



Morgan City Corporation
90 West Young Street • PO Box 1085
Morgan, UT 84050
Phone: 801-829-3461 • Fax: 801-829-6684

APPLICATION FOR HOME OCCUPATION

Date of Application: _____

Name: _____

Address: _____

Telephone #: _____

Describe the nature of the desired Home Occupation:

Name of person operating said occupation: _____

Submittals required with this application:

1. A plot plan required of applicant. (Can be obtained through the Morgan County Recorder)
2. Location of home occupation on property (show on plot plan).
3. Area, in square feet, of dwelling compared to area to be used for Home Occupation.
4. Show alterations that are to be made to dwelling, if any.
5. All Home Occupations must be in accordance with Morgan City Zoning Ordinance, Chapter 10-8-3. If Preschool, Chapter 10-8-4 or Daycare, Chapter 10-8-5 (see attached).

Approval: Planning Commission Chairman

Date

Approved at the _____ Planning Commission Meeting.



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10-8-3: HOME OCCUPATIONS:

A home occupation, which shall be considered an accessory use, shall meet all the following provisions:

- A. Family Members: The occupation shall be limited to members of the family who reside on the premises;
- B. Allowable Area of Dwelling: The occupation shall involve the use of no more than one room in the dwelling or the equivalent of twenty percent (20%) of the ground floor area, whichever is greater. Home preschool/daycare shall meet all state and city requirements and building code requirements for the number of children allowed. If there are conflicts with any regulations, the more restrictive requirements shall apply;
- C. Activity Contained Within; Exceptions: No home occupation shall carry on activities outside of the dwelling not normally associated with residential use, except outside private swimming pools or tennis courts may be used for instruction and play areas provided for daycare/preschools. All outside home occupation activities shall be within fenced yard spaces. No portion of any home occupation shall be conducted in the attached or detached garage or carport section of the dwelling, nor shall the use of any accessory building, yard space or storage be allowed;
- D. Not Detectable by Residents: The occupation shall be conducted in such a manner that the average neighbor, under normal circumstances would not be aware of its existence;
- E. Nuisances Prohibited: The occupation shall not be associated with noise, dust, odors, noxious fumes, glare or other nuisances which are discernible beyond the premises;
- F. Parking Of Vehicles; Traffic: No objectionable traffic or parking shall be allowed around the premises;
- G. Nonhazardous Materials: No occupation shall create a hazard by using flammable explosives or other dangerous materials;
- H. Limited Signage: The occupation shall include no window displays and signage shall be limited to an identification sign which does not exceed four (4) square feet, located on a single wall or window;
- I. No Display of Merchandise: There shall be no display, nor stock in trade, nor any employees;
- J. Vehicles For Occupation: Vehicles associated with home occupations shall be limited as follows:
 - 1. Two (2) passenger cars, vans or pickup trucks; or
 - 2. One large truck not to exceed one and one-half (1 1/2) tons; or
 - 3. One trailer located out of the right of way and behind the front setback of the residential structure.
- K. Review Of Application; Appeal; Inspections: An application for a home occupation shall first be reviewed by the planning commission chair for approval. If, by the standard of clear and convincing evidence, the application satisfies the above requirements, the chair may grant approval of the application. Otherwise, the applications shall be referred to the planning commission. The decision of the planning commission may be appealed to the board of adjustment. Such appeal shall be applied for within thirty (30) days of the planning commission's decision. If the board of adjustment approves the application, the planning commission shall issue a home occupation permit. The planning commission may revoke the home occupation permit for violation of any provision of this code. Inspections may be performed without notice to ensure compliance to this section. (Ord. 040202, 4-2-2002)



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10-8-4: HOME PRESCHOOLS:

An educational facility operated on a residential premises with the following requirements:

- A. Regularly providing an educational program for not more than twelve (12) children at any one time (including the operator's natural, adopted or foster children under 6 years of age);
- B. Children are to be under six (6) years of age;
- C. Classes shall not be conducted for more than four (4) hours a day;
- D. Classes shall be operated between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00 P.M.);
- E. Instructors shall show evidence of knowledge in the field that they will be teaching;
- F. Instructors shall be licensed by the state, if applicable;
- G. The facility shall provide at least thirty five (35) square feet of interior floor area and at least one hundred (100) square feet of outdoor play area for each child;
- H. Such use shall be defined a "home occupation" for purposes of this title and be in compliance with all city codes; and
- I. Instructors shall specify the type of curriculum that will be taught. (Ord. 040202, 4-2-2002)

10-8-5: HOME DAYCARE REGULATIONS:

Any daycare operation conducted on property where the primary use is a residence shall be appropriately licensed by the state and the city, and shall comply with the following standards:

- A. Compliance; Exemption: The daycare operation shall comply with all provisions of a home occupation; except that a daycare shall be exempt from the limitation on the use of space in and outside the home.
- B. Single Provider Homes: A single provider home daycare shall be limited to not more than eight (8) children, including the provider's own children, under the age of six (6). No more than two (2) of the children may be under the age of two (2).
- C. Two Provider Homes: A two (2) provider home daycare shall be limited to not more than twelve (12) children, including the provider's own children, under the age of six (6). No more than three (3) of the children may be under the age of two (2). Both providers shall be residents of the home in which the home daycare is being conducted.
- D. Interior Space: There shall be a minimum of thirty five (35) square feet of interior space provided for each person within the area being used home daycare. Such space shall be exclusive of any storage, restroom or hall spaces. A floor plan indicating what area of the home will be utilized for daycare shall be submitted with each application. The floor plan shall be reviewed and approved by the city staff prior to operation of the home daycare.
- E. Yard Space; Site Plan: There shall be a minimum of one hundred (100) square feet of yard space provided for each child kept within the daycare. Said space shall be secured by fencing or other acceptable means. Any area or use within the yard area determined to be a hazard to children shall be secured from access and shall not be counted in the open space for the home daycare. A site plan of the yard space being used for home daycare shall be reviewed and approved by the city staff.



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10-8-5: HOME DAYCARE REGULATIONS: (cont.)

F. Exits:

1. The area(s) used for the home daycare shall have two (2) separate means of egress arranged so that if one is blocked, the other will be available.
2. Exit doors other than the main exit may be thirty two inches (32") wide. Main exits shall be thirty six inches (36") wide.
3. When the area being used for home daycare is located in the basement or on the second floor, one of the exits must discharge directly to the outside.

G. Third Story Prohibited: No home daycare shall be operated above the second floor of a residential structure.

H. Sleeping Area: Rooms used for sleeping shall have at least one window and door approved for emergency escape.

I. Doors:

1. Closet door latches shall be such that children can open the door from the inside of the closet.
2. Bathroom door locks shall be readily openable by the provider from the outside.

J. Smoke Detectors: Smoke detectors shall be installed according to the latest edition of the adopted building code.

K. Electrical Outlets: Electrical outlets shall be protected or capped with safety devices.

L. Hazardous Materials; Objects Secured: Toxic, hazardous, flammable materials, medicines, firearms or other potentially hazardous materials shall be locked in a protected area.

M. Heat Sources: Fireplaces, wood burning stoves, or open face heaters shall be inaccessible to children when in use. Portable space heaters are not permitted when children are on the premises.

N. Emergency Plan: Each home daycare shall have a written emergency and/or disaster plan which covers natural disasters, power failures etc., which may pose a health hazard to the children. Evidence that an emergency drill has been conducted at least on a quarterly basis shall be provided to the city/county fire department at the time of the yearly inspection.

O. Fire Extinguisher: The area devoted to daycare shall be provided with at least one fire extinguisher. (Ord. 040202, 4-2-2002)