

ERDA, UTAH
ORDINANCE NO.24 -04

AN ORDINANCE AMENDING THE LAND USE CODE TABLE 15-5-3.2 TO MAKE HOME -BASED BUSINESS AS A CONDITIONAL USE IN THE RR-5 ZONING DISTRICT AND AMENDING THE DEFINITION OF HOME BASED BUSINESS

WHEREAS, the Erda City Council (“Council”) met in regular session on March 28, 2024 to consider among other things, amending the Land Use Code Table 15-5-3.2 to make home-based business as a conditional use in the RR-5 zoning district and amending the definition of Home-Based Business; and

WHEREAS, Utah Code Ann. § 10-9a-503 provides in part that the Council may amend any regulations of a zoning district; and

WHEREAS, Erda City (“City”) has adopted a comprehensive zoning ordinance (“Zoning Ordinance”); and

WHEREAS, Utah Code Ann. § 10-9a-502 provides planning commission shall provide notice as required by Subsection 10-9a-205(1)(a) and, if applicable, Subsection 10-9a-205(4) and hold a public hearing on the proposed land use ordinances; and

WHEREAS, on September 25, 2023 the required notice was published; and

WHEREAS, on October 10th, 2023 the proposed amendment was submitted to the planning commission for its recommendation; and

WHEREAS, on October 10th, 2023 the planning commission held the required public hearing with respect to the amendment; and

WHEREAS, at the November 10th, 2023 planning commission meeting the Erda Planning Commission recommended not to approve the amendment; and

WHEREAS, the Erda Code of Ordinances and Utah Code, provides among other things, that before finally passing the Amendment, the Council shall consider the application during a public meeting which has been properly noticed in compliance with the provisions of Title 52, Chapter 4, of the Open and Public Meetings Act; and

WHEREAS, on November 29, 2023, the Council caused the required notice to be given; and

WHEREAS, on December 28th, 2023, the Council considered the amendment and remanded it to the Planning Commission for further consideration;

WHEREAS, at the February 13th, 2024 planning commission reviewed the remanded ordinance and recommended additional amendment (“Amendment”).

WHEREAS, on February 22nd, 2024, the Council considered the amendment and remanded it to the Planning Commission for further consideration;

WHEREAS, at the March 12th, 2024 planning commission reviewed the remanded ordinance and recommended additional amendment (“Amendment”) and recommended to approve.

NOW THEREFORE, BE IT ORDAINED by the Council that the Amendment be adopted (designated by interlineating the words to be deleted and underlining the words to be added) as attached.

This Ordinance assigned Ordinance No. 24-04, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

PASSED AND APPROVED this 28th day of March 2024.

ERDA COUNCIL

By: _____
Craig Smith, Vice-Chair

ATTEST:

Jennifer Poole, City Recorder

(126) "Home based business" means a **business** use of a scale greater than home occupation but which is still secondary to the residential use. It may be conducted entirely within a dwelling, an accessory structure or on the premises. A home based business does not include agricultural activities.

Table 15-5-3.2. Commercial and industrial uses.

#	Use	Multiple use (MU-)	Agriculture (A-)	Rural Residential (RR-)		
		40	20	1	5	10
	<p>other local health departments for child day care facilities.</p> <p>8. Meals and treats shall be provided in accordance with the Tooele County Health Department Regulations and State of Utah's Residential Certificate Rules: Child Nutrition.</p> <p>9. The employees of the Department of Engineering, Tooele County Health Department, Tooele County Sheriff's Department and the Utah Department of Health shall be permitted to inspect the day care facility during its hours of operation.</p>					
h	Construction equipment and supply trailer, temporary	C1	C1	C1	C1	C1
i	Construction field office, temporary	C1	C1	C1	C1	C1
j	Cottage industry that may be permitted to employ up to 10 employees that reside outside of the dwelling providing adequate off-street parking can be made available on the property	C	C	C	C	C
k	Electromagnetic Interference Testing (As described by FCC Docket No. 20780, Amendment 79-555 Governing Restricted Radiation Devices) (Rev. Or. 81-4)	C	C	C	C	C
l	Home based businesses that may be permitted to employ up to 10 employees that reside outside of the dwelling providing adequate off-street parking can be made available on the property.	C	C	-		C
	<p>Home based business</p> <p>a) Owner of business must occupy residence as their primary residence.</p> <p>b) May be permitted to employ have no more than 4 employees or contractors that reside outside of the dwelling at the residence at one time provided there is at least one off-street parking area available on the property for each employee and contractor.</p> <p>c) All outside storage shall be screened by a view obscuring fence and set behind or to the side of the primary structure and no closer to the road than the front setback the zoning district.</p> <p>d) All work shall be performed inside an enclosed structure.</p> <p>e) Shall be limited to two vehicles larger than a class 6 related to business operations; such vehicles shall not be allowed on residential neighborhood roads and business shall have frontage on a collector road. Access shall comply with Erda land use code 6-7.-</p> <p>f) Hours of operation as per Erda Code 6-19-5</p>				C	

	regulations and may be further restricted by Conditional use permit.					
m	<u>Low-Impact Home-Based Business</u>	P	P	P	P	P
n	Home occupations	C1	C1	C1	C1	C1
n	<p>Preschool with the following conditions:</p> <ol style="list-style-type: none"> 1. All preschool activities shall take place inside the residence. The students shall remain in the home except when an outdoor activity is related to the child's education or arriving to school and leaving school. 2. 4. The inside area that is used as the preschool be made to conform to those standards of the current and any future updates of the building code for such a use. 	C1	C1	C1	C1	C1