



MEMO

TO: Planning and Zoning Commission

FROM: Doni Wilbanks
Planning Specialist

DATE: March 2, 2015

SUBJECT: Unified Development Code Amendment; Sections 154-14-009
Home Occupations-Relief

P15-001

Background

In 2010, Ordinance 791/Resolution 2577 amended the Unified Development Code (UDC) to add the Home Occupation provision to give residents greater opportunities to utilize their residences for Home Occupations. To help foster economic development, three different levels were created. Level One is a minor home occupation, level two an intermediate home occupation and level three a major home occupation. Each level has a different allowance for maximum number of vehicle trips, outside use, and employees.

Analysis

Prior to the amendment a homeowner could apply for a Conditional Use Permit (CUP) for a number of uses including: in-home child care; uses that have more than two customer/client visits per day; uses with outside business activity or storage; uses requiring more off-street parking spaces than required by residential use; and uses desiring a non-resident employee on the premises home-based business. Currently, the UDC allows for the Commission to grant relief from any of the Home Occupation standards, levels one through three, with the issuance of a Conditional Use Permit (CUP) if the Home Occupation has direct access from an improved dedicated roadway that is classified as a collector, arterial, or highway. The previous amendments were created with intentions to encourage economic growth and support home-based businesses by creating a less restrictive code for home occupations. Inadvertently, the current code has imposed greater restrictions on some property owners. A Conditional Use Permit currently allows for relief from some home-occupation standards only for properties with access on a collector, arterial, or highway.

The amendment to the Unified Development Code, attached as Exhibit A, would expand the opportunity to apply for a CUP for relief from the Home Occupation standards for Level One and Level Two Home Occupation. This would allow any property owner to seek relief from the standards for Level One or Level Two through the CUP process by eliminating the roadway classification stipulation. Level Three relief would still require the vehicular access from a roadway classified as collector, arterial, or highway.

Staff Recommendation

Suggested Motion to recommend Approval:

“I move the Planning and Zoning Commission recommend to the Town Council approval of P15-001, an application to amend the Unified Development Code provisions pertaining to Home Occupations as recommended by staff, attached hereto as Exhibit A.”

Exhibit A

154-14-009

(B) Except as set forth in Subsection ~~(C)~~ (D) below, a home occupation ~~having direct vehicular access from an improved dedicated roadway that is classified as a collector, arterial, or highway (as identified in the Town of Payson Roadway Classification)~~ may be granted relief from any of the standards set forth in §§ [154-14-006](#) through [154-14-007](#) through the issuance of a conditional use permit.

(C) Except as set forth in Subsection ~~(C)~~ (D) below, a home occupation having direct vehicular access from an improved dedicated roadway that is classified as a collector, arterial, or highway (as identified in the Town of Payson Roadway Classification) may be granted relief from any of the standards set forth in §[154-14-008](#) through the issuance of a conditional use permit