



Provo City Planning Commission

Report of Action

October 23, 2024

***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

The following action was taken by the Planning Commission on the above described item at its regular meeting of October 23, 2024:

RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Adam Shin

Second By: Jeff Whitlock

Votes in Favor of Motion: Adam Shin, Jeff Whitlock, Daniel Gonzales, Lisa Jensen, Andrew South

Daniel Gonzales was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Melia Dayley gave an overview and background of the request from Council.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following: None.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Melia Dayley responded to Planning Commission questions regarding the ability of code enforcement to inspect rental properties and occupancy for these properties. She clarified that this amendment would help clarify standards between ADUs and second kitchens.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Planning Commission noted that this proposal would simplify code and ease enforcement, while noting some reservations on the tone of the language there was overall support for the proposal.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Development Services Department, 445 W Center Street, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

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 limit 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 meet 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.~~