CITY OF LOGAN  
State of Utah  
ORDINANCE No. 99-52

An Ordinance Enacting Chapter 17.43 of the Logan Municipal Code, Home Occupations

The Municipal Council of the City of Logan does ordain as follows:

Section 1:

The Municipal Council finds and declares:

1. The policy groundwork for this code was adopted in the Logan General Plan in June, 1995.
2. The Home Occupations code accommodates entrepreneurial spirit and respects residential character.
3. The Code provides for flexibility and options in the growth and development of home occupations as a part of the residential neighborhood in which it is located.

Section 2:

The Municipal Council does amends Title 17 of the Logan Municipal Code as follows:

Chapter 17.43, Home Occupations, is hereby added to the Logan Municipal Code as written in Exhibit A, attached.

Effective date

This ordinance shall become effective upon publication in a newspaper of general circulation in the City of Logan.

PASSED BY THE CITY OF LOGAN MUNICIPAL COUNCIL, STATE OF UTAH, THIS 5TH DAY OF ___________, 1999

ATTEST:

John Harder, Council Chair
Lois Price, City Recorder
PRESENTATION TO MAYOR

The foregoing ordinance was presented by the City of Logan Municipal Council to the Mayor for his approval or disapproval on the May 5, 1999,

John Harder, Council Chair

MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby ________________ , this _____ day of

MAY, 1999.

Douglas E. Thompson, Mayor

Attest:

Lois Price
City Recorder
Chapter 17.43: Home Occupations

§17.43.010. Purpose

In order to accommodate entrepreneurial spirit, and respect the purpose of residential areas of the City, the Municipal Council finds and declares a need to accommodate home occupations as uses accessory to residences. Many types of businesses can be conducted at home with little or no effect on the surrounding neighborhood. Businesses in the home are intended to be unintrusive in the neighborhood. Traffic is to be generally the same as conventional homes. The businesses are to be of a compact nature that does not require accessory buildings or additions to the home. The customer traffic that may occur is to be limited and low intensity, similar to the visitors who come to homes without businesses.

The regulations of this chapter are intended to permit residents to engage in home occupations while ensuring that the businesses will not be a detriment to the character and livability of the surrounding neighborhood. It is the Municipal Council's purpose that home occupations remain accessory and subordinate to the permitted residential uses and that the residential viability of the dwelling unit is maintained. Home occupations are intended to be businesses that function within the residence and not business sites within which residential use becomes subordinate.

§17.43.020. Applicability

Uses identified in this chapter are allowed as home occupations only in compliance with all the requirements of this chapter. Home occupations are permitted only to be businesses owned and operated by a person for whom the dwelling is a primary residence.

§17.43.030. Types of Home Occupations

A. Family, child, and elder day care

Day care in a home is not subject to the provisions of this chapter. It is treated as a defined use in the base zoning district.
B. Group living facilities as a business

The following group living facilities are commercial land uses within a residential district and subject to the provisions of the base zoning district and other development standards of this Title:

1. Assisted living centers
2. Group living facilities for the elderly
3. Group living facilities for the developmentally disabled
4. Group living facilities for the physically disabled

C. Office in the home

A business which is comprised of an office in the home, consulting services, or service activities that are managed from the home and occur away from the residential property is permitted. Client traffic is regulated by the general provisions of this chapter.

D. Outside sales

Outside sales activities, such as sales of cosmetics, vacuum cleaners, and similar business operated with the proprietor making the transaction at another residence are permitted.

1. Within the Single Family zones (AG, SFL, SFR, SFT), customer traffic to the residence in excess of two customers by appointment per day or ten per week, shall be as established in the home occupation permit.
2. In the Multi-Family zones (MFM, MFH, and MFV), no customer traffic shall be permitted, except an occasional product pick-up or payment.

E. Demonstration sales, sales parties, and periodic group gathering activities

Sales activities requiring a marketing effort comprised of a group gathering on a periodic basis in order to sample or display the product may be permitted as a home occupation. While the intent of this code is to accommodate such activities as a use, it is not the intent of the City to allow such activities to occur on a frequent and regular basis in a residential location. If the City receives repeated and legitimate complaints about the number of gathering activities that are commercially related, the City may impose limitations on the number of gatherings per specified time period.

F. Real estate, insurance, accounting, financial services

Service businesses involving customer traffic may be based within a residence, provided that the licensee generally meets customers at a location away from the residential property or at the home by appointment only or as specified in the conditional use permit.

G. Businesses for which a business license is not required

Businesses for which a business license is not required are not regulated by the provisions of this chapter, provided that such uses do not become a public nuisance due to operational characteristics, traffic, noise, or use of hazardous or toxic materials.
H. Property owner approval required

All applications for a home occupation permit shall be signed by the property owner. If the applicant for the business license is different than the property owner, the property owner, property owner's designated agent, or property manager shall also sign the application.

§17.43.040. Home occupations within Multi-Family (MF) zones:

Multi-family zones are MFM, MFH, MFV, REC, and any commercial zone in which the home occupation is proposed to take place in a residential unit. Single Family zones are SFL, SFT, and SFR. AG is treated as a single family zone for purposes of this Chapter.

A. Multi-family attached dwelling units:
1. An office in the home is a permitted use,
2. No regular customer traffic shall be permitted,
3. No signs shall be permitted,
4. No onsite employees shall be permitted other than persons residing in the dwelling unit,

B. Single family dwelling units located within MF zones
1. A single family detached dwelling unit that is located within a Multi-Family zoning district (MF), shall be treated as if it were located in the Single Family Residential (SFR) zoning district for purposes of this chapter when reviewing home occupation permit applications.
2. A single family attached dwelling unit that is located within a Multi-Family zoning district (MF) may be approved for a home occupation treated as a detached single family dwelling upon approval of a home occupation permit pursuant to this Chapter.

C. Single family attached dwelling units within SF zones
A single family attached dwelling unit that is located within a Single Family (SF) zoning district may be approved for a home occupation treated as a detached single family dwelling upon approval of a home occupation permit pursuant to this Chapter.

§17.43.050. General regulations

A. The following general regulations apply to all home occupations:
1. The business area shall comply with appropriate building code and fire code requirements;
2. If there is more than one employee working within the residence, or if there are to be more than two customers by appointment per day or more than ten per week, a home occupation use permit shall be obtained pursuant to this Chapter;
3. If there is an employee working within the residence or if there is to be regular customer traffic by appointment, the home occupation shall comply with the Americans with Disabilities Act (ADA) under its least restrictive interpretation;
4. The home occupation shall not exceed over 25% of the gross floor area of a residence measured prior to any expansion or remodeling planned for the home occupation;

5. If the home occupation is conducted in an attached or detached garage, the square footage of the accessory building shall not exceed 25% of the square footage of the dwelling, not counting the square footage of the garage;

6. If the home occupation is conducted in a garage, parking shall be provided in conformance with the Logan Municipal Code;

7. Customer parking, if permitted by the provisions of this chapter, may be located on street, and the business shall take steps to manage customer arrivals and departures to not inconvenience use of or visits to neighboring residential properties resulting from the business’ customer traffic.

B. Public hearings:
A public hearing and home occupation permit shall be required for a home occupation that has more than one employee based at the residence or requires customer traffic by appointment in excess of six persons per day or twenty persons per week.

§17.43.060. Home occupation permit

A. Home occupation permit for permitted uses
If the home occupation has no more than one non-resident employee working in the residence, and will not exceed customer traffic thresholds, the Director of Community Development shall issue a Home Occupation Permit by approving the business license application in the same manner as approving any use permitted within a base zoning district.

B. Home occupation permits for which a public hearing is required
A public hearing before the Planning Commission shall be required for any home occupation which meets the following thresholds:
1. The home occupation will have more than one non-resident employee based at the residence who is not a resident of the dwelling unit,
2. The home occupation will have customer traffic by appointment in excess of six persons per day or twenty per week,
3. The home occupation has use characteristics that substantially fit the provisions of this chapter, but are found by the Director of Community Development to have the potential to affect neighboring residents. This provision allows a business to be considered by the Planning Commis-
C. Home occupation permit application

A home occupation for which a public hearing is required shall apply for a home occupation permit using the provisions of this chapter.

1. The Director of Community Development shall prepare the application forms to obtain the basic information necessary to review the home occupation permit.

2. The application shall require the following information:
   a. Name, address, daytime phone number of the business owner,
   b. Address and tax identification number of the subject property,
   c. Size of the subject property,
   d. A signature of the property owner, property owner's agent, or property manager if the applicant is not the property owner,
   e. A copy of the current Recorder's Plat and title abstract or deed,

3. A basic site plan legibly drawn to scale showing the location of the house, driveway, garage, and outbuildings on the property. This site plan may be prepared by the business owner and need not require a stamp from a registered professional,

4. A written description of the business and its operational characteristics. This shall include whether or not there is a proposed employee who is not a resident of the dwelling, number of customers, and method of transactions if goods or services are to be exchanged

D. Hearing and notice

1. Upon receipt of a complete application meeting the standards of this Chapter and the administrative process, the Director of Community Development shall schedule the application for a public hearing not less than ten days prior to the Planning Commission meeting;

2. At least seven days prior to the hearing, the Director shall cause to be placed in the US mails, first class postage pre-paid, a written notice of the time, date, and place of the hearing along with a copy of the application and site plan, to all property owners within 300 feet of the perimeter boundaries of the subject property;

3. The Director of Community Development shall cause to be prepared a staff memorandum that summarizes the details of the project and provides an analysis and recommended conditions and findings for the home occupation permit. The Director may recommend approval, approval with conditions, or denial of the proposed application for a home occupation permit;

4. The Planning Commission shall hold a public hearing and consider the staff report, information provided by the proponent, and information from any interested party;

5. Following the public hearing, the Commission shall by majority vote of members present approve, conditionally approve, or deny the application. The Commission adopt findings to support its action. If the
Commission requires additional information, it may continue the matter to a future meeting date. The policy of the Municipal Council is to avoid continuing hearings when possible for home occupations.

E. Record of Decision
Following the Commission’s action, the Director of Community Development shall cause to be prepared a Record of Decision which shall be executed by the business owner and maintained on file with the Department of Community Development. The Record of Decision for a home occupation shall not be recorded with the County Recorder. A copy shall be mailed to the property owner if different from the business owner. If identified in the application, a copy of the Record of Decision shall also be mailed to the property owner’s agent or property manager.

§17.43.070. Uses not identified
The regulations of this chapter establish performance standards for home occupations. Uses that comply with all of the standards of this chapter may be permitted as home occupations unless specifically prohibited in this Title.

§17.43.080. Prohibited uses and operational characteristics
A. Walk-in, Impulse, or Drop-in Customer traffic
Any business which requires walk-in, unrestricted, or impulse customer traffic to regularly go to the residence in order for the business to financially succeed shall be prohibited as a home occupation. The seasonal businesses identified in §17.43.16.

B. Customer traffic by appointment
The Planning Commission may impose limitations on the number of customer appointments per day on the basis of available parking, street access, home business location, or other site specific factors.

C. Vehicle and large equipment repair
Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to a vehicle its parts is prohibited.

D. Dispatch Centers
Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.

E. Animal treatment, training, care, or boarding facilities
Any business requiring more than one customer at a time to bring an animal to the residential property in which the business is located is prohibited. Animal treatment, training, or boarding facilities shall not be permitted as home occupations. This includes animal training singly or in
groups, animal hospitals, kennels, stables and all other types of animal boarding facilities. A business that is exclusively animal grooming is not subject to the provisions of this subsection.

§17.43.090. Signs
Signs are limited to a single sign, not larger than two square feet, which is mounted on the building. No sign shall be illuminated. No banners, window signs, posters, flags, exterior lighting or other attention getting devices shall be permitted. Signs shall not be painted in or on windows, and shall not be mounted in a window. Signs shall not be freestanding. No signs are permitted in the Multi-Family (MF) zoning districts.

§17.43.100. Business Licenses
Business licenses shall be required for home occupations in conformance with the provisions and penalties of the Logan Municipal Code.

§17.43.110. Exterior Appearance
There shall be no change in the exterior appearance of the dwelling unit in which the home occupation is located or the site upon which the business is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving required setbacks, or adding commercial exterior lighting. There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot, except for the sign permitted by this Chapter. Exterior storage or display of goods or equipment is prohibited, except for seasonal businesses as permitted in §17.43.16.

§17.43.120. Operational Impacts
No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. Hazardous substances may be subject to additional restrictions based on proposed quantities, available storage, use, or disposal. No exterior storage shall be permitted, although storage may occur in an accessory building, provided that the accessory building shall not be larger than twenty-five percent of the residence footprint, not including garage.

/108/ Stables may be permitted or conditionally permitted within zoning districts as identified on the use chart for the appropriate zoning districts.
§17.43.130. Trucks and Vehicles
No truck larger than a passenger two ton pick-up truck or van may be parked overnight at the site of a home occupation. The Planning Commission may condition a use permit, or the Director of Community Development may impose limitations of the parking of fleet vehicles at a residential lot when a home occupation permit has been issued. The intent of this section is that while recognizing that some businesses may own, lease, or operate more than one vehicle, the residential site shall not become the parking lot and storage area for the business.

§17.43.140. Deliveries
Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods. A home occupation shall not require more than two trips per week by a commercial tractor-trailer vehicle.

§17.43.150. Home occupations performance standards
A. Retail sales
Retail sales of goods may be conditionally permitted from residential properties if the business can function without requiring “drop-in” or unscheduled customer traffic. A conditional use permit is not required if the business operates in such a manner that sales orders are placed or transactions generated at the subject property, but customer delivery or pickup occurs elsewhere. An example of this would be a business such as Amway, Avon, or Mary Kay Cosmetics, where customers call the representative to order from a catalog and the representative typically delivers the merchandise to the customer at the customer’s home. The Planning Commission may impose conditions to limit the number of customer visits to the business.

B. Home occupations and residential additions and accessory buildings
1. A home occupation shall not be permitted in an accessory building.
2. An addition to a residence for the purpose of accommodating a home business shall not be permitted.
3. A home business may be located in an existing garage, provided that the area dedicated to the home business is not greater than 25% of the floor area of the house, exclusive of the square footage of the garage.

§17.43.160. Seasonal retail sales
A. Christmas tree sales from residential dwellings
Residents of single family dwellings shall be permitted to sell Christmas trees from the property upon which the single family dwelling is located from November 21 through December 25 of a calendar year. A business license shall be obtained in conformance with the requirements for licensing seasonal businesses.
Sales of Christmas trees at single family dwellings shall conform to the standards of this section:

1. Trees shall be located entirely on private property and shall not be displayed within the public right-of-way;
2. Signs shall be a maximum of four feet by four feet single sided. Signs shall be displayed on private property where the trees are being sold;
3. No signs shall be posted within the public right-of-way, on street lights, public signs, street signs, electric power poles;
4. No signs shall be located off of the property on which the trees are being sold;
5. Signs shall be removed from the yard when the trees are not being offered for sale;
6. No banners, flags, pennants for the tree sales shall be permitted. This restriction does not apply to the regular Christmas lights as may be displayed on the property;
7. Hours of operation of the business shall not exceed 9:00 a.m. until 9:00 p.m.;
8. All Christmas trees shall be removed from the property by December 31 of the calendar year in which the sales of the trees were initiated.

B. Other seasonal sales
Seasonal sales of items from residential property, such as fruits and vegetables, crafts, or other items grown or created on the property are permitted for a period of time not to exceed four weeks in a calendar year when sales are of a level to require a business license. Seasonal sale items are subject to the provisions of this Chapter and the following:

1. Sales areas shall be located entirely on private property and shall not be displayed within the public right-of-way;
2. Signs shall be a maximum of two feet by two feet single sided. Signs shall be displayed on private property where the produce or crafts are being sold;
3. No signs shall be posted within the public right-of-way, on street lights, public signs, street signs, electric power poles;
4. No signs shall be located off of the property on which the produce or product are being sold;
5. Signs shall be removed from the yard when the produce or products are not being offered for sale;
6. No banners, flags, pennants for the sales shall be permitted;
7. Hours of operation of the business shall not exceed the hours 9:00 a.m. until 9:00 p.m.;
8. All produce or products offered for sale shall be removed at the end of the sales period.

C. Seasonal items for which a business license is not required
There are no restrictions on the sales of items from a residence when a business license is not required, provided that there is compliance with the following:
1. Sales areas shall be located entirely on private property and shall not be displayed within the public right-of-way;
2. Signs shall be a maximum of two square feet. Signs shall be displayed in conformance with the provisions of this Chapter.
3. No signs shall be posted within the public right-of-way, on street lights, public signs, street signs, electric power poles;
4. No signs shall be located off of the property on which the produce or product are being sold;
5. Signs shall be removed from the yard when the produce or products are not being offered for sale;
6. No banners, flags, pennants for the sales shall be permitted;
7. Hours of operation of the business shall be from 9:00 a.m. until 7:00 p.m.

D. The "Lemonade Stand" Exemption

The City shall not enforce the provisions of this Chapter against a business run by any child age 16 or under that does not require a business license under the provisions of the Logan Municipal Code.
April 30, 1999

To: Municipal Council, Mayor

From: Eric Jay Toll, Director of Community Development

Topic: Home Occupations Code

The proposed Home Occupation regulations have gone through a detailed and thorough review to come to this draft. The code reflects content with which the Administration is comfortable. It reflects the knowledge, experience, and issues seen before the Planning Commission over the past five years, it balances the Council’s desire for flexibility with its adopted policies to protecting neighborhood character.

Basically, the code does the following:

Simple home occupations are approved at staff level. This includes an office in the home, a home business with one non-family employee and customer traffic of one person per day or up to nine customers per week. It includes businesses that are basically “invisible” to the fabric of the neighborhood.

The ordinance does not outright prohibit any other intensity of home business. Any proposed home business which does not fall within Staff’s purview is entitled to apply for a Home Occupation permit to be reviewed at a public hearing.

The ordinance establishes a streamlined permitting process for the home occupation permit, instead of the normal 3–5 weeks to reach the Commission, an application should be able to be on the next Commission meeting for which a notice has not been published. This means two to three weeks from submittal. The application requirements are simple, straightforward, and easy for a business owner to prepare.
The ordinance does include prohibitions on certain types of "commercial" businesses for which the Planning Commission found that we have an long track record of problems. Additionally, other businesses that are difficult to operate from a home due to hazardous or toxic materials are also prohibited. For the most part, any prohibition can go to the Commission for review at a public hearing.

During the noticing period, one letter was received opposing the restrictions of the ordinance. However, after discussing the letter with its author, it was found that her home is in a commercial zone, so it is not subject to the limitations of the ordinance. Additionally, it turns out that the author had not read the code, and that the type of business being proposed was a business that could be approved at the Staff level even if it were to be a home business.

Staff recommends that the Municipal Council enact this ordinance.
Minutes of the meeting for the Logan Planning Commission convened in regular session Thursday, February 25, 1999, Chair Paul Larsen conducting. The chair called the meeting to order at 5:30 p.m.

Planning Commissioners present were: Eldon Hooper, Eugene Kartchner, Paul Larsen, Karl Ward, Douglas Jensen and Bruce King

Planning Commissioners absent were: Gina Wickwar

Staff present: Eric Toll, Brandi Clement, Leslie Clark

Tape 1A: Counter 296

**Home Occupations. Public Hearing. No Action will be taken.**

STAFF: The Council felt the ordinance was too restrictive so it has been redrafted and is now going back to the Planning Commission.

Mr. Toll reviewed the home occupation ordinance. Mr. Toll felt this ordinance will have a significant impact on some neighborhoods.

Mr. Kartchner would like copies of the previous ordinance to see what they passed originally.

PUBLIC: Sandra Romseburg, in general, is opposed to the commercialization of neighborhoods. Any business that creates any traffic or noise should not be allowed. She feels like a couple of Council members are pushing this ordinance and do not realize the ramifications. She said drop-by-sales and employees are negatives to a neighborhood. The increase of traffic endangers children playing in neighborhoods. There is no way to limit the numbers of businesses on a street or in a neighborhood. Lots could also be combined to meet a requirement to increase a business. Also the requirement that only 25% of the building can be used for home occupation cannot be enforced. There is no way to know how much would be used. They want to keep their neighborhoods residential. They do not want them destroyed by commercializing them.

COMMISSION: Mr. Jensen said that the driving forces of the ordinance is how many employees you have. He feels one employee is acceptable, but if they want more they need to go to commercial zones. He thinks they need to seriously look at this ordinance.

Mr. Jensen stated that they have sat through many public hearings in which home occupations have not been acceptable in the neighborhood. There have been problems with traffic and parking. They need to protect the neighbors, as well as find a balance with home occupations.
Mr. Ward said there is some need for people to utilize their home for office, daycare or music lessons. But businesses that allow employees should be seriously thought about before it is passed in an ordinance. Employees go beyond what the home business should be.

Mr. Kartchner said in the past he has leaned toward allowing people to provide a living for themselves and often times a home occupation is a way to go. He said this new ordinance really concerns him. He feels like the lot size restrictions may be saying that if you in poor or economic circumstances that put you on a smaller lot then you have more restrictive requirements and those people are the ones that probably need to be able to have a home occupations out of their homes. People that have larger lots purchase those lots for more privacy and financially are not in as great of need for home occupations.

Mr. Jensen also felt that home occupation requirements should be standard across the board rather than by lot size.

Mr. King is concerned about two trips per week with a tractor trailer would really be infringing on the neighborhoods. He also is concerned about fleet vehicles to be allowed and should that be something that the Director could allow.

Mr. Toll said that if a husband and wife have both of their vehicles with signs on them that could be a fleet.

Tape 1B: Counter 132
MOTION: Continue for deliberations and vote to March 11, 1999.

[Moved: Mr. Jensen Seconded: Mr. King Passed: 5, 0]
Yea: King, Hooper, Ward, Kartchner, Jensen
11. Prior to the submittal of the final plat, the City Engineer shall receive an executed original
copy of the Development Agreement for the subdivision.

[Moved: Mr. Ward Seconded: Mr. Larsen Passed: 4, 0]
Yea: Ward, Larsen, Jensen, Wickwar

Tape 1B: Counter 480

HOME OCCUPATIONS. Discussion and vote.

STAFF: Mr. Toll reviewed the changes from the original Home Occupations version to the new
one.

Ms. Wickwar said there could be more employees and more customer traffic with the proposed
version.

Mr. Jensen said that the number of employees and traffic affect the neighborhood. He does not
approve of employees. He does not think a home occupation should require a new accessory
building. The look of the home should not change.

Ms. Wickwar believes that when you buy a home in a residential area that you should have every
guarantee that it remains residential. She does not understand the basis of the lot size. The
bigger the lot, the bigger the business.

Mr. Toll said that the larger the lot the less impact you have on your neighbors. This actually
allows more intense home occupations in places that are more isolated and away from the
City. The administration does like the control in multi family complexes. The Commission agrees
with the multi family restrictions.

Mr. Larsen and Mr. Ward said that the lot size does not make any sense.

Mr. Ward said that he has a larger lot, but has only a small street frontage, so he still does not
have room for employees just because of the acreage his home is on.

Mr. Larsen said the guy in the smaller lot does not have the same opportunity as the person with
the larger lot.

Ms. Wickwar said the business community has a legitimate concern that they have to pay rent and
do landscaping and the City is subsidizing someone with a home occupation to compete against
them. The proposed ordinance would allow a home occupation to run the same type of business
as someone running their business out of a commercial site.

Mr. Jensen said the whole concern is that we need to provide a way for people to provide a living
for themselves. The real concern is what is that threshold. He views the threshold as being when
you have to hire people to get your work done, then you need to go to a commercial area. Also if
you need to alter your home to accommodate the business then you need to move to a
commercial area.
Mr. Ward said they need to delineate what they consider a home business and what is not. If it requires employees, more traffic, or alterations to the home to accommodate the business, then it should not be a home business.

Ms. Larsen does not have a problem with a single employee. A single employee is not any different than having a housekeeper come to your home.

Mr. Toll will rewrite the ordinance to reflect the Commission’s concerns and bring it back to the Commission for review and vote on March 25, 1999.

The meeting adjourned at 7:15 p.m.

Minutes approved as written and recorded on 2 tapes at PC meeting of March 11, 1999.

______________________________  ________________________________
Eric Jay Toll  Virginia Wickwar
Director of Community Development  Chairman

______________________________
Danielle Grover
Recording Secretary
Minutes of the meeting for the Logan Planning Commission convened in regular session Thursday, March 25, 1999, Chair Virginia Wickwar conducting. The chair called the meeting to order at 5:30 p.m.

**Planning Commissioners present were:** Eldon Hooper, Eugene Kartchner, Paul Larsen, Gina Wickwar, Karl Ward, Douglas Jensen and Bruce King

Planning Commissioners absent were: none

Staff present: Eric Toll, Brandi Clement, Leslie Clark

*Home Occupations. Discussion and vote on the March 12, 1999 version.*

The Commission was comfortable with a threshold of a maximum of ten customers per week or a maximum of 2 customers per day. This could be approved on the staff level of the business license. If a person wanted more than that threshold they will need to come through the Planning Commission for a conditional use permit and a public hearing. That way the neighbors will have a chance to voice any concerns.

*Paul Larsen left the meeting at 7:30.*

In situations where there is a tenant wanting to have a home occupation out of a single family home, Mr. Hooper would like to see the property owner sign off on the business license. That way they would be aware of what type business a tenant was doing out of their home, because ultimately the property owner is held liable.

Mr. Toll said that detached single family homes in Multi Family zones should have the same standards as homes in Single Family zones.

Mr. Jensen, Mr. Hooper and Mr. Ward felt that if you need an employee out of your home then it should no longer be considered a home occupation.

Mr. King feels like one employee should be allowed. There might be a high school student that is coming in, working part time doing computer programming. That would be very low impact.

Mr. Ward said there might be a hair salon with a full time employee, which could generate a lot of traffic.
The Commission all agreed that if a person would like an employee then they would need a conditional use permit. This way they could make sure this was acceptable to the neighbors.

Mr. Toll said there is no requirement for 14 days notice on conditional use permits. Staff will develop a streamlined process to allow home occupations to go through Planning Commission quickly. There could be a 7 to 10 day mailed notice. There could be preset conditions and then the Commission could add conditions as needed at the public hearing.

Mr. King asked if there should be something in the code that limits the amount of employees to one employee. The Commission agreed to allow a maximum of one employee with a conditional use permit.

Mr. Jensen suggested changing the closing time of Christmas tree sales to 9:00 p.m. The Commission felt that they need to protect the adjoining neighbors and neighborhood character.

MOVED: Moved to recommend approval of the new home occupations ordinance to the Council with the changes discussed above.

Yea: Hooper, Kartchner, Ward, King, Jensen  5, 0

The meeting adjourned at  8:30 p.m.

Minutes approved as written and recorded on  2 tapes at PC meeting of March 25, 1999.

____________________________________  __________________________
Eric Jay Toll  Virginia Wickwar
Director of Community Development Chairman

____________________________________
Danielle Grover
Recording Secretary
STATE OF UTAH
COUNTY OF CACHE

On this 13th day of May, 1999, personally appeared before me Eugene Downs, who being first duly sworn, deposes and says that she is the chief clerk of the Cache Valley Publishing Co., publishers of The Herald Journal, a daily newspaper published in Logan, City, Cache County Utah, and that the advertisement hereinafter attached and referred to was published in said newspaper for...One Issue...commencing May 13, 1999, and ending May 13, 1999.

Signed, ....... . Eileen Downs
Subscribed and sworn to before me, the day and year above written. ....... . Cynthia K. Fullon, Notary Public


LEGAL NOTICE

SUMMARI S OF ORDINANCES amending the Logan Municipal Code, 1989, passed by the Logan Municipal Council in 1999 are as follows:

1. ORD. 99-52. An ordinance was passed January 5, 1999 approving Chapter 17.43, Home Occupations, of the Land Development Code. The ordinance defines a home occupation as "Any activity carried out for gain or requiring a business license by a resident and conducted as a customary, incidental, and accessory-use in the resident's dwelling unit. A home occupation is owned and run by a resident of the dwelling in which the business takes place." The regulations are intended to permit residents to engage in home occupations while ensuring that businesses will not be a detriment to the neighborhood. Section 17.43.000 lists general regulations for home occupations that apply to all home occupations. Section 17.43.000 explains that if a home occupation has no more than one non-resident employee and will not exceed customer capacity thresholds, the permit shall be approved and issued by the Director of the Community Development. The section also sets forth the types of permits for which a public hearing is required before the Planning Commission, as well as applying for a variances and notice requirements.

2. ORD. 99-32. An ordinance passed and approved May 5, 1999 amending Section 10.52.250 lowers the amount of time which may be reduced if a parking space is paid within ten days. Ordinance is effective June 1, 1999.

3. ORD. 99-60. An ordinance amending the Zoning Map of Logan City was passed May 5, 1999, adopting Amendment #27 which rezones 20 acres of land in the approximate area of 1000 West to 1900 West and 200 North to 400 South on the Agricultural (AG) zone to the Public (PU), Industrial (IND), Commercial-General (CG), Single Family Low (SFL), or Single Family Traditional (STF) zones for the following Tax ID's:

To PUB: 06-001-0003, 0007, 0009, 0013, 05-063-0035, 0010, 0012, 0013, 02-076-0003.
To SFT: 02-066-0006, 02-066-0013, south part of 02-076-0016 out of one mile safety zone.
To IND: 05-000-0004, 0011, 0015, 05-063-0001, 0004, 0011, 0014, 0019, 0020, 06-064-0004, 0005, 0006.