

CHAPTER 26

HOME OCCUPATIONS

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17-26-1 Purpose. The purpose of these provisions is to ensure that home occupations remain incidental and accessory uses within the dwelling or on the dwelling site and that any coincidental nuisance remains within the dwelling or on the dwelling site.

17-26-2 Minor Home Occupations. The following regulations shall apply to all minor home occupations:

(1) The use shall be conducted entirely within the dwelling by the inhabitants thereof and no others.

(2) The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, or vibrations.

(3) No more than 300 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.)

(4) There shall be no advertising, display, or other indications of a home occupation on the premises.

(5) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products on display, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above.

(6) No storage or display of goods shall be visible from outside the structure.

(7) No explosive material shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.

(8) The home occupation shall not create greater vehicle or pedestrian traffic than normal for the zone district in which it is located.

(9) Parties for the purpose of selling merchandise or taking orders shall not be held more than four times each month.

(10) The use shall not require additional off-street parking above that amount already required by the provisions of this title.

(11) No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.

(12) Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than twice each year, and each sale shall not last more than two (2) consecutive days.

(13) The use shall not require deliveries from commercial suppliers to the minor home occupation nor deliveries from the home occupation.

(14) Permitted minor home occupations may include, but are not necessarily limited to, the following:

- (a) Artists and sculptors;
- (b) Authors and composers;
- (c) Home crafts for sale off-site;
- (d) Office facility of clergy;
- (e) Office facility of a salesman, sales representative, or manufacturer's representative;
- (f) Professional office facilities;
- (g) Individual tutoring;

- (h) Preserving and home cooking for sale off-site;
- (i) Individual instrument instruction;
- (j) Telephone solicitation work.

(15) The following uses by the nature of the investment or operation have a pronounced tendency once started to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as minor home occupations:

- (a) All uses prohibited as major home occupations A or B;
- (b) Minor or major auto repair;
- (c) Barber shop;
- (d) Woodworking;
- (e) Dance instruction;
- (f) Dental offices;
- (g) Medical offices;
- (h) Painting of vehicles, trailers, or boats;
- (i) Photo developing, photo studios;
- (j) Private schools with organized classes;
- (k) Television repair;
- (l) Upholstering;
- (m) Beauty parlors;
- (n) Massage parlors;
- (o) Small engine repairs;
- (p) Welding shop; and
- (q) Other similar uses.

17-26-3 Major Home Occupations A. The following regulations shall apply to all major home occupations A:

(1) The use shall be conducted entirely within the dwelling by the inhabitants thereof and a non-resident employee. Not more than one (1) non-resident employee shall be on the site.

(2) The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds or vibrations.

(3) No more than 400 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.)

(4) There shall be no advertising, display, or other indications of a home occupation on the premises.

(5) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products on display. No customers, clients, patients, students, patrons or others shall come to the premises to receive goods or services.

(6) No storage or display of goods shall be visible from outside the structure.

(7) No explosive material shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.

(8) The home occupation shall not create greater vehicle or pedestrian traffic than normal for the zone district in which it is located.

(9) The use shall provide one (1) additional off-street parking space above that amount already required by the provisions of this title.

(10) No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.

(11) Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than twice each year, and each sale shall not last more than two (2) consecutive days.

(12) Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.

(13) Permitted major home occupations A shall only include:

- (a) Office facility of a salesman, sales representative, or manufacturer's representative;
- (b) Professional office facilities;
- (c) Telephone solicitation work.

17-26-4 Major Home Occupations B. The following regulations shall apply to all major home occupations B:

(1) The use shall be conducted primarily within the dwelling site and carried on by the inhabitants thereof and no others.

(2) The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.

(3) No more than 400 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.) Accessory buildings as allowed in the zone district may be used for the home occupation as permitted. The home occupation shall occupy no more than five percent (5 %) of the lot area.

(4) There shall be no signs present on the property except for one wall sign, not to exceed one square foot, indicating the address and the occupant's name, for example, Joe Doe - Accountant. See Name Plates in Chapter 17-33, Sign Regulations.

(5) There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with other permitted home occupations; for example, a single-chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to customers. However, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.

(6) There shall be no exterior storage on the premises of material used in the home occupation nor of any explosive material. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.

(7) The home occupation, including studios or rooms for instruction, shall provide additional off-street parking area reasonably adequate to accommodate needs created by the home occupation of not less than one parking space for each 200 square feet of floor area devoted to the home occupation.

(8) Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.

(9) Parties for the purpose of selling merchandise or taking orders shall not be held more often than four times each month.

(10) Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than twice a year, and each sale shall not last more than two (2) consecutive days.

(11) The allowable number and size of vehicles and equipment used by the home occupation shall be as determined by the Planning Commission. Only one (1) vehicle over twenty-two feet (22') in length shall be used in the home occupation. Vehicles over twenty-two feet (22') in length including trailers shall not be parked on the street nor within a yard abutting a street.

(12) Major home occupations B may include, but are not necessarily limited to the following:

- (a) Any use allowed as a minor home occupation;
- (b) Single-chair beauty parlors and barber shops;
- (c) Photo studios and developing;
- (d) Organized classes (limits shall be placed on the number of students and/or the number of vehicles transporting students to prevent congestion);
- (e) Television and other electrical repairs excluding major appliances such as refrigerators, or storage;
- (f) Small engine repairs, excluding automobiles, motorcycles, and snowmobiles;
- (g) Upholstering;
- (h) Dressmaking;
- (i) Woodworking;
- (j) Preschools;
- (k) Contractors;
- (l) Ceramics (kilns smaller than six (6) cubic feet);
- (m) Carpet or upholstery cleaning;
- (n) Gun repair;
- (o) Plant nurseries;
- (p) Pest or weed control service; and
- (q) Massage therapy.

(13) The following uses, by the nature of the investment or operation, have a pronounced tendency once started to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations B:

- (a) Minor or major auto repair, painting of vehicles, trailers, or boats;
- (b) Funeral chapel or home;
- (c) Gift shops,
- (d) Medical or dental clinic; and
- (e) Welding or machine shops.

17-26-5 Agricultural Home Occupations. The following regulations shall apply to all agricultural home occupations:

(1) The use shall be conducted primarily within the site and carried on by the inhabitants thereof and non-resident employees, as determined by the Planning Commission. Not more than three (3) non-resident employees shall be on the site.

(2) The site shall have a minimum of 40,000 square feet in the A-1 zone and 210,000 square feet in the A-5 zone;

(3) No more than 400 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.) Accessory buildings as allowed in the zone district may be used for home occupation as permitted. Home occupation shall occupy no more than five percent (5 %) of the total lot area or three thousand (3,000) square feet, whichever is less.

(4) Outdoor storage may be allowed. Landscaping shall be required to screen parking areas and outside storage from the view of adjacent landowners and public roadways;

(5) Increased setbacks or additional screening may be established by the Planning Commission to ensure that any proposed structure is compatible with the surrounding residential or agricultural area;

(6) Required setbacks may be increased subject to the review of the Planning Commission for any activity that could potentially detract from a residential area but that is not deemed incompatible with the neighborhood. Such activities include but are not limited to: Employee parking areas, loading zones, outdoor storage, and outdoor work areas;

(7) One name plate or one low profile sign (maximum area 24 square feet) in accordance with Chapter 17-33, Sign Regulations is allowed;

(8) All merchandise sales shall be an incidental use.

(9) The allowable number and size of vehicles and equipment used by the home occupation shall be as determined by the Planning Commission. Not more than two (2) vehicles over twenty-two feet (22') in length and two (2) large pieces of equipment shall be allowed.

(10) Permitted agricultural home occupations may include, but are not necessarily limited to the following:

- (a) Those listed as major home occupations;
- (b) Woodworking that requires no special power source or excessive storage;
- (c) Veterinary hospitals and dog kennels;
- (d) Riding clubs;

- (e) Automobile, boat, and snowmobile minor repair shops (limit 3 vehicles at any one time - not to include body repair and painting);
- (f) Contractors (limits shall be placed on the amount and size of equipment to be stored);
- (g) Welding or machine shops.

(11) The following uses, by the nature of the investment or operation, have a pronounced tendency once started to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations:

- (a) Major auto repair;
- (b) Manufacturing that requires deliveries from vehicles larger than 31,000 GVW;
- (c) Any use that requires power, water, sewer, or other utility services in excess of typical residential usage.
- (d) Any use that would require on-site disposal of hazardous chemicals or wastes.

17-26-6 Residential Child Care. Residential child care of not more than twelve (12) children may be allowed by conditional use permit in all zones. The following regulations shall apply to all residential child care.

(1) The child care shall comply with all regulations of the State of Utah. A child care provider who cares for five (5) to eight (8) children shall obtain a State Residential Child Care Certificate. A child care provider who cares for nine (9) or more children shall obtain a State license.

(2) One (1) person not residing in the dwelling may work in the residential child care. There may be more than one non-resident employee, but only one may be on the premises at a time.

(3) Off street parking shall be provided for the residents and employees.

17-26-7 General Standards. The following standards shall apply to all home occupations:

(1) The total number of home occupations conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations conducted within the dwelling unit or on the premises thereof shall not be greater than the impact of one home occupation.

(2) There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home occupation thereon.

- (3) The owner of the home occupation business must reside in the dwelling.
- (4) The use must be in compliance with all applicable State, County and City fire, building, plumbing, electrical and health codes and/or ordinances.
- (5) The use must be inspected to determine continued compliance with the provisions of all State, County and City laws and/or ordinances.
- (6) The home occupation must be licensed as a valid business in Kaysville City.
- (7) Home occupation license fees shall be established from time to time by the City Council by resolution. All annual license fees shall be due and payable before the first day of January of each year. License fees are not rebateable.

17-26-8 Enforcement and Revocation. The following shall be considered as grounds for the revocation of a home occupation license or for the assessment of fines as specified:

(1) Any change in use or any change in extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used that is different from that specified in the granted home occupation license that is not first cleared and approved by the Zoning Administrator for minor home occupations or by the Planning Commission in the case of major or agricultural home occupations shall be grounds for the revocation of a home occupation license.

(2) Failure to allow periodic inspections by the building official or his representative at any reasonable time when an adult member of the family is present may result in the revocation of the home occupation license as provided for in Section 16-1-17.

17-26-9 Penalties. (1) Failure to pay the annual renewal fee shall result in the assessment of an additional processing fee if paid within thirty (30) days after the due date; or revocation of the home occupation license if not paid within thirty (30) days after the due date.

(2) Home occupation licenses which have been revoked may not be applied for again for a period of thirty (30) days on a first offense or six (6) months for a second offense.

17-26-10 Youth Enterprise. Uses classified as Youth Enterprises shall be permitted in all zones. The following regulations shall apply to all Youth Enterprises:

(1) The Youth Enterprise shall be conducted entirely by youth sixteen (16) years of age or younger, who live on the premises and sell less than One Thousand Dollars (\$1,000) per calendar year in gross sales.

(2) The Youth Enterprise activity shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the premises shall not be significantly altered or changed by the Youth Enterprise.

(3) The Youth Enterprise shall have no more than one table or display of goods which shall be located entirely upon the premises.

(4) The Youth Enterprise shall have only one sign no larger than sixteen (16) square feet which shall be removed from public view at the end of each business day.

(5) The Youth Enterprise shall be conducted no longer than ninety (90) days per calendar year.

(6) Any merchandise sold in connection with the Youth Enterprise shall be only that which the youth conducting the enterprise has made or raised.

(7) No explosive materials shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line of the premises upon which the enterprise is conducted.

(8) The Youth Enterprise shall not create greater vehicle or pedestrian traffic than normal for the zone district in which it is located.

(9) The Youth Enterprise shall not require additional off-street parking above that required for the zone district.

(10) The Youth Enterprise shall not require deliveries from commercial suppliers nor commercial deliveries from the enterprise.

(11) The Youth Enterprise shall comply with all other applicable city rules and regulations.

(12) Failure to comply with the provisions of this section or any applicable city regulation may result in the Zoning Administrator issuing an order suspending or terminating the Youth Enterprise.