

# Planning Commission Staff Report

February 13, 2020

## Item 3

**Applicant:** Karen Josephson, MD

**Location:** 903 S 1300 East

**Prepared By:** Brian Tucker

**Public Hearing Item:** No

**Zone:** A-2

### ATTACHMENTS:

1. Findings for Decision.
2. Application Materials.

### REQUEST

Consideration of a request for a Home Occupation Permit for Karen Josephson to operate an in-home Medical Office at 903 South 1300 East in the A-2 Agricultural-Residential Zone.

### BACKGROUND AND PROJECT DESCRIPTION

The property located at 903 South 1300 East is located in a rural area in the south-eastern portion of Mapleton. The applicant intends to operate a healthcare business from the home that would include on-premise examinations and house calls. The applicant specializes in geriatric care and is requesting a business license to operate Monday through Friday from 10 am to 9pm, with approximately 3 customer visits per day at the home. The business would operate “by appointment only”. The applicant does not intend to conduct surgeries or procedures at the home and will have no employees on site. The applicant is requesting a Home Occupation that would allow medical examinations and a business office for the medical house calls.

### EVALUATION

#### **Law:**

Home Occupations are governed by section 18.84.380 of the Mapleton Municipal Code. Home occupations are allowed so long as they constitute no more than a modest level of business within dwellings, conducted under conditions and levels of operation that do not adversely affect, undermine, or significantly depreciate the residential character of the area. Conditions may be imposed in order to mitigate specific, legitimate impacts to the neighborhood or to neighboring property. Section 18.84.380 does not label specific uses as being allowed as a home occupation, rather it suggests a criterion that must be met in order to issue a home occupation permit. The following conditions and criteria apply to the proposed use:

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 not 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 and comply with city regulations,
11. The entrance to the home occupation must use the same entrance as 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.

**Compliance:**

The home occupation will be required to carry a Mapleton City Business License. The business does not include the use of more than 500 sf, will include no more than one employee, and the home occupation will not include any exterior changes to the home that will change the residential character of the building. Other services that operate in a similar manner, including customer visits on an appointment basis are found throughout the community and very rarely create any problems.

As these and any other potential issues can be mitigated by reasonable conditions it appears that the application is in compliance with the applicable standards.

**RECOMMENDATION**

Approve the application with the attached findings and conditions.

**ALTERNATIVE ACTIONS**

1. Approve the application with revised conditions.
2. Deny the application.
3. Continue the application with a request for changes/additional information.

**CONDITIONS**

1. The applicant shall obtain a business license prior to opening for business.
2. The applicant shall maintain a current medical license on file with Mapleton City.
3. The home occupation shall be conducted within the confines of the structure.
4. No signs shall be placed on the property without a sign permit.
5. The business shall remain ‘by appointment only’, no medical procedures shall be conducted on site and no overnight stays.
6. Mapleton City Police and Fire Department approvals are required.
7. Violations of the terms of this use permit or other ordinances of the City may constitute grounds for revocation of this permit and associated business license by the Planning Commission.
8. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.

**Standard Home Occupation Permit Findings**

No.	Finding	
1.	The proposed use will not be in conflict with the City's General Plan.	✓
2.	The proposed use or combination of uses are listed as permitted or conditional uses in the applicable zoning district in which the project is located.	✓
3.	The proposed use will provide adequate ingress and egress to and from the proposed location	✓
4.	The home occupation will 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.	✓
5.	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, whichever is less. This shall also apply to detached structures.	✓
6.	The activities of the home occupation shall be conducted by members of the residing family. Provided that not more than one person, not a member of the residing family, may be engaged in the home occupation.	✓
7.	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.	✓
8.	No commercial vehicles shall be stored at the premises except one delivery truck which shall not exceed ten thousand (10,000) GVW rated capacity.	✓
9.	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.	✓
10.	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.	✓
11.	Signs shall be limited to one 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.	✓
12.	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.	✓
13.	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.	✓

14.	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 or occupants of the dwelling or adjacent dwellings.	✓
15.	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.	✓
16.	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.	✓
17.	The home occupation shall be operated in compliance with any applicable city or state requirements.	✓
18.	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.	✓
19.	The proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.	✓
20.	The proposed use will not be injurious to public health, safety or welfare.	✓
21.	Any special conditions included in the permit are consistent with MCC Chapter 18.84.380.	✓