

Ordinance 2016-08

SHORT TITLE:

An ordinance amending Provo City Code Chapters 14.41 (Home Occupations), 15.03 (General Development Standards), 15.04 (Conventional and Open Space Subdivision Requirements), and 15.06 (Condominiums) to clarify and update submittal requirements for planning applications. City Wide Impact

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	DAVID SEWELL			√			
CW 2	GEORGE STEWART			√			
CD 1	GARY WINTERTON			√			
CD 2	KIM SANTIAGO			√			
CD 3	DAVID KNECHT			√			
CD 4	KAY VAN BUREN		√	√			
CD 5	DAVID HARDING	√		√			
				TOTALS	7	0	0

This ordinance was passed by the Municipal Council of Provo City, on the 3<sup>rd</sup> day of May, 2016, on May 19, 2016 a roll call vote as described above. Signed this \_\_\_\_\_.

*Kim Santiago*

Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this 5/26/2016.

*John R. L.*

Mayor

Ordinance 2016-08

III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 26th day of May, 2016, with a short summary being published on the 7<sup>th</sup> day of May, 2016, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2016-08.



Signed this 26th day of May, 2016

Janeen Steiss  
City Recorder

ORDINANCE 2016-08.

AN ORDINANCE AMENDING PROVO CITY CODE CHAPTERS 14.41 (HOME OCCUPATIONS), 15.03 (GENERAL DEVELOPMENT STANDARDS), 15.04 (CONVENTIONAL AND OPEN SPACE SUBDIVISION REQUIREMENTS), AND 15.06 (CONDOMINIUMS) TO CLARIFY AND UPDATE SUBMITTAL REQUIREMENTS FOR PLANNING APPLICATIONS. CITY WIDE IMPACT. (15-00120A)

WHEREAS, it is proposed that amendments be made to Provo City Code Chapters 14.41 (Home Occupations), 15.03 (General Development Standards), 15.04 (Conventional and Open Space Subdivision Requirements), and 15.06 (Condominiums) to clarify and update submittal requirements for planning applications; and

WHEREAS, the Planning Commission has expressed a desire to spend less time on purely administrative requests in favor of spending more time on larger, policy issues; and

WHEREAS, applicants to the City are providing unneeded paper copies of plans; and

WHEREAS, regulations for home occupations need to be more clearly defined; and

WHEREAS, on March 9, 2016, the Planning Commission held a duly noticed public hearing to consider the proposal and after such hearing the Planning Commission recommended to the Municipal Council that the proposed amendment be approved as set forth below; and

WHEREAS, on April 19 2016, the Municipal Council held a duly noticed public meeting, and on May 3, 2016 a duly noticed public hearing to ascertain the facts and receive public comment regarding this matter, which facts and comments are found in the meeting and hearing record; and

WHEREAS, all persons for and against the proposed amendment were given an opportunity to be heard during the public hearing; and

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Chapters 14.41 (Home Occupations), 15.03 (General Development Standards), 15.04 (Conventional and Open Space Subdivision Requirements), and 15.06 (Condominiums) should be amended on the basis recommended by the Planning Commission and (ii) this action, as set forth below, reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

47 Provo City Code Chapter 14.41 (Home Occupations) is hereby amended as follows:  
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49 . . .

50 **14.41.020. Home Occupation Permit Required.**  
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51 To assure compliance with provisions of this Title and to protect the character of residential  
52 neighborhoods in the City of Provo, a Home Occupation Permit shall be obtained from the ~~Planning~~  
53 ~~Commission~~ **Community Development Department** before a dwelling unit in a residential zone may be  
54 used for business purposes.

55 **14.41.030. Procedure.**  
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56 The ~~Planning Commission~~ **Community Development Department** may, upon application, issue a Home  
57 Occupation Permit which shall state the home occupation permitted, the conditions attached thereto, and  
58 any time limitations imposed thereon. The permit shall not be issued unless the ~~Planning~~  
59 ~~Commission~~ **Community Development Department** is satisfied that the applicant will meet all of the  
60 conditions listed below and that the applicant has agreed in writing to comply with all said conditions.

61 **14.41.040. Conditions.**  
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62 Each and every one of the following conditions must be observed at all times by the holder of a Home  
63 Occupation Permit:

64 . . .

65 (8) Only one (1) vehicle may be used in association with the home occupation and shall be garaged or  
66 stored entirely within a building or structure. The vehicle used for the home occupation shall be limited to  
67 a maximum ~~size of one-ton gross vehicle weight~~ **gross vehicle weight rating of 14,000 lbs.** Nor shall a  
68 business be permitted that requires receipt or delivery of merchandise, goods, or equipment by other than  
69 a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in  
70 residential deliveries. No deliveries by semi-tractor/trailer truck are permitted.

71 . . .

72 (12) Any special condition established by the ~~Planning Commission~~ **Community Development**  
73 **Department** and made of record in the Home Occupation Permit, as they deem necessary to carry out the  
74 intent of this Section, shall be met.

75 (13) All Home Occupation Permits shall be valid for one (1) year, and may be renewed annually provided  
76 there have been no reported violations, complaints, or detrimental characteristics which may, in the  
77 opinion of the ~~Planning Commission~~ **Community Development Department**, require termination of  
78 said home occupation.

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80 **14.41.060. Major Home Occupations.**

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81 "Major home occupation" means a home occupation which meets the standards listed in  
82 Section 14.41.040, Provo City Code, except as specifically modified by the ~~Planning~~  
83 ~~Commission~~ **Community Development Department** as provided herein. Pursuant to approval of  
84 a conditional use permit, the ~~Planning Commission~~ **Community Development Department** may authorize  
85 an increase in the intensity of a home occupation, as follows:

86 . . .

87 (2) A larger commercial vehicle **up to a gross vehicle weight rating of 17,500** may be used, provided it is  
88 parked on private property and adequately screened.

89 . . .

90 (5) An applicant for a Major Home Occupation may forego ~~the hearing before the Planning Commission,~~  
91 ~~as well as paying~~ the fee for a conditional use permit if all the property owners within three hundred (300)  
92 feet of the applicant's property sign a petition in support of the home occupation.

93 **14.41.070. Noncompliance.**

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94 Any Home Occupation Permit shall be revoked by the ~~Planning Commission~~ **Community Development**  
95 **Department** upon violation of any requirements of this Chapter, or upon failure to comply with any of the  
96 conditions or limitations of the permit, unless such violation is corrected within three (3) days of receipt of  
97 written notice thereof. A permit may be revoked for repeated violations of the requirements of this  
98 Chapter, notwithstanding compliance to the violation notice.

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101 PART II:

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103 Provo City Code Chapter 15.03 (General Development Standards) is hereby amended as  
104 follows:

105 **15.03.300. Preliminary Project Plan Submittal Requirements.**  
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109 (2) Applicant submits ~~copies~~ a pdf of the preliminary project plan with a completed application, required  
110 fees and ~~all~~ any required supporting documents, ~~as required~~. Upon receipt of a complete application with  
111 all necessary supporting drawings and documents, the plan shall be distributed to the various City  
112 departments for review, comments and approval. After each City department reviews the plan, they shall  
113 either request revisions to the submittal or approve the project as submitted. If the plan must be revised,  
114 then a revised preliminary project development plan shall be prepared which addresses the matters  
115 raised by City staff and then shall be submitted to the Planning Commission along with the rezoning  
116 request for approval.

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119 **15.03.310. Final Project Plan Submittal Requirements.**  
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120 (1) No building or structure shall be erected or substantially altered and no nonstructural improvements  
121 shall be made to open land unless a final project plan is approved by the ~~Planning~~  
122 ~~Commission~~ **Coordinator Review Committee**. If the proposed project includes an industrial, commercial,  
123 institutional, or multiple-family residential building, structure or use (including groupings of more than one  
124 (1) two-family residential structure), the project plan shall include necessary duplicate maps and drawings  
125 which demonstrate compliance with applicable provisions of the Provo City Code.

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129 PART III:

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131 Provo City Code Chapter 15.04 (Conventional and Open Space Subdivision  
132 Requirements) is hereby amended as follows:

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135 **15.04.120. Conventional and Open Space Subdivision Application and Review Procedures.**  
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136 Notwithstanding the provisions of Section [15.01.020](#) of this Title, the following steps or procedures shall  
137 be followed in order to obtain approval of a subdivision:

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141 (5) Step 5. Developer submits ~~ten (10)~~ a pdf copies of the preliminary plat with a completed application,  
142 required fees, engineer or surveyor's computer generated information disk and all supporting documents  
143 as outlined in Section 15.04.180, Provo City Code, to the Planning Commission.

144 (6) Step 6. Planning Commission or designated staff, in conjunction with the City Engineer and others as  
145 deemed appropriate, reviews the preliminary plat for compliance with the Provo City Code. If corrections  
146 to said plat are necessary, or if associated drawings or studies are required, such corrections shall be  
147 resolved and approved by the City Engineer and others as deemed appropriate before the plat is referred  
148 to the Planning Commission recorded. ~~When required corrections have been made, staff shall refer the~~  
149 ~~same to the Planning Commission with recommendations.~~ In any subdivision contiguous to property  
150 owned by a public entity, such entity shall be notified of the proposed subdivision and shall be invited to  
151 review the preliminary plat.

152 (7) Step 7. ~~Planning Commission~~ City staff approves, conditionally approves or denies preliminary plat  
153 based upon findings that said plat does or does not comply with applicable provisions of the Provo City  
154 Code. Preliminary approval shall expire one (1) year from the date of the ~~Planning Commission meeting~~  
155 ~~where~~ preliminary approval was granted unless a final plat is submitted and approved for all or a part of  
156 the subdivision. When a final subdivision does not cover the entire area included in a preliminary  
157 subdivision plat, approval of the unplatted area shall be extended to one (1) year from the date of final  
158 approval of a final plat. After expiration of the preliminary approval, no final approval shall be granted  
159 unless the developer makes a complete re-submittal including new drawings and payment of applicable  
160 fees.

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162 (8) Step 8. Developer has a final plat prepared by a licensed surveyor according to City standards and  
163 submits such plat, together with the required improvement and other drawings done by a licensed  
164 engineer, and all other supporting documents and reports as outlined in Section 15.04.190, Provo City  
165 Code, along with required fees. The developer shall provide two (2) permanent reproducible copies on  
166 Mylar ~~and ten (10) paper copies of each sheet~~ of the final proposed plat. ~~and five (5) paper copies of~~  
167 ~~improvement drawings including, but not limited to drainage, grading, contours, and landscaping along~~  
168 ~~with three (3) copies of any reports.~~ A final subdivision application shall expire one (1) year from the date  
169 of the application unless final approval is received, or sufficient progress has been made toward final  
170 approval as determined by the Community Development Director.

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174 (11) Step 11. The City Engineer, when satisfied that the plat conforms with all engineering concerns,  
175 signs and seals the plat, prior to forwarding the plat to Community Development Department. The  
176 Community Development Director, in behalf of the Planning Commission, signs the plat after receiving a  
177 recommendation from City departments ~~and Planning Commission staff~~ for approval or conditional  
178 approval.

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182 PART IV:

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184 Provo City Code Chapter 15.06 (Condominiums) is hereby amended as follows:

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187 **15.06.030. Submission of Application.**

188 (1) The owner or developer of a proposed condominium project desiring approval shall file an application  
189 with the Planning Commission on a form prescribed by the City. Said application shall be accompanied  
190 by:

191 (a) ~~Two (2) copies~~ **A pdf copy** of a record of survey map accurately drawn to scale in conformance  
192 with the provisions of Section [57-8-13](#), Utah Code, as amended, which shall be prepared by an  
193 engineer or land surveyor registered in the State of Utah. The scale of said record of survey map  
194 shall be no smaller than one (1) inch equals forty (40) feet.

195 (b) ~~Ten (10) copies~~ **A pdf** of a project plan prepared to the same scale as the record of survey map  
196 designating the location of buildings; present and needed utilities and irrigation ditches; the  
197 intended use of common areas; the locations of utility lines and easements; and the location and  
198 extent of storage, recreational facilities, parking, driveways, pedestrian ways, curbs, walls, fences,  
199 landscaping, and sprinkling systems.

200 (c) ~~Two (2) copies~~ **A pdf** of the proposed condominium declarations and bylaws.

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203 PART V:

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205 A. If a provision of this ordinance conflicts with a provision of a previously adopted  
206 ordinance, this ordinance shall prevail.



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B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.

D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

END OF ORDINANCE.