

ORDINANCE 2011-__

AN ORDINANCE OF NORTH OGDEN CITY AMENDING SECTION 11-16-1 OF THE NORTH OGDEN CITY ZONING ORDINANCE.

Section 1. The North Ogden City Zoning Ordinance is hereby amended as follows:
Chapter 11-16-1 shall be amended to read:

11-16-1: CONDITIONS:

It shall be unlawful to conduct or pursue a home occupation within the corporate limits of the city, unless each of the following conditions are observed:

A. Residents Of Premises: Only persons who are bona fide residents of the premises shall be engaged in the occupation.

B. Residential Character Retained: The home occupation will not physically change the dwelling to the extent that it would alter the residential character of the dwelling or the residential atmosphere of the neighborhood in which it is located. Furthermore, it shall not disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises or vibrations.

C. Maximum Area Of Use: If a home occupation is conducted within the living quarters of a unit, the home occupation shall not occupy more than twenty five percent (25%) of the main floor area, up to a maximum of three hundred (300) square feet. (Ord. 2002-16, 10-8-2002)

D. Conducted Within Living Quarters; Exception: ~~Unless a conditional use permit is issued, the home occupation must be conducted entirely within the living quarters of the dwelling unit.~~ Home occupations may be permitted in the garage of a house by conditional use permit only. Any conditional uses approved for a garage shall have minimal environmental impact on the character of the neighborhood. Anything beyond minimal intrusion in the neighborhood will require mitigation to be shown as part of the

conditional use permit. The Land Use Authority, at their discretion, can increase the level of mitigation beyond that recommended by the applicant.(Ord. 2002-16, 10-8-2002; amd. 2006 Code)

E. Display Or Sales Of Goods: ~~There shall be no display or sales of goods, wares or merchandise upon said premises, other than those produced upon the premises, unless said display is totally enclosed within the premises and not visible from without the premises.~~ Retail sales on the premises are not permitted except as allowed in section N. Catalog sales, Internet sales, and similar types of sales are permitted if the product is drop shipped from the order warehouse to the buyer's home.

F. Signs And Advertising: No sign or advertising shall be displayed on the premises. This requirement shall not apply to temporary advertising of ~~fruit~~ produce in season nor to income producing activities engaged in by minors only.

G. Traffic: The home occupation shall not generate more than five (5) vehicular roundtrips a day, except as specifically allowed by conditional use permit.

H. Parking: The addition of off street parking facilities on the premises of the home occupation beyond that normally required for residential uses is prohibited. Parking of automobiles generated by the home occupation will be confined to existing residential parking.

I. Conformance With Laws: There shall be complete conformity with fire, building, plumbing, electrical and health codes; and to all state and city ordinances and other laws, covenants, restrictions or regulations pertaining to the premises upon which the home occupation is conducted.

J. Emissions: The home occupation shall not be associated with noise, dust, odors, noxious fumes, glare, or other hazards to safety and health which are emitted and may be discernable beyond the premises.

K. Dangerous Materials Or Harmful Animals: The home occupation 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.

L. Excessive Demand For Services: The home occupation shall not create a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

M. Use Outside Main Building: The home occupation shall not use any accessory buildings, yard or space outside of the main dwelling not normally associated with the residential uses permitted within the zone wherein the dwelling is located. (Ord. 2002-16, 10-8-2002)

N. Product Sales: Sales of specialty products such as kitchenware, candles, cosmetics, merchandise made by the seller or similarly branded item intended primarily for home sales are permitted if sales are made at the buyer's home by or ordered by catalog or Internet or at sales parties. As with all businesses, sales exceeding \$500 annually requires a business license.

SECTION 2. This ordinance shall take effect upon adoption.

PASSED and ADOPTED this ____ day of ____ 2011.

North Ogden City:

Richard G. Harris

North Ogden City Mayor

CITY COUNCIL VOTE AS RECORDED:

| | Aye | Nay |
|---|------------|------------|
| Council Member Bigler: | ___ | ___ |
| Council Member Flamm: | ___ | ___ |
| Council Member Harris: | ___ | ___ |
| Council Member Taylor: | ___ | ___ |
| Council Member Turner: | ___ | ___ |
| (In event of a tie vote of the Council): | | |
| Mayor Harris: | ___ | ___ |

ATTEST:

S. Annette Spendlove, MMC

City Recorder