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**Subject:** Proposed S and A overlay consolidation and amendment

A Basis for Creating an FAQ for the Proposed S and A Overlay Zone Amendment

Yes, there are things that will remain the same.

Yes, there are things that will change.

Yes, there are things that are still unknown.

Regardless, a change is proposed and neighbors will wonder. There is a need to explain and educate.

Below are some questions that I hope spark the creation of an FAQ sheet or handbook for citizens whose properties will be included in the proposed consolidation and amendment of the S and A overlay zones. Allowing detached apartments is a significant change. Equally significant is the requirement of a rental dwelling license when only a permit and one time inspection was previously required.

The handbook prepared by Salt Lake City after permitting accessory dwelling units (ADU) in all residential zones (or within 1/4 mile of rapid transit?) is a good jumping off point for what Provo City will need. [http://www.slcdocs.com/Planning/Guides/ADU\\_handbook.pdf](http://www.slcdocs.com/Planning/Guides/ADU_handbook.pdf)

Cheers,

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Chair, Provo City Pleasant View Neighborhood

## 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?

There will be an increase in the percentage of homes in existing S- and A-overlay zones that will have an accessory apartment due to the provision of allowing for detached accessory apartments. The amount of increase has not been quantified.

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.

An increase in homes that have an accessory apartment will result in an increase in homes that will have illegal use as absentee owner defacto duplexes or multifamily properties. The amount of increase has not been quantified.

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?

Provo City planning and zoning enforcement consider that the current definitions of "family" and "owner occupied" in Provo City Code are sufficient to pursue successful enforcement.

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?

The current staffing is sufficient and adequate to protect and enhance the desirable aesthetic characteristics of one family zones with an S- or A-overlay zone.

5. Can a property have either a home occupancy conditional use, whether minor or major, or, an accessory apartment? The concentrated impacts of both uses in one property is not seen as enhancing, let alone, protecting the one-family residential zoning.

Provo City Code does not permit a major home occupation permit (significant business activity operating in the home) and an accessory apartment. A minor home occupation permit (little or imperceptible business activity in a home) is allowed with an accessory apartment.

#### 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?

The impact of accessory apartments on the owner life cycle of one family properties in residential zones is not known. Without knowing, it is not possible to evaluate impacts on the desirable aesthetic characteristics of one family neighborhoods.

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?

Differences in property value changes due to accessory apartments is unknown. Without knowing, it is not possible to evaluate impacts on the desirable aesthetic characteristics of one family neighborhoods.

8. Provo City planning staff conclude 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"?

There are no examples of adjoining residential areas in Provo City that will have no "extensive impact".

9. What minimal and moderate impacts are expected on residential areas adjoining S- or A-overlay zones?

There are no examples of minimal and moderate impacts.

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?

There are no examples of minimal and moderate impacts.

[Note: The Planning Commission staff conclude that there will not be extensive impact on adjoining residential areas. Questions 8-10 are intended to explore what are considered to be less than extensive impacts. In doing so, the impacts, minimal or moderate, will be clear to all within an S- and A-overlay zone, and, those adjoining residential areas. The metrics of these questions were meant to elicit a more comprehensive understanding beyond the word "extensive." Examples of what is and what is not extensive impact, and examples of what is and what is not minimal impact are, collectively, a clearer view of the impact.]

## 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?

There is no track record.

12. What is the definition of a "vehicle maintained on the residence"?

There is no definition.

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?

There is no track record.

14. How is "same place" different than "same location"?

There is no difference between “same place” and “same location”

## RENTAL DWELLING LICENSE

The requirement for a Rental Dwelling License is a proposed new regulation included in this change to zoning ordinance. Many who have S overlay and A overlay accessory apartments are not familiar with the requirements associated with a Rental Dwelling License. The details and implications of a Rental Dwelling License must be fully discussed and examined.

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?

The answer to this is unclear.

16. If legal nonconforming or grandfathered, then how will Provo City track the legal nonconforming status of properties?

The answer to this is unclear.

17. A. 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?

Yes

- B. 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?

The answer to this is unclear.

18. What is the process by which a new owner may apply for an extension of an existing Rental Dwelling License?

The answer to this is unclear.

[Note: 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.]

19. An inspection is required every three years. What is inspected, the entire property? Just the accessory apartment? What are the criteria examined to pass the inspection. What are the remedies to a failed inspection?
20. In Planning Commission and Municipal Council meetings, Provo City Community Development staff have stated that only a handful of select issues related to life and safety will be absolutely required regardless of when an accessory apartment was legally established during the process of issuing a rental dwelling license and completing an inspection. What is the list of issues?
21. Some homes have created additional living spaces in the past without building permit and in violation of building code and zoning code. If application is made, will these illegal living areas be required to meet Building Code as of the date of application? Why or why not?

#### APPROVAL OF ACCESSORY APARTMENTS

22. What is the closest allowed distance between a detached accessory apartment and a property line?  
  
10 feet
23. Are there any conditions in which a newly established detached accessory apartment can be closer than the minimum distance? If so, what are the conditions?  
  
Yes. The conditions are unknown.
24. What is the maximum height from current grade that a detached accessory apartment can be built?  
  
Unknown
25. Who will determine if the architecture of a proposed detached accessory apartment is consistent with the property? Who can appeal the decision? How can the decision be appealed?
26. Will adjacent property owners and the neighborhood be notified when an application for a detached accessory apartment is received by Provo City?
27. What is the reasoning for prohibiting accessory apartments from the ground level or basement of an attached or detached garage?
28. Who determines whether an addition alters the one family character of the building, and, what are the criteria used to make such a determination?

The answer to this is unclear.

29. What is the definition of "principal part of the dwelling unit"?

The answer to this is unclear.

30. 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? [this is a repeat, but, the issue deserves a second look]

31. What is the definition of an accessory structure?

The answer to this is unclear.

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

The answer to this is unclear.

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

The answer to this is unclear.

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

The answer to this is unclear.

35. What is the definition of "exterior of the property"? Is the intent perhaps front yard?

The answer to this is unclear.

36. How is an ordinance violation different from an "outstanding ordinance violation"?

The answer to this is unclear.