

Provo City Planning Commission
Report of Action

October 22, 2025

ITEM 1 The Provo City Council requests Ordinance Text Amendments to Chapter 14.30 (Accessory Dwelling Units) to replace the map in 14.30.020 and remove 14.30.040. Citywide Application. Nancy Robison (801) 852-6417 nrobison@provo.gov PLOTA20250562

The following action was taken by the Planning Commission on the above described item at its regular meeting of October 22, 2025:

RECOMMENDED APPROVAL

On a vote of 6:1, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Matt Wheelwright

Second By: Jon Lyons

Votes in Favor of Motion: Matt Wheelwright, Joel Temple, Lisa Jensen, Jonathon Hill, Melissa Kendall, Jon Lyons

Votes Against: Anne Allen

Jonathon Hill was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- Citywide application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was Citywide. No public Comments were made

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- This amendment only improves the ADU process by a little bit, and if this is a tool the City Council wants to use it should be spelled out more clearly.
- The Planning Commission would rather see ADU approval as a special use permit, given to the individual, not something that runs with the property. If the conditions of the approval are not being met, they no longer get the special use permit.
- The City still has problems with people having illegal ADU's and not enough enforcement to bring those properties into compliance.



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 Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Exhibit A

Chapter 14.30 ACCESSORY DWELLING UNITS

Sections:

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

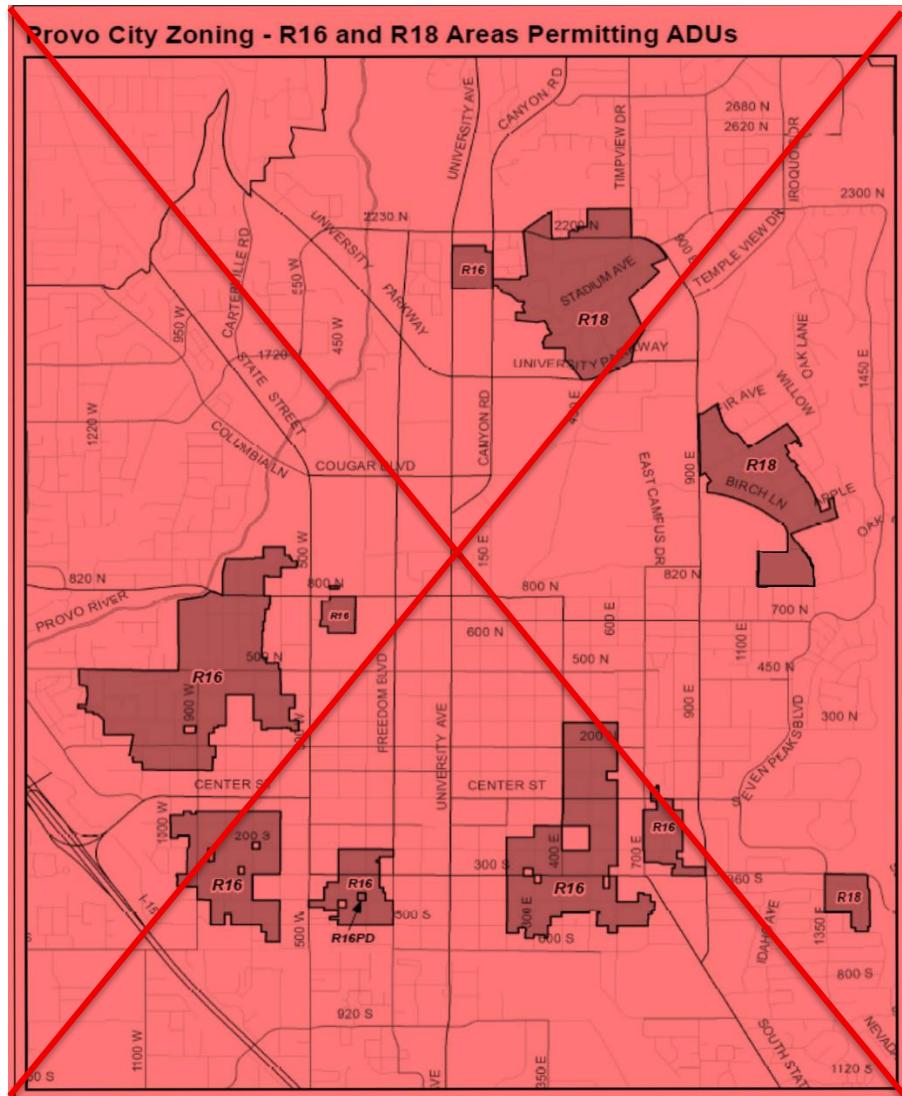
14.30.010 Purpose and Objectives.

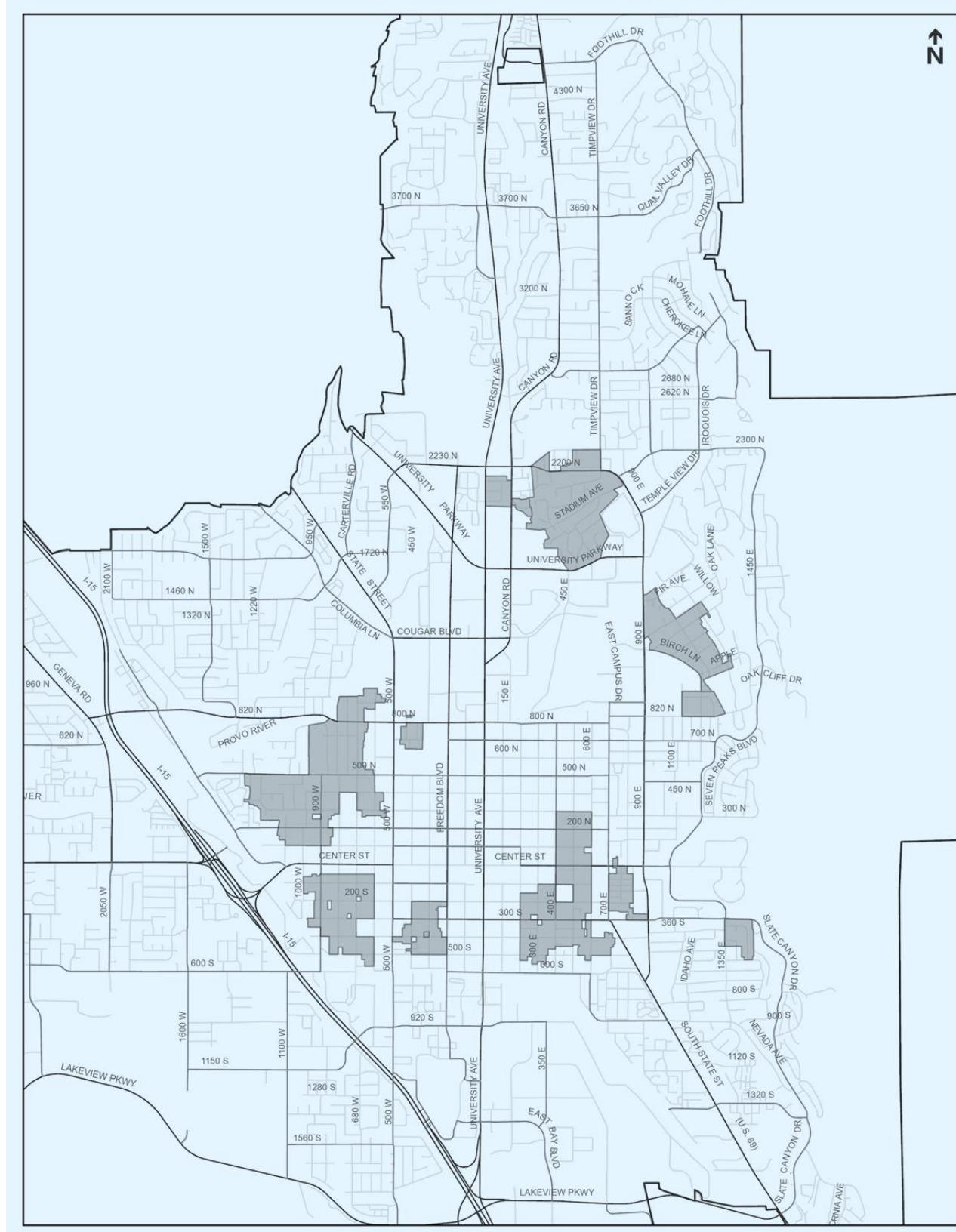
- (1) The purpose of the accessory dwelling unit (ADU) development standards is to encourage promotion of an environment for family life by providing for the establishment of ADUs in conjunction with one (1) family detached dwellings on individual lots. These development standards are hereby established 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) 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.

14.30.020 Permitted Use of Accessory Dwelling Units.

- (1) Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.
- (2) Notwithstanding Section [14.30.010](#), Provo City Code, Utah Code Annotated Section [10-9a-530](#) allows the prohibition of accessory dwelling units in some areas zoned primarily for residential use. Accordingly, accessory dwelling units are prohibited in the following areas zoned primarily for residential use:
 - (a) All Project Redevelopment Option (PRO) zones;

- (b) R2 zones with a Performance Development Overlay (R2PD);
- (c) Areas designated RM, R16, R17, R18, R19, or R110, including such areas with the Performance Development Overlay, except as shown in the map below:





(3) Notwithstanding Subsection (2) of this Section, the use of an accessory dwelling unit in areas zoned

primarily for residential use is a permitted use in all areas west of Interstate Highway 15, except the Specific Development Plan Overlay zone 5 (SDP-5) and R2 zones with a Performance Development Overlay (R2PD).

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 (1) 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 (1) family detached dwelling;
 - (c) In an addition to a one (1) family detached dwelling; provided, that the addition will not alter the one (1) 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 (1) 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 (1) 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 (1) 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 (1) 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 (1) family dwelling with an ADU must have at least four (4) off-street parking spaces.

- (a) Two (2) tandem parking spaces (front to rear) are permitted.
- (b) Parking spaces for a one (1) family dwelling with an associated ADU may be located on a driveway in a

required front yard if:

- (i) The driveway leads to the minimum number of required covered off-street parking spaces; or
- (ii) The property is listed on the Provo City Landmarks Registry.

(c) Parking spaces allowed under Subsection [\(5\)\(b\)](#) of this Section may not be between the primary dwelling and the street.

(d) In no case may the number of off-street parking spaces be less than the number of vehicles being maintained on the premises.

(e) Parking must comply with all other regulations of Chapter [14.37](#), Provo City Code.

(6) *Utility Meters.* A one (1) 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](#) (Rental Dwellings), Provo City Code, any person operating an ADU under this Chapter must obtain a rental dwelling license (RDL). This RDL is in addition to any building permits that may be necessary.

- (a) In addition to complying with Chapter [6.26](#) (Rental Dwellings), Provo City Code, to be eligible for an RDL a person operating an ADU under this Chapter must:
 - (i) 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;
 - (ii) 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;

- (iii) Pay an application fee as shown on the [Consolidated Fee Schedule](#) adopted by the Municipal Council;
- (iv) Cooperate with the Development Services Department in recording a deed restriction with the County Recorder evidencing the restrictions under which the ADU is constructed and occupied. This deed restriction must run with the land as long as the property contains an ADU as provided in this Chapter;
- (v) Renew the rental dwelling license annually; and
- (vi) Establish at the time of the initial application and at every renewal that the dwelling is the owner's primary residence.

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

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

14.30.040

Special Use Permit for Accessory Dwelling Unit.

~~A property owner, or the owners of multiple contiguous properties, seeking to allow an accessory dwelling unit on a parcel, or parcels, in an area where such units are otherwise prohibited by Chapter [14.30](#) (Accessory Dwelling Units), Provo City Code, may submit a text amendment application to the Development Services Department seeking to amend this Chapter in order to designate accessory dwelling units as a permitted use for all the applying properties. The application must comply with Section [14.02.020](#), Provo City Code, except that:~~

- ~~(1) The specific filing fee for this type of application, as listed on the [Consolidated Fee Schedule](#), is required instead of the standard amendment fee; and~~
- ~~(2) The application does not need to comply with Section [14.02.020\(1\)](#), Provo City Code, but instead must include the following:~~
 - ~~(a) A list of addresses including the applying property, or properties, and all immediately adjacent residential properties. For purposes of this Section, "immediately adjacent residential property" means~~

any property:

- (i) For which residential use is a permitted use; and
- (ii) That shares a common boundary with, is directly across from, is diagonally adjacent to, or is within the same cul-de-sac as an applying property, including any property separated from an applying property only by a local street, canal, right-of-way, or similar feature.
- (b) The names, addresses, and signatures of the owners of at least sixty-six percent (66%) of the properties described in Subsection (2)(a)(ii) of this Section, indicating that they are in support of the amendment; and
- (c) A completed rental dwelling license application that meets the requirements of Chapter 6.26 (Rental Dwellings), Provo City Code, for each applying property.

(3) Submission of the signatures required by Subsection (2)(b) of this Section does not guarantee approval of the application. They serve to demonstrate a degree of neighborhood support to the Council and are required in place of the standard text amendment fee in order to have the application considered. If an applicant wishes to apply without the required signatures, the application must meet all requirements of Section 14.02.020(1), Provo City Code, including payment of the standard amendment application fee and submission of a written petition to the Planning Commission meeting all the requirements in that Section. Final approval or denial of both types of application is at the sole discretion of the Provo City Municipal Council.