



## ACCESSORY APARTMENT REQUIREMENTS ESTABLISHING AN ACCESSORY APARTMENT IN AN “A OVERLAY” ZONE

Provo City Zoning regulations (Title 14 of the Provo City Municipal Code), allows for an accessory apartment in the A Overlay Zone, subject to obtaining a building permit, complying with all building, zoning and other applicable regulations, and subject to an interior inspection to verify compliance with all applicable regulations. The list of requirements outlined below include the most significant requirements for the establishment of an accessory apartment. It is not possible to identify every potential issue that may be a code violation. An interior inspection may identify an unusual or unique problem that will require correction. The purpose of the following list is to help the property owner determine potential compliance with the more typical requirements before time and financial resources are devoted to obtaining a building permit..

### ZONING REGULATIONS

- » An accessory apartment shall only be allowed in one-family dwellings which are owner occupied.
- » No more than one accessory apartment shall be permitted in a one-family dwelling.
- » Accessory apartment occupancy shall be limited to one family as defined by code or two unrelated adults.
- » The accessory apartment may be created:
  - » Over a garage
  - » Inside the dwelling
  - » By an addition to the dwelling
- » The home must continue to appear to be a one-family dwelling. There shall be only one front door visible from the front yard. Any new entrances shall be on the side or rear of the home.
- » An interior access between the main living area and the accessory apartment must be maintained.
- » The dwelling must have at least one but no more than two meters for water, gas and electricity. Each meter shall be in the property owner’s name.
- » Each dwelling unit and the accessory apartment shall have its own address provided by Provo City.
- » There shall be at least four parking spaces that conform to Provo City parking standards, Title 14.37. Two of the required parking stalls may be tandem on a driveway if the driveway is leading to a carport or garage.
- » An Accessory Apartment Permit deed restriction that outlines conditions of approval and accessory apartment limitations, shall be recorded with the Utah County Recorder.

### BUILDING CODE REGULATIONS

- » Any person establishing an accessory apartment shall obtain a building permit.
- » An interior building inspection shall be required as part of the building permit process.
- » All new construction shall comply to current building code requirements.

- » Accessory apartments that have been previously created without a building permit shall comply with minimum health and safety standards, which include (but may not be limited to) the following:
  - » Minimum room height, measured from floor to ceiling in each room, shall not be less than seven (7) feet or mitigated to the satisfaction of the Chief Building Official.
  - » Smoke detectors must be installed in each bedroom and the hallway or room adjacent to the bedrooms.
  - » GFCI protection must be provided in electrical outlets within six (6) feet of a water source, such as a sink.
  - » One window in each bedroom must meet the emergency egress standards which are 5.0 square feet of openable area in windows at or below ground level or 5.7 square feet of openable area for windows above ground level, unless this requirement can be mitigated to the satisfaction of the Chief Building Official. Window sill heights must not exceed 44 inches above the floor for all emergency egress windows. A step or permanent fixture may be installed under windows that are more than 44 inches above the floor.
  - » Handrails must be installed for any interior or exterior stairways with more than three steps.

## **PROCESS:**

- » The property owner arranges for a preliminary interior inspection with the Community Development Department. The inspection shall encompass the entire home to determine whether minimum health and safety standards are satisfied.
- » The Community Development Department will provide a correction list of the minimum health and safety corrections necessary for the property to qualify for an accessory apartment. The letter will provide instructions regarding the requirements to obtain a building permit and a deadline to obtain the permit (it is important to understand that if the inspection reveals minimum health and safety violations, corrections will be required whether or not a permit is obtained to establish the accessory apartment).
- » All work must be completed within six months of obtaining the permit.
- » Upon completion of the improvements, the property owner contacts the appropriate Code Compliance Officer in Community Development Department to request a final inspection.
- » After the home passes final inspection, the property owner shall be required to sign the Accessory Apartment Deed Restriction. This form will be notarized and recorded with the Utah County Recorder.