

TITLE 29.20-30. HOME OCCUPATIONS. ¹

Sections:

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29.20-30.010. Purpose and Intent.

It is the purpose and intent of this chapter to allow persons residing in dwellings to use their mental or physical expertise and talent in providing a service, developing a product for sale to the public, operating certain kinds of small businesses or maintaining a professional or business office work space in the dwelling, or in an attached or detached garage or accessory building, or yard space, while at the same time maintaining the peace, quiet and domestic tranquility within all residential areas of Brigham City, guaranteeing to all residents freedom from excessive noise, traffic, nuisances, hazards, and other possible adverse effects of limited business activities being conducted in such areas, and improving and maintaining the aesthetic quality of the neighborhood and the lot or parcel upon which the dwelling and home occupation are located. It is further the purpose and intent of this chapter that home occupations shall be clearly accessory and subordinate to the principal use of the property for dwelling purposes.²

29.20-30.020. Standards for Home Occupations.

The following standards shall be observed in the operation of all home occupations:

A. The home occupation shall be conducted primarily by residents of the premises. A home occupation may have employees, however, only one employee who does not live in the home may come to the home at any one time for purposes of employment, unless otherwise approved by the Planning Commission. One additional off-street parking stall shall be provided for any employee coming to the home who is not a resident of the premises.³ This parking stall shall be subject to setback standards for the zoning district in which the home occupation is located.¹

B. The home occupation shall not physically change the dwelling or accessory structure or attached or detached garage or yard space to the extent that it would alter the residential or aesthetic character of the dwelling, accessory structure, attached or detached garage, yard, or neighborhood.

C. The home occupation shall be allowed one name plate sign which shall be consistent with Chapter 20 Sign Regulations. Temporary signs shall not be permitted for home occupations.⁴

D. The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located, as determined by the Zoning Administrator and appropriate regulatory authorities. Occupancy load as defined by the currently adopted Uniform Building Code shall not be exceeded.

E. The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential use, as determined by the Zoning Administrator and appropriate regulatory authorities. No electrical equipment shall be permitted which exceeds three horsepower.

F. Sale of commodities produced on the premises shall be permitted. The sale of commodities not produced on the premises shall be by prior individual invitation only.

G. Home occupations shall conform to business license requirements of Title 14 of the Brigham City Code.

H. There shall be complete conformity with all applicable City, County, state and federal laws and ordinances.

¹ Numbering changed with Ordinance No. 07-13, dated 7/19/07

² Ordinance No. 00-32, 8/17/00

³ Ordinance No. 02-08, 3/7/02

⁴ Ordinance No. 01-22, 4/19/01

29.20-30.030. Standards for Home Occupations Using Attached or Detached Garages, Accessory Structures, or Yard Space.

A. The use of an accessory structure or an attached or detached garage, or yard space, for a home occupation may be considered as a conditional use *only* under the following conditions:

- 1) The Planning Commission finds that the proposed home occupation will be clearly accessory and subordinate to the principal use of the property for dwelling purposes; and ¹
- 2) The Planning Commission finds that the proposed home occupation will not adversely affect the residential nature and aesthetic quality of the neighborhood; and
- 3) Any off-street parking displaced by the home occupation is relocated elsewhere on the lot or parcel in compliance with setback standards for the zoning district in which the property is located; and
- 4) The Planning Commission may impose any conditions it deems necessary to mitigate impacts of the home occupation on the neighborhood; and

B. In determining whether to grant a conditional use approval for the use of an attached or detached garage, accessory structure, or yard space for a home occupation, the Planning Commission shall consider the effect of such use on the residential character of the property upon which the home occupation is proposed to be located. In making a determination, the Planning Commission may consider factors including, but not limited to, displacement of normally residential functions of yard space and building or structure usage; the potential for generation of noise, dust, vapors, fumes, odors, and light; the potential for generation of excess traffic; the potential impact of the proposed home occupation on the aesthetic quality of the neighborhood and the property upon which the home occupation is proposed to be located.

C. Due to the special nature of home occupations, their potential to create adverse impacts to the neighborhood, and the potential for significant unforeseen impacts to occur, the Planning Commission reserves the right to review any home occupation granted conditional use approval pursuant to this paragraph. The conditional use permit for the home occupation may be reviewed and modified or revoked by the Planning Commission due to failure of the owner or operator of the home occupation to observe all conditions specified in issuing the permit, failure to observe the purpose and intent of this Chapter, other requirements of this Title in regards to the maintenance of improvements, conduct of the home occupation as approved, or significant unforeseen impacts resulting from the operation of the home occupation in conflict with the purpose and intent of this Chapter.

D. Home occupations which may be considered under Section 29.20-30.020 of this Chapter may include the following uses or uses which are similar in character, origin, or impact, as determined by the Zoning Administrator:

1. Artist, Author;
2. Architectural service;
3. Barber shop, beauty service;
4. Consulting service;
5. Craft sale;
6. Dance studio; aerobic exercise, music lessons, tutoring and general educational instruction;
7. Direct sales distribution;
8. Data processing, computer programming;
9. Home crafts;
10. Garden plants and produce;
11. Janitorial service;
12. Insurance sales or broker;
13. Interior design;
14. Mail order (not including retail sales form site)
15. Real estate sales or broker;
16. Sales representative.

E. Home occupations which shall not be considered under Section 29.20-30.020 of this Chapter include the following uses or uses which are similar in character, original, or impact, as determined by the Zoning Administrator:

1. Agricultural uses that involve the keeping of animals, unless in a zoning district where the keeping of such animals is allowed;
2. Agricultural uses that use more than twenty five percent (25%) of the area of the lot when the lot is less than one (1) acre in size;
3. Automatic or manual car wash;
4. Building material sales, lumber yard;

5. Contractor's storage yard;
6. Kennel, animal hospital;
7. Machine shop (unless located within a Multiple Use, Agricultural, or Rural Residential Zoning District and on a parcel two or more acres in size);⁵
8. Manufacture, curing, compounding, processing, packaging, and treatment uses which utilize yard space or which generate noise, smoke, fumes, or odors;
9. Mortuary;
10. Rock crusher;
11. Saw mill;
12. Storage and warehousing uses as listed in Section 29.165.020(12);
13. Tattoo Establishment;⁶
14. Transportation uses as listed in Section 29.165.020(13);
15. Uses which involve the storage, display, or repair of motor vehicles, or body and fender work on such vehicles.⁷

⁵ Ordinance No. 02-22, dated 6/27/02

⁶ Ordinance 04-03, 1/15/04.

⁷ Ordinance 01-22, 4/19/01.