

FARMINGTON CITY, UTAH
ORDINANCE NO. 2024 - 10

AN ORDINANCE AMENDING CHAPTER 11-35, HOME OCCUPATION, OF THE ZONING ORDINANCE TO CLARIFY RESIDENCY STATUS REQUIREMENTS, CORRECT DESCREPCENCIES WITH STATE CODE RELATED TO FIRE ARMS, AND TO MAKE LARGER GROUP CLASSES A PERMITTED USE. (ZT-2-24)

WHEREAS, the Planning Commission has held a public hearing in which the text changes proposed Chapter 11-35 were thoroughly reviewed and has recommended that this ordinance be approved by the City Council; and

WHEREAS, the Farmington City Council has also held a public meeting pursuant to notice and as required by law and deems it to be in the best interest of the health, safety, and general welfare of the citizens of Farmington to make the changes proposed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:

Section 1. Amendment. Sections 11-35-030 and 11-35-040 of the Farmington City Zoning Ordinance are amended in their entirety as follows:

11-35-030: CONDITIONS:

Each home occupation shall comply with all of the following conditions:

- A. Residency: A home occupation must be owned and managed and all business by a bona fide resident of the parcel where the license is sought. A home occupation may not be operated on a property other than the owner's residence.
- A.B. Employees: Only family members related by blood, marriage or adoption who are bona fide residents of the dwelling unit shall be employed on said premises, except that one additional person may be employed at any one time as a secretary, computer operator, apprentice or helper where there are no more than five (5) family members actively engaged in the home occupation. (Ord. 2016-23, 2-16-2016)
- B.C. Exterior Modifications: No exterior architectural or structural modifications shall be made to any dwelling unit to accommodate a commercial use in the dwelling.
- C.D. Interference With Electrical Or Mechanical Equipment: Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers, or causes fluctuations in line voltage outside the dwelling units, or uses which create noise, smell, sound, light or vibration not normally associated with residential use, shall be prohibited.
- D.E. Display Of Products: There shall be no display or sale of goods, wares or merchandise upon said premises other than those produced upon the premises. Where the home occupation involves the sale of products, such products shall generally be delivered directly to the customer.
- E.F. Advertising Sign: One sign advertising the business may be permitted, but shall be limited to one square foot in area and shall be attached to the front face of the building or may be displayed in a window.

F.G. Vehicular Traffic: The home occupation shall not generate substantially greater vehicular traffic than commonly associated with residential activities in the neighborhood in which it is located.

G.H. Hazardous Conditions: The home occupation shall not create a hazard by using flammable materials, explosives or other dangerous or hazardous materials, or by keeping, raising or storing animals which are capable of inflicting harm or discomfort or endangering the health and safety of any person.

H.I. Demand For Services: The home occupation shall not create a demand for Municipal services or community facilities in excess of those usually and customarily provided for residential uses.

I.J. Area Usage: Not more than twenty five percent (25%) of the floor area of a dwelling may be devoted to a home occupation and/or storage of materials, equipment or stock in trade associated with the occupation, except as provided in section 11-35-040 of this chapter.

J.K. Conduct Within Dwelling: The home occupation shall be conducted entirely within the dwelling and shall be clearly incidental, secondary and compatible to the residential use of the dwelling. The home occupation shall not occupy or use any accessory building, yard space or activity outside the main building, or an attached garage to the extent that vehicle parking is displaced, unless approved by the Planning Commission as provided in section 11-35-040 of this chapter.

K.L. Foster Home, Daycare, Preschool: A foster home, child daycare center or preschool shall not have more than ~~eight sixteen~~ (816) children at one time, ~~except as provided in subject to~~ section 11-35-040-11-35-045 of this chapter.

L.M. Teachers: Music, dancing teachers or tutors shall be limited to not more than ~~eight sixteen~~ (816) pupils at one time, ~~except as provided in subject to~~ section 11-35-0405 of this chapter.

M.N. Vehicle Size; Parking: The size of vehicles used in conjunction with a home occupation shall not exceed one ton rated capacity. Off street parking, in compliance with the provisions of this title, shall be provided for all business and private vehicles associated with a residential property.

N.O. Code Conformance: There shall be complete conformity with all City and State codes, including business license regulations. Depending on the type of business, periodic inspections may be made as required by these codes or as deemed necessary or desirable by the City.

O.P. Prohibited Uses: The following uses, among others, shall not be allowed as home occupations:

1. Barbershops and beauty salons, except for a barber or beautician who has no assistants ~~and sells no products, except their skilled services;~~
2. Kennels or animal hospitals;
3. Commercial stables;
4. Restaurants;

~~5. Sale or repair of firearms;~~

~~6.5.~~ Repair shops or service establishments, except for the repair of electrical appliances, typewriters, televisions, cameras or other similar small items.

11-35-040: CONDITIONAL USES:

A. Permitted Conditional Uses: The following home occupations may be allowed only upon approval of a conditional use application by the Planning Commission and issuance of a conditional use permit:

- ~~1. Uses in which over eight (8) but not more than sixteen (16) individuals (including any natural, adopted or foster members of the operator's household) are cared for or receive~~

~~instruction in the home at any one time. Such uses may include dance instruction, aerobics classes, music lessons, preschools, child daycare, crafts classes and other similar uses. For all such uses, the Farmington City building official and Fire Marshal shall inspect the facilities to ensure compliance with the requirements of the International Building Code.~~

- ~~1. Preschool and child daycare uses shall submit documentation within thirty (30) days of approval that all Utah State Department of Social Services requirements have been met. The entire yard, or minimum outside area required by the State Social Services, shall be fenced.~~
- 2.1. _____ Uses where the applicant proposes to use more than twenty five percent (25%) of the dwelling in connection with the business.
- 3.2. _____ Any use where outside storage, use of an accessory building or exclusive use of an attached garage is anticipated or requested in conjunction with the home occupation.

B. Review Standards: In evaluating a home occupation conditional use, the Planning Commission shall apply the review standards contained in chapter 8 of this title and, if applicable, site development standards contained in chapter 7 of this title.

Section 2. Enactment. Section 11-35-045 of the Farmington City Zoning Ordinance is hereby enacted in its entirety as follows:

11-35-045: PRESCHOOL, DAYCARE, CLASS INSTRUCTION:

1. Building Code Compliance: Uses in which over eight (8) but not more than sixteen (16) individuals (including any natural, adopted or foster members of the operator's household) are cared for or receive instruction in the home at any one time. Such uses may include dance instruction, aerobics classes, music lessons, preschools, child daycare, crafts classes and other similar uses. For all such uses, the Farmington City building official and Fire Marshal shall inspect the facilities to ensure compliance with the requirements of the International Building Code.
2. Compliance with the State: Preschool and child daycare uses shall submit documentation within thirty (30) days of approval that all Utah State Department of Social Services requirements have been met. The entire yard, or minimum outside area required by the State Social Services, shall be fenced.
3. Traffic Management:
 - a. For a home occupation which may hold more than 1 class or session during the course of a single day, sessions shall be timed so that the conclusion of one and the start of the next have at least 15 minutes between them to reduce the potential of drop off and pickup traffic being present at the same time.
 - a-b. The applicant for a home occupation qualifying as a preschool, daycare or one which offers class instruction must provide to Farmington City a plan demonstrating their plan to manage traffic impacts on the neighborhood. This plan will indicate when pickup and drop-off will occur, where parking will be encouraged, and should be shared with clients and be monitored by the owner of the home occupation.

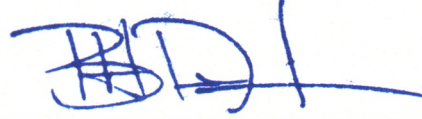
Section 3. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

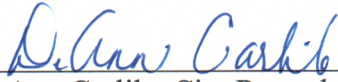
PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 20th day of February, 2024.

FARMINGTON CITY

ATTEST:



Brett Anderson, Mayor



DeAnn Carlile, City Recorder

