

**LAYTON CITY
ORDINANCE 20-39**

**AMENDMENTS TO LAYTON MUNICIPAL CODE, TITLE 19, "ZONING",
CHAPTER 19.02, "DEFINITION", CHAPTER 19.06 "LAND USE REGULATIONS",
AND SECTION 19.06.030 "HOME OCCUPATION"**

WHEREAS, it is the desire of the City to support residents seeking to operate a home occupation business in a residential neighborhood in a manner that is compatible with the surrounding neighborhood and land use context; and

WHEREAS, the City recognizes that approximately 1,000 home occupations in Layton contribute to the employment and provision of services in the community, and that additional applications for home occupation businesses are anticipated; and

WHEREAS, the City intends to protect single family residential neighborhoods from the adverse effects of business uses being conducted in residential areas such as noise, traffic, fire hazards, and other possible impacts; and

WHEREAS, the City intends to guide more intensive business activities which are not compatible with single family residential neighborhoods to appropriate mixed-use or commercial areas; and

WHEREAS, the Planning Commission has reviewed the petition request including the proposed ordinance and has recommended the text amendments be approved; and

WHEREAS, the City Council has reviewed the Planning Commission's recommendation and has received pertinent information in the public hearing regarding the proposal; and

WHEREAS, at the conclusion of the public hearing and upon making the necessary reviews, the City Council of Layton City finds it to be in the best interest of the health, safety, and welfare of its citizens to make the proposed amendments to Title 19 of the Layton Municipal Code.

NOW THEREFORE, be it ordained by the Council of Layton City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** "19.06.030 Home Occupation" of the Layton Municipal Code is hereby *amended* as follows:

A M E N D M E N T

19.06.30 Home Occupation

~~A home occupation, which shall be considered an accessory use, shall meet all the following provisions:~~ A Home Occupation is a small-scale occupation, service, profession, or enterprise that operates as an accessory, or secondary use to the primary residential use, most typically involving a member of a single household. Home Occupation types and the scope and scale of operations may vary based on housing type and neighborhood context in single family residential neighborhoods. For home occupations in C-TH, MU, and MU-TOD, zones refer to Chapter 19.24 - Condominium/Townhouse (C-TH) Zoning District, 19.25 - Mixed-Use (MU) Zoning District, and 19.26 - MixedUse/Transit Oriented Development (MU-TOD) Zoning District.

The purpose of this section is to:

- ~~1. The occupation shall be limited to members of the family who reside on the premises;~~ Provide an opportunity for home occupations as an accessory use, when they are compatible with the neighborhoods and land use context in which they are located;
- ~~2. The occupation shall involve the use of no more than one room in the dwelling or the equivalent of 20% of the ground floor area, whichever is greater. Home pre-school/day care shall meet all state and City requirements and building code requirements for the number of children allowed. If there are conflicts with any regulations the more restrictive requirements shall apply;~~ Protect the City's single family residential neighborhoods from the adverse effects sometimes associated with business uses. Such impacts include noise, traffic, fire hazards, and other characteristics typical to businesses that may cause significant impacts on a neighborhood;
- ~~3. No home occupation shall carry on activities outside of the dwelling not normally associated with residential use, except outside private swimming pools or tennis courts may be used for instruction and play areas provided for home pre-school/day cares. All outside home occupation activities shall be within fenced yard spaces. No portion of any home occupation shall be conducted in the attached or detached garage or car port section of the dwelling nor shall the use of any accessory building, yard space, or storage be allowed;~~ Guide more intensive business activities which are not compatible with single family residential neighborhoods to appropriate mixed-use areas, or to commercial and industrial/manufacturing zones.
- ~~4. The occupation shall be conducted in such a manner that the average neighbor, under normal circumstances would not be aware of its existence;~~
- ~~5. The occupation shall not be associated with noise, dust, odors, noxious fumes, glare, or other nuisances which are discernible beyond the premises;~~
- ~~6. No objectionable traffic or parking shall be allowed around the premises;~~
- ~~7. No occupation shall create a hazard by using flammable explosives or other dangerous materials;~~
- ~~8. The occupation shall include no window displays and signage shall be limited to an identification sign which does not exceed four square feet, located on a single wall or window;~~
- ~~9. There shall be no display, nor stock in trade, nor any employees;~~
- ~~10. Vehicles associated with home occupations shall be limited as follows:~~
 - ~~a. Two passenger cars, vans, or pick-up trucks; or~~

- ~~b. One large truck not to exceed one and one-half (1½) tons; or~~
- ~~c. One trailer located out of the right-of-way and behind the front setback of the residential structure; and~~
- ~~11. An application for a home occupation shall be reviewed by the Zoning Administrator for approval. The decision of the Zoning Administrator may be appealed to the Hearing Officer. Such appeal shall be applied for within 30 days of the Zoning Administrator's decision. If the Hearing Officer approves the application, the Zoning Administrator shall issue a home occupation permit. The Zoning Administrator may revoke the home occupation permit for violation of any provision of this Code. Inspections may be performed without notice to ensure compliance to this ordinance.~~

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 97-19, Enacted, 4/17/1997 Ord. No. 04-69, Recodified, 12/16/2004

SECTION 2: **ADOPTION** “19.06.031 Home Occupation License” of the Layton Municipal Code is hereby *added* as follows:

A D O P T I O N

19.06.31 Home Occupation License(Added)

All owners operating a home occupation shall apply for and obtain a Layton City Business License prior to operating a business, and shall renew annually.

SECTION 3: **ADOPTION** “19.06.032 Classification Of Home Occupation Licenses” of the Layton Municipal Code is hereby *added* as follows:

A D O P T I O N

19.06.32 Classification Of Home Occupation Licenses(Added)

All home occupations shall be classified as either a Low-Impact or High-Impact home occupation. Regardless of the classification, all home occupations shall adhere to the standards and qualifications set forth in this section.

1. Low-Impact Home Occupation. A Low-Impact home occupation may allow for employment of household members and no more than one additional non-resident employee working from the home.
2. High-Impact Home Occupation. The following home occupations, which either require a client to come to the home or which may result in neighborhood impacts if not properly managed, may be authorized as an accessory use through a high-impact home

occupation permit pursuant to the standards specified in this section:

- a. A home occupation business which employs no more than two non-resident employees working from the home, in addition to household members.
- b. Barbers, cosmetologists, manicurists.
- c. Consultant services where clients come to the home.
- d. Contractor, "handyperson", and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises.
- e. In-person counseling.
- f. Home instruction including musical instruments, voice, dance, acting and educational subjects, swimming, tennis and other athletic instruction.
- g. Other similar personal or professional services where the client comes to the home.

3. High-Impact Home Occupation Permit: Applications for a high-impact home occupation permit shall be reviewed based on all of the following information and review process required for a home occupation business license:

- a. Neighboring Property Owner Information: Names and addresses of all abutting and adjacent property owners, including property owners across the street(s).
- b. Leased Property: Approval of the property management or property owner shall be required if the business is conducted on a leased property.
- c. Notice To Neighboring Property Owners: Signatures of approval of all abutting and adjacent property owners on a form provided by the Community and Economic Development Department.
- d. If all of the required signatures cannot be obtained, the applicant may request the application be referred to the Planning Commission to be considered as a conditional use permit at a public meeting.
- e. If all of the required signatures are obtained, the Community and Economic Development Director or designee will review the application based on the standards of the City Code and will approve, approve with conditions, or deny the application.
- f. If the business license application is reviewed as a conditional use permit application, the Planning Commission shall approve upon finding that City requirements are met, and that public input has been considered to identify any additional conditions as outlined in item 5 below.

4. Notification of Decision: A notice of determination shall be sent to the applicant within 10 working days of the Community and Economic Development Director's decision. The notice can be sent digitally, electronically, and/or by mailed letter.

5. Uses classified as High-Impact home occupations must comply with the standards of this chapter, which shall be considered minimum standards. The Zoning Administrator or Planning Commission may require additional conditions to mitigate impacts of the use on adjacent properties. These conditions may include, but are not limited to:

- a. Limits on hours of operation;
- b. Limits on numbers of clients/visitors per day/hour;
- c. Provision of adequate off street parking;
- d. Other conditions related to mitigating adverse impacts resulting from the use.

SECTION 4: ADOPTION “19.06.033 General Home Occupation Standards” of the Layton Municipal Code is hereby *added* as follows:

A D O P T I O N

19.06.33 General Home Occupation Standards (*Added*)

Home occupation businesses shall comply with the following standards:

1. Accessory Use.

a. The home occupation shall be clearly secondary and incidental to the primary use of the dwelling unit (home), and shall not change the character of the dwelling unit (home) or the neighborhood in which it is located.

b. Only one home occupation shall be allowed per residential dwelling unit, except for the following:

i. A primary residential use, and legally permitted accessory residential dwelling unit (ADU) associated with the same primary residential use may both qualify to conduct a home occupation business by meeting the requirements of this Chapter.

ii. An additional low impact home occupation may be approved if the combined impacts of the businesses do not exceed the requirements of this section.

2. Use Limitations. All home occupations shall be subject to the following:

a. A home occupation shall not be associated with any noise, dust, odors, noxious fumes, glares, or other nuisances, which are discernable beyond the premises, as regulated in Title 9 of the Layton Municipal Code.

b. Hours of operation for deliveries, clients, and operation of mechanical or electrical equipment is limited to 7:00 a.m. to 8:00 p.m.

c. Home occupations shall be conducted in such a manner that the average neighbor, under normal circumstances, would not be aware of its existence as listed below.

i. Storage, display and sale of any stock-in-trade items shall be limited to incidental visitor/customer purchases associated with by-appointment only consultations and shall not be openly displayed to be visible from the street.

ii. No internal or external alterations inconsistent with the residential use of a primary or accessory building are allowed. There shall be no visible evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling and allowed accessory uses.

iii. The following uses by the nature of the investment or operation have a pronounced tendency, once started, to rapidly increase beyond limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations regardless of their conformance with the other standards of this section:

(1) Surgical procedures associated with allowed medical offices.

(2) Machine shop.

(3). Major appliance and electronics repair (washers, dryers, refrigerators, large screen televisions etc.).

(4) On-site carpentry work including cabinet making or other similar uses which generate noise, dust or fumes.

(5) Permanent yard sales.

(6) Tattooing/body art.

(7) On-site trailer, boat, RV, UTV/ATV repair.

(8) Upholstering.

(9) Vehicle or auto body repair, painting of vehicles.

(10) Welding.

(11) Vehicle sales.

iv. The listing of specific prohibited businesses in this section shall not be construed to allow or permit a home occupation business which otherwise violates this chapter.

v. No more than 25% of the total main or upper floor area, or, in the alternative, no more than 50% of the total floor area of a basement, may be used to conduct a home occupation.

(1) Up to 300 s.f. of interior accessory structure space and up to 150 s.f. of attached garage space may be used for a home occupation. The home occupation shall not replace interior structure area used for required parking.

(2) Exception. Home daycare and pre-schools shall meet all State, County, and City requirements for the number of children allowed. If there are any conflicts with any regulations the more restrictive shall apply.

d. The home occupation shall not carry on activities outside of a primary residential or accessory unit structure.

i. Exception. Home daycare, pre-schools and group instruction may utilize outdoor yard spaces such as private swimming pools, tennis courts, or other similar areas for instruction and play areas. Such outdoor yard spaces shall be fenced in accordance with Code.

e. The home occupation may employ any number of non-household employees off-site. Non-household employees shall not meet, congregate or park vehicles at the home or the general vicinity. Remote employees may work in other separate commercial business or home occupation locations, and shall not visit the dwelling unit (home) for any business purpose.

f. A home occupation license may be issued to operate as an extension of a licensed business in another area (or community) by the owner or an employee, with a separate business license also required for the associated home occupation.

g. Appointments shall be scheduled to limit overlap of business service between separate appointments.

3. Machinery. Machinery that causes noise, electrical interference with radio or television reception, vibration, glare, fumes, odors and dust detectable at the property line is prohibited.

4. Outdoor Yard Space. The home occupation shall not involve the use of any outdoor yard space for storage or display of materials/supplies, inventory, inoperable vehicles or equipment, unless specifically stored within an enclosed vehicle, enclosed trailer or enclosed accessory structure allowed herein.

5. No home occupation shall use flammable material, explosives or other dangerous materials unless licensed through a state or federal agency and approved by the Layton City Fire Department;

a. No home occupation located within a multi-family dwelling unit or townhome may use flammable material, explosives or other dangerous materials to operate.

6. The occupation shall include no window displays and signage shall be limited to an identification sign which does not exceed four square feet, located on a single wall or window.

7. Commercial Vehicle(s) and Trailer(s). Commercial vehicle(s) and trailer(s) stored at each residential property with a home occupation(s) shall be limited to the following types and quantities:

a. No more than two vehicles with a maximum gross vehicle weight rating (GVWR) of 10,000 pounds; or

b. One vehicle with a maximum gross vehicle weight rating of 14,000 pounds; and

c. One trailer with a maximum length of 20' excluding the tongue. An open trailer shall not be used to store business or personal materials/equipment.

d. Materials/equipment shall not be stored outside unless located entirely within an enclosed vehicle and/or trailer.

e. The trailer and vehicle(s) shall be well-maintained and licensed, and shall not present negative impacts for adjacent neighbors including, but not limited to, odors, dust, junk or debris, or parking location.

f. A site plan shall be included with a home occupation business license application indicating where the commercial vehicle and/or trailer will be stored.

g. Commercial vehicle and trailer parking shall meet the same standard required for recreational vehicles as provided in 19.12.190.

h. Vehicles, trailers, or equipment shall not be used for the primary purpose of advertising the home occupation at the site of the home occupation.

8. Conformity With Safety Codes. There shall be complete conformity with fire, building, plumbing, electrical, and all other applicable City, County, State, and Federal codes.

9. Health And Safety. No business operation shall be permitted that is hazardous to public health, safety, morals, or welfare.

10. No Excessive Services. The home occupation shall not cause an increased demand for municipal or community public safety, waste, water or utility services that are substantially in excess of those usually and customarily provided for residential uses.

11. Neighborhood Disruptions Not Permitted. The home occupation shall not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The home occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or other nuisances including interferences with radio and television reception or any other adverse effects within the neighborhood.

12. Appeal. The decision of the Zoning Administrator or Planning Commission related to a home occupation may be appealed to the Hearing Officer. Such appeal shall be applied for within 30 days of the decision. If the Hearing Officer approves the application, the Zoning Administrator shall issue a home occupation permit. The Zoning Administrator may revoke the home occupation permit for violation of any provision of this Code. Inspections may be performed without notice to ensure compliance to this ordinance.

13. Delivery Vehicles. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to standard delivery vehicles that would normally be expected in a residential neighborhood for delivery of materials to or from the premises.

SECTION 5: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 6: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 7: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from December 3, 2020 and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE LAYTON CITY COUNCIL

December 3, 2020

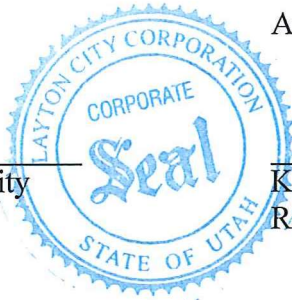
	AYE	NAY	ABSENT	ABSTAIN
Joy Petro	_____	_____	_____	_____
Tom Day	✓ _____	_____	_____	_____
Dave Thomas	✓ _____	_____	_____	_____
Zach Bloxham	✓ _____	_____	_____	_____
Clint Morris	✓ _____	_____	_____	_____
Dawn Fitzpatrick	✓ _____	_____	_____	_____


Presiding Officer

Attest

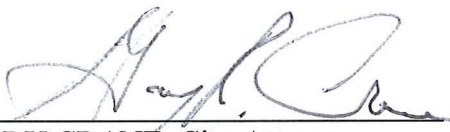


JOY PETRO, Mayor, Layton City





KIMBERLY S READ, City
Recorder, Layton City



GARY CRANE, City Attorney,
Layton City



CHAD WILKINSON, Director,
Community & Economic
Development Layton City

STATE OF UTAH)
 ss:
COUNTY OF DAVIS)

I, **Kimberly S Read**, do hereby certify that I am the duly qualified and acting **City Recorder** of Layton City Corporation, a municipal corporation located in Davis County, State of Utah. I further certify that on the **8th day of December, 2020**, I posted **Ordinance 20-39** to which this certificate is attached, by posting a full, true and correct copy thereof, in each of the following three public places within the corporate limits of Layton City, to wit:

- One copy at Layton City Hall**
- One copy at Davis County Library, Layton Branch**
- One copy at Layton City Police Department**

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the corporate seal of Layton City this **8th day of December, 2020**.



SEAL



KIMBERLY S READ, City Recorder