

CHAPTER 12-29 HOME OCCUPATIONS

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12-29-101. Purpose.

The purpose of these provisions is to ensure that home occupations remain secondary, incidental and accessory uses within the dwelling or on the dwelling site and that any nuisance created by a home occupation is prevented.

12-29-102. Scope.

The requirements of this Chapter shall apply to any home occupation conducted within the City. Home occupations may be conducted only in residential (including mixed-use residential zones) or agricultural zones, or within homes qualifying as a prior nonconforming use. The provisions of this Chapter shall not be construed to limit or prohibit any other requirements of this Title, of the Woods Cross Code or of other governing laws.

12-29-103. Allowed Occupations – Administrative Approval.

The occupations described in this Section are allowed occupations, provided that the adverse effects of the home occupation may be mitigated by compliance with reasonable conditions imposed for approval. Applications for allowed occupations will be reviewed by the Director, who may impose conditions for approval on any such use as needed. If deemed appropriate, the Director may require that any proposed allowed home occupation be reviewed by the Planning Commission before final approval. Allowed occupations include the following:

- (a) Artists, sculptors and other artistic/creative endeavors;
- (b) Authors and composers;
- (c) Home crafts for sale;
- (d) Office facility of clergy;
- (e) Office facility for outside sales, a sales representative, or manufacturer's representative;

- (f) Professional or home office facilities, where business or meetings with customers and clients are not conducted on-site;
- (g) Individual tutoring (a single student on-site at any given time);
- (h) Preserving and home cooking for sale;
- (i) Telephone solicitation work or other telecommunications type work; and
- (j) Other occupations that are demonstrated to be substantially similar to the foregoing.

12-29-104. Conditional Occupations – Planning Commission Approval.

The occupations described in this Section are conditional occupations and applications for these occupations shall be reviewed by the Planning Commission to ensure that any adverse effects created by such occupation may be mitigated by the imposition of and compliance with appropriate conditions. A conditional use permit shall be required for occupations described in this Section. Conditional occupations include the following:

- (a) Any use described as an allowed occupation when in the discretion of the Director review by the Planning Commission is warranted;
- (b) Single-chair hairstylist/beauty parlors, barber shops or single-station aesthetic or esthetician services (single-chair, single-station only);
- (c) Photography services, studios and printing/developing;
- (d) Computer, television and other electrical repairs (excludes repairs to automobiles, trucks, boats, motorcycles, snowmobiles, recreational vehicles and similar motor or engine-operated equipment);
- (e) Small engine repairs, (excludes repairs to automobiles, trucks, boats motorcycles, snowmobiles, recreational vehicles and similar motor or engine-operated equipment);
- (f) Upholstering;
- (g) Dressmaking and tailoring;
- (h) Woodworking;
- (i) Preschools;
- (j) Contractors;
- (k) Ceramics (limited to a single kiln smaller than six (6) cubic feet);
- (l) Carpet or upholstery cleaning;
- (m) Gun sales and repair;

- (n) Horticultural nurseries (exempt from requirement that occupation be conducted within a home or approved structure);
- (o) Pest or weed control service;
- (p) Massage therapy (single-station only);
- (q) Daycare;
- (r) Instructional services such as music, art, dance, etc.;
- (s) Professional or home office facilities, where business or meetings with customers and clients are conducted on-site; and
- (t) Other occupations that are demonstrated to be substantially similar to the foregoing.

12-29-105. Prohibited Home Occupations.

The following occupations are prohibited as home occupations:

- (a) Repair, bodywork, painting, glass replacement or detailing for automobiles, trucks, boats, motorcycles, snowmobiles, recreational vehicles and similar motor or engine-operated equipment;
- (b) Towing, trucking, delivery occupations, except where on-site operations are limited to office-related functions;
- (c) Funeral chapel, funeral home or mortuary;
- (d) Gift shops;
- (e) Medical clinic, dental clinic, chiropractic clinic and similar medical occupations;
- (f) Welding or machine shop;
- (g) Kennels, in-home veterinary services, animal hospitals or animal day-care;
- (h) Restaurants;
- (i) Body art services such as tattoo, body piercing and similar services;
- (j) Sexually oriented businesses as defined in Title 6, Chapter 12, as amended;
- (k) Any occupation that is demonstrated to be substantially similar to the prohibited occupations described above; and
- (l) Any use that is prohibited in the City's commercial, mixed commercial, industrial or airport zones.

12-29-106. Operational Requirements.

The following requirements shall apply to all allowed or conditional occupations:

(a) The exterior appearance and architecture of the home shall not be modified to accommodate or promote a home occupation.

(b) The home occupation shall be conducted entirely within the home or within an approved garage or accessory building. No storage of merchandise, equipment or materials shall occur outside the home or outside an approved garage or accessory building. If a garage is used for a home occupation, minimum space shall be maintained with the garage for at least 1 automobile (for a 1-car garage) or for 2 automobiles (for a garage designed to accommodate 2 or more automobiles).

(c) Subject to the requirements of this subsection, the home occupation shall generally be carried on entirely by persons residing in the dwelling unit wherein the occupation is conducted. One employee who is not a resident of the home may be employed for work on the premises upon the applicant's demonstration that the additional employee will not adversely affect the character or use of the residence, will not require on-street parking, will not adversely affect the character or use of the neighborhood, and upon a finding by the Planning Commission that reasonable conditions may be imposed to ensure that the purposes of this Chapter are met.

(d) The home occupation use shall not be the primary use of the home, and shall be demonstrably incidental to and secondary to the use of the dwelling for dwelling purposes.

(e) There shall be no advertising, display, signage, or other indications of a home occupation on the premise.

(f) The home occupation shall not create the emission of sounds, vibrations or odors.

(g) The area used for the home occupation shall not exceed the equivalent of 30% of the finished living space of the primary residential structure.

(h) All displays and sales of merchandise, supplies or products shall be conducted entirely within the home or within an approved garage or accessory building. With the exception of horticultural nursery products located in the rear yard behind an entirely opaque barrier, the display or sale of merchandise, supplies, or products is prohibited at any location on the exterior of home or an approved garage or accessory building. For sales of merchandise, supplies or products, no more than 2 customers per hour, or with conditional use approval to mitigate adverse effects of traffic, no more than 6 customers per hour.

(i) Explosive or flammable material shall be prohibited unless conditions may be imposed which mitigate the adverse effects thereof and ensure the safety of residents and neighbors.

(j) The home occupation shall not alter the residential character of the neighborhood, including but not limited to vehicular and pedestrian traffic, radio and television reception, color, design, materials, construction, lighting, odors, sounds, noise or vibrations.

(k) A home occupation shall not increase vehicle or pedestrian traffic by more than five percent (5%) on the street where the home occupation is located; if required by the City an

applicant shall submit a traffic study to demonstrate that this requirement will be met. This limitation shall not apply to a home occupation located on an arterial street.

(l) Parties or other gatherings at the home for the purpose of promoting or selling merchandise, taking orders or conducting training shall not be held more than two (2) times each month.

(m) All vehicles used by the occupation owner and/or employee in association with a home occupation shall be parked on paved off-street surfaces on the premises of the home; parking on landscape areas is prohibited.

(n) The use shall comply with all off-street parking requirements of this Title.

(o) Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales associated with a home occupation shall be permitted not more than four (4) times each year, and each sale shall not last more than two (2) consecutive days.

(p) The allowable number and size of vehicles and equipment used by the home occupation shall be as determined by the Director, or as applicable the Planning Commission. No more than (1) vehicle over twenty-two-feet (22') in length including trailers shall be within a front or side yard setback abutting a street. The size/capacity of such vehicles shall not exceed the equivalent of a one-ton pickup or van. Street parking of such vehicles and trailers is prohibited.

(q) With the exception of drop-offs or pick-ups associated with an instructional occupation, on-street parking at any location other than directly adjacent to the approved site is prohibited.

(r) Hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

(s) Home occupations shall not be licensed, approved or conducted without the written consent of the property owner.

(t) Where deemed appropriate by the Director or Planning Commission, inspection and approval by the local fire authority may be imposed as a condition of approval.

12-29-107. Exemptions.

The following business operations are exempt from this Chapter:

- (a) Sale of goods or services by residents of the home of age 18 or under.
- (b) Temporary personal uses such as garage sales, yard sales.

12-29-108. Special Requirements for Child Day Care, Preschool, Dance Studio, Music Instruction or Other Group Classes Involving Minors.

In addition to the other requirements of this Chapter, prior to the approval of a home occupation application or the issuance of a Woods Cross City Business License, the operation of an instructional-type occupation such as child daycare, preschool, music and art instruction, dance studio, or other group classes involving minors as a home occupation, shall meet the following requirements:

(a) A copy of any State agency license, permit of approval, if required, shall be included with the application or provided to the City as a condition of final approval.

(b) A copy of the Fire Marshall approval shall be provided to the City.

(c) If exterior play areas are utilized, such areas shall be fenced. The fence shall be a minimum of 6 feet high and have a self-closing, self-latching gate; openings in the fence shall not be large enough to allow a 4" sphere to pass through. Field fence and barbed wire fences are prohibited.

(d) The number of students shall not exceed eight (8) per session. The area used for instructional purposes shall be entirely within the primary structure on the premises or within an approved accessory building or garage. The total area used for instructional purposes shall not exceed the equivalent of 30% of the finished living space of the primary residential structure to a maximum of 500 square feet. Areas of unfinished construction cannot be used in these calculations.

(e) Children shall not be allowed in areas of the home with unfinished construction.

(f) Any home occupation involving child-care shall comply with all applicable State and local laws and regulations regarding residential childcare, including, but not limited to provisions of the Utah Child Care Licensing Act, as set forth in Utah Code Ann. §§ 26-39-101, *et seq.*, as amended, and the Residential Certificate Child Care Standards and Licensed Family Child Care Standards as set forth in the Utah Admin. Code §§ R430-50 and R430-90, as amended. Final approval of a home occupation license for such a use shall be conditioned upon presentation of a state-issued license for the use.

12-29-109. Non-Compliance.

Any Home Occupation Permit may be revoked by the Director or Planning Commission upon violation of any requirements of this Chapter, or upon failure to comply with any of the conditions or limitations of the permit, unless such violations are satisfactorily corrected within three (3) days of receipt of written notice thereof. A permit may be revoked for repeated violations of the requirements of this Chapter notwithstanding compliance to the violation notice. For purposes of this chapter, two violations in a 12-month period shall be presumed to be a repeated violation.

12-29-110. Appeal.

(a) In the event of denial of an allowed home occupation or revocation of the approval of an allowed home occupation, and aggrieved party may file a written appeal to the Planning Commission within thirty (30) days of a written decision or notification. An appeal of the Planning Commission's decision may be appealed to the Hearing Officer as provided in Section 12-4-102.

(b) In the event of denial of a conditional home occupation or revocation of the approval of a conditional home occupation, and aggrieved party may file a written appeal to the Hearing Officer (§12-4-102) within thirty (30) days of a written decision or notification.

12-29-111. Business License Required.

A Home Occupation permit is not a business license, and the granting of said permit shall not relieve permittee of any other license requirements of the city or any other public agency.