

18.84.380: HOME OCCUPATIONS:

A.Purpose: The purpose of this section shall be:

1. To allow the establishment and conduct of a modest level of business activity within dwellings within the city provided that such activities will be conducted under conditions and at levels of operation that will not adversely affect, undermine, injure or otherwise significantly depreciate the residential character of the area; and
2. To set forth the minimum conditions and criteria considered necessary to ensure that all business activity carried out within residential areas will remain incidental and to effectively implement the purposes set forth above.

B.Application Of Section; Exceptions: The provisions of this section shall apply to all persons, firms, or corporations which conduct or propose to conduct any business, service, professional activity, qualifying as a home occupation from any dwelling located in any zoning district in the city allowing residential dwellings as a permitted use. Provided that this section shall not apply to:

1. The infrequent and incidental sale of personal property (subject to subsection [18.22.040F](#) of this title).
2. The activities associated with the production of agricultural commodities and the incidental sale of such commodities produced on the premises.

C.Procedure For Approval Of A Home Occupation: Prior to the establishment of any home occupation an application for a home occupation permit shall be submitted to and approved by the planning commission. Said application shall be on forms furnished by the city and shall contain the following information:

1. The name of the applicant.
2. The location of the proposed home occupation.
3. A detailed description of the proposed activity.
4. An outline of the conditions and criteria required to be met in order to qualify as a home occupation and a written or graphic statement indicating how the proposed activity will comply with the required conditions and criteria.
5. A statement, signed by the applicant, that the home occupation will be established and conducted in accordance with the conditions and criteria of the ordinance and any conditions of approval attached by the planning commission.
6. Drawing of the home showing the area in which the home occupation will be performed.
7. A written notification to all property owners within a three hundred foot (300') radius of the property where the home occupation will be located. Said notification shall explain in detail the proposed home occupation and the activities that will be involved. In lieu of this requirement, the applicant may gather the signatures of all residents within three hundred feet (300') of the property where the proposed home occupation will be located. The signatures must be those of the head of household (18 years of age or older). The signatures must be located on a sheet of paper that explains the home occupation as described above. The paper must also state that the signature is for notification only, and that signing the notification does not waive any rights to

oppose the proposed home occupation at the planning commission meeting.

The planning commission may delegate to the planning and zoning director the responsibility to review all requests for a home occupation permit and to conduct such research and investigations as are required to determine compliance with the terms of this section and to submit a report of findings and recommendations for each application to the planning commission.

When, upon a review of the findings and report, the planning commission determines that the proposed use will be established and operated in accordance with the criteria hereinafter set forth ¹ and will be consistent with the intent provisions of the code relating to home occupations ², they shall pass a motion approving the establishment of the proposed home occupation. The effect of such approval shall be: 1) to authorize the establishment of the home occupation, subject to continued compliance with the representations set forth in the application and any conditions which may be attached by the planning commission and 2) to authorize the issuance of a business license.

D. Conditions And Criteria: All home occupations shall be subject to full compliance with the following conditions and criteria:

1. Home occupations shall be listed as a permitted or conditional use in the zone.
2. The home occupation shall be conducted entirely within a completely enclosed structure on the property. Detached structures where a home occupation is being conducted must be located within fifteen feet (15') of the residential dwelling.
3. The home occupation shall occupy not more than the equivalent of twenty five percent (25%) of the living area of the dwelling or five hundred (500) square feet, whichever is less. This shall also apply to detached structures.
4. The activities of the home occupation shall be conducted by members of the residing family. Provided that not more than one person, not a member of the residing family, may be engaged in the home occupation.
5. Any sale of goods not produced as part of the home occupation shall constitute a clearly incidental part of the operation of the home occupation. There shall be no display of goods produced by the home occupation observable from outside the dwelling.
6. No commercial vehicles shall be stored at the premises except one delivery truck which shall not exceed ten thousand (10,000) GVW rated capacity.
7. Not more than six (6) cars (including those owned by the resident family) may be parked at the residence at any one time and such vehicles shall be parked within the driveway or in front of the residence. Clients of the home occupation shall not park or store vehicles at the premises overnight.
8. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not have the effect of changing the character of the building or the attendant yard area from that of a dwelling.
9. Signs shall be limited to one nonilluminated identification nameplate not larger in area than four (4) square feet. Electric or electronic signs shall not be permitted. No on site advertising

signs shall be permitted. The sign must be attached to the building where the home occupation is to take place.

10. The home occupation shall be registered with the license agency of the city and shall maintain a current business license in accordance with city regulations.

11. Entrance to the home occupation from outside shall be through the same entrance normally used by the residing family except when a separate entrance may be required by regulation of the state health department or other public agency. The garage door shall not be used to satisfy this requirement.

12. The activities of the home occupation shall not involve the use of hazardous materials or chemicals in amounts that will increase the hazard of fire, explosion or safety to the structure or occupants of the dwelling or adjacent dwellings.

13. The operation of the home occupation shall not produce any noise, smoke, glare, light, fumes, dust, electronic interference or similar condition which is readily discernible outside the dwelling.

14. The physical appearance, traffic, and other activities in connection with the home occupation will not be contrary to the intent of the zone in which the home occupation is located and will not depreciate surrounding property values or the quality of the area for residential purposes as determined by the city.

15. The home occupation shall be operated in compliance with any applicable city or state requirements.

16. The home occupation applicant must either be the bona fide owner of the home (as shown on the current Utah County tax assessment rolls) or if the applicant is renting or leasing the home, the homeowner must provide written permission allowing the applicant to conduct a business in the home. Said letter of permission must be signed and notarized by the homeowner.

E.Planning Commission May Attach Conditions: In order to more fully achieve the purposes of this section and to protect the health, safety and quality of the residential environment in the area the planning commission may attach conditions to the establishment and/or operation of a home occupation not inconsistent with the standards hereinabove stated.

F.Continuing Obligation; Business License Required: All home occupations shall be operated in compliance with the conditions and criteria hereinabove set forth and any conditions which may be attached by the planning commission as part of the approval. Upon approval by the planning commission the applicant shall be eligible to obtain a city business license. Issuance of the business license shall be conditioned upon continued performance of the conditions of approval and said license may be revoked or refused renewal upon a determination made by the planning commission, following notice and hearing on the matter, that the owner and/or operator has failed to maintain or operate the home occupation in accordance with the conditions of approval.

G.Administrative Approval: Administrative approval for a home occupation may be granted by the planning and zoning director, if the home occupation can meet the following criteria:

1. The applicant must be able to meet all of the listed requirements and criteria for the home occupation in subsection D of this section. However, the stricter requirements in this section shall apply to administrative approvals.

2. The home occupation is conducted entirely within the home or main residential structure.
 3. The home occupation does not involve direct sales of goods, crafts or otherwise, and will not have clientele visiting the home business.
 4. The home occupation does not involve the making or manufacturing of goods, crafts, or otherwise.
 5. The activities of the home occupation shall be conducted by members of the residing family only. No other person(s) may be engaged in the home occupation.
 6. The planning and zoning director shall review all administrative approvals on an annual basis when the business license is up for renewal. If it is the finding of the planning director that the business has expanded beyond what the administrative approvals allow, then the business license and home occupation must be approved by the planning commission.
 7. The planning and zoning department shall not be bound to grant administrative approvals for home occupations. If for any reason the planning and zoning director, at his/her discretion, decides not to grant administrative approval, the applicant must then seek approval from the planning commission.
- H. Background Checks: Background checks will be conducted on all applications for home occupations.
- I. Appeals From Decisions Of The Planning Commission: Any decision made by the planning commission under authority of this section may be appealed by application to the city council.

The approval of the home occupation permit shall be valid for the remainder of the year in which it is first granted. Thereafter the approval will be extended for successive one year periods, commencing on January 1 of the calendar year provided: 1) that the home occupation is found to be substantially the same as initially approved and 2) that the home occupation has remained active as evidenced by the acquisition of a valid business license for the previous year. (Ord. 2004-08, 6-2-2004, eff. 7-2-2004)