



MEMO

2/23/14

Hi all-

I appreciate David filling in for me last meeting. Hopefully I have all of my appointments and whatnot out of the way for a while so that I don't have to miss future Commission meetings- things look good right now for the next few months.

I do have a couple of things as far as meeting scheduling.

- The first meeting in April is scheduled for the 8th of April. I am scheduled to be at the Utah League of Cities & Towns mid-year conference that week. There happen to be 5 Wednesdays in April. I wanted to get the Commission's thoughts on holding the meetings on the 15th and 29th of April, rather than on the 8th and the 22nd. When we set the schedule for the year, I was not sure whether or not I would be going to this conference.
- There was also a question about the November 11th meeting. That is Veteran's Day. Historically, the City has been open on Veteran's Day and flexed that day to close the office the day after Thanksgiving. Since offices will be open that day, I left it as a meeting on the schedule. However, if the Commission wants, we can change the date of that meeting. We do still need to have a meeting in November- we usually just have one because the 2nd meeting would be the night before Thanksgiving. It may be best to just push the meeting one week back.

Conditional Use Permit/Business License

JB Express- discussion and consideration of a conditional use permit and business license for a home occupation (buying/selling tires) located at 3119 S 800 W (Applicant: Brad Marble)

- My primary concern with this is where the inventory will be stored. I don't have a problem with the business, but I want to be sure that his yard doesn't become a pile of tires.
- As to the other specifics of the application, Mr. Marble will have no outside employees and none of the business will be operated out of an accessory building.
- Our home occupation definition is:

- The use of a portion of a dwelling as an office, studio, or workroom for occupations which are conducted in the home and are incidental to the primary use as a home or residence; provided additionally that: 1) individuals who perform occupation related activities at the home occupation residence must also live at that residence; 2) individuals who do not live at the home occupation residence must not report to that residence for occupation related activities; and 3) the occupation shall not use any accessory building, yard, or any space outside the main building not normally associated with residential use. Applications meeting these criteria may (as determined by the appropriate land use authority) be classified a home occupation rather than being classified by the actual activity associated with the business, with the following exceptions. Child daycare/preschool for more than eight (8) children shall be classified as a commercial daycare rather than a home occupation. In addition, activities involving the sale, service, leasing and/or rental of motor vehicles shall not be classified as a home occupation.
- If a business meets the definition above, then it may be licensed as a home occupation, without regard for the type of business actually being conducted, provided that the business is legal and not otherwise specifically prohibited by ordinance.
- Because this business meets the definition of home occupation, I recommend approving the business license with the following conditions:
 - Any equipment and vehicles related to the business be stored behind the front plane of the home, specifically, the trailer is to be parked out of the public ROW.
 - No tires are to be stored outdoors, regardless of whether they are in the front or back yard.

The Wiberg Corporation- consideration of a request for a conditional use permit and business license for a home occupation (general contractor) located at 101 East 3700 South (Applicant: Jacob Wiberg)

- I am so sorry that I only put in half of my FYI last time! I don't know what happened. I don't leave things mid-sentence very often.
- Mr. Wiberg called because he wants to do work in another city (he didn't specify which) and they require a license for the City where the business is located. I assume, based on the nature of the business, that he will have equipment he stores at his home.
- Our home occupation definition is:
 - The use of a portion of a dwelling as an office, studio, or workroom for occupations which are conducted in the home and are incidental to the primary

use as a home or residence; provided additionally that: 1) individuals who perform occupation related activities at the home occupation residence must also live at that residence; 2) individuals who do not live at the home occupation residence must not report to that residence for occupation related activities; and 3) the occupation shall not use any accessory building, yard, or any space outside the main building not normally associated with residential use. Applications meeting these criteria may (as determined by the appropriate land use authority) be classified a home occupation rather than being classified by the actual activity associated with the business, with the following exceptions. Child daycare/preschool for more than eight (8) children shall be classified as a commercial daycare rather than a home occupation. In addition, activities involving the sale, service, leasing and/or rental of motor vehicles shall not be classified as a home occupation.

- If a business meets the definition above, then it may be licensed as a home occupation, without regard for the type of business actually being conducted, provided that the business is legal and not otherwise specifically prohibited by ordinance.
- Because this business meets the definition of home occupation, I recommend approving the business license. I would, however, suggest a condition be added that any equipment related to the business be stored behind the front plane of the home.

Workshop

Discussion of an ordinance regarding dangerous/vicious animals in Nibley City.

- When we took a glance at this ordinance for the first time, it was just the South Jordan ordinance that the Mayor had requested we review. Based on my recollection of the discussion, I have taken points of that ordinance and incorporated them into our existing ordinance. That is the draft you are looking at- a tracked changes version of what is on the books right now.
- The most significant changes are:
 - Dog licensing will no longer be done on an annual basis. Rather, the licensing and the rabies vaccination will be done together. It will save the City time doing hundreds of licenses every year. And it will be easier for residents to remember.
 - Inclusion of the section on “dangerous animals.” We cannot enact legislation that specifically restricts breeds of dogs, but we can have legislation that is behavior based and carries consequences with it.
 - Basically, what this section would do is allow the Court to determine that an animal is dangerous and then, based on that determination, additional requirements are placed on the animal’s owner, as outlined in the proposed ordinance.

- After we have workshopped this draft and discussed changes you all would like to see, I plan on going over the draft with the Cache County Sheriff's Office (we contract with them for animal control) and getting their input on the provisions of the ordinance before you all pass on a recommendation to City Council.

Thanks for your patience with me. See you Wednesday!

Shari