

# ORDINANCE NO. 16-10

## ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor</i> <i>(votes only in case of tie)</i>		
ROD DART <i>Council member</i>	X	
RICHARD M. DAVIS <i>Council member</i>	X	
STEVE LEIFSON <i>Council member</i>	X	
JENS P. NIELSON <i>Council member</i>	X	
KEIR A. SCUBES <i>Council member</i>	X	

I MOVE this ordinance be adopted: Council member Leifson  
I SECOND the foregoing motion: Council member Nielson

## ORDINANCE No. 16-10

### AN ORDINANCE AMENDING THE HOME OCCUPATION REQUIREMENTS TO ALLOW HOME OCCUPATIONS IN ACCESSORY BUILDINGS

WHEREAS, Spanish Fork City allows certain types of businesses to be conducted from residences, upon compliance with rules and regulations established by ordinance, and upon obtaining a home occupation business license; and

WHEREAS, the current ordinance limits home occupations to the dwelling; and

WHEREAS, allowing home occupations in accessory buildings in residential zones is appropriate if the residential character of the neighborhood is maintained; and

WHEREAS, conditions to the use of accessory buildings as home occupations will assure the residential character of the neighborhoods is maintained;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork City Municipal Code §5.40.010 is hereby amended as follows:

**5.40.010. Authorized.**

Home occupations are allowed in all of the residential zones of the City, either in the residence or an accessory building, upon strict compliance with the requirements and conditions of this chapter.

II.

Spanish Fork City Municipal Code §5.40.040(A) is hereby amended as follows:

**5.40.040 Conditions.**

A. The following conditions must be met in order to obtain and keep a home occupation business license:

1. The home occupation must clearly be incidental to or secondary to the residential use of the lot. If housed in an accessory building, the building must meet the stricter of the conditions of this chapter or the conditions and requirements for accessory buildings found in Spanish Fork Municipal Code §15.3.24.090(A).
2. The business must be conducted only by a resident or residents who reside on the site.

3. The business may occupy no more than 300 square feet if located in an accessory building, or the lesser of 300 square feet or 15% of the floor space of the residence if located in the residence. An exception exists for swim lesson home occupations if the swimming pool meets residential pool standards and is constructed primarily for the personal use of the occupants of the residence.

4. [no change]

5. [no change]

6. [no change]

7. [no change]

8. [no change]

9. [no change]

10. [no change]

11. The business shall comply with all safety codes, including fire, building, plumbing, electrical, or others which may be applicable. Swim lesson home occupations shall obtain approval from the Utah County Health Department for the proposed activity. Documentation from the Health Department is required prior to the issuance of a swim lesson home occupation business license.

12. [no change]

13. [no change]

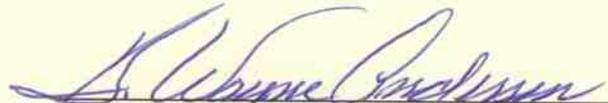
14. [no change]

15. Adequate parking must be maintained for the home occupation. The area utilized and/or designated as required parking may not be used in connection with a home occupation. Excess parking, as determined by the Community Development Director, by patrons in front of neighboring residences is grounds to revoke the home occupation business license.

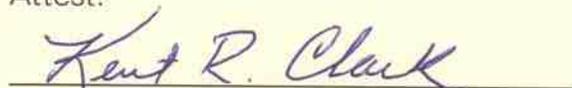
III.

This Ordinance shall become effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 3rd day of August, 2010.

  
G. WAYNE ANDERSEN, Mayor

Attest:

  
Kent R. Clark, City Recorder

