



MAPLETON  
— UTAH —

# Planning Commission Meeting

December 8, 2022  
6:00pm

125 West 400 North  
Mapleton, UT 84664



# MAPLETON UTAH

## PLANNING COMMISSION AGENDA

Thursday, December 8, 2022, at 6:00pm  
125 West Community Center Way (400 North), Mapleton, Utah 84664

---

**The order of agenda items is subject to change at the discretion of the Planning Commission Chair.**

6:00 p.m. Call to order: Pledge, Invocation, and Introductions/Announcements.

### Consent Agenda

*Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Commission may ask that any items be considered individually for purposes of Commission discussion and/or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.*

1. Planning Commission Meeting Minutes – October 27, 2022.
2. 2023 Planning Commission Meeting Schedule.
3. Consideration of a Home Occupation Permit for a small dog grooming business located at 231 North 1900 West.

### Public Hearing

4. Consideration of an ordinance amending Mapleton City Code Section 18.84.380 regarding Home Occupation requirements.

### PUBLIC COMMENT MAY BE ACCEPTED AT THE DISCRETION OF THE CHAIR

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting/hearing should notify April Houser at the Community Development Office, at Mapleton City, 125 West 400 North, Mapleton UT 84664, or by phone, (801) 489-6138, giving at least 24 hours notice. Signature on this document certifies that it was posted in the City Office on 12/1/22.

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24 HOURS NOTICE  
(Last Modified December 1, 2022)

---

**April Houser**, Executive Secretary

## 2023 Mapleton City Planning Commission Regular Annual Meeting Schedule

Meetings are scheduled to begin at 6:00pm

| Month     | Public Notice Date | Regular Meeting Date | Public Notice Date | Regular Meeting Date |
|-----------|--------------------|----------------------|--------------------|----------------------|
| January   | 12/28/22           | 1/12/23              | 1/9/23             | 1/26/23              |
| February  | 1/23/23            | 2/9/23               | 2/6/23             | 2/23/23              |
| March     | 2/20/23            | 3/9/23               | 3/6/23             | 3/23/23              |
| April     | 3/27/23            | 4/13/23              | 4/10/23            | 4/27/23              |
| May       | 4/24/23            | 5/11/23              |                    |                      |
| June      | 5/22/23            | 6/8/23               | 6/5/23             | 6/22/23              |
| July      | 6/26/23            | 7/13/23              | 7/10/23            | 7/27/23              |
| August    | 7/25/23            | 8/10/23              | 8/7/23             | 8/24/23              |
| September | 8/28/23            | 9/14/23              | 9/11/23            | 9/28/23              |
| October   | 9/25/23            | 10/12/23             | 10/9/23            | 10/26/23             |
| November  | 10/23/23           | 11/9/23              |                    |                      |
| December  | 11/27/23           | 12/14/23             |                    |                      |

**Item:**

2

**Date:**

12/8/2022

**Applicant:**

Kelsey Davis

**Location:**

231 N 1900 W

**Prepared By:**

Sean Conroy, Community  
Development Director

**Public Hearing:**

No

**Zone:**

R-2-B

**Attachments**

1. Application  
information.

**REQUEST**

Consideration of a request for a Home Occupation Permit for a small dog grooming business called "Pawsh Dog Grooming" at 231 N 1900 W in the R-2-B Zone.

**BACKGROUND & DESCRIPTION**

The subject property is a quarter acre in size and is developed with a single family residence. The applicant is requesting approval of a home occupation for a business called "Pawsh Dog Grooming". The business will take place in the third garage stall. Animals are brought by appointment only and the business is intended to be part time.

**EVALUATION**

**Home Occupations:** Mapleton City Code (MCC) section 18.84.380 outlines the requirements for home occupations. The purpose of the ordinance is to allow for a *"modest level of business activity... that will not adversely affect, undermine, injure or otherwise significantly depreciate the residential character of the area."* The following requirements apply to home occupation requests are meant to ensure that home occupations will remain modest in nature:

1. Home occupations must be listed as a permitted or conditional use in the zone,
2. The business must be conducted entirely within a completely enclosed structure on the property,
3. No more than 25% of the structure or 500 sf, whichever is less, may be used for the home occupation,
4. No more than one person who does not reside on the property may be engaged in the home occupation,
5. Any sale of goods no produced as part of the home occupation shall "constitute a clearly incidental part of the home occupation". No display of merchandise shall be visible from outside the structure,
6. No commercial vehicles may be stored at the home except for one small delivery truck.
7. No more than 6 cars may be parked at the residence at any one time,
8. The home occupation must be secondary and incidental to the use of the dwelling as a residence,
9. Signs shall be limited to 4 square feet, attached to the building and not electrified,
10. The home occupation must be licensed by the city

11. The entrance to the home occupation must use the same entrance as the the residents unless specifically required by an agency with regulatory powers over the business;
12. The business shall not use hazardous materials or chemicals that increase the hazard of fire, explosion, or jeopardize the safety of the neighborhood,
13. The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is readily discernible outside the dwelling,
14. The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and will not depreciate surrounding property values or the quality of the area for residential purposes,
15. The home occupation must be conducted by a person who occupies the dwelling. Background checks will be conducted on all inhabitants of the dwelling and employees, and,
16. The home occupation shall operate in compliance with any applicable city or state requirements.

The applicant's proposal presents only a modest level of business activity as encouraged by the code and is consistent with the adopted requirements. Staff has added a special condition ensuring that the animals do not stay overnight.

### RECOMMENDATION

Approve the home occupation with the following special condition:

1. The business shall not operate as kennel as defined in MCC Section 18.08.010 and that no animals are kept overnight.

Subject  
location

Hwy  
89

Maple St

1600 WEST

TH HOLLOW





**Item:**

3

**Date:**

12/8/22

**Applicant:**

Mapleton City

**Location:**

City-wide

**Prepared By:**

Sean Conroy, Community  
Development Director

**Public Hearing:**

Yes

**Zone:**

All residential zones

**Attachments**

1. Draft ordinance.

**REQUEST**

Consideration of amendments to Mapleton City Code (MCC) Section 18.84.380 regarding home occupation standards.

**BACKGROUND & DESCRIPTION**

MCC section 18.84.380 outlines the conditions and process to establish a home occupation, or home-based business within the City. Some of the primary conditions include limiting the number of vehicles that may be parked on site, limiting the area of a building that may be dedicated to a home occupation and limiting the number of non-family member employees. Examples of home occupations that have been approved include activities such as home offices, nail and hair salons, music, swimming and other types of lessons, daycare, and preschools to name a few.

Staff is proposing several amendments to MCC section 18.84.380 to improve the review process and to update the required conditions to address some challenges that have arisen with past applications (see attachment "1"). The Planning Commission is responsible for making a recommendation to the City Council regarding the proposed amendments.

**EVALUATION**

**General Plan & Zoning:** Policy 3.1.C of the Land Use Element of the General Plan indicates that commercial uses in residential zones should be incidental to the main residential or agricultural use of a property and should not negatively impact the quiet, rural atmosphere of the area. MCC Section 18.84.380.A indicates that the purpose of the home occupation ordinance is to allow a modest level of business activity within or near residential dwellings and to set forth conditions and criteria to ensure that business activities remain incident in nature. As the Commission reviews the proposed ordinance, it should keep these statements in mind.

**Proposed amendments:** Staff has highlighted the primary proposed amendments below followed by a brief staff response.

- *18.34.380.C – Procedures for approval.*

Response: Staff has simplified this section to indicate that the applicant shall submit a home occupation business license with the information required on the application form.

- *18.84.380.D – Conditions and Criteria*

Response: Condition #2 current indicates that if the home occupation is located in a detached structure that the structure

must be within 15 feet of the primary dwelling or more than 50 feet from an adjacent dwelling. Staff is proposing to strike this section. If a home occupation is proposed in a detached structure, the other conditions and criteria should adequately address any potential concerns.

Condition #3 indicates that home occupations should be limited to 500 square feet or 25% of the living area of the dwelling, whichever is less. Staff proposes to simplify this requirement and just limit it to a maximum of 500 square feet.

Condition #17 addresses athletic lessons on outdoor sports courts or swimming pools and indicates that they may exceed the 500 square foot limitation. Staff proposes to allow for indoor athletic lessons under the same conditions.

Condition #18 is a new condition that addresses child-oriented businesses such as daycares and preschools. The City has approved a number of daycares and preschools in the past, but the approvals vary in how many students have been allowed. This condition proposes to allow a maximum of 10 students. The Planning Commission would review all requests for child oriented businesses, and would have the ability to reduce the number of students to less than 10 based on site constraints.

Condition #19 is a new condition that addresses home occupations that propose some use in a garage. The condition is meant to ensure that the proposed use would not reduce the number of usable covered parking spaces on a site below two.

Condition #20 is a new condition that identifies specific uses as prohibited, such as on-site storage, repair or sales of vehicles or heavy equipment, commercial welding, kennels, etc.

- *18.84.380.E – Administrative Approval*

Response: The proposed amendments clarify what types of home occupations can be approved by staff. These would include uses that are proposed within existing buildings and that may have client visits, but visits are limited to no more than two per hour.

- *18.84.380.F – Planning Commission Review*

Response: This section clarifies when Planning Commission review is required. Uses that do not qualify for administrative approvals such as child-oriented businesses, group lessons or other activities that may propose more clientele visits than two per hour would require Commission review.

## RECOMMENDATION

Recommend approval of the proposed ordinance amendments to the City Council.

**Attachment "1" – Home Occupations Ordinance  
(Changes shown in ~~strikeout~~ and underline)**

**18.84.380: HOME OCCUPATIONS:**

**A. Purpose:** The purpose of this section shall be:

1. To allow the establishment and conduct of a modest level of business activity within or near dwellings within the City provided that such activities will be conducted under conditions and at levels of operation that will not adversely affect, undermine, injure or otherwise significantly depreciate the residential character of the area; and

2. To set forth the minimum conditions and criteria considered necessary to ensure that all business activity carried out within residential areas will remain incidental and to effectively implement the purposes set forth above.

**B. Application Of Section; Exceptions:** The provisions of this section shall apply to all persons, firms, or corporations which conduct or propose to conduct any business, service, professional activity, qualifying as a home occupation from any dwelling located in any zoning district in the City allowing residential dwellings as a permitted use. Provided that this section shall not apply to:

1. The infrequent and incidental sale of personal property (subject to subsection 18.22.040F of this title).

2. The activities associated with the production of agricultural commodities and the incidental sale of such commodities produced on the premises.

3. Occasional business pursuits by individuals who are under eighteen (18) years of age.

**C. Procedure For Approval Of A Home Occupation:** The applicant shall submit a Home Occupation Business License application with the information required on the official application form unless the use is exempt in accordance with Utah Code Section 10-1-207(7)(8).

~~Prior to the establishment of any home occupation an application for a home occupation permit shall be submitted to and approved by the Planning Commission. Said application shall be on forms furnished by the City and shall contain the following information:~~

- ~~1. The name of the applicant.~~
- ~~2. The location of the proposed home occupation.~~
- ~~3. A detailed description of the proposed activity.~~

~~— 4. An outline of the conditions and criteria required to be met in order to qualify as a home occupation and a written or graphic statement indicating how the proposed activity will comply with the required conditions and criteria.~~

~~— 5. A statement, signed by the applicant, that the home occupation will be established and conducted in accordance with the conditions and criteria of the ordinance and any conditions of approval attached by the Planning Commission.~~

~~— 6. Drawing of the home showing the area in which the home occupation will be performed.~~

~~— 7. A written notification to all property owners within a three hundred foot (300') radius of the property where the home occupation will be located. Said notification shall explain in detail the proposed home occupation and the activities that will be involved. In lieu of this requirement, the applicant may gather the signatures of all residents within three hundred feet (300') of the property where the proposed home occupation will be located. The signatures must be those of the head of household (18 years of age or older). The signatures must be located on a sheet of paper that explains the home occupation as described above. The paper must also state that the signature is for notification only, and that signing the notification does not waive any rights to oppose the proposed home occupation at the Planning Commission meeting.~~

~~The Planning Commission may delegate to the Planning and Zoning Director the responsibility to review all requests for a home occupation permit and to conduct such research and investigations as are required to determine compliance with the terms of this section and to submit a report of findings and recommendations for each application to the Planning Commission.~~

~~When, upon a review of the findings and report, the Planning Commission determines that the proposed use will be established and operated in accordance with the criteria hereinafter set forth and will be consistent with the intent provisions of the Code relating to home occupations, they shall pass a motion approving the establishment of the proposed home occupation. The effect of such approval shall be: 1) to authorize the establishment of the home occupation, subject to continued compliance with the representations set forth in the application and any conditions which may be attached by the Planning Commission and 2) to authorize the issuance of a business license.~~

**D. Conditions And Criteria:** All home occupations shall be subject to full compliance with the following conditions and criteria:

1. Home occupations shall be permitted in all residential zones unless specifically identified as prohibited ~~listed as a permitted or conditional use in the zone.~~

2. Except as specifically provided for herein, the home occupation shall be conducted entirely within a completely enclosed structure on the property. ~~Detached structures where a home occupation is being conducted must be located within fifteen feet (15') of the residential dwelling. The Planning Commission may permit a business in a detached structure not located within fifteen feet (15') of the~~

~~residential dwelling if the structure is located more than fifty feet (50') from any residential structure not located on the same lot as the structure.~~

3. Except as specifically provided for herein, the home occupation shall occupy not more than ~~the equivalent of twenty five percent (25%) of the living area of the dwelling or five hundred (500) square feet of any building, whichever is less.~~ This shall also apply to detached structures.

4. The activities of the home occupation shall be conducted by members of the residing family. Provided that not more than one (1) person, not a member of the residing family, may be engaged in the home occupation.

5. Any sale of goods not produced as part of the home occupation shall constitute a clearly incidental part of the operation of the home occupation. There shall be no display of goods produced by the home occupation observable from outside the dwelling.

6. No commercial vehicles shall be stored at the premises except one (1) delivery truck which shall not exceed ten thousand (10,000) GVW rated capacity.

7. Not more than six (6) cars (including those owned by the resident family) may be parked at the residence at any one time and such vehicles shall be parked within the driveway or in front of the residence. Clients of the home occupation shall not park or store vehicles at the premises overnight.

8. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not have the effect of changing the character of the building or the attendant yard area from that of a dwelling.

9. Signs shall be limited to one (1) nonilluminated identification nameplate not larger in area than four (4) square feet. Electric or electronic signs shall not be permitted. No on site advertising signs shall be permitted. The sign must be attached to the building where the home occupation is to take place.

10. The home occupation shall be registered with the license agency of the City and shall maintain a current business license in accordance with City regulations.

11. Entrance to the home occupation from outside shall be through the same entrance normally used by the residing family except when a separate entrance may be required by regulation of the State Health Department or other public agency. The garage door shall not be used to satisfy this requirement.

12. The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion or safety to the structure the use is conducted in, adjacent structures, or the occupants thereof.

13. The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is readily discernible outside the structure the use is conducted in.

14. The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the City.

15. The home occupation shall be operated in compliance with any applicable City or State requirements.

16. The home occupation applicant must either be the bona fide owner of the home (as shown on the current Utah County tax assessment rolls) or if the applicant is renting or leasing the home, the homeowner must provide written permission allowing the applicant to conduct a business in the home. Said letter of permission must be signed and notarized by the homeowner.

17. Athletic, swimming, equestrian, or other similar lessons and water safety lessons may be conducted on an outdoor court or arena, in an outdoor pool, or on a similar outdoor facility that is purpose built for the activity with a maximum of six students per session. For example, tennis lessons conducted on a purpose built tennis court or swimming lessons in an appropriately sized pool. Indoor lessons of the same types are allowed and may exceed the maximum five hundred (500) square foot size limitation outlined in subsection 3.

18. Child oriented business such as day cares and preschools shall be limited to a maximum of ten (10) clients or students including children living in the home if participating in the preschool or daycare activities. It is recognized that during pick up and drop off times that more than six vehicles may be visiting the site, however, not more than six (6) vehicles, as described in subsection 7 may remain during business hours with the exception of one event per year (such as a class graduation), which may exceed six vehicles. The Planning Commission may limit the number of clients or students to less than ten (10) if it is determined that a property and/or road cannot safely handle the proposed increase in traffic.

Day Care occupations must obtain an appropriate State of Utah certificate or license and adhere to the rules and regulations of the Utah Department of Health, Bureau of Child Development (rules are available online at [www.rules.utah.gov](http://www.rules.utah.gov)).

19. Home occupations that are proposed to be located within a garage must be located so as to not reduce the total number of usable covered parking spaces below two (2).

20. Uses that include the on-site storage, repair and/or sale of vehicles, boats, appliances or heavy equipment; commercial welding; construction yards; or kennels are not permitted. Proposed uses not specifically listed as prohibited but that may not be compatible with a residential neighborhood shall be referred to the Planning Commission for review under subsection "F".

The Planning Commission has the authority to set hours of operation based on legitimate impacts that are identified during the approval process or during a review of the permit for any reason.

**EG. Administrative Approval:** Administrative approval for a home occupation may be granted by the Community Development Director, or his or her designee Planning and Zoning Director, if the home occupation can meet the following criteria:

1. The applicant must be able to meet all of the listed requirements and criteria for the home occupation in subsection D of this section. However, the stricter requirements in this section shall apply to administrative approvals.

2. The home occupation is conducted entirely within an enclosed building on the property ~~the home or main residential structure~~.

3. ~~The home occupation does not involve direct sales of goods, crafts or otherwise, and will not have clientele visiting the home business. If the business includes clientele visits, all visits shall be by appointment only and shall not exceed two visits per hour.~~

4. ~~The home occupation does not involve the making or manufacturing of goods, crafts, or otherwise.~~

5. The Community Development Director, or his or her designee Planning and Zoning Director shall review all administrative approvals on an annual basis when the business license is up for renewal. If it is the finding of the Planning Director Community Development Director, or his or her designee that the business has expanded beyond what the administrative approvals allow, then the business license and home occupation must be approved by the Planning Commission.

6. The Community Development Director, or his or her designee Planning and Zoning Department shall not be bound to grant administrative approvals for home occupations. If for any reason the Community Development Director , or his or her designee Planning and Zoning Director, at his/her discretion, decides not to grant administrative approval, the applicant must then seek approval from the Planning Commission.

**FD. Planning Commission Review:** The Planning Commission shall review all Home Occupation requests that do not comply with section E of this ordinance. ~~Planning Commission May Attach Conditions:~~ In order to more fully achieve the purposes of this section and to protect the health, safety and quality of the residential environment in the area the Planning Commission may attach conditions to the establishment and/or operation of a home occupation not inconsistent with the standards hereinabove stated.

A written notification shall be sent to all property owners within a three hundred foot (300') radius of the property where the home occupation will be located. Said notification shall explain in detail the proposed home occupation and the activities that will be involved and provide an opportunity for the neighboring property owners to provide feedback prior to the Planning Commission meeting.

**GF. Continuing Obligation;** Business License Required: All home occupations shall be operated in compliance with the conditions and criteria hereinabove set forth and any conditions which may be attached by the Community Development

Director, his or her designee or the Planning Commission as part of the approval. Upon approval ~~by the Planning Commission~~ the applicant shall be eligible to obtain a City business license. Issuance of the business license shall be conditioned upon continued performance of the conditions of approval and said license may be revoked or refused renewal upon a determination made by the Planning Commission, following notice and hearing on the matter, that the owner and/or operator has failed to maintain or operate the home occupation in accordance with the conditions of approval.

**GH. Background Checks:** Background checks will be conducted on all applications for home occupations.

**HI. Appeals:** An applicant may file an appeal of any final decision by the Community Director, his or her designee, or the Planning Commission in accordance with section 18.84.460 of this title ~~Appeals From Decisions of the Planning Commission: Any decision made by the Planning Commission under authority of this section may be appealed by application to the City Council.~~

~~The approval of the home occupation permit shall be valid for the remainder of the year in which it is first granted. Thereafter the approval will be extended for successive one (1) year periods, commencing on January 1 of the calendar year provided: 1) that the home occupation is found to be substantially the same as initially approved and 2) that the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year. (Ord. 2017-02, 6-7-2017, eff. 7-6-2017)~~