



ENT 58446:2011 PG 1 of 2
JEFFERY SMITH
UTAH COUNTY RECORDER
2011 Aug 18 11:28 am FEE 0.00 BY ED
RECORDED FOR UTAH COUNTY COMMISSIONERS

ORDINANCE NO. 2011- 31

**AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE
SECTION 5-5-B, PERMITTED USES IN THE CE-1 ZONE, TO ADD HOME
OCCUPATIONS**

WHEREAS, the Utah County Planning Commission reviewed a proposed application by Robyn Fillmore to amend the Utah County Land Use Ordinance (UCLUO), dealing with permitting home occupations in the CE-1, Critical Environmental Zone; and

WHEREAS, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission, scheduled and held a public hearing regarding the proposed amendment, and made a recommendation to the Board of County Commissioners regarding the proposed amendment; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes from the Utah County Planning Commission meeting and public hearing regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Section 5-5-B, of the Utah County Land Use Ordinance is hereby amended to add a new Subsection 21 to read as follows:

21. Home occupations within the livable floor area of the dwelling, subject to the provisions of chapter 3 of this land use ordinance, with the exception that no patrons or deliveries are permitted.

Part II:

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part III:

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part IV:

This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 2nd day of August, 2011.

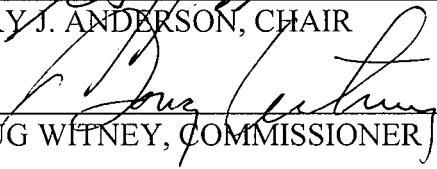
UTAH COUNTY COMMISSION

VOTE



GARY J. ANDERSON, CHAIR

aye



DOUG WITNEY, COMMISSIONER

aye



LARRY A. ELLERTSON, COMMISSIONER

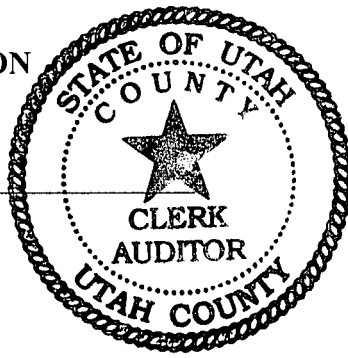
aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By: 

Deputy



Approved

Disapproved

By: 

Deputy

Date of Publication: Once only, as soon as possible

July 19, 2011

UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION: - Public Hearing
 - A. APPLICANT - Robyn Fillmore
 - B. REQUEST - Proposed Land Use Ordinance Text Amendments to Section 5-5-B, Permitted Uses in the CE-1 Zone, to add a new Subsection 21, Home Occupations.
 - C. LOCATION - CE-1 Zone, Unincorporated Utah County

II. STAFF ANALYSIS:

Home Occupations are not currently a permitted use, or a permitted conditional use, in the CE-1, Critical Environment Zone. Single family dwellings are a permitted use, and with the use of the internet, many home occupation offices and businesses can be run primarily from the business owners own residence.

Staff would propose that the following wording, the same that is found in the CE-2 Zone, be included as a new Section 5-5-B-21:

- 21. Home occupations within the livable floor area of the dwelling, subject to the provisions of chapter 3 of this land use ordinance, with the exception that no patrons or deliveries are permitted.

This proposed wording eliminates the use of a garage for a home occupation, and eliminates visiting clientele or delivery vehicles other than normal mail or parcel deliveries. Existing Land Use Ordinance, Section 3-29, Home Occupations, also places conditions for approval of all home occupations as follows:

3-29: HOME OCCUPATION

Upon receipt of a complete application, the Zoning Administrator shall grant a permit for a home occupation if the Zoning Administrator finds that all of the following conditions and requirements are met:

- A. The Business use is compatible with, and incidental and secondary to, the residential use of the property.
- B. No retail sales are permitted, except the sale of limited items which are incidental to the service provided.

- C. The area of business use of the dwelling shall not exceed the smaller of 500 square feet or 20% of the floor area of the dwelling (excluding any attached garages or carports) and the business (including storage) does not include any use of areas outside the dwelling.
- D. No commercial vehicles shall be used in the business and only one (1) motorized vehicle may be used in association with the home occupation and shall not exceed one (1) ton rated capacity and one (1) trailer which does not exceed twelve feet in length, with adequate off-street parking provided for such business vehicles and any visiting clientele.
- E. The home occupation is conducted entirely by family members residing on a full-time basis (not less than ten months per year) in the same dwelling as the home occupation and does not include employees coming to the dwelling.
- F. Storage in or use of a garage or carport is not permitted.
- G. The dwelling retains its architecture and outside appearance as a residence.
- H. Signs are permitted subject to the provisions of chapter three of this ordinance. Permitted trailers with advertising on them may not be stored in the open.
- I. The business use does not create any odors, smoke, dust, heat, fumes, light, glare, sounds, noises, vibrations, radio interference or television interference which are not commonly created by residential use.
- J. Home occupations with visiting clientele shall have business activity only between the hours of 7:00 a.m. and 7:00 p.m.
- K. The home occupation does not include the storage or sale of flammable, explosive, or hazardous materials, junkyards, salvage yards, sexually oriented businesses, small engine repair, major household appliance repair, automotive repair or body work or painting, towing operations, vehicle sales or rentals, welding or iron work, or cabinet shops.

STAFF RECOMMENDATION:

That the Utah County Planning Commission recommend the above land use ordinance amendment to Section 5-5-B, to add a new subsection 21, as indicated above, to the Utah county Commission for approval, based on the following findings:

1. That the CE-1 Zone allows dwellings as permitted uses and home occupations in these more remote locations can be allowed with the restrictions of no visiting clientele or deliveries.
2. That Utah County Land Use Ordinance, Section 3-29, Home Occupations, also places conditions on the approval of home occupations.
3. That electronic technology has provided the opportunity for more businesses to be operated from the home.
4. That Home Occupation Businesses in unincorporated Utah County are managed through the requirement of obtaining a Utah County Business License.

UTAH COUNTY COMMUNITY DEVELOPMENT
APPLICATION TO AMEND THE LAND USE ORDINANCE

(All application fees are non-refundable)

Check the approval(s) needed: <input checked="" type="checkbox"/> Planning Commission <input checked="" type="checkbox"/> County Commission	Application taken by: <u>AK</u> Date <u>6/20/11</u> <i>Rental Fee = 100⁰⁰ + 200</i> Fee Paid <u>300</u> Receipt # <u>6949</u> <u>7037</u> <i>IN FULL</i>
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All Land Use Ordinance amendments are subject to a recommendation by the Planning Commission and final approval by the County Commission.

In preparation of any Land Use Ordinance amendment, consideration will be given to the Utah County General Plan, the intent stated within the Land Use Ordinance, and encouragement of the most appropriate use of land throughout the county. No application should be approved when it is determined that the proposed amendment does not promote the health, safety, morals, convenience, or general welfare of the public.

Applicant's Name: <u>Robyn Fillmore</u>	Date: <u>6-20-11</u>
Mailing Address: <u>9616 S. Hwy 6</u>	City <u>Sp Fork</u> State <u>Ut</u> Zip <u>84660</u>
Phone <u>801-798-9079</u>	Cell: <u>801-360-1608</u> Fax: _____

Refund Information: If this application fee, or any portion of the application fee is to be refunded, please indicate Name and Mailing Address where refund may be sent.

Name: Robyn Fillmore

Mailing Address: 9616 S. Hwy 6 City Sp Fork State Ut Zip 84660

(Attach additional sheets or documents to the application)

1. Section(s) of the Land Use Ordinance to be amended: 5-5-B-2L.C

2. Describe in detail the proposed Land Use Ordinance amendment: a request to modify existing ordinance to one that would allow me home occupation approval.

3. How will the proposed Land Use Ordinance amendment avoid causing additional adverse conditions? There should not be any unfavorable conditions my home based business will not create any additional traffic, all transaction will take place at home party's and special events.

4. In what ways does the proposed Land Use Ordinance amendment promote the health, safety, morals, convenience, or general welfare of the public? It gives people like myself an opportunity to own & operate a small business and avoid costly office or store front space. passing the savings on to the consumer. It provides a chance to supplement my family's income generated by the business it also provides revenue to the County through, license fees, sales tax.

To the best of my knowledge the above information is accurate and complete.

Robyn Fullmore

Signature of Applicant

UTAH COUNTY PLANNING COMMISSION

Minutes
July 19, 2011

UNAPPROVED

Present: Helina Carter-Thomas
Janice Reeb
Odell Miner
John Glen Stevens

Excused: Jan Anderson, Chair
Mike Stansfield, Vice-Chair
Kenny Parcell, Alternate

Jeff Mendenhall, Director Community Development Dept.
Dave Shawcroft, Deputy County Attorney
Christina Sutton, Secretary

Others Present: Bryce Armstrong, Peggy Kelsey, Brandon Larsen, John Ewing, Community Development Department; Dennis Barker, Utah County Fire Marshal; Bob Bonar, Darlene Batatian, Allen Sanderson, Dave Fields, Jen Kecor, Robyn Fillmore, Mark Fillmore, Carl Fisher, Tom Jones, Kent Wetzel, Dorothy Wetzel, Allison Mitton, Todd Mitton, Julie Reneer, Roy ?, Jeremy Jolly, Steve Painter, Katu Terry, Yune Ja Gardner, Cathie Nielson, Peter Mandlar, Martina Harris, Gene Harris, Chris McKee, Al McKee, Francine Bennion, Joshua Harris, Ash Johnsdottir, Cammie Chatwin, Steve Cazier, Chad Lewis, Duff Gardner, Roy Watson, Junior Bounous, Mark Haight, Katina Philpot, Wade Philpot

The meeting was called to order at 5:45 p.m. by Helina Carter-Thomas, Acting Chairman of the Utah County Planning Commission at 100 East Center Street in Room 1400 of the Utah County Administration Building, Provo, Utah.

Commissioner Helina Carter-Thomas welcomed those present; Commission John Glen Stevens led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion: John Glen Stevens

Second: Odell Miner

Motion to **approve** the minutes of the June 21, 2011, meeting of the Utah County Planning Commission. The motion passed by the following vote: "Aye", Helina Carter-Thomas, Janice Reeb, Odell Miner, John Glen Stevens; "Nay", none.

Planning Commission
July 19, 2011

ROBYN FILLMORE -proposed Land Use Ordinance Text Amendment to Section 5-5-B, Permitted Uses in the CE-1 Zone, to add "home occupations" the same as now permitted in the CE-2 Zone

Jeff Mendenhall stated that currently home occupations are not a permitted use or a permitted conditional use in the CE-1, Critical Environment Zone. With the use of internet, many individuals can run their businesses from their own residence. The proposed wording eliminates the use of a garage for a home occupation and eliminates visiting clientele, and is the same wording found in the CE-2 Zone. Section 3-29 gives conditions for approval of all home occupations.

Motion: Odell Miner

Second: John Glen Stevens

Motion to open the public hearing. The motion passed by the following vote: "Aye", Helina Carter-Thomas, Janice Reeb, Odell Miner, John Glen Stevens; "Nay", none.

Janice Reeb inquired about restrictions for types of public business in a home occupation.

Jeff Mendenhall replied that all requests for businesses go through the business licensing process. In the CE-2 and now in the CE-1 Zone, no visiting clientele are allowed.

Motion: Odell Miner

Second: Janice Reeb

Motion that the Utah County Planning Commission recommend **approval** to the Utah County Commission the Land Use Ordinance amendment to Section 5-5-B, to add a new subsection 21, based on staff findings. The motion passed by the following vote: "Aye", Helina Carter-Thomas, Janice Reeb, Odell Miner, John Glen Stevens; "Nay", none.