

ORDINANCE NO. 291

AN ORDINANCE ENACTING CHAPTER 10 OF TITLE 9 OF THE SUGAR CITY, IDAHO. MUNICIPAL CODE TO PROVIDE FOR HOME BUSINESSES WITHIN RESIDENTIAL ZONES, REPEALING ANY PROVISIONS OF THE CODE CONTRARY TO THIS ORDINANCE, AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Be it ordained by the Mayor and Council of the City of Sugar City, Idaho that the following be added as Chapter 10 of Title 9 of the Sugar City, Idaho Municipal Code:

**CHAPTER 10  
HOME BUSINESS**

In order to provide for home businesses, that are secondary to the use of the premises as a residence and are compatible with the quiet, peaceful nature of a residential neighborhood, no home business shall be permitted without the prior issuance of a business license and, if required, a special use permit. Business meetings that are irregular or infrequent are not considered a home business.

**9-10-1 Home Business Requirements.**

**A. Allowed Uses.** In all residential zones, home businesses in compliance with the following regulations are permitted as auxiliary uses. A home business that meets the following conditions may be issued a license by the City Clerk, upon application and payment of a business license fee, provided that the home business is conducted by the applicant, who shall reside on the premises, and provided that the home business does not constitute a significant negative impact on the neighborhood as determined by the city council

1. There shall be no outside storage of equipment, or supplies associated with the home business.
2. There shall be no display of products visible in any manner from the outside of the dwelling.
3. There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home business.
4. No advertising signs shall be allowed.
5. Other than occasional or incidental help, no one other than members of the immediate family residing in the home may be employed in the conduct of a home business.
6. The use shall not create greater pedestrian or vehicular traffic or parking than is normal for the neighborhood.
7. The home business shall not involve the use of commercial vehicles for delivery of

materials to or from the premises other than vans regularly involved in commercial delivery such as United Parcel Service, Federal Express, or the United States Postal Service. The applicant may use his/her personal vehicle, provided it does not exceed three quarter (3/4) ton, for deliveries.

8. No motor power other than electrically operated motors shall be used in connection with a home business.

9. No equipment or process shall be used that creates noise, glare, vibration, fumes, odor, or other nuisances beyond levels normal to the neighborhood.

10. No equipment or process shall be used that creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

11. Examples of home businesses allowed under this section may include but not be limited to painting, sculpturing, writing, sewing, tailoring, tutoring, computer programming, home crafts, secretarial service, telephone solicitation, answering services, and home cooking, baking and preserving.

12. Under this section, family child care may have up to six (6) children at any one time. The care of additional children shall require a special use permit.

13. If the home business is the type in which regular classes are held or instruction is given to more than one person at a time, there shall be no more than six (6) students in the home or on the premises at any one time. No more than two sessions shall be held daily.

**B. Special Uses.** Exceptions to allowed uses in section A may be allowed by special use permit and a business license. Such home businesses shall be subject to the following regulations:

1. A home business which has a special use permit shall be conducted entirely within the dwelling or an accessory structure.
2. There shall be no outside storage of equipment, vehicles, or supplies associated with the home business.
3. There shall be no display of products visible in any manner from the outside of the dwelling.
4. There shall be no visible evidence of the conduct of the home business other than one (1) non illuminating sign not to exceed three (3) square feet in area mounted flat against the dwelling.
5. The number of nonresident employees shall not distract from the residential feel of the neighborhood.
6. The use shall not create greater pedestrian or vehicular traffic [or on-street parking] than

normal for the neighborhood.

7. The home business shall not require more than two (2) additional off-street parking spaces for clients or customers of the home business. Such off-street parking shall comply with the city parking ordinance.
8. No home business noticeable from off the premises shall be conducted between the hours of 9 p.m. and 7 a.m.
9. No equipment or process shall be used that creates noise, glare, vibration, fumes, odor, or other nuisances beyond levels normal to the neighborhood.
10. No equipment or process shall be used that creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

**9-10-2 Violation of Standards.**

If a home business operator violates any of the above standards, the home business license and/or special use permit may be revoked by the city council after written notice to the operator, and the conduct of the home business shall cease upon revocation. The operator may appeal under the provisions of title 9.

**9-10-3 Severability.**

This ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

**9-10-4 Repeal of Conflicting Provisions:**

All provisions of the Sugar City, Idaho City Code which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.


**9-10-5 Effective Date:**

This ordinance shall be effective upon its passage and publication as provided by law.

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Enacted by the City Council and Approved by the Mayor, on the 13<sup>th</sup> day of January, 2011.

CITY OF SUGAR CITY, IDAHO

  
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GLENN W. DALLING, MAYOR

ATTEST:

  
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SHARON L. BELL, CITY CLERK

(SEAL)

