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**THE WEST BOUNTIFUL CITY COUNCIL AND PLANNING COMMISSION WILL
HOLD A SPECIAL WORK SESSION MEETING AT 6:30 PM ON TUESDAY,
OCTOBER 17, 2023, AT THE CITY OFFICES**

1. Discuss Home Occupation Regulations.
2. Discuss Other Miscellaneous Land Use Code Updates
3. Adjourn.

The above agenda was posted on the State Public Notice website (Utah.gov/pmn), the city website (WBCity.org), posted at city hall, emailed to the Mayor and City Council, and provided to the Davis Journal on October 13, 2023, by Cathy Brightwell, City Recorder.

MEMORANDUM



TO: Mayor and City Council

DATE: October 13, 2023

FROM: Duane Huffman, City Administrator

RE: **Special Combined Work Session: Home Occupations**

On October 17, the city council and planning commission will combine for a special work session to continue progress on updates to home occupation regulations within the city code. This memo provides background and other information to aid the discussion.

Background

Home occupations are simply defined as any business activity conducted within a residential structure in a residential zone (R-1-10, R-1-22, and A-1). The primary example of a home occupation seen in virtually any city is a professional home office¹. Other common examples include teaching music lessons, childcare, internet sales, and beauty salons. Less common examples include contractors (with equipment, trailers, etc.), trucking, auto repair/paint, and other repair services.

Larger residential lots and an agricultural history have contributed to many home occupations within the city, many licensed and some unlicensed. For many years, city code has included regulations for home occupations, both in sections related to business licensing and land use, and these regulations have had some conflicting requirements. Interpretation and enforcement of home occupation regulations have not always been consistently applied by the city. The primary purpose of any home occupation regulation is to protect the health, safety, and residential character of the neighborhood.

The cost and limited availability of land has increased interest in home occupation options, and at the same time, residential neighborhoods have become more concerned with impacts from larger home occupations. Perhaps the home occupations with the biggest impacts in the city are contractors, landscapers, and others with large equipment. Many of these have existed for years, and business owners and neighbors are used to each other. Recently, examples of newly proposed home occupations that have led to friction between neighbors included gym equipment sales, a crane business, new contractors, and an auto repair business.

Based on recent experiences in trying to apply the home occupation codes fairly and in a way that protects neighborhoods, the city realized that updates to the code were needed.

Examples from Neighboring Communities

Before deciding what direction to go with West Bountiful's code regarding home occupations, it can be helpful to review how other neighboring cities handle this issue. The following summarizes home occupations regulations in south Davis County cities.

¹ A home office differs from "working from home" in that often a home office will be the primary address for a business, but the distinction is becoming less clear as working from home continues to grow and evolve.

- **Bountiful:** This code does not specifically list “permitted”, “conditional”, or “prohibited” types of home occupations. The code does have strict requirements that limit types of businesses, such as prohibitions on not storing products/commodities onsite, no flammable materials, no tools or equipment not commonly associated with a residential use, and no parking vehicles or equipment larger than 12K lbs. It also requires home occupation businesses to be operated entirely within a dwelling.
- **Woods Cross:** This code lists allowed home occupations, as well as those that require a conditional use permit (over 20 listed, such as salons and childcare) and prohibited uses (about 12, including anything involving auto repair, towing, welding, etc.). The code also outlines many operational requirements to protect neighborhoods.
- **Centerville:** This code lists five permitted home occupations and clarifies two that are prohibited, with any other requiring a conditional use permit. Operational requirements are similar to other cities.
- **North Salt Lake:** This code lists prohibited businesses (auto repair, cabinet making, etc.) and has specific requirements for childcare/preschools. Otherwise, operational requirements are used to control impacts similar to Bountiful’s.

West Bountiful’s Code

The planning commission undertook the task of drafting updates to West Bountiful’s home occupation code. The draft cleaned up the conflicting language in the various sections of code and attempted to clarify requirements.

The draft also proposed a list of “conditional” and “prohibited” home occupations. At the Sept. 19th council meeting, council members expressed concerns about several of the “conditional” uses and requested a work session with the planning commission to better understand the recommendation and determine a path forward.

Value and Options

The combined work session is an opportunity for members of the planning commission and city council to discuss the values and goals associated with these sections of code, such as:

- The ability of residents to use their property as they wish;
- The health and safety of residents;
- The protection of residential qualities of neighborhoods;
- Having codes that residents and staff can easily interpret;
- Having codes that can reasonably be enforced;
- Minimizing potential conflicts between neighbors.

Options moving forward include (A) continuing to work off the existing city code to make necessary changes, or (B) re-draft the code to simplify requirements and/or process.

Attached with this memo are the following documents:

- Planning Commission Proposal
- Codes from Bountiful, Woods Cross, Centerville, and NSL.

WBMC 17 ZONING

17.04.030 Definitions

~~"Home occupation" means an occupation of a person which is carried on by that person and/or others within the same family entirely within the dwelling unit in which the person or persons reside and which occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character, of the dwelling or of the neighborhood. The home occupation shall not involve the use of any accessory building, either attached or detached, or yard space or activity outside the main building or use of more floor area than the equivalent of fifteen (15) percent of the main floor area of the dwelling unit, nor shall it involve the installation in the dwelling of special equipment and/or fixtures, and plumbing or electrical wiring or such special fixtures or equipment which are not ordinarily or customarily used in a dwelling; provided, however, that outside private swimming pools may be used for swimming instruction if the instruction is given only by members of the family related by blood, marriage or adoption who are residing within the dwelling. Neither shall a home occupation involve the use of any part of a dwelling for which, by reason of any state, federal or local law or ordinance, special or extra entrances or exits, or special rooms are required as a prerequisite condition to the operation of such use or for which such laws or ordinance require a license or permit. The planning commission may impose additional conditions pursuant to a conditional use permit.~~

WBMC 5.04 BUSINESS LICENSES IN GENERAL

5.04.010 Definitions

"Business" means all activities engaged in within the corporate limits of West Bountiful carried on for the purpose of gain or economic profit, except that employees rendering service to employers shall not be considered to be engaging in business unless otherwise specifically prescribed.

"Engaging in business" means the sale of tangible personal property or the rendering of personal services for others for a consideration by persons engaged in any trade, craft, business, occupation, profession or other calling, except the rendering of personal services by an employee to his or her employer under any contract of personal employment, but includes the operation of storage buildings or storage warehouses for the storing of motor vehicles, trailers, boats, and other household equipment or personal property.

"Home occupation" means a business operated in a dwelling, accessory structure, or both, on a residential property by the resident of the property.

5.04.040 License Fee Levied

The license fee payable by persons engaging in or carrying on any business within the city shall be periodically fixed by resolution of the city council **and listed in the city's Consolidated Fee Schedule.**

WBMC 5.28 HOME OCCUPATIONS

5.28.010 Definitions **Scope**

5.28.020 License Required **Purpose**

5.28.030 Application For License

5.28.040 Requirements **Specific Businesses to be Conditional**

5.28.050 Exemptions to License **Specific Businesses Prohibited**

5.28.060 Requirements

5.28.070 Exemptions To License

5.28.080 Noncompliance; Revocation And Suspension Of Permit

5.28.090 Home Occupation Business License Renewal And Delinquency

5.28.100 License Not Transferrable

5.28.010 Definition/Scope (new)

~~"Home occupation" means any occupation conducted within a dwelling and carried on only by persons residing in the dwelling, which is clearly incidental and secondary to the use of the dwelling and for which a Home Occupation Business License has been issued by West Bountiful City.~~

The requirements of this Chapter shall apply to any home occupation conducted within the city. Home occupations may be conducted only in residential or agricultural zones, or within homes qualifying as a legal nonconforming use. The provisions of the Chapter shall not be construed to limit or prohibit any other requirements of this Title, the West Bountiful Municipal Code, or other applicable laws.

5.28.020 License Required **Purpose (new)**

~~The purpose of this chapter is to protect the residential character and lifestyle of residential zones within West Bountiful City. To ensure compliance with this chapter, a Home Occupation Business License must be obtained from West Bountiful City before a person may use any part of a dwelling in a residential zone for a home occupation. Under certain circumstances provided in Section 5.28.030, a conditional use permit must also be obtained.~~

The purpose of this chapter is to ensure that home occupations remain incidental and accessory to the residential use of the property on which the dwelling is located and that any adverse effects of the home occupation are confined to the property.

5.28.030 Application For License

- A. A Home Occupation business license application may be obtained from the city offices or from the city website. Each application shall be **submitted to the city recorder and** accompanied ~~with~~ **by** payment of the business license **application** ~~fees as provided in 5.04.040.~~
- B. It is unlawful for any person to provide false information to the city in relation to the application for, issuance of, or continuation of, a business license, or to knowingly cause or permit the same to be done.
- C. The applicant shall give written notice of the nature and description of the home occupation to ~~all~~ **property** owners **of property** within ~~300~~ **100** feet of the exterior boundaries of the property upon which the home occupation is to be conducted. Evidence of the required notice must be supplied to ~~West Bountiful~~ **the city** as part of the Home Occupation Business License Application. **If the home occupation requires a conditional use permit, the applicant shall give such written notice to properties within 300 feet of the exterior boundaries of the property on which the home occupation is to be conducted.**
- D. Except as provided in subsection **E**, the City Recorder may issue the Home Occupation Business License when:

1. The requirements of ~~5.28.040~~ **this Chapter** have been satisfied; or
 2. If a conditional use permit is required from the Planning Commission, the permit has been issued, the conditions of that permit have been satisfied, and the applicant has agreed to the conditions in writing.
- E. Notwithstanding subsection **D**, the applicant must also apply for a conditional use permit ~~and pay the application fee~~ for review and approval by the Planning Commission under Chapter 17.60 if any of the following apply:
1. **The specific business use is listed in Section 5.28.040.**
 2. The home occupation will generate ~~additional~~ traffic or parking in excess of those **generated by** usual and customary residential use. (*Moved from 5.28.060.N*)
 3. The City Recorder **otherwise** determines that approval of the application may conflict with the intent of this chapter without imposing additional conditions.
 4. ~~The applicant or City receives a notice of protest to the application; or~~
 5. ~~The Home Occupation Business License Application is for a day care, nursery, or preschool, which must follow Utah Department of Health regulations for child day care including, but not limited to, a background check.~~

5.28.040 Specific Businesses to be Conditional (NEW)

Notwithstanding any provision of this chapter to the contrary, the following uses are conditional, and require a conditional use permit approved by the planning commission prior to issuance of a business license, except when on-site operations are limited to office-related functions.

1. Day care, nursery, or preschool, which must ~~follow~~ **comply** with the Utah Department of Health, **Bureau of Child Care Development** regulations. ~~including, but not limited to, a background check.~~
2. Repair of automobiles or trucks under 14,000 gross vehicle weight.
3. Boat, motorcycle, snowmobile, off road vehicle, and similar small engine or equipment repair.
4. Towing and trucking.
5. Furniture or cabinet making.
6. Welding or machine shop.
7. Contractors, landscapers, and tree services.
8. Personal services such as hairstylist, barber, esthetician, and massage therapy.
9. Group instructional services such as music, art, dance, yoga, swimming, and sports.
10. Other occupations that are demonstrated to be substantially similar to the above.

5.28.050 Specific Businesses Prohibited (NEW)

Notwithstanding any provision of this chapter to the contrary, the following uses cannot qualify as home occupations:

1. Motor vehicle sales, rentals, and outdoor storage of vehicle inventory.
2. Repair of automobiles or trucks with a gross vehicle weight of 14,000 lbs. or more.
3. Body work, painting, detailing, or fiberglass repair of motor vehicles, including boats.
4. Funeral chapels and mortuaries.
5. Gift shops.
6. Restaurants.
7. Private schools.
8. Indoor storage facilities.
9. Kennels (except as permitted in A-1 and A-S zones), veterinary services, or animal daycare.
10. Mobile toilet businesses.
11. Sexually-oriented businesses.
12. Retail tobacco specialty businesses.
13. Retail e-cigarette specialty businesses.

- 14. Medical Cannabis pharmacy (except as permitted in the A-S zone).
- 15. Cannabis production establishment (except as permitted in the A-S zone).
- 16. Any business that is prohibited in the City's commercial or industrial zones.

5.28.060 Requirements

- A. A person who is not a resident of the dwelling shall not ~~be employed to~~ work on the premises.
- B. The home occupation must be clearly incidental and secondary to the use of the dwelling or **accessory** structure in which it is located and may not change ~~it's~~ **the purpose or character of the dwelling or accessory structure, or the residential character of the property on which the home occupation is located.**
- C. The home occupation shall not involve the use of any part of a dwelling or structure for which, by reason of state, federal or local law or ordinances, special or extra entrances or exits or special rooms are required as a prerequisite condition to the operation of such use or for which said laws or ordinances require a license or permit, except as approved by the Planning Commission **as a conditional use.**
- D. More than one Home Occupation Business License may be issued ~~if the additional businesses will function as one business operation and~~ **for a property**, if after review, ~~it is~~ **the City Recorder** specifically determines that the total of all businesses **on the property** will not have an impact on the community greater than one business.
- E. The home occupation ~~shall not involve the use of~~ **must be conducted entirely within no** more than ~~the equivalent of~~ fifteen percent (15%) of the ~~main~~ **total used** floor area of the dwelling, ~~nor involve the installation of special equipment and/or fixtures, plumbing or electrical wiring for such special fixtures or equipment which are not ordinarily or customarily used in a dwelling, unless otherwise approved by the Planning Commission.~~
- F. ~~Inventory or supplies may not occupy more than fifty (50) percent of the permitted area. The home occupation must be operated entirely within the approved dwelling, except that twenty-five percent (25%) of a garage or accessory building or structure on the same property as the dwelling, or both, may be used, so long as it the home occupation does not change the residential character of the lot property or would otherwise be contrary to the purpose of this chapter.~~
- F. Additional conditions may be imposed by the Planning Commission if the garage **or accessory** structure is to be used for:
 - 1. Storage of chemicals or tanks; or
 - 2. Storage of equipment or vehicles.
- G. ~~If a home occupation is authorized for a garage, off street parking arrangements in compliance with this title must exist for any personal vehicles owned and/or operated by the applicant.~~ **Adequate off-street parking must be provided for both personal vehicles and business customers, except for drop-offs or pick-ups associated with group instructional services.**
- H. Yard space may not be used for home occupation activities, except:
 - a. Outside private swimming pools may be used for swimming instruction if the swimming instruction is given by a ~~bona fide~~ resident of the dwelling.

- b. Yard space may be used for day care provided the yard is entirely fenced.
 - c. Yard space may be used for other similar activities that will not alter the residential nature of the neighborhood in which the home occupation will be conducted.
 - d. ~~In no event shall outdoor storage be permitted in relationship to the Home Occupation Business License.~~
- I. In no event shall outdoor storage be permitted ~~in relationship to the~~ for a home occupation-business license.
 - J. Business operation shall be limited to the hours between 7:00 am and 10:00 pm, unless shorter hours are set by the planning commission as part of a conditional use permit.
 - K. The home occupation must comply with all fire, building, plumbing, electrical and health codes and all federal, state and local laws.
 - L. The home occupation may not cause or create a demand from municipal or utility services or community services, including traffic, in excess of those usually and customarily provided for in residential uses. ~~Home occupations which will generate additional traffic or parking in excess of those usual and customary residential uses require Planning Commission approval. (Move to .030)~~
 - M. The home occupation may not be a nuisance or cause undue disturbance to the neighborhood.
 - N. The home occupation may not alter the residential character of the premises or unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood by reasons of color, design, materials, construction, lighting, odors, sounds, noise, or vibrations.
 - O. Merchandise, goods, or customer services may not be advertised or otherwise visible from the exterior of the building in which the home occupation is operated.
 - P. Signs, advertising or displays of any kind ~~may~~ shall not be visible from the public streets or from the exterior boundaries of the property on which the home occupation is conducted.
 - Q. The home occupation shall be operated in a manner that complies with any special conditions established by the Planning Commission and made part of the record in connection with the application for a conditional use permit, as the Planning Commission deems necessary to carry out the provisions and intent of this chapter and Chapter 17.60.
 - R. Home occupations requiring State or Federal licensing must ~~comply be in compliance~~ with all State and Federal regulations before a Home Occupation Business License ~~will be~~ is issued.

5.28.070 Exemptions To License

The following uses are exempt from the provisions of this chapter:

1. Sale of goods or services by City residents age 14 and under which sale of goods or services does not conflict with other sections of this Code;
2. Temporary home occupations such as garage sales, yard sales, or craft boutiques that occur not more than four (4) times a year with each event lasting not more than seventy-two (72) hours;
3. Promotional meetings for the purpose of taking orders for merchandise, by invitation only, which occur not more than once per month;
4. Community/neighborhood fund raisers which are sponsored and/or approved by City staff;

5. Any person engaged in business for solely religious, charitable or other type of strictly nonprofit purpose who is tax-exempt in such activities under the laws of the United States and the State of Utah;
6. Any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah;
7. Any person selling, offering for sale, or taking orders for or soliciting the sale of any farm products, but not including dairy products, actually produced, raised or grown by the person so selling, offering for sale or taking orders for, or soliciting the sale of any such farm products; and
8. Other exemptions as specifically approved in writing by the City Council.

5.28.080 Home Occupation Business License Renewal And Delinquency

A Home Occupation Business License is subject to annual renewal, with the license year being the calendar year.

~~A Home Occupation Business License shall be renewed annually, provided there have been no confirmed violations or detrimental effects which may, in the opinion of the City Recorder, require termination, or planning commission review if the home occupation was approved as a conditional use.~~

~~All license fees provided herein shall be due and payable on or before January 15th of any calendar year, or before commencing a new business. In the event any fee is not paid on or before such date, a penalty of fifty (50) percent of the amount due shall be imposed and shall become a part of the license fee imposed by this chapter. The date of delinquency and the amount of the penalty may be amended periodically by resolution of the City Council provided that the amended date and penalty shall be prospective only, effective the next calendar year.~~

5.28.090 Noncompliance; Revocation And Suspension Of Permit

The City Recorder may revoke or suspend, or decline to renew, a Home Occupation Business License for a violation of any of the requirements of this chapter, or for failure of the licensee to comply with the conditions of the license.

The Planning Commission may revoke, suspend, or modify the conditional use permit associated with a Home Occupation Business License for violation of any of the requirements of this chapter or Chapter 17.60, or the conditions of the permit; ~~or for failure of the permit holder to maintain the Home Occupation Business License.~~

The Planning Commission may suspend the permit temporarily to give the permit holder a specified reasonable period of time to cure deficiencies. If such deficiencies are not cured by the specified period of time, the Planning Commission shall revoke the conditional use permit associated with the Home Occupation Business License. During the period of suspension, the Planning Commission may impose any restrictions or conditions upon the permit holder, including cessation of all activities.

5.28.100 License Not Transferrable

No license granted or issued under the provisions of this chapter shall in any manner be assignable or transferable or authorize any person other than the licensee named therein to ~~do~~ **conduct** the business specified in the license.

14-17-105 HOME OCCUPATION REQUIREMENTS

A proposed home occupation use shall meet the following criteria to qualify for a Home Occupation Business License:

- A. The use shall be clearly incidental and secondary to the use of the dwelling and shall not change the appearance, character, or condition thereof. There shall be no displays, advertisements, stock in trade, or signs related to the business except for: one (1) flat wall sign placed on the dwelling that shall not exceed four (4) square feet in size, and any sign required by State Law and/or which meet the provisions of this Title.
- B. The use shall be conducted entirely within a dwelling, except for work performed offsite. Only members of the family related by blood, marriage, or adoption, and who reside in the dwelling, may work onsite. The only exception is that one (1) additional person may be employed as a secretary, apprentice, or assistant where there are no more than five (5) family members actively engaged in the home occupation. Employees who are not family members and/or who do not reside at the dwelling shall not meet, park, or otherwise congregate at the home or in the general vicinity. Additional outside employees are not allowed if there is more than one home occupation at the property.
- C. The use shall not involve more than 50% of the entire dwelling.
- D. The use shall not involve the area of required, covered, off-street parking.
- E. No product or commodity shall be stored onsite, and no customer may physically visit the site of a home occupation to take delivery of a product or commodity. Commodities may be produced on the premises and sold offsite.
- F. The use shall not create noise, dust, odors, noxious fumes, glare, or other nuisances, including interruption of radio and/or television reception, which are discernable beyond the premises.
- G. The use shall not involve using or storing flammable material, explosives, or other dangerous materials, including gun powder.
- H. The use shall not involve mechanical or electrical apparatus, equipment, or tools not commonly associated with a residential use or as are customary to home crafts.
- I. The use shall not generate traffic in greater volumes than would normally be expected in a residential neighborhood nor involve the use of commercial vehicles other than standard delivery vehicles for delivery of materials to or from the premises.
- J. The use shall not involve the parking of equipment or motor vehicles having a gross weight of twelve thousand (12,000) pounds or more directly at the residence.
- K. The use shall be in compliance with all applicable fire, building, plumbing, electrical and life safety and health codes of the State of Utah, Davis County, and the City of Bountiful.
- L. The residence and property may be inspected from time to time to determine continued compliance with the provisions of this Ordinance and other applicable codes.

Woods Cross City

CHAPTER 12-29

HOME OCCUPATIONS

- 12-29-101. Purpose.**
- 12-29-102. Scope.**
- 12-29-103. Allowed Occupations – Administrative Approval.**
- 12-29-104. Conditional Occupations – Planning Commission Approval.**
- 12-29-105. Prohibited Home Occupations.**
- 12-29-106. Operational Requirements.**
- 12-29-107. Exemptions.**
- 12-29-108. Special Requirements for Child Day Care, Preschool, Dance Studio, Music Instruction or Other Group Classes Involving Minors**
- 12-29-109. Non-Compliance.**
- 12-29-110. Appeal.**
- 12-29-111. Business License Required.**

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.

(g) 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.

[End of Chapter 29 – Home Occupations]

12.62 Home Occupations

12.62.010 Purpose

12.62.020 Scope

12.62.030 Definitions

12.62.040 Permitted Use

12.62.050 Development Standards - Permitted Use

12.62.060 Conditional Use Permit Required

12.62.070 Development Standards - Conditional Use

12.62.010 Purpose

The purpose of this Chapter is to establish use and development regulations for home occupations. These regulations are intended to ensure that limited business activities allowed in a residential zone do not disturb the residential character of a neighborhood.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62.020 Scope

The requirements of this Chapter shall apply to any home occupation conducted within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this Title, the Centerville Municipal Code, or other laws.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62.030 Definitions

Certain words and phrases in this Chapter, including uses, are defined in CZC 12.12 (Definitions).

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62.040 Permitted Use

- (a) Permitted Use. Permitted home occupation uses listed in Subsection (b) may be established as a home occupation in an agricultural or residential zone as a permitted use subject to the development standards of CZC 12.62.050.
- (b) Permitted Uses. The uses set forth below shall be allowed as permitted home occupation uses in any agricultural or residential zone:
 - 1. Family child care facility;
 - 2. Medical service;
 - 3. Personal care service;
 - 4. Personal instruction service; and
 - 5. Office, general.
- (c) Prohibited Uses. The uses set forth below shall be prohibited as home occupation uses:
 - 1. Kennel; and

2. Stable.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

Amended by Ord. [2018-05](#) on 2/20/2018

Amended by Ord. [2019-08](#) on 5/7/2019

12.62.050 Development Standards - Permitted Use

The development standards set forth in this Section shall apply to any home occupation allowed as a permitted use.

- (a) Employees. A home occupation shall be operated only by persons who reside in a dwelling unit where the home occupation is conducted.
- (b) Fire Inspection. Every facility used in a home occupation may be inspected by the South Davis Metro Fire District prior to initial use and shall meet Fire Department standards at all times.
- (c) Hours of Operation. Family child daycare, family child residential certificate care facility, personal care, and personal instruction home occupations shall not be operated before 7 a.m. or after 9 p.m.
- (d) Inventory. Products produced pursuant to the home occupation may be kept on the premises. No other stock in trade, inventory, commodities, or other merchandise shall be kept on the premises for storage, wholesale, or retail sales, except for incidental or sporadic use.
- (e) Modification of Structures. There shall be no visible evidence from the exterior of a dwelling or structure that they are being used for any other purpose than that of a dwelling or accessory building.
- (f) Nuisance. The home occupation shall not create a nuisance by reason of noise, dust, odor, vibration, fumes, smoke, electrical interference, or other causes.
- (g) Product Display. There shall be no external display of products or merchandise.
- (h) Secondary Use. A home occupation shall be conducted entirely indoors and shall be incidental and secondary to the primary use of a dwelling for residential purposes.
 - 1. A home occupation shall not disrupt the normal residential character of the neighborhood in which the residence is located.
 - 2. Not more than 20% of a dwelling unit shall be used for a home occupation.
 - 3. A home occupation shall not involve the use of any accessory building, yard space, or activity outside the main building not normally associated with residential use.
- (i) Signs. See CZC 12.54 (Signs).
- (j) Traffic, Parking, and Access. No home occupation shall generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone where the home occupation is located.
 - 1. Drop off or customer parking shall be located on paved portions of the lot or parcel in

accordance with the requirements of CZC 12.52 (Off-Street Parking and Loading).

2. No additional customer parking spaces shall be created.

(k) Yards. Yards surrounding a dwelling and any accessory building shall not be used for any activities or storage of any materials or equipment associated with the home occupation.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

Amended by Ord. [2018-05](#) on 2/20/2018

Amended by Ord. [2019-08](#) on 5/7/2019

12.62.060 Conditional Use Permit Required

A use not listed in CZC 12.62.040 may be established as a home occupation in an agricultural or residential zone subject to the issuance of a conditional use permit pursuant to the requirements of CZC 12.21.100 and the development standards of CZC 12.62.070.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

12.62.070 Development Standards - Conditional Use

The development standards of CZC 12.62.050 shall apply to any home occupation established as a conditional use unless expressly modified by a conditional use permit, except as provided in the following Subsections:

- (a) Employees. A home occupation shall have no employees other than persons who reside on the premises where the home occupation is conducted.
- (b) Neighborhood Disturbance. A home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood, including radio and television reception, by reason of color, construction, design, lighting, materials, noises, sounds, or vibrations, or excessive traffic.
- (c) Promotional Meetings. Promotional meetings for the purpose of selling merchandise, taking orders, or training shall not be held more than one time per month.
- (d) Utility Demand. A home occupation shall not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.

HISTORY

Adopted by Ord. [2016-20](#) on 7/15/2016

10-10-5: HOME OCCUPATIONS:

A. Scope: Business activities may be conducted within a residence if such activities comply with the standards of this section. All home occupations shall be secondary and incidental to the residential use. A home occupation should be conducted so that neighbors, under normal conditions, would not be aware of its existence. Home occupations are a temporary privilege which can be revoked if disruption of the residential neighborhood occurs.

B. Issuance Of Business License: The Zoning Administrator may, upon application, issue a home occupation business license if the Administrator is satisfied that the applicant will meet all of the conditions listed below and that the applicant has agreed in writing to comply with all said conditions.

C. Conditions: Each and every one of the following conditions must be agreed to by the applicant for a home occupation business license and observed at all times by the holder of the license:

1. The home occupation shall be clearly incidental and secondary to the use of the dwelling and shall not change the appearance, character or condition thereof. There shall be no displays, advertisements, stock in trade or signs related to the business, except those required by State law and which meet the provisions of this title.

2. Only members of the family related by blood, marriage or adoption, and who reside in the dwelling, may work on site. The only exception is that one additional person may be employed as a secretary, apprentice or assistant where there are no more than five (5) family members actively engaged in the home occupation. Employees who are not family members and/or who do not reside at the dwelling shall not meet, park or otherwise congregate at the home or in the general vicinity.

3. The home occupation shall not involve more than one room in the dwelling and cannot exceed twenty percent (20%) of the ground floor area.

4. The home occupation shall be conducted entirely within the dwelling, except for work performed off site. It shall not involve the attached garage or carport section of the dwelling, nor any accessory garage, building or yard space or activity outside of the main building.

5. The home occupation shall not involve the sale of commodities on the premises. Commodities may be produced on the premises and sold through other business outlets not on the premises. Items that are incidental to a service provided may be sold on a limited basis, i.e., a beautician who also sells hair products to clientele.

6. The home occupation shall not create noise, dust, odors, noxious fumes, glare or other nuisances, including interruption of radio and/or television reception, which are discernible beyond the premises.

7. The home occupation shall not create a hazard by using or storing flammable material or explosives or other dangerous materials.

8. The home occupation shall not create unusual amounts of waste, residential or otherwise.

9. The home occupation shall not involve the use of mechanical or electrical apparatus, equipment or tools not commonly associated with a residential use or as are customary to home crafts.

10. The home occupation shall not generate traffic in greater volumes than would normally be expected in a residential neighborhood, with the exception of daycares, preschools, and private swimming lessons, nor involve the use of commercial vehicles other than standard delivery vehicles for delivery of materials to or from the premises.

11. The home occupation shall not involve the use or parking of equipment or motor vehicles having a gross weight of twelve thousand (12,000) pounds or more directly at the residence. One vehicle under twelve thousand (12,000) pounds may be used in association with the home occupation, provided it is garaged or stored entirely within a building or structure.

12. The home occupation shall be in conformance with all applicable Fire, Building, Plumbing, Electrical

and Life Safety and Health Codes of the State, the County and the City.

13. All home occupation business licenses shall be valid for one year and may be renewed annually, provided there have been no reported violations, complaints or detrimental characteristics which may, in the opinion of the Development Review Committee, require termination of said home occupation.

14. Handicapped persons may obtain a waiver of one or more of these conditions through the Planning Commission to allow such persons to become self-sufficient.

D. Specific Businesses Prohibited As Home Occupations: In order to minimize traffic and off street parking and to avoid health and sanitation risks from the disposal of medical wastes, medical, dental and other health professional offices are specifically excluded as home occupations. Other types of businesses prohibited as home occupations include:

1. Auto, truck or motorcycle repair at the residence;
2. Furniture or cabinet making;
3. Major appliance repair (washers, dryers, refrigerators, etc.);
4. Small engine and lawn mower repair;
5. Auto body or fender work;
6. Trailer or boat repair;
7. Photo developing and processing beyond a hobby darkroom;
8. Sexually oriented businesses;
9. Group instruction facilities.

E. Child Daycare:

1. Child daycare is a permitted use in the following zoning districts: R1-12, R1-10, R1-7, MU, RM-7 and RM-20.

2. A child daycare business license is required prior to conducting any business on site. The applicant must submit proof that an application has been made to the State Department of Health with their City business license application.

3. No more than eight (8) children may be cared for in one day, including no more than two (2) children under the age of two (2). The childcare providers' children under age three (3) count toward the maximum number.

4. Child daycares must be in compliance with all State requirements located in Utah Code, in addition to all City home occupation conditions located in subsection C of this section.

F. Preschools:

1. Preschools, where not more than eight (8) children over the age of three (3) years will be receiving instruction at any given time, are a permitted use in the following zoning districts: R1-12, R1-10, R1-7, MU, RM-7 and RM-20.

2. There shall be no more than two (2) sessions per day lasting no more than four (4) hours, with no child attending more than one session per day.

3. A preschool business license is required prior to conducting any business on site. (Ord. 2014-15, 9-2-2014)

G. Noncompliance: Any home occupation business license shall be revoked by the City Council upon violation of any requirements of this section, or upon failure to comply with any of the conditions or

limitations of the permit, unless such violation is corrected within ten (10) days of the receipt of written notice thereof. A permit may be revoked for repeated violations of the requirements of this section, notwithstanding compliance to the violation notice.

H. Appeal: In the event of denial of any permit, or objection to the limitations placed thereon, appeal may be made to the Planning Commission in accordance with the provisions for appeals under this title. (Ord. 07-03, 1-9-2007; amd. Ord. 2014-15, 9-2-2014)