

# Home Occupation Ordinance Agreement (please read and sign)



<b>CHAPTER 5.38</b>	<b>HOME OCCUPATIONS</b>
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## 5.38.010: DEFINITION AND PURPOSE

Unless otherwise defined in this chapter, definitions in Title 17.08 shall apply.

A home occupation is any business or income producing activity conducted from a residential property. The home occupation provisions are intended to provide opportunities for minor in-home businesses which do not require the facilities of or have the impacts of larger concerns. Many types of businesses are allowed; provided, that they meet all of the provisions of this chapter. Home occupations do not include occasional baby sitting at the dwelling which would not be classified as a daycare or preschool operation. Home occupations are considered accessory uses in residential and agricultural zones. Garage or yard sales are not considered home occupations but may be held no more than four (4) calendar days per year. Sales of night crawlers gathered from the subject property, lemonade stands and similar occasional activities related to the subject premises are not considered home occupations. Temporary signage may be used to advertise yard sales, night crawlers, lemonade stands and similar occasional sales activities, provided it does not create a nuisance, is not placed on the public right of way and provided it is removed by seven o'clock (7:00) P.M. each day and upon conclusion of the activity. Home occupations will have no significant impact on the neighborhoods in which they are located and are considered to be secondary and incidental to and compatible with residential use.

## 5.38.020: REQUIREMENTS

The following requirements shall apply to any home occupation:

A. The following home occupations are required to obtain and maintain a current city business license and meet all requirements of title 5 of this code. All other home occupations may operate without a city business license, but must comply with the remainder of this Chapter, as well as all applicable local, state, and federal laws.

1. In-home child or adult care and preschool businesses;
2. Businesses that have customers/clients coming to the home; and
3. Any business that is required by another government agency to obtain a city business license.

B. Any business that wishes to be issued a City home occupation business license, even though not otherwise required to by this ordinance is required to apply under the provisions of this Chapter and pay fees as determined on the City's fee schedule.

C. Home occupations shall comply with Section 17.18.040 (Impact Control Measures), with the exception that Subsections F (Additional Notice) and G (Residential Protection Area) shall not apply.

D. Home occupations shall maintain the residential character of the dwelling by complying with the following requirements:

1. The combined area of all home occupation activities, including operation, office space, and storage space shall occupy not more than thirty-five (35%) of the floor area of the primary dwelling or one thousand (1,000) square feet, whichever is less. The home occupation shall not occupy any area within the garage.
2. No business displays or advertising shall be visible from the exterior of the premises, except as permitted in section 16.36.050 of Title 16.
3. Business activities involving pedestrian or vehicular traffic shall be conducted only between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M.

4. Business activities shall be conducted entirely within habitable building space of a dwelling unit or accessory building, except that activities may be conducted outdoors that are limited to children's play (daycare uses), recreational instruction (swimming, tennis, etc.), and animal or horticulture activities in an Agricultural Zone.

5. Home occupations shall not receive or generate more than twelve (12) one-way vehicle trips per day, including but not limited to customer/client visits and deliveries. Vehicular traffic from business related visitors/customers and deliveries 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. The receipt or delivery of merchandise, goods, or supplies shall be limited to vehicles with a gross vehicle weight rating (GVWR) of 19,500 (class 5) pounds or less.

E. More than one home occupation may be associated with a residential dwelling, provided that all home occupations associated with a residential dwelling shall collectively comply with the regulations of this Section. Only one home occupation shall be licensed to conduct home childcare per dwelling unit.

F. The sale and distribution of goods conducted onsite is prohibited, except that goods may be sold on site that are incidental and secondary to a service of the home occupation.

G. Space utilized for a home occupation shall have been properly permitted and shall have been issued a certificate of occupancy by the City.

H. No more than one vehicle used with the home occupation and complying with provisions for vehicle storage of the zone in which the home occupation is located may be stored at the residence. Said vehicle shall be stored in a garage or at least six feet (6') behind the front or street side building lines of the dwelling.

I. One trailer may be used in association with a home occupation in accordance with the following standards:

1. An open or enclosed trailer with a body length of twenty-four (24) feet or less, excluding the tongue.
2. Materials/equipment shall not be stored outside of the trailer.
3. Trailer parking must comply with all residential trailer parking requirements.
4. The trailer must be well maintained and must not present negative impacts for adjacent neighbors including, but not limited to odors, dust, or parking location.
5. A site plan shall be included with all business license applications indicating where the trailer will be stored outside of the front yard.

J. The home occupation business shall be owned by and carried on only by a bona fide resident of the home. Employees of home occupations shall consist only of members of the family residing in the dwelling or other individuals whose activities are conducted away from the residence. Family as defined in Chapter 17.08.

K. A home occupation business license shall not be issued unless and until all other federal, state, county, local and other public agency license requirements to conduct said home occupation are met.

#### **5.38.030: PRESCHOOLS – ADDITIONAL REQUIREMENTS**

Preschools for up to eight (8) students may be conducted as home occupations in accordance with provisions of this Chapter with the following and other conditions as determined by the City Council:

Maximum two (2) sessions per day and maximum four (4) sessions per week. Sessions shall be a maximum three (3) hours in length.

Students' ages shall be three (3), four (4), or five (5) years old.

Days and hours of operation shall be provided for review.

All life safety and building codes shall be met and a building permit, if necessary, shall be obtained for remodeling.

All other requirements of this chapter and other local, state and federal laws shall be met.

#### **5.38.040: PROHIBITED ACTIVITIES AS A HOME OCCUPATION BUSINESS**

The following activities, including any similar activities, are prohibited in association with home occupations:

Mortuary, crematorium, columbarium, mausoleum, or funeral home.

Animal husbandry, kennels, animal hospitals, or veterinary services.

Clinic, dental office, medical office, chiropractic office, or hospital.  
Junk yard, auto wrecking yard, salvage yard, or parking facility.  
Storage, service, repair (including body work or spray finishing), sales, or rental of the following: automobiles, recreational vehicles, watercraft, aircraft, ATV or other motorized vehicles that are not registered to a resident of the dwelling.  
Fitness or health spa facility.  
Fabrication shops such as welding, woodworking, spray finishing and so forth.  
Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current, adopted Building and Fire Codes would require an Operational Permit.  
Massage therapy or other alternative healing and energy healing businesses, with the exception that a home occupation business license may be issued if the applicant is the only person employed in said operation and he/she has obtained any required license(s) from the State of Utah.  
Commercial stables.  
Restaurant.  
Depository and/or non-depository financial institution.  
General retail sales.  
Self-storage units.  
Any business where the number of vehicular stops or visits would exceed 12 one-way trips per day.

**5.38.050: HOME OCCUPATION BUSINESS LICENSE APPLICATION**

The following items shall be submitted to the city business licensing office when applying for a home occupation business license:

- A. Application forms as provided by the city and the associated fee as determined by the city council.
- B. Description of the nature of the home occupation and information as requested in the application.
- C. Sketch of the site plan of the property and the floor plan of the dwelling and the area to be devoted to the home occupation with dimensions and area calculations.
- D. List of materials and equipment to be used.
- E. Hours of operation and the number of customers/visitors and deliveries to be made each day.
- F. Other government approvals required for conducting the home occupation.
- G. Proposed remodeling needed to conduct the home occupation and whether a city building permit will be required.
- H. Signed affidavit by the applicant that all requirements and conditions of the city will be followed.

**5.38.060: HOME OCCUPATION APPLICATION REVIEW PROCEDURE**

The city business licensing office and other city departments will review the home occupation business license application and may approve the application if all requirements are met.

Source: Municipal Code 5.38

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**I clearly understand and am fully aware of the requirements and restrictions for a home occupation as stated above. I do hereby agree to abide by these requirements and restrictions for Home Occupations. I also understand that my residence may be inspected by an authorized representative of the City of South Jordan for compliance with these requirements, and that this license may be revoked if I violate the provisions of section 17.98 of the ordinances of South Jordan City.**

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Signature of Applicant

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Date