



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and recommendation on a proposal to amend the following section of the Weber County Land Use Code: Home Occupation; Short Term Vendors; Temporary Outdoor Sales; Farmers Markets (§ 108-13), to provide for instructional activities in yard area and accessory buildings and to update and clarify provisions related to home occupation permitting and procedures.

Agenda Date: Tuesday, July 28, 2015
Staff Report Date: Thursday, July 15, 2015
Applicant: Kregg and Kami Thomassen, in partnership with the Planning Division
File Number: ZTA 2015-01

Property Information

Approximate Address: Not Applicable
Project Area: Not Applicable
Zoning: Not Applicable
Existing Land Use: Not Applicable
Proposed Land Use: Not Applicable
Parcel ID: Not Applicable
Township, Range, Section: Not Applicable

Adjacent Land Use

North: Not Applicable	South: Not Applicable
East: Not Applicable	West: Not Applicable

Staff Information

Report Presenter: Charlie Ewert
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(801) 399-8763

Report Reviewer: SW

Applicable Ordinances

Home Occupation; Short Term Vendors; Temporary Outdoor Sales; Farmers Markets (§ 108-13).

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Background

This is primarily an applicant driven code change to the Home Occupation code. While changes to the Home Occupation code are necessary, staff would not have prioritized them over other ordinance work without a request for a specific consideration from an applicant. The applicants, Kregg and Kami Thomassen, are requesting that the code is changed so that instructional activities are allowed in yard area and in accessory buildings. Upon review of the request, staff determined that the majority of the Home Occupation code should be re-written to provide consistence and clarity, and to remove un-administrable code provisions.

The applicant's objective is relatively simple. They have a large accessory building with an indoor basketball court. They would like the opportunity to open a business that provides athletic instruction inside the building.

There is no support for their desire in the permitted uses of the zone in which they reside (A-1 zone), or in the Home Occupation code. In order to run a business from a home/residential property, a land owner must either

qualify as a home occupation or another business use listed as a permitted or conditionally permitted use in the zone. To qualify as a home occupation current code dictates that all business activities must be 100 percent confined to the interior of the residence. There is no allowance for any business activities in yard area or in accessory buildings.

The applicant's originally requested¹ to change the listed conditional uses in the A-1 zone to allow private recreational parks for commercial gain. Upon staff consultation, it was mutually determined that the ordinance change may be better suited for the Home Occupation code, which would better provide for the intent of their request.

Policy Analysis

Policy considerations, generally. This proposed ordinance change is comprised of both staff recommended changes and applicant requested changes to the home occupation code. If at any time the staff recommended changes start to affect the expediency of a decision on the applicant's request the Planning Commission should consider separating the issues in order to get the applicants a quicker answer. For this purpose, the policy analysis below helps provide such a separation.

It is currently possible for athletic instruction to occur within a residence, provided the home owner can comply with requirements and standards of the home occupation code. These kinds of activities are limited to 400 square feet of the home (smaller if the main floor area is less than 1600 square feet) and may not be conducted outside. This proposed ordinance change has a non inconsequential policy shift to allow instructional activities outside the residence, in yard area and in accessory buildings. Under current laws, a person desiring to teach swimming lesson in their private pool, tennis lessons on their backyard tennis court, or, in the case of the applicant, basketball lessons in their accessory building, is not allowed to do so if it is done for remuneration.

Originally, staff recommended to limit the outdoor activities to "athletic instruction," however, both Planning Commissions saw value in extending the right to any instructional activities, with examples ranging from individual art lessons to group instruction. Upon evaluation of allowing "any" kind of outdoor instruction, staff felt the need to provide some additional limiting language so as not to create a loop hole in restricting industrial and commercial activities from residential areas. Those additions are better explained below.

Best management practices. Staff reached out to other counties to see who else allows home occupation activities to occur outside the main home. All had limitations and certain processes, but it appears that Cache County, Box Elder County, Morgan County, and Summit County allow some yard area to be used for a home occupation. Davis County and Wasatch County do not. We did not hear back from Salt Lake County.

Box Elder, Morgan, and Summit all have a different process for outdoor activities that Weber does not. For each of them, once a home occupation reaches an ordinance specified threshold (for example, when clientele are accessing the home, or when activities are conducted in a garage or accessory building) the permit review becomes subject to greater scrutiny. Morgan and Box Elder require conditional use permit review. Summit requires a higher impact review.

In Weber County, home occupations are permitted uses. No heightened review is required for any type. Given that current regulations completely restrict any home occupation activity to the interior of the home there does not seem to be a need for any heightened review. The Planning Commission should be aware of this when adding allowances. Staff are not recommending any change in review process/requirements with this new proposal; however, because this is a big policy shift, we recommend carefully monitoring how these uses evolve in order to determine whether additional review standards/processes are necessary.

Review of the proposed ordinance. The changes presented in the proposed ordinance generally fall into three categories: applicant requested changes, general clarifications, and missing provisions or necessary changes.

Applicant requested changes. Together, with the certain home occupations being added to the list of prohibited home occupation in §108-13-2(b), the modified standards in §108-13-2(d)(3) and (13) provide for instructional activities in yard space or in accessory buildings. The standards of §108-13-2(d)(3) are intended to keep the instruction restricted to personal or group lessons that do not involve heavy commercial or industrial activities, and

¹ See Exhibit E for a complete review of the application and supplemental correspondence with the applicant.

§108-13-2(13) limits the number of people that can be at the home occupation at any one time, which will help keep the instructional activity from becoming an incompatible nonresidential use. To further ensure that outdoor activities maintains a residential character, noise and lighting standards have been added in §108-13-2(d)(6) and (7).²

General clarifications. The general clarifications you will see throughout. They are being provided to clarify and supplement current regulations in a manner that compliments the new substantive changes.

Missing provisions or necessary changes. The current code gives a list of examples of home occupations that are prohibited, and a list of examples of home occupations that are permitted. These lists of examples do not work when trying to determine whether a use that is not listed is permitted or prohibited. Typically a home occupation code will specifically list prohibited home occupations, and leave the permitted home occupations open ended, but regulated by requirements and standards. This proposal makes this change in §108-13-2(b). Some of the new standards are derived from the current list of examples of permitted home occupations. The Planning Commission should review the list of proposed prohibited home occupations to determine whether it is sufficiently complete. This list was derived after review of other jurisdiction's home occupation codes.

The current code jumbles application and procedural requirements into the same list of 'required conditions.' This proposal separates them into two separate sections: § 108-13-2(c) Requirements; and § 108-13-2(d) Standards.

The current code lists parking requirements three different times in three different locations. The proposal consolidates them into one standard, § 108-13-2(d)(10). This section loosens the parking requirements for home occupations that deal with non-driver aged children. It also provides a new standard regarding truck traffic, wherein trucks over a certain size must be provided off street loading and unloading areas. The current code is silent on this subject.

And finally, the proposal references the revocation process that is proposed with the conditional use code re-write. In the event this proposal gets adopted prior to that proposal then that section will need to be advanced with this proposal instead.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendation of the applicable general plan. There is somewhat vague but general support for this change in the current general plans.

The West Central Weber General Plan vision statement indicates a desire for more community services³. It also explains that two out of seven key issues that were considered going into the plan were "developed ... recreation facilities," and provisions for "neighborhood commercial services."⁴ While the specificity of the rest of the plan does not detail provisions for home occupations, it may be determined by the Western Weber Planning Commission that the proposed changes are generally supported by these statements.

The Ogden Valley General Plan neither specifically opposes nor supports the proposed changes. It does contain a general goal to recognize and respect private property rights, with an objective to "engage creating zoning solutions that protect private property rights while ensuring that development is compatible with the valley's character."⁵ The Ogden Valley Planning Commission should determine whether this proposal complies with this statement, or other relevant sections of the general plan.

Conditions of Approval

Not Applicable

Past Action on this Item

The Western Weber Planning Commission heard this item in public hearing on July 14, 2015. They recommended approval of the ordinance with one requested change. They were hesitant to restrict the instruction conducted

² See Exhibit F to review supplemental information about noise and lighting.

³ West Central Weber General Plan (2003), pg 1-6.

⁴ West Central Weber General Plan (2003), pg 2-1.

⁵ Ogden Valley General Plan (1998), pg 7.

outdoors or in accessory buildings to three acre lots or greater. They requested that section 108-13-2(d)(13) be modified in a manner that restricts instructional activities conducted outdoors or in accessory buildings to the lots that comply with the minimum area requirement of the zone. This will allow the use on smaller lots in the smaller zone. This will prohibit the use on nonconforming lots and in most cluster subdivisions, and in PRUD's. The Ogden Valley Planning Commission will need to consider the change and determine whether their recommendation will favor or reject it. Staff will send both recommendations to the County Commission for a final decision.

Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

Staff Recommendation

Staff recommends approval of the text included as Exhibit B and Exhibit C with the following findings:

1. The changes are necessary to enhance certain property rights.
2. The changes are necessary to provide clarity and consistency in the land use code.
3. The clarification will provide for a more efficient administration of code.
4. The changes comply with the intent of the land use code.
5. The changes are generally supported by the vision statements and goals of both of the County's general plans.
6. The changes are not found to be detrimental to the health, safety, and welfare of County residents.

The Planning Commission's decision should be made as a recommendation to the County Commission.

Exhibits

- A. Summary, List, and Key to Proposed Changes.
- B. Code Change [Redlines] – Home Occupation Code.
- C. Code Change [Clean] – Home Occupation Code.
- D. Land Use Code Revision Process Flowchart.
- E. Application to change the Land Use Code.
- F. Supplemental information regarding truck sizes, decibel levels, and foot-candles.

Exhibit A: Summary, list, and key to proposed changes

The following code changes are being proposed to clarify and supplement existing codes regarding home occupations, and to provide for instructional activities outdoors or in accessory buildings.

This change addresses the following code sections:

§ 108-13: Home Occupation; Short Term Vendors; Temporary Outdoor Sales; Farmer’s Markets

Key to reading track changes:

Three periods (...) indicates that there are codes sections that have been left out of the proposed changes. These code sections will remain unchanged.

Language that has been added is shown in blue underline

~~Language that has been moved to a new location is shown in green double-strikeout~~

~~Language that has been deleted is shown in red strikeout~~

Language that has been moved from an old location is shown in green double underline

Exhibit B: Code Change [Redlines] – Home Occupation Code

**1 CHAPTER 13. - HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY
2 OUTDOOR SALES; FARMER'S MARKETS**

4 FOOTNOTE(S):

5 --- (1) ---

6 **Editor's note**—This chapter originally pertained solely to home occupations and was derived from Ord. of
7 1956, chapter 34. It was replaced in its entirety by Ord. No. 2011-17, passed 10-11-2011.

8 **Sec. 108-13-1. - Purpose and intent.**

9 (a) The purpose and intent of this chapter is to allow persons residing in dwellings in zones in which
10 home occupations are permitted ~~in residential, forest, and agricultural zones,~~ to provide a service,
11 operate certain kinds of small businesses, or maintain a professional, or business office while not
12 changing the character of the neighborhood.

13 (b) This chapter also addresses short term vendors, temporary outdoor sales, and farmers markets.

14 (Ord. No. 2011-17, § 1(34-1), 10-11-2011)

15 **Sec. 108-13-2. - Home occupations.**

16 (a) Use regulations. Unless otherwise prohibited herein, Ha home occupations ~~are is~~ allowed in
17 specified zones as specified in respective zones in accordance with the regulations and restrictions of
18 this ordinance. provided it maintains compliance with the requirements and standards listed in this
19 chapter.

20 (b) The following uses are ~~not allowed prohibited~~ as home occupations ~~i.e.;~~

- 21 (1) tanning salons;
- 22 (2) and body piercing, body art, or tattoo parlors;
- 23 (3) clinic or hospital;
- 24 (4) animal and veterinary clinic;
- 25 (5) restaurant;
- 26 (6) auto, truck, or recreational vehicle repair or sales;
- 27 (7) ambulance service; or
- 28 (8) Sexually oriented business.

- 29 ~~(1) The following uses are examples of allowable home occupations:~~
- 30 ~~(2) Barber with not more than 2 stations on the premises.~~
- 31 ~~(3) Business office to include book keeping and phone calls.~~
- 32 ~~(4) Child day care of not more than eight children, including care giver's children under six years of~~
- 33 ~~age.~~
- 34 ~~(5) Computer information services.~~
- 35 ~~(6) Group instruction or motivational meetings as a forum for sales presentations held not more~~
- 36 ~~than once every month.~~

Comment [c1]: Marked for future change:
Reference land use table here.

Formatted: Outline numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
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0.3", Tab stops: Not at 1"

Comment [c2]: Remove the list of examples and
rely on impact standards.

37 ~~(7) Massage therapy salons.~~

38 ~~(8) Musical instruction.~~

39 ~~(9) Nail salons.~~

40 ~~(10) Phone order or mail order services.~~

41 ~~(b)(c)~~ Requirements Required conditions. A home occupation ~~must~~ shall ~~meet~~ comply with all of the

42 following ~~conditions and~~ requirements:

43 (1) An application for a land use permit with a site plan depicting the site boundaries and relevant

44 buildings or facilities onsite is shall be required in order to verify zoning requirements, ~~and~~

45 ~~setbacks.~~

46 ~~(4)(2)~~ The property owner's written authorization shall be submitted as part of the application for

47 the home occupation.

48 (3) The home occupation shall obtain an annual business license.

49 ~~(e)(d)~~ Standards. A home occupation shall comply with the following standards:

50 (1) A home occupation shall be conducted by the resident(s) who reside on the premises. Up to two

51 additional persons may be employed by the home occupation provided the residence is on a lot

52 with a minimum of one acre in area.

53 ~~(1) A home occupation may be carried on in a dwelling unit by the resident(s) who actually reside~~

54 ~~on the premises; except that two non-resident employees may be allowed having complied with~~

55 ~~the following standards:~~

56 ~~a. The minimum lot size shall be one acre.~~

57 ~~b. Parking standards will comply with chapter 24 the parking ordinance for residential~~

58 ~~dwellings and in addition shall require one parking space for each non-resident employee~~

59 ~~and one for each visiting clientele.~~

60 (2) The home occupation shall retain the general character and appearance of a residential

61 dwelling and not change the general character of the neighborhood except for approved

62 signage and vehicle parking.

63 (3) Except as specified herein, the home occupation shall only be carried on inside a dwelling unit.

64 The home occupation shall not use any space in an attached or unattached garage, accessory

65 building, yard, or any space on the premises outside of the dwelling. This does not apply for the

66 following:

67 a. A child day care or preschool, or an adult day care may use outdoor facilities for outdoor

68 recreation or leisure.

69 b. Instructional activities may be conducted outdoors or in an accessory building provided that

70 the instruction is limited to lessons and lesson-related equipment, materials, or objects in

71 such a manner that maintains compliance with 108-13-2(d)(2). Instructional activities

72 conducted outdoors or in an accessory building shall not involve any of the following:

73 1. manufacturing, industrial processes, or the use of heavy equipment or machinery;

74 2. commercial scale assembly or creation of goods or materials;

75 3. commercial scale construction or contractor activities; or

76 4. outdoor storage.

77 ~~(i)~~

78 (4) The extent of a Hhome occupations shall be allowed provided that the home occupation is

79 limited in extent, incidental and secondary to the use of the dwelling unit property for residential

Comment [c3]: Verify reference

80 purposes, ~~and~~. The part of the residence occupied by the home occupation shall not be more
81 than 500 square feet or 25 percent, whichever is less, of the total floor area of the home.

Comment [c4]: Requested by OVPC

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

88 (6) The home occupation shall not create noise in excess of 60 decibels over ambient noise levels,
89 as measured from the property line.

Comment [c5]: Requested by OVPC

90 (2)(7) Outdoor lighting used for the home occupation shall be downward directional and one
91 hundred percent shielded from view from adjacent properties. Reflected light resulting from
92 lighting used for the home occupation shall not be in excess of two foot-candles of illumination
93 over ambient light levels, when measured at the property line.

Comment [c6]: Borrowed from 108-16-6

94 (3) ~~The home occupation shall not occupy more than 400 square feet or 25 percent, whichever is~~
95 ~~less, of the ground floor area of the home. This does not apply for child day care.~~

96 a. ~~The home occupation shall not use any space in an attached or unattached garage,~~
97 ~~accessory building, yard or any space on the premises outside of the dwelling. Child day~~
98 ~~care may have an outdoor yard space.~~

99 (4) ~~The home occupation must obtain an annual business license.~~

100 (5)(8) The home occupation shall not be open to the public at times earlier than 8:00 a.m. or
101 later than 9:00 p.m. The hours of operation for child day care shall not begin any earlier than
102 6:00 a.m., or operate later than 10:00 p.m. seven days a week.

103 (6)(9) Home occupations with visiting clientele will be subject to the following standards:

104 a. ~~Parking standards will comply with chapter 24 the parking ordinance for residential~~
105 ~~dwelling and in addition shall require one parking space for each visiting clientele.~~

106 b.a. No more than one home occupation with visiting clientele shall be permitted ~~within any~~
107 ~~single dwelling, on any property.~~

108 e.b. No home occupation with visiting clientele shall be allowed in multi-family dwelling units
109 consisting of four units or more.

110 (10) Home occupations shall provide adequate off-street parking ~~for residential dwellings,~~ as
111 specified in ~~Title 108, Chapter 8 24 of the Weber County Zoning Ordinance of this Land Use~~
112 Code, and in compliance with the following:-

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

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

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

123 (11) There shall be no storage or parking on the premises or on the adjacent streets in the vicinity of
124 the premises of tractor trailers, semi-trucks, or other heavy equipment used ~~for in~~ an off-premise
125 business for which the dwelling is being used as a home occupation office except that not more
126 than one ~~14,000 pound or less truck (Class 3 GVWR or less, pursuant to 49 CFR 565.15) truck~~

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127 | ~~of one-ton capacity or less~~ may be parked on premise during off work hours at night. A work
128 | trailer up to 22 feet in length may be parked at night as part of the home occupation business.
129 | All trucks and trailers used as part of the home occupation business shall be licensed and
130 | registered, and parked in accordance with [Title 108, Chapter 8 of this Land Use Code](#)~~chapter~~
131 | ~~24 of the Weber County Zoning Ordinance.~~

132 | [\(12\) Barber or beautician services shall be limited to two stations per residence.](#)

133 | ~~(7)–~~

134 | [\(13\) Child day care or preschool, adult day care, or instructional activities, shall be limited to eight](#)
135 | [pupils or participants at any one time. Any instructional activity, except child day care or](#)
136 | [preschool, or adult day care, that is conducted outdoors or in an accessory building shall require](#)
137 | [a minimum lot size of three acres. Instructional activities shall not include recitals, competitions,](#)
138 | [tournaments, shows or performances that may draw spectators.](#)

139 | ~~(8) The home occupation approval may be revoked by the planning commission if the home~~
140 | ~~occupation does not remain in compliance with this chapter.~~

141 | ~~(9) The property owner's written authorization shall be submitted as part of the application for home~~
142 | ~~occupation.~~

143 | ~~(49)~~[\(14\) The home occupation shall maintain compliance with all applicable local, state, and](#)
144 | [federal regulations. Home occupations that require bodily contact with patrons or equipment](#)
145 | [that create a potential for contamination between residents and clients are not allowed, e.g.,](#)
146 | [tanning salons and tattoo parlors.](#)

147 | [\(e\) Home occupation sign](#)Signs. One flat sign or name plate not exceeding two square feet attached to
148 | the house or mail box may be permitted. A land use permit is required [for the sign](#). Any modification
149 | made to the permitted sign requires a new land use permit. No freestanding or banner signs shall be
150 | permitted.

151 | [\(f\) Inspections. Inspection during reasonable hours by county officials may occur as necessary to](#)
152 | [assure compliance with these regulations.](#)

153 | ~~(e)~~[\(g\) Revocation. A home occupation approval may be revoked pursuant to Section \[102-4-3\]\(#\).](#)

154 | (Ord. No. 2011-17, § 1(34-2), 10-11-2011)

155 | ...

Comment [c7]: Requested by the WWPC

Comment [c8]: OVPC Combined instructional activities with this section.

Also eliminated 'group instruction.'

Comment [c9]: Moved to prohibited uses.

Comment [c10]: Verify that the revocation process proposed in the conditional use ordinance changes gets adopted before this, otherwise, include them with this ordinance.

Exhibit C: Code Change [Clean] – Home Occupation Code

1 CHAPTER 13. - HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY 2 OUTDOOR SALES; FARMER'S MARKETS 3

4 FOOTNOTE(S):

5 --- (1) ---

6 **Editor's note**—This chapter originally pertained solely to home occupations and was derived from Ord. of
7 1956, chapter 34. It was replaced in its entirety by Ord. No. 2011-17, passed 10-11-2011.

8 **Sec. 108-13-1. - Purpose and intent.**

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

13 (Ord. No. 2011-17, § 1(34-1), 10-11-2011)

14 **Sec. 108-13-2. - Home occupations.**

- 15 (a) Use regulations. Unless otherwise prohibited herein, a home occupation is allowed as specified in
16 respective zones provided it maintains compliance with the requirements and standards listed in this
17 chapter.
- 18 (b) The following uses are prohibited as home occupations:
- 19 (1) tanning salons;
20 (2) body piercing, body art, or tattoo parlor;
21 (3) clinic or hospital;
22 (4) animal and veterinary clinic;
23 (5) restaurant;
24 (6) auto, truck, or recreational vehicle repair or sales;
25 (7) ambulance service; or
26 (8) Sexually oriented business.
- 27 (c) Requirements. A home occupation shall comply with the following requirements:
- 28 (1) An application for a land use permit with a site plan depicting the site boundaries and relevant
29 buildings or facilities onsite shall be required in order to verify zoning requirements.
- 30 (2) The property owner's written authorization shall be submitted as part of the application for the
31 home occupation.
- 32 (3) The home occupation shall obtain an annual business license.
- 33 (d) Standards. A home occupation shall comply with the following standards:
- 34 (1) A home occupation shall be conducted by the resident(s) who reside on the premises. Up to two
35 additional persons may be employed by the home occupation provided the residence is on a lot
36 with a minimum of one acre in area.

- 37 (2) The home occupation shall retain the general character and appearance of a residential
38 dwelling and not change the general character of the neighborhood except for approved
39 signage and vehicle parking.
- 40 (3) Except as specified herein, the home occupation shall only be carried on inside a dwelling unit.
41 The home occupation shall not use any space in an attached or unattached garage, accessory
42 building, yard, or any space on the premises outside of the dwelling. This does not apply for the
43 following:
- 44 a. A child day care or preschool, or an adult day care may use outdoor facilities for outdoor
45 recreation or leisure.
- 46 b. Instructional activities may be conducted outdoors or in an accessory building provided that
47 the instruction is limited to lessons and lesson-related equipment, materials, or objects in
48 such a manner that maintains compliance with 108-13-2(d)(2). Instructional activities
49 conducted outdoors or in an accessory building shall not involve any of the following:
- 50 1. manufacturing, industrial processes, or the use of heavy equipment or machinery;
51 2. commercial scale assembly or creation of goods or materials;
52 3. commercial scale construction or contractor activities; or
53 4. outdoor storage.
- 54 (4) The extent of a home occupation shall be incidental and secondary to the use of the property for
55 residential purposes. The part of the residence occupied by the home occupation shall not be
56 more than 500 square feet or 25 percent, whichever is less, of the total floor area of the home.
- 57 (5) The home occupation shall not substantially increase the demand for public services in excess
58 of those usually and customarily provided for residential uses. It shall not substantially increase
59 foot and vehicular traffic, parking, noises, lighting, vibration, smoke, dust or airborne particulate
60 matter, refuse, or anything else that is uncommon to the established character of the
61 neighborhood to such a degree as to constitute a nuisance to the residents of the immediate
62 area.
- 63 (6) The home occupation shall not create noise in excess of 60 decibels over ambient noise levels,
64 as measured from the property line.
- 65 (7) Outdoor lighting used for the home occupation shall be downward directional and one hundred
66 percent shielded from view from adjacent properties. Reflected light resulting from lighting used
67 for the home occupation shall not be in excess of two foot-candles of illumination over ambient
68 light levels, when measured at the property line.
- 69 (8) The home occupation shall not be open to the public at times earlier than 8:00 a.m. or later than
70 9:00 p.m. The hours of operation for child day care shall not begin any earlier than 6:00 a.m., or
71 operate later than 10:00 p.m. seven days a week.
- 72 (9) Home occupations with visiting clientele will be subject to the following standards:
- 73 a. No more than one home occupation with visiting clientele shall be permitted on any
74 property.
- 75 b. No home occupation with visiting clientele shall be allowed in multi-family dwelling units
76 consisting of four units or more.
- 77 (10) Home occupations shall provide adequate off-street parking for residential dwellings, as
78 specified in Title 108, Chapter 8 of this Land Use Code, and in compliance with the following:
- 79 a. One parking space shall be required for each driver-age patron or clientele, or one space
80 per two nondriver-age patrons or clientele.
- 81 b. One parking space shall be required for each non-resident person employed by the home
82 occupation.

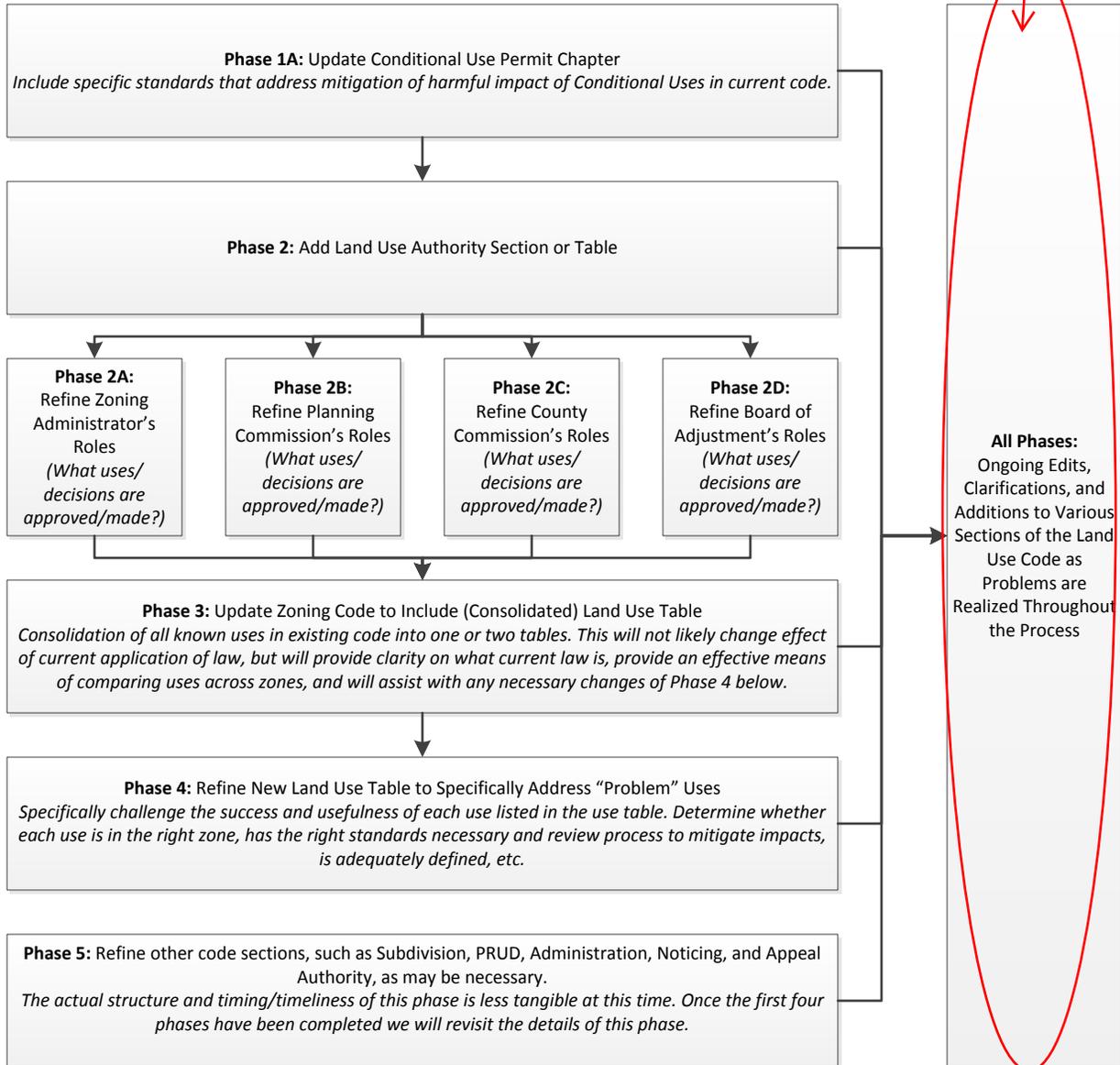
- 83 c. Delivery or pickup in a 14,001 pound or greater truck (Class 4 GVWR or greater, pursuant
84 to 49 CFR 565.15), except for package delivery service at times and in intervals typical for
85 a normal residential use, shall be limited to one delivery or pickup per week between the
86 hours of 8:00 am and 5:00 pm, Monday through Friday. A loading and unloading area,
87 adequately sized to accommodate the type of truck and the size of the delivery or pickup,
88 shall be provided on the site. No loading or unloading shall be permitted in the right-of-way.
- 89 (11) There shall be no storage or parking on the premises or on the adjacent streets in the vicinity of
90 the premises of tractor trailers, semi-trucks, or other heavy equipment used for an off-premise
91 business for which the dwelling is being used as a home occupation office except that not more
92 than one 14,000 pound or less truck (Class 3 GVWR or less, pursuant to 49 CFR 565.15) may
93 be parked on premise during off work hours at night. A work trailer up to 22 feet in length may
94 be parked at night as part of the home occupation business. All trucks and trailers used as part
95 of the home occupation business shall be licensed and registered, and parked in accordance
96 with Title 108, Chapter 8 of this Land Use Code.
- 97 (12) Barber or beautician services shall be limited to two stations per residence.
- 98 (13) Child day care or preschool, adult day care, or instructional activities, shall be limited to eight
99 pupils or participants at any one time. Any instructional activity, except child day care or
100 preschool, or adult day care, that is conducted outdoors or in an accessory building shall require
101 a minimum lot size of three acres. Instructional activities shall not include recitals, competitions,
102 tournaments, shows or performances that may draw spectators.
- 103 (14) The home occupation shall maintain compliance with all applicable local, state, and federal
104 regulations.
- 105 (e) Home occupation sign. One flat sign or name plate not exceeding two square feet attached to the
106 house or mail box may be permitted. A land use permit is required for the sign. Any modification
107 made to the permitted sign requires a new land use permit. No freestanding or banner signs shall be
108 permitted.
- 109 (f) Inspections. Inspection during reasonable hours by county officials may occur as necessary to
110 assure compliance with these regulations.
- 111 (g) Revocation. A home occupation approval may be revoked pursuant to Section 102-4-3.
- 112 (Ord. No. 2011-17, § 1(34-2), 10-11-2011)
- 113 ...

Exhibit D: Land Use Code Revision Process Flowchart

Weber County Land Use Code Revision Process Workflow

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.

The proposed edits fall here



Weber County General Plan or Text Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted

Received By (Office Use)

Added to Map (Office Use)

Property Owner Contact Information

Name of Property Owner(s)

Kregg and Kami Thomassen

Mailing Address of Property Owner(s)

2393 S. 3500 W.
Taylor, UT 84401

Phone

801 726 8070

Fax

Email Address

kreggt@gmail.com

Preferred Method of Written Correspondence

Email Fax Mail

Ordinance Proposal

Ordinance to be Amended

Describing the amendment and/or proposed changes to the ordinance:

amendment to sec 104-5-6 #B: Recreation grounds and buildings to include private recreation facility, for commercial gain, accessory to a dwelling unit.

possibly limited to parcel with at least three acres.

Ewert, Charles

From: Kregg [kreggt@gmail.com]
Sent: Monday, May 11, 2015 5:57 PM
To: Ewert, Charles
Subject: Re: Recreation facilities and home occupations

Charles,

Yes we would like to proceed that way that would be great. I think the home occupation option with the gym and pool along with other recreation training and development could provide the best option. Keep in mind if a team training is needed then we may have multiple kids at once but again I think it would normally be small numbers. We would like the option of possibly doing a skills type "camp" possibly. If we could do something where we could word it to a "reasonable" number of participants for the event it might be good. We will be standing by and thanks in advance for your help on all of this.

Kregg Thomassen

On May 11, 2015, at 4:17 PM, "Ewert, Charles" <cewert@co.weber.ut.us> wrote:

Kregg and Kami,

I am working on your requested code amendment. As I discussed with you on the phone, there may not be enough support to allow the use of a recreation facility for commercial gain in the zone, but I may get you close to what you want with an amendment to the home occupation code.

If that suits your need and you want me to proceed with this will you send me a quick response to this email and indicate that you are okay with amending the application to do so?

<image001.jpg>

Charlie Ewert, AICP
801-399-8763
cewert@co.weber.ut.us
<image002.jpg>



FOOT CANDLE LIGHT GUIDE

Foot candles are the most common unit of measure used by lighting professionals to calculate light levels in businesses and outdoor spaces. A foot candle is defined as the illuminance on a one-square foot surface from a uniform source of light. The Illuminating Engineering Society, IES, has recommended the following foot candle levels to ensure adequate illumination and safety for occupants. Below is a guideline for common areas to assist in achieving appropriate light levels with the greatest energy efficiency.

Building Area & Task	Average Maintained Foot-Candles (Horizontal) (FC)	Range of Maintained Foot-Candles (Horizontal) (FC)	Average Maintained Foot-Candles (Vertical) (FC)	Range of Maintained Foot-Candles (Vertical) (FC)	Comments
WAREHOUSING & STORAGE					
Bulky Items—Large Labels	10		5		
Small Items—Small Labels	30		15		
Cold Storage	20	10 - 30	10	5 - 15	
Open Warehouse	20	10 - 30			
Warehouse w/Aisles	20	10 - 30	10	5 - 15	
COMMERCIAL OFFICE					
Open Office	40	30 - 50			@30" Above Finished Floor (AFF)
Private Office	40	30 - 50			@30" AFF
Conference Room	30				Matte surface reflectance for the table 40% recommended
Restroom	18	7.5 - 30			
Lunch & Break Room	15	5 - 20			
EDUCATIONAL (SCHOOLS)					
Classroom	40	30 - 50			@30" AFF
Gymnasium					
Class I (Pro or Div. 1 College)	125		30		
Class II (Div. 2 or 3 College)	80		20		
Class III (High School)	50		150		
Class IV (Elementary)	30		100		
Auditorium	7.5	3 - 10	5	2.5 - 10	
Corridor	25	10 - 40			

This guide is a collaborative effort of Energy Trust of Oregon and the Lighting Design Lab in Seattle, Washington.



Building Area & Task	Average Maintained Foot-Candles (Horizontal) (FC)	Range of Maintained Foot-Candles (Horizontal) (FC)	Average Maintained Foot-Candles (Vertical) (FC)	Range of Maintained Foot-Candles (Vertical) (FC)	Comments
INDUSTRIAL/MANUFACTURING					
Assembly					
Simple (Large Item)	30	15 - 60	30	15 - 60	
Difficult (fine)	100	50 - 200	100	50 - 200	
Component Manufacturing					
Large	30	15 - 60	30	15 - 60	
Medium	50	25 - 100	50	25 - 100	
EXTERIOR					
Parking (Covered)	5				1FC min, 10:1 Max to Min Uniformity
Parking (Open) (Medium Activity)					
Lighting Zone 3 (Urban)	1.5	.75 - 3	.8	.4 - 1.6	
Lighting Zone 2 (suburban)	1	0.5 - 2	.6	.3 - 1.2	
Gas Station Canopy	12.5	10 - 15			
Safety (Building Exterior)	1	0.5 - 2			If security is an issue—raise average level to 3
RETAIL					
General Retail (Ambient)					
Department Store	40	20 - 80	15	7.5 - 30	
Perimeter			75	35 - 150	
Accent Lighting (Displays)					3 - 10 times greater than ambient light levels
AUTOMOTIVE					
Showroom					
Service Area	50	25 - 100	30	15 - 30	
Sales Lot (Exterior)					
Lighting Zone 3 (Urban)	20	10 - 40	20	10 - 40	
Lighting Zone 2 (Suburban)	15	7.5 - 30	15	7.5 - 30	
GROCERY					
Circulation					
General Retail	50	25 - 100	20	10-40	
Perimeter			50	25-100	
BANKING					
ATM	20	10-40	15		Vertical at face of ATM

- NOTES:**
- This guide is based on information gathered from the IES 'The Lighting Handbook' 10th Edition. It is highly recommended that all lighting professionals refer to the full IES guide when specifying lighting projects.
 - At least half of users are in the 25 - 65 age range
 - Horizontal—horizontal plane that average maintained foot-candles are measured
 - Vertical—vertical plane the average maintained foot-candles are measured
 - It is the responsibility of the specifier to determine and provide appropriate lighting levels for each space

Noise Sources and Their Effects

Noise Source	Decibel Level	comment
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower , motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison . Upper 70s are

		annoyingly loud to some people.
Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

[modified from <http://www.wenet.net/~hpb/dblevels.html>] on 2/2000. SOURCES: Temple University Department of Civil/Environmental Engineering (www.temple.edu/departments/CETP/enviro10.html), and *Federal Agency Review of Selected Airport Noise Analysis Issues*, Federal Interagency Committee on Noise (August 1992). Source of the information is attributed to *Outdoor Noise and the Metropolitan Environment*, M.C. Branch et al., Department of City Planning, City of Los Angeles, 1970.

manufacturer and type of the motor vehicle if the manufacturer is a high-volume manufacturer. If the manufacturer is a low-volume manufacturer, positions one through three (1-3) along with positions twelve through fourteen (12-14) in the VIN shall uniquely identify the manufacturer and type of the motor vehicle. These characters are assigned in accordance with § 565.16(a). A "9" shall be placed in the third position of the VIN if the manufacturer identifier is six characters. A "9" in the third position always indicates the presence of a six-character manufacturer identifier. The National Highway Traffic Safety Administration offers access to manufacturer identifier assignments via its search engine at the following Internet Web site: <http://www.nhtsa.dot.gov/cars/rules/manufacture>.

(b) The second section shall consist of five characters, which occupy positions four through eight (4-8) in the VIN. This section shall uniquely identify the attributes of the vehicle as specified in Table I. For passenger cars, and for multipurpose passenger vehicles and trucks with a gross vehicle weight rating of 4536 kg (10,000 lb) or less, the fourth character (position 7) of this section shall be alphabetic. The characters utilized and their placement within the section may be determined by the manufacturer, but the specified attributes must be decipherable with information supplied by the manufacturer in accordance with § 565.16(c). In submitting the required information to NHTSA relating gross vehicle weight rating, the designations in Table II shall be used. The use of these designations within the VIN itself is not required. Tables I and II follow:

TABLE I—TYPE OF VEHICLE AND INFORMATION DECIPHERABLE

Passenger car: Make, line, series, body type, engine type, and all restraint devices and their location.
Multipurpose passenger vehicle: Make, line, series, body type, engine type, gross vehicle weight rating, and for multipurpose passenger vehicles with a gross vehicle weight rating (GVWR) of 4536kg (10,000 lb) or less all restraint devices and their location.

TABLE I—TYPE OF VEHICLE AND INFORMATION DECIPHERABLE—Continued

Truck: Make, model or line, series, chassis, cab type, engine type, brake system, gross vehicle weight rating, and for trucks with a gross vehicle weight rating (GVWR) of 4536 kg (10,000 lb) or less all restraint devices and their location.
Bus: Make, model or line, series, body type, engine type, and brake system.
Trailer, including trailer kits and incomplete trailer: Make, type of trailer, body type, length and axle configuration.
Motorcycle: Make, type of motorcycle, line, engine type, and net brake horsepower.
Incomplete vehicle other than a trailer: Make, model or line, series, cab type, engine type, and brake system.
Low speed vehicle: Make, engine type, brake system, restraint system type, body type, and gross vehicle weight rating.
Note to Table I: Engine net brake horsepower when encoded in the VIN shall differ by no more than 10 percent from the actual net brake horsepower; shall in the case of motorcycle with an actual net brake horsepower of 2 or less, be not more than 2; and shall be greater than 2 in the case of a motorcycle with an actual brake horsepower greater than 2.

TABLE II—GROSS VEHICLE WEIGHT RATING CLASSES

- Class A—Not greater than 1360 kg. (3,000 lbs.)
- Class B—Greater than 1360 kg. to 1814 kg. (3,001-4,000 lbs.)
- Class C—Greater than 1814 kg. to 2268 kg. (4,001-5,000 lbs.)
- Class D—Greater than 2268 kg. to 2722 kg. (5,001-6,000 lbs.)
- Class E—Greater than 2722 kg. to 3175 kg. (6,001-7,000 lbs.)
- Class F—Greater than 3175 kg. to 3629 kg. (7,001-8,000 lbs.)
- Class G—Greater than 3629 kg. to 4082 kg. (8,001-9,000 lbs.)
- Class H—Greater than 4082 kg. to 4536 kg. (9,001-10,000 lbs.)
- Class 3—Greater than 4536 kg. to 6350 kg. (10,001-14,000 lbs.)**
- Class 4—Greater than 6350 kg. to 7257 kg. (14,001-16,000 lbs.)
- Class 5—Greater than 7257 kg. to 8845 kg. (16,001-19,500 lbs.)
- Class 6—Greater than 8845 kg. to 11793 kg. (19,501-26,000 lbs.)

§ 565.15

49 CFR Ch. V (10-1-11 Edition)

TABLE II—GROSS VEHICLE WEIGHT RATING CLASSES—Continued

Class 7—Greater than 11793 kg. to 14968 kg.(26,001–33,000 lbs.)
Class 8—Greater than 14968 kg. (33,001 lbs. and over)

(c) The third section shall consist of one character, which occupies position nine (9) in the VIN. This section shall be the check digit whose purpose is to provide a means for verifying the accuracy of any VIN transcription. After all other characters in VIN have been determined by the manufacturer, the check digit shall be calculated by carrying out the mathematical computation specified in paragraphs (c) (1) through (4) of this section.

(1) Assign to each number in the VIN its actual mathematical value and assign to each letter the value specified for it in Table III, as follows:

TABLE III—ASSIGNED VALUES

A = 1
B = 2
C = 3
D = 4
E = 5
F = 6
G = 7
H = 8
J = 1
K = 2
L = 3
M = 4
N = 5
P = 7
R = 9
S = 2
T = 3
U = 4

TABLE III—ASSIGNED VALUES—Continued

V = 5
W = 6
X = 7
Y = 8
Z = 9

(2) Multiply the assigned value for each character in the VIN by the position weight factor specified in Table IV, as follows:

TABLE IV—VIN POSITION AND WEIGHT FACTOR

1st	8
2d	7
3d	6
4th	5
5th	4
6th	3
7th	2
8th	10
9th	(check digit)
10th	9
11th	8
12th	7
13th	6
14th	5
15th	4
16th	3
17th	2

(3) Add the resulting products and divide the total by 11.

(4) The check digit is based on either the Fractional Remainder or the Decimal Equivalent Remainder as reflected in Table V. All Decimal Equivalent Remainders in Table V are rounded to the nearest thousandth. The check digit, zero through nine (0-9) or the letter "X" shall appear in VIN position nine (9).

§ 565.15

49 CFR Ch. V (10-1-11 Edition)

(5) A sample check digit calculation is shown in Table VI as follows:

§ 565.16

49 CFR Ch. V (10-1-11 Edition)

(d) The fourth section shall consist of eight characters, which occupy positions ten through seventeen (10-17) of the VIN. The last five (5) characters of this section shall be numeric for passenger cars and for multipurpose passenger vehicles and trucks with a gross vehicle weight rating of 4536 kg. (10,000 lbs.) or less, and the last four (4) characters shall be numeric for all other vehicles.

(1) The first character of the fourth section shall represent the vehicle model year. The year shall be designated as indicated in Table VII as follows:

TABLE VII—YEAR CODES FOR VIN

Year	Code
2005	5
2006	6
2007	7
2008	8
2009	9
2010	A
2011	B
2012	C
2013	D
2014	E
2015	F
2016	G
2017	H
2018	J
2019	K
2020	L
2021	M
2022	N
2023	P
2024	R
2025	S
2026	T
2027	V
2028	W
2029	X
2030	Y
2031	1
2032	2
2033	3
2034	4
2035	5
2036	6
2037	7
2038	8
2039	9

Note to Table VII: For passenger cars, and for multipurpose passenger vehicles and trucks with a gross vehicle weight rating of 4536 kg (10,000 lb) or less, if position 7 is numeric, the Model Year in position 10 of the VIN refers to a year in the range 1980-2009. If position 7 is alphabetic, the Model Year in Position 10 of the VIN refers to a year in the range 2010-2039.

(2) The second character of the fourth section shall represent the plant of manufacture.

(3) The third through the eighth characters of the fourth section (positions 12 through 17) shall represent the number sequentially assigned by the

manufacturer in the production process if the manufacturer is a high-volume manufacturer. If a manufacturer is a low-volume manufacturer, the third, fourth, and fifth characters of the fourth section (positions 12, 13, and 14), combined with the three characters of the first section (positions 1, 2, and 3), shall uniquely identify the manufacturer and type of the motor vehicle and the sixth, seventh, and eighth characters of the fourth section (positions 15, 16, and 17) shall represent the number sequentially assigned by the manufacturer in the production process.

§ 565.16 Reporting requirements.

The information collection requirements contained in this part have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*) and have been assigned OMB Control Number 2127-0510.

(a) The National Highway Traffic Safety Administration (NHTSA) has contracted with the SAE International to coordinate the assignment of manufacturer identifiers to manufacturers in the United States. Manufacturer identifiers will be supplied by SAE at no charge. All requests for assignments of manufacturer identifiers should be forwarded directly to: SAE International, 400 Commonwealth Drive, Warrendale, Pennsylvania, 15096, Attention: WMI Coordinator (telephone: 724-776-4841). Any requests for identifiers submitted to NHTSA will be forwarded to SAE. Manufacturers may request a specific identifier or may request only assignment of an identifier(s). SAE will review requests for specific identifiers to determine that they do not conflict with an identifier already assigned or block of identifiers already reserved. SAE will confirm the assignments in writing to the requester. Once confirmed by SAE, the identifier need not be resubmitted to NHTSA.

(b) Manufacturers of vehicles subject to this part shall submit, either directly or through an agent, the unique identifier for each make and type of vehicle it manufactures at least 60 days before affixing the first VIN using the identifier. Manufacturers whose unique identifier appears in the fourth section

TRUCK TYPE AND WEIGHT CLASS

The vehicle icons on the following page depict examples of vehicles in each DOT classification 1-8 with corresponding load ranges. These classifications are guidelines in understanding the type of vehicle used for different applications by vehicle class.

CLASS ONE
6,000 lbs. or less



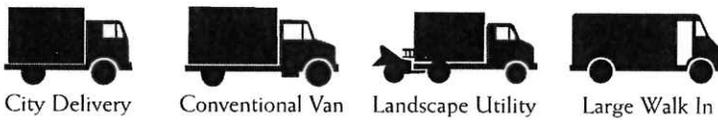
CLASS TWO
6,001 to 10,000 lbs.



CLASS THREE
10,001 to 14,000 lbs.



CLASS FOUR
14,001 to 16,000 lbs.



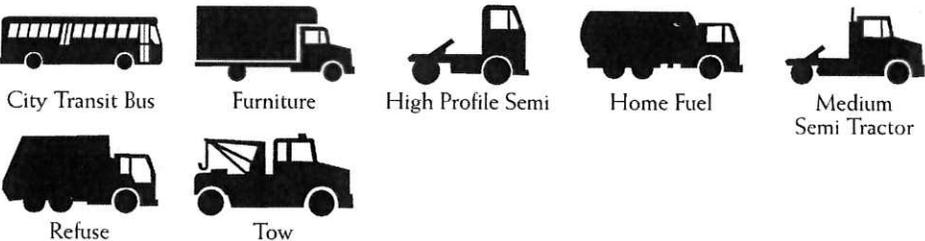
CLASS FIVE
16,001 to 19,500 lbs.



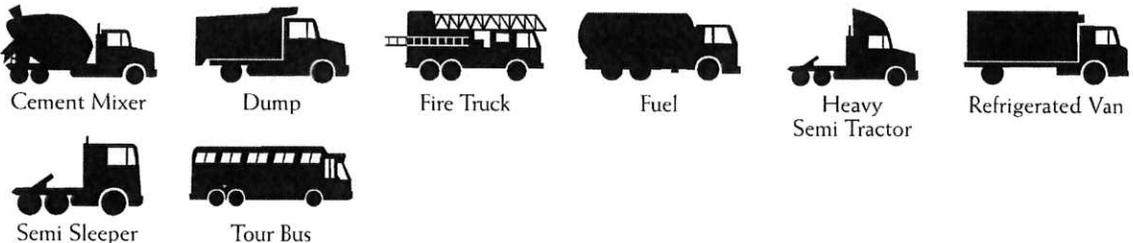
CLASS SIX
19,501 to 26,000 lbs.



CLASS SEVEN
26,001 to 33,000 lbs.



CLASS EIGHT
33,001 lbs. & over



TRAILERS

