

ORDINANCE NUMBER 2015-14 8-25

**AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE TO PROVIDE FOR INSTRUCTIONAL ACTIVITIES IN YARD AREA AND ACCESSORY BUILDINGS AND TO UPDATE AND CLARIFY PROVISIONS RELATED TO HOME OCCUPATION PERMITTING AND PROCEDURES**

**WHEREAS**, the Weber County Land Use Code heretofore contained regulations governing home occupations that prohibited business activities in yard area or in accessory buildings, and provided unclear or ambiguous language governing home occupations generally; and

**WHEREAS**, on July 14, 2015, the Western Weber Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding amendments to the Weber County Land Use Code with respect to instructional activities in yard area or accessory buildings as part of a home occupation, and related home occupation code clarifications; and on July 28, 2015, the Ogden Valley Planning Commission did the same; and

**WHEREAS**, both the Western Weber Planning Commission and the Ogden Valley Planning Commission have forwarded a positive recommendation to the County Commission for said amendments; and

**WHEREAS**, on August 25, 2015, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments regarding amendments for said amendments; and

**WHEREAS**, The Weber County Board of Commissioners find that the proposed ordinance amendments comply with the goals and objectives of the General Plan and provide clarification necessary to facilitate efficient administration of the Weber County Land Use Code;

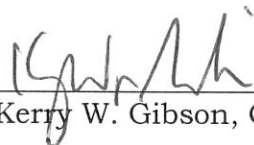
**NOW THEREFORE**, the Weber County Board of Commissioners ordains an amendment to the Weber County Land Use Code as follows:

**See Exhibit A (Track Changes) and Exhibit B (Clean Copy)**

This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted, and ordered published this 25 day of August, 2015, by the Weber County Board of Commissioners.

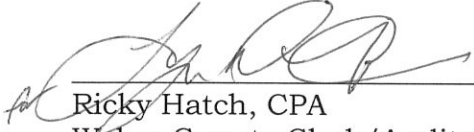
BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY

By   
Kerry W. Gibson, Chair

Commissioner Bell voted  
Commissioner Ebert voted  
Commissioner Gibson voted

excused  
aye  
aye

ATTEST:

  
\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

## Exhibit A: Proposed Changes [Redlined] – Home Occupation Code

All ordinances not specifically addressed herein or otherwise represented by [...] shall remain unchanged by these revisions.

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

FOOTNOTE(S):

--- (1) ---

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

#### Sec. 108-13-1. - Purpose and intent.

(a) The purpose and intent of this chapter is to allow persons residing in dwellings in zones in which home occupations are permitted ~~in residential, forest, and agricultural zones,~~ 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.

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

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

#### Sec. 108-13-2. - Home occupations.

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

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

(1) tanning salons;

(2) ~~and~~ body piercing, body art, or tattoo parlors;

(3) clinic or hospital;

(4) animal and veterinary clinic;

(5) restaurant;

(6) auto, truck, or recreational vehicle repair or sales;

(7) ambulance service; or

(8) Sexually oriented business.

~~(1) The following uses are examples [c1] of allowable home occupations:~~

~~(2) Barber with not more than 2 stations on the premises.~~

~~(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.~~
- 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 H~~home 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  
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.

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 as measured from the  
89 property line.

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 [c2] of  
93 illumination over ambient light levels, when measured at the property line at three feet above  
94 the ground.

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

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

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

101 ~~(5)~~(8) The home occupation shall not be open to the public at times earlier than 8:00 a.m. or  
102 later than 9:00 p.m. The hours of operation for child day care shall not begin any earlier than  
103 6:00 a.m., or operate later than 10:00 p.m. seven days a week.

104 ~~(6)~~(9) Home occupations with visiting clientele will be subject to the following standards:

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

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

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

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

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

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

118 d.c. Delivery or pickup in a 14,001 pound or greater truck (Class 4 GVWR or greater, pursuant  
119 to 49 CFR 565.15), except for package delivery service at times and in intervals typical for  
120 a normal residential use, shall be limited to one delivery or pickup per week between the

- 121 hours of 8:00 am and 5:00 pm, Monday through Friday. A loading and unloading area,  
122 adequately sized to accommodate the type of truck and the size of the delivery or pickup,  
123 shall be provided on the site. No loading or unloading shall be permitted in the right-of-way.
- 124 (11) There shall be no storage or parking on the premises or on the adjacent streets in the vicinity of  
125 the premises of tractor trailers, semi-trucks, or other heavy equipment used for an off-premise  
126 business for which the dwelling is being used as a home occupation office except that not more  
127 than one 14,000 pound or less truck (Class 3 GVWR or less, pursuant to 49 CFR 565.15) truck  
128 ~~of one-ton capacity or less~~ may be parked on premise during off work hours at night. A work  
129 trailer up to 22 feet in length may be parked at night as part of the home occupation business.  
130 All trucks and trailers used as part of the home occupation business shall be licensed and  
131 registered, and parked in accordance with Title 108, Chapter 8 of this Land Use Code  
132 ~~chapter 24 of the Weber County Zoning Ordinance.~~
- 133 (12) Barber or beautician services shall be limited to two stations per residence.
- 134 ~~(7) —~~
- 135 (13) Child day care or preschool, adult day care, or instructional activities, shall be limited to eight  
136 pupils or participants at any one time. Any instructional activity, except child day care or  
137 preschool, or adult day care, that is conducted outdoors or in an accessory building shall require  
138 a minimum lot size of three acres. Instructional activities shall not include recitals, competitions,  
139 tournaments, shows or performances that may draw spectators.
- 140 ~~(8) The home occupation approval may be revoked by the planning commission if the home~~  
141 ~~occupation does not remain in compliance with this chapter.~~
- 142 ~~(9) The property owner's written authorization shall be submitted as part of the application for home~~  
143 ~~occupation.~~
- 144 ~~(10)~~(14) The home occupation shall maintain compliance with all applicable local, state, and  
145 federal regulations. ~~Home occupations that require bodily contact with patrons or equipment~~  
146 ~~that create a potential for contamination between residents and clients are not allowed, e.g.,~~  
147 ~~tanning salons and tattoo parlors~~[c3].
- 148 (e) Home occupation signSigns. One flat sign or name plate not exceeding two square feet attached to  
149 the house or mail box may be permitted. A land use permit is required for the sign. Any modification  
150 made to the permitted sign requires a new land use permit. No freestanding or banner signs shall be  
151 permitted.
- 152 (f) Inspections. Inspection during reasonable hours by county officials may occur as necessary to  
153 assure compliance with these regulations.
- 154 ~~(d)~~(g) Revocation. A home occupation approval may be revoked pursuant to Section 102-4-3.[c4]

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

## Exhibit B: Proposed Changes [Clean] – Home Occupation Code

All ordinances not specifically addressed herein or otherwise represented by [...] shall remain unchanged by these revisions.

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

4 FOOTNOTE(S):

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7 1956, chapter 34. It was replaced in its entirety by Ord. No. 2011-17, passed 10-11-2011.

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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.**

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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  
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38 dwelling and not change the general character of the neighborhood except for approved  
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- 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 as measured from the  
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- 65 (7) Outdoor lighting used for the home occupation shall be downward directional and one hundred  
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68 light levels, when measured at the property line at three feet above the ground.
- 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.
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- 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  
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88 shall be provided on the site. No loading or unloading shall be permitted in the right-of-way.
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- 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)