



## ORDINANCE 2024-02

### AN ORDINANCE TO AMEND PROVISIONS OF THE MIDWAY CITY LAND USE CODE REGARDING “COTTAGE INDUSTRIES”

**WHEREAS**, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

**WHEREAS**, the Midway City Council desires to amend provisions of the Land Use Code (Chapter 16) regarding “Cottage Industries”; and

**WHEREAS**, the defined term “Cottage Industry” and current provisions regarding “Cottage Industries” are difficult to interpret and fail to limit the scope of permissible work and manufacturing.

**NOW THEREFORE**, be it ordained by the City Council of Midway City, Utah, as follows:

The following Sections of Chapter 16 shall be amended to read as follows:

#### **Chapter 16.02 – Definitions**

Cottage Industry: One of a list of identified limited business activities authorized to operate out of a person’s home in a residential zone which is secondary to the residential use of the property and does not alter the character of the residential neighborhood. Employment is limited to legal residents of the home, clients and client vehicles are restricted in number, and all business activity must be conducted within the primary dwelling unit. A list of recognized cottage industries and applicable restrictions are set forth in this Chapter.

#### **Chapter 16.13.280 – Cottage Industries**

Cottage industries allow limited business activity from the home but shall not alter the character of the neighborhood or create adverse impacts to the neighborhood including, but not limited to, significant increases in traffic and on-street parking.

A. Cottage industries include:

1. Arts and crafts-making, such as pottery and jewelry.
2. Tailoring or seamstress services.
3. Music instruction and similar specialized tutorial or instructional endeavors provided no more than two (2) students are present at one time.
4. Mail-order or internet sales where no retail occurs on-site.
5. Computer-based services such as programming, web design, graphics, and computer repair.
6. State licensed or certified hair, nail or similar beauty or barber services (limited to one (1) service chair).
7. State licensed or certified counseling.
8. Small professional office for services such as attorney, accountant, and/or architect.
9. Space for art, photography, writing or composing.

**Standards for Permitted Use:**

- A. The Planning Director, or his/her/their designee, may consider, approve or deny an application for a permit for a cottage industry. All permit applications shall meet the following minimum conditions:
1. The cottage industry is permitted in the zone.
  2. The cottage industry is incidental, secondary, and subordinate to the residential use of the dwelling unit.
  3. The cottage industry is fully enclosed within the primary dwelling unit, is conducted entirely within such unit, and does not occupy more than five hundred (500) square feet or twenty-five percent (25%) of the total floor area of such dwelling unit, whichever is less. For the purposes of this Section, a garage, carport, patio, breezeway or any accessory building is not considered to be part of the dwelling.
  4. There shall be no more than one (1) cottage industry per dwelling.
  5. The site of the cottage industry is the primary legal residence of the person(s) conducting the cottage industry. No persons other than those legally residing on the premises shall be engaged in the cottage industry.
  6. There shall be no construction of or alteration to the outside appearance of the building or premises which would suggest or give visible evidence of the conduct of such cottage industry.
  7. There shall be no more than two (2) customer/client vehicles parked in connection with the cottage industry at any one time.
  8. There shall be no exterior storage on the lot, parcel or tract of land of material, equipment, or commodities associated with the cottage industry, and there shall be no exterior or window displays for the cottage industry.

9. Space outside the dwelling, including the yard, may not be used to conduct business.
10. Vehicles larger than 10,000 pounds gross weight may not be operated to or from the premises and may not be parked on the property or adjacent streets.
11. The hours of operation for visitors, loading and delivery of materials shall be limited to between 7:00 a.m. and 8:00 p.m., Monday through Saturday.
12. Retail sales are limited to products created in the cottage industry or incidental items associated with the cottage industry such as hair care products in beauty salons, sheet music offered by an instructor, implements for knitting, and other similar items.
13. There is no use of electrical or mechanical equipment which would change the fire rating of the structure, necessitate a change from a single phase electrical service in the structure, create visible or audible interference in radio or television receivers, or which would cause fluctuations in line voltage outside the dwelling.
14. There is no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable beyond the boundary line of the lot, parcel or tract of land due to the cottage industry which would exceed that normally associated with a dwelling or which does not comply with the Midway City Code, including Title 5.
15. The cottage industry must comply with all applicable city building and fire safety regulations and any requirements of other permitting agencies.
16. No signs shall be permitted for cottage industries in residential zones except one (1) identification plaque no larger than four (4) inches by six (6) inches affixed to the residence next to the client entrance door, which shall be for identification purposes only.
17. If the applicant is leasing the property, the applicant shall provide written proof to the City that the applicant has the landowner's permission to operate the cottage industry business.

**Procedures:**

A. Application for Cottage Industry Permit:

1. Any person wishing to establish a cottage industry shall submit an application to the Planning Department on forms available at the City Planning Department and pay any applicable fee.
2. The Planning Director, or his/her/their designee, shall review the application and approve or deny the application in accordance with the requirements of this Provision. In granting an application, the Planning Director, or his/her/their designee, may impose conditions deemed necessary to minimize impacts to neighboring properties.

B. Violation and/or Revocation of Permit:

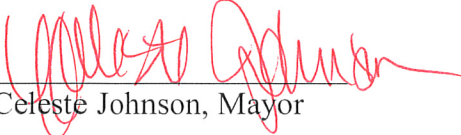
1. If the City receives a filed complaint or is otherwise placed on notice of an alleged violation concerning a cottage industry, the Planning Director, or his/her/their designee, shall investigate the alleged violation to determine if the cottage industry is in violation of this Chapter.
2. If the Planning Director, or his/her/their designee, finds evidence of violation, the Planning Director, or his/her/their designee, shall mail a written notice describing the violation(s) and corrective measures required to the permit holder, who shall have fifteen (15) calendar days from the mailing of the notice of violation to comply with all conditions imposed.
3. A permit issued under this Chapter is revocable by the Planning Director, or his/her/their designee, for violation of any requirements or conditions imposed upon the cottage industry. Upon revocation of the permit, the Planning Director, or his/her/their designee, shall send written notice of the revocation to the permit holder, together with a written statement of findings upon which the revocation is based. The revocation shall be effective five (5) calendar days after mailing.

This ordinance shall take effect upon publication as required by law.

**PASSED AND ADOPTED** by the City Council of Midway City, Wasatch County, Utah this 6<sup>th</sup> day of February 2024.

Council Member Jeff Drury	<u>Excused</u>
Council Member Lisa Orme	<u>Aye</u>
Council Member Kevin Payne	<u>Aye</u>
Council Member Craig Simons	<u>Aye</u>
Council Member JC Simonsen	<u>Aye</u>

APPROVED:

  
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Celeste Johnson, Mayor

ATTEST:

  
Brad Wilson, City Recorder

APPROVED AS TO FORM:

  
Corbin Gordon, City Attorney





## Certificate of Passage, Posting and Publication

I certify that on 6 February 2024 the Midway City Council adopted Ordinance 2024-02 (Cottage Industries).

I certify that a copy of the ordinance was deposited in the office of the municipal recorder.

I certify that a full, true, and correct copy of the ordinance was posted on 25 July 2024 at the following locations:

Midway City Office Building  
Midway Community Center  
United States Post Office (Midway)  
The Market Express  
7-Eleven (Midway)

I certify that a summary of the ordinance was published on the Utah Public Notice Website on 25 July 2024.

I further certify that a summary of the ordinance was published in The Wasatch Wave on 31 July 2024.

The ordinance became effective on 31 July 2024 upon publication.

  
Brad Wilson, Midway City Recorder

Dated 31 July 2024

