

CHAPTER 34

HOME OCCUPATION

22-90

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34-1. Purpose and Intent.

It is the purpose and intent of this chapter to allow persons residing in dwellings in residential and agricultural areas to use their mental or physical expertise and talent to a limited extent in providing a service, developing a product for sale to the public, operating certain kinds of small businesses or maintaining a professional or business office work space in the dwelling while at the same time maintaining the peace, quiet, and domestic tranquility within all residential or agricultural areas of the county and guaranteeing to all residents freedom from excessive noise, traffic, nuisances, fire hazard, and other possible adverse effects of limited business activities being conducted in such areas.

34-2. Use.

1. Home Occupations shall be allowed either as Permitted or Conditional Uses in various residential and agricultural districts of the county as listed in the Use Regulations of such various districts and in accordance with the regulations and restrictions of this Chapter.
 2. The following uses are examples of allowable Home Occupations:
 - a. Group instruction or motivational meetings as a forum for sales presentations held not more than once every month.
 - b. Musical Instruction.
 - c. Phone-order or mail-order services.
 - d. Barber or beautician services with not more than 2 stations on the premises.
 - e. Child day care of not more than Eight (8) children, including care giver's children under six (6) years of age. 98-38
 - f. Computer Information Services.
 - g. Garage Sales of personal used items from a single dwelling held no more than once every 3 months.
 3. The following uses shall not constitute Home Occupations:
 - a. Any activity which noticeably produces electrical interference, smoke, dust, odors, or heat.
 - b. Any activity which produces increased foot and vehicular traffic, parking, sounds or noises, lighting, vibration, or anything that is uncommon to the established character of the surrounding area to such a degree so as to constitute a nuisance to the residents of the immediate area.
 - c. Any activity which violates existing or criminal codes of Weber County, the State of Utah or the U.S. Government.
 - d. Retail sales of goods produced off-premise including short-term boutiques, etc. or group garage sales of personal used items held more than once every 6 months.
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34-3. Required Conditions

A Home Occupation must meet all of the following conditions and requirements:

1. The occupation is limited to persons who actually reside on the premises.
 2. The occupation shall not require interior or exterior alterations and shall retain the general character and appearance of a residential dwelling.
 3. The home occupation shall not include more than 400 sq. ft. or 25 percent, whichever is less, of the ground floor area of the home. This does not apply for child day care. 97-6
 4. The occupation shall not use any space in an attached or unattached garage, accessory building, yard or any space on the premises outside of the dwelling except for garage sales.
 5. The occupation shall not include the storage on or sale from the premises of goods or commodities which are not produced on the premises. This does not apply to phone order or mail order sales with factory delivery direct to an off-premise buyer.
 6. The occupation must obtain a Home Occupation Permit or Conditional Use Permit and obtain an annual Business License.
 7. The occupation shall not be open to the public at times earlier than 8:00 a.m. nor later than 9:00 p.m. nor on Sundays. The hours of operation for child day care shall not begin any earlier than 6:00 a.m., nor operate later than 10 p.m. seven days a week. The 25 hour per week limitation on Home Occupations shall not apply to day care. Hours of operation shall be set by the Planning Commission upon granting of a Conditional Use Permit. 97-6, 2000-7
 8. No more than one visiting client or merchandise oriented home occupation shall be permitted within any single dwelling.
 9. An occupation that attracts customers, clients or students to the premises for sales or services shall not be allowed in multi-family dwelling units.
 10. Selling parties shall be limited to not more than 10 buying customers at any one time and not more than one party every three months.
 11. An occupation that attracts customers, clients or students to the premises shall provide adequate off-street parking as determined by the Planning Commission or by the Building Inspector in the case of the permitted use.
 12. There shall be no storage or parking on the premises or on the streets in the vicinity of the premises of tractor trailers, semi-trucks, or other heavy equipment used in an off-premise business for which the dwelling is being used as a home occupation office except that not more than one truck of one-ton capacity or less may be parked on premise during off work hours at night.
 13. In order to guarantee that the Home Occupation, once authorized, will not become a nuisance to the neighbors, the Planning Commission may impose other reasonable conditions initially and also subsequently to protect the public health, safety, peace and welfare of the residents of the surrounding residential or agricultural area.
- (Previous #34-3-14 deleted as per ordinance 96-35)
14. As a home occupation, child day care shall have no more than eight (8) children, which include the residents' children under the age of six (6) years. 97-6, 98-38

34-4 Full Time - Part Time Use

1. There are two types of Home Occupations allowed as follows:
 - a. Home Occupations which operate on a full-time employment or service basis where full-time is defined as the time and effort spent by a person or persons in an activity which produces the major financial income which supports that person or persons. Time spent in this activity is not less than 25 hrs. per person and is usually 40 hrs. or more per week per person.
 - b. Home Occupations which operate on a part-time employment or service basis where part-time is defined as the time and effort spent by a person or persons in an activity which supplements the major financial income of that person or persons. Time spent in this activity shall not be more than 25 hrs. per week per person average over a 6-month period.
 2. A Home Occupation may consist of full-time employment or service by persons who actually reside on the premises if:
 - a. There are no products, supplies, goods or commodities delivered to the premises or from the premises and no purchases made on the premises.
 - b. There is no visiting clientele.
 - c. There is no business equipment or vehicles used primarily for business stored or parked on the premises or on adjacent streets.
 - d. There is no outward visual evidence of the Home Occupation activity.
 - e. The Home Occupation is information, computer, phone or mail oriented or if the major part of the activity occurs off premise with only the office work performed on the premises.
 3. A Home Occupation MUST consist of only part-time employment or service or for the emergency treatment or consulting by persons who actually reside on the premises if:
 - a. There are supplies, goods or commodities delivered to and/or products delivered from the premises or purchased on site.
 - b. There is visiting clientele.
 - c. There are outside visual evidences of the activity such as increased foot or vehicular traffic and parking, increased sounds or noise, increased lighting, vibration, etc.
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