

## HOME OCCUPATIONS

### Sections:

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### **Section 8.25.01 Purpose.**

The purpose of this section is to detail the regulations for home occupations. Any Home Occupation shall not change the character of the home or neighborhood and will co-exist with existing uses without significant conflict with the neighboring residential uses.

### **Section 8.25.02 Approval Period.**

A Home Occupation license is valid for two (2) years and can be renewed bi-annually prior to expiration. The license is issued by the Town Council after recommendation from the Planning Commission and has been determined to meet the requirements of this chapter. Conditions may be attached to any license approval or renewal and may be subject to review. Approvals in any license period do not perpetuate the right to operate such uses in subsequent years. New license applications and renewals shall comply with the requirements that are in effect at the time of application.

### **Section 8.25.03 Application.**

Applications for a Home Occupation license are available online and must be submitted to the Planning Staff. The applicant shall provide the following information and satisfy the following conditions before the issuance or renewal of a license:

- (1) Home Occupations shall not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood. The Home Occupation shall adhere to the Town's General Plan.
- (2) Home Occupations shall be in complete conformity with this title, fire, building, plumbing, electrical, health and all other applicable state and municipal ordinances.
- (3) Home Occupations shall not cause a demand for Town of Daniel or utility services or community facilities in excess of those usually and customarily provided for in residential uses.
- (4) The applicant shall provide a description of the proposed use, including, but not limited to location of the use, type of business, and work to be performed at the location.
- (5) A site plan shall be provided to the planning staff to determine availability of parking space to service the proposed use, ingress and egress.
- (6) The name, address, and phone number of the responsible person or applicant shall be provided to the Town of Daniel for compliance.
- (7) All applicants shall state the hours of operation of the proposed use.

- (8) The applicant shall certify in writing that the proposed use will be located entirely within the residence and will not require the use of outside storage or accessory buildings.
- (9) Any Home Occupation shall not restrict the residential traffic.

**Section 8.25.04 Home Occupation License Required.**

The applicant shall obtain and maintain a current Home Occupation license.

**Section 8.25.05 Bi -Annual Renewal and Review of Home Occupation License.**

The Home Occupation may be inspected prior to renewal of the Home Occupation license to determine if the Home Occupation remains in compliance with this chapter. If signed written complaints are received, the Home Occupation license is subject to further review and may be revoked.

**Section 8.25.06 Home Occupation Standards.**

The regulations of this section have been established to help avoid conflict between the Town's General Plan, Town residents, and the owners of the Home Occupation.

- (1) **General Requirements.** Before a Home Occupation license shall be issued, the following must be shown:
  - (a) A Home Occupation may be permitted in that zone;
  - (b) The Home Occupation is conducted entirely within the residential dwelling and is carried on in the dwelling only by members of the family;
  - (c) The Home Occupation does not involve the use of any accessory buildings, agricultural buildings, or yard space for storage or activities outside of reasonable residential use;
  - (d) The Home Occupation is clearly incidental and secondary to the use of the residence for dwelling purposes and does not change the character of the building from that of a dwelling;
  - (e) Signs are limited to one (1) non-flashing, non-illuminated sign not larger in area than ten (10) square feet;
  - (f) Not more than the equivalent of fifteen (15) percent of the ground floor space of the dwelling is devoted to the Home Occupation;
  - (g) When necessary, the Home Occupation shall be registered with the applicable state license division or department;
  - (h) Entrance to the Home Occupation from outside shall be by the same entrances normally used by the residing family.

## **Chapter 8.25 Amendment A**

### **HOME OCCUPATION OFFICE AND BUSINESS**

#### **Sections:**

<b>8.25.07</b>	<b>Purpose and Definition.</b>
<b>8.25.08</b>	<b>Approval Period.</b>
<b>8.25.09</b>	<b>Application.</b>
<b>8.25.10</b>	<b>Business License Required.</b>
<b>8.25.11</b>	<b>Annual Renewal and review of Business Licenses and Home Occupation Permits.</b>
<b>8.25.12</b>	<b>Home Occupation Standards.</b>

#### **8.25.07 Purpose and Definition.**

For the purpose of the chapter, the definition of a home occupation and business in an RA-5, P-160 or Mountain zone shall be as follows:

No business shall be allowed which is not legal in the State of Utah.

The purpose of this chapter is to provide an opportunity for homeowners to operate a small business within the operator's residence and property boundaries. Any home occupation shall not change the character of the home or the neighborhood and should follow the General Plan of the Town. The business will coexist with the existing uses without creating significant conflict with the residential uses.

#### **8.25.08 Approval Period.**

A home occupation permit shall be issued by the Town Council for a 2-year period, only after the home occupation has been determined to meet the requirements of this planning commission. When the use is allowed to lapse by the property owner, the permit expires and no longer exists.

#### **8.25.09 Application.**

Applications for a home occupation permit shall be made to the planning staff. The applicant shall provide all information requested by the planning staff. If the application is a renewal and no changes have occurred and there have been no signed complaints made against the applicant, the application will be renewed.

Application review items will be as follows:

- (1) Home occupations shall not alter the residential character of the premises, disturb the current level of peace and quiet of the neighborhood, nor detract from the residential character of the neighborhood. This includes radio and television reception of the neighboring property. Vehicles left running or coming and going during off hours per approved application, could be an example of disturbing the peace and quiet.

- (2) Home occupation businesses will be allowed only for homeowners living on the premises.
- (3) Home occupations shall be in complete compliance with this title, fire, building, plumbing, electrical, health and all other applicable state and municipal ordinances.
- (4) Home occupations should not cause a demand for the Town of Daniel on utility services or community facilities in excess of those usually and customarily provided for residential uses.
- (5) Each home occupation license shall be considered on its own merits and shall constitute an individual agreement between the business and the Town. The agreement does not indicate approval of a given use at any other location.
- (6) The applicant shall provide a description of the proposed use, including, but not limited to location of the use, type of business, and work performed at the location.
- (7) A site plan shall be provided to the planning staff to determine the yard requirements, including availability of parking space to service the proposed use, ingress and egress.
- (8) The name, address, and phone number of the property owner/applicant shall be provided to the Town of Daniel for compliance.
- (9) All applicants are required to provide daily business hours, the number of employees at the home occupation location, and expected customer traffic load. Applicants are to provide descriptions and quantities of vehicles to be parked or stored on the site location. Any applications requesting business hours outside of 7:00 AM and 9:00 PM will require additional approval by the Town Council.
- (10) Application Agreement. The applicant agrees to maintain and abide by the approved application conditions. Any failure to abide by these conditions will be grounds for loss of the business license.
- (11) Any home occupation shall not substantially restrict the residential traffic.
- (12) Requirement of this section is to provide staff with a process to protect the neighborhood. Don't ask for something not fitting with the area.

## **8.25.10**

### **Business License Required.**

The approved application for a home occupation permit shall be attached to and constitute the approval for a Daniel Town Business License which will be issued at the same time.

**8.25.11 Bi-Annual Renewal and Review of Business Licenses and Home Occupation Permits.**

The home occupation permit/business license location maybe inspected at any time to assure compliance with this chapter. Permits must be renewed on a biannual basis. If signed complaints have been received, the business license and home occupation permit is subject to review according to Title 8. D.T.C. and may be revoked.

**8.25.12 Home Occupation Standards.**

**(1) General Requirements**

- a) A home occupation may be permitted in the RA-5, M and P-160 Zones;
- b) The home occupation is conducted entirely within the residential dwelling and property;
- c) The home occupation uses accessory building and yard space consistent with private homeowners elsewhere in Daniel Town;
- d) Vehicles comparable to personal vehicles stored or parked in Daniel Town will be allowed;
- e) The home occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the building from that of a residential dwelling;
- f) Signs are limited to one (1) non-flashing, non-illuminated sign not larger in area than ten (10) square feet; (amended 4/7/2008);
- g) Not more than the equivalent of 20 percent (20%) of the ground floor area of the dwelling is devoted to the home occupation;
- h) When necessary, the home occupation shall be registered and licensed with the applicable state license division or department;
- i) Entrance to the home occupation from outside shall be the same entrances normally used by the homeowner's family.
- j) Deliveries to the residence for the home business are restricted to those by the U.S. Postal Service or commercial carriers such as FedEx and UPS.

- k) Large industrial equipment such as backhoes, trackhoes, mini trackhoes, skid steers, and lifts are allowed, no more than 4 pieces total.
- l) Businesses requiring facilities for warehousing and wholesale distribution are not allowed.
- m) Shipping, transport, and trucking businesses are not allowed except for owner/operator with a cap of 2 combinations and no other industrial equipment as defined in (k).
- n) Short-term rentals, motels, and reception centers are not allowed.