

Toquerville City
CONDITIONAL USE PERMIT/HOME OCCUPATION
Fee: \$35.00



APPLICATION & SUBMITTAL CHECKLIST

Name: _____ **Telephone:** _____

Business Name: _____

Address: _____ **Fax No.** _____

Email: _____

Agent (If applicable): _____ **Agent's Phone:** _____

Address of Subject Property: _____

Tax ID of Subject Property: _____ **Zone District:** _____

Proposed Conditional Use: (Describe, use extra sheet if necessary) _____

This application shall be accompanied by the following:

- _____ 1) A vicinity map showing the general location of the application.
- _____ 2) Three (3) copies of a plot plan showing the following:
 - _____ Property boundaries, dimensions and existing streets.
 - _____ Location of existing and proposed buildings, parking, landscaping and utilities.
 - _____ Adjoining property lines and uses within one hundred (100) feet of subject property.
- _____ 3) A reduced copy of all plans (8 1/2 x 11 if readable, or 11 x 17) if original plans are larger.
- _____ 4) Building elevations for new construction, noting proposed materials and colors.
- _____ 5) Traffic impact analysis, if required by the City Engineer or the Planning Commission.
- _____ 6) Applicant's responses to the Conditional Use Permit standards for review. (attached)
- _____ 7) A statement indicating whether the applicant will require a variance in connection with the proposed conditional use permit. (If required, the variance should be filed with the conditional use permit submittal.)
- _____ 8) Warranty deed, preliminary title report, or other document (see Affidavit of Property owner attached) showing evidence that the applicant has control of the property.
- _____ 9) Applicant will provide a map showing all properties within 300 feet of property boundaries; copies may be acquired (minimal or no charge) from the Washington County Recorder's Office

(downstairs) at 197 E. Tabernacle, St George. Applicant will provide addressed and stamped envelopes for each property owner shown. Toquerville City will provide the letter of notice and mail the Planning Commission (PC) Public Hearing date scheduled for affected residents.

NOTE: It is important that all applicable information noted above is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Contact the Planning Department for the deadline date for submissions. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed due to an incomplete application could result in a month's delay.

(Office Use Only)

DATE RECEIVED: _____ RECEIVED BY: _____

DATE APPLICATION DEEMED TO BE COMPLETE: _____

COMPLETION DETERMINATION MADE BY: _____

Signature

CONDITIONAL USE PERMIT/HOME OCCUPATION

PURPOSE

The purpose of this permit is to allow persons, in compliance with the requirements and who are issued a conditional use permit, to utilize a portion of their residential premises as a place of business. Such business shall only be operated by the residents in the home and shall not be of such nature or scope that the operation of the business disrupts neighbors or detracts, changes or modifies the character of the neighborhood in which it is located.

WHEN REQUIRED

The conditional use permit is primarily required whenever an in-home business or occupation is operated in an R-1-12, R-1-15, R-1-20, MU-20, A, RM-1 or RM-2 zone.

APPROVAL STANDARDS (From Section 10-7-9 of Land Use Code)

To authorize a conditional use, permit the Planning Commission at a public meeting must find that the evidence presented establishes:

- a) That no persons other than the residents of the residential premises shall be employed in the home occupation. No independent contractors shall come upon the residential premises to conduct the work of the home occupation.
- b) The home occupation shall not alter the residential character of the residential premises by reason of activity, color, design, materials, storage, construction, lighting, sounds, noises, vibrations, dust, odors, noxious fumes, etc., nor shall it unreasonably disturb the peace and quiet of an individual and/or the residential neighborhood, nor interfere with area radio or television reception.
- c) Outside storage of equipment and/or materials associated with the home occupation business shall not be permitted.
- d) Only two (2) vehicles may be used in association with the home occupation, and they shall be capable of being parked in the garage (or regularly parked areas normally used by the resident). Any vehicles used for the home occupation shall be limited to a maximum size of one-ton gross vehicle weight.
- e) The number of square feet used for conducting the home occupation, whether in the residence or other permitted structure, shall not exceed twenty-five percent (25%) of the total area of the residence, plus attached garage, not to exceed five hundred (500) square feet.
- f) The home occupation may be conducted in a garage or other structure on the premises, subject to the following:
 1. The garage may not be altered in any way that prevents the parking vehicles within.
 2. Sufficient off street parking must be available for the vehicles displaced by using the garage to conduct the home business.
- g) No business signs are to be displayed on the residential premises in the connection with the home occupation.
- h) The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zoning in which the use is located.

- i) The home occupation shall not create noise in excess of that which is customary to the immediate neighborhood.
- j) The proposed home occupation will not place the residence or permitted structure out of conformity with all applicable fire, building, plumbing, electrical and health codes, as well as with all federal and state regulations and other ordinances of the city. The residential premises shall be subject to inspection by the city for compliance purposes.
- k) The proposed home occupation will not cause a demand for municipal or utility services, or community facilities, in excess of those usually and customarily provided for similar residential premises in the affected zoning area.
- l) Promotional meetings for the purpose of selling merchandise, taking orders or training shall not be held more than once in any calendar month.
- m) No sales of goods or materials requiring regular or frequent delivery to a customer by a semi-tractor/trailer truck are permitted.
- n) No hours of operation between ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. are permitted.
- o) No storage, usage or disposal of hazardous or flammable materials is permitted.
- p) All trash and refuse created by the home occupation is to be disposed of regularly and the storage of all trash/refuse will be kept in appropriate containers out of the sight of the public from in the front of the residence.
- q) Applicant shall maintain a valid business license issued by the City, or in the case of satellite operation, in the city where the main center of operations for the home occupation is located.

APPEALS:

A home occupation permit denial, revocation or non-renewal may be appealed to the City Council by filing a written notice of appeal with the City Recorder within ten (10) days of an applicant's receipt of the written notice of denial, revocation or non-renewal. The City Council shall hear the appeal within sixty (60) days of the notice of appeal being filed.

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
 :SS
COUNTY OF)

I (we), _____, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying and the Toquerville City Planning staff have indicated they are available to assist me in making this application.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____ 20__.

(Notary Public)

Residing in: _____

My Commission Expires: _____

Agent Authorization

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____ 20__.

(Notary Public)

Residing in: _____

My Commission Expires: _____