

ORDINANCE NO. 2007-01

**AN ORDINANCE AMENDING
THE ZONING ORDINANCE OF HYDE PARK CITY UTAH
(ORDINANCE 98-2) ADOPTED FEBRUARY 24, 1998
HOME OCCUPATION ORDINANCE**

1.0 The Hyde Park City Council has determined that the following amendments to Chapters 11, A-1;12, RE-20; and 13, R-1; dealing with the residential zones of the City need to be made to permit the establishment of Home Occupations in these residential zones of the City and to ensure that the Home Occupations are compatible with the zone in which they are located. The Home Occupation will be in keeping with the character and appearance of the residential neighborhood and will not adversely affect the desirability or stability of the neighborhood.

2.0 **Home Occupations Permitted**

Subject to compliance with the standards specified in Section 2.1 of this Ordinance, the following occupations shall be permitted as Home Occupations subject only to approval by the Land Use Authority.

- A. Activities where the work of the business requires only limited clientele to come to the home for services.
- B. Activities where the entire work for the business, except for record keeping and telephone are conducted off of the premises.

2.1 **Standards for Permitted Occupations**

All Home Occupations allowed, as a Permitted Use, shall comply with the following standards:

- A. The Home Occupation must be clearly incidental and secondary to the primary use of the dwelling for residential purposes.
- B. The Home Occupation shall not be conducted in, or in any way use the carport or any portion of the yard.
- C. The Home Occupation work conducted at the residence shall not involve any employees other than persons lawfully living in the residence.
- D. The residence must be the principal residence of the applicant.
- E. Other than the applicant's personal transportation they may have one company vehicle (car or truck) and one company trailer (open or enclosed) in their driveway or on a parking pad.

- F. Tools, items, equipment or occupations, which are offensive or noxious by reason of the emission of odor, smoke, gas, vibration, magnetic interference or noise, are prohibited.
- G. Stock in trade, inventory, or other merchandise shall be allowed to be kept only in one room of the dwelling and limited to one hundred (100) square feet of floor space.
- H. Clients or customers coming to the home shall not generate any unusual vehicular traffic or parking needs.
- I. The Home Occupation shall not require any internal alterations or any external alterations to the residence, nor provide any visible evidence from the exterior that the building is being used for any other purpose than that of a residence.
- J. No signs will be allowed.

3.0 Home Occupations Permitted by Conditional Use Permit Only

Home occupations that require a client to come to the home for sales or personal or professional services, and anyone listed under 2.0 Permitted, but does not meet the Standards 2.1; may be authorized by the Land Use Authority as an accessory use only by Conditional Use Permit pursuant to the provisions of this Ordinance.

A public hearing will be required for home occupations requiring a conditional use permit. The Land Use Authority will hold the public hearing.

3.1 Standards for the Conditional Use Occupation

The Land Use Authority shall issue a conditional use permit and business license for a Home Occupation if it is found that:

- A. The provisions of Section 2.1 are satisfied; unless superceded by 3.1;
- B. The Home Occupation shall be conducted completely within the walls of the residence and/or accessory building(s) or an area enclosed by a privacy fence (chain link and slats is not an appropriate screen for a residential zone) as approved by the Land Use Authority. The purpose of the fence is to obscure from view items within the enclosure. A written plan including a site plan shall be provided to the City by the applicant showing the intent to comply with the said ordinance including but not limited to, where specific equipment will be located, the portion of the yard to be fenced, and other items pertinent to the particular business.
- C. The Home Occupation will be in keeping with the character and appearance of the residential neighborhood and will not adversely affect the desirability or stability of the neighborhood.

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- D. The Home Occupation does not diminish the use and enjoyment of adjacent properties or create an adverse parking or traffic impact on adjacent streets or properties. There shall be no display outside the home or accessory building(s). Outside storage of materials, machinery and/or equipment used in the conduct of the business is prohibited with the exception of one vehicle and one trailer, (open or closed) associated with the business, (unless they are kept within an enclosed building or screened area). The vehicle must be parked on the business property, not overlapping or infringing on adjoining property. Items on or in trailers shall be contained or restrained so as to not create a nuisance, i.e., materials, debris, smells, hazards etc. No overnight parking of trailers or large equipment on the street is allowed. No vehicle shall block the view or impede traffic flow on the street.
- E. The Home Occupation will not negatively impact the future use of the property as a residence;
- F. The Home Occupation will not adversely affect the public health, safety or welfare. All materials, waste products, etc. must be stored either within the residence or in an accessory building(s). Any hazardous materials associated with a home-based business shall require an inspection of the premises by the city fire marshal and /or building inspector to ensure compliance with building code requirements and applicable state and federal requirements. A written disclosure statement shall be provided to the city specifying what type of chemicals will be stored, quantities stored and location of storage.
- G. The Home Occupation will conform with all local, state and federal employment laws, fire, building, plumbing, electrical and health codes.
- H. The Home Occupation owner shall be required to sign the conditional use permit agreeing to the conditions set by the Land Use Authority.

4.0 Home Occupations Prohibited

The following businesses, regardless of their conformance with the standards in Section 2.1 or Section 3.1 of this Ordinance are prohibited as Home Occupations:

- A. Auto repairs
- B. Kennels
- C. Welding or Machine shops
- D. Major appliance or equipment repair or service
- E. Cabinet making
- F. Stables
- G. Taxidermy

5.0 Application

Applications for a Home Occupation business license shall be filed with the Hyde Park City Office for review by appropriate personnel. The applications shall include the following information:

- A. Description of the type of business proposed
- B. A listing of the individuals at the home who will be working on the business
- C. The expected hours of operation of the business
- D. Portion of the residence to be used for business

6.0 Home Occupation Business License Review

All home occupation business licenses are subject to review at any time, at the City's discretion for compliance with all sections of this Ordinance. Complaints regarding the home occupation business may cause a review and possible revocation of the license and/or conditional use permit.

7.0 Loss of Home Occupation Use

The City Council or its authorized representative may terminate any Home Occupation use upon making findings that support any of the following conclusions:

- A. Any of the required license or permits necessary for the operation of the business have been revoked or suspended; or
- B. Any of the provisions of this Zoning Ordinance have been violated.
- C. The Home Occupation has outgrown its location by material or equipment not being enclosed or reasonably screened as per 3.1-D

8.0 Appeals

Any person adversely affected by the denial or issuance of a permit for a Home Occupation business license may appeal that decision to the Appeal Authority.

9.0 Existing Home Occupation Licenses

Existing licenses for Home Occupations which were legal under the prior Zoning Ordinance regulating Home Occupations, but which are not permitted under this Zoning Ordinance may be kept and reissued to the original licensee for the subsequent year. Any existing licenses for Home Occupations, which were not legal under prior Zoning Ordinance regulations governing Home Occupations, shall not be reissued. Any change to existing home occupations will require conformance to the current ordinance. Existing home occupations must meet the requirements of the current ordinance within one year.

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10.0 Non-Transferability

Permits for Home Occupations are personal to the applicant, non-transferable and do not run with the land.

11.0 Repeal of Ordinance 98-2

Ordinance 98-2 is hereby repealed and replace by this Ordinance 2007-01.

EFFECTIVE DATE. The City Council has determined that an emergency exists and that this amendment to the Zoning Ordinance of Hyde Park City, Utah shall be effective immediately upon passage by the City Council of Hyde Park, Utah.

ADOPTED AND APPROVED by the HYDE PARK CITY COUNCIL this 28th day of February, 2007.

HYDE PARK CITY, a municipal corporation

David N. Kooyman, Mayor

ATTEST:

Marsha W. Hymas, Recorder

CERTIFICATE OF PUBLICATION OF ORDINANCE

I, Marsha W. Hymas, the duly appointed and acting Recorder for the City of Hyde Park, hereby certify that a brief summary of this ordinance was published in a newspaper of general circulation, that paper being the Herald Journal on _____, 2006 and copies of the ordinance were available for public inspection at the office of the City Recorder, 113 East Center, Hyde Park, Utah.

Dated this _____ day of _____, 2007

Marsha W. Hymas, Recorder

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