



Provo City Planning Commission

# Report of Action

August 22, 2018

The Community Development Department requests a Code Amendment to Chapter 14.41 of the Provo City Code to make various changes to the allowances and requirements of Home Occupations, including but not limited to the addition of certain definitions related to Home Occupations, limitations on promotional meetings, changes related to the number of customers and employees allowed with major home occupations, and the non-allowance for an accessory apartment and a major home occupation to be operated at the same time. City Wide impact. Brian Maxfield (801) 852-6429 PLOTA20180109

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The following action was taken by the Planning Commission on the above described item at its regular meeting of August 22, 2018:

## RECOMMENDATION to APPROVE

On a vote of 4:2, with two abstentions, the Planning Commission recommended the Municipal Council approve the above noted application.

Motion By: Andrew Howard

Second By: Dave Anderson

Votes in Favor of Motion: Andrew Howard; Dave Anderson; Robert Knudsen; Deborah Jensen

Votes Against the Motion: Jamin Rowan; Brian Smith

Abstaining: Russ Phillips; Shannon Ellsworth

*Deborah Jensen was present as Chair.*

The motion 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.

### **PLANNING COMMISSION RECOMMENDED 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. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- A brief background as to the purpose for the requested amendment.
- Staff turned the remainder of the presentation over to Council Member David Sewell, who had helped author the amendment.

### **CITY DEPARTMENTAL ISSUES**

No City Departmental Issues have been received regarding this item.

### **NEIGHBORHOOD MEETING DATE**

City-wide application; all Neighborhood Chairs received notification.

## NEIGHBORHOOD AND PUBLIC COMMENT

Neighbors or other interested parties were present or addressed the Planning Commission.

## CONCERNS RAISED BY PUBLIC

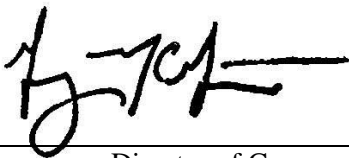
Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- David Wright, chair of the Rock Canyon Neighborhood, stated his support as the amendment would address some of the problems he has encountered in his neighborhood. Of particular note is the added clarification of the term “customer.”
- Maraly Frandsen requested the Commission make three changes to the proposed amendment. The first was striking out the line regarding a disallowance of concurrent major home occupations and accessory apartments. The second was allowing extended hours for child care. The third was stating that on-site parking is only required if deemed necessary following inspection of the business. She also stated the ordinance should specify parking requirements for child care uses.

## PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Several commissioners expressed they were generally fine with the proposed amendments as previously discussed at the past meeting and as they are now presented, except they didn’t necessarily agree there was an inherent problem with having a major home occupation and an accessory apartment use at the same time. Bill Peperone clarified staff’s reasons for that proposal.
- Jamin Rowan also expressed his belief that we don’t need to worry about people in accessory apartments parking on the street as they are public streets. He further stated that even though he lives in an area where that could be a problem, he hasn’t observed that being an actual problem.



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Director of Community Development

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 Community Development Department, 330 West 100 South, 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**