

Provo City Planning Commission

Report of Action

October 14, 2026

*ITEM 1 The Provo City Council requests an Ordinance Text Amendment to Title 14.30 (Accessory Dwelling Units) to update regulations with State Code. Citywide Application. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLOTA20260551

The following action was taken by the Planning Commission on the above described item at its regular meeting of October 14, 2026:

RECOMMENDED APPROVAL

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

Motion By: Jon Lyons

Second By: David Conger

Votes in Favor of Motion: Tosh Metzger, Melissa Kendall, Matthew Wheelwright, Jon Lyons, Joel Temple, David Conger
Matthew Wheelwright 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 AND PUBLIC COMMENT

- A Neighborhood District Chair addressed the Planning Commission during the public hearing.
 - Angie Carter, East District Board Chair, stated that a concern in the east district is that an increase in the allowance of ADUs will lead to an increase in the number of rental properties and make homeownership harder.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

APPLICANT RESPONSE

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

- Staff explained that state code now requires the City to update the areas where detached ADUs are allowed to include parcels that are over 11,000 square feet and zoned for single family dwellings.
- Staff highlighted that this ordinance text amendment was to repeal and replace the existing ordinance to improve the language of the entire section in addition to updating the code to reflect new state requirements.
- Staff explained the changes to setbacks, building height, lot coverage, and utilities that were being proposed along with the state-required updates.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Lyons noted a few grammatical errors in the text and that the requirement for detached ADUs in the ADU overlay be smaller than the main dwelling had been removed. Staff made note of the edits and stated the code will be updated to address the errors.
- Commissioner Temple asked if the lot coverage, height, set back, and size requirements become overly restrictive and inhibit ADUs being built in the areas that allow for them. Staff explained that the setback requirement for detached ADUs varies depending on if the property is in the ADU overlay where the lots are smaller.
- Commissioner Lyons asked about how parking requirements would be enforced, specifically the requirement that the number of vehicles should not exceed the number of off-street parking spaces. Staff explained that parking concerns would be enforced through code enforcement staff and parking enforcement staff.
- Commissioner Temple asked if the City should make additional changes based on possible future state legislation.
- Commissioner Conger stated that the code amendment seems thought through and is bringing the city into compliance with the state requirements.



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 (Rep Ord. 2025-60)~~

~~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 (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.~~

~~(Am 2021-46, Am 2024-03, Am 2025-60)~~

14.30.020

~~Permitted Use of Accessory Dwelling Units.~~

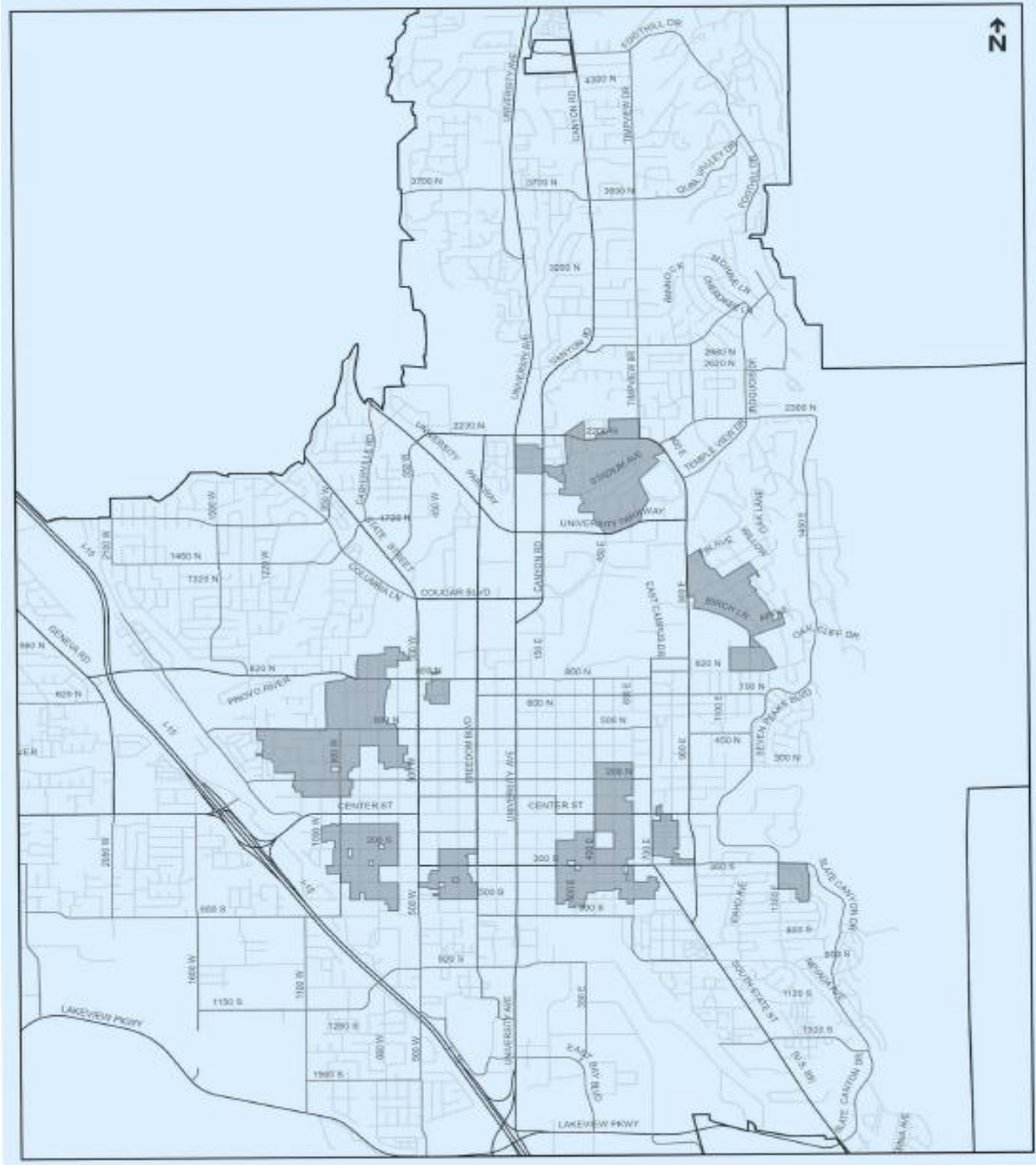
~~(1) Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.~~

~~(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).

(Am 2021-46, Am 2022-46, Am 2024-03, Am 2024-20, Am 2024-21, Am 2025-60)

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.~~

~~(Am 2021-46, Am 2022-17, Am 2022-46, Am 2024-03, Am 2024-59, Am 2025-36, Am 2025-60)~~

~~14.30.040~~

~~Special Use Permit for Accessory Dwelling Unit.~~

~~(Enacted 2022-46, Am 2024-03, Am 2024-61, Rep 2025-60)~~

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.

14.30.010 Purpose and Objectives

The purpose of the Accessory Dwelling Unit (ADU) development standards is to support family life by allowing ADUs in conjunction with one-family detached dwellings on individual lots. These standards are intended to promote the use of ADUs, provide flexibility in housing arrangements due to life cycle changes, offer financial support for homeowners, and enhance housing options for aging residents.

14.30.015 Definitions

(1) "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.

(2) For purposes of this Chapter, "areas zoned primarily for residential use" means the 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) The use of an ADU is a permitted use in all areas zoned primarily for residential use, except as otherwise provided in this Section.

(2) Except as provided in subsection (3), ADUs are prohibited in:

(a) the Broadview Shores Overlay Zone; and

(b) all areas east of Interstate 15 that are zoned RM, R16, R17, R18, R19, R110, or R2PD, including those with a Performance Development Overlay.

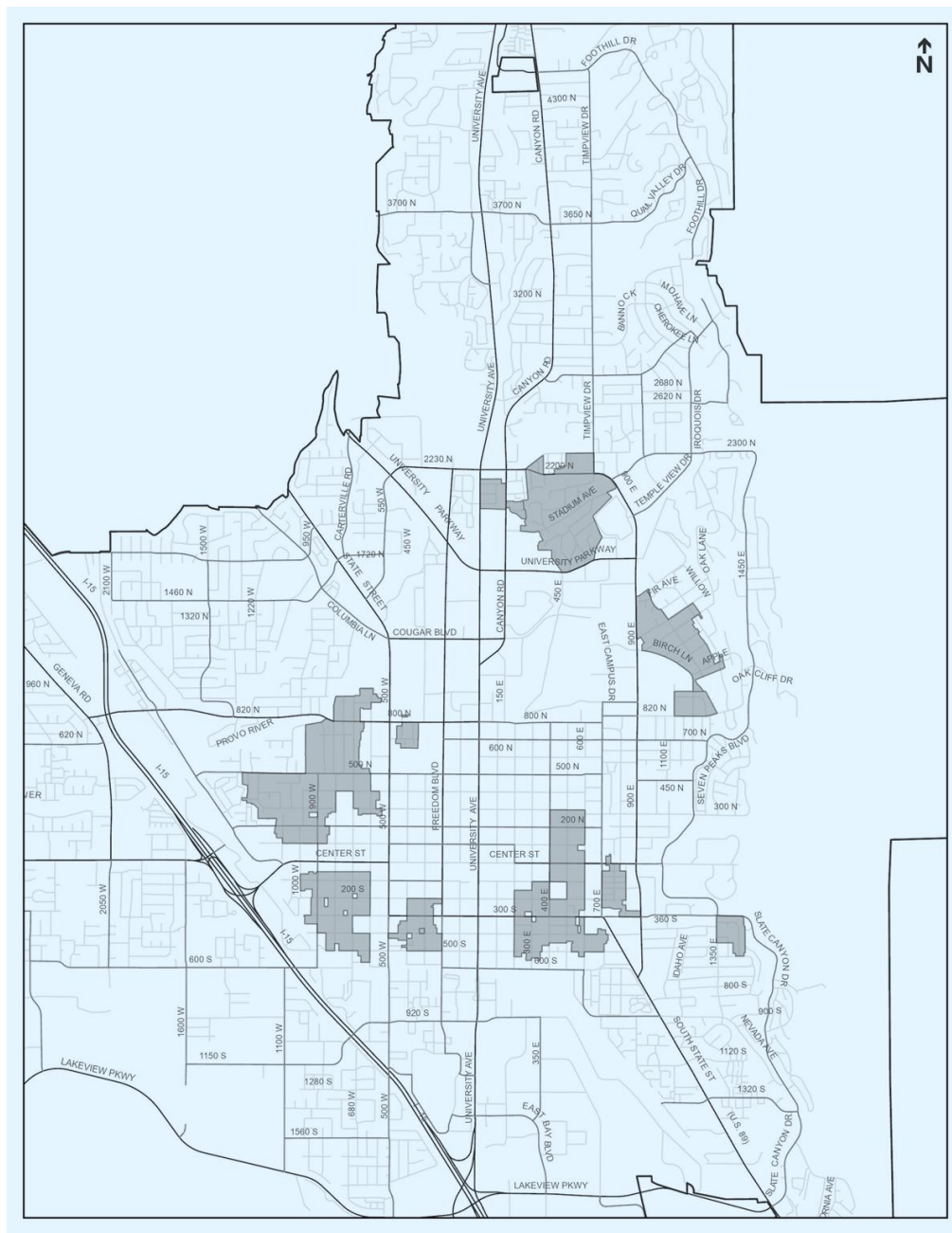
(3) Notwithstanding Subsection (2), ADUs are permitted in certain areas that subsection (2) would otherwise prohibit, as shown on the following map. This map is not a comprehensive map of areas where ADUs are permitted. It shows only areas where ADUs would otherwise be prohibited under subsection (2).

(4) So long as it is required by UCA 10-21-304(1), as amended, external ADUs are permitted on any lot or parcel that would otherwise be prohibited under Subsection (2) if the lot or parcel:

_____ (a) is in a zone that permits single-family dwellings;

_____ (b) contains a single-family dwelling; and

_____ (c) is 11,000 square feet or larger.



14.30.030 Accessory Dwelling Unit (ADU) Development Standards

Accessory dwelling units (ADUs) are subject to the following development standards:

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

(2) Location. An ADU may only be located in the following locations:

(a) Over an attached garage, provided the ADU has access to required parking and does not interfere with required covered parking;

(b) Inside a one-family detached dwelling;

(c) In an addition to a one-family detached dwelling, provided the addition does not alter the one-family character of the building; or

(d) As a detached accessory structure, or within a detached accessory structure including detached garages, located in the rear or side yard, subject to the following requirements:

(i) All accessory structures and primary dwelling combined may not cover more than 40% of the total parcel area;

(ii) The accessory structure's height must be smaller than the main dwelling. The minimum area of the structure must be at least 200 square feet;

(iii) The detached ADU or structure must be set back at least 10 feet from any property line, or match the existing setback of the primary dwelling from that same property line, whichever is less;

(iv) For detached ADUs that are permitted under Subsection 14.30.020(4), the accessory structure containing the ADU must:

(A) have a height less than the main dwelling and less than 25 feet; and

(B) meet the side and rear yard setbacks for the property's zone plus an additional setback of one foot for each foot of height over 16 feet (any height in excess of a whole number is rounded to the next foot);

(v) The accessory structure must be architecturally compatible with the main dwelling;

(vi) The structure must be permanently affixed to a site-built foundation and comply with all applicable Provo City building codes; and

(vii) Shipping containers may not be used as ADUs unless they comply with all applicable building codes and are clad with materials that are architecturally compatible with those of the main dwelling.

(3) Appearance. The ADU must not alter the appearance of the structure as a one-family detached dwelling or resemble any form of two-family dwelling, including side-by-side, side-to-back, or back-to-back configurations. From the street, any visible evidence of multiple-family occupancy is prohibited.

(4) Occupancy. A one-family dwelling with an authorized and conforming ADU is considered to consist of two parts: the main dwelling unit and the accessory dwelling unit. These two units must be occupied as follows:

(a) Owner occupancy.

(i) Except as provided in Subsection (a)(ii), either the main dwelling unit or the ADU must be occupied by an owner occupant, as defined in PCC 14.06.020. If this requirement is not met, the ADU is not permitted.

(ii) Owner occupancy is not required if the owner has submitted a temporary absence application before the absence begins and meets the following conditions:

(A) The owner has a bona fide, temporary absence of three years or less for purposes such as temporary job assignments, sabbaticals, military service, or voluntary service. Indefinite absences do not qualify.

(B) The owner is residing in a hospital, nursing home, assisted living facility, or similar institution.

(C) The owner has lived in the residence for at least one year prior to the start of the temporary absence.

(b) The occupancy of the main dwelling unit is limited to one "family" as defined in PCC 14.06.020. However, if the ADU is also occupied, the main dwelling unit may not include the additional two related or unrelated individuals otherwise permitted under Subsection (b)(i)(B) of the "family" definition in that Section.

(c) The ADU may not be occupied by more than three related or unrelated adults, along with any minor children of those adults.

(5) Parking. A one-family dwelling with an ADU must provide at least four off-street parking spaces. However, for properties with a detached ADU, if the provisions of UCA 10-21-304(3), as amended, limit the parking that

may be required, the property must provide the maximum number of off-street parking spaces that may be required under that statute.

(a) Two tandem parking spaces (front to rear) are permitted.

(b) Parking spaces may be located on a driveway within the 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) may not be located 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 maintained on the premises.

(e) All parking must comply with the requirements of PCC 14..

(6) *Utility meters.* A one-family dwelling with an internal ADU must have at least one but no more than two meters for each water, gas, and electricity service, and each meter must be in the property owner's name

(7) *Addresses.* The ADU must be assigned its own address by Provo City.

(8) *Outside entrances.* Exterior entrances to the ADU must be located on the side or rear of the building. Only one front entrance may be visible from the front yard.

(9) *Building codes.* All existing construction and remodeling must comply with the building codes in effect at the time the work was completed. Newly constructed ADUs must comply with all current building codes.

(10) *Rental Dwelling License.* In accordance with PCC 6.26, any person operating an accessory dwelling unit (ADU) under this Chapter must obtain a rental dwelling license (RDL). This license is required in addition to any necessary building permits.

(a) In addition to complying with the requirements of PCC 6.26, an applicant for a rental dwelling license for an ADU must:

(i) Submit a site plan drawn to scale showing property lines and dimensions, the location of existing and proposed buildings and entrances, distances from structures to property lines, the location of parking stalls, and utility meters;

(ii) Submit detailed floor plans drawn to scale with labeled room uses and clearly marked interior connections between the main dwelling and the ADU;

(iii) Pay the application fee established in 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 outlining the conditions under which the ADU is constructed and occupied. The restriction must run with the land as long as the ADU remains on the property;

(v) Renew the rental dwelling license annually; and

(vi) Establish, at the time of initial application and at each renewal, that the dwelling is the owner's primary residence.

(b) Noncompliance with this Section is grounds for denial or revocation of the rental dwelling license. Revocation procedures are found in PCC 6.01 and PCC 6.26.

(c) Notwithstanding PCC 6.01.090, a rental dwelling license for an ADU automatically expires one year after issuance or upon transfer of the property to a new owner, whichever occurs first