

## ROY CITY PLANNING COMMISSION

February 28, 2012

Minutes of the Roy City Planning Commission Meeting held in the City Council Room of the Roy City Municipal Building on February 28, 2012, at 6:00 p.m.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to the *Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Tom Stonehocker, Chairman	Jared Hall, Planner
Dave Dickson	Michelle Drago, Secretary
Blake Hamilton	
Lee Holt	
Gennie Kirch	
Bill Merx	

Excused: Rhett Zito

Others present were: Aaron Hampton.

Pledge of Allegiance: Lee Holt

### 1. APPROVAL OF JANUARY 24, 2012, MINUTES

**Commissioner Merx moved to approve the minutes of January 24, 2012, as written. Commissioner Holt seconded the motion. Commission members Dickson, Hamilton, Holt, Kirch Merx, and Stonehocker voted "aye." The motion carried.**

### 2. PUBLIC HEARING TO CONSIDER AMENDMENTS TO TABLE 17-1 OF THE ZONING ORDINANCE REGARDING HOME OCCUPATION BUSINESS LICENSES

**Commissioner Kirch moved to open the public hearing at 6:02 p.m. Commissioner Merx seconded the motion. Commission members Dickson, Hamilton, Holt, Merx, Kirch, and Stonehocker voted "aye." The motion carried.**

Jared Hall stated that he had been working with the City Attorney to finalize language for an amendment to the Home Occupation use category in Table 17-1 in the Zoning Ordinance. The proposal to amend the text of the Home Occupation category was

spurred by an application from Aaron Hampton for a home occupation business license. His application was held up because his business description did not comply with the definition of a home occupation. The ordinance currently stated that “a *home occupation could not involve the use of any accessory building, attached garage, or yard space or activity, outside of the primary building.*” Home occupations were also limited to one small sign, no outside display of merchandise, no stock in trade, and no outside employees. Mr. Hampton was proposing to use his garage for a small woodworking business.

Mr. Hall said the staff felt the current description was vague and that this was a good opportunity to make it clearer. Home occupations were defined in Table 17-1 of the Zoning Ordinance and in the Business License Ordinance. Home occupations and home day cares were defined separately. The definitions would have to be changed in both ordinances.

Mr. Hall said the staff was proposing to strike the language that said a home occupation could not involve the use of a garage or accessory building and insert specific uses it was concerned about. The new definition would read:

*Home Occupation. Any non-residential use or activity conducted entirely within a dwelling or accessory structure, which use is clearly incidental and secondary to the residential use of the property and does not change the character of the structures, property or neighborhood. The home occupation is limited to members of the family who reside on the premises and no outside help may be hired. Home occupations shall include the use of not more than twenty-five (25%) of the floor area of the dwelling or accessory structure. If a commercial vehicle is used in conjunction with the home occupation, it shall be appropriately parked off-street on an approved surface and shall not exceed one ton in capacity. Home occupations shall not include commercial stables, kennels, storage, automobile related uses, vehicle or mechanical repair, or tattoo services, unless for office related purposes only. The occupation shall not be associated with noise, duct, odors, noxious fumes, glare or other nuisances which are discernable beyond the premises. No occupation shall create a hazard by using flammable, explosive, or other dangerous materials. The display of goods or stock in trade is not permitted.*

The definition still limited a home occupation to 25% of the floor area, no outside employees, no stock in trade, and only a small sign. A provision for one commercial vehicle had been added. The staff felt this was a workable solution. The definition in

the Business License Ordinance would have to be changed to match the one in the Zoning Ordinance.

Commissioner Merx stated that the proposed amendment did not address sales, such as real estate, or contractors. Mr. Hall said there were many contractors who ran their business from their homes, which was fine as long as there was only a business office in the home. They could not have employees coming and going, store materials on site, or have a large sign.

Jared Hall felt the proposed amendment was more restrictive than the current ordinance. It was clearer.

Commissioner Dickson asked what Mr. Hampton's business plans were. Jared Hall said Mr. Hampton planned to make and sell small craft items. A letter from Aaron Hampton was read into the record (see attached copy).

Commissioner Hamilton stated that the proposed language did not include any reference to garages; it only referred to accessory structures. Jared Hall said garages were considered accessory structures.

Commissioner Dickson asked why the proposed language referred to stables and kennels. Were they a problem in Roy? Jared Hall said they weren't a problem. He had had problems in other cities. He wanted to address the possibility while the text was being amended. It was possible that someone located in an agricultural zone might want to board animals or offer a riding school.

Commissioner Holt felt that a small woodworking business might not qualify as a home occupation because it would generate noise and dust. Jared Hall felt the key was the language that said a home occupation was "*clearly incidental and secondary to the residential use of the property and did not change the character of the structures, property, or neighborhood.*" The City Attorney added the language about noise and dust so the City would have a hard reference if a home occupation created a problem.

Commissioner Holt stated that if the Planning Commission recommended that the Council approve the text amendment, Mr. Hampton's business license could not be considered until and if the Council approved the amendment. Jared Hall said Mr. Hampton's license application could not be approved until the text amendment was approved by the Council. The license itself did not have to be approved by the Planning Commission and City Council.

Commissioner Kirch asked if a vending machine located in a home's driveway, with products anyone could purchase, was a legal home occupation. Mr. Hall felt it would fail to meet several home occupation requirements.

Commissioner Hamilton asked how the proposed language correlated with the City's Nuisance Ordinance. Mr. Hall said that staff's proposed language listed the uses that would not be considered a legal home occupation. The City Attorney wanted a tie back to the issue.

Commissioner Merx asked if it was wise to have the home occupation in two separate locations in the City code. The language in both places would have to be identical, or there would be room for a legal challenge. Wouldn't it be wiser to have it in one place and refer to it? Commissioner Kirch felt it would be more convenient to have the definition in two places. It would be easier for the citizens to look up. The staff would have to make sure the language was duplicated.

Jared Hall asked that the Planning Commission give the staff and City Attorney some leeway to make wording changes before the text amendment was presented to the City Council.

Commissioner Kirch suggested that any approval be subject to the definitions in the Zoning Ordinance and Business License Ordinance matching.

Commissioner Hamilton wanted to make sure the definition of an accessory building included garages. Jared Hall said he would check the definition of an accessory building located in the definition section in the Zoning Ordinance.

Chairman Stonehocker opened the floor for public comments.

Aaron Hampton, 2071 West 3775 South, stated that he became disabled while serving in the military, which prevented him from working in his trained profession. He wanted to make small signs, pens and pencils turned on a wood lathe, and small clocks. The City's current definition of a home occupation was difficult to pin down. He felt amending the text would allow other home businesses in Roy to come forward.

**Commissioner Dickson moved to close the public hearing at 6:32 p.m. Commissioner Kirch seconded the motion. Commission members Dickson, Hamilton, Holt, Kirch, Merx, and Stonehocker voted "aye." The motion carried.**

Commissioner Merx stated that the Planning Commission would recommend the text amendment in principle recognizing that the City Attorney might make some minor word changes. Jared Hall did not feel there would be substantial changes.

**Commissioner Kirch moved to recommend that the City Council approve the text amendment for Home Occupations use category in Table 17-1 of the Zoning Ordinance proposed by the staff subject to a clarification that garages were considered accessory buildings, that the definition of a home occupation in the Zoning Ordinance and Business License Ordinance match, and minor wording changes by the City Attorney. Commissioner Merx seconded the motion. Commission members Dickson, Hamilton, Holt, Kirch, Merx, and Stonehocker voted "aye." The motion carried.**

3. STAFF UPDATE

Jared Hall stated that the staff was preparing a text amendment regarding outdoor display as directed by the City Council in its discussion regarding pawn shops. The staff was looking at text changes for temporary signs as well. The General Plan Steering Committee would be meeting on February 29<sup>th</sup>. He hoped they would soon have some material to pass on to the Planning Commission. Jared Hall stated that Tony Reynolds had accepted a position with Ogden City. He hoped to get Chris Davis to fill Tony's spot on the Steering Committee.

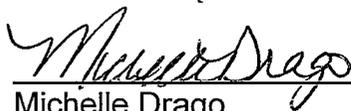
4. ADJOURN

**Commissioner Holt moved to adjourn at 6:37 p.m. Commissioner Merx seconded the motion. Commissioner members Dickson, Hamilton, Holt, Kirch, Merx, and Stonehocker voted "aye." The motion carried.**



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Tom Stonehocker  
Chairman

Attest:



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Michelle Drago  
Secretary

dc:pjan2412

30 January 2012

Roy City,

My name is Aaron Hampton and I live on 2031 w 3775 s here in Roy. In November of 2010, I was discharged from military service because of disabilities I received while serving my country. In February 2011, I was found 70 percent disabled by the veterans administration and entered into a program that will allow me to continue to contribute to the community through self-employment. I currently have an approved business plan and funding from the V.A. to make craft items and sell them online to help supplement my income and be my own boss. I am currently having a hard time finding employment suitable and flexible enough to accommodate my disabilities sufficiently. I would like to propose a change to the current ordinances governing Home Occupations. The reason I am proposing this change is because the current ordinance does not allow for a Home Occupation to operate out of a residential garage. I propose a change that will allow a Home Occupation to operate in a residential garage under certain circumstances. I propose that a Home Occupation license be authorized to allow residents to operate out of the home and garage as long as it doesn't affect the look of the home, or violate residential ordinances in place. This proposal would add a little flexibility to the current ordinances only allowing residents to operate in the house. This would expand it to include the garage for Home Occupation use and allow funds to be collected by the city. This is an ideal change for the city to make improving Home Occupation use of a residence and additional revenue for the city. Thank you for your time on this matter.

V/r,

Aaron Hampton