

ORDINANCE NO: O-2022-08

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SECTION 3-614 HOME OCCUPATIONS AND SECTION 3-4716 RESIDENTIAL USES AS SHOWN IN FILENAME TA-22-04.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the "Commission") and the Highland City Council (the "City Council") were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance on June 28, 2022 and

WHEREAS, the City Council held a public hearing on this Ordinance on July 19, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: ADOPTION Several sections of the Development Code relating to home occupations are hereby amended as shown on "Exhibit A" attached hereto and incorporated herein.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: 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 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from July 19, 2022 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, July 19, 2022 HIGHLAND CITY,
UTAH



Kurt Ostler
Highland City Mayor

ATTEST



Stephanie Cottle
Highland City Recorder



COUNCIL MEMBER	YES	NO
Timothy A. Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brittney P. Bills	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sarah D. Petersen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott L. Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Exhibit A

3-614 Home Occupations

~~2. Home occupations may be permitted as provided herein. A home occupation is any occupation conducted within a dwelling and carried on by persons residing in the dwelling. A home occupation permit shall not be required for use of a residence if the ~~which~~ use is limited to computer use and receiving and sending mail and telephone calls. Provided, however, a home occupation permit shall not be required for any of the uses listed in subsection (9) below.~~ Any person desiring a home-occupation permit, as provided in this Section, shall file an application with the City ~~Recorder~~ Treasurer.

1. All home occupations, ~~whether or not a permit therefore is required by this Section,~~ shall be permitted only subject to and shall at all times comply with the following conditions.
 - a. Home occupations ~~will~~ shall be permitted ~~in any residential unit only in the following Zones: R-1-40, R-1-20 and A-1.~~
 - b. The home occupation shall be conducted entirely within the main dwelling, including an attached garage.
 - c. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character of the building from that of a dwelling.
 - d. The total area devoted to the home occupation shall not exceed 25% of the dwelling, including an attached garage.
 - e. The home occupation shall be registered with and licensed by the business license division of the City and with all applicable state agencies. A separate license must be obtained for each branch establishment, or separate place of business, in which the business, trade, calling, profession or occupation is carried on, and for each separate kind of business, trade, calling, profession or occupation and each license shall authorize that business, trade, calling, profession or occupation described in such license, and only at the location or place of business which is indicated thereby.
 - f. Entrance from the outside to the area of the dwelling used for the home occupation shall be the same entrance normally used by the residing family, except when otherwise required by the Utah State Department of Health or other state agency.
 - g. The physical appearance of the dwelling, amount of traffic and parking, and other activities generated by the home occupation shall not be contrary to the intent of the zone in which the home occupation is located. The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.
 - h. The home occupation shall, and the structure in which it is conducted shall, comply with all fire, building, plumbing, electrical and health codes.
 - i. The home occupation shall not be associated with nor produce odor, fumes, dust, light, glare, color, design, materials, construction, lighting, sounds, noises, vibrations, including interference with radio or television reception, that may be discernible beyond the premises, or which disturb the peace and quiet of the neighborhood.
 - j. All maintenance or service vehicles and equipment, or any vehicle bearing any advertising related to the home occupation shall be garaged or stored entirely within the building or structure, or entirely behind the dwelling, out of view of the street.

- k. Home occupations may be permitted for residents that also contain basement apartments if determined by the City Administrator not to create undue burden upon residents of the immediate area.
2. Any permit issued pursuant to this Section may be revoked by the Zoning Administrator for failure of the holder of the permit to comply with the foregoing conditions. The Zoning Administrator shall likewise refuse to grant a renewal of such a permit for failure of the holder to comply with the foregoing conditions.
3. The revocation or refusal to grant or renew a permit may be appealed to the Board of Adjustment Appeal Authority. Likewise, any aggrieved party may appeal to the Board of Adjustment Appeal Authority from the Zoning Administrator's decision to grant a renewal of such a permit.
4. All home occupation permits issued pursuant to this Section shall be valid for a period of one year. The license year shall commence on July 1 and expire on June 30 of each year. Thereafter, all home-occupation permits shall be issued and renewed only in accordance with this Section, except as such use may be a nonconforming use which is allowed to continue by Section 3 201.
5. The City Council shall by resolution or ordinance fix the amount of license fees and the terms and conditions thereof, copies of which shall be available for public inspection at the office of the city Zoning Administrator.
6. ~~All applications for the issuance of a home occupation permit shall be accompanied by an application fee in such amount as may be specified by the City's standard fee schedule established from time to time by resolution of the City Council. Such fee shall be in addition to any business license fee which may be required by other provisions of this Code. If the combined offsite impact of the home occupation and the primary residential use materially exceeds the offsite impact of the primary residential use alone, a fee in such amount as may be specified by the City's standard fee schedule may be required.~~
- 6.7. The applicant shall be required to notify by letter all residents within a three hundred foot 300' radius of the property lines of their request for a home occupation license if customers visit the home. The applicant shall provide a legible vicinity map indicating the exact location of their property and each property within 1/4 mile (1,320 feet). The map shall include the address of the subject property.
7. ~~The Zoning Administrator, or his designee, may at all reasonable times enter the premises for which a home occupation permit has been issued to ascertain compliance with this Section. He may also inspect such premises prior to the issuance of a home occupation permit. Refusal by the owner or occupant of the premises to allow such inspection, when requested, shall be grounds for denial or revocation of a home occupation permit.~~
8. ~~A home occupation permit shall not be required for use of a residence, which use is limited to receiving and sending mail and telephone calls.~~
- 9.8. The ~~City Council~~Zoning Administrator may, upon application, grant a home occupation license which shall state the home occupation permitted, the conditions attached thereto, and any time limitations imposed thereon. The license shall not be issued unless the Zoning Administrator ~~City Council~~ finds the applicant is in compliance with each one of the conditions listed in City Codes and State Law, and that the applicant has agreed in writing to comply with all said conditions. All certificates of license shall be signed by the City Administrator~~Mayor~~ and attested to by the Zoning Administrator ~~under the Seal of the City~~.

(Amended: 7/6/99, 7/18/2000, 5/2/06, 9/2/08)

Article 4.7 Town Center Overlay
3-4716 Residential Uses

1. All Flex Use residential developments and Town Center Mixed Use Residential shall be required to provide additional site planning and architectural improvements and/or specifications as follows:
 - a. Roofs. The roofline of all proposed structures that include residential uses shall be varied in height to provide a break in the visual appearance.
 - b. Walls. The vertical wall plane along the upper floors shall be articulated, varied, and architecturally designed to promote numerous opportunities for views from residential units.
 - c. Windows. Only windows of high residential quality shall be used. All windows shall be surrounded on all four sides with trim such as stucco band, siding trim or other material.
 - d. Access. Residential units shall be accessed from a separate entrance that is not located within the leased space of a retail or office unit.
 - e. Parking. A minimum of three (3) parking stalls per unit shall be provided. Underground parking or parking structures may be provided for residential units provided they are located on the interior block and not along a designated right-of-way. Underground parking may not be constructed if the result of the parking structure reduces any ground floor retail or commercial footprint to a point where it may be considered non-functional or impractical.
 - i. Underground parking areas or parking structures shall be a minimum of thirty (30) feet from the nearest right-of-way and be screened from that right-of-way by an attached building.
 - ii. Parking Structures shall include exterior landscaping features along each level of parking to screen light pollution and create an aesthetic feature that may assist with breaking the visual appearance of a large wall plane.
 - iii. Parking shall not be allowed on residential alleys.
 - iv. If parking is provided by an attached/detached garage a driveway shall be provided with a minimum depth of twenty-two feet (22') unless otherwise approved by the Council.
 - f. Yards. In all cases where residential is proposed as the exclusive use of the property (until such time that a ground floor may convert to retail/office), the project shall provide a rear yard for each unit typical with rowhouse type building construction.
 - g. Ground Floor Residential Design. Residential development (Residential and Live-Work units) located adjacent to Parkway East, Parkway West, Town Center Boulevard/Drive, Town Square Street East, Town Square Street West, or Town Square Park Street that does not exclusively incorporate ground floor retail, other commercial, or office shall be designed with flexibility in such a way to provide for ground floor retail in the future unless otherwise approved by the Council.
 - h. Minimum Residential Height. Uses proposed as exclusively attached residential shall be a minimum of two (2) stories in height only if located adjacent to Parkway East, Parkway West, Town Center Boulevard/Drive, Town Square Street East, Town Square Street West, or Town Square Park Street for the purpose of providing for future use on the ground floor.
2. Attached Multi-family Residential, Live-Work Residential.
 - a. Upper floor uses may include; attached high density multi-family residential units, professional offices (see Table 3-47A), or retail sales and/or services as defined in this Code.

3. All residential units that are designed and built to be a residential use cannot be converted into a commercial or office use without Council approval. Home occupations are permitted in each residential unit.