

**HOME OCCUPATION-SHORT TERM VENDORS-TEMPORARY
OUTDOOR SALES-FARMER'S MARKETS**

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34-1. Purpose and Intent

~~It is~~ The purpose and intent of this chapter ~~is~~ to allow persons residing in dwellings in residential, forest, and agricultural areas, ~~to use their mental or physical expertise and talent to a limited extent in~~ providing ~~provide~~ a service, ~~developing a product for sale to the public,~~ operate certain kinds of small businesses, or maintaining ~~ed~~ a professional, or business office ~~work space in the dwelling~~ while at the same time maintaining the peace, quiet, and domestic tranquility. ~~within all residential or agricultural areas of the county~~ **While running a limited business activity, the following shall be minimized:** ~~and guaranteeing to all residents freedom from excessive noise, traffic, nuisances, fire hazard, and other possible adverse effects. of limited business activities being conducted in such areas.~~

This chapter also addresses short term vendors, temporary outdoor sales, and farmers markets, that allow the selling and buying of fruits and vegetables grown by local farmers/growers.

34-2. ~~Use~~ Home Occupation

A. Home occupations shall be **are** allowed either as Permitted or Conditional Uses in various **specified** residential and agricultural districts of the county as listed in the Use Regulations of such various districts **zones** and in accordance with the regulations and restrictions of this Chapter ~~ordinance~~.

- 21. The following uses are examples of allowable home occupations:
 - a. Group instruction or motivational meetings as a forum for sales presentations held not more than once every month
 - b. Musical instruction
 - c. Phone-order or mail order services
 - d. Barber or beautician services with not more than 2 stations on the premises
 - e. Child day care of not more than eight (8) children, including care giver's children under six (6) years of age
 - f. Computer information services
 - g. Garage sales of personal used items from a single dwelling held no more than once every 3 months
 - h. **If the major part of the occupation occurs off premise, the office work is allowed on premises.**

32. The following uses shall not constitute home occupations:
- A. ~~Any activity which noticeably produces electrical interference, smoke, dust, odors, or heat.~~
 - a. Any activity, which produces increased foot and vehicular traffic, parking, sounds or noises, lighting, vibration, smoke, or anything that is uncommon to the established character of the surrounding area to such a degree so as to constitute a nuisance to the residents of the immediate area.
 - C. ~~Any activity which violates existing or criminal codes of Weber County, the State of Utah or the U.S. Government.~~
 - b. Retail sales of goods produced off-premise including short term boutiques, etc. ~~or group~~ and garage sales of personal used items held more than once every 6 months.

B. Required Conditions

A home occupation must meet all of the following conditions and requirements:

1. The home occupation is limited to persons who actually reside on the premises. ~~Businesses, which require employees other than the homeowners, shall be located in an appropriate zone such as commercial or manufacturing.~~
2. The home occupation shall not require interior or exterior alterations and shall retain the general character and appearance of a residential dwelling.
3. The home occupation shall not ~~include~~ occupy more than 400 square feet or 25 percent, whichever is less, of the ~~ground~~ floor area of the home. This does not apply for child day care.
4. The home occupation shall not use any space in an attached or unattached garage, accessory building, yard or any space on the premises outside of the dwelling except for garage sales. **Outdoor storage of equipment, product or any material connected with the business shall not be permitted.**
5. The home occupation shall not include the storage on or sale from the premises of goods or commodities, which are not produced on the premises. This does not apply to phone order or mail order sales with factory delivery direct to an off-premise buyer.
6. The home occupation must ~~obtain a Home Occupation Permit or Conditional Use Permit~~ and obtain an annual Business License.
7. The home occupation shall not be open to the public at times earlier than 8:00 a.m. ~~nor~~ later than 9:00 p.m. ~~nor on Sundays~~. The hours of operation for child day care shall not begin any earlier than 6:00 a.m., ~~nor~~ operate later than 10 p.m. seven days a week. ~~The 25 hour per week limitation on Home Occupations shall not apply to day care. Hours of operation shall be set by the Planning Commission upon granting of a Conditional Use Permit.~~
8. No more than one **home occupation with** visiting clientele ~~or merchandise-oriented home occupation~~ shall be permitted within any single dwelling.
9. ~~An occupation that attracts customers, clients, or students to the premises for sales or services shall not~~ **No home occupation with visiting clientele shall** be allowed in multi-family dwelling units.
10. Selling parties shall be limited to not more than 10 buying customers at any one time and not more than one party every three months.

11. An home occupation with that attracts customers, clients, or students visiting clientele to the premises shall provide adequate off-street parking as specified in chapter 24 of the Uniform Land Use Ordinance. determined by the Planning Commission or by the Building Inspector in the case of the permitted use.
12. There shall be no storage or parking on the premises or on the streets in the vicinity of the premises of tractor trailers, semi-trucks, or other heavy equipment used in an off-premise business for which the dwelling is being used as a home occupation office except that not more than one truck of one-ton capacity or less may be parked on premise during off work hours at night. Business equipment or vehicles used primarily for the home occupation shall be stored in an enclosed structure on the premises. No business equipment or vehicles used for the occupation shall be parked on adjacent streets.
13. In order to guarantee that the Home Occupation, once authorized, will not become a nuisance to the neighbors, the Planning Commission may impose other reasonable conditions initially and also subsequently to protect the public health, safety, peace and welfare of the residents of the surrounding residential or agricultural area. (Previous #34-3-14 deleted as per ordinance 96-35) The home occupation may be revoked by the planning commission if the home occupation is not in compliance with this ordinance.
14. As a home occupation, child day care shall have no more than eight (8) children, which include the resident's children under the age of six (6) years.
15. The property owner's written authorization shall be submitted as part of the application for a business license.
16. There should be no outward visual evidence of the home occupation activity.

34-4 Full Time Part Time Use

1. There are two types of Home Occupations allowed as follows:

A. Home Occupations, which operate on a full-time employment or service basis where full-time, is defined as the time and effort spent by a person or persons in an activity, which produces the major financial income, which supports that person, or persons. Time spent in this activity is not less than 25 hrs. per person and is usually 40 hrs. or more per week per person.

B. Home Occupations, which operate on a part-time employment or service basis where part-time, is defined as the time and effort spent by a person or persons in an activity which supplements the major financial income of that person or persons. Time spent in this activity shall not be more than 25 hrs. per week per person average over a 6-month period.

2. A Home Occupation may consist of full-time employment or service by persons who actually reside on the premises if:

A. There are no products, supplies, goods, or commodities delivered to the premises or from the premises and no purchases made on the premises.

B. There is no visiting clientele.

C. There is no business equipment or vehicles used primarily for business stored or parked on the premises or on adjacent streets.

D. There is no outward visual evidence of the Home Occupation activity.

E. The Home Occupation is information, computer, phone or mail oriented or if the major part of the activity occurs off premise with only the office work performed on the premises.

3. A Home Occupation MUST consist of only part-time employment or service or for the emergency treatment or consulting by persons who actually reside on the premises if:

A. There are supplies, goods or commodities delivered to and/or products delivered from the premises or purchased on site.

B. There is visiting clientele.

C. There are outside visual evidences of the activity such as increased foot or vehicular traffic and parking, increased sounds or noise, increased lighting, vibration, etc.

C. Signs

One (1) flat wall sign/name plate not exceeding two (2) square feet may be permitted. Signs shall not be located in any required front or side yard except signs attached to a building. A Land Use Permit is required. Any modification made to the permitted sign requires a New Land Use Permit. No freestanding or banner signs shall be permitted.

34-3 Short Term Vendors

Short term vendors consist of the sale of goods and/or services from a trailer, mobile store or kiosk in an approved commercial location. A short term vendor is subject to the following requirements:

1. The short term vendor license submittal and application shall consist of a site plan, fees, water, and sanitation facility plans, and any signage plan.
 2. A short term vendor license expires one hundred and twenty days after the date of issuance.
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34-4 Temporary Outdoor Sales

The establishment of a temporary sales lot for the seasonal sale of fireworks, pumpkins or Christmas trees associated with a recognized holiday incidental to the commercial use on the site may be allowed subject to all of the following:

1. Fees for the site plan review, land use permit, and business license will be required at time of application.
 2. Location. The sales lot area shall be located on an existing commercial site.
 3. A written site plan will be required for temporary outdoor sales.
 4. The sales lot area shall not exceed 10 percent of the parking area.
 5. No handicap accessible parking spaces shall be obstructed.
 6. The period of operation shall be between June 20 - July 25, December 20 - January 2, and 15 days before and on the Chinese New Year for the sale of fireworks as per State code. October 1 and October 31 for the sale of pumpkins and between Thanksgiving and December 26 for Christmas trees. The facility shall be removed and the premises cleared of all debris and restored to the condition prior to the establishment of the sales event within five (5) days after the required end of the sale.
 7. Temporary fencing up to six feet in height around the sales lot area is allowed.
 8. A permit for temporary power shall be obtained, as required by the Building Division, for sales lots requiring electrical service.
 9. All outdoor lighting, including temporary lighting, shall be in compliance with the Outdoor Lighting Regulations of chapter 39 of this Ordinance.
 10. Sanitation facilities shall be provided, as required by the Weber Morgan Health Department.
 11. The temporary sales lot area shall not be used for the sale of any merchandise not directly associated with the temporary sales lot.
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34-5. Farmer's Markets

The Farmer's Market application shall consist of a site plan, fees, water, and sanitation facility plans, and any signage the applicant might require to operate the market.

1. The property owner shall sign the application.
2. The vendors at these markets are limited to local farmers/growers selling products from their own farm or garden, crafters selling their own crafts and food vendors.

3. All vendors planning to sell or dispense food or beverages at public events shall have permits from the Morgan Weber Health department prior to the start of the event. Any vendor found selling or dispensing food or beverage without a permit will be required to leave the event.
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