

ORDINANCE NO. 2019-08

AN ORDINANCE AMENDING SECTION 6.01.070 OF THE CENTERVILLE MUNICIPAL CODE REGARDING BUSINESS LICENSING OF HOME OCCUPATIONS AND SECTIONS 12.62.040 AND 12.62.050 OF THE CENTERVILLE ZONING CODE REGARDING ZONING REGULATION OF HOME OCCUPATIONS

WHEREAS, the Utah Legislature adopted S.B. 158 in the 2018 General Session restricting a municipality's authority to charge any fee for home based businesses, unless the combined offsite impact of the home based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone; and

WHEREAS, City Staff has prepared proposed amendments to the Centerville Municipal Code and Zoning Code to address the new legislative requirements regarding home occupation as more particularly set forth herein; and

WHEREAS, the proposed amendments to the Zoning Code regarding zoning regulation of home occupations and permitting requirements have been reviewed by the Planning Commission with a positive recommendation to the City Council; and

WHEREAS, City Council has determined that the proposed amendments to the Centerville Municipal Code and Zoning Code regarding home occupations are desirable and necessary to bring the City's ordinances into compliance with State law; and

WHEREAS, the proposed amendments to the Zoning Code as set forth herein have been reviewed by the Planning Commission and the City Council and all appropriate public notices have been provided and appropriate public hearings have been held in accordance with Utah law to obtain public input regarding the proposed revisions to the Zoning Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Section 6.01.070 of the Centerville Municipal Code regarding Home Occupations is hereby amended to read in its entirety as follows:

6.01.070 Home Occupations

Except as otherwise expressly provided, this Title shall apply to persons engaged in business, trade, service or professions in their homes as well as to those engaged in business at a separate establishment or location. Applicants for a home occupation business shall comply with the provisions of this Title and with the applicable provisions of CZC 12.62 (Home Occupations). Pursuant to Utah Code § 10-1-203, the City may not charge a fee for a resident of the City to operate a home occupation business, unless the combined offsite impact of the home occupation and the primary residential use materially exceeds the offsite impact of the primary residential use alone. Given the status of State law, the City has elected to not require a business licenses for home occupations, but such uses are subject to applicable provisions of CZC 12.62 (Home Occupations). The City may issue a courtesy business license for a home occupation upon request by the business owner. Any request for a courtesy business license for a home

~~occupation shall be subject to an administrative fee as permitted by Utah Code 10-1-203, and as more particularly set forth in the City Fee Schedule. All home occupations shall be required to obtain and maintain a valid City business license in accordance with the provisions of this Title. Pursuant to Utah Code § 10-1-203, the City does not currently charge a business license fee for home occupations, but such use may be subject to zoning permit fees in accordance with applicable provisions of CZC 12.62 (Home Occupations) and the Centerville Fee Schedule.~~

Section 2. Amendment. Section 12.62.040 of the Centerville Zoning Code regarding Permitted Uses for Home Occupations is hereby amended to read in its entirety as follows:

12.62.040 Permitted Use ~~Permit Required~~

(a) ~~Permitted Use **Permit Required**. Permitted home occupation uses listed in Subsection (b) may be established as a home occupation in an agricultural or residential zone as a permitted use subject to the ~~issuance of a permitted use permit pursuant to the requirements of CZC 12.21.090 and the~~ development standards of CZC 12.62.050. ~~Permitted use permits for home occupations shall be non-transferable to another person or property and shall expire after 12 months of continuous non-use.~~~~

(b) Permitted Uses. The uses set forth below shall be allowed as permitted home occupation uses in any agricultural or residential zone:

- (1) Family child care facility;
- (2) Medical service;
- (3) Personal care service;
- (4) Personal instruction service; and
- (5) Office, general.

(c) Prohibited Uses. The uses set forth below shall be prohibited as home occupation uses:

- (1) Kennel; and
- (2) Stable.

Section 3. Repeal. Subsection 12.62.050(a) of the Centerville Zoning Code regarding Development Standards for Permitted Home Occupations is hereby repealed as follows:

12.62.050 Development Standards – Permitted Use

The development standards set forth in this Section shall apply to any home occupation allowed as a permitted use.

- (a) ~~Business License. The issuance of a home occupation permit shall not relieve a person from obtaining a City business license in accordance with applicable provisions of Title 6 of the Centerville Municipal Code including, but not limited to CMC 6.01.070. Obtaining and maintaining a valid City business license shall be a condition of zoning approval for any home occupation.~~

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Section 4. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

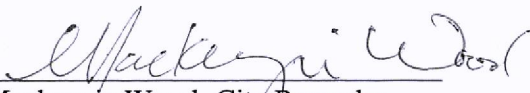
Section 5. Omission Not a Waiver. The omission to specify or enumerate in this ordinance those provisions of general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

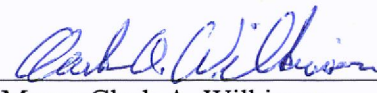
Section 6. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, ON THIS 7th DAY OF MAY, 2019.

ATTEST:

CENTERVILLE CITY


Mackenzie Wood, City Recorder

By: 
Mayor Clark A. Wilkinson

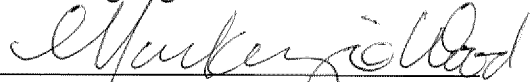
Voting by the City Council:

	"AYE"	"NAY"	ABSENT
Councilmember Fillmore	_____	_____	X
Councilmember Ince	X _____	_____	
Councilmember Ivie	X _____	_____	
Councilmember McEwan	X _____	_____	
Councilmember Mecham	X _____	_____	



CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.


MACKENZIE WOOD, City Recorder

DATE: May 15, 2019

RECORDED this 14 day of May, 2019.

PUBLISHED OR POSTED this 14 of May, 2019.