



CHAPTER 6

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6. ACCESSORY USES

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2 HOME BUSINESSES

1.Purpose and Intent.

The purpose and intent of this chapter is to encourage the majority of business activities to be conducted in appropriate commercial zones. Business activities may be conducted within a residence on a limited basis if such activities comply with standards of this section. All home occupations shall be secondary and incidental to the residential use. The use should be conducted so that neighbors, under normal conditions, would not be aware of its existence. Home occupations are a temporary privilege which can be revoked if the permit and license requirements are not followed, or disruption of the residential neighborhood occurs.

2.Home Business Permit Required.

To assure compliance with provisions of this Title and to protect the character of residential neighborhoods in the City of Clinton, a Home Business Permit shall be obtained from the Community Development Department before a business is established as an accessory use in a residence.

7. **Issuing Authority.**

The Business License Administrator is responsible for the administration of the provisions of this Ordinance and the issuance of Home Business Permits and Licenses.

1.Procedure.

a.Application for a Home Business shall be made with the Clinton City Community Development Department on forms provided by the City and accompanied with required information and appropriate fees as set by the City Council annually and published in the Clinton City Consolidated Fee Schedule.

b.All applications shall be accompanied with current copies of licenses issued by the State, County; handyman or lawn care agreements; or, any other information deemed applicable to the type of business to be operated.

c.The issuing authority may, upon application, issue a Home Business Permit which shall state the home business, either Home Office or Home Occupation permitted, the requirement for compliance with this ordinance, and any time limitations imposed thereon. The permit shall not be issued unless the issuing authority is satisfied that the applicant will meet all of the prerequisites and conditions listed below and that the applicant has agreed in writing to comply with all said prerequisites and conditions.

d.Denial of an applicants permit shall be given in writing and is to outline the reasons for denial. Letters of Denial shall be sent out within ten (10) business days of an applicant submitting a complete application.

e.Applicants may appeal the Issuing Authorities actions as outlined in §6.01.9.5. below

2.Prerequisites for all Home Businesses.

The following prerequisites shall be met by all Home Businesses.

a.The proposed business is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community;

b.In order to minimize traffic and off-street parking, and to avoid health and sanitation

risks from the disposal of medical wastes, medical, dental, and other health professional offices are specifically excluded as a home business;

c.The proposed business will not under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons and not injurious to property and improvements in the community, but will be compatible with and complimentary to the existing surrounding uses, building and structures when considering traffic generation, parking, building design, location, landscaping, and signs;

d.The proposed business will comply with the regulations and conditions specified in this ordinance for such use;

e.Non-owner residents of a residence shall provide written approval of the property owner for the non-owner to be able to operate a home business, the letter shall describe the business and property owner shall acknowledge that they understand their possibility of liability for the business being operated on the premises:

f.The Home Business shall meet all requirements of the City, County and State for operation of the business to include but not be limited to:

i.Division of Professional Licensing;

ii.County Health Department; or,

Department of Human Services.

g.Regulation of vehicular traffic:

i.The proposed business shall not generate vehicular traffic not commonly associated with the zone in which it is located;

ii.A proposed business shall not be permitted that requires receipt or delivery of merchandise, goods, or equipment, by other than a passenger motor vehicle; or, by parcel or letter carrier mail service using vehicles typically employed in residential deliveries. No deliveries by semi-tractor/trailer truck are permitted; and

iii.Vehicle traffic, customers, deliveries, or other traffic associated shall not occur

between the hours of 9:00 p.m. and 7:00 a.m.

h. Regulation of structures on the lot:

- i. The proposed business shall not alter the residential character of the premises;
- ii. The Home Business shall not occupy any area within the garage, unless the garage still functions for parking, and as long as two parking spaces meeting the requirements for residential use outlined in Chapter 4 of this Title are still available;
- iii. The proposed business shall not carry on activities outside of the residence or other enclosed space not normally associated with residential use, except outside private swimming pools or tennis courts may be used for instruction and play areas provided for day care/pre-schools. All outside home occupation activities shall be within fenced yard spaces; and,
- iv. Inventory and supplies for the proposed business shall not occupy more than 50% of the total permitted area described in this Chapter.

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8. Restrictions upon use:

- i. The proposed business shall not unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood. The business shall not be associated with chemical or biological hazards, dust, odors, noise, light, vibration, drainage, electrostatic discharge or other infringement upon other properties; and,
- ii. The proposed business shall not create a hazard by using flammable, explosive, or other dangerous materials or by keeping or raising animals which are capable of inflicting harm or discomfort or endangering the health and safety of any person or property.

b. No sign or advertising shall be displayed on the premises except name plates as permitted by section 24-4-1(9) of the Clinton City Code of Revised Ordinances.

c. No display of any kind shall be visible from the exterior of the premises.

d. The Home Business shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

e. All Home Business Permits shall be valid for one (1) year, and will be considered renewed annually upon renewal of a Clinton City Business License as established in this Code provided there have been no reported violations, complaints, or detrimental characteristics which may, in the opinion of the issuing authority, require termination of said home business.

f. Handicapped persons can obtain a waiver of one or more of these conditions and conditions established in 6.01.6 and 6.01.6 below through the issuing authority to allow such persons to become self-sufficient.

2. Home Office.

a. A Home Business which meets the standards listed in §6.01.5 above as well as the following shall be defined as a Home Office. Permitted Home Offices include, but are not necessarily limited to, the following:

- i. artists, authors, architectural services, advertising
- ii. consulting services
- iii. desktop publishing
- iv. data processing, computer programming, and service
- v. janitorial services
- vi. insurance sales or broker, interior design
- vii. mail order
- viii. garden produce
- ix. real estate sales, broker, or appraiser
- x. sales representative
- xi. preparation of products to be sold away from the home
- xii. contractors, provided there is no outside storage of equipment

b. The conditions outlined in §6.01.5 above are amended or added to as follows for a Home Office.

- i. The Home Office does not require that clients or the public come into the premises.
- ii. No exterior sign or evidence of the business being operated will be present.
- iii. The Home Office shall be conducted wholly within the structure on the premises and shall not exceed twenty (20) percent of the total finished floor area of said structures.
- iv. The Home Office shall not carry on activities outside of the residence not normally associated with a residential use.

Vehicles associated with a home office shall be the equivalent of those normally associated with a residence.

3.Home Occupations.

a. A Home Business which meets the standards in §6.01.5 above as well as the following shall be defined as a Home Occupation. Permitted Home Occupations include, but are not necessarily limited to, the following:

- i. Uses outlined in §6.01.6 above where the clients are brought into the business;
- ii. barber and beauty shops;
- iii. consulting services, craft sales;
- iv. dance studio, aerobic exercise, music lessons, tutoring;
- v. general educational instruction, provided the number of students is limited to two at a time;
- vi. direct sales distribution;
- vii. family day care, family group day care, and preschools; and,
- viii. promotional meetings for the purpose of selling merchandise, taking orders, or training shall not be held more than once per month.

b. In addition to the conditions outlined in §6.01.5 above the following conditions apply to a Home Occupation.

- i. The home occupation may include the sale of commodities; However, it is the intent that it be limited to items produced on the premises, or items that are incidental to the service provided, i.e., a beautician who also sells hair care products to her clientele; Other retail sales of products are not allowed at the home;
- ii. There shall be complete conformity with the Clinton City Code, fire, building, plumbing, electrical, and health codes and to all applicable state and city laws and ordinances;
- iii. Hours of operation shall be stated on the application however business shall not be conducted between the hours of 10:01 p.m. and 5:59 a.m. The issuing authority may further limit the hours of operation if it is determined that the impact of the business will have an adverse affect on the neighbourhood;
- iv. The number of customers coming to a residence unit may range up to two (2) per hour, provided sufficient off-street parking is provided;
- v. One (1) larger commercial vehicle may be used, provided it is parked on hard

surface, private property and adequately screened from view;

vi. Only resident family members of the applicant shall be regularly engaged in the business on site. All other employees of the business may work on site no more than a combined total of sixteen man hours in a one week period;

vii. Clients and other individuals visiting the Home Occupation shall not be allowed in unfinished portions of the house;

viii. The Home Occupation shall be conducted wholly within the structure(s) on the premises and shall not exceed forty-nine (49) percent of the total floor area of said structure(s);

ix. The Clinton City Fire Marshal shall inspect the structures prior to commencing operation of the business and as deemed necessary by the Fire Marshal after the initial inspection; and,

x. A Clinton City Building Inspector shall conduct an inspection of the structures, for compliance with the applicable codes, prior to commencing operation of the business, if the Inspector identifies any deficiencies the applicant shall take out a building permit and correct the deficiencies prior to the start of business.

c. The following requirements of the State are applicable to day-care and family day care centers or as set forth in Utah Admin Code R430-90, Licensed Family Child Care.

d. Special Requirements for Day-Care and Family Day Care Centers: In addition to 6.01.7.3. above, prior to approval of a Home Occupation Permit, the following conditions shall be met, in addition to the requirements of section §6.01.5 and §6.01.7.2 and 3 above:

i. A copy of the license issued by the Utah State Department of Health, Bureau of Licensing shall be provided to the Issuing Authority before the business license is issued;

ii. A copy of all documentation certifying that all Utah State Department of Health, Bureau of Licensing requirements have been met shall be provided to the Issuing

Authority before the business license is issued;

iii. For Centers caring for up to eight (8) children the occupant owner shall be the care giver; For Centers caring for more than eight (8) children and up to and including twelve (12) the occupant owner shall be the primary care giver and documentation shall be provided to indicate who the additional caregiver will be; Any changes to whom the caregivers are in the business shall be documented with the Issuing Authority;

iv. No sign or advertising shall be displayed on the premises;

v. Children/Students shall be supervised by the individuals outlined in "c" above at all times;

vi. Children shall not be allowed in areas of a house with unfinished construction; and,

vii. State requirements shall be met.

e. In addition to §6.01.5 and §6.01.7.2 above the following shall apply to the operation of a preschool:

i. No more than eight (8) students including the children of the provider below the age of six (6);

ii. Exterior play areas shall be fenced. If utilized as part of the preschool, any exterior play area shall meet the requirements of §6.01.7.6; and,

iii. No recitals, shows, displays, or other activity intended to entertain, educate or otherwise bring in non-students, other than family members of students, shall be held at the residence.

f. In addition to §6.01.5 and §6.01.7.2 above the following shall apply to the operation of a business in which instructional services, such as but not limited to, musical instrument, singing, dance, tutoring, painting, or similar teachings are given:

i. No more than eight (8) students including their children, parents, partners, or otherwise non-students shall be at the residence at any one time;

- ii. Lessons shall be given within the enclosed portion of the residence;
- iii. Lessons shall not include the use of power tools, flammables, toxics or other noise or odor producing materials; and,
- iv. No recitals, shows, displays, or other activity intended to entertain, educate or otherwise bring in non-students shall be held at the residence.

4. Noncompliance.

- a. Any Home Occupation Permit shall be revoked by the Business License Administrator upon violation of any requirements of this Chapter, or where issued as a conditional use under the previous ordinance upon failure to comply with any of the conditions or limitations of the permit, unless such violation is corrected within three (3) business days of receipt of written notice thereof. A permit may be revoked for repeated violations of the requirements of this Chapter, notwithstanding compliance to the violation notice.
- b. Home Occupations established as a Conditional Use under the previous ordinance. Home Business operating under a Conditional Use permit shall comply with the requirements of this ordinance upon renewal of their Clinton City Business License following the enactment of this ordinance.

5. Complaints, Denial, Revocation and Appeal.

- a. The Issuing Authority will receive and review, complaints against Home Businesses. Any complaint that reveals that the Home Business is not operating within the authority of the permit issued may have its permit revoked.
- b. Reasons for suspension or revocation: An existing permit may be suspended or revoked for any of the following reasons:
 - i. The permittee does not now meet the qualifications established by this Chapter;
 - ii. False or incomplete information given on an application;
 - iii. The applicant has violated or is violating any provision of this Chapter or

other applicable provisions of the City Code, state or federal statutes;

iv. The permittee has refused to allow authorized representatives of the City to make an inspection or has interfered with such representative while in the performance of his duty in making such inspection;

v. The permittee is not complying with a requirement or condition set by this Chapter, the Issuing Authority, by appeal to the Planning Commission, or by agreement;

vi. Violation of this Chapter or of any other laws committed by any person while acting as an agent or employee of the permittee; or

vii. Any other reason expressly provided for in this Chapter.

c. Prior to any revocation the Issuing Authority will:

i. Investigate the complaint and if founded discuss the issues with the permit holder;

ii. If the complaint is valid, direct the permit holder to correct the situation within a period of time not to exceed five (5) business days;

iii. If the permit holder does not correct the situation the Issuing Authority may revoke the permit and cause the permit holder to stop all business related activities at the residence. The Issuing Authority may also revoke the business license as outlined in Title 15, Chapter 4; and,

iv. Repeat violations may be determined to justify revocation of the permit even when corrective action is taken by the permittee.

d. Written Notice: Business operators/applicants shall be given, in writing, by the Issuing Authority, the reason for any denials of the permit or revocations.

e. Appeal: In the event of denial of any permit, or of the revocation thereof or of objection to the limitations placed thereon by the Issuing Authority, appeal may be made by the Applicant to the Planning Commission. Appeal Process:

i. Appeals to the decision of the Issuing Authority shall be made upon applications supplied by the City.

ii. The appeal shall be accompanied by a copy of original application, the letter from the Issuing Authority outlining the reason for denial or revocation, and an accompanying letter from the applicant refuting the issues and concerns of the Issuing Authorities.

iii. Appeals to the decision of the Issuing Authority shall be presented to the Community Development Director within ten (10) business days of receipt of notice of action by the Issuing Authority.

iv. The Community Development Director shall present appeals to the Planning Commission at the first available meeting. Planning Commission meetings are normally held the first and third Tuesday of the Month and all applications to appear before the Commission must be submitted a minimum of fourteen (14) business days prior to the scheduled meeting.

v. Processing fees for appeals shall be established by the Clinton City Council and published in the Clinton City Consolidated Fee Schedule.

f. Authority of the Planning Commission.

i. The Commission shall evaluate the appeal based upon the requirements of this Ordinance, the original application, the letter of denial/revocation, and the applicants letter of rebuttal.

ii. The Commission shall make a determination of finding, based upon the information provided, as to the validity of the denial/revocation.

iii. The Commission may establish conditions above those established in this ordinance; however these conditions shall not reduce or waive any of the requirements of this ordinance.

iv. If, based upon the findings of the Commission, it is determined that a Permit may be issued the Issuing Authority shall issue a Permit.

g. Further Appeal: If, based upon the findings of the Commission, it is determined that a Permit is not to be issued, appeal may be made to the City Council. Appeal Process:

i. Appeals to the decision of the Planning Commission shall be made upon applications supplied by the City.

ii. The appeal shall be accompanied by a complete copy of application presented to the Planning Commission and a copy of the notice of findings and action by the Planning Commission.

iii. Appeals of decisions of the Planning Commission shall be made to the City Manager within ten (10) business days of receipt of notice of findings and action by the Planning Commission.

iv. The City Manager shall present appeals to the City Council at the first available meeting. City Council meetings are normally held the second and fourth Tuesday of the Month and all applications to appear before the Council must be submitted a minimum of fourteen (14) business days prior to the scheduled meeting.

v. Processing fees for appeals shall be established by the Clinton City Council and published in the Clinton City Consolidated Fee Schedule.

vi. Decisions of the City Council are final.

6. Business License Required.

A Home Occupation Permit is not a business license, and the granting of said permit shall not relieve the permittee of any other license requirement of the City or of any other public agency.

3 YARD, BASEMENT, AND GARAGE SALES

1. Garage, basement, yard or other similar sales are accessory uses at residences in the A-1, AE, R-1-15, R-1-10, R-1-9, R-1-8, R-1-8a, and R-1-6 Zones; and at residences within the Performance Zone

2. Garage, basement, yard or other similar sales shall not be allowed more than a total of five (5)

days in any calendar year. Such sales do not constitute a home occupation.