



Provo City Planning Commission

Report of Action

May 23, 2018

The Community Development Department requests an amendment to Section 14.06.020 (Definitions) to make the definition of "Family" consistent with Utah State Law. City wide application. Josh Yost (801) 852-6408 PLOTA20180121

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 23, 2018:

RECOMMEND APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Andrew Howard

Second By: Brian Smith

Votes in Favor of Motion: Andrew Howard, Brian Smith, Jamin Rowan, Shannon Ellsworth, Deborah Jensen
Deborah Jensen was present as Chair.

- 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 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:

Section 14.06.020 (Definitions) currently limits the definition of "Family" for unrelated individuals to two in some areas of the city that are listed under the definition of "Baching Singles". The amendment removes this limiting section and renders the definition as "Three (3) related or unrelated individuals and any children of such individuals, if any." The related sections of the definition of "Baching Singles" were also removed.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.
- No neighborhood Chair(s) were present or addressed the Planning Commission.
- No 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:

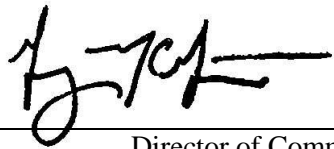
No comments were received from the public.

APPLICANT RESPONSE

As there were no comments, no response was made by the applicant.

PLANNING COMMISSION DISCUSSION

The Commission did not discuss the item.



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

Exhibit “A” Recommended Text Amendment

1 14.06.020. Definitions.

2 “Baching Singles” means the number of related or unrelated individuals set forth in Subsection (a) of this
3 definition, none of whom is a head of household, who are occupying a baching singles dwelling unit in
4 accordance with regulations applicable to the zone where the dwelling unit is located.

5 (a) (i) ~~In R1 zones located within the areas described in Subsection (c) of this definition, the number~~
6 ~~of persons who constitute baching singles shall be three (3) or more.~~

7 ~~(ii) In all zones other than those described in Subsection (a)(i) of this definition, ~~T~~the number~~
8 ~~of persons who constitute baching singles shall be four (4) or more.~~

9 (b) The following presumption shall be employed in applying this definition:

10 (i) A group of individuals living together in the same dwelling unit shall be presumed to be baching
11 singles if the dwelling unit is occupied by the number of individuals authorized in the zone where
12 the baching singles dwelling unit is located, and such individuals are:

13 (A) unrelated adults over the age of eighteen (18) years and do not have any minor
14 dependent children who occupy the dwelling unit; or

15 (B) college students over the age of sixteen (16) years; or

16 (C) any combination of (A) and (B).

17 (D) A college student is a person who attends, at least half time, any college, university or
18 other institution authorized to confer degrees by the State of Utah.

19 (ii) The burden of disproving this presumption shall be on the person challenging it and shall be
20 made based on a preponderance of evidence.

21 (iii) For the purpose of this presumption minor dependent children of any individual resident of
22 the dwelling unit shall be excluded in calculating the number of individuals living in the dwelling
23 unit.

24 ~~(c) Subsection (a) of this definition shall apply to the following neighborhood areas:~~

25 (i) Dixon – Commencing at the intersection of Interstate 15 and the Provo River; thence northeast
26 along the Provo River to 500 North; thence east on 500 North to 600 West; thence south on 600
27 West to Center [Street](#); thence west on Center [Street](#) to Interstate 15; thence north on Interstate 15
28 to the Provo River;

29 (ii) Edgemont – Commencing at 3700 North and Lovers Lane; thence east along 3650 North to 870
30 East; thence south to 2780 North; thence west along 2780 North to Timpview Drive; thence south
31 to 2600 North; thence west to Canyon Road at 2720 North; thence southwest along Canyon Road
32 to 2680 North; thence west to University Avenue; thence north along University Avenue to Lover’s
33 Lane; thence North along Lovers Lane to 3700 North;

34 (iii) Foothills – Commencing at 1350 East and 820 North; thence northeast to 2000 East; thence
35 south on 2000 East to 300 South; thence west on 300 South to 1250 East; thence north on 1250
36 East to 200 South; thence west from 200 South to 1050 East; thence north on 1050 East to
37 Center [Street](#); thence west on Center [Street](#) to 900 East; thence north on 900 East to Birch Lane;
38 thence southwest on Birch Lane to 1350 East and 820 North;

39 (iv) Fort Utah – Commencing at the intersection of Center [Street](#) and the Provo River; thence east
40 along the Provo River to I-15; thence south to Center [Street](#); thence west to the Provo River;

41 (v) Franklin – Commencing at the intersection of Center [Street](#) and Interstate 15; thence east on
42 Center [Street](#) to 500 West; thence South on 500 West to 100 South; thence east on 100 South to
43 250 West; thence south at 250 West to 200 South; thence east on 200 South to 200 West; thence
44 south on 200 West to 600 South; thence west on 600 South to I-15; thence northwest on I-15 to
45 Center [Street](#);

46 (vi) Indian Hills – Commencing at 3460 North and Little Rock Drive; thence northeast to 3650 North
47 and Foothill Drive; thence south on Flite Drive to Iroquois Drive at 3100 North; thence southwest
48 on Iroquois Drive to Mojave Lane; thence northwest on Mojave Lane to Indian Hills Drive; thence
49 southwest on Indian Hills Drive to 840 East; thence north on 840 East to 3460 North and Little
50 Rock Drive;

51 (vii) Joaquin – Commencing at 960 North and University Avenue; thence east on 960 North to 150
52 East; thence south on 150 East to 600 North; thence west on 600 North to 700 East; thence north
53 on 700 East to 900 North; thence east on 900 North to 900 East; thence south on 900 East to
54 Center [Street](#); thence west on Center [Street](#) to 200 East; thence north on 200 East to 100 North;

55 thence west on 100 North to 100 East; thence north on 100 East to 600 North; thence west on 600
56 North to University Avenue; thence north on University Avenue to 960 North;

57 (viii) Lakewood – Commencing at the intersection of 1100 West and 1020 South; thence east on
58 1020 South to [Frontage](#) Road; thence southeast on [Frontage](#) Road to the south boundary of
59 Provo [City](#); thence west along south boundary of Provo [City](#) to 1100 West; thence north on 1100
60 West to 1020 South;

61 (ix) North Park – Commencing at the intersection of Columbia Lane and Provo River; thence east
62 along Columbia Lane, then east along Bulldog Boulevard to University Avenue; thence south on
63 University Avenue to 500 North; thence west on 500 North to the intersection of 500 North and
64 Provo River; thence northeast along the Provo River to Columbia Lane;

65 (x) Pleasant View – Commencing at 2230 North and University Avenue; thence east to 250 East;
66 thence east along 2320 North to the intersection of North Temple Drive and Temple Hill Drive;
67 thence southwest on North Temple Drive to 900 East; thence South on 900 East to Stadium
68 Avenue; thence south to University Parkway; thence west along University Parkway to 350 East;
69 thence north to Stadium Avenue; thence west to Canyon Road; thence north to 1800 North; thence
70 west to the intersection of University Avenue and 1650 North; thence north on University Avenue to
71 2230 North;

72 (xi) Provost – Commencing at the intersection of Center [Street](#) and 900 East; thence east to 1060
73 East; thence south to 230 South; thence east to 1200 East; thence south to 300 South; thence east
74 to the eastern boundary of Provo; thence south to 900 South; thence west to South State [Street](#);
75 thence northwest to 900 East; thence north to the intersection of 900 East and Center [Street](#);

76 (xii) Rivergrove – Commencing at the intersection of I-15 and Grand Avenue; thence southeast
77 along Grand Avenue to 900 North; thence east to 1250 West; thence north to 1000 North; thence
78 northeast to the intersection of 1460 East and Jordan Avenue; thence northeast along Grandview
79 Lane to State [Street](#); thence south along State [Street](#) to the Provo River; thence west following the
80 Provo River to I-15; thence north along I-15 to the intersection of I-15 and Grand Avenue;

81 (xiii) Sherwood Hills – Commencing directly north of East Lawn Drive at the northern boundary line
82 of Provo; thence following the boundary line of Provo to Foothill Drive; thence southwest along N-

83 (xiii) Little Rock Drive to the intersection of 3460 North and 870 East; thence northwest curving
84 around Scenic Drive and connecting to Timpview Drive at 4300 North; thence north along

85 Timpview Drive, then along East Lawn Drive and continuing north to the northern boundary line of
86 Provo; and

87 ~~(xiv) Wasatch—Commencing at 1900 North and 1200 East; thence east on 1900 N to Oak Lane;~~
88 ~~thence east on Oak Lane to 1400 East; thence south on 1400 East to 820 North; thence west on~~
89 ~~820 North to 1350 East; thence northwest from 1350 East (connecting to Birch Lane) to 900 East;~~
90 ~~thence north on 900 East to just north of Fir Circle (1500 North), thence northwest from 1500 North~~
91 ~~(connecting to Fir Ave.) to approximately 1200 East and 1700 North; thence north from the~~
92 ~~intersection of 1200 East and 1700 North to approximately 1900 North and 1200 East.~~

93 **“Family,”** unless otherwise expressly provided in this Title means:

94 (a) One (1) individual living alone; or

95 (b) One (1), but not more than one (1) at the same time, of the following groups of individuals described
96 in subsections (i), (ii), or (iii) who together occupy a [one-family dwelling](#) unit as one (1) nonprofit
97 housekeeping unit and who share common living, sleeping, cooking and eating facilities:

98 (i) A [head of household](#) and:

99 (A) All [persons](#) related to the [head of household](#) as a parent, child, grandparent, grandchild,
100 brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild by blood,
101 marriage, adoption, guardianship, or any other duly authorized custodial relationship; and

102 (B) Not more than two (2) additional related or unrelated [persons](#), including but not limited to,
103 personal care or [personal service providers](#); or

104 (ii) ~~In R1 [zones](#) located within neighborhood [areas](#) described in Subsection (c) of the definition of~~
105 ~~“[batching singles](#)” in this Section, two (2) related or unrelated individuals and any children of either~~
106 ~~individual, if any; or~~

107 ~~(iii) In all other [zones](#), three (3) related or unrelated individuals and any children of [such](#) either~~
108 ~~individuals, if any.~~

109 (c) In applying this definition the existence of more than one (1) [kitchen](#) in a [dwelling unit](#) shall create a
110 presumption that two (2) housekeeping units exist in the [dwelling](#).

111 (d) "Family" does not include:

112 (i) Baching singles, as defined in this Section, even if related as set forth in Subsection (a)(i) of this
113 definition;

114 (ii) Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like
115 organization;

116 (iii) Any number of individuals whose association is temporary or seasonal in nature; or

117 (iv) Any number of individuals who are in a group living arrangement as a result of criminal
118 offenses.

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