



Nibley City  
Planning Commission  
Wednesday, August 26, 2015  
455 W. 3200 S.  
Nibley, UT

5:30 p.m. Call to Order  
Approval of Agenda  
Approval of Minutes

#### **CONDITIONAL USE PERMIT/BUSINESS LICENSE**

**PR Instructional Design-** discussion and consideration of a conditional use permit and business license for a home occupation (consulting) located at 2644 South 800 West (Applicant: Eric Corrington)

**4U Lawn Care-** discussion and consideration of a conditional use permit and business license for a home occupation (lawn care) located at 3638 South 450 West (Applicant: Jerry Udy)

#### **WORKSHOP**

Workshop discussion regarding non-conforming uses and non-complying lots

*Planning Commission agenda items may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. **No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.** The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

*IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.*



8/21/15

Hi everyone! This is what we have on the agenda for next week's meeting.

**PR Instructional Design**- discussion and consideration of a conditional use permit and business license for a home occupation (consulting) located at 2644 South 800 West (Applicant: Eric Corrington)

- This application is for a home occupation educational consulting business.
- 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.
- Mr. Corrington's business will be entirely online, so there will be no client visits to the home and no outside employees. The nature of the business is such that there is no inventory.
- This business meets the requirements to be classified and approved as a home occupation.
- Because this business meets the definition of home occupation, I recommend approving the conditional use permit and have no suggested conditions beyond what is already in ordinance.

**4U Lawn Care-** discussion and consideration of a conditional use permit and business license for a home occupation (lawn care) located at 3638 South 450 West (Applicant: Jerry Udy)

- This application is for a home occupation lawn care business.
- 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.
- Mr. Udy's application states that he will not have any outside employees, conduct any part of the business in an accessory building, will have no client visits and will also not have any business vehicles. This qualifies the business to be licensed as a home occupation.
- He does have business equipment, specifically, a trailer and lawn mowers, which can be stored out of the right of way in front of his home.
- Because this business meets the definition of home occupation, I recommend approving the conditional use permit, with the following condition:
  - Any equipment related to the business should be parked out of the public right of way and behind the front plane of the home.

#### **WORKSHOP**

Workshop discussion regarding non-conforming uses and non-complying lots

- The City Council has asked me to work on putting together information on non-conforming uses and non-complying lots in the City. I'm going to have a presentation on this topic and answer questions if you have them. I am working on the presentation, but I anticipate going through what constitutes a non-complying or non-conforming use, what can be done to remedy the situation, and what the City can do to ensure the property rights on those parcels are protected.

Have a great weekend everyone!

Shari

August 26 @ 5:30



APPLICATION FOR CONDITIONAL USE PERMIT/BUSINESS LICENSE

Office Use Only	
Date Received	Aug 3, 2015
Fee Paid	25.00
Rec'd By	Stephen Nelson

Name Jerry Udin  
 Address 3438 S. 1450 W Nibley  
 Phone \_\_\_\_\_ Cell 435-881-6274 Fax \_\_\_\_\_  
 Email l.saudy36@aol.com

Please describe the reason you are requesting a conditional use permit/business license:

Home Office  Sales  Manufacturing  Day Care  
 Other (please describe): Lawn Care ~~Service~~ Service

Proposed business name: 4U Lawn Care

Description of business: mow lawns

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location: The only effect will be storage of my equipment which consists of 1 trailer & 2 lawn mowers, lawnmowers in shed

Do you plan to employ persons not living at this address as part of the business? Y  N

Will those employees be working in your home or at another location? Please describe: N/A

Do you plan to conduct any of the business in an accessory building at this address? Y  N

How many clients will visit this location weekly? none

Describe how you will provide parking for client visits (if applicable): not needed

Will you have business vehicles which will require parking accommodations?  Y N

If so, please describe the vehicles and parking plans: just the trailer described above

How many business shipments do you anticipate sending and receiving from this location each month and how will these deliveries be shipped? none

Will you be able to provide adequate indoor storage for these deliveries? Y N  N/A

If applicable, describe any signs at this address which will advertise the business: future, possible signage on truck. None on residence

Nibley City Planning & Zoning



APPLICATION FOR CONDITIONAL USE PERMIT/BUSINESS LICENSE

Office Use Only
Date Received: 8/7/2015
Fee Paid: 25.00
Rec'd By: 8/7/2015

Name: Eric Corrington
Address: 2644 South 800 West
Phone: Cell (435) 764-1385
Email: eric.corrington@gmail.com

Please describe the reason you are requesting a conditional use permit/business license:

[X] Home Office [ ] Sales [ ] Manufacturing [ ] Day Care
[ ] Other (please describe):

Proposed business name: PR Instructional Design LLC

Description of business: PR Instructional Design offers instructional design + educational services to clients around the country.

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location: This is a purely digital business - the residential neighborhood will not be affected.

Do you plan to employ persons not living at this address as part of the business? Y (N)

Will those employees be working in your home or at another location? Please describe: N/A

Do you plan to conduct any of the business in an accessory building at this address? Y (N)

How many clients will visit this location weekly? None

Describe how you will provide parking for client visits (if applicable): N/A

Will you have business vehicles which will require parking accommodations? Y (N)

If so, please describe the vehicles and parking plans: N/A

How many business shipments do you anticipate sending and receiving from this location each month and how will these deliveries be shipped? None

Will you be able to provide adequate indoor storage for these deliveries? Y (N N/A)

If applicable, describe any signs at this address which will advertise the business: N/A

Nibley City Planning & Zoning