

NORTH OGDEN CITY COUNCIL MEETING MINUTES

February 24, 2015

The North Ogden City Council convened in an open meeting on February 24, 2015 at 5:35 p.m. in the North Ogden City Council Chambers at 505 East 2600 North. Notice of time, place and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on February 19 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on December 21, 2014.

PRESENT:	Brent Taylor	Mayor	
	Kent Bailey	Council Member	
	Lynn Satterthwaite	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	James Urry	Council Member	
STAFF PRESENT:	Bryan Steele	Finance Director/City Administrator	
	Annette Spendlove	City Recorder/HR Director	
	Jonathon Call	City Attorney	
	Rob Scott	City Planner	
	Jesse Felter	Park Superintendent	
	Craig Giles	Public Works Director	
VISITORS:	Brent Chugg	Jerry Shaw	Jeff Newman
	Sue Hartmann	Charles Crippen	Randy Bockas
	Bill Hartmann	Glenn Donnelson	LaRen Baguley
	Tom Baguley	Jay Greaves	Chris Olsen
	Loron Marler	Lynn Humphreys	Cheryl Humphreys
	Clead Christiansen	Jim Seely	Ellie Seely
	Mike Saunders	Joan Brown	Jill Hardee
	Rachel Trotter	Robert Jones	Mary Jones
	Susan Walters	Travis Johnson	Guy Thornock
	Joyce Thornock		

Mayor Taylor welcomed those in attendance.

5:30 P.M.

- 1. DISCUSSION AND/OR ACTION TO CONSIDER A CLOSED MEETING TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION AND A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY ACCORDING TO UTAH CODE 52-4-205**

Council Member Swanson motioned to enter into a closed session for the purpose to discuss pending or reasonably imminent litigation and a strategy session to discuss the purchase exchange or lease of real property according to Utah Code 52-4-205. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

RECESSED TO A CLOSED MEETING AT 5:36 PM

RECONVENED IN REGULAR MEETING AT 6:35 PM

CONSENT AGENDA

1. CONSIDERATION TO APPROVE THE JANUARY 27, 2015 CITY COUNCIL MINUTES

Council Member Bailey stated the minutes were not in a searchable PDF format like they usually are and he asked that future minutes be in such a format.

Council Member Bailey motioned to approve the consent agenda. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Glenn Donnelson, 874 E. 2100 N., stated that in the past he has talked about his concerns regarding the intersection of Fruitland Drive and 2100 North. There has been some discussion about improvements to the intersection, such as a roundabout, but he feels a roundabout would be very costly and a four-way stop would be a better solution, even if it is temporary. He stated that flashing lights could be added to alert motorists to the new configuration at the intersection and the cost to make the change would be approximately \$300 compared to \$400,000 for a roundabout.

Council Member Satterthwaite motioned to move items #2 and #3 to later on the agenda and item #8 up to this position. Council Member Bailey seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

8. DISCUSSION AND/OR ACTION TO CONSIDER APPROVING THE LANDSCAPING FOR THE PUBLIC WORKS FACILITY

A memo from Mayor Taylor explained Parks Superintendent Felter has been working hard on putting together a more detailed plan for the landscaping at the Public Works Building. He received an informal bid for the plan from a landscaping company, which came in at just under \$90,000 and he has been awaiting two additional informal bids. His best guess, mostly based on the estimate he and Jones & Associates did from the plan presented at Council Meeting last month and the informal bid, is that a budget of \$90,000 should be sufficient.

Mayor Taylor reviewed his memo.

Mr. Felter provided the Council with an overview of an updated landscaping map and plan for the Public Works Facility, after which he noted if the Council approves the plan he can proceed with getting the project engineered so that it can be published for formal bids. He stated the two additional informal bids he received support the budget of \$90,000 for the project.

Council Member Satterthwaite asked if there is still \$96,000 available in the project contingency funds. Mayor Taylor stated there is actually \$94,000 available and the change order for landscaping can be considered later with the other change orders for the project.

**4. PUBLIC HEARING TO RECEIVE COMMENTS ON AN APPLICATION
REZONING PROPERTY, LOCATED AT APPROXIMATELY 515 E 2175 N,
FROM RE-20 TO RESIDENTIAL R-1-12.5**

A staff memo from City Planner Scott explained when the City Council is acting in a legislative capacity as the land use authority the City Council has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes. The applicant is requesting that the property located at approximately 515 East and 2175 North be rezoned from Suburban Estate RE-20 to Single Family Residential R-1-12.5. The rezone has a concurrent three lot subdivision application. The applicant's proposed subdivision is designed for lots that are approximately 14,000 square feet. If the RE-20 zone is retained there will be two 21,000 square foot lots with 160 feet of frontage. The surrounding properties are a mixture of zones with RE-20 to the south and east, R-4 to the west, and PRUD zoning to the north. The Planning Commission granted preliminary approval of the subdivision on January 7, 2015 subject to the approval of this rezone application. The Planning Commission conducted a public hearing on January 21, 2015. There were a number of neighbors in attendance who were concerned that the proposal was to build a multi-family project. When it was confirmed that this is a single family project there were no objections.

The memo explained the General Plan calls for "All development in the community should be built on land suitable for the intended use." Additionally, "A variety of housing opportunities should be available to the citizens of the City. Quality residential development will be measured by design, maintenance, preservation of community resources, and open space."

The Zoning and Land-Use Policy includes guidelines for how zoning changes should be considered:

General Guidelines

1. A definite edge should be established between types of uses to protect the integrity of each use.

Staff comment: The proposed subdivision provides for defined edges with the adjoining parcels.

2. Zoning should reflect the existing use of property to the largest extent possible, unless the area is in transition.

Staff comment: This is an infill project with the surrounding properties all being developed with various residential types.

3. Where possible, properties which face each other, across a local street, should be the same or similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.

Staff comment: The mixture of residential zoning types already exists. It will not be a problem in this instance to have a different zone across 2175 North.

4. Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.

Staff comment: The petition will have all properties in the same zone.

Residential Guidelines

8. Avoid isolating neighborhoods.

Staff comment: The proposed subdivision is located on an existing street 2175 North with full improvements. The street layout provides for appropriate future connections. The General Plan map calls for this property to be developed as single family residential, medium density. The recommended zoning is for R-1-8, R-2, R-3, and PRUD zoning.

The memo provided the following summary of recommended City Council considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- How does the proposal relate to the Zoning and Land-Use Policy for evaluating zoning requests?
- Is the R-1-12.5 request appropriate for this neighborhood?

The memo concluded this is a policy decision; the General Plan recommends this area as medium density zoning, however this infill property can logically be zoned R-1-12.5. The Planning Commission determined that the R-1-12.5 zone is appropriate; that the application is consistent with the North Ogden General Plan and recommends approval to the City Council.

Mr. Scott reviewed his staff memo.

Council Member Satterthwaite inquired as to the zoning of the property immediately west of the subject property. Mr. Scott stated that property is zoned R-4, which is a multi-family residential zone.

Mayor Taylor opened the public hearing at 6:53 p.m.

There were no persons appearing to be heard on the matter.

Council Member Swanson motioned to close the public hearing. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

The Public Hearing closed at 6:54 p.m.

5. **DISCUSSION AND/OR ACTION TO CONSIDER AN APPLICATION
REZONING PROPERTY, LOCATED AT APPROXIMATELY 515 E 2175 N,
FROM RE-20 TO RESIDENTIAL R-1-12.5**

Council Member Swanson motioned to approve the rezone of the property located at approximately 515 E. 2175 N., from Re-20 to Residential R-1-12.5. Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

6. **PUBLIC HEARING TO RECEIVE COMMENTS ON AMENDMENTS TO
ORDINANCE 11-16, HOME OCCUPATION, TO CLARIFY THE STANDARDS
FOR THE ALLOWANCE OF ACCESSORY BUILDING/GARAGES**

City Planner Scott used the aid of a PowerPoint presentation to provide the Mayor and Council with a history of the ordinance regulating home occupations in the City as well as to summarize the recommendation of the Planning Commission on this matter. On June 4, 2014 the North Ogden Planning Commission directed Staff to investigate the home occupation standards exception for the allowance of garages. Five meetings were held including a public hearing and on January 6, 2015 the City Council held a work session regarding the draft ordinance and provided direction. Following were the Planning Commission considerations regarding the matter:

- Should the home occupation provisions regarding exceptions to allow garages be changed?
- Is the current exception language to allow garages consistent with the residential character provision of the ordinance? Should a purpose statement be written?
- Does the General Plan support these amendments?
- Should the existing home occupations with a garage exception be allowed to continue either indefinitely or should an amortization provision be imposed? If an amortization provision is established what should the timeline be?
- Are there other standards that could be established that would allow for some exceptions for a garage, e.g., a larger lot, restricted hours of operation, a size limitation within the garage, etc.?

- Should an incubator approach be taken to allow garage home occupations with a time limit before they transition to a commercial location?
- Should some garage home occupations be eliminated, e.g., auto repair or other intensive uses.

He then reviewed six key provisions in the City's current ordinance regulating home occupations as contained in Section 11-6 of the North Ogden City Code:

A. Residents of Premises: Only persons who are bona fide residents of the premises shall be engaged in the occupation.

B. Residential Character Retained: The home occupation will not physically change the dwelling to the extent that it would alter the residential character of the dwelling or the residential atmosphere of the neighborhood in which it is located. Furthermore, it shall not disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises or vibrations.

C. Maximum Area of Use: If a home occupation is conducted within the living quarters of a unit, the home occupation shall not occupy more than twenty five percent (25%) of the main floor area, up to a maximum of three hundred (300) square feet.

D. Conducted Within Living Quarters, Exception: Home occupations may be permitted in the garage of a house by conditional use permit only. Any conditional uses approved for a garage shall have minimal environmental impact on the character of the neighborhood. Anything beyond minimal intrusion in the neighborhood will require mitigation to be shown as part of the conditional use permit. The land use authority, at their discretion, can increase the level of mitigation beyond that recommended by the applicant.

H. Parking: The addition of off street parking facilities on the premises of the home occupation beyond that normally required for residential uses is prohibited. Parking of automobiles generated by the home occupation will be confined to existing residential parking.

M. Use Outside Main Building: The home occupation shall not use any accessory buildings, yard or space outside of the main dwelling not normally associated with the residential uses permitted within the zone wherein the dwelling is located.

He then reviewed the results of his research regarding existing home occupations in the City that are operated from a garage:

- Auto Shop – 3088 N 100 E (approved 1/2008) / R-1-10 zone / .25 acres (10,890 square feet) / interior lot / detached 550 square foot double car garage for the auto shop / has separate attached parking for the house
- De-humidifier for gun safes – 3551 N 700 E (approved 7/2011) / R-1-10 zone / .35 acres (15,246 square feet) / corner lot / attached 3 car garage 1,010 square feet / parking is combined for home occupation and house / additional pad next to garage
- Small repair and tool shop – 2288 N Fruitland Drive (approved 3/2011) / RE-20 zone / .67 acres (29,185 square feet) / corner lot with side frontage on private road / 2 car carport with attached accessory building
- Guitar repair / manufacturing – 3481 N 900 E (approved 3/2007) / R-1-10 zone / .26 acres (11,325 square feet) / interior lot / attached garage 529 square feet / parking combined for home occupation and house / an additional pad next to garage

- Auto Shop – 3590 N 575 E (approved 2010) / R-1-10 zone / .25 acres (10,890 square feet)/interior lot/3 car attached garage 1,150 square feet / parking combined for home occupation and house

He reviewed the 10 options considered by the Planning Commission over the course of the five meetings held to discuss this issue:

1. Retain the existing ordinance as written.
2. Amend the ordinance to eliminate the exception allowing garages as part of home occupations with the following sub-options.
 - a. Apply this amendment to future home occupation applications.
 - b. Apply this amendment to both existing and future home occupations. Consider allowing an amortization period for existing home occupations with garages, e.g., allow a reasonable period of time to transition the use before it is eliminated.
3. Consider differing standards for residential zones or lot sizes, e.g., only allow garages as part of a RE-20 zone or allow them in any residential zone with a minimum lot size of an acre.
4. Consider adding a standard limiting the size of the home occupation allowed within a garage, e.g., limiting the area to a percentage (25%) of the garage area or 300 square feet whichever is less.
5. Consider adding hourly operating standards, e.g., 8 am to 5 pm.
6. Amend the ordinance to allow garages as an incubator business for a specific amount of time.
 - a. Apply this amendment to future home occupation applications.
 - b. Apply this amendment to both existing and future home occupations. Consider allowing an amortization period for existing home occupations with garages, e.g., allow a reasonable period of time to transition the use before it is eliminated.
7. Identify garage uses that are specifically prohibited, e.g., auto repair and other more intensive uses.
8. Have all CUPs have a two year time limit and require a new application for a new two year operation.
9. Be consistent in making conditions for annual reviews of CUPs.
10. Draft a purpose statement for the Home Occupation chapter.

The Planning Commission ultimately offered three different recommendations to the City Council:

1. The ordinance allows garages with a sunset clause of two years; requires the operator to submit a new conditional use permit application for an additional extension of two years. There is no limit on new applications unless the operator violated the conditions of approval. This amendment is applied to both new and existing home occupations. The operator would be required to submit a report each year demonstrating compliance with the conditional use permit conditions.
2. The ordinance clarifies that the required garage parking stalls cannot be used for the home occupation if the home occupation infringes on the space for the required parking stalls.

3. A new section is added establishing a purpose statement for the Home Occupation chapter. The other sections are renumbered.

He then provided a summation of the tasks that the staff was asked to perform by the City Council pertaining to this particular amendment:

- Establish a purpose statement provision.
- Makes all home occupations permitted uses.
- Establishes a list of permitted and prohibited home occupations.
- Prohibited home occupations will have a 6 month amortization period to operate from February 28, 2015.
- Clearly identifies home occupations as accessory to the dwelling.
- Home occupations will be allowed in garages as long as provisions for this chapter are complied with.
- Home occupations using a garage are limited to 33% of the garage area.
- Parking for home occupations using a garage must maintain the required two car parking spaces per current parking standards.
- The ordinance establishes a limit of 5 vehicular round trips per day.

Mr. Scott reviewed a proposed purpose statement as drafted by staff:

“The purpose and intent of this chapter is to permit persons residing in dwellings in residential zones to provide a service, operate certain kinds of small business, or maintain a professional or business office provided that the home occupation does not change the character of the neighborhood.”

He then reviewed a list of proposed permitted home occupations:

- Computer Repairs
- Dance and Musical Instruction
- Internet Sales phone order or mail order services.
- Fine Repairs of Musical Instruments
- Hair Salons: Provided that no more than one hair stylist works at any given time
- Home Office
- Medical Billing
- Any home occupation which is considered by the City Planner to fall under one of the permitted uses shall be authorized under that use.
- Any uses to be proposed to be added to this section which do not fall under one of the above categories must be authorized by an amendment to this code.

He also reviewed a list of prohibited home occupations:

- Auto repairs.
- Bottling plant.
- Commercial bakery.
- Deliveries.
- Furniture manufacturing
- Industrial assembly.
- Kennels.

- Laboratory, medical, dental, optical.
- Laboratory testing.
- Large appliance/electronics or equipment repair or service (washers, dryers, refrigerators and other appliances or equipment that are too large to be carried in one individual's arms.
- Power sports equipment repairs, including but not limited to motorcycles, water craft, ATV's, scooters, and other engine propelled transport systems.
- Retail sales locations
- Truck hauling.
- Tanning salons
- Tattoo parlors
- Welding shops or machine shops.
- Any occupation which is offensive or noxious by reason of the emission of odor, smoke, gas, dust, vibration, magnetic, or electrical interference, noise, or other similar impacts extending beyond the property line of the lot where the occupation is located is prohibited, and
- Any occupation which is not specifically permitted is considered prohibited unless properly categorized by the City Planner under a permitted use.

He concluded he provided a complete list of home occupations within the City and indicated they are categorized appropriately.

City Attorney Call inquired as to the number of current home occupations that would fall under the amortization period discussed by the Planning Commission. Mr. Scott answered six or seven businesses would fall within the amortization period; five have existing conditional use permits and two additional businesses were initially approved as permitted businesses, but now would fall within the list of prohibited uses.

Mayor Taylor opened the Public Hearing at 7:14 p.m.

Catherine Marler, 3160 Holiday Drive, stated she is here on behalf of Lynn Humphreys who operates an auto repair business from his home, which is located half a mile from her home. She stated his business does not negatively impact the atmosphere of the neighborhood and it is unfair to him and others that have built successful businesses in their garages to revoke their business licenses at this time; they have invested resources, paid their taxes, and they observe City ordinances. She stated violators should lose their licenses, but those that currently exist and are in compliance with City Codes should be grandfathered under any new ordinance. She recommended the Council not do anything more to make people think that North Ogden is unfriendly to businesses.

Loron Marler, 3160 Holiday Drive, stated he has been using Mr. Humphreys as his automobile repair man since 1971. He thinks this is an issue of integrity and he has never questioned Mr. Humphreys' integrity and his work and performance is excellent. He has never heard any complaints about Mr. Humphreys and his business is reputable. He asked that the City Council

consider grandfathering businesses such as Mr. Humphreys' as long as they are meeting City standards.

Jerry Shaw, 651 E. 3525 N., stated he has two separate concerns to express; first is that he owns a farm near the new Public Works Facility and there is a deer problem there. The deer are proliferating in the area and he has seen eight or 10 head of deer there on any given night. Other cities have taken steps to control this problem and he recommended that the City consider that the deer are pests and the problem should be addressed. He then referenced home occupations and stated that in the past this issue came up before. The Council at the time indicated that they did not feel that auto shops were necessarily suitable for neighborhoods and he agreed with them, but permission has been granted and he feels existing auto repair businesses should be grandfathered because these business owners have now invested a lot of time and money in their business and it is their livelihood. It is unreasonable for the City to ask them to invest another \$100,000 to \$200,000 to relocate their business and the businesses should not suffer because the City's ideas have changed. He stated he has friends on both sides of the issue, but he feels as long as businesses comply with standards they should be grandfathered. He added that if the Council does not want garage based businesses in the City they should not issue any additional permits for such a business.

Charles Paul, 3072 N. 100 E., stated he is a neighbor of Mr. Humphreys and he has never been a nuisance in his neighborhood. He added that some of the garage based businesses have been operating for many years and it may be more appropriate to consider criteria such as the amount of garage space a business takes, the owner's ability to maintain his required two parking spaces, and whether complaints have been lodged about the businesses. He agreed with Mr. Shaw that it is unreasonable to expect these businesses to relocate; many of the businesses are not operated on a full-time basis and may be a side business that would not be appropriate for a traditional commercial space.

Jeff Newman, 2988 N. 450 E., referenced the auto repair businesses and stated that home based businesses offer a savings to people needing their vehicles fixed when compared to other auto repair businesses located in a commercial location.

Mike Saunders, 3277 N. 600 E., stated one month ago he had difficulties with his vehicle on North Ogden Divide after hitting a rock; his oil pan was damaged and he took his vehicle to Tom Baguley's home. Mr. Baguley was very kind and fixed it quickly. He thanked Mr. Baguley for the service he provided and stated that it would be nice for the business to remain in operation to offer similar service to himself and other residents.

Sue Hartmann, 884 E. 2100 N., stated that she is present to support a local machinist that works from his home, Bob Jones. He has a detached garage that he works from and he offers a great service to many in the area. She added she has also used Mr. Baguley's service and he is very kind and reasonable and it is wonderful to have people so close that can be trusted. She asked that the businesses be grandfathered under the ordinance that is being considered.

Randy Bockas, 3095 N. 575 E., stated he lives near Mr. Humphreys. He was aware that Mr. Humphreys' permit would only be in tact as long as he stayed at his residence. Mr. Humphreys

does a great job and has outstanding integrity and his business is well hidden and does not negatively impact the neighborhood. He has never caused a problem in the neighborhood and no one knows his business is here. He stated he feels Mr. Humphreys' permit should be honored as long as he meets the criteria attached to it originally. One of the best things about North Ogden is the residents' willingness to help one another and it is disheartening to see that the City may be preventing that from continuing.

Jim Seely, 5738 N. Uintah, Mtn. Green, stated forty years ago he blew the engine in his vehicle near Smith and Edwards and a friend of his living in North Ogden recommended that he take it to Mr. Humphreys; he has been taking his vehicles to Mr. Humphreys ever since. In coming to visit Mr. Humphreys he has grown to know and love the community and he supports many of the other businesses in the area. When he arrived at Council meeting tonight he noticed a placard indicating the City's motto is "making life better" and Mr. Humphreys embodies that motto; he has made countless lives better. He stated that when driving by Mr. Humphreys' home you cannot see that a business is in operation; many people think of auto repair as a greasy, noisy business, but in today's world it is mostly electronic and when he visits Mr. Humphreys now it is usually for computer diagnostic work. Mr. Humphreys is very honest and does great work and he makes so many people's lives better; denying him the ability to operate in the City is denying the residents of those services.

Sandra Salas, 3246 N. 600 E., stated she is speaking on behalf of Mr. Baguley; he is very conscientious and will not take her vehicle unless he has room to accommodate it. He has saved her a lot of money and he is honest and very nice. She stated she trusts him and knows many others do as well. He has done everything possible to conform to North Ogden's policies and she appreciates everything he does. She hopes he is allowed to continue operating his business.

Susan Walters, 523 E. 3600 N., stated she understands there are new members of the City Council, but she cannot understand why this issue has come up again since it has been decided in the past. She feels the bottom line is that Mr. Baguley has conformed to the regulations that have been set by the City and she does not know why the issue is being discussed again. She feels it is wrong to continue to bring it up and the existing businesses should be grandfathered under any ordinance that is adopted. Mr. Baguley complies with the ordinance and his business does not negatively impact the neighborhood and is hidden. She asked that the Council consider allowing the businesses to continue and then quit bringing the issue up for additional discussion.

Kay Wilson, 509 E. 3600 N., stated she has agreed with many of the comments that have been made about the auto repair businesses that have been said tonight. She has lived in a very diverse neighborhood in California in the past where she operated a home based business and there were never complaints about the impact her business had on the neighborhood. Now she has moved to Utah, which is the most charitable state in the union, and she has found after months that there is an auto repair business in her neighborhood. She stated she began using Mr. Baguley's services and she feels he should be grandfathered under the new ordinance. Prohibiting their businesses is taking away their livelihood and that is unfair to do to someone at this point in his career. She agreed with Ms. Walters that this issue should be resolved and not brought up again; she is tired of the issue being raised after new Council Members are elected and the people that are following the rules should be allowed to continue. This situation makes

her leery of starting her own home based business for fear that the rules might be changed in the middle of the game.

Cheryl Humphreys, 3088 N. 100 E., stated that home businesses bring a feeling of community to a neighborhood; it is valuable to consider the people that are helped by home businesses. When the City gave her husband permission to build his shop, many neighbors helped him build it and it reminded her of a barn raising; there was a lot of pride in the neighborhood for the business and it became a gathering place for the neighborhood men to visit with one another. She stated there was an older gentleman in her neighborhood that visited her husband nearly every night and helped him with his work and he felt it was where he belonged and that he had a friend. She asked the Council to keep these things in mind when deciding whether to allow them to continue; she asked them to consider the benefits they provide to the community and that they actually create community and make neighborhoods more viable, interesting, and friendly.

Lynn Humphreys, 3088 N. 100 E., provided a brief summary of the history of his business, which he opened in his current home in August of 1973. His business is a sole proprietorship and it has continued to evolve to meet existing vehicle needs relative to computerization. He has filed 166 quarterly sales tax reports to the State of Utah, totaling over \$40,000 in his career. He applied to North Ogden for a business license years ago and received no response; years passed, and in November of 2007 he was called by a City employee who invited him to apply for a business license and he expressed his reluctance, but he ultimately applied and provided all of the documentation required. The formal request for the business license was approved unanimously by the City Council with one condition: that the business would terminate when he retired, sold his home, or died. He has valued his business license with North Ogden over the past seven years and he has upheld the terms of the license and has tried to be conscientious, considerate, and a responsible business owner in his neighborhood. At this present time he feels threatened that his business license may be revoked with no basis. He stated he inquired as to whether there has been a complaint regarding his business and found none existed within his City business license file. At the time that he applied for his license, the City's legal counsel said during the meeting that the license was approved "because of the long-term nature of Mr. Humphreys' business activities without any enforcement of City ordinance, Bruce Evans, North Ogden City Attorney speaking before the Planning Commission, recommended the City could avoid possible legal issues by allowing Mr. Humphreys a conditional use permit for his business with the stipulation that once he retires the current use, it cannot be picked up by someone else. This would apply even if the home were sold to another owner." Mr. Humphreys requested that the Council uphold the unanimous approval of his business license as recorded in the City Council minutes of January 29, 2008.

Mary Jones, 2288 N Fruitland Drive, stated that her business, which is a machine shop, is included on the prohibited list reviewed by Mr. Scott. Her business has been operating for 20 years and she has never heard of a complaint about her business. She was surprised to receive a letter regarding this issue last night and she was very upset by the results of her research into the issue. Her machine shop is in a detached garage and has been operated that way for 20 years; it does not change the character of the neighborhood whatsoever. Anyone that has visited the trout farm in North Ogden has been within 15 to 20 feet of her business and likely did not realize it. Her husband only takes one to two cars a month and he helps farmers with their equipment, but

he never sees more than one customer per week. There is adequate space for parking on the property. The business is a small business to supplement her income as a school teacher. The business has benefited all neighbors in the area as well as many of the farmers, sprinkler companies, and the high school robotics team for a four year period. She believes that the existing businesses should be grandfathered and there is no way she and her husband could rent a commercial space and generate enough revenue to pay the rent. She stated that her experience with applying for a business license was very similar to Mr. Humphreys' and she hopes that the Council will decide to grandfather her business to allow her business to continue to serve a purpose in the community.

Joyce Thornock, 623 E. 3450 N., stated she has known Mr. Baguley and his wife since she moved here and she did not know that he had a business because his house has not looked any different than his neighbor's houses. She knows Mr. Baguley is an honest man and she agrees the existing businesses should be grandfathered.

Bob Jones, 2288 N Fruitland Drive, stated he owns the machine shop referenced by his wife, Mary. They have been in business for 20 years and he usually goes to a customer's home to fix their equipment rather than bringing it to his property. He stated he never does large quantity work and is pretty picky about the jobs that he takes; he tries to serve people in the community and does not feel his business is a nuisance.

Tom Baguley, 3590 N. 575 E., stated that he has gone through a long and arduous journey over the past four years to keep his business license and every day he thinks about what he can do to keep his home looking like a regular home so that his business does not destroy the residential character of the neighborhood. He stated he has not violated any of the conditions associated with his use permit and he has followed all requirements to a T. He does not see any reason to change the ordinance at this time and all existing licensed businesses should be grandfathered and allowed to continue. He is hoping that conditional use permits can be permitted for those businesses currently operating that are actually a great asset to North Ogden. He stated there are limited options in North Ogden and businesses like his and Mr. Humphreys offer a service to residents that sometimes have no other place to turn. He hopes that his license will be grandfathered and that he will be allowed to continue to conduct business.

Curt Anderson, Pleasant View, stated he has known Mr. Humphreys since he was a young boy and he has never known a more honest person with more integrity than him; he has worked on every vehicle that he has ever driven since he was 16 years of age. He offers a great service and he is an asset to the community; it would be absolutely criminal to put Mr. Humphreys' business on the prohibited list and tell him that he can no longer run his business.

Bill Hartmann, 884 E. 2100 N., stated Mr. Jones and Mr. Baguley are both personal friends of his and he would be a poor friend if he did not support them; they bring something to the community that is hard to find in the rest of the world. The businesses are not hurting anyone and they have been in operation for years; he questions the bad things that have been said about such businesses in the past and wondered if someone just wants businesses gone. He suggested that the Council grandfather the existing businesses.

Council Member Satterthwaite motioned to close the public hearing. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The Public Hearing closed at 8:09 p.m.

7. DISCUSSION AND/OR ACTION TO CONSIDER AMENDMENTS TO ORDINANCE 11-16, HOME OCCUPATION, TO CLARIFY THE STANDARDS FOR THE ALLOWANCE OF ACCESSORY BUILDINGS/GARAGES

Mayor Taylor first addressed some of the comments that were made during the public hearing; he noted the reason this issue keeps coming up is that the City continues to receive complaints and concerns from people. The City has the obligation to look into concerns and determine if a change is necessary. This issue is not personal for the City Council and it is important to consider a neighborhood's acceptance of a business such as Mr. Baguley's; when conditional use permits have been reviewed, some neighbors have indicated they do not feel the situation is working and that is why the issue continues to be raised. He noted there is no way to make everyone happy, but the Council must make a decision after accepting public comment and asking for a recommendation from the Planning Commission.

Council Member Swanson asked if Bob and Mary Jones's property is in the City or in Weber County. Ms. Jones stated their property is in the City, but the property next to them is located in the County. Mr. Jones identified the location of his property, noting his property is accessed by customers going to the trout farm. He noted the trout farm has customers all day long, but he is confused as to why he is told he must limit the number of customers that come to his property.

Council Member Satterthwaite reiterated Mayor Taylor's comments regarding the fact that the City has received a number of complaints regarding certain home based businesses. The Council is interested in maintaining the residential character of neighborhoods and ensuring that certain activities will not detract from that. He stated this is not personal for the Council. He noted that though no concerns or complaints have been expressed tonight, the City has received complaints and must address them. He stated that many of the people that spoke tonight have indicated there is an expiration associated with the conditional use permits that have been issued, which means that the City never meant to grant those permits in perpetuity. He stated some have asked for current businesses to be grandfathered, but that some businesses maybe should be prohibited and he wondered what types of businesses those are. He concluded the bottom line is that some people are concerned and he is also concerned and feels there is a responsibility to keep the community the way it should be. When some say the businesses are part of the community, that

is an important statement and he asked everyone to recognize that this is a difficult position for the Council to be in.

Council Member Bailey stated that land use issues are some of the most difficult for the Council to deal with; the Council must balance the needs of everyone that owns property and not everyone is granted the right to do whatever they want with their property, however, the restrictions that can be placed on property are limited. One way to restrict property use is through zoning, which basically prohibits certain uses in certain zones. The purpose of zoning is to ensure that businesses are in business zones, manufacturing uses are in manufacturing zones, and residential uses are in residential zones. This is in place to protect the property owners in the various zones and someone that moves into a beautiful residential neighborhood has a right to expect that the residential area is residential and will not carry the sounds, noises, smells, or other characteristics of a commercial zone. He feels strongly that by allowing businesses to exist in residential zones, an unfair competitive advantage is created because businesses located in actual commercial zones have more expenses than someone operating from their home. He stated it is his personal feeling that residential areas should be residential and the homeowners should be protected from any incursion on their property values and residential lifestyles and any exception to that is that home occupations should only be allowed when they are basically invisible and do nothing to upset the residential character of a neighborhood.

Council Member Swanson stated he grew up in the Phoenix area and something interesting that has happened there is that certain uses, such as the air force base located there, have been encroached upon by residential neighborhoods; it has been interesting to hear the cry that the air force base needs to be shut down because the airplanes are too noisy and the response from the military and the city has been that the area was an air force base long before it was a neighborhood and due to that fact it would remain intact. He stated the reverse has happened in North Ogden; areas that are residential were residential long before they were commercial districts and it is inappropriate for the business owners to expect the residential neighborhoods to change to accommodate them. This is not an easy decision and it has been discussed many times at length, but he agrees with Council Member Bailey that the sanctity of the residential neighborhoods is paramount and those that build businesses in a community should expect to hear concerns or complaints when their business infringes upon the residential nature of the neighborhood. He stated he heard people say that those complaining are always the same, but it is also true that those supporting the business are always the same and that does not make the decision any easier.

Council Member Stoker argued the opposite point and noted that most of the Council did not even know that some of the home based businesses were in operation until tonight and it is important to keep that in mind. She added that most of the people that have a home based business are not doing it to make a lot of money; it is typically a side business that supplements their regular income. She referenced the analogy used by Council Member Swanson regarding the air force base and noted Mr. Humphreys has been operating his business from his home for 41 years and she asked everyone to think of what North Ogden looked like 41 years ago. The people living near him built around him and now some may want his business to be closed. She stated she understands that some residents feel their residential rights are being infringed upon and for that reason this is a difficult issue and she is not sure that she is ready to make a decision

at this point in time. She feels that home based business licenses should have never been issued in the first place, but since they have the Council is left to fix the mess that has been made. No matter the decision, it is not possible to make everyone happy.

Council Member Urry agreed this is a very difficult decision and he can understand the request that the existing businesses be grandfathered. He understands that the men and women that have home based businesses are honest, have integrity, and offer service at good prices to their customers, but he is not sure that is the criteria for considering whether to allow the businesses to continue to operate in residential neighborhoods. The issue is whether certain businesses should be allowed to operate in neighborhoods. He agreed with Council Member Stoker that the City should not have granted these types of licenses to begin with. He also agreed with Council Member Bailey that when someone spends a lot of money on a home in a residential neighborhood they expect the residential feel to be maintained so that if they get to the point of wanting to sell their home one day the value will be present and buyers will not be deterred by the fact that a business is located in the neighborhood.

Council Member Satterthwaite stated he is interested in gathering more information regarding whether the existing businesses are actually a problem. He agreed with Council Member Bailey's comments regarding the purpose of zoning and the fact that people owning property in the various zones of the City should have some expectation that property use in the zones should be consistent with the zoning regulations.

Council Member Bailey added one of the problems in the City is that on a regular basis there are businesses cropping up where they do not belong and the City may or may not be aware of those businesses. He added in some cases commercial buildings are being built in residential areas and the City is not aware of them until construction is complete and then the City is faced with a very difficult problem when dealing with an illegal use; some owners have been required to take the building down or relocate it, or in the past some Councils have issued a license for a non-conforming use. He stated he hates those types of situations and wishes the City could be more consistent in its dealings, but he feels that residents should be cognizant of licensing regulations when considering building a building and running a business from their home. Just because the City has not responded to licensing applications in the past does not mean that the licensing regulations went away and he knows that some businesses have operated for years without any licensing or oversight from the City; that does not make the situation right or ok and it just is what it is. The residents of the City could help a lot if they chose to be forthright in their dealings rather than try to sneak by and operate and run their business without anyone paying any attention. He stated situations like this create major problems for the City.

Council Member Swanson stated that it would be possible to 'research this issue to death'; the City has on record complaints from neighbors regarding auto repair businesses and some of the neighbors wish to remain anonymous because of the vitriol that has been thrown at those that do complain. The core of the issue is which right trumps the other; is it the right of an individual to earn a living from their home, which is not a right but rather a conditioned privilege; or is it the right of those that have purchased homes in a neighborhood and have the expectation of peace and quiet associated with a neighborhood setting. He stated when those two issues are

competing with one another, those wishing to maintain the residential setting should win. That is the core issue in his mind.

Council Member Urry stated that just because some in the audience do not agree with the complaints that have been lodged against certain businesses does not mean that the complaints or concerns do not exist.

Mayor Taylor asked that the audience refrain from speaking and allow the Council the space to make their decision. He also asked that they consider that the minority should have a voice in the process of governing a City; in America the majority has representation, but so too should the minority. He asked the audience to respect the process and allow the Council to make a decision without undue pressure or intimidation. The Council has been elected by the residents of the City to make legislative decisions and they should be allowed to work to make a decision that they feel is best for the entire City.

Council Member Bailey then referenced the various lists of business types provided by Mr. Scott and wondered if there is a great distinction between a massage therapy business and a beauty salon. He would like to consider adding a massage therapy business to the list of permitted home occupations. He also indicated that staff has conducted research regarding the home occupation ordinances used in other cities and noted that auto repair businesses are nearly universally prohibited in residential zones.

Council Member Swanson addressed Mr. Scott and asked if massage therapy businesses are regulated differently by the State of Utah. Mr. Scott stated that the reason that he included massage therapy businesses on the list of prohibited home based businesses is that when he was working for Weber County he had a very similar discussion with the Health Department, which indicated there are additional inspection requirements for such businesses and they recommended that they not be allowed in homes. He stated he would be happy to do more research regarding that recommendation in order for the Council to make a more informed decision. He then noted that he receives unusual requests for home occupations on a very regular basis and even today he was contacted by a resident that desires to sell aquarium fish from his home. He stated the lists of permitted and prohibited home based businesses will likely be ever changing.

Council Member Bailey addressed Mr. Jones and asked for more information about his property and his business. Mr. Jones stated that the brick house on the north side of the lane used to access the trout farm is his home and his shop is directly behind his home. Council Member Bailey inquired as to the size of his property. Mr. Jones stated that it is slightly larger than three-quarters of an acre. Council Member Bailey inquired as to the distance from the shop to the nearest residence. Mr. Jones stated that the nearest residence is on the other side of the trout farm road, though he was unsure of the exact distance, but indicated it would be 100 feet or more. He stated his property is isolated. Mr. Scott added that Mr. Jones' property is located in an RE-20 zone.

Council Member Satterthwaite stated it may be possible to allow certain home occupations in certain zones based on lot size because they should not upset the residential character of a

neighborhood. He added that the proposed ordinance provides limitations regarding the maximum area of a home or garage that can be used for a home based business and he is not in favor of limiting the percentage of an area within a garage or home that can be used for a business. Council Member Bailey stated he would support removing the limitation for the amount of garage space that can be used, but he would not support removing the limitation for the percentage of a home that can be used for a business. He reiterated residential neighborhoods should contain structures that are residential in nature and if over half of a home is used for a business it may no longer be classified as a residence.

Council Member Urry stated he would prefer that there be no differentiation between a detached garage and an attached garage. Council Member Bailey stated that one distinction that should be made is that a detached garage is actually classified as an accessory building; the home occupation ordinance specifically precludes the use of an accessory building for a home based business. Council Member Urry stated that is correct and he asked Mr. Scott for more information regarding that issue. Mr. Scott stated that Subsection N in the home occupation ordinance specifically states that home occupations cannot be operated from an accessory building, but the Council could amend the ordinance that would allow a home based business within an accessory building under certain circumstances. He stated his focus is on making sure that the ordinance is clear and easily understood by residents and staff that is responsible to administer the City Code. Council Member Urry stated he simply does not feel a detached garage that was built to be used as a garage should be classified as an accessory building. The Council debated the appropriate definitions of detached garage and accessory building before refocusing on the issue of home occupations.

Council Member Bailey then stated that someone indicated during the public hearing that if the Council were to take the step to prohibit certain home based businesses in the City that action would be seen as the City being unfriendly to businesses. He stated that could not be further from the truth; the Council is very friendly to businesses, but wants to ensure that businesses are located where business belongs. He stated that if it comes down to a decision between a residence or a business in a residential neighborhood, the residence must win because that is what the area is designed for. Council Member Satterthwaite agreed, but noted some businesses should be permitted in residential zones if they do not negatively impact the residential character of a neighborhood. Council Member Bailey stated a business in a residential zone must be invisible.

Council Member Urry addressed Mr. Humphreys and asked if he has any restrictions placed upon him by the State of Utah, such as being required to post his hourly rate for his services. Mr. Humphreys stated he is not required to have that information posted at his home, but it is available on the internet and he receives calls from people that have found his rates online. He added his business is insured and bonded for over \$1 million.

Council Member Stoker referenced Council Member Bailey's comment that a business located in a residential neighborhood must be invisible and she noted it seems that is the case for businesses like the one operated by Mr. and Mrs. Jones; no one knew that business existed and people do not see cars coming in and out. She stated it seems that Mr. Humphreys' business is also invisible. She reiterated she feels that home occupation business licenses for these types of uses

should not have been issued by the City, but now that they have been, the City Council must deal with them and it feels as though the Council is being held hostage to make a difficult decision. She wondered if it would be appropriate to make a distinction between different zoning designations relative to what type of home based business should be allowed. Council Member Bailey stated making that distinction may open a whole new can of worms, but it could be something to consider. Council Member Swanson stated that some properties may be isolated at the moment, until neighboring properties are sold and developed and new residents move in near existing businesses. He stated that he agrees with Council Member Bailey that when competing interests exist in a neighborhood, the residences should trump the businesses. He added he is reticent to push this issue further down the road and feels a decision should be made.

Council Member Urry stated that many that spoke during the public hearing suggested that existing businesses should be grandfathered, but it is his understanding that the term “grandfather” does not carry much weight and future Councils could undo a decision made by this Council and prohibit businesses that may have been grandfathered. City Attorney Call noted that when a City’s code changes, an existing use becomes a legal non-conforming use, but there is a provision in Utah Code that states a city can revoke legal non-conforming status and give the use of an amortization period to recoup their investment before banning or outlawing the use.

Council Member Satterthwaite stated he would like to table this issue for the following reasons: The permitted uses listed in the staff report came from other cities and it is necessary to gather more feedback regarding those permitted uses. He is leaning towards prohibiting auto repair shops as home based businesses, though it may be appropriate to consider allowing certain home based businesses in different zoning districts of the City. He added he would like to consider grandfathering some existing businesses or allow an amortization period for existing businesses to recoup their investments.

Council Member Urry stated he is leaning towards offering some mercy; the City Council did not create the problem by issuing licenses to the two auto repair businesses referenced tonight, but he feels there is a way to work around the issue to reach a reasonable resolution. Council Member Swanson asked Council Member Urry which side he would like to offer mercy to: the businesses that will be negatively impacted if their use is prohibited, or the residents that have complaints about the impact the businesses have on their residence. He reiterated his comments regarding competing interests within neighborhoods and noted that if the businesses are allowed to continue, the City will continue to receive complaints about them from their neighbors. He then addressed Mr. Call and added if the Council would be considered as acting in an arbitrary and capricious manner if some businesses are allowed while others are not. Mr. Call stated it would depend on the basis for the decision; if factual criteria are used to make a decision it would not be considered arbitrary and capricious. Council Member Swanson stated that he hopes that those present tonight will understand how difficult a decision this is for the Council and the great lengths they are taking to try to arrive at the best resolution possible. He stated the Council has spent over 40 hours discussing and considering this issue rather than making a knee-jerk reaction. Council Member Bailey agreed and added that he does not feel that auto repair businesses should have ever belonged in a residential neighborhood and if they had not been permitted the Council would not be having this discussion.

Council Member Swanson stated he is comfortable tabling the issue as recommended by Council Member Satterthwaite in order to gather additional information. Council Member Bailey agreed, but wondered how it would be possible to gather more information from residents in the City. Discussion ensued regarding appropriate information gathering methods, with Council Member Swanson suggested that the issue be revisited again in 60 days.

Council Member Urry concluded that he would like everyone to keep in mind that the Council must consider all residents of the City when making decisions that will impact the entire City.

Council Member Satterthwaite motioned to table consideration of amendments to ordinance 11-16, Home Occupation, to clarify the standards for the allowance of accessory building/garages in order to get more input from the citizenry regarding the types of businesses that should be permitted to operate in residential zones while not changing the residential character of a neighborhood. Council Member Bailey seconded the motion.

Discussion continued regarding the amount of time that the ordinance should be tabled and the methods by which information should be gathered, with the Council concluding to revisit the issue again at a City Council meeting to be scheduled for March 31.

Council Member Satterthwaite amended his motion to dictate that the Council make a final decision regarding the issue at the March 31 meeting. Council Member Bailey seconded the motion.

Voting on the amended motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

Voting on the original motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

THE COUNCIL MEETING RECESSED AT 9:28 p.m.

THE COUNCIL MEETING RECONVENED AT 9:36 p.m.

2. **PUBLIC HEARING TO RECEIVE COMMENTS ON AN APPLICATION TO REZONE PROPERTY, LOCATED AT APPROXIMATELY 2450 N 500 E, FROM RESIDENTIAL R-2 TO LEGACY PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)**

A staff memo from City Planner Scott explained when the City Council is acting in a legislative capacity as the land use authority the City Council has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes. The applicant is requesting that the property located at approximately 2500 North and 500 East be rezoned from Residential Zone (R-2) to Legacy Planned Unit Development Zone (PRUD). The rezone is in anticipation of submitting a subdivision application for the next phase of the Legacy North PRUD thus necessitating the rezone request. The applicant's proposed subdivision is designed for lots ranging in size from approximately 4,500 square feet to 6,000 square feet.

The memo indicated the General Plan calls for "All development in the community should be built on land suitable for the intended use." Additionally, "A variety of housing opportunities should be available to the citizens of the City. Quality residential development will be measured by design, maintenance, preservation of community resources, and open space."

The Zoning and Land-Use Policy includes guidelines for how zoning changes should be considered:

General Guidelines

1. A definite edge should be established between types of uses to protect the integrity of each use.

Staff comment: The proposed PRUD / subdivision has defined edges; the easterly property boundary borders Phases 1 and 2 of the Legacy North PRUD. The western boundary is the Smith's Market Place which is zone CP-2.

2. Zoning should reflect the existing use of property to the largest extent possible, unless the area is in transition.

Staff comment: This area is in transition from agricultural to urban uses, primarily single family subdivisions next to the commercial center along Washington Boulevard.

3. Where possible, properties which face each other, across a local street, should be the same or similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.

Staff comment: This neighborhood has the Legacy North PRUD zone and is consistent with the existing Legacy North PRUD.

4. Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.

Staff comment: The petition has all properties in the same zone.

Residential Guidelines

8. Avoid isolating neighborhoods.

Staff comment: The street layout provides for appropriate connections that will provide connectivity to other neighborhoods.

10. Multiple density development should be phased, i.e., rezone only the property associated with current phase of development.

Staff comment: This is the last phase of this project.

The General Plan map calls for this property to be developed as single family residential, medium density. The Legacy North PRUD zone is consistent with this designation.

The memo offered the following summary of City Council considerations:

- Is the proposal consistent with the General Plan?
- Does the proposal meet the North Ogden Zoning ordinance standards?
- How does the proposal relate to the Zoning and Land-Use Policy for evaluating zoning requests?
- Is the Legacy North PRUD zone request appropriate for this neighborhood?

The memo concluded the Planning Commission determined that the Legacy North PRUD zone is appropriate, that the application is consistent with the North Ogden General Plan, and recommends approval.

Mr. Scott reviewed his staff memo.

Council Member Bailey referenced the plat map and identified a triangular piece of property west of the subdivision bordering the canal and he asked if it is part of the subject property. Mr. Scott answered no and stated it is part of the Smith's Marketplace property.

Mayor opened the Public Hearing at 9:41 p.m.

There were no persons appearing to be heard on the matter.

Council Member Swanson motioned to close the public hearing. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

Public Hearing closed at 9:41pm

3. **DISCUSSION AND/OR ACTION TO CONSIDER AN APPLICATION TO REZONE PROPERTY, LOCATED AT APPROXIMATELY 2450 N 500 E, FROM RESIDENTIAL R-2 TO LEGACY PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)**

Council Member Urry motioned to approve the application to rezone property located at approximately 2450 N 500 E, from Residential R-2 to Legacy Planned Residential Unit Development (PRUD). Council Member Satterthwaite seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

9. **DISCUSSION AND/OR ACTION TO CONSIDER CHANGE ORDERS FOR THE PUBLIC WORKS FACILITY CONTRACT**

A staff memo from City Administrator/Finance Director Steele provided an overview of the change orders presented for consideration for the Public Works Building:

- 1) Upgrading chain-link fence along east side of property with privacy slats (per recommendation from Planning Commission) – Cost: \$14,894
- 2) Landscaping options as presented by Jesse – Estimated Cost: \$90,000
- 3) The Land Drain (installation and engineering) to collect the ground water on the north end of the property – Cost - \$34,726
- 4) The cost to widen Pleasant View Drive in front of the Public Works property, and install curb, gutter, and sidewalk according to our Public Work's standards. There has been some discussion if installation of sidewalk, curb and gutter were part of the initial contract. From our research it appears that it was not included in the contract but there is some argument that it was assumed that it should have been because it should have been built to our Public Works Standards. (A majority of this work has not been completed yet. The City Council could waive the requirement of this since it is our property and the street has not been widened anywhere else in this area and no Curb, Gutter & Sidewalk has been installed yet). Some of the earthwork has been done so we may be on the hook for some of that. – Cost: \$ 6,475 for Curb, Gutter & Sidewalk; Cost: \$20,930 for Earthwork & Fill; Cost: \$10,940 for Asphalt; **Total Cost: \$38,345**
- 5) Building Permit Fees: We had an allowance for \$70,000 factored into the bid for Building Permit fees. The actual Permit Fees, Impact Fees and Performance Bond Fees came to be \$142,286 for a difference of \$72,286. Out of the amount collected, \$123,224 was for the City with the other \$19,061 going to other entities.
- 6) As a reminder from last meeting of the cost of the Vehicle Storage Building

Cost for Site Work/Concrete/Design - \$233,411; Cost for Building/Doors/Insulation/Electrical/Firewall - \$427,689; Cost for Mechanical - \$33,165; **Total Cost \$694,265.** Lundahl is working on having a price for a pole bam type structure.

The memo then reviewed the funds available that could be used for the change order amounts:

Contingency:	\$94,158
Imported Fill budget not spent:	\$180,000
Estimated Revenue from sale of Topsoil:	????????
Known Amount Available:	\$274,158

The memo also summarized the Change Orders under consideration:

Fencing	\$14,894
Landscaping	\$90,000
Difference from Building Permit Fee Allowance	\$72,286
Land Drain	\$34,726
Pleasant View Drive widening	\$31,870
Curb, Gutter & Sidewalk on Pleasant View Drive	\$6,475
Total amount of change orders (without Vehicle Storage) -	\$250,251

Mr. Steele reviewed his staff memo.

The Council had a general discussion regarding various components of the recommended change orders, with a brief focus on the amount of revenue the City stands to generate with the sale of the top soil on the site. Mayor Taylor noted City Administration will work to develop an exact price for per-load top soil sales and report back to the Council at the next meeting.

Discussion then centered on the change order relating to the widening of Pleasant View Drive as well as the curb, gutter, and sidewalk on Pleasant View Drive. Mr. Scott stated that portion of the project has been designed, but the Council does not necessarily need to complete it at this time. A representative of Lundahl provided the Council with information regarding the scope of the curb, gutter, and sidewalk on Pleasant View Drive as well as the road widening. Mayor Taylor asked why the road widening portion of the project was not included in the original bid. The Lundahl representative stated that the whole site has been completely redesigned, but when the original design was published and the City solicited proposals for the project, the widening project was not shown on the drawings and specifications. Once the contract was awarded, the road widening portion of the project was raised and Lundahl was asked for a price. Mayor Taylor stated his research has shown that the widening project was not part of the original plan and the question now is whether the Council would like to proceed with installing the infrastructure now or defer it until a future date when development of the area continues. The Council discussed the widening project and the installation of the other infrastructure, ultimately concluding to defer both the Pleasant View Drive widening and the installation of curb, gutter, and sidewalk on Pleasant View Drive until a point in time when adjacent properties are developed.

Council Member Urry referenced the cost for fencing and asked if the cost includes the 715 linear feet of chain link fencing in addition to the privacy slats. Mayor Taylor stated the original

bid included the chain link, so this price would cover the privacy slats. Council Member Urry stated that \$20,000 for the privacy slats is too high. The Lundahl representative stated that it is necessary to upgrade the chain link fencing to hold the additional weight caused by the privacy slats. Council Member Swanson stated he is concerned that a slatted privacy fence could be damaged or blown over by a wind storm. The Lundahl representative stated his company trusts the expertise of Roylance Fence, which has indicated that the fence will be engineered to withstand wind storms. He added that this fencing option is the most economical privacy fencing option. Council Member Swanson asked why the fence on the west side of the property can be standard chain link, but privacy fencing is required on the east side. Council Member Bailey stated a landscaping buffer will be installed for privacy on the west side of the property. Discussion continued regarding the price for the privacy fencing, with the Council directing the Lundahl representative to gather more information regarding the reasons for the increased costs for the fencing.

The Lundahl representative then provided the Council with an overview of the scope of the land drain project to be completed at the Public Works site. Mayor Taylor stated that this portion of the project should have been brought to the Council when the need for the land drains was initially discovered, but Lundahl originally thought the cost for the additional work could be covered by their contingency and there would be no need to pass the costs on to the City; however, their contingency was used up for the sprinkling system that they originally did not think would be required. He added he feels Lundahl has been fair with the City and they have covered the costs for things that were ultimately their responsibility. Council Member Satterthwaite stated he is comfortable knowing that Lundahl moved forward with the needed land drain portion of the project in order to deliver the project on time.

Council Member Swanson addressed the portion of the change order request dealing with building permits and asked if the cost of building permits was really underestimated by more than 50 percent. Mayor Taylor stated that some contractors provided a bid for the building permit and others did not and in order to be fair when considering the bids, each bidder was directed to include a cost of \$70,000 for the building permit with the understanding that it would not cover the entire amount. The action was taken simply to equalize all bids. Council Member Urry stated that the bids should have been equalized at a higher amount in order to avoid surprises like this one.

Council Member Satterthwaite referenced the vehicle storage building and noted that he has recommended that the City consider only putting a roof on the building with no sides similar to the building that was constructed in Ogden City; he asked if Lundahl has provided a price for that. The Lundahl representative stated he has received a cost for that scope of work, but does not have it with him tonight; he noted that the cost savings are not as high as one might think they should be. He indicated it is necessary to improve the structural integrity of the building due to the lack of side walls.

The Council engaged in discussion regarding the change orders they would like to approve this evening as well as which components could be deferred to a later date, with a brief focus on the opportunity to locate a green house on the Public Works site.

Council Member Swanson motioned to approve the change orders for the Public Works Facility contract for fencing at \$14,894; land drain at \$34,726; landscaping at \$90,000; and put the Building Permit cost back into the project fund. Council Member Bailey seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

10. DISCUSSION AND/OR ACTION TO CONSIDER CONDITIONAL ACCEPTANCE FOR MYSTERY MEADOWS SUBDIVISION PHASE I

A staff memo from Building Official Kerr explained Olympus Investments has completed all subdivision improvement for Mystery Meadows Phase #1. Bruce Higley our Public Works Inspector, has inspected this subdivision and has found all improvement items completed and in good condition. It is my recommendation we give Conditional Acceptances Subdivision approval for the above referenced subdivision. Conditional Acceptance will start the one-year conditional guarantee period for the subdivision improvements.

City Administrator/Finance Director Steele summarized the staff memo.

Council Member Bailey motioned to approve conditional acceptance for Mystery Meadows Subdivision Phase I. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

11. DISCUSSION AND/OR ACTION TO CONSIDER CONDITIONAL ACCEPTANCE FOR HALL TREE PHASE XIV

A staff memo from Building Official Kerr explained Blackburn & Jones has completed all subdivision improvement for Hall Tree Phase #14 subdivision. Bruce Higley our Public Works

Inspector, has inspected this subdivision and has found all improvement items completed and in good condition. It is my recommendation we give Conditional Acceptances Subdivision approval for the above referenced subdivision. Conditional Acceptance will start the one-year conditional guarantee period for the subdivision improvements.

City Administrator/Finance Director Steele summarized the staff memo.

**Council Member Bailey motioned to conditional acceptance for Hall Tree Phase XIV.
Council Member Swanson seconded the motion.**

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

12. DISCUSSION AND/OR ACTION TO CONSIDER FINAL ACCEPTANCE OF ORTON FARMS SUBDIVISION

A memo from Building Official Kerr explained XPert Enterprise has completed all subdivision improvement for Orton Farms Subdivision. Bruce Higley our Public Works Inspector, has inspected this subdivision and has found all subdivision improvement items completed and in good condition. Matthew Hartvigsen our City Engineer has also signed it off. It is my recommendation we give final Subdivision approval for the above referenced subdivision. Final Acceptance will release all escrow funds to the developer and give the City the responsibility to maintain street improvements.

City Administrator/Finance Director Steele summarized the staff memo.

**Council Member Bailey motioned to approve final acceptance of Orton Farms Subdivision.
Council Member Stoker seconded the motion.**

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

13. PUBLIC COMMENTS

Melissa Evans, 2679 N. 200 E., stated that she wanted to comment on the change order that was discussed relative to installing curb, gutter, and sidewalk on Pleasant View Drive in conjunction with the Public Works Facility project. She stated she has been planning on the installation of that sidewalk for a long time; she lives in the area and her children have to walk to school on Pleasant View Drive without a sidewalk. She lives within a mile of the school and bus service has been refused for her children and the other children in the area. She strongly encouraged the Council to not refer to the sidewalk as a sidewalk to nowhere and to, instead, install the sidewalk to provide better safety measures for the school children in the area.

Mayor Taylor stated that the City has submitted a grant application for a trail connection that would provide sidewalk along Pleasant View Drive. Discussion ensued regarding the logistics of the area and the locations upon which sidewalk would be installed in conjunction with the Public Works Facility project. Council Member Stoker stated she is very familiar with the area referenced by Ms. Evans and she agrees it is very dangerous for pedestrians or bikers. Mayor Taylor agreed and stated he is supportive of installing the sidewalk. Council Member Satterthwaite agreed and noted that the City has required developers to install curb, gutter, and sidewalk upon completion of a project they are performing in the City and the City should set the example and do the same thing in this situation.

Council Member Bailey motioned to approve the change order for the sidewalk along Pleasant View Drive in conjunction with the Public Works Facility project for \$6,475. Council Member Stoker seconded the motion.

Council Member Urry stated that he is concerned that the children living in the neighborhood referenced by Ms. Evans will still have to cross the street to get to the sidewalk and he suggested that instead of spending the money on the sidewalk the City should spend the money on the trail connection on the other side of the street. Mayor Taylor stated that the cost to provide total trail connectivity, which includes the portion of the sidewalk referenced by Council Member Urry, is \$90,000. Council Member Swanson asked how much it would cost to install trail or sidewalk from 200 East to Lee's Marketplace. Mayor Taylor stated that would be about two-thirds of the total length so the cost would likely reflect that measurement. He noted those costs are based on an engineer's estimate, but could actually be lower. Council Member Swanson suggested that the item be tabled until the City can gain an understanding of the cost to extend the trail or install sidewalk in the area requested by Ms. Evans. Mayor Taylor then indicated that the City has received word that no additional Recreation, Arts, Museum, and Parks (RAMP) funds will be awarded to the City for the applications submitted and he is very disappointed in that communication; North Ogden is the third largest City in the County and has not received a representative share of RAMP funding. He is very disappointed that no projects were approved, but that \$340,000 was dedicated to improvements to a gun range in Ogden. The Council refocused on discussion of the sidewalk component of the Public Works Facility project, ultimately concluding to defer the sidewalk installation and, instead, solicit bids for the installation of a sidewalk or walking path on the other side of Pleasant View Drive that would run from 200 East to Lee's Marketplace.

Council Member Bailey withdrew his motion and Council Member Stoker withdrew her second to the motion.

Charles Paul, 3272 N. 100 E., asked for a copy of the PowerPoint presentation reviewed by Mr. Scott during the discussion of garage based business. City Recorder Spendlove indicated she will publish the document for public access.

Charles Crippen, 3576 N. 575 E., stated that what the Council heard tonight were a lot of emotional, heart-string tugging stories, but back in June of 2013 he talked to the Council about an elixir that businesses dispense to their neighbors containing two addictive ingredients: easy-money and convenience. He stated the Council heard a lot tonight about the easy money ingredient and noted the reason that the two auto-repair businesses run from homes can charge so much less than a commercial business is that they have no house payments. These home based businesses have a competitive advantage that is very unfair when the City is trying to develop a commercial interest. He stated it is so easy to get people to support something, especially when they have an emotional connection, but for someone to stand and oppose the issue that was being discussed tonight makes them look like an ogre. He stated he knows that is what he sounds like, but he is trying to protect his family from the fumes that come from an auto repair business and sicken his wife. He stated he knows of another couple that lives near Mr. Humphreys that does not belong to the predominant faith in the City and when Mr. Humphreys chose to build his accessory garage next door to their property they chose to shut-up and shutter themselves in their home; since then the wife of the couple is widowed and she feels intimidated by her neighborhood who is addicted to very inexpensive auto repairs. He stated he has chosen not to shut-up about the issue in his neighborhood and as a result he has been treated in a negative way by other neighbors who do not live right next to the home based business and their experience with the business is very different than those that live directly adjacent to the business. He stated some of his other neighbors were not able to make it tonight for various reasons; one of his neighbors has very serious health conditions and he would hate for him to die without this issue being resolved. He appreciates the Council has a very difficult decision and the licenses should have never been issued in the first place.

14. COUNCIL/MAYOR/STAFF COMMENTS

Mayor Taylor distributed materials to the Council regarding proposed legislation being considered by the State Legislature regarding a potential fuel tax increase. He also provided an update on the work being done by the General Plan Steering Committee and the Economic Development Committee.

15. ADJOURNMENT

Council Member Bailey motioned to adjourn the regular meeting and convene in an RDA meeting. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Bailey	aye
Council Member Satterthwaite	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Urry	aye

The motion passed unanimously.

The meeting adjourned at 11:00 p.m.

RDA AGENDA

1. DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH BETTER CITIES FOR REAL ESTATE SERVICES.

A memo from Mayor Taylor explained the RDA is considering a project that involves the purchase and sale of real estate. Our Economic Development Consultant, Better City, is licensed and qualified to provide real estate services, and it is my recommendation that we contract with them for real estate services at the standard 3% rate charged by most real estate firms. This will enable the city to conduct the real estate transactions pertaining to these re-development projects in the most expeditious manner. The City Attorney reviewed the contract and had a concern over the compensation amount, as it was not entirely clear. Matthew Godfrey from Better City clarified that the amount of commission to be paid by North Ogden City is 3% of the transaction(s). The Addendum to the exclusive real estate agreement limits the scope of this agreement to the properties pertaining to this re-development only.

Mayor Taylor summarized his memo and indicated City Attorney Call has reviewed and approved of the proposed agreement. The RDA had a brief general discussion regarding when and how the party to the agreement will receive payment for his services.

Board Member Bailey motioned to approve Agreement A5-2015 with Better Cities for Real Estate Services. Board Member Swanson seconded the motion.

Voting on the motion:

Board Member Bailey	aye
Board Member Satterthwaite	aye
Board Member Stoker	aye
Board Member Swanson	aye
Board Member Urry	aye

The motion passed unanimously.

Board Member Bailey motioned to adjourn the RDA meeting. Board Member Swanson seconded the motion.

Voting on the motion:

Board Member Bailey	aye
Board Member Satterthwaite	aye
Board Member Stoker	aye
Board Member Swanson	aye
Board Member Urry	aye

The motion passed unanimously.

The meeting adjourned at 11:06 p.m.

Brent Taylor, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved

North Ogden City Council
Public Hearing
February 24, 2015

ZTA 2014 08 HOME OCCUPATION GARAGE EXCEPTION

HOME OCCUPATION GARAGE EXCEPTION

On June 4, 2014 the North Ogden Planning Commission directed Staff to investigate the home occupation standards exception for the allowance of garages. 5 meetings were held including a public hearing.

January 6, 2015 the City Council held a work session regarding the draft ordinance and provided direction.

SUMMARY OF PLANNING COMMISSION CONSIDERATIONS

- ✦ Should the home occupation provisions regarding exceptions to allow garages be changed?
- ✦ Is the current exception language to allow garages consistent with the residential character provision of the ordinance? Should a purpose statement be written?
- ✦ Does the General Plan support these amendments?
- ✦ Should the existing home occupations with a garage exception be allowed to continue either indefinitely or should an amortization provision be imposed? If an amortization provision is established what should the timeline be?

SUMMARY OF PLANNING COMMISSION CONSIDERATIONS

- ✦ Are there other standards that could be established that would allow for some exceptions for a garage, e.g., a larger lot, restricted hours of operation, a size limitation within the garage, etc.?
- ✦ Should an incubator approach be taken to allow garage home occupations with a time limit before they transition to a commercial location?
- ✦ Should some garage home occupations be eliminated, e.g., auto repair or other intensive uses.

11-16 HOME OCCUPATIONS

A. **Residents of Premises:** Only persons who are bona fide residents of the premises shall be engaged in the occupation.

B. **Residential Character Retained:** The home occupation will not physically change the dwelling to the extent that it would alter the residential character of the dwelling or the residential atmosphere of the neighborhood in which it is located. Furthermore, it shall not disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises or vibrations.

11-16 HOME OCCUPATIONS

C. **Maximum Area of Use:** If a home occupation is conducted within the living quarters of a unit, the home occupation shall not occupy more than twenty five percent (25%) of the main floor area, up to a maximum of three hundred (300) square feet.

D. **Conducted Within Living Quarters, Exception:** Home occupations may be permitted in the garage of a house by conditional use permit only. Any conditional uses approved for a garage shall have minimal environmental impact on the character of the neighborhood. Anything beyond minimal intrusion in the neighborhood will require mitigation to be shown as part of the conditional use permit. The land use authority, at their discretion, can increase the level of mitigation beyond that recommended by the applicant.

11-16 HOME OCCUPATIONS

H. Parking: The addition of off street parking facilities on the premises of the home occupation beyond that normally required for residential uses is prohibited. Parking of automobiles generated by the home occupation will be confined to existing residential parking.

M. Use Outside Main Building: The home occupation shall not use any accessory buildings, yard or space outside of the main dwelling not normally associated with the residential uses permitted within the zone where in the dwelling is located.

EXISTING HOME OCCUPATIONS WITH GARAGE

- Auto Shop – 3088 N 100 E (approved 1/2008) / R-1-10 zone / .25 acres (10,890 square feet) / interior lot / detached 550 square foot double car garage for the auto shop / has separate attached parking for the house
- De-humidifier for gun safes – 3551 N 700 E (approved 7/2011) / R-1-10 zone / .35 acres (15,246 square feet) / corner lot / attached 3 car garage 1,010 square feet / parking is combined for home occupation and house / additional pad next to garage
- Small repair and tool shop – 2288 N Fruitland Drive (approved 3/2011) / RE-20 zone / .67 acres (29,185 square feet) / corner lot with side frontage on private road / 2 car carport with attached accessory building
- Guitar repair / manufacturing – 3481 N 900 E (approved 3/2007) / R-1-10 zone / .26 acres (11,325 square feet) / interior lot / attached garage 529 square feet / parking combined for home occupation and house / an additional pad next to garage
- Auto Shop – 3590 N 575 E (approved 2010) / R-1-10 zone / .25 acres (10,890 square feet) / interior lot / 3 car attached garage 1,150 square feet / parking combined for home occupation and house

10 OPTIONS CONSIDERED

1. Retain the existing ordinance as written.
2. Amend the ordinance to eliminate the exception allowing garages as part of home occupations with the following sub-options.
 - a. Apply this amendment to future home occupation applications.
 - b. Apply this amendment to both existing and future home occupations. Consider allowing an amortization period for existing home occupations with garages, e.g., allow a reasonable period of time to transition the use before it is eliminated.

10 OPTIONS CONSIDERED

3. Consider differing standards for residential zones or lot sizes, e.g., only allow garages as part of a RE-20 zone or allow them in any residential zone with a minimum lot size of an acre.
4. Consider adding a standard limiting the size of the home occupation allowed within a garage, e.g., limiting the area to a percentage (25%) of the garage area or 300 square feet whichever is less.
5. Consider adding hourly operating standards, e.g., 8 am to 5 pm.

10 OPTIONS CONSIDERED

6. Amend the ordinance to allow garages as an incubator business for a specific amount of time.
 - a. Apply this amendment to future home occupation applications.
 - b. Apply this amendment to both existing and future home occupations. Consider allowing an amortization period for existing home occupations with garages, e.g., allow a reasonable period of time to transition the use before it is eliminated

10 OPTIONS CONSIDERED

7. Identify garage uses that are specifically prohibited, e.g., auto repair and other more intensive uses.
8. Have all CUPs have a two year time limit and require a new application for a new two year operation.
9. Be consistent in making conditions for annual reviews of CUPs.
10. Draft a purpose statement for the Home Occupation chapter.

PC RECOMMENDATION

1. The ordinance allows garages with a sunset clause of two years; requires the operator to submit a new conditional use permit application for an additional extension of two years. There is no limit on new applications unless the operator violated the conditions of approval.
This amendment is applied to both new and existing home occupations. The operator would be required to submit a report each year demonstrating compliance with the conditional use permit conditions.
2. The ordinance clarifies that the required garage parking stalls cannot be used for the home occupation if the home occupation infringes on the space for the required parking stalls.
3. A new section is added establishing a purpose statement for the Home Occupation chapter. The other sections are renumbered.

CITY COUNCIL DETERMINATIONS

- ✦ Establish a purpose statement provision.
- ✦ Makes all home occupations permitted uses.
- ✦ Establishes a list of permitted and prohibited home occupations.
- ✦ Prohibited home occupations will have a 6 month amortization period to operate from February 28, 2015.
- ✦ Clearly identifies home occupations as accessory to the dwelling.
- ✦ Home occupations will be allowed in garages as long as provisions for this chapter are complied with.

CITY COUNCIL DETERMINATIONS

- ✦ Home occupations using a garage are limited to 33% of the garage area.
- ✦ Parking for home occupations using a garage must maintain the required two car parking spaces per current parking standards.
- ✦ The ordinance establishes a limit of 5 vehicular round trips per day.

PURPOSE STATEMENT

- ✦ 11-16-1 PURPOSE STATEMENT
- ✦ The purpose and intent of this chapter is to permit persons residing in dwellings in residential zones to provide a service, operate certain kinds of small business, or maintain a professional or business office provided that the home occupation does not change the character of the neighborhood.

PERMITTED HOME OCCUPATIONS

- ✦ Computer Repairs
- ✦ Dance and Musical Instruction
- ✦ Internet Sales phone order or mail order services.
- ✦ Fine Repairs of Musical Instruments
- ✦ Hair Salons: Provided that no more than one hair stylist works at any given time
- ✦ Home Office
- ✦ Medical Billing
- ✦ Any home occupation which is considered by the City Planner to fall under one of the permitted uses shall be authorized under that use.
- ✦ Any uses to be proposed to be added to this section which do not fall under one of the above categories must be authorized by an amendment to this code.

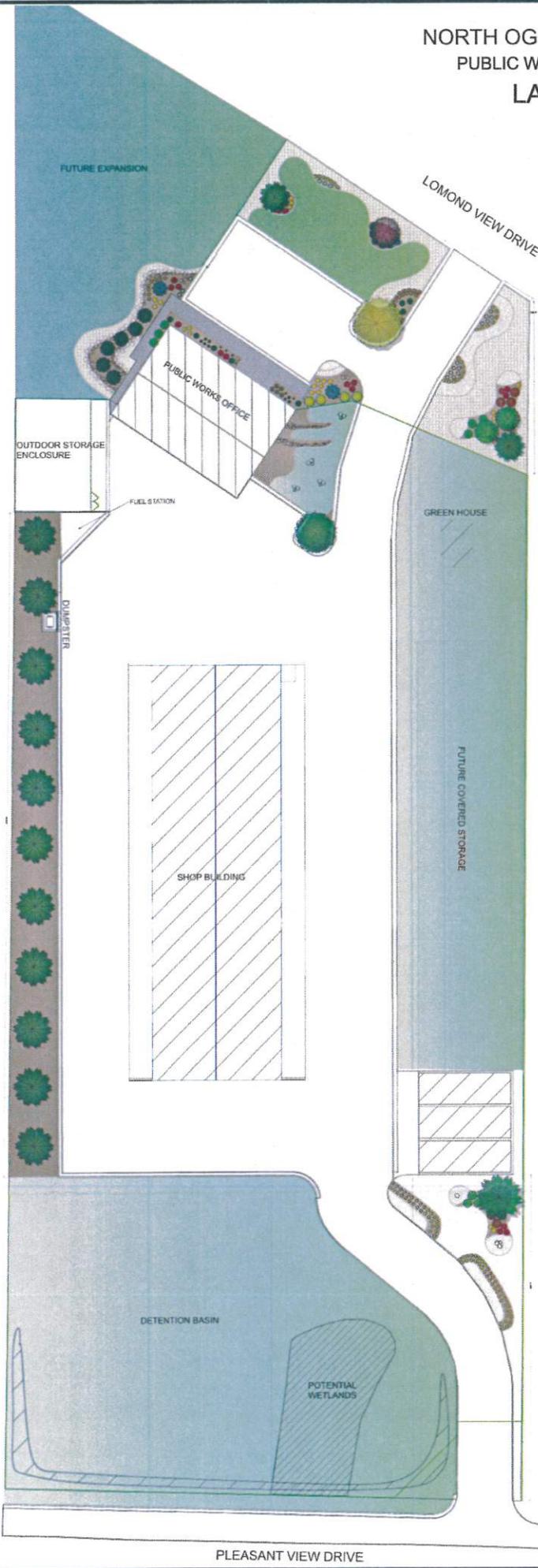
PROHIBITED HOME OCCUPATIONS

- ✦ Auto repairs.
- ✦ Bottling plant.
- ✦ Commercial bakery.
- ✦ Deliveries.
- ✦ Furniture manufacturing
- ✦ Industrial assembly.
- ✦ Kennels.
- ✦ Laboratory, medical, dental, optical.
- ✦ Laboratory testing.
- ✦ Large appliance / electronics or equipment repair or service (washers, dryers, refrigerators and other appliances or equipment that are too large to be carried in 1 individual's arms.

PROHIBITED HOME OCCUPATIONS

- Power sports equipment repairs, including but not limited to motorcycles, water craft, ATV's, scooters, and other engine propelled transport systems
- Retail sales locations
- Truck hauling
- Tanning salons
- Tattoo parlors
- Welding shops or machine shops
- Any occupation which is offensive or noxious by reason of the emission of odor, smoke, gas, dust, vibration, magnetic, or electrical interference, noise, or other similar impacts extending beyond the property line of the lot where the occupation is located is prohibited, and
- Any occupation which is not specifically permitted is considered prohibited unless properly categorized by the City Planner under a permitted use.

NORTH OGDEN CITY CORPORATION PUBLIC WORKS BUILDING PROJECT LANDSCAPING



Landscape		
Quantity	Symbol	Description
5	⊗	Anjou Pampas
5	⊗	Hosta, Hysteria 1 Gallon
Ornamental grasses		
85	⊗	Feather Reed Grass 1 Gallon
64	⊗	Panicum Grass 1 Gallon
18	⊗	Panicum alpinum 'Hammer'
Shrubs Over 4 Feet		
8	⊗	Dwarf Nivea 5 Gallon
6	⊗	Peking Contraster 5 Gallon
6	⊗	Summer Wine Nine Bark 5 Gallon
5	⊗	Tallherge Buckhorn 5 Gallon
9	⊗	Verticillat Dongwood 5 Gallon
4	⊗	Yellow half dogwood 5 Gallon
Shrubs Under 4 Feet		
6	⊗	Blue Star Juniper 1 Gallon
12	⊗	Dwarf Burning Bush 5 Gallon
3	⊗	Fireline Buckhorn 5 Gallon
5	⊗	Coldframe Spiraea 1 Gallon
3	⊗	Oregon Oregon Holly 1 Gallon
21	⊗	Spiraea, 'Gold Mound' 5 Gallon
8	⊗	Verticillat Roseleaf Esonymus 1 Gallon
Trees		
2	⊗	Baker's Spruce 5'-6" Tall
1	⊗	Crabapple 'Pavilion' 20 gallon
2	⊗	Crabapple 'Snowbird' 20 gallon
1	⊗	Heppel Spruce 5'-6" Tall
12	⊗	Fir, White 5'-6" Tall
1	⊗	Empire Autumn Gold 2' Caliper
1	⊗	Linden, Little leaf 2' Caliper
1	⊗	Spruce, Norway 6" Tall
Landscape Accessories		
18.56 Yd ³	⊗	1" Coral Stone
100.19 Yd ³	⊗	2"-4" Cobble Stone
241.58 Yd ³	⊗	Green Mulch
4289 SqFt	⊗	Kentucky Bluegrass
112,951 SqFt	⊗	Sheep Fescue
1948.87 SqFt	⊗	Wood Barrier Fabric
8844.49 SqFt	⊗	Wood Barrier Fabric
General		
Quantity	Symbol	Description
1523 L	⊗	CEMENT CURBING



Project Address:
220 E Pleasant View Dr. North Ogden, UT

PLEASANT VIEW DRIVE