

# MURRAY

CITY COUNCIL

**NOTICE OF MEETING**  
**MURRAY CITY MUNICIPAL COUNCIL**  
**COUNCIL INITIATIVE WORKSHOP**

**PUBLIC NOTICE IS HEREBY GIVEN** that there will be a meeting of the Murray City Municipal Council on Tuesday, June 19, 2012, at the Murray City Center, 5025 South State Street, Murray, Utah.

**5:15 p.m.      Council Initiative Workshop:      Conference Room #107**

**1.      Call to Order**

**2.      Discussion Items**

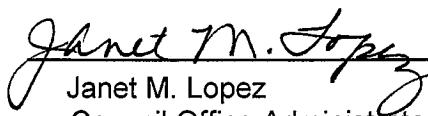
Review the ordinance governing the Home Based Handyman Business (Jared Shaver and Tim Tingey presenting.)

**3.      Adjournment**

**NOTICE**

**SPECIAL ACCOMMODATIONS FOR THE HEARING OR VISUALLY IMPAIRED WILL BE MADE UPON A REQUEST TO THE OFFICE OF THE MURRAY CITY RECORDER (801-264-2660). WE WOULD APPRECIATE NOTIFICATION TWO WORKING DAYS PRIOR TO THE MEETING. TDD NUMBER IS 801-270-2425 or call Relay Utah at #711.**

On Wednesday, June 13, 2012, at 3:00 p.m., a copy of the foregoing notice was posted in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. Copies of this notice were provided for the news media in the Office of the City Recorder and also sent to them by facsimile copy. A copy of this notice was posted on Murray City's internet website [www.murray.utah.gov](http://www.murray.utah.gov) and the state noticing website at <http://pmn.utah.gov>.

  
Janet M. Lopez  
Council Office Administrator

## CIW Meeting Request Form

Sponsor Jared Shaver Date Sent to Administration 5.25.12 JH

Subject Review Ordinance governing the Home Based Handyman Business

Date, Time, Place June 19, 2012

**Council Member Consent** — In order to schedule a CIW three Council Members must consent. Consent merely reflects support to place a subject on an agenda for discussion, and in no way is meant to reflect complete endorsement of the topic.

Council Member Jared Shaver 

Council Member Tom Braks

Council Member Bret Hales

**Subject Matter** — Council members who wish to sponsor a CIW agenda item shall prior to the scheduled meeting obtain informal, but distinct approval from a majority of Council Members. CIW meetings will be limited to one agenda item, unless there is a reasonable relationship between multiple items requested for the same date.

Subject Matter in Concept: \_\_\_\_\_

**Presentation** — Council members sponsoring a CIW shall be responsible for coordinating the presentation time, room, and staff involvement. A CIW presentation is designed to inform and educate Council Members regarding a particular topic, i.e., need for discussion, statistical data, outside municipal experiences, and current trends, etc.

Estimated Time \_\_\_\_\_

Presentation Medium Exhibits & Discussion \_\_\_\_\_

Special Equipment Needs (AV) \_\_\_\_\_

**Discussion** — Each meeting shall begin with a presentation by the sponsor, and then in turn attending Council Members will have the opportunity to comment on the topic. This meeting is designed to cultivate informal discussion focusing on the will and direction concerning of the Council as pertaining to the topic. Discussion should be focused on balancing and weighing the topic against general policy created by the Council. If there is a need, discussion items may be scheduled for a second meeting.

Discussion Highlights \_\_\_\_\_

**Direction** — At the conclusion of Council discussion or at the request of the sponsor, the Council shall determine future action and direction, staff involvement, or whether the items shall be tabled until further notice.

## Chapter 17.24

# HOME OCCUPATIONS

### 17.24.010: PURPOSE:

### 17.24.020: DEFINITION:

### 17.24.030: LICENSE REQUIRED:

### 17.24.040: APPLICATION:

### 17.24.050: PROHIBITED USES:

#### **17.24.010: PURPOSE:**

The purpose of this chapter is to allow and regulate certain income producing accessory uses in residential districts which are compatible with, and not detrimental to, the neighborhood in which they are located. Home occupations are limited to those uses which may be conducted within a residential dwelling without changing the appearance or condition of that residence. (Ord. 07-30 § 2)

#### **17.24.020: DEFINITION:**

A "home occupation" is a business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity is carried on as an accessory use in a residential zone by a bona fide resident of the dwelling. This definition of a home occupation shall not be construed to allow an employee, working in the employee's own home in the service of an employer who does not reside in the same dwelling. (Ord. 07-30 § 2)

#### **17.24.030: LICENSE REQUIRED:**

A home occupation license shall be required to conduct a permitted business in a residence located in a residential zone. Home occupations are accessory uses and are subject to the following regulations:

- A. The home occupation business use must be conducted entirely within the main dwelling, except that the outside yard areas may be used for group instruction, residential daycare facilities and group education uses.
  
- B. The home occupation business may be conducted only by persons who are residents of the dwelling unit, except that up to one person not residing in the residence may be engaged, volunteer or be employed by the licensee. The owner of the business must reside in the residence. The planning commission may approve more than one nonresident employee if it finds that the additional employee will not be employed as a driver of a work vehicle kept at the residence, and also finds that the employee's presence in the premises will not otherwise violate the intent of this chapter. Only one nonresident employee, or such additional nonresident employees as approved by the planning commission, is allowed per residence, regardless of the number of home occupation licenses held by persons residing in the residence.

- C. The business use must be clearly incidental and secondary to the residential use of the dwelling and may not change the residential character of the dwelling. No more than twenty five percent (25%) of the total main or upper floor area, or, in the alternative, no more than fifty percent (50%) of the total floor area of a basement, may be used to conduct a home occupation. Interior alterations to accommodate a home occupation are prohibited if either the kitchen, the dining area, all bathrooms, the living room, or a majority of the bedrooms are eliminated. Signs related to the home occupation are prohibited unless otherwise provided in this title.
- D. Commodities may be produced on the premises in accordance with law. Sale of commodities from shelves or similar display on the premises is not allowed.
- E. Home occupation businesses shall not involve the use of any accessory building or yard space for storage or display of supplies or inventory used in the home occupation.
- F. Group education, group instruction, childcare, and instruction of children, other than those residing in the dwelling, are allowed as a home occupation accessory use or as a conditional use only to the extent as allowed in this title.
- G. More than one home occupation business license per dwelling unit is allowed; provided, however, that the cumulative effect of such businesses shall not violate the provisions and the intent of this chapter. By way of illustration and not limitation, the conduct of multiple home occupations may not violate the prohibitions against excessive traffic, and the limit on the number of nonresident employees and motor vehicles allowed at a residence. Any or all of the home occupation licenses issued at a residence are subject to suspension or revocation if the cumulative effect of the conduct of those businesses violates this chapter.
- H. Home occupation licensees shall comply with all state and local laws, including fire, building, and similar life safety and health codes.
- I. The premises of a home occupation may be inspected during reasonable business hours to determine compliance with the provisions of this title.
- J. A home occupation business license shall be valid for twelve (12) months after it is issued and may be renewed annually unless the license, or the privilege of renewing that license, has been

revoked or suspended due to violations of this title or other laws applicable to the home occupation license.

- K. One business vehicle used by the licensee in connection with the home occupation may be parked at the premises, subject to the restrictions in this chapter. Other motor vehicles and equipment, and trailers used to transport the same, which are used in connection with the home occupation may not be stored or parked on the premises of the licensee or in any street adjacent to the licensed premises. Under no circumstances may motor vehicles having a gross vehicle weight rating of more than twelve thousand (12,000) pounds and which are used in connection with the home occupation be stored or parked on the premises of a home occupation or any street adjacent to those premises. By way of illustration and not limitation, this subsection is intended to prohibit the storage or parking of business fleet vehicles, such as limousines; service or work vehicles (snowplow/landscape maintenance trucks) and similar vehicles; delivery vehicles; and contractor's equipment and trailers used to transport the same. As provided in subsection B of this section, a nonresident employee may not be allowed to drive any business vehicle parked at the premises as permitted by this subsection as part of that employee's regular work assignment.
- L. The traffic generated by a home occupation may not exceed that which would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street according to city regulations. The home occupation shall not involve the use of commercial vehicles having a gross vehicle weight rating of more than twelve thousand (12,000) pounds for delivery of materials to or from the premises.
- M. Except as otherwise provided in this title, the community development division and/or code enforcement is authorized to approve home occupation applications in accordance with this title.
- N. The home occupation may not be associated with noise, noxious odors, fumes, glare, or other nuisances that may be discernible beyond the premises.
- O. The storage or use of flammable, explosive, or other dangerous materials is prohibited. (Ord. 08-04 § 2: Ord. 07-30 § 2)

## **17.24.040: APPLICATION:**

A home occupation license application shall be filed with the city business license division. Affected departments shall determine if the application complies with this title. (Ord. 07-30 § 2)

## **17.24.050: PROHIBITED USES:**

The following uses by the nature of the investment or operation have a pronounced tendency, once started, to rapidly increase beyond limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations:

Carpentry work;

Construction businesses;

Dental offices;

Electronics repair;

Major appliance repair (washers, dryers, refrigerators, etc.);

Medical offices;

Painting of vehicles;

Permanent yard sales;

Photo developing;

Photo studios;

Private schools;

Trailer or boat repair;

Upholstering;

Vehicle repair.

The listing of specific prohibited businesses in this section shall not be construed to allow or permit a home occupation business which otherwise violates this chapter. (Ord. 07-30 § 2)