

Chapter 108-13 Home Occupation; Short Term Vendors; Temporary Outdoor Sales; Farmer's Markets

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Sec 108-13-1 Purpose And Intent

The purpose and intent of this chapter is to allow persons residing in dwellings in zones in which home occupations are permitted to provide a service, operate certain kinds of small businesses, or maintain a professional, or business office while not changing the character of the neighborhood. This chapter also addresses short term vendors, temporary outdoor sales, and farmers markets.

Activity Classification Clarification

Home occupations apply to ongoing business activity conducted from a residence.

Short term vendors apply to temporary commercial activity conducted for limited durations not associated with a residence.

Temporary outdoor sales apply to seasonal or periodic sales events conducted by existing businesses or property owners.

Agricultural product sales conducted on a farm where products are produced on site shall be considered agricultural use or agritourism use and not regulated as short term vendor or temporary outdoor sales.

Sec 108-13-2 Home Occupations

Use regulations. Unless otherwise prohibited herein, a home occupation is allowed as specified in respective zones provided it maintains compliance with the requirements and standards listed in this chapter.

[Prohibited uses.] The following uses are prohibited as home occupations:

- Tanning salons;
- Body piercing, body art, or tattoo parlor;
- Clinic or hospital;
- Restaurant;
- Auto, truck, or recreational vehicle repair (small engine repair is not prohibited) or sales;
- Ambulance service; or
- Sexually oriented business.

In addition, the following will be considered, and may prevent the City from issuing a Home Occupation Permit:

- Potential for traffic generation (client visits, deliveries)
- Noise, odor, dust, or vibration that disturbs surrounding properties
- Use of hazardous materials

Requirements. A home occupation shall comply with the following requirements:

An application for a land use permit with a site plan depicting the site boundaries and relevant buildings or facilities onsite shall be required in order to verify zoning requirements.

The property owner's written authorization shall be submitted as part of the application for the home occupation.

The home occupation shall obtain an annual business license.

Standards. A home occupation shall comply with the following standards:

A home occupation shall be conducted by the resident(s) who reside on the premises. Up to two additional persons may be employed by the home occupation provided the residence is on a lot with a minimum of one acre in area.

The home occupation shall retain the general character and appearance of a residential dwelling and not change the general character of the neighborhood except for approved signage and vehicle parking.

Except as specified herein, the home occupation shall only be carried on inside a dwelling unit. The home occupation shall not use any space in an attached or unattached garage, accessory building, yard, or any space on the premises outside of the dwelling. This does not apply for the following:

A child day care or preschool, or an adult day care may use outdoor facilities for outdoor recreation or leisure.

Instructional activities may be conducted outdoors or in an accessory building provided that the instruction is limited to lessons and lesson-related equipment, materials, or objects in such a manner that maintains compliance with subsection (d)(2) of this section. Instructional activities conducted outdoors or in an accessory building shall not involve any of the following:

Manufacturing, industrial processes, or the use of heavy equipment or machinery;

Commercial scale assembly or creation of goods or materials;

Commercial scale construction or contractor activities; or

Outdoor storage.

The extent of a home occupation shall be incidental and secondary to the use of the property for residential purposes. The part of the residence occupied by the home occupation shall not be more than 500 square feet or 25 percent, whichever is less, of the total floor area of the home.

The home occupation shall not substantially increase the demand for public services in excess of those usually and customarily provided for residential uses. It shall not substantially increase foot and vehicular traffic, parking, noises, lighting, vibration, smoke, dust or airborne particulate matter, refuse, or anything else that is uncommon to the established character of the neighborhood to such a degree as to constitute a nuisance to the residents of the immediate area.

The home occupation shall comply with Title 5 Chapter 5.02.010 Noise.

Outdoor lighting shall comply with 108-16

The home occupation shall not be open to the public at times earlier than 7:00 a.m. or later than 10:00 p.m. The hours of operation for child day care shall not begin any earlier than 6:00 a.m., or operate later than 10:00 p.m. seven days a week.

Home occupations with visiting clientele will be subject to the following standards:

Multiple home occupations may be permitted on a property provided the combined activities comply with all performance, parking, traffic, and nuisance standards of this section. The city may limit the number of home occupations only where cumulative impacts exceed standards of this chapter.

No home occupation with visiting clientele shall be allowed in multifamily dwelling units consisting of four units or more.

Home occupations with visiting clientele shall operate primarily by appointment or in a manner that prevents traffic congestion or parking impacts. The number of customers allowed at one time shall be limited only as necessary to maintain compliance with parking and nuisance standards.

- a. Child day cares are exempt from this limitation during morning and evening pick-up and drop-off times.

Home occupations shall provide adequate off-street parking for residential dwellings, as specified in title 108, chapter 8 of this Land Use Code, and in compliance with the following:

One parking space shall be required for each driver-age patron or clientele, or one space per two nondriver-age patrons or clientele.

One parking space shall be required for each non-resident person employed by the home occupation.

Delivery or pickup in a 14,001 pound or greater truck (Class 4 GVWR or greater, pursuant to 49 CFR 565.15), except for package delivery service at times and in intervals typical for a normal residential use, shall be limited to one delivery or pickup per week between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. A loading and unloading area, adequately sized to accommodate the type of truck and the size of the delivery or pickup, shall be provided on the site. No loading or unloading shall be permitted in the right-of-way.

There shall be no storage or parking on the premises or on the adjacent streets in the vicinity of the premises of tractor trailers, semi-trucks, or other heavy equipment used for an off-premises business for which the dwelling is being used as a home occupation office except that not more than one 14,000 pound or less truck (Class 3 GVWR or less, pursuant to 49 CFR 565.15) may be parked on-premises during off work hours at night. A work trailer up to 22 feet in length may be parked at night as part of the home occupation business. All trucks and trailers used as part of the home occupation business shall be licensed and registered, and parked in accordance with title 108, chapter 8 of this Land Use Code.

Barber or beautician services shall be limited to two stations per residence.

Child day care or preschool, adult day care, or instructional activities shall be limited to eight pupils or participants at any one time. Any instructional activity, except child day care or preschool, or adult day care, that is conducted outdoors or in an accessory building

shall require a minimum lot size of three acres. Instructional activities shall not include recitals, competitions, tournaments, shows or performances that may draw spectators.

The home occupation shall maintain compliance with all applicable local, state, and federal regulations.

Home occupation sign. See Title 110 Signs

Inspections.

Inspections may occur during reasonable hours only:

- (1) As part of an application review
- (2) Upon a documented complaint
- (3) During investigation of a suspected violation
- (4) As part of business license renewal where applicable

Inspections shall be limited to verifying compliance with this chapter.

Revocation. A home occupation approval may be revoked pursuant to section 102-4-3.

Enforcement. Failure to abide by the requirements of this chapter shall be cause for the City to cite the property and/or business owner, as provided for in Sec 102-4-4 Code Enforcement.

Sec 108-13-3 Short-Term Vendors

Short-term vendor consists of the sales of goods and/or services from a trailer, yurt, mobile store, or kiosk on a commercially zoned property, property located within a resort boundary, non-profit or City events. Application for a short-term vendor is subject to the following requirements:

Site plan.

Required application fees. (Fees are the same for design review application for a home occupation with visiting clientele).

Water and sanitation facility plans to be approved by the health department.

Signage plan.

A building permit for temporary power.

A land use permit shall be obtained for a short-term vendor.

An Ogden Valley City short-term vendor's business license expires 120 consecutive days after the date of issuance.

Short term vendors shall not be subject to design review unless permanent structures are proposed.

Enforcement. Failure to abide by the requirements of this chapter shall be cause for the City to cite the property and/or business owner, as provided for in Sec 102-4-4 Code Enforcement.

Sec 108-13-4 Temporary Outdoor Sales

Temporary outdoor sales site consist of the sale of seasonal goods (e.g. Christmas tree lot, pumpkins, or fireworks), that are associated with a recognized holiday, on a commercially zoned property. An application for a temporary outdoor site is subject to the following requirements:

A design review application.

Site plan.

Required application fees. (Fees are the same for design review application for a home occupation with visiting clientele.)

Water and sanitation facility plans to be approved by the health department.

Signage plan.

The sales lot area shall not exceed ten percent of the parking area on an improved commercial lot. The period of operation for a sales site shall be as per state code, if established, and in no case shall be more than 30 days from the date of the holiday. The sales site shall be cleared of all debris and restored within five days after the day of the holiday.

Temporary fencing, including chain link, up to six feet in height.

A building permit for temporary power.

All outdoor lighting, including temporary lighting, shall comply with Chapter 108-16, Outdoor Lighting.

A land use permit shall be obtained for a temporary outdoor sale site.

Seasonal sales of agricultural products grown on the property shall be considered agricultural use and shall not be subject to temporary outdoor sales duration limits.

Enforcement. Failure to abide by the requirements of this chapter shall be cause for the City to cite the property and/or business owner, as provided for in Sec 102-4-4 Code Enforcement.

Sec 108-13-5 Farmer's Markets

A farmer's market consists of a group of local farmers and other vendors who gather to sell fresh produce, other food products, and craft items on a commercially zoned property, at a public park, or an approved agri-tourism operation. A farmer's market may function June through October; however, a farmer's market, approved as a part of an agri-tourism operation, may function June through December.

An application for a farmer's market that is a part of an agri-tourism operation shall be subject to a conditional use permit review as well as title 108, chapter 21 (agri-tourism). An application for a farmer's market, located on a commercially zoned property or within a public park shall be subject to the following requirements:

A design review application.

Site plan.

Required application fees. (Fees are the same for design review application for a home occupation with visiting clientele.)

Water and sanitation facility plans to be approved by the health department.

The property owner(s) shall sign the application.

The vendors at these markets are limited to local farmers/growers selling products from their own farms or gardens, crafters selling their own crafts and food vendors.

A building permit for temporary power.

All vendors planning to sell or dispense prepared food or beverages at public events shall have permits from the health department prior to the start of the event.

A land use permit shall be obtained for a farmer's market.

Enforcement. Failure to abide by the requirements of this chapter shall be cause for the City to cite the property and/or business owner, as provided for in Sec 102-4-4 Code Enforcement.

Sec 108-13-5 General Applicability:

Permit hierarchy

Where an activity qualifies under multiple sections of this chapter, only one permit or approval shall be required. The most specific applicable category shall control.

Agricultural uses and agritourism uses shall not be required to obtain vendor or temporary sales permits for activities clearly incidental to the primary agricultural use.