

Document Control Changes: Adopted 25 September 2007 (replaces previous versions), Revised 26 January 2016 (was CFO-026-HO-07), New Format May 2016); Revised 14 November 2019; Revised May 2020

## **HOME OCCUPATION ORDINANCE**

AN ORDINANCE DEFINING AND REGULATING HOME OCCUPATIONS AND PROCEDURES FOR OBTAINING A PERMIT FOR SUCH.

**Whereas**, commercial zones are established within the Town boundaries for commercial and industrial operations that are separated from residential areas and which require a commercial business license; and,

**Whereas**, residents may desire to establish a home-based occupation in a residential area; and,

**Whereas**, in order to maintain property value and lifestyle in the residential areas, rules and regulations must be established for home-based businesses and occupations;

**Now therefore, BE IT ORDAINED** by the Town Council of the Town of Cedar Fort, Utah County, Utah that an ordinance pertaining to the regulation of Home within the town be enacted as follows:

### **1.0 Purpose**

The purposes of this Ordinance are to:

1.1 Permit certain Home Occupations as described herein, which are incidental to the residential use of the premises, are compatible with residential uses, and do not detract from the residential character and quality of the neighborhood, based on an evaluation of the tangible impact of such occupations.

1.2 Protect residential areas from any adverse impacts associated with Home Occupations and protect residential property values.

1.3 Ensure that the health, safety and welfare of neighbors and residents are protected and that their rights are not compromised by the operation of a particular Home Occupation.

1.4 Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods.

1.5 Allow agricultural pursuits as defined herein to continue and to maintain the rural, agricultural nature of our community.

1.6 Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazard and other possible business uses that are in excess of that customarily associated with the neighborhood.

1.7 Establish performance criteria and standards for Home Occupations that will provide fair and equitable administration and enforcement of this ordinance. Any Home Occupation which would alter the residential nature of the immediate vicinity shall be denied.

1.8 Provide a means to enforce and regulate the Home Occupations that are licensable through the authority of this Ordinance, and if necessary terminate Home Occupations if violations occur.

**Home Occupation Licenses are a temporary privilege which can be revoked at any time for violations of the requirements and restrictions of this Ordinance, or if the applicant fails to comply with any conditions of the License approval. Issuance of a Home Occupation License one year does NOT guarantee or vest any right to have the Home Occupation License issued in any other year.**

## **2.0 Definitions**

2.1 Auto Wrecking Yard – any storage of five (5) or more inoperable, unregistered, junk, abandoned, wrecked, or dismantled vehicles or vehicle parts, including recreational vehicles or recreational trailers, on the parcel. Farm equipment is not included in the term *vehicles*.

2.2 Business: any activity carried about for the purpose of financial gain or benefit, including, but is not limited to, the sale of tangible personal property or services at retail or wholesale, the manufacturing of goods, the processing and/or storage of goods or products, or the rendering of personal services for a consideration.

2.3 Agricultural Business: A business or activity that grows or raises food, fiber or feed.

2.4 Environment Externalities: Obnoxious odors, noise, non-ordinary traffic, vibrations, glare, fumes, dust, or electrical interference.

2.5 Home Occupation: Any business or commercial activity conducted or engaged on land not in a commercial or industrial zone and in a commercial or industrial building. Home Occupations do not include: 1) infrequent garage sales, yard sales or home parties for the purpose of the sale or distribution of goods or services, provided that the collective total of all such events do not exceed four (4) in any calendar year; or 2) infrequent and irregular work or services performed not exceeding a value of \$2,000 in any calendar year.

2.6 Home Daycare/Preschool: Care or teaching of children within the home.

2.7 Home Office: The use of a defined portion of a residential dwelling as an office area by one or more members of the household residing on the premises, for the following activities: 1) activities as an employee, such as telecommuting, for an employer conducting business at a separate location, if such activities do not involve visitation by clients or customers, and if there is no assertion or representation that the residence address is a business address for either the employee or the employer; 2) activities as a volunteer in support of a non-profit community service, political, or charitable

organization if such activities do not involve visitation by clients or customers and if there is no assertion or representation that the residence address is an address for such organization. Home Office, as defined above, is not regulated by this Ordinance. A building outside of the primary residential structure are shall not be a Home Office. Business activities shall not be conducted at the home of an employee of a company or by employees of the business that are not residing on the property.

2.8 Junk: any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires and waste, or materials commonly designated as junk. "Junk" shall also mean any motorized equipment or vehicle not currently registered, dismantled, wrecked or inoperable, motor vehicles or parts thereof which are stored or parked on property outside of an enclosed building.

2.9 Junk Yard: any accumulation of used or damaged lumber; junk; salvage materials; non-indigenous objects; abandoned, discarded or unused furniture; stoves, sinks, toilets, cabinets, or other fixtures or equipment storage so as to be visible from a public street, alley, or adjoining property, and covers more than 10% of the property (including any existing outbuildings). However, nothing herein shall preclude the placement of stacked firewood for personal noncommercial use on the premises.

2.10 Licensed Property: The residential parcel that has been approved for business through the issuance of a Home Occupation License consistent with the limitations and requirements of this Ordinance. Includes the residential structure, outbuildings, and land.

2.11 Non-resident Employee: An employee of a business that is not domiciled at the residence located on the Licensed Property.

2.12 Livestock: Animals raised in an agricultural setting for labor or to produce meat, eggs, milk, and wool.

2.13 Salvage Yard – see Auto Wrecking Yard.

### **3.0 General Provision and Requirements**

3.1 A license is required for the commencement and conduct of all business in a Residential Zone.

3.2 All Licenses for a Home Occupation are non-transferable and are issued to a specific applicant for a specific Home Occupation and to a specific Licensed Property. All such Licenses for a Home Occupations shall be deemed to terminate immediately when the holder thereof sells, alienates, moves or relocates from such premises, or discontinues the activity and/or operation of the business which is the subject of such License.

3.3 Each License for Home Occupation, if not previously terminated, shall terminate at the end of the calendar year following the date of issuance, but may be renewed. Licenses issued after 1 July shall be charged at one-half the license fee for that first partial year and will be renewed at the normal rate after that.

#### **4.0 Home Occupation Approval Procedure**

4.1 All applications for a Home Occupation License shall be made by completing the designated form and submitting said form to either the Town Clerk or Town Councilmember assigned to oversee Home Occupation Licenses ("Licensing Councilmember"). The Licensing Councilmember shall respond to requests no later than 45 days after formal receipt of the completed application. Home Occupation permit may be issued only with the approval of both the Permit Councilmember and the Mayor.

4.2 Home Occupation License. All Home Occupations shall have a current and valid Home Occupation License at all times, unless specifically exempted as set forth herein.

4.3 Upon the first application for a Category 2 Home Occupation, applicant shall be required to notify, in writing, all property owners within 300' of the proposed Licensed Property describing the Occupation. The applicant shall provide the Town with stamped and preaddressed envelopes for each owner of record of each parcel located entirely or in part within three hundred (300) feet from any boundary of the property subject to the application, including any owners of property in unincorporated Utah County or adjacent municipalities, together with a mailing list for said owners. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate.

4.4 Upon the first application for a Category 2 Home Occupation, the approval of the Home Occupation License must be made by both the Planning Commission and Town Council. Renewals for Category 2 Home Occupations may only be done for the same property and same principals of the business. Renewals may be approved with the consent of both the Licensing Councilmember and Mayor without additional notice or consents.

4.5. Unless you are doing business under your own name, the business must be registered with the Utah State Department of Commerce. Verification must be provided.

4.6 If the business is required to collect sales tax per Utah State Code, a sales tax number must be included, and verification of valid number provided, on the Home Occupation License application.

4.7 If the business is required to have a Child Care License per Utah State Code, said License must be provided with the Home Occupation License application.

4.8 All applications must be filled out completely. Missing information may cause a delay in processing the application.

4.9 A Home Occupation License application is deemed incomplete and denied if the associated fees for the application, as set by the Town Council, is not included with the application.

#### **5.0 Categories**

**5.1 Category 1 Home Occupation:**

5.1.1 Receives not more than a sum total of two patrons, customers, clients, deliveries, or students at the home per day, OR

5.1.2 Has no more than one Non-resident Employee at the Licensed Property.

**5.2 Category 2 Home Occupation (Permitted Use)**

5.2.1 Exceeds the qualifications of Category 1, but otherwise complies with all restrictions and requirements of a Home Occupation set forth herein.

**6.0 Universal Standards for all Home Occupation Licensees**

Both Home Occupation categories shall comply with all of the following Standards ("Universal Standards") at all times:

6.1 Bona Fide Resident. The Home Occupation business shall be majority-owned by and primarily carried out only by a bona fide resident of the home. If the applicant for a Home Occupation license rents or leases the Licensed Property, the applicant must provide a letter of acknowledgment and consent from the Licensed Property owner at the time the application is submitted to the Town.

6.2 Use of the Property. The Home Occupation shall be clearly secondary and incidental to the residential or agricultural purpose of all land and structures located at the Licensed Property.

6.3 Off-Street Parking. All business related vehicles at the Licensed must use off-street parking.

6.4 Designating Areas of Property to Be Used. The Home Occupation applicant must specify and designate the portion of the home, accessory structure, yard, attached or detached garage dedicated as the principal location for business activities. The larger the area designated, the less incidental the business is to the residential nature of the parcel.

6.5 Delivery Vehicles. The receipt or delivery of merchandise, goods, or supplies for use in a Home Occupation shall be limited to commercial class 5 or less trucks.

6.6 External Appearance. The existence of a Home Occupation must maintain or improve the external residential aesthetic appearance of the Licensed Property.

6.7 Outdoor/Yard Space. The Home Occupation shall not involve the use of any open or unenclosed yard space (privacy fencing required) for storage of supplies, inventory or equipment. Any outdoor enclosed area of the Licensed Property must be located in either the side or rear yard areas.

6.8 Conformity with Safety Codes. The operation of any Home Occupation requires full conformity with all applicable fire and building codes and all other zoning and land

use laws.

6.9 Health and Safety. No process can be used which is hazardous to public health, safety, or welfare.

6.10 No Excessive Utility Uses. The Home Occupation shall not cause a demand for community or utility services that is substantially in excess of those usually and customarily provided for residential uses.

6.11 Neighborhood Disruptions Not Permitted. The Home Occupation shall not interfere or disrupt the peace, quiet and domestic tranquility of the vicinity or have Environmental Externalities.

6.12 Interior Alterations/Remodeling. Interior alterations of the Licensed Property are prohibited if such alterations make the Licensed Property unfit for typical residential use in the area.

6.13 Hours. No patrons, customers, clients, deliveries, or students shall be permitted between the hours of 7:00 P.M. and 7:00 A.M.

## **7.0 Standards for Category 1 Home Occupations**

In addition to the Universal Standards, all Category 1 Home Occupations must also comply with the provision of this Qualifications section.

7.1 Off-Site Employees. On any given day, no more than one (1) Non-resident Employees shall be permitted to visit or work at the Licensed Property.

7.2 Traffic. Vehicular traffic from business related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood, and shall be conducted so that the neighbors will not be significantly impacted by its existence. The Home Occupation (Category 1) shall be limited to two (2) business-related visitors or customers per day.

7.3 Maximum Floor Space. No more than twenty-five percent (25%) of the total square footage of any individual structure, or no more than ten percent (10%) of the total land (not to exceed 1 acre) on the Licensed Property shall be utilized for the Home Occupation.

7.4 Signs. The Home Occupation may utilize one unanimated, non-illuminated flat sign, for each street upon which the home abuts. The sign must be placed either in a window or on the exterior wall of the home where the Home Occupation is being conducted. The sign may not exceed one square foot.

7.5 Display of Products. No products may be visible from the exterior of any structure located on the Licensed Property.

## **8.0 Category 2 – Permitted Use**

The following uses may be appropriate as licensable Home Occupations only if they are determined to be compatible with residential neighborhoods after full Permitted Use review by the Planning Commission, compliance with Business Licensing, compliance with all of the limitations set forth herein, and the Standards and all the Qualifications that have not been granted an exception through the Permitted Use process and additional regulations.

- 8.1. Child Day Care. The following items indicate maximum limits that may be granted by the Planning Commission.

8.1.1 A maximum of twelve (12) children is permitted at any one time.

8.1.2 A maximum of eighteen (18) children is permitted per day.

8.1.3 These numbers shall include the licensee's and any employees' children if they are under six (6) years of age and are under the care of the licensee at the time the Home Occupation is conducted.

- 8.2. Other Group Child Activities (e.g. dance schools, preschools, music classes, other care or instruction for children) at Any One Time, Other Than Child Day Care. The following provisions indicate a maximum limit that may be granted by the Planning Commission.

8.2.1 The following guidelines shall be used to determine the maximum number of students/children permitted:

8.2.1.1 A traffic plan has been reviewed and approved by the Town which includes acceptable traffic flow, drop-off and turn-around areas; and

8.2.1.2 The existing residential street is of sufficient width to accommodate additional vehicular traffic.

8.2.2 A maximum of twelve (12) students/children per session and a maximum of twenty-four (24) students/children per day shall be permitted.

8.2.3 A maximum of four (4) sessions per day may be permitted.

8.2.4 All sessions combined shall not generate more than 24 vehicular stops per day.

8.2.5 The total number of students/children shall include the licensee's and any employees' children if they are under six (6) years of age and are under the care of the licensee at the time the Home Occupation is conducted.

- 8.3 Work Shops and Repair Shops (including small engine repair), such as welding; carpentry; sheet metal work; furniture manufacturing; upholstery and other similar small-scale, light manufacturing activities.

- 8.4 A Home Occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:
- 8.4.1 The applicant for a Home Occupation license shall designate the areas of the attached/detached garage or accessory structure that will be used for the Home Occupation and if approved, the Home Occupation may be conducted only in the designated area.
  - 8.4.2 No more than 25% of the total floor space (whichever is the greater) of any accessory structure, or attached or detached garage may be used for the Home Occupation, unless there are specific exceptions granted by the Planning Commission.
  - 8.4.3 Any Home Occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the Home Occupation is located.
  - 8.4.4 Any accessory structure used for a Home Occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
  - 8.4.5 The Home Occupation may utilize one unanimated, non-illuminated flat sign to be attached the accessory structure where the Home Occupation is being conducted, with an area of less than eight (8) square feet.
- 8.5 A Home Occupation proposing to utilize any yard space, or a swimming pool.
- 8.6 A maximum of twelve (12) customers or clients or deliveries per day may be allowed under a Permitted Use permit, except as provided herein for child day care and other group child activities.
- 8.7 On any given day, no more than three (3) Non-resident Employees shall be permitted to visit or work at the Licensed Property.
- 8.8 Any Home Occupation which utilizes vehicles more than forty (40) feet in length.
- 8.9 Any Home Occupation involving or proposing to involve food or drink preparation, storage or catering, will only be considered for a conditional-use permit only when such activities are authorized by the appropriate State or County department or agency.
- 8.10 No residence may be the Licensed Property for more than two (2) Home Occupation licenses.
- 8.11 Any business that provides stables or kennels for boarding, breeding or similar activities for non-Livestock animals shall not board or maintain more than 3 animals per acre at the Licensed Property and must not house the animals inside the residence.

## **9.0 Prohibited Home Occupations**

The following uses, by the nature of the occupation, substantially impair the use and value of residentially-zoned areas for residential purposes and are therefore prohibited.

- Private schools with organized classes for more than six students
- Mortuaries, Funeral homes, crematorium, mausoleum
- Clinics, dental offices, medical offices, chiropractic offices, or hospitals
- Animal Hospitals and veterinary offices
- Equipment rental
- Junk Yard, truck hauling, Auto Wrecking Yard or Salvage Yard
- Storage, sales or rental of motorized vehicles
- Commercial service or repair of motorized, street-legal vehicles
- Large appliance repair
- Food or drink preparation, storage or catering not permitted by law
- Fitness or health spa facility
- "Boutiques", "sample sale" or craft shows
- Any use which requires a Hazardous Materials or Operational Permit
- Sexually-oriented businesses
- Any sale of alcoholic beverages
- Illegal or illicit businesses
- Uses which interfere or produce fluctuations in a utility service
- Business that raise or process minks or similar animals.

## **10.0 Exemptions**

10.1 Agricultural Businesses are exempt from licensing if the products were grown or raised on the business owner's parcel.

10.2 Home businesses are exempt if there are no Environmental Externalities, patrons, customers, clients, deliveries, or students at the Licensed Property.

## **11.0 Appeals**

If an applicant for a Home Occupation License is either denied a License by the Town Council or desires to appeal any condition of approval placed on the application by the Council, the applicant may present an appeal to the Town Board of Adjustments. The applicant will notify the Town Council, in writing, requesting the appeal. The Board of Adjustments will conduct a hearing within sixty (60) days and consistent with notification procedures. At the hearing, the Board of Adjustments may hear from interested parties prior to making a decision on the appeal. Following the hearing, the Board of Adjustments may approve, approve with conditions, or deny the appeal.

## **12.0 Penalties and Violations**

Any person, firm or corporation who shall violate any provision of this ordinance shall be fined five hundred dollars (\$500) for each violation. Each day that a violation exists shall

constitute a separate and distinct offense.

### **13.0 Severability**

If any part of this ordinance is declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration will not affect the remaining parts, which will remain in effect.

### **14.0 Effective Date**

This ordinance shall become effective upon approval and posting.

Passed by the majority vote of the Town Council of the Town of Cedar Fort this 14<sup>th</sup> day of May 2020.


  
Mayor

Attest:

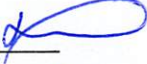
  
Town Recorder/Clerk




Mayor David Gustin

Voted Yea 

Councilmember Ellen Cibula

Voted Yea 

Councilmember Laura Ault

Voted Yea 

Councilmember Wyatt Cook

Voted NO WC

Councilmember Rett Messersmith

Voted Yea RM



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*[Handwritten signature]*

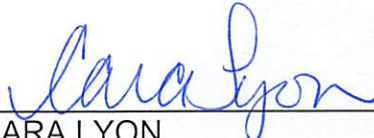
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STATE OF UTAH                     )  
  ) ss.  
COUNTY OF UTAH                )

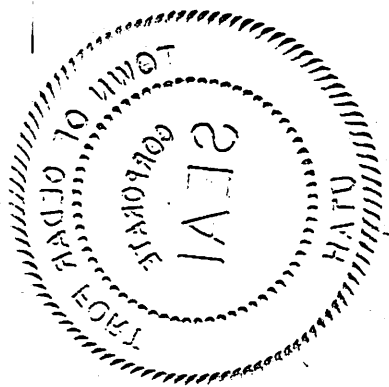
I, CARA LYON, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Cedar Fort Town, Utah, on the 20 day of May 2020 entitled

**"HOME OCCUPATION ORDINANCE"**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Cedar Fort Town Utah this 20 day of ~~November 2019~~ May, 2020.

  
\_\_\_\_\_  
CARA LYON  
Cedar Fort Town Recorder





**AFFIDAVIT OF POSTING**

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, Cara Lyon, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Cedar Fort Town Council on the 20 day of May 2020 and herein referred to as:

**"HOME OCCUPATION ORDINANCE"**

**SUMMARY:**

The above named ordinance was clarify the definition of a junk/salvage yard.

The three places are as follows:

1. Post Office
2. Town Hall
3. Cedar Valley Store

  
\_\_\_\_\_  
Cara Lyon  
Cedar Fort Town Recorder



Date of Posting May 20, 2020

