



Nibley City
Planning Commission
Wednesday, February 10, 2016
455 W. 3200 S.
Nibley, UT

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

BUSINESS LICENSE/CONDITIONAL USE PERMIT

Automotive Image Solutions- discussion and consideration of a request for a home occupation (automotive dent repair) located at 2938 S 600 W (Applicant: Kris Falslev)

Sunny Days Preschool- discussion and consideration of an application for a home occupation (preschool) located at 396 W 3650 S (Applicant: Nikki Snyder)

Malouf Fine Linens, Inc.- discussion and consideration of a business license application for a commercial bedding distribution center located at 1525 W 2960 S (Applicant: Malouf Fine Linens)

Discussion and consideration of an ordinance regulating home occupations in Nibley City.

Discussion with Jim Miller regarding possible veterinary clinic in Nibley City.

Annual training on Utah's Open & Public Meetings Act

Staff Report

*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.



2/8/16

Hi all! Thanks for your patience in waiting for this until today. There was some info I was waiting on before I went out of town and it didn't come until I was already gone. But, we have a good agenda for this week's meeting. These are my review comments.

BUSINESS LICENSE/CONDITIONAL USE PERMIT

Automotive Image Solutions- discussion and consideration of a request for a home occupation (automotive dent repair) located at 2938 S 600 W (Applicant: Kris Falslev)

- This application is for a home occupation automotive dent repair 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. Falslev's application states that he will not have any outside employees, but does state that he will have occasional client visits, despite the majority of the work being mobile service.
 - As mentioned above, Nibley City Code 10-2 states: *"..activities involving the sale, service, leasing and/or rental of motor vehicles shall not be classified as a home occupation."* Mr. Falslev is prohibited from having client visits as part of his home occupation.
- This business meets the requirements to be classified and approved as a home occupation.
 - The property is zoned Residential R-2. The Nibley City Land Use Chart allows for home occupations, as a conditional use, in the R-2 zone.

- Because this business meets the definition of home occupation, I recommend approving the conditional use permit but do suggest specifically stating as a condition that he is prohibited from having client visits.

Sunny Days Preschool- discussion and consideration of an application for a home occupation (preschool) located at 396 W 3650 S (Applicant: Nikki Snyder)

- This application is for a home occupation preschool.
- 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.
- Ms. Snyder's application states that she will not have any outside employees and the number of children she will be watching will not exceed 8, which is what our ordinance sets as the limit for home occupation preschools.
 - Her class schedule will be: T W TH 9:30-11:30 and T TH 12:30-2:30
- Additionally, although it is not required at this time, Ms. Snyder's yard is already fenced. I know that has been a concern of the Commission in the past.
- This business meets the requirements to be classified and approved as a home occupation.
 - The property is zoned Residential R-2. The Nibley City Land Use Chart allows for home occupations, as a conditional use, in the R-2 zone.
- Her application states that she would like to have a sign- she is permitted by ordinance to have a nameplate sign, provided that it is attached to her home.
- 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.

Malouf Fine Linens, Inc.- discussion and consideration of a business license application for a commercial bedding distribution center located at 1525 W 2960 S (Applicant: Malouf Fine Linens)

- Malouf has a scheduled opening date of March 17th.
- Malouf Fine Linens is an importer, wholesale retailer and distributor of bedding (linens, pillows, etc.) They have built a building at 1525 W 2960, just West of the Stonebridge subdivision. They were given site plan approval last year and have been working on building construction. They are at the point where they have submitted the application for their business license.
- Their hours of operation will be Monday through Friday from 8:30 am-5:00 pm. These hours of operation will be inclusive of all business activities. All FedEx and UPS shipments will be limited to those hours, all container shipment (done via semis) will be done during those hours, all employees will come and go during those hours.
- Nibley City Code 10-2 defines “Warehousing” as: *“A place and/or building, or portion thereof, that is used or is intended for the storage of goods and materials, for wholesale sales, temporary storage, and distribution. This term does not include fuel tank farms.”*
- The property on which the Malouf building sits is zoned Industrial. Nibley City Code 10-10, the land use chart, classifies Warehousing as conditionally permitted in an industrial zone.
- City Code 10-14 outlines the following questions to be asked when considering a conditional use in an industrial zone. The vast majority of these were addressed to the City’s satisfaction in the site plan approval.
 - Will heavy vehicle traffic adversely affect adjacent residential or commercial property? **The City’s master road plan was amended as part of the site plan approval so that no traffic, whether generated by employees or heavy vehicles, will be traveling through adjoining neighborhoods. Additionally, all heavy vehicle traffic will be limited to the hours of operation of the business, M-F 8:30-5:00.**
 - Will the landscaping add aesthetic acceptability to the proposed development? **Addressed and approved in the site plan approval**
 - Will proposed signs be in good taste and not create adverse effects on adjacent residential or commercial properties? **No signage has been proposed at this time. If they decide at some future point to have signage on the building, they will be required to obtain a building permit and comply with City Code regulating signs in industrial zones.**
 - Will the building location adversely affect adjacent residential or commercial property? **Addressed and approved in the site plan approval**
 - Will ingress and egress be sufficient to handle intended traffic? **Addressed and approved in the site plan approval**

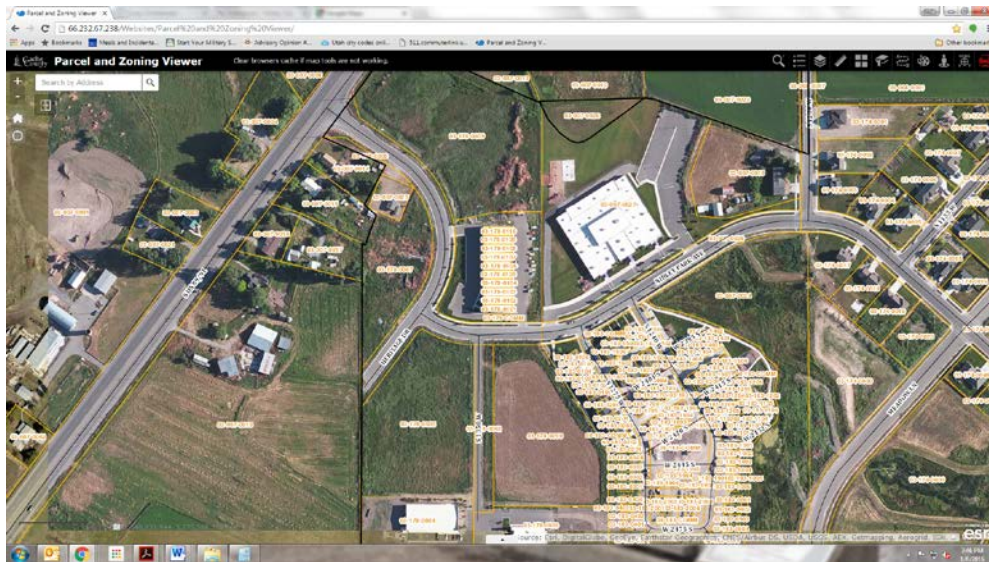
- Will the proposed development overload the carrying capacity for which local streets were designed? **Addressed and approved in the site plan approval.**
- Will internal traffic circulation adversely affect the general area traffic circulation? **Addressed and approved in the site plan approval**
- Have suitable arrangements been made for the disposal of sewage and other waste products produced by the proposed development? **Addressed and approved in the site plan approval**
- Will water flow be impeded in existing canals or irrigation company ditches in the proposed development? **Addressed and approved in the site plan approval**
- Is the existing public water supply adequate to service the proposed development? **Addressed and approved in the site plan approval**
- Will the proposed site design provide adequate drainage of storm and surface water so as not to adversely affect other property? **Addressed and approved in the site plan approval**
- Will suitable procedures be used to minimize soil erosion during the construction of the proposed development? **Addressed and approved in the site plan approval**
- If flammable products or processes are involved in the proposed development, are adequate firefighting facilities available to protect the proposed development and adjacent properties? **No flammable products or processes are involved in the proposed business and the building and site plan were designed sufficient to maintain the fire flows needed for the property.**
- It is my opinion that the business license meets the requirements to be licensed as a “Warehouse” in the Nibley City industrial zone. I recommend approving the business license application and have the following suggested conditions:
 - The business is to be licensed as a warehouse and business hours are limited to Monday-Friday 8:30 am-5:00 pm. Changes to the nature of the business or the hours of operation require an amendment to the business license, which requires re-application to the Planning Commission.
 - All heavy vehicle traffic, specifically, semi-trucks and delivery trucks, is limited to the business hours.
 - Semi-trucks are prohibited from idling on the property when they are not actively engaged in picking up or dropping off a load from the warehouse.
 - All other City ordinances regarding public peace and safety are to be complied with.

Discussion and consideration of an ordinance regulating home occupations in Nibley City.

- I have cleaned up the draft based on our previous meeting’s discussion and recommend that you all forward it to the City Council for their review and adoption.

Discussion with Jim Miller regarding possible veterinary clinic in Nibley City.

- Next to the Stander property, where the two roads meet, there is a parcel of property where the road curves, shown here:



- The City has been approached about having a veterinary clinic on that property. They also are going to have a boarding facility which will be operated in conjunction with the clinic. The zoning and location are suitable for a vet clinic. I suggested they come in and discuss the project and business with you all since I felt there may be a concern among the Commissioners about the boarding facility portion of the business.

Annual training on Utah's Open & Public Meetings Act

We are required by law to provide annual training to the City Council and Planning Commission on Utah law regarding open and public meetings. We have traditionally done this at one of the first meetings of the year. I will have a presentation to go through that covers the basic points of the law.

See you all on Wednesday!

Shari

February 10 @ 5:30 pm



APPLICATION FOR CONDITIONAL USE
PERMIT/BUSINESS LICENSE

Office Use Only

Date Received 1/27/2016

Fee Paid _____

Rec'd By [Signature]

Name Nikki Snyder
Address 396 W 3650 S
Phone 435-753-7217 Cell 435-754-9112 Fax _____
Email n.t.snyder@juha.com

Please Note: The owner/operator of the business on this application must live at the address stated above. Nibley City cannot issue conditional use permit/business licenses to persons who do not live at the address where the business will be located.

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

☐ Home Office ☐ Sales ☐ Manufacturing ☒ Day Care
☐ Other (please describe): _____

Proposed business name: Sunny Days Preschool

Description of business: preschool for children ages 3-4

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location: drop off and pick up of students should take about ten minutes each per session - these will be different than typical busy times

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: _____

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? 20

Describe how you will provide parking for client visits (if applicable): drive way and curb if needed

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

If so, please describe the vehicles and parking plans: _____

How many business shipments do you anticipate sending and receiving from this location each month and how will these deliveries be shipped? _____

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

If applicable, describe any signs at this address which will advertise the business: One small sign with the preschool name - placed on front of home or in flower bed

February 10 @ 5:30



APPLICATION FOR CONDITIONAL USE
PERMIT/BUSINESS LICENSE

Office Use Only

Date Received 1/22/2010

Fee Paid \$25

Rec'd By [Signature]

Name Kris Falslev
Address 2938 S. 600 W
Phone 435-760-9547 Cell _____ Fax _____
Email Kris.Falslev@gmail.com

Please Note: The owner/operator of the business on this application must live at the address stated above. Nibley City cannot issue conditional use permit/business licenses to persons who do not live at the address where the business will be located.

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

____ Home Office ____ Sales ____ Manufacturing ____ Day Care
X Other (please describe): Paintless dent repair (mobile service mostly)

Proposed business name: Automotive Image Solutions

Description of business: Paintless dent repair

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location: Should have no effect on neighborhood. Truck or van should be parked inside most of the time.

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: _____

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? minimal (0-5)

Describe how you will provide parking for client visits (if applicable): No parking needed

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

If so, please describe the vehicles and parking plans: Parked inside

How many business shipments do you anticipate sending and receiving from this location each month and how will these deliveries be shipped? 0-5, ups etc.

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

If applicable, describe any signs at this address which will advertise the business: possibly on vehicle, stored inside so ~~as~~ very little exposure.



NIBLEY CITY
Commercial Business License Application

Office Use Only
Date Received 1/28/2016
Fee Paid 25.00
P&Z Meeting Feb 11

Please type or print in black or blue ink

Business Name	<u>MALOUF</u>	Local Business Phone #	<u>800.517.7179</u>
Business Address	<u>1525 W. 2960 S.</u>	City/State/Zip	<u>NIBLEY, UTAH 84321</u>
Billing Address	<u>1189 W. 1700 N. BUILDING B</u>	City/State/Zip	<u>LOGAN, UTAH 84321</u>
State Tax ID	<u>25-1008736</u>	<input checked="" type="radio"/> DBA/Corp/LLC/Sole Prop./Partnership (circle)	
Describe the Nature of the Business (attach additional sheets if necessary) <u>IMPORTER, WHOLESALER, DISTRIBUTION, OF BEER.</u>			
Do you use, store or manufacture any chemical, combustible, or hazardous materials? Yes/ <input checked="" type="checkbox"/> No If "Y", attach additional sheets explaining the type of chemicals and how they will be used, stored, or manufactured.			
Are you moving into a new or already existing building? <input checked="" type="checkbox"/> New Existing			
Sexually Oriented Business? *	Yes/ <input checked="" type="checkbox"/> No	Alcohol Sales/Consumption? *	Yes/ <input checked="" type="checkbox"/> No
*Answering yes to either of the above subjects a business owner to additional licensing requirements. See staff for additional information prior to submitting this application.			
Projected Opening Date	<u>17 MARCH 2016</u>	Days/Hours of Operation	<u>M-F 830A - 500P</u>

Officers/Owners (attach additional sheets if necessary)

	Owner/Office #1	Owner/Officer #2	Owner/Officer #3
Name (first/middle/last)	<u>SAM MALOUF</u>	<u>KACIE MALOUF</u>	<u>JARED ERICKSON</u>
Home Address	<u>1525 W 2960 S</u> <u>MILLVILLE UTAH 84326</u>	<u>1525 W 2960 S</u> <u>MILLVILLE UT 84326</u>	<u>18 W 7400 S</u> <u>PARADISE UT 84328</u>
Home Phone	<u>800.517.7179</u>	<u>800.517.7179</u>	<u>800.517.7179</u>
DOB (mm/dd/yyyy)	<u>02.28.1980</u>	<u>12.22.1978</u>	<u>03.20.1980</u>
Misc. Info/Pro. Licenses	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
Driver's License #/State	<u>UT 159882955</u>	<u>UT 158515513</u>	<u>UT 159816328</u>

I certify that the information contained in this application is true and correct. I agree to conduct my business in accordance with Nibley City ordinances and any other State or Federal statutes or laws governing operation of such business. Further, I understand that false disclosure of information on this application or failure to comply with said ordinances, laws and statutes may result in the revocation of my business license.

Signature of Applicant [Signature]
Print Name BRANDON WILSON

Date 27 JAN 2016
Title COMPLIANCE OFFICER

An Ordinance Regulating Home Occupation Businesses Within Nibley City

A. Definition

1. A home occupation is defined as “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:
 - a. individuals who perform occupation related activities at the home occupation residence must also live at that residence
 - b. individuals who do not live at the home occupation residence must not report to that residence for occupation-related activities
2. Accessory buildings may be used to conduct all or a portion of the home occupation, so long as the use is contained within the accessory building.
3. Applications meeting these criteria may (as determined by the appropriate land use authority) be classified as a home occupation rather than being classified by the actual activity associated with the business, exceptions as outlined in this ordinance.

B. Home Occupation License Required.

1. No person may conduct a business within a residence, the lot upon which it sits or within any of its accessory structures except as a home occupation in compliance with this Chapter. Except as specifically provided by Nibley City Ordinance, it shall be unlawful for any person to engage in or conduct a Home Occupation without having first procured a Home Occupation license from Nibley City, sometimes hereinafter to be called a "license". The license shall be renewed each year.
2. Persons who fail to renew their license for each calendar year and pay any associated fees, shall be deemed to no longer have a valid home occupation license and shall make a new application to the Nibley City Planning Commission for review and approval of a home occupation license, and shall be subject to all federal, state and local laws in effect at the time the new application is made.

C. Planning Commission Approval Required

1. Subject to the provisions of this ordinance, the Nibley City Planning Commission shall review and approve, deny, or approve with conditions, all applications for a home occupation, except for those uses which meet the definition of “Home Office”, as defined in Title 10 of the Nibley City Code. Uses meeting that definition may be reviewed and approved by City staff.
2. City staff may refer to the Planning Commission applications which meet the definition of “Home Office” if, in the determination of staff, there are circumstances which require the Planning Commission’s review and approval.

D. Purpose. The purposes of this section are to:

1. Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location.
 2. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
 3. Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.
 4. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas including, but not limited to, noise, nuisance, traffic, fire hazards and other possible business uses that create significant impacts on a residential neighborhood.
- E. **Neighborhood Disturbance.** The home occupation shall not interfere with or disrupt the peace and quiet of the neighborhood, and is subject to Nibley City ordinances regarding nuisances and noise disturbances. The home occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or any other adverse effects within the neighborhood, and shall not compromise the residential character of the neighborhood where such business is permitted to exist.
- F. **Renter/Owner Responsibility.** If the applicant for a home occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner at the time the application is submitted to the Business License Office.
- G. **Interior Alterations/Remodeling.** Alterations of the principal dwelling for the purpose of accommodating the home occupation are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas, or all of the bedrooms. A building permit shall be obtained for remodeling, and the primary use of the dwelling as a home or residence shall, at all times, be preserved.
- H. **Use of Accessory Buildings.** Any accessory building, regardless of use, which houses all or a portion of a home occupation, shall be subject to any adopted international, federal, state or local building and fire codes, and shall be subject to inspection by Nibley City prior to issuance of a home occupation license.
- I. **Restrictions.** The following restrictions shall apply to any home occupation:
1. All home occupations are required to obtain and maintain a current city business license and meet all requirements of this code.
 2. All home occupations shall comply with federal, state and local laws and ordinances.
 3. Home occupations shall not involve the unauthorized use of hazardous or annoying substances or processes nor shall they create any hazardous or offensive odors, noises,

fumes, gases, dust, radiation, glare, electrical interference, vibrations, heat, wastes, pathogens or any other harmful substances or effects.

4. Except as provided herein, home occupations shall not store goods, materials, equipment, or conduct any activity on any portion of the lot on which the home occupation is conducted. Accessory buildings may be used to conduct all or a portion of the home occupation, so long as the use is contained within the accessory building. Training activities such as swimming, tennis and horseback riding lessons, or daycare or preschool activities may be conducted outdoors, provided that no nuisance is created.
5. All vehicles and other equipment requiring parking accommodations, or which may not be reasonably stored in a business related vehicle, shall be parked out of the right-of-way and out of the setback areas on the property where the home occupation is conducted, with the exception of a car or light-duty truck which is used as part of the business.
6. Home occupations shall not cause excessive demands on city services.
7. Employees of home occupations shall consist only of members of the family residing in the dwelling or other individuals whose activities are conducted away from the residence and the real property on which it is located.
8. The exteriors of dwellings may not be altered from a residential character as a result of or to enhance a home occupation.
9. Home occupations involving pedestrian or vehicle traffic shall be conducted only between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
10. More than one home occupation may be conducted in a dwelling; provided, that these regulations are followed as though there were only one occupation in the dwelling.
11. The City may place additional restrictions on a home occupation relating to hours of operation, parking, traffic or other matters as it deems necessary to mitigate impacts on the neighborhood and the city in general. The additional restrictions may be imposed both before and after the issuance of a home occupation license to address anticipated impacts and those impacts found necessary to address once the business has begun operation.

J. Preschool/Daycare

1. Preschools for a maximum of eight (8) students may be conducted as home occupations with approval of a conditional use permit/concept plan with the following and other conditions as determined by the Planning Commission:
 - a. Maximum two (2) sessions per day and maximum four (4) sessions per week. Sessions shall be a maximum three (3) hours in length.
 - b. Days and hours of operation shall be provided for review.
 - c. All safety and building codes shall be met and a building permit, if necessary, shall be obtained for remodeling.
 - d. All state licensing requirements will be met.
 - e. All other requirements of this chapter and other local, state and federal laws shall be met.
2. Child daycare/preschool for more than eight (8) children shall be classified as daycare, commercial rather than a home occupation.

K. Prohibited Home Occupations.

1. The following uses, by nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are, therefore, prohibited:
 - a. Mortuary, crematorium, columbarium, mausoleum
 - b. Animal hospitals or veterinary services.
 - c. Clinic, dental office, medical office, chiropractic office, or hospital.
 - d. Junk yard, auto wrecking yard, or salvage yard.
 - e. Stables, kennels, pet stores, or any other commercial animal breeding business, or similar activities are prohibited.
 - f. Storage, service, repair, sales or rental of ambulance, tow truck, recreational vehicle, water craft, automobiles, ATV, or other motorized vehicles.
 - g. Fitness or health spa facility.
 - h. Boutiques, sample sale, or craft shows.
 - i. Auto body repair, motor vehicle repair.
 - j. Use of chemicals, pesticides and flammable/combustible materials, and including any other process or business where current, adopted federal, state or local building and fire codes would require an Operational Permit.
 - k. Client visits in excess of ten (10) per day.

L. Application. The following items shall be submitted to the city business licensing office in applying for a home occupation business license:

1. Application forms as provided by the City and the associated fee as approved by the City Council.
2. Description of the nature of the home occupation and information as requested in the application.
3. Hours of operation and the number of customer visits to be made each day.
4. Other government approvals required for conducting the home occupation.
5. Signed affidavit by the applicant that all requirements and conditions of the city will be followed.

M. Application Appeal Procedure. If the Planning Commission finds that certain conditions cannot be met, that the proposed home occupation is not appropriate or is inconsistent with the definition and purpose of this chapter or if reasonable and legitimate objections are filed, the application shall be denied. Applicants wishing to appeal the denial of a home occupation license may appeal the decision of the Planning Commission by following the appeal provisions outlined in Title 10-3 of the Nibley City Code.

N. Suspension/Revocation

1. A home occupation may be commenced only upon completion of all plan improvements as stipulated in the accompanying approval. The home occupation will be conducted in conformance with approved plans and conditions.

2. Application to amend a home occupation license may be requested by following the application procedures in this chapter. A home occupation license may be suspended or revoked by the Planning Commission, after a public hearing, if it is shown that one or more of the following conditions exist:
 - a. The use is conducted prior to completion of all required improvements and conditions.
 - b. The use is established or conducted contrary to any of the approved plans or conditions.
 - c. The use is conducted contrary to local, state, or federal laws.
 - d. The use is creating a nuisance or hazard, whether it be through the condition of the property, the conduct of the business or the behavior of the occupants of the residence where the home occupation is conducted or for any other reasonable and legitimate basis as determined by the Planning Commission.
 - e. The applicant supplied false or misleading information when applying for a home occupation license; or withheld relevant information on the application or allowed such to happen.
3. Prior to holding a public hearing to consider the suspension or revocation of a home occupation license, the City shall give at least fourteen (14) days prior written notice, mailed or otherwise delivered to the address listed on the application as the address where the Home Occupation is being conducted, of the alleged violation or the manner in which the property no longer complies with the requirements for the Home Occupation, with the opportunity to correct the problem during said time. Any substantiated, unresolved complaint, regarding the violation of standards, qualifications or application requirements or any of the above violations, which is received and verified by the City, against any Home Occupation licensed under this section, will require that any licenses be revoked and the business cease to operate. As part of the public hearing or after it is completed, the holder of the home occupation license shall be given an opportunity to present evidence and/or witnesses in support of the license-holder retaining the license.
4. Any person/persons whose license has been suspended or revoked by the Nibley City Planning Commission, and who wishes to appeal said revocation may appeal the decision of the Planning Commission by following the appeal provisions outlined in Title 10-3 of the Nibley City Code.
5. Any action related to the business license of the home occupation license holder shall be taken in accordance with the provisions of Title 3, Chapter 1 of this Code.