

## HOME OCCUPATION

### § 157.880 PURPOSE AND INTENT.

It is the purpose and intent of this subchapter to allow persons residing in dwellings in residential and agricultural areas to provide a service, develop a product for sale, and operate certain kinds of small businesses, while at the same time maintaining the peace, quiet, and domestic tranquility within all residential or agricultural areas of the city.

(Prior Code, § 64.02) (Ord. 2-92, passed - -1992, Ord. 16-2022, passed 8-17-2022)

### § 157.881 ~~USE~~ APPLICABILITY.

~~(A) The provisions of this chapter shall apply to any business that wishes to operate from a residential dwelling unit or from an approved accessory structure of a residential dwelling unit, unless local or state law exempts the specific commercial activity from requiring a business license.~~

~~(B) Home occupations shall be allowed as a permitted use in all primary dwelling units and in all residential and agricultural zones, provided that the following all of the provisions and conditions of this chapter are met.:~~

~~(C) A Home Occupation may be permitted in an accessory dwelling unit in accordance with the provisions and restrictions of the Accessory Dwelling Unit Subchapter of the Zoning Regulations.~~

~~(D) Farming in an agricultural zone does not require a home occupation business license in accordance with the zoning regulations of the respective zone.~~

~~—(1) Individuals who own and operate the business must also live at the residence.~~

~~—(2) The business employs no more than one employee who does not live at the residence.~~

~~—(3) The business does not use any accessory building, garage, yard or space outside the main building not normally associated with residential use.~~

~~—(4) The business does not use, produce or store hazardous chemicals, as defined in UCA §19-6-302.~~

~~—(5) Provided the above conditions are met, and that the business does not otherwise violate any provision of the West Haven City Zoning Code, a home occupation license shall be issued.~~

~~—(B) (1) Home occupations which do not meet all of the above criteria may be allowed, but shall be required to apply for a conditional use permit from the Planning Commission.~~

~~—(2) In reviewing a request for a conditional use permit for a home occupation, the Planning Commission may consider the following factors, and may impose such conditions as necessary and reasonable to offset the potential detrimental impacts as these factors create:~~

~~—(a) Will the business produce, or be likely to produce, noise, odors, dust or smoke that extends beyond the property?~~

~~—(b) Will the business produce, or be likely to produce, vehicular traffic such that it becomes a nuisance or a hazard?~~

~~—(c) If the business uses, produces or stores hazardous chemicals, as defined in UCA § 19-6-302, has a plan been presented which addresses how such chemicals will be used, produced or stored, and is said plan in compliance with all relevant federal, state and local ordinances regarding chemicals?~~

~~—(C) The following uses shall not constitute home occupations and shall not be allowed in any residential or agricultural zone:~~

~~—(1) Any business which requires more than five employees who do not reside at the residence to report to the residence.~~

~~—(2) On lots less than one acre, any business which involves the repair, service, inspection or any type of work on any type of vehicle, motorcycle, automobile or off-highway vehicle, as defined in UCA § 41-1a-102.~~

~~—(3) Any activity that violates existing or criminal codes of West Haven, the State of Utah or the U.S. Government.~~

~~—(4) Short-term boutiques or group garage sales of personal used items held more than once every three months.~~

~~—(D) On lots greater than one acre, any business which involves the repair, service, inspection or any type of work on any type of vehicle, motorcycle, automobile, or off-highway vehicle, as defined in UCA § 41-1a-102, may be allowed in residential or agricultural zones, but must comply with the following conditions, along with any other conditions that the Planning Commission feels are necessary based on the circumstances:~~

~~—(1) Only three cars which are not registered to the homeowner may be parked or stored on the premises at any time.~~

~~—(2) Any vehicles, motorcycles or cars must have work actively being performed on it and shall not remain on the premises longer than 30 days unless it is stored inside an outbuilding.~~

~~—(3) The three allowed cars shall be parked in a garage or outbuilding or on a non-permeable surface on the property.~~

~~—(4) Any on-street parking must comply with West Haven Zoning Code.~~

~~—(5) The property must be enclosed with a six foot privacy fence which complies with the West Haven fencing regulations, and all business, including the parking and storage of vehicles, motorcycles, automobiles or off-highway vehicles, must be conducted and contained behind the fence.~~

~~—(E) Regardless of lot size, no home occupation shall be allowed which involves the sale of vehicles, motorcycles, automobiles, or off-highway vehicles, as defined in UCA § 41-1a-102, regardless of whether such requires a dealer's license, as defined by the State of Utah Tax Commission.~~

~~—(F) Agricultural farming does not require a home occupation business license.~~

~~—(G) Home occupations shall be required to pay for an annual business license. Approval of the home occupation shall be deemed null and void if the licensee fails to renew the business license, moves from the residence or ceases to operate the home occupation for a period of 12 consecutive months.~~

~~(Prior Code, § 64.04) (Ord. 2-92, passed 1992; Ord. 45-2020, passed 11-18-2020; Ord. 16-2022, passed 8-17-2022) Penalty, see § 157.999~~

#### § 157.882 REQUIRED CONDITIONS.

All home occupations, ~~whether permitted or conditional~~, shall meet ~~all of~~ the following conditions and requirements:

(A) The ~~occupation shall allow the~~ residence ~~to shall~~ retain the general character and appearance of ~~the a~~ residential dwelling.

(B) The portion of the ~~dwelling used in conjunction with the~~ home occupation shall remain secondary ~~in size and intensity~~ to the residential use of the dwelling.

(C) The business shall not operate between the hours of 10:00 p.m. and 7:00 a.m.

(D) Regardless of the business, any homeowner seeking a license for a second home occupation shall be required to obtain approval from the Planning Commission.

#### (E) Parking.

- a. All business-related utility vehicles, specialized work vehicles, and marked business vehicles and trailers must be parked behind the front plane of the home, in a garage or on a non-permeable surface, and not on the street.
- b. No more than two business-related visitors' vehicles shall be at the property at a time. . Visitor vehicles shall not park on the street but may park in the driveway, garage, or on a non-permeable surface located behind the front plane of the home. On-site home occupation parking shall not be permitted directly in front of the home, except in an existing driveway. Visitor parking

shall apply to customers, clients, employees, and other business-related visitors who do not live at the home.

c. Parking for Preschools and Daycares Residential:

- i. Preschool and Daycare shall provide a parking plan as part of each application.
- ii. Drop-off and pick-up. On-street parking is permitted for preschools and daycares in residential areas for vehicles parked less than fifteen (15) minutes.
- iii. On-street parking shall comply with Title VII, Chapter 71 Parking Regulations, and any other applicable regulation adopted by City or State.
- iv. Employee parking and other additional parking shall comply with the provisions of Home Occupation within this Chapter.

(FG) Any signs related to the home occupation shall comply with the West Haven City sign ordinance.

(H) The individuals who own and operate the business must also live at the residence.

(I) No more than one employee who does not live at the residence may report to the residence at a time for regular business operations.

(J) The business does not use any accessory building, garage, yard, or open space outside of the primary residence for business operations unless permitted in accordance with Section 157.884 of this subchapter. This provision is not intended to prohibit the passive storage of goods, materials, tools, and equipment in a garage or fully enclosed accessory structure, nor is it intended to prohibit business-related parking that is otherwise compliant with the provisions of the ordinance.

(K) An attached garage may be used in conjunction with a home occupation, so long as the minimum required parking for the home and accessory dwelling unit, if applicable, can still be met.

(L) The use, production, or storage of hazardous substances or materials is not permitted.

(M) Outdoor storage of merchandise or materials is not permitted.

(N) The business and its operations do not violate any other provision of the West Haven Municipal Ordinance.

(Prior Code, § 64.06) (Ord. 2-92, passed - -1992; Ord. 45-2020, passed 11-18-2020; Ord. 16-2022, passed 8-17-2022)

§ 157.883 SPECIAL RESTRICTIONS.

(A) The following business types and commercial activities shall not be permitted as a home occupation:

- (1) Automotive sales
- (2) Pet boarding/Kennels except as permitted in the A-1 and A-2 Zones
- (3) Vehicle, trailer, RV, or equipment rentals
- (4) Truck hauling
- (5) Industrial assembly
- (6) Distribution or wholesale
- (7) Event Centers
- (8) Short-term rentals must apply for a short-term rental license and not a home occupation.
- (9) Retail sales, except as an accessory use to a permitted home occupation or if otherwise permitted in the zone.
- (10) Self-storage facilities
- (11) Any use that is permitted or conditional exclusively in one or in any combination of the following zones, unless otherwise permitted by the provisions of this subchapter:
  - a. C-2
  - b. C-3
  - c. M-1
  - d. M-2

(B) On lots greater than one acre, any business which involves the repair, service, inspection or any type of work on any type of vehicle, motorcycle, automobile, or off-highway vehicle, as defined in UCA § 41-1a-102, may be allowed in residential or agricultural zones, but must comply with the following conditions, along with any other conditions that the Planning Commission feels are necessary based on the circumstances:

- (1) Only three cars that are not registered to the homeowner may be parked or stored on the premises at any time.
- (2) The three cars allowed shall be parked in a garage, accessory structure, or on a non-permeable surface on the property.
- (3) Any on-street parking must comply with the West Haven Zoning Code.

- (4) The property must be enclosed with a six-foot privacy fence that complies with the West Haven fencing regulations, and all business, including the parking and storage of vehicles, motorcycles, automobiles, or off-highway vehicles, must be conducted and contained behind the fence.
- (5) Any vehicles, motorcycles, or cars must have work actively being performed on them and shall not remain on the premises longer than 30 days unless they are stored inside a fully enclosed structure.
- (6) All work shall be done in a fully enclosed building with the doors closed to mitigate noise. This includes the operation of any noise-generating tools (e.g., grinders, compressors, & pneumatic tools) in conjunction with business operations.
- (7) Hours of operation are limited to being no earlier than 8:00 a.m. and no later than 6:00 p.m.
- (8) The test operation of any vehicles on the public right-of-way shall be conducted in accordance with all local and state laws, and the violation of any such laws in conjunction with business operations may result in the revocation of the home occupation business license.

(C) Home day cares shall comply with the additional provisions and restrictions of the Day Care Residential Subchapter of the Zoning Regulations. As they apply to home day cares, if a provision of the Day Care Residential Subchapter conflicts with any provision of this subchapter, the standards of the Day Care Residential Subchapter shall supersede the standards of this subchapter.

(D) Home preschools shall comply with the additional provisions and restrictions of the Preschool Residential Subchapter of the Zoning Regulations. As they apply to home preschools, if a provision of the Preschool Residential Subchapter conflicts with any provision of this subchapter, the standards of the Preschool Residential Subchapter shall supersede the standards of this subchapter.

#### §157.884 EXCEPTIONS

(A) An exception may be granted for one of the following uses upon the request of a Conditional Use Permit and by the approval of the Planning Commission:

- (1) The use of any space outside of the primary residential building in conjunction with the home occupation, in which case, a home occupation shall utilize no more than 25 percent of the total property area.
- (2) In a residential zone, the retail sale of goods that are grown or crafted on the property; in which case, the use of an accessory structure or space outside of the home is permitted so long as all retail space is located behind the front plane of the home and is no more than 200 square feet in area.

§ 157.8853 FEES LICENSE MAINTENANCE.

- (A)–Business license: It is unlawful for any person or organization to engage in a Home Occupation, as defined in Section 157.004 of this chapter, without first obtaining a home occupation business license. Prior to issuance of said license, the conditions set forth in this section must be satisfied, and all applicable fees shall be paid.
- (B) Time limitation: A home occupation business license shall be valid for one year, and may be renewed annually
- (C) Fees: Annual license fees shall be assessed and paid in accordance with the West Haven City fee schedule. If the license has not been renewed prior to ~~or within 60 days of~~ expiration, the license will be terminated ~~and all conditional uses granted will be forfeited, including grandfathered conditional uses.~~ At that time, any new or ongoing operation of a Home Occupation shall require the approval and issuance of a new home occupation business license application, which shall be reviewed under contemporary Zoning Regulations without regard to any forgone license or conditional use permit.
- (D) Termination: The licensee shall be responsible for operating the licensed business in conformance with this code. Any business license issued by the city may be suspended or revoked if business operations are found to violate this code or any other state or local laws.
- (A)(E) Appeals: A decision of the Community Development Director or their designee, based on or made in the administration or enforcement of this code, may be appealed within 14 calendar days of the date of the written decision, and shall be made in accordance with Section 157.037 of this Chapter.

(Prior Code, § 64.08) (Ord. 2-92, passed - -1992; Ord. 45-2020, passed 11-18-2020; Ord. 16-2022, passed 8-17-2022)