

Mapleton City Planning Commission Staff Report

Meeting Date: December 11, 2014

Item: 2

Applicant: Pernille Ream

Prepared by: Brian Tucker, Planner

Public Hearing Item: Yes

Location: 2062 S Parkview Drive (Parcel #49:409:0022)

Zone: RA-1-C

REQUEST

Consideration of a request for a Home Occupation to operate a Massage Therapy business in the Residential - Agricultural (RA-1-C) Zone.

BACKGROUND AND PROJECT DESCRIPTION

The property located at 2062 S Parkview Drive is located in a low density area in the southwest part of Mapleton. A home occupation permit was approved by the Planning Commission for a massage therapy business in May 2013. The permit was never picked up and the license was never issued. The approval has expired due to inaction. The applicant is asking to be approved for both the original massage therapy business and the additional esthetician aspect, both of which would happen within the home.

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. 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 no 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:

The home occupation must operate in accordance with the Massage Therapy Practice Act, Title 58, Chapter 47b of Utah Code and will be required to carry a Mapleton City Business License. Massage Therapists must be licensed in accordance with Utah Code.

The proposed home occupation must also operate in accordance with the “Barber, Cosmetologist/Barber, Esthetician, Electrologist, and Nail Technician Licensing Act”, Utah Code 58-11a-101. The applicant will be required to carry a Mapleton City Business License and must be licensed in accordance with Utah Code.

The business does not include the use of more than 500 sf, will include no employees, appointment times will be staggered to keep parking in check, 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. The applicant shall obtain licensure for massage therapy from the State of Utah and shall maintain a copy of current licensure with Mapleton.
3. Background checks for all employees and residents of the dwelling shall be maintained with Mapleton.
4. The home occupation shall be conducted within the confines of the structure.
5. No signs shall be placed on the property without a sign permit.
6. Mapleton City Police and Fire Department approvals are required.
7. Violations of the terms of this use permit, other ordinances of the City, or the failure to maintain a Massage Therapy license may constitute grounds for revocation of this permit and associated business license by the Planning Commission.
8. 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. | ✓ |

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|-----|--|---|
| 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. | ✓ |



Mapleton City Corporation
 125 West Community Center Way (400 North)
 Mapleton, UT 84664
 Phone: (801) 489-5655 Web: www.mapleton.org
 Fax: (801) 489-5657



BUSINESS LICENSE APPLICATION

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|-------------------------|
| BUSINESS LICENSE NUMBER |
| |

Commercial Business
 Home Occupation Business
 Temporary/Seasonal Sales
 Burglar Alarms

| | |
|--|--|
| Name of Business: Therapeutic Touch | Business Phone Number: 801-735-9566 Business Fax Number: |
| Business Address: 2062 S. Parkview dr. | Email Address: feamsindenmark@yahoo.com Mailing Address: 2062 S. Parkview drive. |

| | | | | |
|--|--------------------------------|--------------------------------|--|-------------------------------------|
| State Registration: <input checked="" type="checkbox"/> Sole-Proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> LLC <input type="checkbox"/> LP <input type="checkbox"/> LLP | DBA # Expires / / | State Tax # (if applicable) | Corporation # (Must attach a copy of Articles of incorporation) | Federal Tax ID # (if applicable) |
|--|--------------------------------|--------------------------------|--|-------------------------------------|

| | | |
|--|---|--|
| Business Owner Name(s) Pernille Ream | Owner's Address Street: 2062 S. Parkview drive City: Mapleton State Ut. Zip 84664 | Owner's Phone Number(s) 801-735-9566 |
|--|---|--|

Nature of Business: Manufacturing Wholesale Retail Services Daycare/Preschool – Number of children _____
 Other _____

Total Number of Employees: 0 Number of Full-time Employees: _____ Number of Part-time Employees: 0

Briefly describe your business: **Massage therapist and Esthetician.**

Annual License fee rates:

- Business License - \$100 plus \$25 per employee
- Home Occupation - \$100 plus \$25 per employee
- Home Occupation Renewal - \$50 per year + \$25 per Employee
- Burglar Alarms - \$50 plus \$2.00 for each subscriber

\$ _____

The receipt for payment of license fees does not constitute being approved to operate a business. The actual license will only be issued when all inspections are complete and approved. Business Licenses expire annually on December 31st. Renewal is the responsibility of the business owner. Failure to receive a renewal notice does not excuse this responsibility. License renewal fees are due on or before January 31st. Any license fee not paid within thirty (30) days of the due date will be issued a late fee.

I hereby agree to conduct said business strictly in accordance with the Laws and Ordinances set forth by Mapleton City, Utah County, the State of Utah, and Federal standards, covering such business, and swear under penalty of law that the information contained herein is true to the best of my knowledge. I also agree that no other type of business will be conducted other than what has been stated above.

X Pernille Ream 10/23/14
 Signature Date

THIS SECTION FOR OFFICE USE ONLY

| | | | | |
|-------------------|-------|-----------|------------|----------------------|
| Planning & Zoning | Date: | Zone: | Signature: | Approved Yes / No |
| Police Department | Date: | Comments: | Signature: | Approved Yes / No |
| Fire Department | Date: | Comments: | Signature: | Approved Yes / No |

STATE OF UTAH
DEPARTMENT OF COMMERCE
DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING

ACTIVE LICENSE

EFFECTIVE DATE: 06/16/2014
EXPIRATION DATE: 09/30/2015
ISSUED TO: Pernille Budolph Ream



REFERENCE NUMBER(S), CLASSIFICATION(S) & DETAIL(S)

9040800-1108 Esthetician

Pernille Ream
SIGNATURE OF HOLDER

Form #1

STATE OF UTAH
DEPARTMENT OF COMMERCE
DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING

ACTIVE LICENSE

EFFECTIVE DATE: 01/25/2012
EXPIRATION DATE: 05/31/2015
ISSUED TO: PERNILLE BUDOLPH REAM



REFERENCE NUMBER(S), CLASSIFICATION(S) & DETAIL(S)

366426-4701 Massage Therapist

Pernille Ream
SIGNATURE OF HOLDER



MAPLETON CITY CORPORATION
Home Occupation Questions

1. Will the home occupation be conducted entirely within a completely enclosed structure on the property? yes

2. If the home occupation will be conducted in a detached structure, is the structure located within 15 feet of the main dwelling? ✓

3. Will the home occupation 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 (please include a floor plan showing the area proposed for the home occupation)? less than 25% and less than 500 feet²

4. Will the activities of the home occupation be conducted by members of the residing family?

No

5. Will there be any person engaged in the home occupation business that is not a member of the residing family? If so, how many? NO

6. Are you proposing to sell any goods that are not produced as part of the home occupation? If so, what goods will be sold and approximately what % of the business will involve the sale of these goods? NO

7. Are you proposing to display any goods produced by the home occupation that will be observable from outside the dwelling? NO

8. Will the home occupation require the storage of any commercial vehicles (not including one delivery truck which shall not exceed ten thousand (10,000) GVW rated capacity)? NO

9. Do you anticipate having any more than 6 cars (including those owned by the resident family) parked at the residence at any one time? NO

10. Do you anticipate the need for clients to park or store vehicles on the premise overnight?

NO