



SUPPLEMENTARY APARTMENT REQUIREMENTS ESTABLISHING A SUPPLEMENTARY APARTMENT IN AN “S OVERLAY” ZONE

Provo City Zoning regulations (Title 14 of the Provo City Municipal Code), allows for a supplementary apartment in the S 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 a supplementary 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.

Please see Title 14.30 of the Provo City Ordinance for detailed regulations.

ZONING REGULATIONS

- » A request for an “S Overlay” Zone must include property consisting of at least 10 acres of land and 40 existing dwelling structures.
- » A supplementary apartment shall only be allowed in owner occupied one-family dwellings (there is a temporary exception for the owner occupancy requirement in Section 14.30.030(2) of the City Code).
- » No more than one supplementary apartment shall be permitted in each one-family dwelling.
- » The supplementary apartment may be created only in a basement or in a second level above ground level.
- » The home must maintain the appearance of a one-family dwelling and not resemble a side-by-side, side-to-back, back-to-back or other type of duplex. This means that only one door should be visible from the front yard. Second unit entrances must be on the side or rear of the home.
- » A usable interior access between the main living area and the supplementary apartment must be maintained.
- » No more than two kitchens, one per unit, are permitted in a home with a supplementary apartment.
- » Supplementary apartment occupancy shall be limited to one family as defined by code or no more than four unrelated adults.
- » There shall be at least four parking spaces that conform to Provo City parking standards, as listed in 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. There cannot be less parking than the number of vehicles being maintained on the premises.

BUILDING CODE REGULATIONS

- » Any person establishing a supplementary 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.

- » Supplementary 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 Code 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 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” 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 a supplementary 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 supplementary 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 Supplementary Apartment Deed Restriction. This form will be notarized and recorded with Utah County.
- » Each dwelling and supplementary apartment shall have their own address provided by Provo City, as the means of facilitating emergency services.