

***ITEM #1** Provo City Council Office requests an Ordinance Text Amendment to Section 14.34.440 (Second Kitchen in One-Family Dwellings) to clarify and update standards. Citywide application. Melia Dayley (801) 852-6136 mdayley@provo.org PLOTA20240272

Applicant: Provo City Council

Staff Coordinator: Melia Dayley

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is November 13, 2024 at 6:00 P.M.*
2. **Recommend Denial** of the requested ordinance text amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History: The Provo City Council motioned on January 9th and April 30th directing Council staff to review “supplemental ADU rules” including the extra living space, second kitchen agreements, occupancy and parking limits, as well as the City’s education/enforcement toolkit regarding ADUs and propose enhancements if deemed necessary.

Council staff held meetings with community members, Development Services and Legal staff, and Councilors and drafted several text amendments related to the Council motions.

During the August 20th and September 3rd Council Work Meetings, five text amendments were moved forward to be heard at a Council Meeting for final approval. Four of the five motioned amendments need Planning Commission recommendations before returning to the Council for a final vote.

Summary of Key Issues:

- Councilors asked staff to recommend code changes that would enable the enforcement of ADU related code more effective and efficient.
- Council and Administrative staff found that Second Kitchen Agreements are an area of code that can be simplified to the benefit of residents and city staff.

Staff Recommendation: Council staff recommends approval of this proposed amendment.

OVERVIEW

The proposed amendment aims to simplify the tracking and enforcement of second kitchen agreements in the city- a provision originally created in an effort to discourage the creation illegal ADUs while permitting residents to build out second kitchens in their homes. This amendment does not substantially change where and under what circumstances second kitchens are allowed, but rather creates a single document in which a person records their second kitchen with the city either as legally part of an ADU, through zone allowance or otherwise, or as a kitchen not to be used with an ADU as their property/zone does not permit an ADU.

STAFF ANALYSIS

Code Enforcement and Legal Staff recommended the proposed language as a way to simplify the second kitchen code and recording process for residents and staff. This will, in turn, hopefully make enforcement easier and more effective for staff.

CONCLUSION

Council staff believe this will simplify the process and aid enforcement and would recommend that the Planning Commission forwards a positive recommendation of the amendment to the City Council.

ATTACHMENTS

1. Proposed Ordinance Text Amendment

ATTACHMENT 1 - PROPOSED ORDINANCE TEXT AMENDMENT

14.34.440

Second Kitchen in One-family Dwellings.

- (1) The existence of more than one kitchen in a one-family dwelling unit is prohibited, except as otherwise provided in this Section.
- (2) Two kitchens, but no more than two, are permitted in any residence in which an accessory dwelling unit legally exists in compliance with the requirements of Chapter 14.30, including a valid, current rental dwelling license.
- (3) In a one-family dwelling unit without an accessory dwelling unit, ~~one~~ (1) or more additional kitchen(s) ~~in a one-family dwelling unit shall be~~ are allowed only if the property is in an A1, RA, R1, or RC zone, including a Performance Development Overlay (PD) zone used in combination with these zones, and if all of the following requirements are met:
 - (a) The dwelling unit ~~shall have~~ has only one (1) front entrance;:-
 - (b) The dwelling unit ~~shall have~~ has only one (1) address;:-
 - (c) ~~An interior access is~~ shall be maintained to all parts of the dwelling unit to ~~as~~ ensure that an accessory apartment is not created. There ~~shall~~ may not be ~~no~~ keyed or dead bolt locks, or other manner of limiting or restricting access from the additional kitchen(s) to the remainder of the dwelling unit;:-
 - (d) The dwelling unit ~~shall have~~ has no more than one (1) electrical meter;:-
 - (e) ~~The a~~ Additional kitchen(s) ~~may exist as~~ are part of the primary dwelling structure or ~~are~~ be installed in an accessory or "out" building, ~~provided~~ the use and occupancy limitations of this Section are met, and no second dwelling unit or accessory apartment is established in the primary or accessory buildings;:-
 - (f) ~~Upon request made by Provo City staff,~~ residents of the dwelling unit ~~shall~~ allow, within reasonable hours, an inspection ~~by Provo City staff upon request~~ of the dwelling unit and any building accessory to the dwelling unit, which has an additional kitchen, in order to determine compliance with this Section;:-

(g) The dwelling unit owner ~~shall~~ signs a notarized agreement, ~~as prescribed on a form approved~~ by Provo City, which provides that the dwelling unit, including any accessory building, ~~will not and~~ may not be converted into two (2) or more dwelling units unless allowed by, and in accordance with applicable provisions of, this Title. The document ~~must~~~~shall~~ be recorded with the Utah County Recorder's Office prior to issuance of a building permit;

(h) ~~When an additional kitchen is approved under the provisions of this Section, both present and future~~The owners of the dwelling unit ~~shall~~ limits the dwelling unit to family occupancy only; provided, however, that no additional unrelated persons, personal care providers, or personal service providers ~~may~~~~shall~~ be permitted to occupy a one-family residence ~~that~~~~which~~ contains an additional kitchen ~~except as provided in Section 14.34.450, Provo City Code;~~ and

(i) Construction of any such kitchen ~~shall~~ meets the standards of the adopted building code and ~~may require is done pursuant to the~~ issuance of a Provo City building permit prior to commencing any construction or remodeling to accommodate the additional kitchen.

~~(2) An additional kitchen shall not be established in a one-family dwelling unit which is associated with an accessory living space, whether or not the accessory living space was established pursuant to Chapter 14.30, Provo City Code.~~