

15-13-14 Home Occupations

A. Purpose. The purposes of this section are to:

1. Provide an opportunity for Home Occupations as an accessory use, when they are compatible with the neighborhoods in which they are located. A Home Occupation shall not be construed to mean an employee, working in his/her home in the service of an employer whose principal place of business is licensed at another location.
2. Guide business activities which are not compatible with neighborhoods, to appropriate commercial zones.
3. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazard and other possible business uses that are in excess of that customarily associated with the neighborhood.
4. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities, and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the Home Occupation Ordinance, and if necessary terminate Home Occupations if violations of the ordinances regulating Home Occupations occurs, as provided for in Title 5, Chapter 16 Revised Ordinances of Sandy City (herein after referred to as R.O.S.C.)

B. Home Occupation License. All Home Occupations shall be licensed, unless specifically provided an exemption in this section or in Title 5, R.O.S.C. Only the owner of a business may apply for a Home Occupation business license and the applicant must be a bona fide resident of the home. The authority to issue a license to conduct a Home Occupation shall be under the jurisdiction of the Business License Section of the Community Development Department.

C. Categories and Requirements of Home Occupation Licenses. Home Occupation businesses are licensable as Category I, "Permitted Home Occupation", or Category II, "Conditional Use Home Occupation". Category II "Conditional Use Home Occupation" requires review and approval of the Planning Commission.

Category I Home Occupation businesses must comply with all of the "Standards" and all of the "Qualifications" set forth herein. Category II Home Occupation businesses must comply with all of the "Standards" set forth herein. Category II Home Occupations may modify specific "Qualifications" through the Conditional Use process as described in the Category II section.

D. Standards. All Category I and Category II Home Occupations shall comply with all of the following Standards at all times:

1. Bona Fide Resident. The Home Occupation business shall be owned by and carried on only by a bona fide resident of the home.
2. Satellite Office Not Allowed. A Home Occupation shall not be construed to mean an employee, working in his/her home in the service of an employer whose principal place of business is licensed at another location. Business activities shall not be conducted at the home of an employee of a company, by non-resident company employees.

3. Accessory Use On The Property. The Home Occupation shall be clearly secondary and incidental to the primary use of the dwelling unit for residential purposes.
4. On-Site Employees. One full-time or full-time equivalent non-resident may be employed, volunteer, or work on the premises wherein the Home Occupation business is located. No more than two (2) persons shall comprise the equivalent full-time employee, and only one (1) non-resident employee may work at the home at one time.
5. Off-Site Employees. Any Home Occupation may utilize employees to work off-site. The off-site employee, volunteer, hiree or any other person engaged with the Home Occupation shall not come to the home for purposes related to the Home Occupation license, except for incidental vehicle stops.
6. Off-Street Parking. All business related vehicles, which park at the location of the Home Occupation, including those of the applicant, employee, customer, client or business-related visitor vehicles must be provided and use off-street parking. This provision to exclude stops made by delivery vehicles.
7. Vehicle Advertisement. Vehicles or equipment may not be used for the primary purpose of advertising the Home Occupation at the site of the Home Occupation.
8. Designating Areas of Property to Be Used. The home occupation applicant must designate the portion of the home, accessory structure, yard, attached or detached garage dedicated as the principal location for business activities.
9. External Appearance. The Home Occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage or accessory structures. Any structural alterations to accommodate the home occupation shall maintain the architectural aesthetics and compatibility of the neighborhood.
10. Outdoor/Yard Space. The Home Occupation shall not involve the use of any unscreened or unenclosed yard space for storage or display of supplies, inventory or equipment when such use is in conjunction with the sales, service or production of goods. Any screened area or structure used for the home occupation must be located in either the side or rear yard areas.
11. Conformity with Safety Codes. There shall be complete conformity with fire, building, plumbing, electrical and all other city, county, state and federal codes.
12. Health and Safety. No process can be used which is hazardous to public health, safety, morals or welfare.
13. No Excessive Utility Uses. The Home Occupation shall not cause a demand for municipal, community or utility services that are substantially in excess of those usually and customarily provided for residential uses.
14. Neighborhood Disruptions Not Permitted. The Home Occupation shall not interfere or disrupt the peace, quiet and domestic tranquility of the neighborhood. The Home Occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic or other nuisances, including interferences with radio and television reception or any other adverse effects within the neighborhood.

15. **Renter/Owner Responsibility.** If the applicant for a Home Occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner at the time the application is submitted to the License Office.
 16. **Interior Alterations/Remodeling.** Interior alterations of the principal dwelling, for the purpose of accommodating the Home Occupation are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas or all of the bedrooms.
- E. **Qualifications.** In addition to the Standards previously set forth, all Category I Home Occupation businesses must also comply with the provision of the Qualifications sections outlined below. If a business finds that they are unable to fully comply with all of the requirements as set forth in this Qualifications section, the applicant may pursue possible approval as a Category II business through the Conditional Use Permit process before submitting the application for a Home Occupation license.
1. **Hours.** No visitors in conjunction with the Home Occupation (clients, patrons, employees, volunteers, students, pupils etc.) shall be permitted between the hours of 10:00 P.M. and 6:00 A.M.
 2. **Traffic.** Vehicular traffic from business related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood, and shall be conducted so that the neighbors will not be significantly impacted by its existence. The Home Occupation shall be limited two (2) business related visitors or customers per hour, to a maximum of eight (8) business related visitors or customers per day. Business related deliveries or pickups shall not exceed two (2) per day.
 3. **Delivery Vehicles.** The receipt or delivery of merchandise, goods, or supplies for use in a Home Occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of twenty-three thousand (23,000) pounds or less.
 4. **Conducted in a Home.** When business activities are being conducted on the property that is to be licensed, the Home Occupation shall be primarily conducted within the principal home.
 5. **Maximum Floor Space.** No more than twenty-five percent (25%) of the total main floor area or upper living levels of the dwelling unit, nor, in the alternative more than fifty percent (50%) of the total floor area of any basement of the home unit shall be utilized for the Home Occupation.
 6. **Signs.** The Home Occupation may utilize one unanimated, non-illuminated flat sign, for each street upon which the home abuts. The sign must be placed either in a window or on the exterior wall of the home wherein the Home Occupation is being conducted, and may not have an area greater than one (1) square foot.
 7. **Display of Products.** The Home Occupation may include the sale of tangible goods. Direct sales from display apparatus is permitted only if the goods or products are not visible from the exterior of any approved structure being used for the home occupation.
 8. **Category I Home Occupation License Involving Child Day Care and Other Child Group Activities**
 - a. The Category I Home Occupation shall not exceed eight (8) children, associated with child day care or other child group activities (e.g. dance schools, preschool, music classes, etc.) at any one time. A maximum of eight (8) students/children is permitted per day. This number shall include the licensee's own children if they are under six (6) years of age and are under the care of the licensee at the time the Home Occupation is conducted.

- b. All child day care and other group child activity facilities shall be allowed to provide safe, outdoor play time as required by Federal, State, County or local laws governing such business activity.

F. **Category II, Conditional Use Permit Required.** If a Home Occupation is able to comply with all of the Standards, but is unable to comply with all of the Qualifications established in section 15-13-14 E, the proposed business activities must be reviewed by the Planning Commission and granted a Conditional Use Permit before pursuing a Home Occupation business license through the Business License Office of Sandy City.

- 1. In addition to any Conditions established by the Planning Commission at the time of its review, all Category II Home Occupations must comply with the following:
 - a. All Category II Home Occupation uses shall only be conducted from property with a single-family dwelling.
 - b. The Conditional Use Permit and the Home Occupation business license shall be maintained in good standing for the entire period that business is being conducted.
- 2. The following uses are appropriate as licensable Home Occupations only if they are determined to be compatible with residential neighborhoods after full Conditional Use review by the Planning

Commission, compliance with Title 5 Business Licensing, all of the Standards, all the Qualifications that have not been granted an exception through the Conditional use process and additional regulations set forth hereafter.

- a. Child Day Care Which is Expected to Exceed eight (8) Children at One Time. The following items indicate maximum limits that may be granted by the Planning Commission.
 - (1) A maximum of twelve (12) children is permitted at any one time.
 - (2) A maximum of eighteen (18) children is permitted per day.
 - (3) These numbers shall include the licensee's and any employees' children if they are under six (6) years of age and are under the care of the licensee at the time the Home Occupation is conducted.
 - (4) A maximum of 24 vehicular stops per day (for child drop off or pick up) is permitted.
- b. Other Group Child Activities Which are Expected to Generate or Exceed Eight (8) Children/Students (e.g. dance schools, preschools, music classes, other care or instruction for children) at Any One Time, Other Than Child Day Care. The following provisions indicate a maximum limit that may be granted by the Planning Commission.
 - (1) The following guidelines shall be used to determine the maximum number of students/children permitted:
 - (a) A traffic plan has been reviewed and approved by the City Transportation Engineer, which includes acceptable traffic flow, drop-off and turn-around areas; and
 - (b) The existing residential street is of sufficient width to accommodate additional vehicular traffic.

- (2) A maximum of twelve (12) students/children per session and a maximum of twenty-four (24) students/children per day shall be permitted.
- (3) A maximum of four (4) sessions per day may be permitted.
- (4) All sessions combined shall not generate more than 24 vehicular stops per day.
- (5) The total number of students/children shall include the licensee's and any employees' children if they are under six (6) years of age and are under the care of the licensee at the time the Home Occupation is conducted.
- (6) No Group Child Activities, Category II Home Occupation may be established within three hundred (300) feet as measured from property line to property line of another Group Child Activities, Category II Home Occupation use .

- c. **Work Shops.** Repair shops, including welding; carpentry; sheet metal work; furniture manufacturing; upholstery and other similar manufacturing activities.
- d. **Business Not Conducted Within a Home.** Any Home Occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:
 - (1) The applicant for a Home Occupation licence shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation and if approved, the home occupation may be conducted only in the designated area.
 - (2) No more than a maximum 200 square feet, or in the alternative, no more than 50% of the total floor space (whichever is the greater) of any accessory structure, or attached or detached garage may be used for the Home Occupation, unless there are specific exceptions granted by the Planning Commission.
 - (3) Any Home Occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the Home Occupation is located.
 - (4) Any accessory structure used for a Home Occupation, must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
 - (5) The Home Occupation may utilize one unanimated, non-illuminated flat sign to be attached the accessory structure where the home occupation is being conducted, in lieu of the sign attached to the home or in a window. The sign may not have an area greater than one (1) square foot.
- e. **Home Occupations and Outdoor Activities.** Any Home Occupations proposing to conduct business utilizing any yard space, or in a swimming pool.
- f. **Dangerous Home Occupations.** Any Home Occupation using explosives, incendiary products and devices, flammable or hazardous chemicals.
- g. **Home Occupations Generating Excessive Traffic.** Any Home Occupation which will generate in excess of two (2) customers or visitors per hour or six (6) per day. A maximum of twelve (12) business-associated visitors per day may be allowed under a conditional use permit, except as provided for with child day care and other group child activities.

- h. **Large, Business Related Vehicles.** Any Home Occupation which utilizes vehicles more than twenty-four (24) feet in length.
 - i. **Food or Beverage Preparation.** Any Home Occupation involving or proposing to involve food or drink preparation, storage or catering. Such a Home Occupation will be considered for a conditional use permit only when it is authorized by the appropriate State or County department or agency.
 - j. **More Than Two Home Occupation Licenses.** Any home where the applicant(s) are seeking more than two (2) Home Occupation licenses.
- G. **Prohibited Home Occupations.** The following uses, by the nature of the occupation, substantially impair the use and value of residentially-zoned areas for residential purposes and are therefore prohibited.
- 1. Mortuaries, crematorium, columbarium, mausoleum
 - 2. Animal Hospitals and veterinary services.
 - 3. Clinics, dental offices, medical offices, chiropractic office, or hospitals.
 - 4. Junk yards, auto wrecking yards or salvage yard.
 - 5. Stables, kennels, pet store or any other commercial animal breeding or similar activities. Grooming and obedience training or activities allowed within the scope of a "hobby license" as issued by the Animal Control Department of Sandy City may be permitted.
 - 6. Storage, service, repair, sales or rental of ambulance, tow truck, recreational vehicle, water craft, automobiles, ATV, or other motorized vehicles.
 - 7. Food or drink preparation, storage or catering which is not permitted by appropriate State or County department or agency.
 - 8. Fitness or health spa facility.
 - 9. "Boutiques", "sample sale" or craft shows.
 - 10. Auto body repair, motor vehicle repair, use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current, adopted Building and Fire Codes would require an 'Operational Permit'.
 - 11. Number of vehicular stops/or visits exceeds twenty-four (24) per day.