

CHAPTER 8

REGULATION OF GENERAL APPLICABILITY

81 HOME OCCUPATIONS. (Amended 1/97, 1/99, 10/99, 6/00, 5/02, 5/05, 3/09)

(1) All home occupations whether allowed as a permitted use, or as a conditional use, shall comply with the following standards:

- (a) The home occupation must be clearly incidental and secondary to the primary use of the dwelling for residential purposes;
- (b) Under appropriate circumstances up to fifty percent of the usable floor space of a residence may be used for a home occupation, provided said home occupation does not change the character or primary use of the dwelling for residential purposes;
- (c) A home occupation is generally intended to involve persons residing at the location where a home occupation is conducted. Non-residents may be allowed to participate in a home occupation when deemed appropriate by the Planning Commission as a part of a conditional use permit. The character of the home occupation and the neighborhood in which it is located shall be considered in granting any such conditional use permit. Appropriate conditions shall insure that any impacts upon the neighborhood are mitigated, which conditions may include adequate off-street parking. (Amended 1/99)
- (d) The residence must be the principal residence of the applicant;
- (e) Tools, items, equipment or occupations which are offensive or noxious by reason of the emission of odor, smoke, gas, vibration, magnetic interference or noise are prohibited;
- (f) Stock in trade, inventory or other merchandise shall be allowed to be kept only in one room of the dwelling and limited to 100 square feet of floor space;
- (g) Except for home occupation businesses authorized by a conditional use permit, no clients or customers shall come to the home nor shall any additional vehicular traffic or parking needs be generated.
- (h) The home shall not require any internal alterations other than those necessary for a home occupation approved as a conditional use, nor any external alterations to the residence, nor provide any visible evidence from the exterior that the building is being used for any other purpose than that of a residence;
- (i) Only one non-illuminated name plate, not exceeding two hundred square inches, and mounted flat against building; and
- (j) Except for home occupations authorized by a conditional use permit, no advertising by any method shall identify the home address.

(2) The following activities shall be permitted as home occupations that only require the approval of the Zoning Administrator and one City Council member:

- (a) Artists, illustrators, writers, photographers, editors, drafters, publishers;
- (b) Consultants, private investigators, field representatives and other similar activities where the entire work of the business, except for record keeping and telephone, are conducted off of the premises; and
- (c) Bookkeeping and other similar computer activities.
- (d) Home occupations that require a client to come to the home for service including barbers, beauticians, tax accountants, home instruction of musical instruments, voice and educational subjects and similar or professional services. Physicians, therapists or other health care providers must obtain approval of a home occupation permit from the Planning Commission. (Amended 5/02)

(3) Repealed (Reserved for Future Use). (Amended 5/02)

(4) Applications for home occupation permits shall be filed with the Zoning Administrator. The applications shall include the following information:

- (a) The names and addresses of all residents within an three hundred (300) foot radius of the property (exclusive of intervening streets and alleys) and their signatures, when possible, stating whether they support or oppose the home occupation proposed;
- (b) The expected number of clients per day; (Amended 6/00)
- (c) A description of the type of business proposed;
- (d) A listing of the individuals at the home who will be working on the business;
- (e) The expected hours of operation of the business; and
- (f) If the business is conducted in an apartment, the application must also be approved by the apartment management.

(5) Upon receipt of an application for a home occupation, the Zoning Administrator shall make a determination of the completeness. If the application is determined to be complete, the Zoning Administrator shall approve or deny the application, or forward it to the Planning Commission for a conditional use permit.

(6) The Zoning Administrator shall issue a permit for the home occupation if he finds that the:

- (a) provisions of this Ordinance are satisfied;
- (b) proposed home occupation will be in keeping with the character of the neighborhood and will not adversely affect the desirability or stability of the

neighborhood;

- (c) proposed home occupation does not diminish the use and enjoyment of adjacent properties or create an adverse traffic or parking impact on adjacent streets or properties;
- (d) proposed home occupation will not negatively impact the future use of the property as a residence;
- (e) proposed home occupation will not adversely affect the public health, safety or welfare; and
- (f) proposed home occupation conforms with all fire, building, plumbing, electrical and health codes.

(7) If the application is forwarded to the Planning Commission for special consideration before issuing a conditional use permit, the Planning Commission shall consider the application and approve, approve with conditions or deny the application in accordance with the procedures and standards set forth in chapter 7, Conditional Use Permits.

(8) The Planning Commission, or the City Council member and Zoning Administrator, in the case of home occupations authorized by this chapter, may terminate any permit for a home occupation use upon making findings that support either or both of the following conclusions: any of the required licenses or permits necessary for the operation of the business have been revoked or suspended;

- (a) violation or disregard of any condition issued in approval of the permit; or
- (b) violation of any of the provisions of this Ordinance anywhere on the property.

(9) Any termination of a home occupation conditional use permit may be appealed to the Board of Adjustment if such appeal is made 30 days following the date of termination. Any person adversely affected by the denial or issuance of a home occupation conditional use permit may appeal that decision to the Board of Adjustment pursuant to chapter 3.23.

(10) Existing licenses for home occupations which were legal under the prior ordinance regulating home occupations but which are not permitted under this Ordinance may be kept and reissued for subsequent years.

(11) Home occupation conditional use permits issued under this Ordinance are personal to the applicant, non-transferable and do not run with the land.

8.2 CONGREGATE CARE FACILITIES.

(1) A congregate care facility shall be permitted as a conditional use in all residential zoning districts provided it complies with all of the requirements of the particular zoning district, all applicable requirements of this Ordinance and the Grantsville City Code, including business licensing requirements.

8.3 NURSING CARE FACILITIES.

(1) A nursing care facility shall be permitted as a conditional use in the RM-7 and RM-1 5 zoning districts provided that it complies with all of the requirements of that particular zoning district, all applicable requirements of this Ordinance and the Grantsville City Code, including business licensing requirements.

8.4 GROUP HOMES.

(1) The purpose of this chapter is to permit the establishment of group homes for the disabled subject to licensing procedures and, where appropriate, conditional use standards. No group home for the disabled, shall be established, operated or maintained within the City without a valid license issued by the Board of Health. Small group homes (four to six residents) shall be permitted upon the issuance of a license in the RR-5, RR-1, R1-1 0, R1-12, RM-7, and RM-1 1 zoning districts, provided that no small group home shall be located within eight hundred feet of another group home or a transitional treatment home.

(2) Large group homes (seven or more residents) may be permitted by conditional use permit upon the issuance of a license in the RM-7 and RM-1 1 zoning districts provided that no large group home shall be located within eight hundred feet of another group home or a transitional treatment home.

(3) A residential facility for disabled persons shall be consistent with existing zoning of the desired location. A residential facility for disabled persons shall:

- (a) be occupied on a 24-hour-per-day basis by eight or fewer disabled persons in a family-type arrangement under the supervision of a house family or manager;
- (b) conform with applicable standards of the Department of Human Services;
- (c) be operated by or operated under contract with that department;
- (d) the facility meet all applicable building, safety, zoning, and health ordinances applicable to similar dwellings;
- (e) the operator of the facility provide assurances that the residents of the facility will be properly supervised on a 24-hour basis;
- (f) the operator of the facility establish a municipal advisory committee through which all complaints and concerns of neighbors may be addressed;
- (g) the operator of the facility provide adequate off-street parking space;
- (h) the facility be capable of use as a residential facility for disabled persons without structural or landscaping alterations that would change the structure's residential character;
- (i) no residential facility for disabled persons be established within three-quarters mile of another residential facility for disabled persons;
- (j) no person being treated for alcoholism or drug abuse be placed in a residential

facility for disabled persons;

- (k) no person who is violent be placed in a residential facility for disabled persons; and
- (l) placement in a residential facility for disabled persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

(2) Upon application for a permit to establish a residential facility for disabled persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, Grantsville City may decide only whether or not the residential facility for disabled persons conforms to ordinances adopted by Grantsville City under this part. If Grantsville City determines that the residential facility for disabled persons complies with those ordinances, it shall grant the requested permit to that facility.

(3) The use granted and permitted by this section is non transferable and terminates if the structure is devoted to a use other than a residential facility for disabled persons or if the structure fails to comply with the ordinances adopted under this part.

8.5 TRANSITIONAL TREATMENT HOMES.

(1) The purpose of this chapter is to permit the establishment of transitional treatment homes for the disabled subject to licensing procedures and, where appropriate, conditional use standards. No transitional treatment home for the disabled, shall be established, operated or maintained within the City without a valid license issued by the Board of Health.

(2) Small transitional treatment homes (four to six residents) may be allowed as a conditional use permit in the RM-7, and RM-1 zoning districts, provided that no small group home shall be located within eight hundred feet of another transitional treatment home or a group home.

(3) Large group homes (seven or more residents) may be permitted by conditional use permit in the RM-7 and RM-1 zoning districts provided that no large group home shall be located within eight hundred feet of another group home or a transitional treatment home.

8.6 MUNICIPAL ORDINANCES GOVERNING ELDERLY RESIDENTIAL FACILITIES.

(1) The purpose of this chapter is to establish that a residential facility for elderly persons shall not be operated as a business;

- (a) be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;
- (b) be consistent with existing zoning of the desired location; and

- (c) be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.

(2) A residential facility for elderly persons is a permitted use in any area where residential dwellings are allowed, except an area zoned exclusively single-family dwellings. Upon application for a permit to establish a residential facility for elderly persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, Grantsville City may decide only whether or not the residential facility for elderly persons conform to ordinances adopted by Grantsville City under this part. The permit process requires that:

- (a) the facility meet all applicable building, safety, zoning, and health ordinances applicable to similar dwellings;
- (b) adequate off-street parking space be provided;
- (c) the facility be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
- (d) no residential facility for elderly persons be established within three-quarters mile of another residential facility for elderly persons or residential facility for handicapped persons.
- (e) no person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons; and
- (f) placement in a residential facility for elderly persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

(3) Subject to granting of a conditional use permit, a residential facility for elderly persons shall be allowed in any municipal zoning district that is zoned to permit exclusively single-family use, if that facility:

- (a) conforms to all applicable health, safety, zoning, and building codes; is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character; and
- (b) no residential facility for elderly persons be established or permitted within three-quarters mile of another existing residential facility for elderly persons or residential facility for handicapped persons.

(4) The use granted and permitted by this section is non transferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the ordinances adopted under this part.

(5) The requirements of this section that requires a residential facility for elderly persons obtains a conditional use permit or other permit does not apply if the facility meets the requirements of existing zoning ordinances that allow a specified number of unrelated persons to live together.

(6) The decision of a municipality regarding the application for a permit by a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on:

- (a) the age of the facility's residents; or
- (b) discrimination against elderly persons and against residential facilities for elderly persons.

8.7 MUNICIPAL ORDINANCES GOVERNING RESIDENTIAL FACILITIES FOR HANDICAPPED PERSONS.

(1) The purpose of this chapter is to establish that a residential facility for handicapped persons shall be:

- (a) consistent with existing zoning of the desired location;
- (b) be occupied on a 24-hour-per-day basis by eight or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager; and
- (c) conform with applicable standards of the Department of Human Services and be operated by or operated under contract with that department.

(2) A residential facility for handicapped persons is a permitted use in any area where residential dwellings are allowed, except an area zoned exclusively single-family dwellings. Upon application for a building permit to establish a residential facility for handicapped persons in any area where residential dwellings are allowed, except an area zoned to permit exclusively single-family dwellings, Grantsville City may decide only whether or not the residential facility for elderly persons conform to ordinances adopted by Grantsville City under this part. The building permit process shall require that:

- (a) the facility meet all applicable building, safety, zoning, and health ordinances applicable to similar dwellings;
- (b) the operator of the facility provide assurances that the residents of the facility will be properly supervised on a 24-hour basis;
- (c) the operator of the facility establish a municipal advisory committee through which all complaints and concerns of neighbors may be addressed;
- (d) the operator of the facility provide adequate off-street parking space as is required in Chapter 6 of this code;
- (e) the facility be capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character;
- (f) no residential facility for handicapped persons be established within three-quarters mile of another residential facility for handicapped persons;
- (g) no person being treated for alcoholism or drug abuse be placed in a residential

facility for handicapped persons;

- (h) no person who is violent be placed in a residential facility for handicapped persons; and
- (i) placement in a residential facility for handicapped persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

(3) Subject to granting of a conditional use permit, a residential facility for handicapped persons shall be allowed in any municipal zoning district that is zoned to permit exclusively single-family use. Subject to granting of a conditional use permit the Planning Commission shall be assured that:

(a) no person who is being treated for alcoholism or drug abuse may be

placed in a residential facility for handicapped persons;

- (b) no person who is violent may be placed in a residential facility for handicapped persons; and
- (c) placement in a residential facility for handicapped persons shall be on a strictly voluntary basis and may not be a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution.
- (d) conforms to all applicable health, safety, zoning, and building codes;
- (e) is capable of use as a residential facility for handicapped persons without structural or landscaping alterations that would change the structure's residential character; and
- (f) no residential facility for handicapped persons be established within three-quarters mile of another existing residential facility for handicapped persons.

(4) If Grantsville City determines that the residential facility for handicapped persons complies with those ordinances, it shall grant the requested permit to that facility.

(5) The decision of a municipality regarding the application for a permit by a residential facility for handicapped persons shall be based on legitimate land use criteria and may not be based on:

- (a) handicapping condition of the facility's residents; and
- (b) discrimination against handicapped persons and against residential facilities for handicapped persons.

(6) The use granted and permitted by this section is non transferable and terminates if the structure is devoted to a use other than a residential facility for handicapped persons or if the structure fails to comply with the ordinances adopted under this part.

8.8 CITY COUNCIL REVIEW AND APPROVAL OF CERTAIN DEVELOPMENTS REQUIRED.

- (1) Notwithstanding any other provision to the contrary in this Code or under any other

Grantsville city Ordinance, all new developments or construction projects having an estimated new construction value of over \$250,000.00, all multiple occupancy non-residential structures with over four separate occupants or uses and all apartment or condominium structures or developments having more than two residential units, shall be first reviewed and approved by the City Council prior to the commencement or construction.

- (2) The City Council review and approval required by this Section shall take place prior to the issuance of any building permits for the proposed project or development. The building Official's determination of valuation under Section 5- 2 of the Grantsville City Code shall be used to determine if the construction value of a project is over \$250,000.00 under this Section. This development also requires the review and approval of the Zoning Administrator or the Planning Commission, said review and approval shall be completed prior to the review and approval by the City Council under this Section.
- (3) The review and approval by the City Council under this Section shall be conducted in an effort to ensure that all departments of the City are notified of the proposed project prior to construction, that all applicable building and zoning regulations have been complied with, that utilities are efficiently provided to the property and that any negative impacts to the neighborhood or community are mitigated. The City council may impose such reasonable conditions and requirements as it deems necessary in order to achieve the foregoing objectives and to ensure that city planning issues are raised and resolved prior to construction.

8.9 Essential utilities and infrastructure to be completed prior to issuance of building permits. (Section added to code with Ordinance No. 2009-06)

(1) All essential utilities and infrastructure as identified herein, shall be installed and completed in each phase of a subdivision, planned unit development that includes more than one lot, or multifamily dwelling development, prior to the issuance of any building permit in that development. Essential utilities shall include culinary water, sewer lines, paved streets, curb, gutter and drainage improvements (when required by the final design), permanent street signs and electricity service. Notwithstanding anything to the contrary herein, the City Public Works Director shall have authority to authorize the issuance of building permits in these developments, when the street and other required improvements have been completed, with the exception of the street surface course, when taking into account weather and temperature conditions and the feasibility of completing the surface course. If the Public Works Director authorizes building to be issued under these circumstances, no occupancy permits shall approved prior to the final completion of the street surface course.