

# Mapleton City Planning Commission Staff Report

Meeting Date: September 22, 2011

**Item:** 2

**Applicant:** Paul Rimington

**Prepared by:** Matt Brady

**Zone:** RA-2

**Public Hearing Item:** Yes

**Council Action Required:** No

## **REQUEST**

Paul Rimington requests approval of a Home Occupation Permit for *Raging Storm Kenpo Karate*, located at 960 North 1600 West in the RA-2 Zone.

## **FINDINGS OF FACT:**

1. Home occupations that involve clientele visiting the business must be approved by the Planning Commission.
2. The applicant is proposing a home occupation involving karate classes. See Attachment #1 for information submitted by the Applicant.
3. This home is located next to the intersection of Highway 89 and 1600 West. Mapleton City has had traffic problems with people turning off of Highway 89 onto 1600 West before, due to the limited turn lane and the odd angle of the intersection.
4. An inspection by the Fire Inspector is pending.
5. The Planning Commission may attach conditions to the Home Occupation Permit which relate to health, safety, and quality of the residential environment (see Mapleton City Code 18.84.380(E): Planning Commission May Attach Conditions).

## **STAFF ANALYSIS:**

1. It is the opinion of Staff that due to the home's proximity to the intersection with Highway 89, no on-street parking should be permitted for the home occupation, to avoid traffic accidents.
2. According to Utah County records, the total floor area of the home is approximately 4,732 square feet. The area of the home proposed for the home occupation is approximately 372 square feet, or approximately 7.86% of the home. Mapleton City Code 18.84.380(D)(3) states: "*The home occupation shall occupy not more than the equivalent of twenty five percent (25%) of the living area of the dwelling or five hundred (500) square feet, whichever is less. This shall also apply to detached structures.*" The applicant meets this requirement.

## **RECOMMENDED ACTION:**

Staff recommends approval of the home occupation the following conditions:

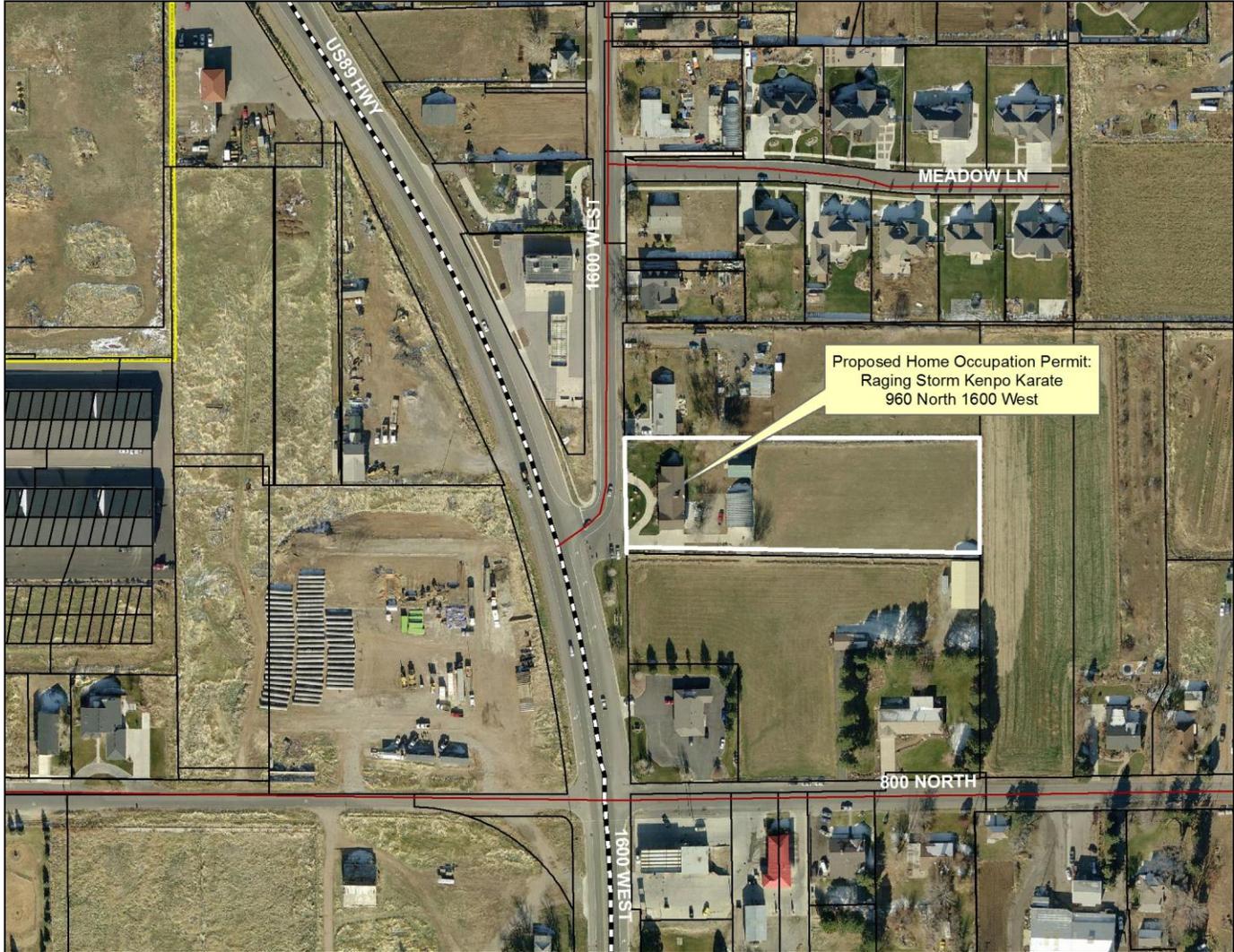
1. Due to the close proximity to the intersection with Highway 89, no on-street parking shall be permitted for the home occupation to avoid traffic accidents.
2. Applicant must pass an inspection from the Fire Inspector.
3. Maximum occupancy for the home occupation under International Fire Code shall be determined by the Fire Inspector.
4. The Applicant must abide by all other requirements set forth in Mapleton City Code 18.84.380: HOME OCCUPATIONS.

## **ALTERNATIVE ACTIONS:**

1. The Planning Commission may deny the home occupation permit. Reasons for denial should be stated in the motion.
2. Continue to a Future Meeting Date: This action could be based upon findings that additional information is required prior to rendering a decision or to further consider information.

	<p><b><u>ATTACHMENTS:</u></b></p> <p>1. Information submitted by the Applicant</p>
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**VICINITY MAP:**



**SITE PHOTOS:**



**Looking northeast at the Rimington residence**



**Looking south at the Rimington residence**

Hello Neighbors,

I am applying for a business license so I can teach karate classes in my basement. I am required by the licensing commission to notify neighbors within a 300' radius of my home of my intentions. There will be no changes to my home or the surrounding areas. There will be no noise from the lessons heard from outside the house. I will not have more than 6 cars parked at my house at a time (as approved by the city). Most students will be dropped off at my home and picked up when the lessons are over. There should be no discernable changes in traffic levels and visitors can use my driveway to turn around if necessary.

Please sign this form confirming that you have been notified of my intentions. Signing this notification does not waive any rights to oppose the proposed home business at the planning commission meeting.

Sincerely,  
Paul Rimington  
960 N 1600 W

Address

Name

Signature

978 N 1600 W

Margo Bjarnson

Margo Bjarnson

1016 N 1600 W

Vacant

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## 18.84.380: HOME OCCUPATIONS:

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

1. Home occupations shall be listed as a permitted or conditional use in the zone.

OK

2. The home occupation shall be conducted entirely within a completely enclosed structure on the property. Detached structures where a home occupation is being conducted must be located within fifteen feet (15') of the residential dwelling.

THE OCCUPATION WILL BE WITHIN THE RESIDENTIAL DWELLING.

3. The home occupation shall occupy not more than the equivalent of twenty five percent (25%) of the living area of the dwelling or five hundred (500) square feet, whichever is less. This shall also apply to detached structures.

I WILL USE BETWEEN 450 AND 500 SQUARE FEET

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

THE BUSINESS WILL BE CONDUCTED BY MEMBERS OF THE RESIDING FAMILY

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

GOODS SOLD WILL BE INCIDENTAL TO THE OCCUPATION

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

THERE WILL BE NO COMMERCIAL VEHICLES NECESSARY

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

THERE WILL NOT BE MORE THAN 6 CARS. I HAVE PLENTY OF PARKING ON THE PREMESIS. NO CARS (OTHER THAN RESIDENT FAMILY CARS) WILL BE ON THE PREMESIS OVERNIGHT.

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

THE HOME OCCUPATION IS INCIDENTAL AND SECONDARY TO THE USE OF THE DWELLING. THERE WILL BE NO CHANGES OR EFFECTS ON THE YARD OR THE BUILDING.

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

THERE IS NO PLAN TO USE ANY SIGNAGE

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

THAT IS WHAT I AM APPLYING FOR NOW

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

ENTRANCE WILL BE THROUGH A NORMALLY USED DOOR TO THE HOUSE

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

NO HAZARDOUS MATERIALS OR CHEMICALS WILL BE USED

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

THERE WILL BE NOTHING DISCERNIBLE OUTSIDE THE DWELLING

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

THERE WILL BE NO DISCERNABLE INCREASE IN TRAFFIC, AND NO AFFECT TO THE SURROUNDING PROPERTY

15. The home occupation shall be operated in compliance with any applicable city or state requirements.

AGREED

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

#### I AM THE OWNER OF THE HOME

- E. Planning Commission May Attach Conditions: In order to more fully achieve the purposes of this section and to protect the health, safety and quality of the residential environment in the area the planning commission may attach conditions to the establishment and/or operation of a home occupation not inconsistent with the standards hereinabove stated.

#### I SPOKE WITH MATT AND HE LED ME TO BELIEVE THERE WERE NO CONDITIONS NECESSARY FROM THE PLANNING COMMISSION

- F. Continuing Obligation; Business License Required: All home occupations shall be operated in compliance with the conditions and criteria hereinabove set forth and any conditions which may be attached by the planning commission as part of the approval. Upon approval by the planning commission the applicant shall be eligible to obtain a city business license. Issuance of the business license shall be conditioned upon continued performance of the conditions of approval and said license may be revoked or refused renewal upon a determination made by the planning commission, following notice and hearing on the matter, that the owner and/or operator has failed to maintain or operate the home occupation in accordance with the conditions of approval.

#### AGREED

- G. Administrative Approval: Administrative approval for a home occupation may be granted by the planning and zoning director, if the home occupation can meet the following criteria:

N/A

- H. Background Checks: Background checks will be conducted on all applications for home occupations.

OK

- I. Appeals From Decisions Of The Planning Commission: Any decision made by the planning commission under authority of this section may be appealed by application to the city council.

The approval of the home occupation permit shall be valid for the remainder of the year in which it is first granted. Thereafter the approval will be extended for successive one year periods, commencing on January 1 of the calendar year provided: 1) that the home occupation is found to be substantially the same as initially approved and 2) that the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year. (Ord. 2004-08, 6-2-2004, eff. 7-2-2004)

