



HARRISVILLE CITY

363 W. Independence Blvd · Harrisville, Utah 84404 · 801-782-4100
www.cityofharrisville.com

PLANNING
COMMISSION:

Nathan Averill
Chad Holbrook
Brenda Nelson
William Smith
Brad Elmer
Jordan Read

Harrisville City Planning Commission Harrisville City Offices Wednesday, August 10, 2023

AGENDA

[Zoom Meeting Link](#)

Meeting ID: 859 0169 5714

Passcode: 446989

1. **CALL TO ORDER**
2. **CONSENT APPROVAL** – of Planning Commission minutes from July 12, 2023.
3. **PUBLIC HEARING** – to take public comment for and/or against proposed Harrisville Ordinance #542; Home Occupation Standards Amendments.
4. **DISCUSSION/ACTION/RECOMMEND** – to recommend adoption of proposed Harrisville Ordinance #542; Home Occupation Standards Amendments.
5. **PUBLIC COMMENTS - (3 minute maximum)**
6. **COMMISSION/STAFF FOLLOW-UP.**
7. **ADJOURN.**

Certificate of Posting and Notice

I, Cynthia Benson, certify that I am the Deputy Recorder of Harrisville City, Utah, and that the foregoing Planning Commission agenda was posted and can be found at City Hall, on the City's website www.cityofharrisville.com, and at the Utah Public Meeting Notice Website at <http://pmn.utah.gov>. Notice of this meeting has also been duly provided as required by law. In accordance with the Americans with Disabilities Act (ADA), the Harrisville City will make reasonable accommodations for participation in the meeting. Please make a request for accommodation with the City Offices at 801-782-4100, x1004, at least three (3) business days prior to any meeting.



Harrisville City Planning Commission

Meeting Minutes
Harrisville City Offices – 7 PM
Wednesday, July 12, 2023

Commissioners: Nathan Averill
Chad Holbrook
Bill Smith
Jordan Read

Staff: Jennie Knight (City Administrator)
Cynthia Benson (Deputy Recorder)
Justin Shinsel (Public Works Director)

Excused: Brad Elmer
Brenda Nelson

Visitors: Michelle Tait, Shauna Read, Bill Leavitt

1. CALL TO ORDER

Vice-Chair Averill welcomed all in attendance. He excused Commissioner Brad Elmer and Commissioner Brenda Nelson.

2. OATH OF OFFICE

Oath of Office administered to Jordan Read by Cynthia Benson, Deputy Recorder.

3. CONSENT APPROVAL – of Planning Commission minutes from June 14, 2023.

MOTION: Commissioner Holbrook motioned to approve Planning Commission minutes from June 14, 2023 as written. Commissioner Smith seconded the motion.

Nathan Averill	Yes
Chad Holbrook	Yes
William Smith	Yes
Jordan Read	Yes

All voted in the affirmative.

4. DISCUSSION/ACTION/RECOMMEND – to approve conditional use permit for Majestic Elementary located at 425 W 2550 N.

Jennie Knight, City Administrator, gave a brief overview of a conditional use permit application received on June 12, 2023 for an electronic sign at approximately 425 West 2550 North. According to HCMC §11.23.030(6), electronic signs conveying messages are subject to a conditional use. The conditions outlined in the Harrisville City Municipal Code for electronic signs are as follows; The sign has an automatic dimmer to reduce sign intensity at least to 60% intensity after dusk, or a greater reduction as may be necessary, including turning off the sign to mitigate impacts on nearby residential uses; The sign shall not display flashing or rapid blinking that may resemble strobe lighting, mimics police, emergency vehicles, traffic control lighting, or similar; Each message shall remain visible for enough time for a person to read said sign without distraction or transition between messages; Signs are limited to the commercial zone, manufacturing zone, and

nonresidential uses in a residential zone; Signs shall follow the requirements for marquee signs; The electronic message display area shall not exceed forty percent (40%) of the overall sign face which may include gaps and design space for aesthetic purposes; The land use authority can impose conditions to mitigate impact on surrounding residential uses, support dark sky principles common to municipalities, and to mitigate any possible public nuisance impacts.

Bill Leavitt, applicant, 1st Impressions Designs, was invited to give an overview of the project and how the intended signage complies with the outlined conditions. The commission discussed the items listed along with the updates/replacement of the existing signage.

Staff recommends approving the conditional use permit based on compliance with HCMC §11.23.030(6), International Building Code, and all other staff or agency requirements.

MOTION: Commissioner Averill motioned to approve the conditional use permit for Majestic Elementary electronic sign located at 425 W 2550 N subject to compliance with the conditions of the Staff Memo dated June 29, 2023, Harrisville Municipal Code, and all other agency requirements. Commissioner Holbrook seconded.

Nathan Averill	Yes
Chad Holbrook	Yes
William Smith	Yes
Jordan Read	Yes

All voted in the affirmative.

Staff informed the applicant of the fifteen (15) day appeal period which will end on Thursday, July 27, 2023 at 5:00 PM.

5. DISCUSSION/ACTION/RECOMMEND – to recommend final approval of Ben Lomond Subdivision Phase 2D located at approximately 1975 North 125 West. Jennie Knight gave a short background review for the commissioners along with review of the staff and engineer memo. Staff recommends approval based off staff memo and engineer memo. Commissioners discussed changes and any updates to the project. Justin Shinsel, Public Works Director, mentioned the widening of 2000 North received its funding. The project will begin this summer which will accommodate the access onto 2000 North.

MOTION: Commissioner Smith motioned to recommend final approval of Ben Lomond Subdivision Phase 2D located at approximately 1975 North 125 West subject to compliance with the conditions of the Staff Memo dated June 28, 2023, Engineer’s Memo dated July 6, 2023, Harrisville Municipal Code, and all other agency requirements. Commissioner Read seconded.

Nathan Averill	Yes
Chad Holbrook	Yes
William Smith	Yes
Jordan Read	Yes

All voted in the affirmative.

6. PUBLIC COMMENTS - (3 minute maximum)

There were no public comments.

7. COMMISSION/STAFF FOLLOW-UP.

Commissioner Holbrook asked about training hours. Jennie Knight answered the commissioners need four (4) hours of land use training per year. Open public meetings, non-discrimination meetings, land use trainings, count as time towards this requirement. The commissioners asked Jennie Knight to schedule a training with Craig Call to help meet this requirement.

Jennie Knight updated the commissioners on the subdivision ordinance changes. The subdivision approval process was updated during the 2023 Legislation Session. The city needs to have the new ordinance adopted by February 2024. She reviewed what it may appear like with the commissioners and how the city is going about managing this change.

8. ADJOURN.

MOTION: Commissioner Holbrook motioned to adjourn the meeting. Commissioner Smith seconded. All voted in the affirmative. Meeting was closed at 7:21 pm.

Nathan Averill
Vice-Chair

Cynthia Benson
Deputy Recorder



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Staff Memo

Harrisville Ordinance 542;
Home Occupation Standards Amendments
August 3, 2023

To: Harrisville Planning Commission
From: Jennie Knight, City Administrator
RE: Harrisville Ordinance 542; Home Occupation Standards Amendments

A. Summary.

An application was received from applicant, Madalyn Hass, for a Text Change Amendment to the Land Use Ordinance. This application is in reference to the Home Occupation Standards Amendments for a proposed home occupation located at approximately 245 Larsen Lane.

B. Application.

On July 26, 2023, an application was received to amend the Land Use Ordinance to allow for "The use of Permanent Makeup Machine (PMU) for the use of cosmetics in addition to scar coverings". Compliance with Weber Morgan Health Department is also required.

C. Review.

Harrisville Municipal Code 11.10.020(9) Home Occupation outlines the current regulations for home occupations. "Personal services" are allowed as home occupations but "tattoo parlor or business" is not allowed in the Commercial or Manufacturing zones. As the PMU differs from a regular tattoo machine, the proposed code update requests including a PMU as an allowed use in a residential zone as a home occupation with compliance with Weber Morgan Health Department regulations. Section "a" of the home occupation regulations already requires a conditional use permit for any home occupation with visiting clientele.

D. Compliance with Utah Code Annotated.

In accordance with UCA §10-9a-502 Preparation and adoption of land use regulation.

1. A planning commission shall:
 - a. Provide notice as required by Subsection 10-9a-205(1)(a).

Notice of the public hearing was given on July 26, 2023.

- b. hold a public hearing on a proposed land use regulation;
 - c. if applicable, consider each written objection filed in accordance with 10-9a-205(4) prior to the hearing; and
 - d. (i) review and recommend to the legislative body a proposed land use regulation

that represents the planning commission's recommendation for regulating the use and development of land within all or part of the area of the municipality;
and

(ii) forward to the legislative body all objections filed in accordance with Subsection 10-9a-205(4).

(Notice of the public meeting shall be provided for at least 24 hours before the meeting.)

**HARRISVILLE CITY
ORDINANCE 542**

HOME OCCUPATION STANDARDS AMENDMENTS

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING THE
RESIDENTIAL ZONE SPECIAL USE REGULATIONS FOR HOME
OCCUPATIONS; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Harrisville City is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, Utah Code Annotated §10-8-84 and §10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Utah Code Annotated Title 10 Chapter 9a enables municipalities to regulate land use and development;

WHEREAS, the City has adopted Residential Zone Special Use Regulations to govern land use within the City;

WHEREAS, the City desires to amend Home Occupations Standards of Harrisville City as indicated herein;

WHEREAS, after publication of the required notice the planning commission held its public hearing on August 9, 2023, to take public comment on the proposed ordinance, after which the commission gave its recommendation to _____ this Ordinance;

WHEREAS, the city council received the recommendation from the planning commission and held its public meeting on _____;

NOW, THEREFORE, be it ordained by the City Council of Harrisville as follows:

Section 1: 11.10.020 Residential Zone Special Use Regulations

9. Home occupation. A home occupation is the use of a portion of a single family dwelling, and/or accessory building, for a business, office, daycare, preschool, personal services such as hair care, common trade, or crafts. The following conditions shall be met in order to obtain a home occupation:

1. Any home occupation with visiting clientele requires a conditional use permit.
2. The employees at a home occupation site are limited to those who reside at the dwelling where the home occupation occurs with the exception of a preschool and deliveries.
3. The dwelling is the primary residence and no more than twenty-five (25%) percent of the floor space of the dwelling is devoted solely to the home occupation, excepting daycare.
4. There is no outdoor storage of any materials.
5. There is no vehicle or trailer repair or body work of any kind and no parking or placement of vehicles which are being repaired.

6. All work of the home occupation occurs in an enclosed structure.
7. There is no wholesale or retail sales of products, actual product display or warehousing of product directly from the home or accessory building except those items that are created on the property or from a common trade or craft.
8. No offensive noise, vibration, smoke, dust, odor, heat, or glare shall be produced and activities shall not include any activities which create a nuisance or hazard.
9. The home occupation is limited to hours of operation between 7 a.m. and 10 p.m.
10. Daycare is limited to a maximum of eight (8) children at any one time who do not live in the dwelling between the hours of 6 a.m. and 10 p.m.
11. Preschool in a residence that operates four (4) or less hours per day, per session, up to two (2) sessions per day, and teaches more than nine (9) children, but not more than fourteen (14) children, plus supervisory personnel. The preschool area of the home shall also conform to the applicable standards of any building code.
12. All home occupations shall comply with all acceptable State codes and licensing requirements as well as have a home occupation business license from Harrisville City.
13. All home occupations shall comply with all health building and fire codes and regulations for the particular use on the property.
14. No home occupation, specifically trades and crafts, shall interfere with the predominately residential purpose and uses of the residential zone where a home occupation is to be located.
15. With compliance to Weber Morgan Health Department regulations, the use of a Permanent Makeup Machine (PMU) for use of cosmetics in addition to scar coverings.
16. Notwithstanding the provisions of this section, the following are not considered home occupations requiring a permit or license:
 1. Typical and occasional babysitting.
 2. Neighborhood yard care.
 3. Lemonade stands and similar stands operated by youth.
 4. Newspaper delivery, and other such services.
 5. Occasional garage or yard sales not to exceed four (4) times per year, per residence.

Section 2: Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 3: Effective date. This ordinance shall be effective immediately upon posting after final passage, approval, and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2023.

MICHELLE TAIT, Mayor
Harrisville City

ATTEST:

JACK FOGAL
City Recorder

RECORDED this ___ day of _____, 2023.
PUBLISHED OR POSTED this ___ day of _____, 2023.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall, 2) Martin Henderson Harris Cabin and 3) 2150 North on the above referenced dates.

City Recorder

DATE: _____

DRAFT



Text Change Amendment to the Land Use Ordinance

Date

07/26/2023

Address

245 Larsen Lane

State

UT

Email Address

madalynmontgomery@live.com

Ordinance You Are Requesting to Amend (Please be specific such as 10.4.2 Section A):

11.10.020.09

Full Name

Madalyn Haas

City

Harrisville

Zip Code

84404

Phone Number

801-645-7165

Please upload a .doc file with a draft of the new ordinance you wish to implement. Your draft will be reviewed and edited by the City Attorney. You will be contacted with any questions or concerns during the editing process.

[Amendment to the land use ordinance-Madalyn Haas.docx](#)

Signature of applicant. By signing below, I agree that the filing fee is not refundable, and I am not guaranteed that the proposed amendment to the Harrisville Municipal Code will be implemented.



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MAYOR:
Michelle Tait

COUNCIL MEMBERS:
Grover Wilhelmsen
Steve Weiss
Blair Christensen
Max Jackson
Kenny Loveland

NOTICE OF PUBLIC HEARING

In accordance with Utah Code Section 10-9a-205, notice is hereby provided that the Harrisville Planning Commission will hold a public hearing on August 9, 2023 at 7:00 p.m., in the Harrisville City Legislative Chambers located at 363 West Independence Blvd., Harrisville, Utah, to take public comment for and against the proposed Ordinance 542; amending the residential zone special use regulations for home occupations.

All interested persons in attendance shall be given an opportunity to be heard, for and/or against, the ordinance amending residential zone special use regulations for home occupations. A copy of the amendment is available at the City Office during regular business hours.

The foregoing notice was posted and can be viewed at City Hall, On the City's website www.cityofharrisville.com, and at the Utah Public Notice Website at utah.gov/pmn/. Notice of this meeting will also be duly provided as required by law.

In accordance with the Americans with Disabilities Act, the City of Harrisville will make reasonable accommodations for participation in the meeting. Requests for assistance may be made by contacting the City Recorder at (801) 782-4100, at least three working days before the meeting.

Posted: July 28,2023, By: Jack Fogal, City Recorder.