

TO: Provo City Planning Commission; Provo City Municipal Council
FROM: R. Paul Evans, Chair, Provo City Pleasant View Neighborhood
DATE: 21 April 2019

Over 90% of the one family residential properties in the Provo City Pleasant View neighborhood are zoned with the A- or S-overlay zone allowing for Provo City approved accessory apartments in owner-occupied one family homes. A zoning change proposal submitted by Kyle Wright, a Pleasant View neighborhood resident, to Provo City on or before 19 March 2019 would apply the S-overlay zone to 32 homes making the Pleasant View neighborhood the first 100% S- or A-overlay one family neighborhood in Provo City.

As chair of the Provo City Pleasant View neighborhood, I first received a copy of the proposed consolidation and changes in the S- and A-overlay zone on Wednesday 17 April 2019 as exhibit A in a staff report for Item 5 of the 24 April 2019 Provo City Planning Commission meeting, a city-wide application. Fortuitously, a neighborhood meeting already had been scheduled for Thursday 18 April 2019 so some very cursory discussion about the proposed ordinance changes amongst Pleasant View neighborhood residents who attended the meeting was possible. As chair, I attended a Provo City Municipal Council work meeting in January on this issue, but, there was no proposed language made available, that I recall, until last week.

Other neighborhoods in Provo City have single or multiple blocks of S- or A-overlay one family homes. The Wasatch neighborhood, also abutting BYU, but on the east side, is nearly 60% S-overlay (R18S). The “central” neighborhoods North Park (R16A), Dixon (R16A), Franklin (R16A), Provost (R18A), and Maeser (R16A) have <25% S- or A-overlay areas. There are no current S- or A-overlay zones north of 2320 North or west of Interstate 15.

The following are my comments integrated with comments from residents in attendance (N=22) at the 18 April 2019 Pleasant View neighborhood meeting. No doubt there are unique differences in the experience of neighborhoods with the S- and A-overlay zones but the intent of these comments is to provide a broad framework for discussions that clarify and improve this proposed ordinance change. In conjunction with the comments from other neighborhoods, it is hoped that all comments will provide Provo City with the greatest likelihood of crafting an ordinance that accomplishes the stated goal, “to accommodate supplementary living accommodations” while protecting and enhancing “the desirable aesthetic characteristics of the underlying one-family residential zone.”

The staff report does not mention the requirement in this proposed ordinance for all accessory apartment owners to obtain a rental dwelling license. This requirement, to property owners, has as much of an impact as the provision for detached accessory apartments. Given the recent changes in rental dwelling license requirements, and, the added cost and requirements of a rental dwelling license above current fees, and, an uncertainty as to whether existing accessory apartments and main dwellings must meet current standards when a newly issued rental dwelling license is obtained, a written analysis by staff related to the rental dwelling license impacts on current S- and A-overlay zone properties is expressly requested. The Kyle Wright zoning change request occurred prior to any notice by Provo City of a change in the S-overlay zone which would suggest that if approved, the 32 additional properties in the Pleasant View Neighborhood would be governed into the future by existing Provo City Code and not the proposed consolidation/amendment of the S- and A-overlay zones. Please also confirm that all S- and A-overlay legal accessory apartment properties that currently exist will be governed into the future by the existing S- and A-overlay ordinances and not the proposed changes to the code.

Pleasant View Neighborhood comments/questions are shown below bolded in **GREEN**.

General Questions from Pleasant View Neighborhood Comments

OVEROCCUPANCY

1. Will the provision for detached accessory apartments increase the percentage of one family homes in existing S- and A-overlay zones that legally establish accessory apartments?
2. Does the presence of an accessory apartment increase the frequency of one family residential properties illegally used as multifamily (e.g., duplex) properties that are not owner occupied.
3. Do the definitions of “family” and “owner occupied” in Provo City Code require updates to assist enforcement by Provo City of one family occupancy in S- and A-overlay zones?
4. Does Provo City have adequate enforcement and planning staff to protect and enhance the desirable aesthetic characteristics of one family zones with an S- or A-overlay zone?
5. A property should be able to have either a home occupancy conditional use, whether minor or major, or, an accessory apartment, but not both. The concentrated impacts of both uses in one property is not seen as enhancing, let alone, protecting the one-family residential zoning.

DESIRABLE AESTHETIC CHARACTERISTICS

6. Is the owner life cycle of one family residential properties in residential zones with the S- or A-overlay different than comparable one family residential properties in residential zones without the S- and A-overlay in Provo City?
7. Are property value changes of one family residential properties in residential zones with the S- or A-overlay different than comparable one family residential properties in residential zones without the S- and A-overlay in Provo City?
8. The staff report concludes (Page 3) that the proposed consolidation and amendment of the S- and A-overlay zones will “work to provide additional and needed affordable housing opportunities within the City, without creating an extensive impact on adjoining residential areas.” What are three examples of adjoining residential areas in Provo City where there would be no “extensive impact”?
9. What minimal and moderate impacts are expected on residential areas adjoining S- or A-overlay zones?
10. What are 5 minimal, 5 moderate, and 5 extensive impacts expected on a residential area to which the S- or A-overlay is applied?

PARKING

11. One family residential properties with or without the S- and A-overlay require a legal off-street parking stall for every vehicle maintained at a residence. What is the recent Provo City track record for enforcing the requirement of a legal off-street parking stall for every vehicle maintained at a one family home?
12. What is the definition of a “vehicle maintained on the residence”?
13. Provo City Code does not permit parking in an on street place longer than 72 hours. “Any vehicle or trailer left parked in a public highway or street in the same place continuously for seventy-two (72) hours and which has not been moved a minimum of four

hundred (400) feet prior to returning to the same location.” 9.31.050(1)(f). What is the recent Provo City track record for enforcing the 72 hour limit?

14. How is “same place” different than “same location”?

RENTAL DWELLING LICENSE

- 15. The current S- and A-Overlay does NOT require a rental dwelling license. This proposed consolidation and amendment of the S- and A-overlay zone requires that property owners obtain a rental dwelling license from Provo City. Will properties with current legal accessory apartments be required to obtain a rental dwelling license upon adoption of this ordinance or will the properties be grandfathered as legal nonconforming?**
- 16. If legal nonconforming or grandfathered, then how will Provo City track the legal nonconforming status of properties?**
- 17. If not considered legal nonconforming or grandfathered upon adoption of this ordinance, will existing legal accessory apartment properties be required to meet all standards (building code, contemporaneous inspection, etc.) before issuance of rental dwelling license? If yes, will the property owner be informed of the amortization options to meet the “newly” imposed requirements and thus delay the decade in which the improvements must be completed?**
- 18. What is the process by which a new owner may apply for an extension of an existing Rental Dwelling License? Although enabled by the proposed amendments in 14.30.030(2)(k)(iv), there is no reference to elsewhere in Provo City Code where the extension process is enabled. If the license is signed by one entity, how can a different entity extend the license? This seems like a transference of the license.**

EXHIBIT “A”

Zoning Ordinance Text Amendments to consolidate Chapter 14.30 S-Supplementary Residential Overlay Zone with Chapter 14.46 A-Accessory Apartment Overlay Zone, as well as related amendments to Chapters 6.01 or 6.02; Chapter 14.06; Sections 14.10.020(5), 14.11.020(5), 14.12.020(5), 14.12A.020(5), 14.13.020(5), 14.14.020(5), 14.32.020(5) regarding Permitted Accessory Uses; 14.32.050. Lot Area Per Dwelling Unit; 14.32.220(5) Caretaker Dwellings as an Accessory Use; 14.34.310-1 Minimum Floor Area; 14.34.440 Second Kitchen in One-family Dwellings; 14.37.060 Parking Spaces Required; 14.37.080 General Provisions; 14.37.100 Parking Design Standards; and 15.04.050 Density and Open Space Determination.

Chapter 14.30

S—Supplementary Residential and Accessory Overlay Zones.

- 14.30.010. Purpose and Objectives.
- 14.30.020. Use in Combination.
- 14.30.030. Permitted Uses.
- 14.30.040. Development Standards.
- 14.30.050. Area of Zone.
- 14.30.060. Petition for Zone Adoption.
- 14.30.070. Parking Requirements.

14.30.080. Nonconforming Uses.

14.30.090. Termination of Nonconforming Uses - Recovery of Investment.

14.30.010. Purpose and Objectives.

(1) The purpose of the Supplementary Residential (S) overlay zone is to recognize the unique character of Provo City as a "university community" and to accommodate supplementary living accommodations in some appropriate one-family residential areas of the community. These provisions are intended to meet community demands for residential accommodations for semi-transient residents in areas of the community adjacent to major educational and institutional uses. This overlay zone is designed to provide an alternative living environment for said semi-transient residents to that normally found within the higher density multiple residential zones. The (S) overlay zone will therefore protect and enhance the desirable aesthetic characteristics of the underlying one-family residential zone. An R1 zone with a Supplementary Residential (S) overlay as described in this Chapter is intended to continue the very low density of an R1 zone. The sole function of the overlay is to permit alternate methods of housing the occupancy otherwise permitted in an R1 zone.

(2) The Accessory Apartment (A) overlay zone is established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of an accessory apartment in conjunction with one-family detached dwellings on individual lots. The Accessory Apartment overlay zone is hereby established to promote the use of accessory apartments; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home buyers; and to offer security against problems associated with frailty in old age.

14.30.020. Use in Combination.

(1) The ~~Supplementary Residential (S)~~ overlay zones described in this Chapter may be used only in combination with other zones as follows:

(a) the Supplementary Residential (S) overlay zone may be used only in combination with the ~~R1 (One-Family Residential) (R1)~~ zone; and ~~as designated herein~~

(b) the Accessory Apartment (A) overlay zone may be used only in combination with the Agricultural (A1), Residential Agricultural (RA), or One-Family Residential (R1) zones.

(2) The provisions of the ~~(S)~~ overlay zones shall be supplementary to the provisions of the zone with which it is combined. If conflict arises between the provisions of the ~~(S)~~ overlay zones and the provisions of the R1, **Al**, or **RA** zone with which it is combined, the provisions of the ~~(S)~~ overlay zones shall be deemed controlling. The ~~(S)~~ overlay zones shall not be applied to any land area as an independent zone.

14.30.030. Permitted Uses.

(1) **Permitted Principal Uses.** Principal ~~U~~uses permitted in the ~~Supplementary Residential (S)~~ overlay zones described in this Chapter shall be limited to the following:

(a) Those uses listed as permitted principal uses in the underlying ~~R1~~ zone with which the overlay zone has been combined in accordance with Section 14.30.020;
and

(b) Accessory apartments which meet the development standards of Subsection (2)

of this Section, with a valid Rental Dwelling License.

(2) Accessory Apartment Development Standards. Accessory apartments shall be ~~allowed only in one-family dwellings~~, subject to the following development standards:

(a) Number. No more than one (1) accessory apartment shall be permitted in conjunction with each one-family dwelling.;

(b) Location. ~~The a~~Accessory apartments may be located only: ~~in a basement or in a second level above ground level if there is a usable interior connection between the accessory apartment and the principal part of the dwelling unit;~~

(i) Over an attached garage, provided the parking within the garage is not eliminated or converted to living space or stairs, or otherwise disrupts required covered parking;

Could an accessory apartment be under or on the ground level of an attached garage?

(ii) Inside the home through an internal conversion of the housing unit maintaining an internal connection between living areas;

(iii) In an addition to the house that has an internal connection between the accessory apartment and the principal part of the dwelling unit; provided that the addition will not alter the one-family character of the building; or

Who determines whether an addition alters the one family character of the building, and, what are the criteria used to make such a determination?

What is the definition of “principal part of the dwelling unit”?

(iv) As a detached accessory structure located in the rear yard in accordance with the following requirements:

What is the definition of an accessory structure?

Can an accessory structure also be an accessory building? If so, then is there a difference between buildable and nonbuildable area accessory structure setbacks?

(1) The accessory structure shall be permitted only on lots that contain a one-family detached dwelling with a minimum lot size of 6,000 sq. ft.;

(2) The accessory structure shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be taller than twenty (20) feet and no less than 200 square feet;

(3) The accessory structure shall be setback from any property line a minimum of 10 feet;

Is the 10 foot minimum from any property line a standard subject to the issuance of a variance by the Board of Adjustment? If so, then there should be some instruction to the Board of Adjustment that would negate the possibility.

(4) The accessory structure shall be architecturally compatible with the

main dwelling;

Who determines whether the accessory structure is architecturally compatible, and, what are the criteria used to make such a determination?

(5) The accessory structure shall be permanently affixed to a site-built foundation and shall be designed in accordance with Provo City adopted building codes;

(6) The accessory structure must be approved for, and permanently connected to, all required utilities; and

(7) Shipping containers shall not be permitted for use as an accessory apartment.

Is it permissible to place a shipping container inside of an architecturally compatible shell/structure?

Is is permissible to affix material on the outside of a shipping container to render the structure compatible with the architecture of the main dwelling?

(c) Appearance. The accessory apartment shall not alter the appearance of the structure as a one-family dwelling, and does not cause the dwelling unit within which the accessory apartment is located to 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 of occupancy by more than one (1) family, such as two (2) front doors. The exterior of the property shall be maintained free of weeds, junk, solid waste or other materials constituting a violation of the Provo City Code. An accessory apartment shall not be authorized on a property that has outstanding ordinance violations. ~~;~~ ~~and~~

What is the definition of “exterior of the property”? Is the intent perhaps front yard?

How is an ordinance violation different from an “outstanding ordinance violation”?

(d) Occupancy. A one-family dwelling with an accessory apartment, which is authorized by and conforms to the requirements set forth in this section, shall, for purposes of this subsection, consist of two component parts: the one-family dwelling and the accessory apartment. Those two parts shall be occupied as follows:

(i) Except as otherwise provided in subsection (iv), either ~~T~~the one-family dwelling or the accessory apartment shall be the owner’s primary residence as defined in Provo City Code Chapter 14.06, ~~Provo City Code~~. If this requirement is not met, no accessory apartment shall be permitted. ~~The dwelling must be owner-occupied by:~~

~~(A) One (1) person living alone; or~~

~~(B) The head of household and all persons related to the head of household by marriage or adoption as a parent, child, grandparent, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild.~~

~~For purposes of this Subsection, two (2) or more of the persons must share the legal relationship of husband and wife, or parent and child or grandparent and child. Such parent or grandparent must actually reside in the subject dwelling as their primary residence.~~

~~(ii) The occupancy of the one-family dwelling shall be limited to one “family” as that term is defined in Provo City Code Chapter 14.06, except that if the accessory apartment is also occupied, the occupancy of the one-family dwelling shall not include the (C) ~~Two additional related or unrelated individuals described in Provo City Code Section 14.06.020(b)(i)(B) are not permitted under Subsection (2)(d)(i)(A) or (B) of this Section.~~~~

~~(iii) Except as permitted by subsection (4)(a) of this Section, tThe accessory apartment ~~within the structure shall not~~may be occupied by ~~no~~ more than ~~two~~~~four~~ (2) related or unrelated adults, with or without minor children.~~

~~(iv) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:~~

~~(A) 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~~

~~(B) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.~~

~~(C) Owner occupancy shall have the meaning set forth in Section 14.06.020, Provo City Code.~~

~~(D) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.~~

(e) Parking. A one-family dwelling with an accessory apartment 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 accessory apartment or the principal part of the dwelling unit. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. Parking in the front setback is prohibited unless the driveway leads to required covered parking. Parking shall comply with all other regulations of Chapter 14.37, Provo City Code.

Though absent to date, Provo City must begin enforcement of off-street parking spaces required for all vehicles maintained on the premises of property in the R1 zone, with or without the S- and A-overlay.

(f) Utility Meters. A one-family dwelling with an accessory apartment shall have 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.

(g) Addresses. The accessory apartment shall have its own address.

(h) Outside Entrances. Outside entrances to the accessory apartment shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.

The intent here is to ensure that only one front entrance is visible from the front yard, and, that that front entrance must be the front entrance to the primary dwelling. The requirement that the outside entrance to the accessory apartment be located on the side or rear does not make sense if the accessory apartment is detached and in the rear yard.

(i) 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 accessory apartment shall meet current building codes.

Instead of “newly constructed”, use the date on which the ordinance is formally enacted. For example “All accessory apartments constructed after MMDDYYYY shall meet current building codes.

Will properties that had no prior established accessory apartment and/or properties that become zoned with the S- or A-overlay be required to have an accessory apartment that meets current building codes?

(j) Kitchens. A one-family dwelling with an accessory apartment is permitted two (2) kitchens; one (1) for the principal part of the dwelling and one (1) for the accessory apartment. No other kitchens, wet bars or other food preparation areas are permitted. Refer to Chapter 14.06, Provo City Code, Interpretation and Definitions, "Kitchen," for the definition of what constitutes a kitchen per the Provo City Code.

(k) Rental Dwelling License~~Accessory Apartment Permit~~. In accordance with Provo City Code Chapter 6.26, ~~Any person operating constructing or causing the construction of a one-family dwelling that has~~ an accessory apartment under this Chapter~~or any person remodeling or causing the remodeling of a one-family dwelling for an accessory apartment, or any person desiring an accessory apartment~~, shall obtain an ~~accessory apartment permit~~ Rental Dwelling License~~from the Community Development Department~~. Such ~~license~~permit shall be in addition to any building permits that may be necessary. Before a ~~an~~ Rental Dwelling License for an accessory apartment ~~permit~~ is issued, the applicant shall:

Change the rental dwelling license fee structure so that a rental dwelling license for 20 or more properties is \$400 and up to 20 properties, the rental dwelling license is \$20 for each property. The current fee structure is \$60 for more than one property and \$20 for one property. Why? It takes Provo City resources to administer and enforce zoning. This increased fee on multiple rentals also provides a very miniscule yet existing incentive to increase owner occupancy of homes. Little bit at a time.

(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.

Detached accessory apartments cannot show an interior connection to the primary dwelling.

(iii) Pay an inspection~~application~~ fee as shown on the Consolidated Fee

Schedule adopted by the Municipal Council.

The current inspection fee is \$50?

(iv) Noncompliance with the standards of this Section shall be just cause for the denial or revocation of an Rental Dwelling License for an accessory apartment ~~permit~~. Revocation shall be in accordance with the license regulations in ~~decided based upon the findings of fact at an administrative hearing before a hearing officer, per Chapter 3.06,~~ Provo City Code Chapters 6.01 and 6.26.

(v) Notwithstanding, Provo City Code Section 6.01.090, ~~the~~ approval of a ~~permit~~ Rental Dwelling License for an accessory apartment shall automatically expire onethree (13) ~~years~~ 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 ~~accessory apartment permit~~.

(vi) The owner shall cooperate with Community Development 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~~ the (S) overlay zone described in this Chapter, or otherwise contains an accessory apartment as provided in this Chapter.

~~(l) Prior Uses. The Community Development Department shall issue a permit for any accessory apartment existing at the time of the adoption of this Chapter if the following conditions are met:~~

~~(i) The accessory apartment complies with this Title; and~~

~~(ii) A building permit was issued when the accessory apartment was constructed or remodeled. If no building permit was issued at the time of construction or remodeling, the applicant shall pay an inspection fee and the Chief Building Official ("CBO") or his designee shall inspect the accessory apartment for life safety violations. All violations identified by the CBO shall be corrected before a permit is issued.~~ (l) Minimum unit size. An accessory apartment is only permitted if the one-family dwelling unit, not including the accessory apartment, is no smaller than

1200 square feet.

(m) Bedrooms. An accessory apartment shall not have more than two bedrooms, except that an accessory apartment for which a Conditional Use Permit has been granted under subsection (4) of this Section to allow occupancy by no more than four (4) related or unrelated adults may have no more than four bedrooms.

(3) Permitted Accessory Uses. Accessory uses permitted in the overlay zones shall be limited to those uses listed as permitted accessory uses in the underlying zone with which the overlay zone has been combined in accordance with Section 14.30.020.

(4) Conditional Uses. Except as provided in this subsection (4), conditional uses permitted in the overlay zones shall be limited to those uses listed as permitted conditional uses in the underlying zone with which the overlay zone has been combined in accordance with Section 14.30.020. In addition, the following uses and structures are permitted in the Supplementary Residential (S) overlay zone, but only after a Conditional Use Permit has been approved and subject to the terms and conditions thereof:

(a) In the Supplementary Residential (S) overlay zone only, accessory apartments that are occupied by no more than four (4) related or unrelated adults, with or without minor children, if, and only if, such use:

(i) meets the parking requirements of Subsection (2)(e), including particularly the requirement that the number of off-street parking spaces may not be less than the number of vehicles being maintained on the premises at any time; and

(ii) meets all other development standards of Subsection (2), other than the occupancy limit in Subsection (2)(d)(ii).

14.30.040. Development Standards.

Each one-family dwelling with an accessory apartment shall conform to the development standards required by the provisions of the underlying zone with which the overlay zone is combined. ~~All development standards required in the Supplementary Residential (S) overlay zone shall be the same as those required by the provisions of the underlying zone with which the (S) zone is combined.~~

14.30.050. Area of Zone.

An overlay zone described in this Chapter may only be applied to a contiguous ~~The Supplementary Residential (S) overlay zone shall be applied to a~~ land area of at least ten (10) four (4) acres or more that ~~which~~ contains at least forty (40) sixteen (16) existing dwelling structures, and which that is at least fifty percent (50%) developed. The land area to which any overlay zone described in this Chapter is applied shall be free from islands or peninsulas or any other unreasonable boundary line configurations. Additions to an existing ~~(S)~~ overlay zone are allowed so long as the resulting contiguous land area of an overlay ~~shall be by petition which~~ conforms to all provisions of this Section ~~Chapter except acreage, and number of dwellings.~~

14.30.060. Petition for Zone Adoption.

(Rep 2007-32)

14.30.070. Parking Requirements.

(Am 1990-31, Rep 2013-49)

14.30.080. Nonconforming Uses.

(Am 2000-15, Rep 2013-49)

14.30.090. Termination of Nonconforming Uses - Recovery of Investment.

(Enacted 2000-15, Rep 2013-49)

Related Amendments

6.02.010. Definitions.

The following terms as used in this Title shall have the meanings indicated:

...

"**Rental dwelling**" means, ~~except as provided in Subsection (c) of this definition,~~ a building or portion of a building used or designated for use as a residence by one (1) or more persons that is:

- (a) Available to be rented, loaned, leased, or hired out for a period of one (1) month or longer; or
- (b) Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one (1) month or longer.

~~(c) An accessory apartment in an owner-occupied one-family dwelling shall not be deemed a rental dwelling.~~

"**Short-term rental dwelling**" means a building or portion of a building, or a mobile or a manufactured home used, designated or designed for use as a residence by one (1) or more persons that is:

- (a) Available to be rented, loaned, leased, or hired out for a period of less than one (1) month; or
- (b) Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of less than one (1) month.

6.26.010. Definitions.

Words and phrases contained herein which are defined in Chapters 6.01 or 6.02 of this Title, or Chapter 14.06 of Title 14, as amended, shall have the meanings set forth in such chapters. If there is a conflict between definitions contained in Title 14 and definitions contained in this Title, the definitions in this Title shall govern for the purposes of interpreting this Title.

14.06.020. Definitions.

For the purposes of this Title, certain words and phrases have the following meanings:

"**Accessory Apartment**" means a subordinate residential living area created ~~within~~ conjunction with a one-family dwelling which:

- (a) meets the requirements of the applicable zone where the accessory apartment is located; and

~~(b) has an interior connection between the one-family dwelling and accessory apartment~~ meets the requirements of Provo City Code Chapter 14.30.

...

"**Family**," unless otherwise expressly provided in this Title, means:

- (a) One (1) individual living alone; or

(b) One (1), but not more than one (1) at the same time, of the following groups of individuals described in Subsection (b)(i) or (ii) of this definition who together occupy a one-family dwelling unit as one (1) nonprofit housekeeping unit and who share common living, sleeping, cooking and eating facilities:

(i) A head of household and:

(A) All persons related to the head of household as a spouse, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild by blood, marriage, adoption, guardianship, or any other duly authorized custodial relationship; and

(B) Not more than two (2) additional related or unrelated persons, including, but not limited to, personal care or personal service providers; or

(ii) Three (3) related or unrelated individuals and any children of either individual, if any.

(c) In applying this definition the existence of more than one (1) kitchen in a dwelling unit shall create a presumption that two (2) housekeeping units exist in the dwelling.

(d) "Family" does not include:

(i) Batching singles, as defined in this Section, even if related as set forth in Subsection (b)(i)(A) of this definition;

(ii) Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;

(iii) Any number of individuals whose association is temporary or seasonal in nature; or

(iv) Any number of individuals who are in a group living arrangement as a result of criminal offenses.

...

14.10.020. Permitted Uses.

...

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R2 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

...

(b) Swimming pools and incidental bath houses subject to the standards of Provo City Code Section 14.34.210, ~~Provo City Code~~;

...

(d) Home occupations subject to the regulations of Provo City Code Chapter 14.41, ~~Provo City Code~~;

...

(g) Accessory dwelling unit in conjunction with an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code Section 14.30.030.

...

14.11.020. Permitted Uses.

...

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R2 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

...

(b) Swimming pools and incidental bath houses subject to the standards of [Provo City Code](#) Section 14.34.210, ~~Provo City Code~~;

...

(d) Home occupations subject to the regulations of [Provo City Code](#) Chapter 14.41, ~~Provo City Code~~;

...

(h) Accessory dwelling unit in [conjunction with](#) an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of [Provo City Code](#) Section 14.3046.030, ~~Provo City Code~~.

...

14.12.020. Permitted Uses.

...

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R2.5 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

...

(b) Swimming pools and incidental bath houses subject to the standards of [Provo City Code](#) Section 14.34.210, ~~Provo City Code~~;

...

(d) Home occupations subject to the regulations of [Provo City Code](#) Chapter 14.41, ~~Provo City Code~~;

...

(g) Accessory dwelling unit in [conjunction with](#) an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of [Provo City Code](#) Section 14.3046.030, ~~Provo City Code~~.

...

14.12A.020. Permitted Uses.

...

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R3 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

...

(b) Swimming pools and incidental bath houses subject to the standards of [Provo City Code](#) Section 14.34.210, ~~Provo City Code~~;

...

(d) Home occupations subject to the regulations of [Provo City Code](#) Chapter 14.41,
~~[Provo City Code](#)~~;

...

(g) Accessory dwelling unit in [conjunction with](#) an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of [Provo City Code](#) Section 14.~~30~~46.030,~~[Provo City Code](#)~~.

...

14.13.020. Permitted Uses.

...

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R4 zone, provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

...

(b) Swimming pools and incidental bath houses subject to the standards of [Provo City Code](#) Section 14.34.210,~~[Provo City Code](#)~~;

...

(d) Home occupations subject to the regulations of [Provo City Code](#) Chapter 14.41,
~~[Provo City Code](#)~~;

...

(g) Accessory dwelling unit in an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of [Provo City Code](#) Section 14. ~~30~~46.030,~~[Provo City Code](#)~~.

...

14.14.020. Permitted Uses.

...

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R5 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

...

(b) Swimming pools and incidental bath houses subject to the standards of [Provo City Code](#) Section 14.34.210,~~[Provo City Code](#)~~;

...

(f) Accessory dwelling unit in [conjunction with](#) an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of [Provo City Code](#) Section 14. ~~30~~46.030,~~[Provo City Code](#)~~.

...