

## NORTH OGDEN CITY COUNCIL MEETING MINUTES

January 5, 2016

The North Ogden City Council convened in an open meeting on January 5, 2016 at 6:03 p.m. at the North Ogden City Office at 505 East 2600 North following an Open House for outgoing and incoming City Council Members at 5:00 p.m. Notice of time, place, and agenda of the meeting was delivered to each member of the City Council, posted on the bulletin board at the municipal office and posted to the Utah State Website on December 31, 2015. Notice of the annual meeting schedule was published in the Standard-Examiner on January 2, 2016.

PRESENT:	Brent Taylor	Mayor
	Kent Bailey	Council Member
	Lynn Satterthwaite	Council Member
	Cheryl Stoker	Council Member
	Phillip Swanson	Council Member
	Carl Turner	Council Member
	James Urry	Council Member
	Eric Thomas	Planning Commission Chair
	Don Waite	Planning Commission Co Chairman
	Dee Russell	Planning Commission Member
	Brandon Mason	Planning Commission Member
	Steve Prisbrey	Planning Commission Member
	Nicole Nancarrow	Planning Commission Member
	Scott Baker	Planning Commission Member
STAFF PRESENT:	Bryan Steele	City Administrator/Finance Director
	Annette Spendlove	City Recorder/HR Director
	Jon Call	City Attorney
	Rob Scott	City Planning Director
	Craig Call	
	Brandon Bell	
	Dave Espinoza	
	Kevin Warren	
	Clark Crowther	
	Bill Auschlimann	

VISITORS:	Tiffany Turner	Elaine Jensen	Alan Lunt
	M. Mills	Clark Skeen	Julie Skeen
	Bonnie Bailey	Shelly DeLair	Carol Satterthwaite
	Chloee DeLair	Julie Smith	Don Colvin
	Rich Harris	Marilyn Harris	Gary Harrop
	Nancy Harrop	John Clements	Susan Clements

Mayor Taylor welcomed those in attendance. Clark Steen, North Ogden Utah Stake President, then offered an invocation and led the audience in the Pledge of Allegiance.

**CONSENT AGENDA**

**1. Discussion and/or action to consider December 8, 2015 City Council Minutes**

**Council Member Bailey motioned to approve the December 8, 2015 City Council minutes. Council Member Stoker seconded the motion.**

**Voting on the motion:**

<b>Council Member Bailey</b>	<b>aye</b>
<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**ACTIVE AGENDA**

**1. National Anthem sung by Miss North Ogden, Chloee DeLair**

Ms. DeLair performed the National Anthem for those in attendance.

**2. Swearing in of new City Council Members by the City Recorder**

Mayor Taylor indicated newly elected Council Members will be sworn into office by City Recorder Spendlove, but first he wanted to make a few comments about outgoing Council Member Bailey. He stated this is a very sad day for him as he has enjoyed serving with Council Member Bailey. He reported Council Member Bailey and his wife will soon be serving an LDS mission and he wished them the best of luck. He stated he has served with Council Member Bailey for four years and many different things happened over those years; he always admired Council Member Bailey’s vision for the City and he thanked him for sticking to that vision and for doing what he felt was right. He has always been impressed by Council Member Bailey’s courage and his ability to make difficult decisions when they may not be popular among residents or other Council Members. He stated that Council Member Bailey has been a great

public servant and has always been respectful. He shared a quote from Samuel Adams, one of the founding fathers of this country, as follows: “if men of wisdom and knowledge, of moderation and temperance, of patience, fortitude, and perseverance, of sobriety and true republican simplicity of manners, of zeal for the honor of the Supreme Being and the welfare of the commonwealth; if men possessed of these other excellent qualities are chosen to fill the seats of government, we may expect that our affairs will rest on a solid and permanent foundation”. He stated that it is his opinion that quote describes Council Member Bailey well and he thanked Council Member Bailey for all he has done for the City. He hopes to see Council Member Bailey and that he will be able to stay somewhat involved in North Ogden City government.

Council Member Swanson stated Council Member Bailey has been a great mentor and his willingness to speak his mind on any issue has been a great asset to the Council. He stated that Council Member Bailey’s willingness to stand on principle and on what is best for the City is quite admirable and is a standard that the remaining City Council Members must continue forward. He also thanked Council Member Bailey’s wife for her sacrifice.

Council Member Urry stated that it has been fun serving with Council Member Bailey; he appreciates the order he has brought to the City and how he was able to promote fiscal responsibility in many City projects. He stated the fact that Council Member Bailey helped prevent the City from going into debt for several projects will be his lasting legacy.

Council Member Satterthwaite stated he would echo everything that has been said about Council Member Bailey. He added there have been times that the Council has been debating all angles of an issue and Council Member Bailey is the member that has brought focus to a discussion. He stated he appreciates the stability Council Member Bailey has brought to the Council and he has been a gentleman in every way; it is safe to say that others should be encouraged to be like Council Member Bailey and his wife, Bonnie.

Council Member Stoker also echoed the comments that have been made. She stated she also appreciates that Council Member Bailey has been able to steer discussions by getting the Council to focus on the actual issues at hand. She stated he has always been a good example and she has learned a lot from him and his wife as well; she wished both of them the best.

Council Member Bailey thanked the Council for their comments; his term on the Council has been an incredible learning experience and he now understands the community a lot better than he did four years ago. He stated he recognizes there are other ways that he can offer service to the community and he will continue to do so. He stated he has loved serving with the entire Council and the last two years have been particularly gratifying as all members of the Council have been engaged and willing to put the time and effort needed into solving the issues of the City. He congratulated Mayor Taylor on his vision for the City and the manner in which the Mayor and Council have worked together has been great and they have made a lot of great things happen.

Mayor Taylor presented Council Member Bailey with a token of the City’s recognition of his service. Council Member Bailey received a round of applause from those in attendance.

City Recorder Spendlove then administered the Oath of Office to Council Member Stoker, Council Member Swanson, and Council Member Turner.

Mayor Taylor stated he is thankful for the democratic process; it is great to see the order, power, and authority of the government process. He has spent much time overseas due to his military service and the peaceful transfer of power following an election does not happen in many other parts of the world as it does here. He relayed a story about King George, III, who asked an American painter what George Washington planned to do at the conclusion of his second term as President. The painter told King George that President Washington would return to his farm and that was difficult for King George to believe. However, going back to regular life is something that elected officials do regularly after their term of service concludes. He concluded he looks forward to serving with the City Council over the next few years.

**3. Comments by Miss North Ogden, Chloe DeLair**

Ms. DeLair provided a report regarding the things she has been working on over the past six months since she was selected as Miss North Ogden. She stated she is currently collecting shoes for a non-profit group who sends the shoes to Africa to be sold or donated to those in need; the money generated by those that are sold will be used to build wells to provide fresh water for the people of Africa. She stated she would love support from all residents of the City. She added she has also been focusing on her platform, which is “The future is bright: leading teens to success through internship”. This is a unique platform, but she chose it because she realized how her opportunity at an internship helped her as a college student; it helped her choose what profession she wants to pursue and it helped her be more responsible. Once a week she visits different high schools in the school district to talk about internship programs and she has met many amazing students. She then stated she will be competing in the Miss Utah pageant, which will be held June 13-18, 2016. She stated this has been an amazing experience and she thanked North Ogden for their support.

Mayor Taylor thanked Ms. DeLair for the information and invited her to bring a shoe collection box to City Hall so that residents may deliver shoes here.

**4. Discussion and/or action to consider a Resolution authorizing the Mayor and Finance Director to approve lease agreements for Monroe Blvd**

Mayor Taylor reported that the City has closed on the sale of six properties along the future Monroe Boulevard corridor; the City does not want to assume management of the property at this time because doing so would be very costly, so it is his recommendation that the City enter into lease agreements with the former owners to allow them to continue to utilize the property in the manner they have practiced in the past. City Attorney Call added this is a standard action in the event that cities are acquiring property for road extensions.

Council Member Urry inquired as to the terms of the agreements. Mr. Call stated the lease would be renewed annually, but could be terminated at any time that the City needs to assume control of the property. Mayor Taylor added that the former owners would have the opportunity to oppose termination of the lease in the event they have planted a crop that has not yet been harvested on the property.

Council Member Swanson asked how much money the former owner will pay for the lease, to which Mr. Call answered \$10 per year, but the owners will maintain the property as well.

**Council Member Swanson motioned to adopt Resolution 01-2016 authorizing the Mayor and Finance Director to approve lease agreements for property in the Monroe Blvd. Right-of-Way. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

## **5. Adjournment**

**Council Member Stoker motioned to adjourn. Council Member Satterthwaite seconded the motion.**

**Voting on the motion:**

<b>Council Member Satterthwaite</b>	<b>aye</b>
<b>Council Member Stoker</b>	<b>aye</b>
<b>Council Member Swanson</b>	<b>aye</b>
<b>Council Member Turner</b>	<b>aye</b>
<b>Council Member Urry</b>	<b>aye</b>

**The motion passed unanimously.**

**The meeting adjourned at 6:40 p.m.**

## **WORK SESSION AGENDA**

### **1. Public Comments**

There were no public comments.

### **2. Training on the ethics of being a member of public body**

The City Council and Planning Commission jointly received training on the Utah Public Employees Ethics Act as well as the general principles of due process, with a heavy emphasis on land use. The training was provided by Attorney Craig Call, the former Utah Property Rights Ombudsman. There was brief general discussion throughout Mr. Call's presentation by which members of the Planning Commission and City Council gained clarification on their responsibilities relative to acting ethically as a member of a public body. At the conclusion of Mr. Call's presentation, Mayor Taylor thanked him for the valuable information provided.

### **3. Discussion on the Flag Lot amendments &**

### **4. Discussion on the Subdivision Variance Process**

A memo from City Planner Scott explained when the City Council is acting in a legislative capacity they have wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a legislative decision requires compatibility with the general plan and existing codes.

The City Council conducted a public hearing on November 24, 2015. The City Council determined they would like to have an additional discussion with the Planning Commission regarding flag lot options. The following chronology identifies the review of the flag lot amendment options.

The City Council on July 28, 2015 passed a temporary regulation putting a hold on further approvals of flag lots until amended flag lot standards are written and approved. A joint work session with the Planning Commission and City Council was held on August 4th in order to identify the parameters for amending the flag lot provisions.

On September 2, 2015 the Planning Commission requested some additional information regarding the potential for new flag lots based upon the current ordinance standards. Staff has researched this request and produced a map showing this information. There are approximately 17 lots that would qualify for flag lot consideration.

On October 21, 2015 the Planning Commission considered various options for flag lot standards. The Planning Commission concluded that there is not a sufficient justification to continue to

have flag lots in North Ogden and directed Staff to prepare an ordinance eliminating them. The Planning Commission is also recommending that the inconsistencies in the existing flag lot definitions be rectified and that a clarification be made to the flag lot definition regarding frontage.

The Planning Commission held a public hearing on this amendment on November 4, 2015. One member of the public appeared at the hearing and requested that attention be paid to the flag lot definition. The Planning Commission added a phrase clarifying that flag lots are lots that do not have sufficient street frontage.

The current flag lot regulations regarding flag lots are found in both the zoning and subdivision ordinances. The following summary is provided for these regulations:

- There are two definitions of flag lots; one in the zoning ordinance and one in the subdivision ordinance. The two definitions are not consistent.
  - 11-2-1 LOT, FLAG: A flag or L-shaped lot consisting of a staff portion contiguous with the flag portion, the staff portion having frontage on a dedicated street.
  - 12-2-2 FLAG LOT: A flag or L-shaped lot comprised of a staff having a minimum width of thirty feet (30') and a maximum length of two hundred twenty feet (220'), and a flag portion consisting of the minimum dimensions required for a regular lot in the applicable zone. The square footage of the staff shall not be considered in determining whether the lot size (the flag portion) requirements are met.
- The approval of flag lots is done by the Planning Commission as a special provision. The term special provision is not specified. 12-6-2(B) Flag Lots: All flag lots shall be approved as a special provision to the zoning ordinance by the Planning Commission in accordance with the provisions the definition of "lot, flag" set forth in section 11-2-1 of this code.
- Flag lots are allowed in all residential and commercial zones. The RCC zone has a prohibition of allowing two-family dwellings. This same provision does not occur in the R-2, R-3, or R-4 zones.
  - 11-7J-2 (D) TWO FAMILY DWELLINGS. Two-family dwelling shall not be allowed on flag lots.

Staff has researched several other community ordinances to provide some ideas on possible flag lot standards. The first option is to eliminate flag lots altogether. The second is to allow them but add additional standards as listed below:

- It is not feasible or desirable to extend a street to serve such lot or lots at that time. Feasibility criteria including, but not be limited to, topography, a natural feature or existing development on adjacent property prohibits a road from being built and the transportation plan does not call for a roadway.

- Designate which zones that flag lots are allowed.
- Only single family homes can be built on a flag lot. Should any of the multi-family zones allow multi-family dwellings, e.g., R-3 or R-4.
- The flag staff or access strip shall have a minimum width of twenty (20) feet and a maximum width of thirty (30) feet.
- The required front yard setback shall be measured from the lot frontage property line.
- The area of the flag staff or access strip shall not be included within the minimum lot area requirement.
- The lot area requirement to be x% greater than the minimum lot size for that district.
- Specify and increase the setback requirements, e.g., building shall be set back a minimum of 30 feet from any property line and 30 feet from the front line of the flag lot staff. The depth of the front yard shall be the distance between the front line of the building and the property line or nearest line of the flag stem which the building faces.
- The lot address shall be displayed in prominently visible location at the street entrance to the flag stem.
- Have a maximum building height, e.g., 25 feet.
- Consider allowing multiple flag lots from a shared flag stem on steep sloped areas, e.g., lots over x% slope.

The memo offered the following summary of potential City Council and Planning Commission considerations:

- What are the standards that the City Council and Planning Commission are comfortable with?

The memo concluded that based upon the discussion between the City Council and Planning Commission Staff will prepare an ordinance for consideration.

Mr. Scott reviewed his memo. He then used the aid of a PowerPoint presentation to summarize the issue at hand. He noted staff has conducted an analysis and according to the current City Code provisions, there are 17 properties in the City upon which a flag lot could be created. Planning Commission Vice-Chairman Waite indicated there are actually many more than 17 properties upon which flag lots could be created because there are many larger parcels that could be subdivided and include a flag lot on the back portion of the property. Mr. Scott stated that is correct and is an accurate clarification. He reiterated the decision for the group to decide whether to prohibit flag lots or allow flag lots with standards. He then provided optional standards in the event the Council decides to allow flag lots with standards:

- Zones. Designate which zones that flag lots are allowed.
- Multi-family units. Only single family homes can be built on a flag lot. Should any of the multi-family zones allow multi-family dwellings, e.g., R-3 or R-4.
- Street Connectivity. It is not feasible or desirable to extend a street to serve such lot or lots at that time. Feasibility criteria including, but not be limited to, topography, a natural feature or existing development on adjacent property prohibits a road from being built and the transportation plan does not call for a roadway.

- The flag staff or access strip shall have a minimum width of twenty (20) feet and a maximum width of thirty (30) feet.
- The required front yard setback shall be measured from the lot frontage property line.
- The area of the flag staff or access strip shall not be included within the minimum lot area requirement.
- The lot area requirement to be x% greater than the minimum lot size for that district.
- Specify and increase the setback requirements, e.g., building shall be set back a minimum of 30 feet from any property line and 30 feet from the front line of the flag lot staff. The depth of the front yard shall be the distance between the front line of the building and the property line or nearest line of the flag stem which the building faces.
- The lot address shall be displayed in prominently visible location at the street entrance to the flag stem. • Have a maximum building height, e.g., 25 feet.
- Consider allowing multiple flag lots from a shared flag stem on steep sloped areas, e.g., lots over x% slope.

Mayor Taylor then facilitated a discussion regarding the two options of either prohibiting flag lots or allowing them with certain standards, noting the Planning Commission's recommendation was to prohibit flag lots. The Council indicated they support that recommendation after talking with many residents who feel that flag lots should be prohibited, but Council Member Satterthwaite expressed his concern that if flag lots are prohibited at this time, it will not be a hard action for a future Council to undo and that future Council may not be as thoughtful in considering appropriate standards for flag lots. He stated it may be best for the current Council to consider reasonable standards to prevent that cycle. Council Member Swanson stated that there would be nothing to prevent a future Council from changing those standards; the Council cannot bind future Councils. Council Member Turner noted he is leaning towards prohibiting flag lots, but he would like to provide some option for someone with a true hardship to receive a variance to develop a flag lot. Mayor Taylor stated that State Code does not provide for a variance for these types of things and it would simply be better for the City to include standards by which a flag lot would be approved rather than citing the opportunity for a variance. Discussion and debate regarding flag lots continued, with a focus on the belief that flag lots are typically sought after by investors with no intent of building an owner-occupied residence, ultimately concluding to support the recommendation to prohibit flag lots at this time, but to pursue the examination of reasonable standards to be met in order for a flag lot to be approved.

Mayor Taylor asked City Attorney Call to provide the group with information regarding State Code criteria that must be met in order for a variance to be granted. Mr. Call noted that State Code includes five criteria and all five must be met in order for a variance to be granted; this includes a protected property interest, unique conditions, conditions other than financial conditions, conditions that are not self-imposed, and a condition relating to the safety, health, and welfare of the community. He stated the City Code closely mirrors the State Code and some members of the Planning Commission and City Council have indicated it may be better to enact a special exception provision in the City Code to allow more flexibility when dealing with issues such as these. The group engaged in dialogue regarding providing a special exception to the ordinance, with Commissioner Nancarrow stating that any argument for a special exception would need to be exceptionally compelling. Vice-Chairman Waite agreed, but noted that he

wants to exercise caution in ensuring the exception does not become the rule. Mr. Call stated it seems that the entire group is supportive of providing a special exception, but it will be necessary to determine which body will be responsible for making the decision on a special exception. It is his opinion that special exceptions should only be offered for the subdivision ordinance and not the zoning ordinance. In this case, the Planning Commission could hear the request for a special exception in conjunction with their consideration of a subdivision application, but the Council would make the final decision regarding the special exception. Council Member Urry stated he likes the idea of both bodies considering it. Mr. Call asked if the group is comfortable with the application for a special exception being part of the subdivision application process; after continued discussion, the group answered yes and agreed that the City Council should have final approval of the application for a special exception.

Mr. Call then reviewed a memo he drafted regarding the subdivision variance process:

Concerns have been raised about the practicality of our current subdivision variance ordinance. There are many items which should be considered in reviewing our current ordinances. Variances are extremely difficult to obtain under state code as well as under our current municipal ordinances. If you as the policy makers would prefer an easier, more manageable code to allow for “exceptions” to our ordinances that can be written. However, if we make it too easy to obtain these exceptions there is a chance that your agenda’s will be inundated with requests for exceptions to the rules. Recently you have seen a number of ordinance amendments come through which are developer driven. These changes are not a bad thing, however, with exceptions to the subdivision ordinances they would only apply to the applicant requesting the exception, and not to the City as a whole. If there is a good general rule for the City we should apply it to the whole City. Here are some things I believe we should consider as we review our ordinance:

- Calling them “variances” is confusing if our ordinance does not mimic the state statute related to variances. With the state statute in place we do not even need a variance ordinance because we can simply apply the state statute. I would prefer to call them “special exceptions” or something similar.
- I would recommend that these special exceptions still apply only to the subdivision rules and regulations and not to our other land use codes such as setbacks, and building heights. In those situations the state variance code should cover the necessary standard of review and approval.
- I would recommend that we not grant special exceptions for lot sizes, and possibly for lot frontage requirements. There may be other provisions that these special exceptions should not be applicable to, but I believe lot size exceptions should not be granted.
- We can streamline the decision-making process for these exceptions and make them part of the subdivision plat approval process, instead of requiring two separate public hearings.
- We can list a number of standards, like the four in our current ordinance and require that a majority of them be met, instead of requiring all to be met. This potentially can lead to some issues with people always requesting exceptions to the rules instead of simply following the rules.

- We can identify standards that should be considered for high sloped properties (greater than 10%) compared with standards imposed on the flatter area of the city.

The list is not meant to be exclusive so we need to think through the issues and come up with what is going to work for our City. Essentially, we can develop a code standard based on whatever the City policy makers would like to do. As we approach this, let's look at adopting a standard that allows the city to grant special exceptions to good ordinances in the right circumstances, not grant exceptions to ordinances we don't like in the first place. If there is a bad rule, let's change the rule not grant exceptions on a case by case basis.

At the conclusion of his review, he indicated he felt it would be best for he and Mr. Scott to work on a recommendation that he could bring back to the Planning Commission and City Council for further consideration. The group accepted that recommendation.

## **5. Discussion on commercial equipment parking in residential zones amendments**

A staff memo from City Planner Scott explained when the City Council is acting as the land use authority, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

The City Council requested the Planning Commission identify appropriate standards for restricting parking of commercial vehicles in residential zones. The Planning Commission discussed a draft ordinance on August 5, 2015 and requested Staff to make some revisions. On August 19, 2015 the Planning Commission requested that a public hearing be set to consider this amendment. The Planning Commission held a public hearing on September 16, 2015. The City Council held a public hearing on November 24, 2015. The City Council requested an additional opportunity to discuss this amendment with the Planning Commission. The following is a summary of the ordinance:

### Vehicle Size

1. Clarified that a vehicle greater than 12,000 pounds shall be stored or parked in any residential zone.
2. The use of recreational vehicles, school buses, and tractors have been clarified.
3. On-site agricultural operations are allowed to have heavier equipment if they are parked more than 50 feet from any public right-of-way and at least 15 feet from a property line. They are also exempted from the hard surfacing requirements.
4. The Planning Commission requested some additional language regarding agriculture. A standard for what acreage constitutes an on-site agricultural operation needs to be identified, e.g., one to five acres? In order to have animals the property must be in the RE-20 or R-1-8 (AG) zones which requires a minimum of one acre. The other residential zones allow agriculture as a permitted use. This question still needs to be clarified. The

Planning Commission is working on an accessory building ordinance amendment and has concluded that 1 acre is an appropriate size for an on-site agricultural operation.

5. Home occupation parking standards are referenced.

#### Contracting and/or Earth Moving Equipment

6. This equipment in addition must be stored in an enclosed structure and not be used for any off-site commercial use.
7. Equipment may be parked outside of a structure if there is a current building permit issued for that property and is being used as part of the work being performed.

#### Violation / Penalty

1. Any vehicle found in violation is declared a public nuisance.

The memo indicated the following sections from the General Plan should be considered as part of this decision process:

#### Vision:

Assure that North Ogden remains a beautiful place to live, work, and recreate.

Preserve the essential characteristics of a family friendly community that assures an enduring legacy, small town feel, and high quality of life in North Ogden.

#### Goals:

Establish and adhere to high quality building and design standards for all housing types so that development enhances the community character.

#### Strategies:

Proactively evaluate current ordinances and policies to determine whether there are obstacles that can be removed or modified to achieve the community's housing goals.

The memo offered the following summary of potential City Council considerations:

- Is the proposal consistent with the General Plan?
- Are the on-site agricultural standards appropriate? What acreage standard should be included in the ordinance.
- Is the commercial vehicle storage ordinance appropriate?

The memo concluded the Planning Commission voted unanimously to recommend the City Council to not adopt the attached ordinance. The Planning Commission found that the issues presented do not justify a new ordinance and could adversely affect homeowners who drive vehicles weighing over 12,000 pounds.

Mr. Scott reviewed his staff memo and the proposed ordinance. The group engaged in a philosophical discussion regarding the issue of allowing parking of heavy equipment in residential zones of the City. The focus of the discussion was on the differentiation between heavy equipment associated with a home occupation or heavy equipment associated with other employment where a resident may drive a heavy vehicle to and from work. Mayor Taylor stated he is concerned about introducing commercial enterprise into residential neighborhoods. Council

Member Urry stated he wants to avoid a situation where government is creeping too much into private residents' lives. Chairman Thomas stated it seems like the City is trying to create a parking ordinance in order to enforce a home occupation issue; it would be better to tighten the City's home occupation ordinance and the reason the Planning Commission did not forward a positive recommendation regarding the ordinance is that they ultimately concluded that the parking issues that were concerning to the Council are addressed in other sections of the City Code. He added he felt adoption of the ordinance would create a situation where more residents would be seeking special exceptions and enforcement of the ordinance may become difficult. Council Member Satterthwaite echoed Council Member Urry's comment that he does not want government to overreach. Mayor Taylor stated he is most concerned about the fact that residents are building large garages in residential areas of the City and then using them for commercial purposes. Council Member Swanson agreed; he stated it is one thing if a resident builds a large garage for storage of personal items, such as ATVs, but if a resident is building a large garage with the intent of storing and working on commercial business equipment that is a problem. Council Member Urry stated the City cannot control the intent behind the construction of a garage. Chairman Thomas stated it is important to focus on how such a building impacts a neighborhood; if someone is building a garage for storage of a boat and they use it once a week, that will not create a significant negative impact on the neighborhood, but the opposite may be true if a resident is storing commercial equipment that they take to and from the garage daily. Council Member Satterthwaite agreed and noted that residents should be able to have the expectation that when they build in a residential neighborhood it will stay that way. Mayor Taylor agreed and stated there may be some gray areas in the City's home occupation ordinance that need to be cleaned up. He polled the Council asking how they would like to address the situation. After continued discussion and debate, the Council concluded to address the issue by tightening the home occupation ordinance. Mayor Taylor stated staff will research this option and bring additional information to the Planning Commission and City Council.

#### **6. Public Comments**

There were no public comments.

#### **7. Planning Commission/ Council/Mayor/Staff Comments**

There were no additional comments.

#### **8. Adjournment**

**Council Member Stoker motioned to adjourn. Council Member Swanson seconded the motion.**

#### **Voting on the motion:**

**Council Member Satterthwaite**     **aye**  
**Council Member Stoker**         **aye**  
**Council Member Swanson**       **aye**  
**Council Member Turner**         **aye**  
**Council Member Urry**           **aye**

**The motion passed unanimously.**

**The meeting adjourned at 9:35 p.m.**

---

Brent Taylor, Mayor

---

S. Annette Spendlove, MMC  
City Recorder

---

Date Approved