



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: September 14, 2026

NAME OF APPLICANT: City of Midway

AGENDA ITEM: Home Occupations – Number of Vehicles

ITEM: 3

Midway City is proposing a code text amendment to Section 16.13.270: Home Occupations. The proposed changes would amend various requirements of code including, but not limited to, number of vehicles, work and personal, allowed on a lot or parcel.

BACKGROUND:

Based on discussion from the City Council discussion for the September 1st meeting in which staff were directed to propose language that would limit the number of vehicles for properties that have been issued home occupations licenses, the following language is proposed:

F. Vehicle and Trailer Parking and Storage Limits.

The total number of vehicles and trailers parked or stored on a property at any one time shall not exceed the maximum capacity of the garage plus an additional allowance based on lot acreage.

- 1. **Acreage Allowances:** The maximum number of vehicles or trailers permitted outside of an enclosed garage is strictly limited by lot size as follows:*
 - **Less than 0.5 acres:** Maximum of three (3) additional vehicles or trailers.*
 - **0.5 acres to 1.0 acre:** Maximum of four (4) additional vehicles or trailers.*
 - **Greater than 1.0 acre:** Maximum of five (5) additional vehicles or trailers.*
- 2. **Surface Requirements:** All vehicles and trailers parked outside of an enclosed garage must be parked entirely on a hard-surfaced parking area consisting of asphalt, concrete, brick pavers, or gravel.*

The following is the original staff report from September 1st:

The proposed code text amendment limits the number of vehicles allowed on a property where a Home Occupation Business License has been approved. Currently, the city code does not restrict the number of vehicles or trailers allowed for home occupations. However, a recent increase in resident complaints has prompted the city to address this regulatory gap.

Midway allows two types of home-based businesses:

1. Home Occupation: Designed for home offices that have little to no impact on the surrounding neighborhood. The code defines a Home Occupation as:

Any occupation conducted within a dwelling which is clearly secondary in importance to the home as a dwelling or place to live and carried on only by persons residing in the dwelling and where customers do not come to the home to conduct business. In other words, the business is conducted over the telephone or Internet and any products are shipped to the customer. The business owner does paperwork within the home and any meetings with or services to clients are rendered away from the home (such as an accountant, decorator or consultant).

2. Cottage Industry: Also designed to maintain a low neighborhood impact, but allows for minimal clientele visits. A Cottage Industry is defined as:

One of a list of identified limited business activities authorized to operate out of a person's home in a residential zone which is secondary to the residential use of the property and does not alter the character of the residential neighborhood. Employment is limited to legal residents of the home, clients and client vehicles are restricted in number, and all business activity must be conducted within the primary dwelling unit. A list of recognized cottage industries and applicable restrictions are set forth in this Chapter.

While a Cottage Industry inherently carries a minor neighborhood impact, a Home Occupation should have virtually none. For the hundreds of Home Occupations currently operating in Midway, this has generally been the case. However, issues arise when a home occupation expands to the point where the property begins to look more like a commercial enterprise than a residence. A primary factor causing this shift is an excessive number of vehicles parked on site.

To address this, Midway is proposing a code text amendment to cap the number of vehicles and trailers parked on a home occupation property to two, plus any vehicles parked inside a garage.

The proposed code would read as follows with the text in red being the proposed additions:

16.13.270 Home Occupations

A conditional use permit for home occupations, as described below, may be approved by the Zoning Administrator when he or she finds the application to be in compliance with the following:

- A. *Home occupations are permitted in the zone.*
- B. *The home occupation is clearly incidental to and secondary to the residential use of the dwelling unit and does not occupy more than 500 square feet or 25 percent of the total floor area of such dwelling unit, whichever is less.*
- C. *The home occupation is carried on entirely within the dwelling unit by one or more of the residents residing within the dwelling. For the purposes of this Section, a garage, carport, patio, breezeway or any accessory building is not considered to be part of the dwelling.*
- D. *It shall not be permitted to conduct any activity of the home occupation outside of the dwelling unit or store materials or products outside of the dwelling unit. There shall be no external evidence of the home occupation. Signs shall be as permitted as outlined in this Title.*
- E. *The home occupation shall not have customers or other persons coming to the home to conduct business. Note: Home-based businesses where customers come to the home are regulated in this Title.*
- F. *The total number of vehicles and trailers parked or stored on the property at any one time shall not exceed the capacity of the garage plus two (2) additional vehicles or trailers. No more than two (2) of the allowed vehicles or trailers may be parked outside of the garage. All vehicles and trailers parked outside of the garage shall be parked on a hard-surfaced parking area consisting of asphalt, concrete, pavers, or gravel.*
- G. *The home occupation shall be in compliance with Title 5 requirements of this Code.*
- H. *The home occupation must comply with all Midway City building and fire codes.*
- I. *The home occupation shall apply for, be issued, and keep current a Midway City business license after conditional use approval and before commencing operations.*
- J. *No known zoning violations shall be in existence on the applicant's property in order to be approved for a conditional use or for approval of subsequent business licenses thereafter.*
- K. *In the event that complaints concerning a home occupation are filed with the City, the Zoning Administrator shall investigate problems identified in the complaint to determine if the home occupation is being conducted in violation of this Code. If the Zoning Administrator determines the home occupation is in violation of this Code, the Administrator shall pursue the elimination of the violating activity in accordance with this Title.*

ANALYSIS & GENERAL PLAN ALIGNMENT:

This proposal ensures that home occupations maintain a minimal impact on surrounding properties, preserving the residential aesthetic of our neighborhoods. When a home occupation successfully outgrows its residential limits, it should transition into a commercial or industrial zone. While vehicle and trailer regulations will be stricter for home occupations than for standard residences, this standard is necessary to balance the privilege of running a business within a residential neighborhood.

As a legislative action, this amendment should be evaluated against its alignment with the Midway City General Plan:

- Maintain and enhance the pleasing appearance and environmental quality of existing residential neighborhoods (page 21).

- Develop and implement standards and policies that promote attractive and well-planned residential subdivisions in areas where there are existing public services. (page 22).
- Enforce ordinances which require landowners to keep their property free of weeds, junk vehicles and equipment, unsightly buildings, trash and other debris. (page 22).

Again, this proposal is a legislative in nature and the City Council has full discretion in this matter. The City Council may deny the request, approve as presented, or approve any modifications the City Council finds necessary to promote the health, safety, and welfare of the community.

PLANNING COMMISSION RECOMMENDATION:

Motion by Commissioner Nokes: “I propose we recommend approval of a code text amendment in Section 16.13.270, Home Occupations. The proposed change would amend various requirements of code, including but not limited to the number of vehicles, work and personal, allowed on the lot or parcel, with modifications to the proposed code to the effect that the number of vehicles and trailers parked and visible on site at any time shall be limited to two. That way, they can park the cars in the garage, with two cars visible in the yard. The second piece is requiring vehicles to be parked on a proper parking surface—concrete, asphalt, pavers, or gravel.”

Second: Commissioner Knight

Ayes: Commissioners Nokes, Farrell, Facer, Winegar, Dougherty, Knight

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- The proposed code text amendment aligns with the goals and policies of the Midway City General Plan. Specifically, it advances the city's mandate to maintain and enhance the pleasing appearance and environmental quality of existing residential neighborhoods (p. 21) and supports the enforcement of ordinances that prevent the accumulation of excessive vehicles and equipment that degrade residential character (p. 22).
- While Home Occupations are intended to have zero neighborhood impact, the unrestricted accumulation of business-related vehicles and trailers on residential lots can create visual blight, parking congestion, and a commercial appearance. Capping the allowable number of vehicles and trailers to garage capacity plus two provides a clear, enforceable standard that preserves the residential aesthetic of Midway's neighborhoods.

- The proposed amendment establishes a balanced framework that protects the right of residents to operate low-impact, home-based businesses while simultaneously protecting neighboring property owners from the negative secondary impacts of expanding commercial operations in non-commercial zones.

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
3. Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial