

1 **TITLE 13**

2 **~~13.76.730: HOME OCCUPATION:~~**

3 ~~A. The business activity must be conducted entirely within a dwelling and carried on by persons~~
4 ~~residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for~~
5 ~~dwelling purposes and does not change the character of the dwelling or property for residential~~
6 ~~purposes.~~

7 ~~—B. No home occupation license shall be required for businesses that:~~

8 ~~—1. Do not have customers that come to the home;~~

9 ~~—2. Do not have employees who come to the home; and~~

10 ~~—3. Do not have combined offsite impacts of the home based business and the primary residential~~
11 ~~use that exceed the impact of the residential use alone.~~

12 ~~—C. There shall be no display of merchandise nor stock in trade, "stock in trade" being an item offered~~
13 ~~for sale which was not produced on the premises.~~

14 ~~—D. The business shall not include the sale of commodities except those produced on the premises.~~

15 ~~—1. Original or reproductions of works of art designed or created by the artist operating a home~~
16 ~~occupation may be stored on the premises. "Reproductions of works of art" include such items as~~
17 ~~printed reproductions, casting and sound recordings.~~

18 ~~—2. Commodities produced on the premises may be sold on the premises if the Planning Commission~~
19 ~~grants a conditional use permit for customers coming to the home.~~

20 ~~—E. The home occupation shall not involve the use of an accessory building or yard space or activity~~
21 ~~outside the main building.~~

22 ~~—F. The Community Development Director shall determine whether additional parking, in addition to~~
23 ~~the requirements of chapter 13.80 of this title is required for a home occupation and shall also~~
24 ~~determine the number and location of such additional parking spaces. (Ord. 2017-17, 6-15-2017)~~

25
26 **13.76.730: HOME OCCUPATION:**

27 A. Purpose: The purpose of this section is to permit the establishment of home occupations in within
28 single-family, duplex, and multi-family dwellings within zones as shown in the Table of Allowed Uses
29 (13.100.010) and ensure that the home occupations are compatible with the zone in which they are
30 located, having minimal and reasonable impacts on the surrounding neighborhood. Home occupations
31 are an accessory use to the residential use and are intended to promote local and sustainable economic
32 growth and development.

33 A. No home occupation license shall be required for businesses that:

34 1. Do not have customers or clients that come to the home;

2. Do not have employees who come to the home; and

3. Do not have combined offsite impacts of the home-based business and the primary residential use that exceed the impact of the residential use alone.

B. Home Occupations that do not comply with the standards of this section shall apply for a Conditional Use Permit as per 13.08.040.

C. Permitted Home Occupations: All home occupations not specifically listed as prohibited may be permitted subject to their compliance with the standards specified in subsection D of this section.

D. Home Occupations Prohibited: The following businesses, regardless of their conformance with the standards in subsection H of this section, are prohibited as home occupations This section supersedes any other allowed uses within this Title.

1. Motor vehicle repair

2. Kennels

3. Welding, metal fabrication, or machine shops

4. Large appliance/electronics or equipment repair or service (washers, dryers, refrigerators, and other appliances or equipment that are too large to be carried in 1 individual's arms)

5. Truck hauling

6. Deliveries

7. Stables/Boarding

8. Bottling plant

9. Commercial bakery

10. Industrial assembly

11. Laboratory, medical, dental, optical

12. Laboratory, testing

13. Sale or repair of firearms

14. Stocking and sale of ammunition

15. Stock and trade

16. Tattoos and body art

E. Applications for home occupations shall include the following information:

1. Completed Business License Application

2. A complete description of the type of business proposed including the location of the storage and operations area for the home occupation.

3. The expected hours of operation of the business

4. The expected number of clients per hour and total expected number of clients visiting the home per day.

5. Drop off and pick up routes and locations

6. Location of parking for clients in relation to the nature of the business

F. License required: It is unlawful for any person, firm, corporation, or association to engage in a "home occupation" as defined in chapter of this title without first obtaining a license pursuant to the provisions of Title 5, Chapter 5.06.020 of this code. Prior to issuance of said license, the criteria set forth in this title must be satisfied and all applicable fees shall be paid. All home occupation permits shall be valid for one year, and may be renewed annually, provided there have been no reported violations, subject to subsection J of this section.

G. Determination of Completeness: Upon receipt of an application for a home occupation, the Business License Official shall make a determination of completeness.

H. Standards: All home occupations shall comply with the following standards:

1. The home occupation must be clearly incidental and secondary to the primary use of the dwelling for residential purposes.

2. The dwelling unit must be either the primary place of residence for the person(s) conducting the home occupation, or be owner occupied, with "owner occupant" defined as the following:

a. An individual who is listed on a recorded deed as an owner of the property;

b. Any person who is related by blood, marriage, or adoption to an individual who is listed on recorded deed as an owner of the property; or

c. An individual who is a trustor of a family trust who possesses legal ownership of the property.

3. The area of the residence used for home occupations shall remain in character with the rest of the home except for minor renovations necessary to conduct an approved home occupation.

4. The home occupation shall not be conducted in, nor in any way use, a carport, or any portion of the yard. A home occupation may use a garage or other fully enclosed accessory structure provided all other standards in this section are met. A home occupation may not eliminate or occupy required parking areas for a dwelling within a garage. A home occupation license to distribute produce grown on the premises for off-premises sales may be conducted in the rear yard and include the use of accessory buildings but may not occupy required parking areas; Home occupation work conducted at the residence shall not involve more than one employee from outside of the home. Persons lawfully living in the residence may be employed;

5. Except for the applicant's personal transportation, there shall be no vehicles or equipment stored outdoors, which would not normally be found at a residence. Service vehicles which double as a personal vehicle such as taxicabs, limousine, or other vehicles used for mobile businesses and used for off-site services may only be parked on-site in a legal parking area;

6. Delivery of merchandise, goods, or equipment, to the site of the home occupation, shall be made by a vehicle typically employed in residential deliveries. No deliveries to the site of the home occupation by semi-tractor/trailer truck shall be permitted. Loading and deliveries to the site of the home occupation shall be limited to the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M.;

7. Tools, items, equipment shall be limited to those that are commonly associated with a residential use or are customary to home crafts. Tools, items, equipment, or occupations which are offensive or noxious by reason of the emission of odor, smoke, gas, fumes, dust, vibration, magnetic or electrical interference, noise, or other similar impacts extending beyond the property line of the lot where the occupation is located, are prohibited. Operations shall not violate noise ordinance as detailed in City of Holladay Code Title 9, Chapter §9.48.

8. Stock in trade, inventory or other merchandise shall be allowed to be kept only in the interior space of the dwelling; "Stock in trade" being an item offered for sale which was not produced on the premises.

9. No outdoor storage is permitted in conjunction with the occupation other than produce for off premises sales, outlined in subsection H4 of this section;

10. Customers/Clients shall be allowed at the residence only if scheduled on an appointment basis and are only allowed between the hours of seven a.m. and nine p.m. Group lessons or sessions shall not exceed six people at a time.

11. In addition to the parking spaces required for the residents of the dwelling, parking for clients and for an employee, if allowed under subsection (E) above, must be provided in the driveway or garage. On-street parking may be approved by the Community and Economic Development Director under circumstances where on-site parking creates a safety issue or is in conflict with property access and use. On-street parking proposals may not exceed one vehicle space and must be located immediately in front of the residence or within 200 feet of the residence. Off-site parking agreements may be utilized to fulfil parking requirements. Temporary exceedance of allowed parking on-site may only occur twice within a single calendar month.

12. Stock in trade, and/or direct retail sales are prohibited. Incidental or secondary sales ensuing from the services provided in conjunction with the home occupation are permitted. Commodities produced on the premises may be sold on the premises only under the conditions of this title.

13. The premises of a home occupation may be inspected during reasonable business hours to determine compliance with the provisions of this title.

14. If additional home occupations are being conducted within ¼ mile at the time of application, additional conditions to mitigate increased traffic or other potential impacts in the area may be applied by the Community and Economic Development Director.

I. Decision By The Community and Economic Development Director: The Community and Economic Development Director shall issue a permit for the home occupation if they find that:

1. The provisions of this title are satisfied;

2. The home occupation will be in keeping with the character of the neighborhood and will not adversely affect the desirability or stability of the neighborhood;

3. The home occupation does not diminish the use and enjoyment of adjacent properties or create an adverse parking impact on adjacent streets or properties;

4. The home occupation will not negatively impact the future use of the property as a residence;

5. The home occupation will not adversely affect the public health, safety or welfare; and

6. The home occupation conforms with all fire, building, plumbing, electrical and health codes.

J. Loss Of Home Occupation Use: The Community and Economic Development Director may terminate any home occupation use upon making findings that support either or both of the following conclusions:

1. Any of the required licenses or permits necessary for the operation of the business have been revoked or suspended; or

2. Any of the provisions of this title have been violated.

K. Termination of Home Occupation:

1. The licensee shall be responsible for the operation of the licensed premises in conformance with this code. Any business license issued by the city may be suspended or revoked per the provisions of Title 5, Chapter 5.10.020 of this code.

L. Appeals:

1. Any termination of a home occupation may be appealed pursuant to the provisions of Title 5, Chapter 5.11.050 of this code as if the termination were a business license revocation.

2. Any person adversely affected by the denial or issuance of a permit for a home occupation may appeal that decision to the appeals hearing officer pursuant to Chapter 5.11.010 of this title.

M. Existing Home Occupation Licenses: Existing licenses for home occupations which were legal under the prior zoning ordinance regulating home occupations but which are not permitted under this title are subject to the following:

1. May continue in operation, subject to the approved conditions of their conditional use permit.

2. Shall discontinue operation upon transfer of ownership of the property. Any new owner shall reapply for a Home Occupation Permit under the provisions of this section.

N. Non-transferability: Permits for home occupations are personal to the applicant, non-transferable and do not run with the land.

13.100.010: TABLE OF ALLOWED USES:

Zone Abbreviation Reference

FR: Forestry and Recreation, **R-1:** Residential Single-family, **R-2:** Residential Two-family, **R-M:** Multiple Family Residential, **PO:** Professional Office, **HCR:** Holladay Crossroads, **ORD:** Office, Research Park, and Development, **P:** Public, **RO:** Residential Office, **NC:** Neighborhood Commercial, **C-1:** Commercial, **C-2:** Commercial, **HV:** Holladay Village, **R/M-U:** Regional Mixed-Use, **LU:** Limited Use

Use	All FR Zones	R-1-4, R-1-8, R-1-10, R-1-15	R-1-2 1, R-1-4 3, R-1-8 7	R-2- 8/ R-2-10	R-M	PO	HCR	O-R-D	P	RO	NC	C-1	C-2	HV	R/M-U	LU
Home occupation	G ⁵ P ⁵	G ⁵ P ⁵	G ⁵ P ⁵	G ⁵ P ⁵	G ⁵ P ⁵	-	G ⁵ P ⁵	G ⁵ P ⁵	-	-	-	-	-	-	-	-

5. See section 13.76.730, "Home Occupation", of this title.

TITLE 5

5.54.010: HOME OCCUPATIONS DEFINED:

~~—A.— Defined: "Home occupation" means any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there is no display of stock in trade; "stock in trade" being any item offered for sale which was not produced on the premises.~~

~~—B.— Sales: The home occupation shall not include the sale of commodities except those produced on the premises; provided, however, that original or reproductions of works of art designed or created by the artist operating a home occupation may be stored and sold on the premises. "Reproductions of works of art" includes, but is not limited to, printed reproduction, casting, and sound recordings.~~

~~—C.— Use Of Accessory Buildings Prohibited: The home occupation shall not involve the use of any accessory building or yard space or activity outside the main building.~~

~~—D.— Parking: The planning commission, with the city council's concurrence, shall determine whether additional off street parking, in addition to the two (2) spaces required per dwelling unit, is required for a home occupation and shall also determine the number and location of such additional parking spaces. (1999 Code)~~

5.54.010: HOME OCCUPATIONS

See Title 13.76.730