

## Chapter 7

### HOME OCCUPATIONS

**10-7-010: Purpose****10-7-020: Home Occupation License****10-7-030: Categories and Regulation of Home Occupations****10-7-040: Standards for all Home Occupations****10-7-050: Minor Home Occupations****10-7-060: Major Home Occupations****10-7-070: Prohibited Home Occupations****10-7-080: Bed and Breakfast Homes****10-7-090: Notification to Adjacent Property Owners****10-7-010: PURPOSE**

The purposes of this chapter are to:

- A. Establish regulations for the establishment, maintenance, and well being of home occupations in order to provide for the betterment of the community, residents, patrons, and neighboring citizens.
- B. Provide an opportunity for home occupations as an accessory use, when they are compatible with the neighborhoods in which they are located.
- C. Guide business activities, which are not compatible with neighborhoods to appropriate commercial and industrial zones.
- D. Promote peace, quiet, and domestic tranquility within all residential neighborhoods and protect residents from the adverse effects of business uses being conducted in residential areas, i.e., noise, nuisances, traffic, fire hazards, or other possible business impacts that are in excess of that customarily associated with the neighborhood.
- E. Provide an opportunity for a home occupation to engage in the business of childcare and other appropriately suited businesses that fit within a residential neighborhood.
- F. Provide a means to enforce and regulate the businesses that are licensable through the authority of this chapter, and, if necessary, terminate home occupations if violation of the ordinances regulating home occupations occurs, as provided for herein. (Ord. eff. 2009)

**10-7-020: HOME OCCUPATION LICENSE**

A home occupation in Coalville City is a lawful and permitted use if it complies with the definitions and guidelines outlined in this section. All home occupations shall be licensed in accordance with Title 10-7 of this code and the provisions of this chapter. Only the owner or official representative of a business may apply for a home occupation

business license and the applicant must be a resident of the home where the business will be conducted. Any application for a home occupation may be denied if the Staff and Planning Commission finds the proposed activity to be incompatible with surrounding uses. The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the City Council.

### **10-7-030: CATEGORIES AND REGULATIONS OF HOME OCCUPATIONS**

Home occupations, as defined in section 10-7-020 of this title, shall be classified as "minor home occupations", "major home occupations," "prohibited home occupations," and "bed and breakfast homes".

A completed application for a home occupation business license will be approved for a minor home occupation upon the City staff's verification that the proposed home occupation complies with the requirements of sections 10-7-040 and 10-7-050 of this chapter.

A completed application for a home occupation business license will be approved for a major home occupation or a bed and breakfast home only after issuance of a conditional use permit by the City Council.

Prohibited home occupations are not allowed to operate in residential zones.

Notwithstanding the foregoing, in the event that the land use administrator, or his/her designee, is unable to determine whether the home occupation is a major home occupation or a minor home occupation; or if he/she determines that approval of a home occupation business license may jeopardize the health, safety or welfare of the community, he/she may refer the application to the Planning Commission.

### **10-7-040: STANDARDS FOR ALL HOME OCCUPATIONS**

All home occupations must comply with the following "standards" at all times. Bed and breakfast homes are regulated by section 10-7-080 of this chapter.

- A. Permitted or Conditional Use: Home occupations must be a permitted or conditional use in the zone in which the home occupation is to be located and not be in conflict with the objectives and characteristics of the same zone.
- B. Home occupations, which are required to obtain a conditional use permit, shall provide the notice materials and information for property owners within three hundred feet (300') from any boundary of the property. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate;
- C. Accessory Use on the Property: The home occupation shall be clearly incidental and secondary to the primary residential use of the property and dwelling. Home Occupations must be conducted entirely within a dwelling by persons residing in the

dwelling or in an accessory building, which use is clearly incidental and secondary to the residential use of the property and does not change the character thereof.

- D. The home occupation business shall be owned by a resident of the home for which a certificate of occupancy has been issued.
- E. No more than one employee from outside the current residents of the home may be employed on site.
- F. In the event covenants applicable to the property preclude home occupations, the covenants shall control.
- G. Satellite Offices are allowed but limited to one employee from outside the current residents.
- H. A home occupation shall not include the sale of goods or merchandise directly from the home, except those, which are produced on the premises, and shall not involve the use of any yard space or activity outside of the buildings not normally associated with the residential use.
- I. Parking: All business related vehicles, which park at the location of the home occupation, must be legally parked, either in conventional parking spaces on the lot or adjacent to the frontage of the lot. No parking from the home occupation shall be permitted in front of adjacent lots unless approved by the City as part of a traffic circulation and safety plan. Required parking for resident vehicles shall be available at the close of business each day.
- J. No pedestrian, vehicular, or delivery traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area.
- K. Signs: Signs are limited to one non animated sign not larger in area than 2 foot by 3 foot (6 square feet.) The sign shall not be directly or internally illuminated.
- L. External Appearance: Any exterior alterations to the residence to accommodate the home occupation shall maintain the character and appearance of the residential dwelling in which it is located. Furthermore, the business operation shall not negatively affect the physical appearance, traffic, and other activities of the surrounding neighborhood and not depreciate surrounding property values.
- M. Storage Areas: Home occupations are not permitted to store materials or products outside of the dwelling unit, except in a City approved and permitted accessory building.
- N. Conformity With Safety Codes: No hazardous materials or equipment may be used in the home occupation, including, but not limited to, anything flammable or unsafe that is not customary to the home in which the occupation is located. There shall be complete conformity with fire, building, plumbing, electrical and all other city, county, state and federal codes.
- O. Neighborhood Disruptions Not Permitted: The home occupation shall not disrupt the peace, quiet and domestic tranquility of the neighborhood nor emit noise, odor, dust, fumes, vibration, smoke, electrical interference (including interferences with radio and television reception), or any other interference with the residential use of adjacent properties.
- P. Renter/Owner Responsibility: If the applicant for a home occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property

owner at the time the application is submitted to the community development department. (Ord. eff. 2009)

### **10-12-050: MINOR HOME OCCUPATIONS**

In addition to the standards previously set forth in section 10-7-040 of this chapter, all minor home occupation businesses must comply with the qualifications outlined below. If a business is unable to fully comply with these qualifications, the applicant may request approval as a major home occupation, as outlined in section 10-7-060 of this chapter.

#### **A. Employees:**

1. One full time or full time equivalent nonresident may be employed, volunteer, or work at a designated workstation or area on the premises or inside the home where the home occupation business is located. Only one nonresident employee may work at the home, in such manner, at one time. No more than two (2) persons shall comprise the equivalent full time employee.
2. In addition to the employees described in subsection A1 of this section, any home occupation may utilize employees to work off site. Such off site employee, volunteer, hiree and any other persons engaged with the home occupation shall not come to the home for purposes related to the home occupation license, except for incidental vehicle stops in accordance with the traffic and operational hours qualifications outlined below.
  1. Operational Hours: The home occupation shall not generate any traffic before seven o'clock (7:00) A.M. or after eight o'clock (8:00) P.M. (e.g., clients, patrons, employees, volunteers, students, pupils, etc.). Applicants must show that any operation conducted after eight o'clock (8:00) P.M. and before seven o'clock (7:00) A.M. will be compatible with like uses and operations found in the residential neighborhoods between such hours.

- B. Traffic: Vehicular traffic from business related visitors, employees, volunteers, and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood, and shall be conducted so that the neighbors will not be significantly impacted by its existence. Minor home occupations shall be limited to three (3) business related vehicular stops to the residence during any one hour to a maximum of eight (8) business related vehicular stops per day. Vehicles for delivery or pick up of business related supplies or products (e.g., UPS package delivery vehicles) shall not exceed two (2) per day.

Exception: Group activities having an approved traffic circulation and safety plan may exceed the above maximum number of vehicle stops up to a total of sixteen (16) business related vehicle stops at the home in a day but shall not exceed 32 related vehicle stops per week. (e.g., dropping off and picking up a child would count as 2 vehicle stops).

#### **C. Areas And Property To Be Used:**

1. The business activities in the dwelling shall not occupy more than five hundred (500) square feet or twenty five percent (25%) of the total floor area of such dwelling, whichever is less. For the purposes of this calculation, a garage, carport, patio, breezeway, or any accessory building is not considered to be part of the dwelling.
2. Business activities in an accessory structure shall not exceed eight hundred (800) square feet or fifty percent (50%) of the accessory, structure floor area, whichever is more unless such accessory structure is being utilized for licensed agribusiness functions or is associated with a licensed boarding facility for animals.

D. Business Related Vehicles:

1. Business related vehicles include those vehicles owned and operated by a resident of the dwelling, which is used for business related activities.
2. Vehicles on the property that are non-operable due to: a) a collision or other violent act; b) has had parts removed from the vehicle rendering the vehicle inoperable; c) is being stored on a lot for the purpose of restoration. Business related vehicles shall also include any vehicles brought to the residence by the applicant, an employee, customer, client or business related visitor and shall comply with the following:
  - a. There shall be no more than two (2) business related vehicles parked or being stored at the residence at any one time.  
Exception: Any vehicle, operable on a road or not, that is inside a fully enclosed, permanent structure shall not be included in the maximum number of vehicles permitted at one time. Single or dual occupancy, off highway recreation vehicles (OHV) or watercraft are also excluded unless such are used as part of the business operation.
  - b. Business related vehicles shall not exceed eight feet (8') in height.  
Exception: Delivery or pick up vehicles (e.g., UPS package delivery vehicles) not owned or operated by the owner or employees of the licensed home occupation.
  - c. Business related vehicles shall not exceed two (2) axles or twenty-two feet (22') in length individually nor three (3) axles or thirty-five feet (35') in length with attachments. No vehicle having more than two (2) axles shall travel to the residence for the purpose of delivery of merchandise, goods, or supplies for use in the home occupation.

E. Number Of Licenses Allowed: Multiple home occupation licenses may be granted per residence as long as the cumulative effects of the businesses do not exceed the above standards and qualifications.

F. Additional Qualifications for Group Activities and Day Care with 4 or less unrelated children:

1. Group oriented home occupations such as music lessons, art lessons or other types of lessons shall not exceed eight (8) students at any one time. A maximum of eight (8) students is permitted per day.
2. Day Care having four (4) or less unrelated children can fall under a minor home occupation



**10-12-060: MAJOR HOME OCCUPATIONS**

Major home occupations must comply with all of the standards outlined in section 10-7-040 of this chapter and where possible the qualifications of section 10-7-050 of this chapter. Major home occupations must be reviewed by the Planning Commission and granted a conditional use permit before pursuing a business license through the City. Each major home occupation is subject to the pertinent conditions listed below:

A. General conditions for all major home occupations:

1. The conditional use permit and the home occupation business license shall be maintained in good standing for the entire period that business is being conducted,
2. Conditional use permits can be revoked based upon unresolved legitimate complaints as determined by the City land use administrator.

B. Child oriented home occupations having 4 or more unrelated children shall comply with the following conditions:

1. All required State of Utah licensing procedures will be followed.
2. Maximum Children Permitted: The following maximum numbers include the licensee's and any employees' children if they are under twelve (12) years of age and are under the care of the licensee at the time the home occupation is conducted:
  - a. Daycare home occupations shall limit the number of children at the residence to eight (8) unless a second adult works for the home occupation, in which case the daycare shall limit the number of children at the residence to sixteen (16) and must follow all Utah State licensing requirements.
  - b. Child group activities such as pre-school may not exceed twelve (12) students/children per session and a maximum of twenty- four (24) students/children per day. A maximum of two (2) sessions per day may be permitted.
1. Yard Requirements:
  - a. All non-business related structures or on premises, hazards are to be made inaccessible to the children attending the daycare facility.
  - b. All outdoor play areas must be enclosed in the rear yard by a fence at least five feet (5') in height.
2. Traffic:
  - a. All on-street vehicular stops for the dropping off or picking up of children shall be done with the passenger side of the vehicle toward the residence.
  - b. A traffic circulation and safety plan must be submitted to, reviewed and approved by the City.
  - c. The street must be of sufficient width to accommodate the increased average daily vehicular traffic (ADT) counts caused by the business and will be determined by the City land use authority.
  - d. The number of business related vehicle stops at the home per day shall not exceed twenty four (24) (e.g., dropping off and picking up a child would count as 2 vehicle stops).

3. Location Requirements: No child oriented home occupation, which requires a conditional use permit, may be operated within one hundred feet (100'), as measured from property line to property line on the same street, of another child oriented home occupation operating under a conditional use permit. Unless there are legitimate, extenuating factors i.e. traffic flow, number of children (less than permitted).
  4. Licensure: Copies of all licenses required by the state shall be provided to the City for verification of compliance with all state standards in order to receive a permanent business license.
- C. Businesses not conducted within a home, which must obtain a conditional use permit, must comply with the following:
1. Machinery Operation: No machinery may be operated between the hours of seven o'clock (7:00) P.M. and eight o'clock (8:00) A.M.
  2. Noise Levels:
    - a. Business machinery noise levels are not to exceed fifty five (55) dB when measured at the occupants property boundary.
  3. Storage Qualifications: All storage qualifications listed in section 10-7-040 of this chapter must be met.
  4. Designated Areas: The applicant shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation and, if approved, the home occupation may be conducted only in the designated areas. Ref to 10-7-050-D.
- D. Businesses having more than four (4) business related vehicles parked or stored at the home at one time or which utilize a commercial vehicle that exceeds the maximum height and length requirements established in section 10-7-050 – E of this chapter, must comply with the following conditions:
1. All business related commercial vehicles are to be parked on the property and behind the front of the home when not being used for business purposes. No more than 2 cars parked on street at a time.
- E. Businesses entailing food or beverage preparation, storage or catering must comply with the following conditions:
1. Obtain all authorizations required by a state or county department or agency prior to approval of a business license and maintain all such authorizations for the duration of the business.
  2. Compliance with all business related vehicle qualifications listed in section 10-7-050 – E of this chapter must be met.
- F. Businesses which have operating hours past eight o'clock (8:00) P.M. and before seven o'clock (7:00) A.M. must comply with the following:
2. Applicants must show that any operation conducted after eight o'clock (8:00) P.M. and before seven o'clock (7:00) A.M. will be compatible with like uses and operations found in the residential neighborhoods between such hours.
  3. All business activities are to be conducted within closed doors between eight o'clock (8:00) P.M. and seven o'clock (7:00) A.M. unless shown to be compatible with like uses and operations found in the residential neighborhood between such hours.

4. Any business lighting shall be shielded and directed downward away from adjoining properties or contained within the building from which it emanates. (Ord. eff 2009)

### **10-7-070: PROHIBITED HOME OCCUPATIONS**

The following uses, by the nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are therefore prohibited:

- A. Mortuaries, crematoriums, columbaria, mausoleums.
- B. Clinics, dental offices, medical offices, chiropractic offices, or other healthcare facilities.
- C. Junkyards, auto wrecking yards, salvage yards, impound lots, or vehicle towing operations.
- D. Storage, service, repair, sales or rental of ambulances, tow trucks, recreational vehicles, watercraft, automobiles, ATVs, or other motorized vehicles.
- E. Food or drink preparation, storage or catering which is not permitted by an appropriate state or county department or agency.
- F. Fitness or health spa facility.
- G. Auto body repair, motor vehicle, dump-truck and semi- truck repairs.
- H. Any home occupation which entails the use of chemicals exceeding typical household quantities, pesticides and flammable/combustible materials, and including any other process or business where current, adopted building and fire codes would require an "operational permit"
- I. Any home occupation unable to comply with the standards outlined in section 10-7-040 of this chapter. (Ord. eff. 2009)

### **10-7-080: BED AND BREAKFAST HOMES**

The land use administrator may grant a conditional use permit for a bed and breakfast home, if the following conditions are met:

- A. Any bed and breakfast homes must be reviewed by the City's staff to assure compliance with all building, zoning, fire, health, and other applicable ordinances prior to review by the Planning Commission.
- B. Bed and breakfast homes are either a permitted or a conditional use within the zone.
- C. Bed and breakfast homes shall not have less than two (2) guestrooms nor more than eight (8).
- D. The applicant shall submit a plot plan showing the location of the bed and breakfast home, parking, required yards, and property lines at a scale of not less than one inch to twenty feet (1" : 20') to the Planning Commission, health, and fire departments.
- E. The bed and breakfast home must be and remain the primary residence of the owner or lessee and must have a certificate of occupancy. If approved by the Planning Commission, employees who are not family members may be hired; however, such employees shall not be allowed to reside at the residence. A



notarized letter attesting that the owners or lessee will occupy said bed and breakfast home, except for bona fide temporary absences, shall be submitted to the Planning Commission and kept on record with the City.

- F. Signs shall be limited to one non-lighted sign not larger in area than 3 x3 (nine (9) square feet.)
- G. Each bed and breakfast home must legally collect and pay all applicable taxes and obtain a Coalville City business license.
- H. Abide with the county health department.
- I. All applicable licenses and inspections are to be done by the appropriate governing agencies and officials, including, but not limited to, any remodeling or construction requiring a Coalville City building permit, prior to approval of the business license by the City Council.
- J. A Coalville City business license must be obtained prior to opening. (Ord. eff. 2009)

### **10-7-090: NOTIFICATION TO ADJACENT PROPERTY OWNERS**

- A. When notice to adjacent property owners is required, applicants shall provide to the City with their application a notification packet containing the following materials and information:
  - 1. Home occupations, which are required to obtain a conditional use permit, shall provide the notice materials and information for property owners within three hundred feet (300') from any boundary of the property. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate;
  - 2. Bed and breakfast homes, which are required to obtain a conditional use permit shall supply stamped and preaddressed envelopes for each property owner of record of each parcel located entirely or partly within five hundred feet (500') from any boundary of the property subject to the application, including any owners of such property in unincorporated Summit County or adjacent municipalities.
  - 3. A mailing list, provided by the Summit County recorder's office, for those property owners stipulated above;
  - 4. All information required in subsection E as well as any and all maps and attachments;
- B. Notice Contents: The City shall prepare the notice which shall include at least the following information:
  - 1. The date of the notice;
  - 2. The time, location and place of the review of the proposal, as determined and scheduled by the community development department;
  - 3. That the public has the right to be present at the meeting and to express any comments or concerns regarding the proposal and noting that the time may be limited to what has been dictated by the land use authority;
  - 4. The exact address of the property that is the subject of the proposal;
  - 5. A description of the proposal including copies of maps, plans or graphics;
  - 6. A description of the requirement for notification;

7. The zoning of the property that is the subject of the proposal;
8. A statement declaring one of the following as applicable:
  - a. The hearing outlined in the notice is to be the only review of the proposal;  
or
  - b. The hearing outlined in the notice is the first in a series of reviews of the proposal and no further direct notification will be directly mailed to the recipient. Later reviews of the proposal will be noticed only through general advertisement of agendas by the City. City meeting agendas are advertised in the local newspaper and/or posted at Coalville City hall, the Coalville post office and Zion's Bank branch located on Coalville City Main Street. It is the responsibility of the public to make themselves aware of future agendas and reviews of the proposal.
9. Contact information for the applicant and the community development department;
10. The following paragraph:

*If notice given under this Title is not challenged in written form to the City's Appeal Authority within 30 days after the meeting or action for which notice is given, the notice is considered adequate and proper. Furthermore, if no challenge or protest is filed within 30 days after the meeting or action for which notice was given, any defect in the notice shall not affect or invalidate any hearing or action by the Planning Commission or City Council.*

- C. Postings On Property: The City may, but is not required to, provide a courtesy notice of the first public hearing of an application by posting information on the subject property. This courtesy notice is not a legal requirement, and any defect in the courtesy notice shall not affect or invalidate any hearing or action by the Planning Commission or City Council. (Ord. eff 2009)