

Mapleton City Planning Commission Staff Report

Meeting Date: February 27, 2014

Item: 3

Applicant: Westwood Acres

Prepared by: Brian Tucker, Planner

Public Hearing Item: Yes

Location: 678 West 600 South (Parcel #66:131:0033)

Zone: PRC-2

REQUEST

Consideration of a request for a Home Occupation to operate an internet sales business in the Planned Residential Community Zone (PRC-2). The proposed business has one part time employee who does not reside within the home, and therefore requires Planning Commission approval.

BACKGROUND AND PROJECT DESCRIPTION

The property located at 678 West and 600 South is in an exclusively residential area. The applicant is requesting a Home Occupation that would allow a boutique fabric business consisting of exclusively internet sales and will include no customer visits or retail activity. The applicants intend to have one employee who does not live within the home. Deliveries and pickup of merchandise will consist of USPS/Fed Ex delivery trucks and are expected to be virtually without impact on traffic and the residential use of neighboring homes.

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. Detached structures where a home occupation is being conducted must be located within fifteen feet (15') of the residential dwelling. 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. The business must be conducted entirely within a completely enclosed structure on the property,
2. No more than 25% of the structure or 500 sf, whichever is less, may be used for the home occupation,
3. No more than one person who does not reside on the property may be engaged in the home occupation,
4. No more than 6 cars may be parked at the residence at any one time,
5. The home occupation must be secondary and incidental to the use of the dwelling as a residence,
6. The home occupation must be licensed by the city and comply with city regulations,
7. The home occupation must be conducted by a person who occupies the dwelling,
8. Background checks will be conducted on all inhabitants of the dwelling and employees, and
9. The home occupation shall operate in compliance with any applicable city or state requirements.

Compliance:

The home occupation will be required to carry a Mapleton City Business License. The business does not include the use of more than 500 sf, will include no more than one employee, include no client visits, and the home occupation will not include any exterior changes to the home that will change the residential character of the building..

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. Background checks for all employees and residents of the dwelling shall be maintained with Mapleton.
3. The home occupation shall be conducted within the confines of the structure.
4. No signs shall be placed on the property without a sign permit.
5. Mapleton City Police and Fire Department approvals are required.
6. 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.
7. If the proposed use is abandoned for a period of six months or more, the use permit will become null and void.

ATTACHMENTS:

1. Findings for Decision.
2. Application Materials.

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.	✓



From: [Weston Woodruff](#)
To: [Brian Tucker](#)
Subject: Home business application
Date: Sunday, February 02, 2014 10:19:49 PM

Hi Brian,

Thank you for taking the time to talk with me on Friday regarding the requirements for application for the business license. You requested that I send you a short paragraph detailing our business.

My wife and I run a small boutique fabric business out of the 3rd car garage space in our home (456 SF) . We cut and package bundles of quilting fabric to make the quilting process easier and faster for quilters around the world. We started this small business in 2010 in our home in Spanish Fork because my wife was a quilter and blogger looking for smaller pre-bundled fabric and couldn't find many options. She began buying whole sale to save money and we then sold the extras we had to help pay for her quilts (which we often donate). The fabric was stored in an upstairs bedroom and most of our neighbors never knew we had a home based business. We moved to Mapleton because we loved the area, open spaces, quiet town and the home boasted a 3rd car garage that we could use for our little business. We have 1 employee that comes to our house 2-3 times a week for about 3-4 hours to help fold fabric, this allows my wife the time to still quilt for herself and blog about the process (this is how we drive most of our business). We have a large driveway and carport so there are never any cars parked on the road.

Our shop is very quite, all work is done inside and with no mechanical devices (just a pair of scissors). All of our sales are shipped out via USPS, we have NO local pickups or customers coming to our home (we have no store front). Most of our shipments fit into legal sized envelopes and we take them to the post office a few times a week (usually on our way to the grocery store or out to dinner). The only delivers we get are from UPS. They drop off a few boxes about every 10-20 days. These boxes are not large and cannot stay on our step long because the weather can ruin the fabric so they are taken inside immediately. We are excited to be here in Mapleton and are sure that there will be no complaints or issues with our small business.

If you have any other questions please let me know.

I look forward to seeing you on the 27th at 6:30pm.

Weston