

11-6-116 Home Occupations

(1) This Section has been enacted to provide minimum standards for the establishment and operation of home occupations within residential areas.

(2) Home occupations may be permitted only as provided herein. Provided, however, a home occupation permit shall not be required for any of the uses listed in subsection (9) below.

(a) Any person desiring a home occupation permit, as provided in this Section, shall file an application with the Community Development Department. The application shall be on a form provided by the department and shall include such information as the Community Development Director shall require.

(b) Upon receipt of an application, the Community Development Director shall review the application and proposed home occupation for compliance with the conditions of subsection (3).

(c) If the Community Development Director determines that all of the conditions of subsection (3) are met, the Community Development Director shall grant the permit.

(3) All home occupations, whether or not a permit is required by this Section, shall be permitted only subject to and shall at all times comply with the following conditions. In making a decision on any application, the Community Development Director shall consider compliance of the proposed home occupation with the following conditions:

(a) Home occupations will be permitted only in the following zones: A-1, R1-15, R1-10, R1-8, R1-5, R2, RMHP, RMF-1, RMF-2, PO, VC and TC.

(b) The home occupation shall not allow the use of any accessory building, yard space or storage or for activities outside the dwelling not normally associated with residential use, except outside private swimming pools or tennis courts may be used for instruction. Additionally, outdoor space required by this article for child care related home occupation is excepted from this paragraph.

(c) No person, other than members of the family occupying the dwelling located on the zoning lot, shall be employed at the home occupation.

(d) The home occupation shall not require nor use any facilities for the display of goods.

(e) No commercial vehicles shall be used, with the exception of one delivery truck, which does not exceed three-fourths ton rated capacity.

(f) The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character of the building from that of a dwelling.

(g) One name plate or marker, not to exceed two square feet is allowed, and shall be attached to the dwelling or other structure as allowed by the Community Development Director. The home occupation shall not display nor create outside any structure any other external evidence of the home occupation.

(h) The total area devoted to the home occupation within a building or buildings shall not exceed 25% of the living area of the dwelling located on the zoning lot.

(i) The home occupation shall be registered with and licensed by the business license division of the City and with all applicable state agencies.

(j) Entrance from the outside to the area of the dwelling used for the home occupation shall be the same entrance normally used by the residing family, except when otherwise required by the Utah State Department of Health or other state agency.

(k) The physical appearance of the dwelling, amount of traffic and parking, and other activities generated by the home occupation shall not be contrary to the intent of the zone in which the home occupation is located. All required offstreet parking must be met.

(l) The home occupation shall, and the structure in which it is conducted shall, comply with all Fire, Building, Plumbing, Electrical and Health Codes.

(m) The home occupation shall not be associated with nor produce odor, fumes, dust, light, glare, color, design, materials, construction, lighting, sounds, noises, vibrations, including interference with radio or television reception, that may be discernable beyond the premises or which disturb the peace and quiet of the neighborhood.

(n) A home occupation shall not involve furnishing child care for more than twelve (12) children under twelve years of age, including children who reside in the dwelling unit, and child care may not be provided for more than three children under the age of two including the caregiver's own children under the age of two. There shall be at least two caregivers in the home occupation dwelling at all times where there are nine (9) or more children present, counting the caregivers own children, grandchildren, nieces, nephews, wards, step-children under age 12, or when more than two infants are present. All child care related home occupations are also subject to any State requirements and permits. The area of the home used in the home occupation must be fully finished. Within this dedicated area there must be at least 35 square feet per child. Additionally, the property for the home occupation must provide an outdoor play area that is fenced and sufficient in area to accommodate 100 square feet per child.

(o) The home occupation shall not require the use or storage of any hazardous

substance in excess of the amount usually used or stored in residential uses and, in order to protect the residents of the area from contact with contaminated materials, shall not include providing medical services.

(4) Any permit issued pursuant to this Section may be revoked by the Community Development Director for failure of the holder of the permit to comply with any of the conditions of subsection (3). The Community Development Director shall likewise refuse to grant a renewal of such a permit for failure of the holder to comply with any of the conditions of subsection (3).

(5) All home occupation permits issued pursuant to this Section shall be valid for a period of one year from the date of issuance. All home occupation permits issued pursuant to the former ordinance governing them shall expire one year from the effective date of this Section or at such earlier time as they may expire by their own terms. Thereafter, all home occupation permits shall be issued and renewed only in accordance with this Section.

(6) Applications for the renewal of a home occupation permit shall be made annually in accordance with the renewal process of a City Business License to the Community Development Director.

(7) All applications for the issuance of a home occupation permit shall be accompanied by an application fee in such amount as may be specified by the City's standard fee schedule established from time to time by resolution of the City Council. Such fee shall be in addition to any business license fee which may be required by other provisions of this Code.

(8) The Community Development Director, or his designee, may at all reasonable times enter the premises for which a home occupation permit has been issued to ascertain compliance with this Section. He may also inspect such premises prior to the issuance of a home-occupation permit. Refusal by the owner or occupant of the premises to allow such inspection, when requested, shall be grounds for denial or revocation of a home occupation permit.

(9) A home occupation permit shall not be required for use of a residence, which use is limited to receiving and sending mail and telephone calls or for child vendors, e.g.: lemonade stands.

(10) Any person aggrieved by a decision of the Community Development Director pursuant to subsection (2)(c) may appeal that decision to the Board of Adjustment as provided by Section 11-2-305.

(Amended by Ordinance No 25-2006, 9/5/2006, & Ordinance No 38-2006, 12/19/2006)