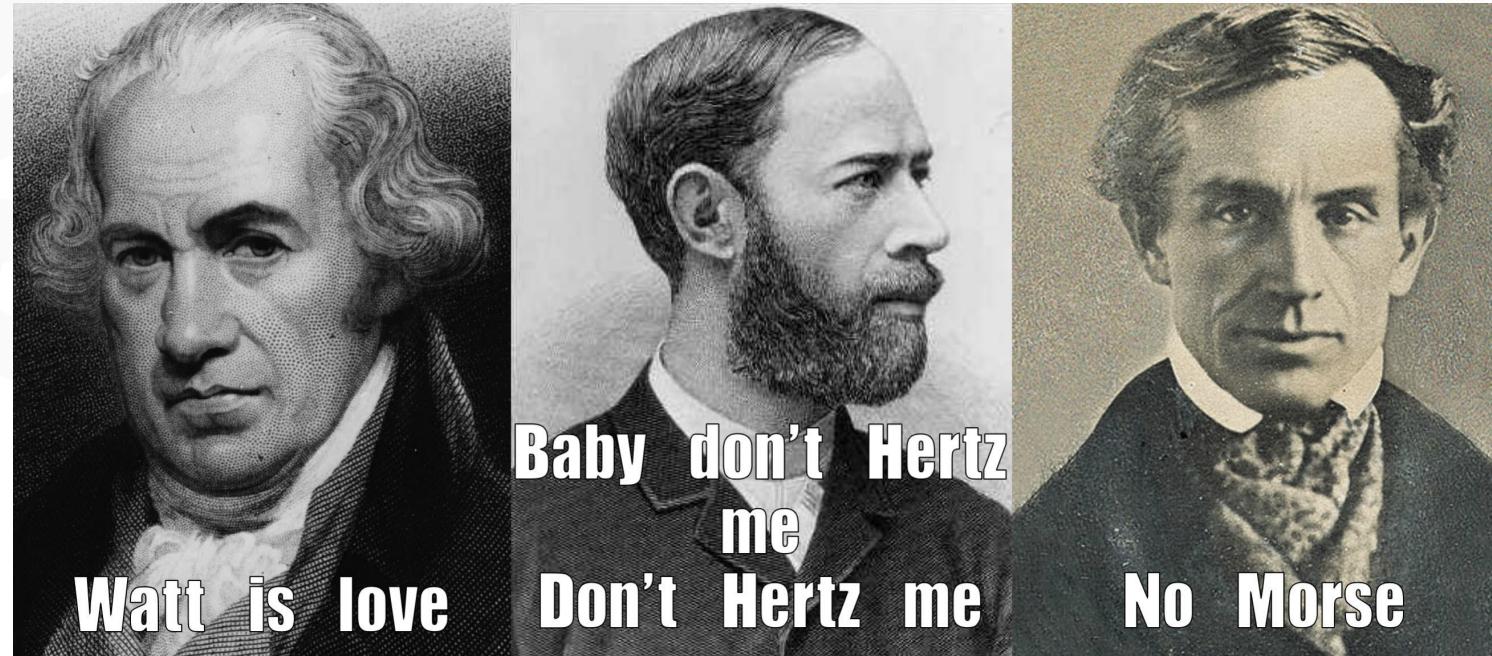
Load Factor

TOU Rate

Code Change

Questions

QUESTIONS?



Purpose

Load Factor

TOU Rate

Code Change

Questions

PROVO MUNICIPAL COUNCIL

STAFF REPORT



Submitter: MISANDERS
Department: Council
Requested Meeting Date: 11-14-2023

SUBJECT: An ordinance amending Provo City Code Chapter 14.30 (Accessory Dwelling Units) to update and clarify regulations (PLOTA202301312)

RECOMMENDATION: Approval of the ordinance.

BACKGROUND: During the October 17th Work Meeting, a motion was made to direct Council Staff to come back to a with proposed clean-up language to title 14.30 to remove zones where ADUs are currently permitted but realistically cannot support ADUs.

Development Services is supportive of the amendment.

FISCAL IMPACT: \$0

PRESENTER'S NAME: Melia Dayley, Policy Analyst

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER:

ORDINANCE 2023-_____.

AN ORDINANCE AMENDING PROVO CITY CODE CHAPTER 14.30
(ACCESSORY DWELLING UNITS) TO UPDATE AND CLARIFY
REGULATION (23-034)

RECITALS:

It is proposed that Provo City Code Chapter 14.30 (Accessory Dwelling Units) be amended to update and clarify regulations; and

On December 6, 2023, the Planning Commission held a duly noticed public hearing to consider the proposed amendment, and after such meeting, the Planning Commission recommended approval to the Municipal Council by a vote of 6:0; and

On December 12, 2023 and January 9, 2024, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

After considering the facts presented to the Municipal Council, the Council finds that (i) Provo City Code should be amended as set forth below, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Municipal Council of Provo City, Utah ordains as follows:

PART I:

Provo City Code 14.30 is amended as shown in Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.
- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.
- C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.

43 D. The Municipal Council directs that the official copy of Provo City Code be updated to
44 reflect the provisions enacted by this ordinance.
45

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.**

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

14.30.010

Purpose and Objectives.

- (1) The purpose of the accessory dwelling unit (ADU) development standards is to encourage promotion of an environment for family life by providing for the establishment of ADUs in conjunction with one-family detached dwellings on individual lots. These development standards are hereby established to promote the use of ADUs; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home owners; and to offer security against problems associated with frailty in old age.
- (2) "Accessory Dwelling Unit (ADU)" means a residential dwelling unit occupied as a separate dwelling unit on the same lot as a primary dwelling unit, either within the same building as the primary dwelling unit (referred to as an internal ADU), attached to the single-family dwelling, or in a detached building. An accessory building, as defined, is not a mobile home or other portable structure that does not qualify as an ADU.
- (3) ~~As required by Utah Code Section 10-9a-530, as amended,~~ The use of an accessory dwelling unit in areas zoned primarily for residential use is a permitted use, except as otherwise provided in this Chapter.

- (a) For purposes of this Chapter, 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.

(Am 2021-46)

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.~~

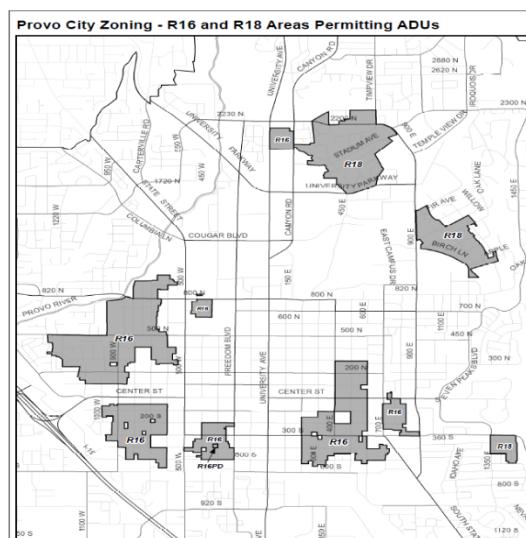
~~(3) (2) Notwithstanding Subsection (2) of this Section 14.30.010, Provo City Code, Utah Code Section [10-9a-530](#) allows the prohibition of ~~internal~~ accessory dwelling units in some areas zoned primarily for residential use. Accordingly, ~~internal~~ accessory dwelling units are prohibited in 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) (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:~~~~

~~(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) (3) Notwithstanding Subsection (3) (2) 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.

(Am 2021-46, Am 2022-46)

14.30.030

Accessory Dwelling Unit (ADU) Development Standards.

ADUs shall be subject to the following development standards:

- (1) *Number.* No more than one (1) ADU shall be permitted in conjunction with each one-family detached dwelling.
- (2) *Location.* ADUs may be located only:
 - (a) Over an attached garage, provided the ADU has access to required parking and does not otherwise disrupt required covered parking;
 - (b) Inside a one-family detached dwelling;
 - (c) In an addition to a one-family detached dwelling; provided, that the addition will not alter the one-family character of the building; or
 - (d) As a detached accessory structure or within a detached accessory structure located in the rear and/or side yard in accordance with the following requirements:
 - (i) The accessory structure in which the ADU is located shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be less than two hundred (200) square feet in area;
 - (ii) A detached ADU or a detached accessory structure containing an ADU shall be set back from any property line no less than ten (10) feet or the distance of the existing setback of the one-family dwelling from that same property line, whichever is less;
 - (iii) The accessory structure shall be architecturally compatible with the main dwelling;
 - (iv) The accessory structure shall be permanently affixed to a site-built foundation and shall be designed in accordance with Provo City adopted building codes;
 - (v) The accessory structure must be approved for, and permanently connected to, all required utilities with a connection and meter independent and separate from the one-family dwelling; and
 - (vi) Shipping containers shall not be permitted for use as an ADU unless they can meet all building codes and are clad with materials similar to and architecturally compatible with

those of the main dwelling.

(3) *Appearance.* The ADU shall not alter the appearance of the structure as a one-family detached dwelling and shall not resemble in any degree a side-by-side, side-to-back, back-to-back, or other type of two-family dwelling. There shall be no external evidence from a street view of occupancy by more than one (1) family, such as two (2) front doors on the main dwelling. The yard areas of the property shall be maintained free of weeds, junk, solid waste, or other materials constituting a violation of the Provo City Code. An ADU shall not be authorized on a property that has outstanding ordinance violations.

(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 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.

(5) *Parking.* A one-family dwelling with an ADU shall have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve either the ADU or the principal part of the dwelling unit. Parking spaces for a one-family dwelling with an associated ADU may be located on a driveway in a required front yard, provided the driveway leads to the minimum number of required covered off-street parking spaces. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. Parking shall comply with all other regulations of Chapter [14.37](#), Provo City Code.

(6) *Utility Meters.* A one-family dwelling with an internal ADU shall have at least one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. A detached ADU or a detached accessory structure containing an ADU must have its own separate meter, and each meter shall be in the property owner's name.

(7) *Addresses.* The ADU shall have its own address assigned by Provo City.

(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) *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.

(10) *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:

(a) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

(b) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.

(c) Pay an application fee as shown on the [Consolidated Fee Schedule](#) adopted by the Municipal Council.

(d) Noncompliance with the standards of this Section shall be just cause for the denial or revocation of a rental dwelling license for an ADU. Revocation shall be in accordance with the license regulations in Chapters [6.01](#) and [6.26](#), Provo City Code.

(e) Notwithstanding Section [6.01.090](#), Provo City Code, the approval of a rental dwelling

license for an ADU shall automatically expire one (1) year after the date of the approval, or upon transfer of the property to another owner, whichever occurs first; provided, however, that the existing owner may reapply or the new owner may apply for an extension of such rental dwelling license.

(f) The owner shall cooperate with the Development Services Department in recording a deed restriction with the County Recorder evidencing the restrictions under which the accessory apartment unit is constructed and occupied. This deed restriction shall run with the land as long as the property is in an overlay zone described in this Chapter, or otherwise contains an accessory apartment as provided in this Chapter.

(g) The owner shall renew the rental dwelling license annually and confirm that the dwelling is the owner's primary residence by providing at least two of the following forms of verification: a current driver license, current vehicle registration, voter registration card, last filed state tax return, and/or last filed federal tax return.

(Am 2021-46, Am 2022-17, Am 2022-46)

14.30.040

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 Chapter [14.30](#), Provo City Code, 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:

(A) For which residential use is a permitted use; and

(B) 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 sixty-six percent (66%) of the properties described in Subsection [\(2\)\(b\)](#) of this Section indicating that they are in support of the special use permit; and
- (d) An application for a rental dwelling license meeting the requirements of Chapter [6.26](#), Provo City Code.

(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 [\(2\)](#) of this Section;
- (b) The property for which the permit is sought meets all the standards for **internal** accessory dwelling units in Section [14.30.030](#), Provo City Code;
- (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 Section [14.30.030](#), Provo City Code; 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](#), Provo City Code, 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](#), Provo City Code, 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 Section [14.02.020\(1\)](#), Provo City Code, but instead must include the information described in Subsections [\(2\)\(b\)](#) and [\(c\)](#) of this Section. (Enacted 2022-46)

**Planning Commission Hearing
Staff Report**
Hearing Date: December 6, 2023

***ITEM 1** The Provo City Council proposes Ordinance Text Amendments to Chapter 14.30 (Accessory Dwelling Units) to update and clarify regulations. Citywide Application. Melia Dayley (801) 852-6136 mdayley@provo.org PLOTA202301312

Applicant: Melia Dayley

Staff Coordinator: Jessica Dahneke

Relevant History: The Provo Municipal Council has proposed the following clean up ordinance to Title 14.30 to remove zones where ADU's are currently permitted but realistically cannot support ADU's.

Neighborhood Issues:

No neighborhood meetings were held specifically about this topic.

Summary of Key Issues:

- The October 2022 Chapter 14.30 text amendment permitted ADUs everywhere west of Interstate 15. Removing certain zones is an effort to reflect this change as a code clean-up item to reduce confusion.
- The proposed amendment will prohibit ADU's in all PRO zones including the currently permitted zones.
- After removing these 6 PRO Zones, Provo City will still meet the State's minimum ADU allowance requirement.
- The proposed amendment includes a new definition of ADU to include both detached(external) and internal ADUs.

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider the information presented.
The next available meeting date is January 17, 2024 5:00 P.M.
2. **Recommend Denial** of the requested ordinance text amendment. This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

Staff Recommendation: Staff recommends that the Planning Commission forward a positive recommendation to the Municipal Council for approval of the proposed ordinance text amendment.

OVERVIEW AND RELEVANT HISTORY

During the October 17th, 2023 Work Meeting, the Provo Municipal Council heard a report from Development Services and Council Staff regarding the October 2022 amendments to the Accessory Dwelling Unit (ADU) section of code. The Council motioned to direct Council Staff to come back to a Council Work Meeting with proposed clean-up language to title 14.30 to remove zones where ADU's are currently permitted but realistically cannot support ADU's as well as in other zones where there is confusion on if ADUs are permitted or not.

The proposed amendment, also in an effort to reduce confusion, eliminates specific mentions of "internal" ADUs throughout the code as internal and external/detached ADUs are permitted in all the same zones. A new definition in 14.30.010 clarifies this which is already the standard in the code.

The purpose of the amendment is to ensure that the regulations regarding ADUs are realistic and aligned with the practical feasibility of establishing these units within specific zones. By removing zones where the existing conditions or constraints make it impractical or unfeasible to support ADUs, the Council aims to streamline and refine the zoning ordinance to be as user-friendly to developers and citizens alike.

STAFF ANALYSIS

Staff feel that this amendment will provide more clarity for citizens allowing them to better understand the areas accessory apartments are allowed and the requirements for obtaining them. Provo City Code Section 14.02.020(2) sets for the following guidelines for consideration of ordinance text amendments.

Before recommending an amendment to this Title, the Planning omission 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.

Staff Response: The public purpose for this amendment is to remove redundant language, clarify and streamline the ordinance, and ensure that the zoning ordinance for the ADU overlay only includes areas where having an ADU is feasible based on the allowances in the underlying zones.

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

Staff Response: Amending the current text allows for a greater ease of understanding by the citizens and ensures that the area allowed by code to have an ADU is not conflicting with constraints that make establishing an ADU infeasible based on the underlying zone.

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

Staff Response: The proposed amendments to the text are consistent with the goal of the General Plan to “simplify zoning and codes to be more user friendly”.

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

Staff Response: There are no timing and sequencing issues related to this request.

- (e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies.

Staff Response: There is nothing in this text amendment that would hinder or obstruct the attainment of the General Plan’s articulated policies.

- (f) Adverse impact on adjacent landowners.

Staff Response: Staff do not foresee any adverse impacts on adjacent landowners.

- (g) Verification of correctness in the original zoning or General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff Response: Does not apply.

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

Staff Response: Does not apply.

CONCLUSIONS

This proposed text amendment cleans up the language of 14.30 allowing citizens to better understand the requirements surrounding ADUs. Additionally, it does not interfere with any goals or policies of the General Plan and keeps the city in compliance with all current state requirements. Staff recommends that this amendment be approved.

APPLICABLE ZONING CODES

- 14.30.010
- 14.30.020
- 14.30.040

ATTACHMENTS

1. Attachment 1 – Proposed Amendments

ATTACHMENT 1 – PROPOSED AMENDMENTS

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.**

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

14.30.010

Purpose and Objectives.

(1) The purpose of the accessory dwelling unit (ADU) development standards is to encourage promotion of an environment for family life by providing for the establishment of ADUs in conjunction with one-family detached dwellings on individual lots. These development standards are hereby established to promote the use of ADUs; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home owners; and to offer security against problems associated with frailty in old age.

(2) "Accessory Dwelling Unit (ADU)" means a residential dwelling unit occupied as a separate dwelling unit on the same lot as a primary dwelling unit, either within the same building as the primary dwelling unit, referred to as an internal ADU, attached to the single-family dwelling, or in a detached building. An accessory building, as defined, is not a mobile home or other portable structure which do not qualify as an ADU.

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

(a) For purposes of this Chapter, 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.

(Am 2021-46)

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.~~

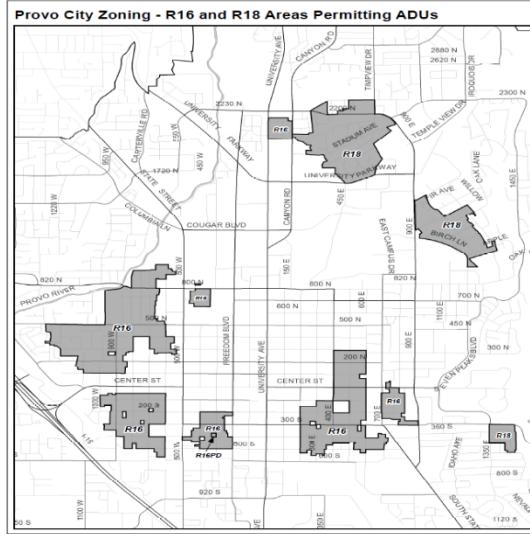
~~(3) (2) Notwithstanding Subsection (2) of this Section 14.30.010, Provo City Code, Utah Code Section 10-9a-530 allows the prohibition of internal accessory dwelling units in some areas zoned primarily for residential use. Accordingly, internal accessory dwelling units are prohibited in the following 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) (b) Areas designated R16, R18, R17, R19, or R110, including such areas with the Performance Development overlay, except as shown in the map below:~~

~~(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) (3) Notwithstanding Subsection (2) 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.

(Am 2021-46, Am 2022-46)

14.30.030

Accessory Dwelling Unit (ADU) Development Standards.

ADUs shall be subject to the following development standards:

(1) *Number.* No more than one (1) ADU shall be permitted in conjunction with each one-family detached dwelling.

(2) *Location.* ADUs may be located only:

- (a) Over an attached garage, provided the ADU has access to required parking and does not otherwise disrupt required covered parking;
- (b) Inside a one-family detached dwelling;
- (c) In an addition to a one-family detached dwelling; provided, that the addition will not alter the one-family character of the building; or

(d) As a detached accessory structure or within a detached accessory structure located in the rear and/or side yard in accordance with the following requirements:

- (i) The accessory structure in which the ADU is located shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be less than two hundred (200) square feet in area;
- (ii) A detached ADU or a detached accessory structure containing an ADU shall be set back from any property line no less than ten (10) feet or the distance of the existing setback of the one-family dwelling from that same property line, whichever is less;
- (iii) The accessory structure shall be architecturally compatible with the main dwelling;
- (iv) The accessory structure shall be permanently affixed to a site-built foundation and shall be designed in accordance with Provo City adopted building codes;
- (v) The accessory structure must be approved for, and permanently connected to, all required utilities with a connection and meter independent and separate from the one-family dwelling; and
- (vi) Shipping containers shall not be permitted for use as an ADU unless they can meet all building codes and are clad with materials similar to and architecturally compatible with those of the main dwelling.

(3) *Appearance.* The ADU shall not alter the appearance of the structure as a one-family detached dwelling and shall not resemble in any degree a side-by-side, side-to-back, back-to-back, or other type of two-family dwelling. There shall be no external evidence from a street view of occupancy by more than one (1) family, such as two (2) front doors on the main dwelling. The yard areas of the property shall be maintained free of weeds, junk, solid waste, or other materials constituting a violation of the Provo City Code. An ADU shall not be authorized on a property that has outstanding ordinance violations.

(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 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.

(5) *Parking.* A one-family dwelling with an ADU shall have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve either the ADU or the principal part of the dwelling unit. Parking spaces for a one-family dwelling with an associated ADU may be located on a driveway in a required front yard, provided the driveway leads to the minimum number of required covered off-street parking spaces. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. Parking shall comply with all other regulations of Chapter [14.37](#), Provo City Code.

(6) *Utility Meters.* A one-family dwelling with an internal ADU shall have at least one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. A detached ADU or a detached accessory structure containing an ADU must have its own separate meter, and each meter shall be in the property owner's name.

(7) *Addresses.* The ADU shall have its own address assigned by Provo City.

(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) *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.

(10) *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:

(a) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

(b) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.

(c) Pay an application fee as shown on the [Consolidated Fee Schedule](#) adopted by the Municipal Council.

(d) Noncompliance with the standards of this Section shall be just cause for the denial or revocation of a rental dwelling license for an ADU. Revocation shall be in accordance with the license regulations in Chapters [6.01](#) and [6.26](#), Provo City Code.

(e) Notwithstanding Section [6.01.090](#), Provo City Code, the approval of a rental dwelling license for an ADU shall automatically expire one (1) year after the date of the approval, or upon transfer of the property to another owner, whichever occurs first; provided, however,

that the existing owner may reapply or the new owner may apply for an extension of such rental dwelling license.

(f) The owner shall cooperate with the Development Services Department in recording a deed restriction with the County Recorder evidencing the restrictions under which the accessory apartment unit is constructed and occupied. This deed restriction shall run with the land as long as the property is in an overlay zone described in this Chapter, or otherwise contains an accessory apartment as provided in this Chapter.

(g) The owner shall renew the rental dwelling license annually and confirm that the dwelling is the owner's primary residence by providing at least two of the following forms of verification: a current driver license, current vehicle registration, voter registration card, last filed state tax return, and/or last filed federal tax return.

(Am 2021-46, Am 2022-17, Am 2022-46)

14.30.040

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 Chapter [14.30](#), Provo City Code, 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:

(A) For which residential use is a permitted use; and

(B) 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 sixty-six percent (66%) of the properties described in Subsection [\(2\)\(b\)](#) of this Section indicating that they are in support of the special use permit; and

(d) An application for a rental dwelling license meeting the requirements of Chapter [6.26](#), Provo City Code.

(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 [\(2\)](#) of this Section;

(b) The property for which the permit is sought meets all the standards for ~~internal~~ accessory dwelling units in Section [14.30.030](#), Provo City Code;

(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 Section [14.30.030](#), Provo City Code; 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](#), Provo City Code, 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](#), Provo City Code, 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 Section [14.02.020\(1\)](#), Provo City Code, but instead must include the information described in Subsections [\(2\)\(b\)](#) and [\(c\)](#) of this Section.

(Enacted 2022-46)

Provo City Planning Commission
Report of Action

December 6, 2023

*Item 1 Provo City Council proposes Ordinance Text Amendments to Chapter 14.30 (Accessory Dwelling Units) to update and clarify regulations. Citywide Application. Melia Dayley (801) 852-6136 mdayley@provo.org
PLOTA202301312

The following action was taken by the Planning Commission on the above-described item at its regular meeting of December 6, 2023:

RECOMMENDED APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Lisa Jensen

Second By: Raleen Wahlin

Votes in Favor of Motion: Robert Knudsen, Lisa Jensen, Daniel Gonzales, Barbara DeSoto, Melissa Kendall, and Raleen Wahlin.

Daniel Gonzales 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.

- Staff summarized the history of past amendments to the code.
- Staff explained the proposed changes to the ordinance to clarify and streamline the language.

CITY DEPARTMENTAL ISSUES

- No departmental issues with this item

NEIGHBORHOOD MEETING DATE

- There was no neighborhood meeting.

NEIGHBORHOOD AND PUBLIC COMMENT

- There was no public or neighborhood comment.

APPLICANT RESPONSE

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

- As the code for accessory dwelling units has changed there is language existing in the code that is irrelevant and that can be removed.
- The code currently allows for certain zones to have accessory dwelling units where establishing an accessory dwelling unit isn't feasible. This text amendment removes those zones.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Robert Knudsen asked if accessory dwelling units already established in zones that were now getting removed from the code would be considered grandfathered in.
- Lisa Jensen stated the language around where accessory dwelling units are allowed is confusing. She thinks that because this section of code was originally written to exclude areas but now is trying to be more inclusive the language is somewhat contradictory and unclear. Barabra DeSoto and Robert Knudsen agreed with this opinion.
- Lisa included as part of her positive recommendation to the Municipal Council that the council look further into clearing up the language to make it simpler to understand.

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 the Development Services Department, 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 ~~Internal~~-Accessory Dwelling Unit.**

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

14.30.010

Purpose and Objectives.

(1) The purpose of the accessory dwelling unit (ADU) development standards is to encourage promotion of an environment for family life by providing for the establishment of ADUs in conjunction with one-family detached dwellings on individual lots. These development standards are hereby established to promote the use of ADUs; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home owners; and to offer security against problems associated with frailty in old age.

(2) "Accessory Dwelling Unit (ADU)" means a residential dwelling unit occupied as a separate dwelling unit on the same lot as a primary dwelling unit, either within the same building as the primary dwelling unit, referred to as an internal ADU, attached to the single-family dwelling, or in a detached building. An accessory building, as defined, is not a mobile home or other portable structure which do not qualify as an ADU.

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

(a) For purposes of this Chapter, 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.

(Am 2021-46)

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.~~

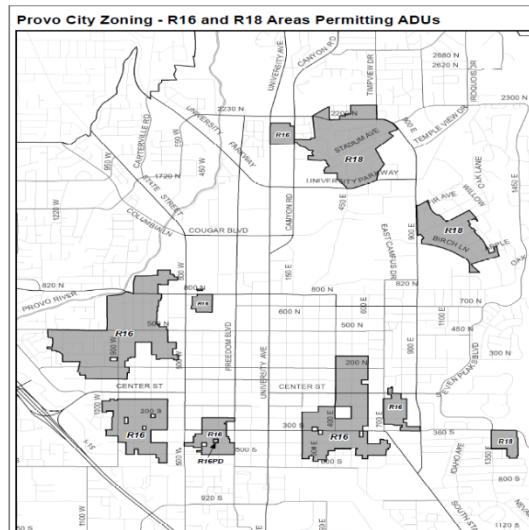
~~(3) (2) Notwithstanding Subsection (2) of this Section 14.30.010, Provo City Code, Utah Code Section 10-9a-530 allows the prohibition of internal accessory dwelling units in some areas zoned primarily for residential use. Accordingly, internal accessory dwelling units are prohibited in the following 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) ~~(b) Areas designated R16, R18, R17, R19, or R110, including such areas with the Performance Development overlay, except as shown in the map below:~~

(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) (3)~~ Notwithstanding Subsection ~~(3) (2)~~ 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.

(Am 2021-46, Am 2022-46)

14.30.030

Accessory Dwelling Unit (ADU) Development Standards.

ADUs shall be subject to the following development standards:

- (1) *Number.* No more than one (1) ADU shall be permitted in conjunction with each one-family detached dwelling.
- (2) *Location.* ADUs may be located only:
 - (a) Over an attached garage, provided the ADU has access to required parking and does not otherwise disrupt required covered parking;
 - (b) Inside a one-family detached dwelling;
 - (c) In an addition to a one-family detached dwelling; provided, that the addition will not alter the one-family character of the building; or
 - (d) As a detached accessory structure or within a detached accessory structure located in the rear and/or side yard in accordance with the following requirements:
 - (i) The accessory structure in which the ADU is located shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be less than two hundred (200) square feet in area;
 - (ii) A detached ADU or a detached accessory structure containing an ADU shall be set back from any property line no less than ten (10) feet or the distance of the existing setback of the one-family dwelling from that same property line, whichever is less;
 - (iii) The accessory structure shall be architecturally compatible with the main dwelling;
 - (iv) The accessory structure shall be permanently affixed to a site-built foundation and shall be designed in accordance with Provo City adopted building codes;
 - (v) The accessory structure must be approved for, and permanently connected to, all required

utilities with a connection and meter independent and separate from the one-family dwelling; and

(vi) Shipping containers shall not be permitted for use as an ADU unless they can meet all building codes and are clad with materials similar to and architecturally compatible with those of the main dwelling.

(3) *Appearance.* The ADU shall not alter the appearance of the structure as a one-family detached dwelling and shall not resemble in any degree a side-by-side, side-to-back, back-to-back, or other type of two-family dwelling. There shall be no external evidence from a street view of occupancy by more than one (1) family, such as two (2) front doors on the main dwelling. The yard areas of the property shall be maintained free of weeds, junk, solid waste, or other materials constituting a violation of the Provo City Code. An ADU shall not be authorized on a property that has outstanding ordinance violations.

(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 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.

(5) *Parking.* A one-family dwelling with an ADU shall have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve either the ADU or the principal part of the dwelling unit. Parking spaces for a one-family dwelling with an associated ADU may be located on a driveway in a required front yard, provided the driveway leads to the minimum number of required covered off-street parking spaces. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. Parking shall comply with all other regulations of Chapter [14.37](#), Provo City Code.

(6) *Utility Meters.* A one-family dwelling with an internal ADU shall have at least one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. A detached ADU or a detached accessory structure containing an ADU must have its own separate meter, and each meter shall be in the property owner's name.

(7) *Addresses.* The ADU shall have its own address assigned by Provo City.

(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) *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.

(10) *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:

(a) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.

(b) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.

(c) Pay an application fee as shown on the [Consolidated Fee Schedule](#) adopted by the Municipal Council.

(d) Noncompliance with the standards of this Section shall be just cause for the denial or revocation of a rental dwelling license for an ADU. Revocation shall be in accordance with the license regulations in Chapters [6.01](#) and [6.26](#), Provo City Code.

(e) Notwithstanding Section [6.01.090](#), Provo City Code, the approval of a rental dwelling license for an ADU shall automatically expire one (1) year after the date of the approval, or upon transfer of the property

to another owner, whichever occurs first; provided, however, that the existing owner may reapply or the new owner may apply for an extension of such rental dwelling license.

(f) The owner shall cooperate with the Development Services Department in recording a deed restriction with the County Recorder evidencing the restrictions under which the accessory apartment unit is constructed and occupied. This deed restriction shall run with the land as long as the property is in an overlay zone described in this Chapter, or otherwise contains an accessory apartment as provided in this Chapter.

(g) The owner shall renew the rental dwelling license annually and confirm that the dwelling is the owner's primary residence by providing at least two of the following forms of verification: a current driver license, current vehicle registration, voter registration card, last filed state tax return, and/or last filed federal tax return.

(Am 2021-46, Am 2022-17, Am 2022-46)

14.30.040

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 Chapter [14.30](#), Provo City Code, 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:

(A) For which residential use is a permitted use; and

(B) 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 sixty-six percent (66%) of the properties described in Subsection [\(2\)\(b\)](#) of this Section indicating that they are in support of the special use permit; and
- (d) An application for a rental dwelling license meeting the requirements of Chapter [6.26](#), Provo City Code.

(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 [\(2\)](#) of this Section;
- (b) The property for which the permit is sought meets all the standards for ~~internal~~ accessory dwelling units in Section [14.30.030](#), Provo City Code;
- (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 Section [14.30.030](#), Provo City Code; 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](#), Provo City Code, 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](#), Provo City Code, 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 Section [14.02.020\(1\)](#), Provo City Code, but instead must include the information described in Subsections [\(2\)\(b\)](#) and [\(c\)](#) of this Section. (Enacted 2022-46)

PROVO MUNICIPAL COUNCIL

STAFF REPORT



Submitter: BMUMFORD
Department: Recorder
Requested Meeting Date:

SUBJECT: The election of the Redevelopment Agency Chair and Vice-chair. (24-001)

RECOMMENDATION: Follow the stipulated process to select a new Chair and Vice-chair of the RDA.

BACKGROUND: The same process conducting the election of Chair and Vice-chair is followed for the election of the Redevelopment Agency Chair and Vice-chair. From the explanation on the election of the Council Chair:

Per Provo City Code Section 2.50.020, the Council is required to elect a Chair and Vice-chair. The current (2023) Council Chair conducts the Council Meeting until after the election process is completed for the new (2024) Council Chair. In addition to Provo City Code, the Municipal Council Rules help to establish and clarify the process for the election of the new Chair and Vice-chair.

Once upon the item for Chair election, the Chair asks for nominations from Council Members for a new Chair (no second is required for a nomination). By Provo City Code, no discussion shall be had regarding the nomination. When all nominations have been made, the Chair then calls for a separate vote on each nominee in the order of their nomination. As soon as any nominee receives four or more votes, that nominee is elected as the new Chair and more votes are held. If no nominee receives four or more votes in the first round of voting then subsequent rounds of voting will continue until a majority vote is accomplished.

FISCAL IMPACT: None

PRESENTER'S NAME: Travis Hoban, RDA Vice-chair

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-001

PROVO MUNICIPAL COUNCIL

STAFF REPORT



Submitter: BMUMFORD
Department: Recorder
Requested Meeting Date:

SUBJECT: A resolution acknowledging the appointment of the Chair and Vice-chair of the Redevelopment Agency of Provo City for calendar year 2024. (24-001)

RECOMMENDATION: Approve the resolution as written.

BACKGROUND: The same process for election of Redevelopment Agency Chair and Vice-chair is followed with exception to the seating clarification found in code for the Municipal Council Chair and Vice-chair:

Provo City Code Chapter 2.50 (Municipal Legislative Code) and the Council Rules clarify and establish the procedure for Council Chair elections. Immediately following the conclusion of the Leadership election for Chair and Vice-chair, the Council will consider a resolution acknowledging the election of the Municipal Council Chair and Vice-chair for the calendar year. The new Chair and Vice-chair then exchange seats with the outgoing leadership. The newly elected Chair assumes leadership and conducts the remainder of the Council Meeting. The Chair shall occupy the center seat and the Vice-chair shall occupy the seat to the left of the Chair.

FISCAL IMPACT: None

PRESENTER'S NAME: TBD

REQUESTED DURATION OF PRESENTATION: 5 mins

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 24-001

RESOLUTION 2024-XX.

A RESOLUTION ACKNOWLEDGING THE APPOINTMENT OF THE CHAIR
AND VICE-CHAIR OF THE REDEVELOPMENT AGENCY OF PROVO CITY
FOR CALENDAR YEAR 2024. (24-001)

WHEREAS, pursuant to the bylaws of the Redevelopment Agency of Provo City Corporation (the "Agency"), the positions of Chair and Vice-chair must be appointed at the beginning of each calendar year by the Governing Board of the Agency; and

WHEREAS, in a duly noticed public meeting held January 09, 2024, the individuals listed below were nominated and appointed by majority vote to each position.

NOW, THEREFORE, be it resolved by the Governing Board of the Redevelopment Agency of Provo City, Utah as follows:

PART I:

A. The appointment of Board Member _____ as Chair and Board Member _____ as Vice-chair of the Redevelopment Agency of Provo City for calendar year 2024 is hereby acknowledged.

B. Each appointment shall be subject to acceptance by the persons named herein.

PART II:

This resolution shall take effect immediately.

END OF RESOLUTION.