

Planning Commission Staff Report

March 12, 2020,

Item 2

Applicant: Kyle Wall

Location: 1663 N 300 W

Prepared by: Brian
Tucker, Planner

Public Hearing: No

Zone: RA-1

Attachments:

1. Standard
Conditions.
2. Application
Materials.

REQUEST

Consideration of a request for a Home Occupation Permit to operate a garage based, one-person off-road vehicle purchase, repair and resale business at 1663 North 300 West in the RA-2 zone.

BACKGROUND AND PROJECT DESCRIPTION

The property located at 1663 North 300 West is located in a residential area in the northern portion of the City. The applicant intends to occasionally purchase damaged, slightly damaged and salvaged title off road, side by side, UTV, and ATV type vehicles at auction. The applicant would then fix these vehicles up, improving them mechanically and cosmetically to sell on KSL and other classified outlets. The applicant suggests that he could accomplish this in a manner that would be low key, non-invasive and non-impactful “one man gig”. This is a type of use that has not been licensed as a home occupation in Mapleton previously.

EVALUATION

Law:

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

1. Home occupations must be listed as a permitted or conditional use in the zone,
2. The business must be conducted entirely within a completely enclosed structure on the property,
3. No more than 25% of the structure or 500 sf, whichever is less, may be used for the home occupation,
4. No more than one person who does not reside on the property may be engaged in the home occupation,
5. Any sale of goods not produced as part of the home occupation shall “constitute a clearly incidental part of the home occupation”. No display of merchandise shall be visible from outside the structure,
6. No commercial vehicles may be stored at the home except for one small delivery truck.
7. No more than 6 cars may be parked at the residence at any one time,

8. The home occupation must be secondary and incidental to the use of the dwelling as a residence,
9. Signs shall be limited to 4 square feet, attached to the building and not electrified,
10. The home occupation must be licensed by the city and comply with city regulations,
11. The entrance to the home occupation must use the same entrance as the residents unless specifically required by an agency with regulatory powers over the business,
12. The business shall not use hazardous materials or chemicals that increase the hazard of fire, explosion, or jeopardize the safety of the neighborhood,
13. The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is readily discernible outside the dwelling,
14. The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and will not depreciate surrounding property values or the quality of the area for residential purposes,
15. The home occupation must be conducted by a person who occupies the dwelling. Background checks will be conducted on all inhabitants of the dwelling and employees, and
16. The home occupation shall operate in compliance with any applicable city or state requirements.

Compliance:

It does not appear that Mapleton City has licensed a vehicle repair business as a home occupation before. Occasionally a complaint is made about a person repairing vehicles at their home. Issues surrounding these types of activities can include partially or fully disassembled vehicles on driveways or within the public view, the parking of an excessive number of vehicles at or around the repair location and noise both in general and at odd hours. As with any home occupation, this proposal would need to comply with each of the 16 conditions and criteria presented previously. This means that the business must be conducted wholly and completely within the structure, in this case the attached garage. This means that the storage of vehicles being repaired or awaiting repair must be within the garage. The business and storage associated with the business cannot utilize more than 500 square feet of the garage. The repair work must also be conducted wholly and completely within the garage. Because “no display of merchandise shall be visible from outside the structure” the completed vehicles cannot be displayed outside of the structure. Because repair work can be and often is noisy the hours of operation must be limited to 7 am through 10 pm. The repair work cannot utilize hazardous materials or chemicals that increase the fire hazard and cannot create smoke, noise, fumes or other nuisances that are discernable outside of the garage. If these mandatory criteria can be met the Planning Commission can condition the approval accordingly.

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

RECOMMENDATION

Approve the application with the attached findings and conditions.

ALTERNATIVE ACTIONS

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

CONDITIONS

1. The applicant shall obtain a business license prior to opening for business.
2. The storage of vehicles being repaired or awaiting repair must be within the garage.
3. The business and storage associated with the business cannot utilize more than 500 square feet of the garage.
4. The storage of vehicles awaiting repair must be within the garage.
5. The repair work must be conducted wholly and completely within the garage.
6. Completed vehicles to be sold cannot be displayed outside of the garage.
7. Hours of operation must be limited to 7 am through 10 pm.
8. The repair work cannot utilize hazardous materials or chemicals that increase the fire hazard and Fire Department approvals are required.
9. The repair work cannot create smoke, noise, fumes or other nuisances that are discernable outside of the garage.
10. No signs shall be placed on the property without a sign permit.
11. Mapleton City Police approvals are required.
12. Violations of the terms of this use permit or other ordinances of the City may constitute grounds for revocation of this permit and associated business license by the Planning Commission.
13. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.



Standard Home Occupation Permit Findings

No.	Finding	
1.	The proposed use will not be in conflict with the City's General Plan.	✓
2.	The proposed use or combination of uses are listed as permitted or conditional uses in the applicable zoning district in which the project is located.	✓
3.	The proposed use will provide adequate ingress and egress to and from the proposed location	✓
4.	The home occupation will be conducted entirely within a completely enclosed structure on the property. Detached structures where a home occupation is being conducted must be located within fifteen feet (15') of the residential dwelling.	✓
5.	The home occupation shall occupy not more than the equivalent of twenty five percent (25%) of the living area of the dwelling or five hundred (500) square feet, whichever is less. This shall also apply to detached structures.	✓
6.	The activities of the home occupation shall be conducted by members of the residing family. Provided that not more than one person, not a member of the residing family, may be engaged in the home occupation.	✓
7.	Any sale of goods not produced as part of the home occupation shall constitute a clearly incidental part of the operation of the home occupation. There shall be no display of goods produced by the home occupation observable from outside the dwelling.	✓
8.	No commercial vehicles shall be stored at the premises except one delivery truck which shall not exceed ten thousand (10,000) GVW rated capacity.	✓
9.	Not more than six (6) cars (including those owned by the resident family) may be parked at the residence at any one time and such vehicles shall be parked within the driveway or in front of the residence. Clients of the home occupation shall not park or store vehicles at the premises overnight.	✓
10.	The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not have the effect of changing the character of the building or the attendant yard area from that of a dwelling.	✓
11.	Signs shall be limited to one nonilluminated identification nameplate not larger in area than four (4) square feet. Electric or electronic signs shall not be permitted. No on site advertising signs shall be permitted. The sign must be attached to the building where the home occupation is to take place.	✓
12.	The home occupation shall be registered with the license agency of the city and shall maintain a current business license in accordance with city regulations.	✓
13.	Entrance to the home occupation from outside shall be through the same entrance normally used by the residing family except when a separate entrance may be required by regulation of the state health department or other public agency. The garage door shall not be used to satisfy this requirement.	✓

14.	The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion or safety to the structure or occupants of the dwelling or adjacent dwellings.	✓
15.	The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is readily discernible outside the dwelling.	✓
16.	The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the city.	✓
17.	The home occupation shall be operated in compliance with any applicable city or state requirements.	✓
18.	The home occupation applicant must either be the bona fide owner of the home (as shown on the current Utah County tax assessment rolls) or if the applicant is renting or leasing the home, the homeowner must provide written permission allowing the applicant to conduct a business in the home. Said letter of permission must be signed and notarized by the homeowner.	✓
19.	The proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection.	✓
20.	The proposed use will not be injurious to public health, safety or welfare.	✓
21.	Any special conditions included in the permit are consistent with MCC Chapter 18.84.380.	✓

