



Zoning Compliance Review Application

Occupation

Morgan County Planning and Development Services
Department

P.O. Box 886
Morgan City, UT 84050
(801) 845-4059

Class I Home Occupation Class II Home Occupation Class III Home Occupation Commercial

Business Name _____ Date _____

Business Street Address _____ Business Email Address _____

Business Telephone # _____ Fax # _____

Mailing Street Address _____ City _____ State _____ Zip _____

Parcel ID# _____ Zoning _____ Lot Size _____ License Date _____ -December 31, 2009

Conditional Use Permit approval date (if applicable): _____

Owner/Agent Name _____ Telephone # _____ Fax # _____

Owner/Agent Street Address _____ City _____ State _____ Zip _____

Tax Identification number is required by State and Federal Law: (please list all that apply)

Federal Tax ID#: _____ State Tax ID#: _____

Detailed Description of Business, including listing equipment that will be used on site: _____

I certify that the above information is true and correct. Dated this _____ day of _____, 2009.

Signature _____, Title _____

Office Use Only:

File #: _____ New Renewal Approved Date: _____ Denial Date: _____

Fee Schedule:

Class I Home Occupation: \$25 Class II Home Occupation: \$25 Class III (CUP): \$75 Commercial: \$75 Commercial CUP: \$250
+ \$25 per renewal + \$25 per renewal + \$25 per renewal + \$25 per renewal + \$25 per renewal

Approved By: _____

Conditions of Approval: _____

Occupation Requirements, Standards, and Qualifications

Class I Home Occupation

Standards

- (1) The home occupation shall be an accessory use which is clearly secondary and incidental to the primary use of the dwelling unit for residential purposes.
- (2) The home occupation shall not physically change or alter the external residential appearance of the principal or accessory structures. Interior alterations for the purpose of accommodating the home occupation are prohibited if such alteration eliminates either, the kitchen, dining area, bathrooms, living room or all of the bedrooms.
- (3) The home occupation shall not involve the use of any yard space for storage or display of supplies, inventory or equipment when such use is in conjunction with the sale or production of goods or services.
- (4) There shall be complete conformity with fire, building, plumbing, electrical and all other county, state and federal codes.
- (5) The home occupation shall not cause a demand for municipal, community or utility services that are substantially in excess of those usually and customarily provided for residential uses.
- (6) The home occupation shall not be associated with or produce odor, smoke, dust, heat, fumes, light, glare, color, materials, construction, lightening, sounds, noises or vibrations or other nuisances, including interferences with radio and television reception or other adverse effects associated with its use as a business that may be discernable beyond the premises or unreasonably disturb the peace and quiet of the neighborhood.
- (7) No process can be used which is hazardous to public health, safety, morals or welfare.
- (8) The home occupation shall not interfere or disrupt the peace, quiet and domestic tranquility of the neighborhood by creating excessive noise, excessive traffic, nuisance, fire hazard, safety hazard or other adverse effects of commercial uses.
- (9) Inspection during reasonable hours by County officials may occur as necessary to assure compliance with these regulations.
- (10) All vehicles, including customer, client or business-related visitor vehicles must be provided off street parking at the location wherein the home occupation is being conducted.

Qualifications

- (1) No more than one (1) person (living outside of the home) working a maximum of twenty (20) hours per week shall be engaged, volunteer or be employed on the premises of the home occupation.
- (2) Visitors, customers, vehicular traffic shall not exceed that normally and reasonably occurring for a residence in the neighborhood where the home occupation is located and shall be conducted so that the average neighbor will not be significantly impacted by its existence. In no case shall the home occupation exceed two (2) vehicular customers, and/or visits per hour, or six (6) per day, nor deliveries or pickups exceed more than one (1) per day.
- (3) A. The home occupation shall not generate or exceed eight (8) children, associated with group child activities (e.g. dance schools, preschool, music classes, child care etc.) at any one time. A maximum of 8 students/children is permitted per day. This number shall include the licensee's own children if they are under six (6) years of age and are under the care of the licensee at the time the home occupation is conducted. This restriction shall not apply to those non-income producing child care activities (such as baby sitting cooperatives, baby sitting exchanges and informal instructional activities for preschool aged children) conducted within private residences.
B. All child care facilities shall be permitted to provide outdoor play time as required by Federal, State, and County or local laws governing such business activity.
- (4) The home occupation may include the limited sale of commodities.
- (5) Vehicles or equipment may not be used primarily for the purposes of advertising the home occupation at the site of the home occupation. Vehicles or equipment displaying such advertising should not be visible from the public right-of-way. Primary use shall be defined if the vehicle is not licensed or running or is not moved for a period longer than 72 hours.
- (6) The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of fifteen thousand (15,000) pounds or less.
- (7) The home occupation may utilize one unanimated, non-illuminated flat sign, for each street upon which the dwelling fronts. The sign must be placed either in a window or on the exterior wall of the dwelling and may not have an area greater than two square feet.
- (8) No visitors in conjunction with the home occupation (clients, patrons, pupils etc.) shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.
- (9) The home occupation shall be carried on wholly within the principal building.
- (10) No more than twenty-five percent (25%) of the total floor area of the dwelling unit, nor, in the alternative more that fifty percent (50%) of the total floor area of any basement of the dwelling unit shall be utilized for the home occupation.

Class II Home Occupation

- (1) Occupations that do not meet all qualifications listed in Qualifications above, but still desire to conduct a home occupation, and are not required to obtain a Conditional Use Permit approval under Class III below, may request review and approval for their home occupation from the Planning Commission.
- (2) The Planning Commission shall review the application for a specific use under this section, may provide a public hearing, and make recommendation for any approval or denial of the application to the Business License Section.

Class III Home Occupation; Conditional Use Permit Required

Certain types of occupations which have substantial impacts upon the residential character of the area when carried on in residential districts must be reviewed to determine if the use is appropriate and to impose requirements and conditions necessary for the protection of adjacent properties and the public health, safety and welfare.

- (1) The following uses are appropriate in a dwelling only if they are determined to be compatible with the neighborhood and with the public health, safety and general welfare and if conditions specific to that activity are developed after full Conditional Use review by the Planning Commission, and are in compliance with applicable Development Code provisions and the additional regulations set forth hereafter.
 - A. Any child day care home occupation that is expected to generate or exceed eight (8) children at any one time.
 - i. A maximum of sixteen (16) children are permitted at any one time.
 - ii. A maximum of eighteen (18) students/children are permitted per day.
 - iii. This number shall include the licensee's and any employees' children if they are under six (6) years of age and are under the care of the licensee at the time the home occupation is conducted.
 - iv. This restriction shall not apply to those non-income producing child care activities (such as baby sitting cooperatives, baby sitting exchanges and informal instructional activities for preschool-aged children) conducted within private residences.
 - B. Any home occupation that is expected to generate or exceed eight (8) children associated with group child activities (e.g. dance schools, preschool, music classes, other care or instruction of children) at any one time other than child day care.
 - i. A maximum of sixteen students/children generating separate vehicle trips is permitted at any one time.
 - ii. A maximum thirty-two (32) students/children generating separate vehicle trips is permitted per day.
 - iii. Additional students/children who do not generate separate vehicle trips may be permitted to a maximum of 16 students/children at any one time and four (4) sessions per day. Additional students/children will be permitted only if the total number of students/children generating separate vehicle trips does not exceed 32 per day.
 - iv. The total number shall include the licensee's and any employees' children if they are under six (6) years of age and are under the care of the licensee at the time the home occupation is conducted.
 - v. This restriction shall not apply to those non-income producing child care activities (such as baby sitting cooperatives, baby sitting exchanges and informal instructional activities for preschool aged children) conducted within private residences.
 - C. Repair shops including welding, carpentry (use of three or more woodworking power equipment), sheet metal work, furniture manufacturing, upholstery and other such manufacturing.
 - D. Repair shops for the repair or service of motor vehicles.
 - E. Veterinary services.
 - F. Massage therapy.
 - G. Any home occupation which proposes or conducts activities within an outbuilding, accessory building, or garage, outside any structure, or in a swimming pool.
 - H. Any home occupation using explosives or hazardous chemicals.
 - I. Any home occupation which will generate in excess of two (2) vehicular customers or visitors per hour or six (6) per day. A maximum of twelve (12) vehicular business associated visitors per day may be allowed under a conditional use permit.
 - J. Any home occupation proposing to employ or employing a person working more than twenty (20) hours per week or more than one employee (i.e. persons other than residents of the dwelling unit who are engaged, volunteer, or are employed on the premises of the home occupation). A maximum of one additional employee may be allowed under a conditional use permit.
 - K. Any home occupation which proposes to use or uses commercial-use vehicles in excess of one (1) ton.
 - L. Any home occupation involving or proposing to involve food or drink preparation, storage or catering. Such a home occupation will be considered for a conditional use permit only when it is authorized by the appropriate State or County department or agency.
 - M. Any home occupation which proposes or conducts business between the hours of 10:00 pm and 6:00 am.
 - N. Any home occupation that is referred to the Planning Commission by the County Planner for purposes of holding a meeting for public comment and Planning Commission recommendation.
- (2) In addition to the Conditions established by the Planning Commission at the time of its review, all Class III Home Occupations must comply with the following:
 - A. The provisions of this code, concerning public hearing requirements.
 - B. Standards of Approval for all Home Occupations Licenses (found under class I home occupations above).
 - C. All Class III home occupation uses must be conducted from property with a single family detached dwelling.
 - D. All home occupations licensed under this section require an approved Conditional Use Permit and Home Occupation license prior to commencing business.
 - E. The Planning Commission may establish additional conditions for the Class III home occupation use to mitigate its effects on the area or for the general health, safety and welfare.

Commercial Occupation

Business uses that are located in a CB, C-N, C-S, C-H, C-G, M-D, and M-G commercial or manufacturing zone, and does not conduct any business activity that would require a Conditional Use Permit according to the Morgan County Land Use Management Code 16-12-030

Commercial Occupation; Conditional Use Permit required

Business uses that are located in a CB, C-N, C-S, C-H, C-G, M-D, and M-G commercial or manufacturing zone that conducts business activities that would require a Conditional Use Permit according to the Morgan County Land Use Management Code 16-12-030