

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)~~

26 **13.76.730: HOME OCCUPATION:**

27 A. Purpose: Home occupations, as an accessory use to a primary residential use, promote local and
28 sustainable economic growth and development. The purpose of this section is to ~~permit~~ allow, by
29 license, permitted and conditional types of home occupations within single-family, duplex, and multi-
30 family dwellings within zones as shown in the Table of Allowed Uses (13.100.010) and ensure that home
31 occupations are compatible within the zone in which they are located, having decidedly ~~no negative~~
32 ~~minimal and reasonable~~ impacts on the surrounding neighborhood. ~~Home occupations are an accessory~~
33 ~~use to the residential use and are intended to promote local and sustainable economic growth and~~
34 ~~development.~~

- 36 B. No home occupation license shall be required for businesses that:
- 37 1. Do not have customers or clients that come to the home;
- 38 2. Do not have employees who come to the home; and
- 39 3. Do not have combined offsite impacts of the home-based business and the primary residential
40 use that exceed the impact of the residential use alone.
- 41 C. Home Occupations that do not comply with the standards of this section shall apply for a Conditional
42 Use Permit as per 13.08.040.
- 43 D. Permitted Home Occupations: All home occupations not specifically listed as prohibited may be
44 permitted subject to their compliance with the standards specified in subsection I of this section.
- 45 E. Home Occupations Prohibited: The following businesses, regardless of their conformance with the
46 standards in subsection I of this section, are prohibited as home occupations. This section supersedes
47 any other allowed uses within this Title.
- 48 1. Motor [and recreational](#) vehicle repair
- 49 2. Kennels
- 50 3. Welding, [metal fabrication](#), or machine shops
- 51 4. Large appliance/electronics or equipment repair or service (washers, dryers, refrigerators,
52 and other appliances or equipment that are too large to be carried in 1 individual's arms)
- 53 5. Truck hauling
- 54 6. Deliveries
- 55 7. Stables/Boarding
- 56 8. Bottling plant
- 57 9. Commercial bakery
- 58 10. Industrial assembly
- 59 11. Laboratory, medical, dental, optical
- 60 12. Laboratory, testing
- 61 13. Sale or repair of firearms
- 62 14. [Stocking and sale of ammunition](#)
- 63 15. [Stock and trade](#)
- 64 16. [Tattoos and body art](#)
- 65 F. Applications for home occupations shall include the following information:
- 66 1. Completed Business License Application

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

69 3. The expected hours of operation of the business

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

72 5. Drop off and pick up routes and locations

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

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

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

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

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

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

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

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

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

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

94 4. The home occupation shall not be conducted in, nor in any way use, a carport, or any portion
95 of the yard. A home occupation may use a garage or other fully enclosed accessory structure
96 provided all other standards in this section are met. A home occupation may not eliminate or
97 occupy required parking areas for a dwelling within a garage. A home occupation license to
98 distribute produce grown on the premises for off-premises sales may be conducted in the rear
99 yard and include the use of accessory buildings but may not occupy required parking areas;
100 Home occupation work conducted at the residence **shall not involve more than one employee
101 other than the business owner(s);**

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

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

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

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

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

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

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

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

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

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

144 I. Decision By The Community and Economic Development Director: The Community and Economic
145 Development Director shall, **with a recommendation by the TRC**, issue a permit for the home occupation
146 if they find that:

- 147 1. The provisions of this title are satisfied;
- 148 2. The home occupation will be in keeping with the character of the neighborhood and will not
149 adversely affect the desirability or stability of the neighborhood;
- 150 3. The home occupation does not diminish the use and enjoyment of adjacent properties or
151 create an adverse parking impact on adjacent streets or properties;
- 152 4. The home occupation will not negatively impact the future use of the property as a residence;
- 153 5. The home occupation will not adversely affect the public health, safety or welfare; and
- 154 6. The home occupation conforms with all fire, building, plumbing, electrical and health codes.

155 J. Loss Of Home Occupation Use: The Community and Economic Development Director may **apply any**
156 **associated land use fine according to Title 3, Chapter 3.35 and/or** terminate any home occupation use
157 upon making findings that support either or both of the following conclusions:

- 158 1. Any of the required licenses or permits necessary for the operation of the business have
159 been revoked or suspended; or
- 160 2. Any of the provisions of this title have been violated.

161 K. Termination of Home Occupation:

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

165 L. Appeals:

- 166 1. Any termination of a home occupation may be appealed pursuant to the provisions of Title
167 5, Chapter 5.11.050 of this code as if the termination were a business license revocation.
- 168 2. Any person adversely affected by the denial or issuance of a permit for a home occupation
169 may appeal that decision to the appeals hearing officer pursuant to **Title 5**, Chapter 5.11.010 of
170 this title.

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

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

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

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

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181 **13.100.010: TABLE OF ALLOWED USES:**

182 Zone Abbreviation Reference

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

187

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	C⁶ P ⁵	-	C P ⁵	C P ⁵	-	-	-	-	-	-	-	-				

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189 5. License Required according to Title 5.54.010, "Home Occupations Defined"; Regulations according to
190 13.76.730, "Home Occupation", of this title.

191 **TITLE 5**

192 **5.54.010: HOME OCCUPATIONS DEFINED:**

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

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

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

204 ~~D. Parking: The planning commission, with the city council's concurrence, shall determine whether
205 additional off-street parking, in addition to the two (2) spaces required per dwelling unit, is required for
206 a home occupation and shall also determine the number and location of such additional parking spaces.
207 (1999 Code)~~

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