

LAND USE ORDINANCE 2008-04

CHAPTER 24

HOME OCCUPATIONS

Chapter created by Ordinance 2009-01

24.1. DEFINITION.

A home occupation shall mean the conduction of any business, transaction or activity for which compensation of any nature is received, in any zone classified as residential under the zoning ordinances. Garage sales, yard sales, moving sales, or estate sales, do not constitute a home occupation.

24.2. PURPOSE AND INTENT.

The purpose and intent of this Chapter is to allow the residents of the Town of Leeds, who comply with the requirements of this section and are issued a license, to utilize a portion of their residential premises as a place of business. Such business shall only be operated by residents in the home, and shall not be of such nature or scope that the operation of the business disrupts neighbors or detracts from the residential character of the neighborhood in which it is located.

24.2.1 Home Occupation Advertising/Resident Manager

In all cases where a home occupation is engaged in, there shall be no advertising of such occupation, including, but not limited to, window displays or signs, on or about the premises where such occupation is engaged in except as hereinafter permitted. The property owner/resident or a family member of the property owner/resident must be the on-site manager of the home occupation business.

24.2.2. Home Occupation Business License Required.

It shall be a Class B misdemeanor for any person to utilize any portion of their residence as a place of business without first receiving a home occupation business license as required by the Town of Leeds.

24.2.3. Home Occupation Business License Compliance.

To assure compliance with the provisions of this Chapter and to protect the character of residential neighborhoods in Leeds, a home occupation business license for an In-Home Occupation shall be approved by the Town. Home occupation business licenses shall be approved by the Town Planner and/or the

Town Staff before a structure on the residential premises may be used for business purposes. Application for the home occupation business license shall be obtained from the Town offices.

24.2.4. Procedure.

Town of Leeds staff may, upon application, issue a home occupation business license, which shall state the in-home occupation use permitted and any limitations imposed thereon. The license shall not be issued until the applicant represents that the applied for use will not violate covenants, conditions and restrictions or other deed restrictions affecting the use of the property involved. The license shall not be issued unless the Town staff is satisfied that the applicant will meet all of the conditions listed below, and that the applicant has agreed in writing to comply with all said conditions. In addition to the foregoing, a license for a home occupation requiring a conditional use permit pursuant to Section 24.2.5.2 below shall not be issued until the applicant for such license has received a conditional use permit pursuant to Chapter 7 of this Land Use Ordinance.

24.2.5. Application for Home Occupation Business License.

All applications for a home occupation business license shall include:

- a). The name, social security number, date of birth, and home address of the person applying for the license;
- b). The registered name of the business, if applicable;
- c). The Federal Tax No. of the corporation, if applicable;
- d). The type of business to be engaged in;
- e). The location of the place of business;
- f). A State tax number, if applicable;
- g). A State contractor's number, if applicable;
- h). Proof that the business is State licensed or registered, if applicable;
- i). A space for the applicant or applicant's authorized agent to sign under penalty of law that all the information contained therein is true; and
- j). Other information that may be required on a case-by-case basis.

- k). If a license or permit other than a business license is required for the home occupation, then proof of that license shall be provided

24.2.5.1. Home occupations that do not require a conditional use permit pursuant to Chapter 7 of the Land Use Ordinance may include the following:

1. Artists, not using extreme hazardous materials, or activities that would create a fire hazard.
2. Authors, architectural services, advertising.
3. Bakeries, catering, and home kitchens with no commercial equipment.
4. Barber and beauty shops.
5. Computer/internet sales/programming, data processing, mail order.
6. Consulting services, craft sales.
7. Contractors, provided there is no outside storage of equipment, and no more than two company vehicles stored on site (which may not include vehicles which have a gross vehicle rating of more than 26,000 pounds, capable of transport of 16 or more occupants or require hazardous materials placards).
8. Direct sales distribution, desktop publishing.
9. Dance class, aerobics class, music lessons, swimming lessons, tennis lessons (not to exceed 10 students on premises at any one time)
10. Family daycare, preschool, not to exceed 5 students, unless licensed by the State of Utah, to accommodate for greater enrollment.
11. Garden produce.
12. General administrative office.
13. Handyman.

14. Home crafts.
15. Insurance sales or broker.
16. Interior design.
17. Janitorial, housekeeping.
18. Musicians.
19. Real estate sales, broker, or appraiser.
20. Yard care.

24.2.5.2. Home occupations which shall require the applicant to obtain a conditional use permit, as set out in Chapter 7 of the Land Use Ordinance, shall include:

1. Auto body services.
2. Automobile repair and maintenance.
3. Automotive spray painting.
4. Commercial kennels.
5. Bed and Breakfast establishments.
6. Commercial stables.
7. Commercial Welding.
8. Medical, Dental, Chiropractic and other medical professionals.
9. Repair of household appliances.
10. Tattoo parlors.

24.2.5.3 Home occupations which are prohibited shall include any use not identified in Sections 24.2.5.1 and 24.2.5.2 above.

24.2.6. Conditions.

Each and every one of the following conditions must be observed at all times by the holder of a Home Occupation Business License:

- 24.2.6.1.** The home occupation business shall not alter the residential character of the premises by reason of activity, color, design, materials, storage, construction, lighting, sounds, noises, vibrations, dust, odors, noxious fumes, etc., nor shall it unreasonably disturb the peace and quiet of an individual and/or the residential neighborhood, nor interfere with area radio or television reception.
- 24.2.6.2.** Outside storage of equipment and/or materials associated with the home occupation business shall not be permitted.
- 24.2.6.3.** Only two vehicles may be used in association with the home occupation business. Any vehicles used for the home occupation business shall be limited to a maximum size of one ton gross vehicle weight.
- 24.2.6.4.** The home occupation business may be conducted in a garage attached to the residence subject to the following:
 - (a)** The garage may not be altered in any way that prevents the parking of vehicles within.
 - (b)** Sufficient off-street parking must be available for the vehicles temporarily displaced by using the garage to conduct the home occupation business.
- 24.2.6.5.** No business signs are to be displayed on the residential premises in connection with the home occupation business, except in compliance with the conditions of the Town's sign ordinance. (Ord 2008-04: 22.2.2.6.)
- 24.2.6.6.** The home occupation business shall not create noise in excess of that which is customary to the immediate neighborhood.
- 24.2.6.7.** The home occupation business shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the residential neighborhood in which the use is located.
- 24.2.6.8.** There shall be complete conformity with fire, building, plumbing, electrical, and health codes, and with all state and city laws and ordinances.

24.2.6.9. There shall be complete conformity with any special condition established and made of record in the home occupation business license by the Town Staff and/or the Planning Commission, as they may deem necessary to carry out the intent of this Chapter.

24.2.6.10. The residential premises shall be subject to inspection by the Town of Leeds for compliance purposes upon 48 hours prior notice.

24.2.7. Fees.

Fees will be charged in accordance with the Town of Leeds Consolidated Fee Schedule.

24.2.8. Utah Sales Tax License.

If required by the State of Utah, a Utah State Sales Tax License will be required with the Town of Leeds listed as a business location.

24.2.9. Renewal.

All home occupation business licenses shall be valid for the period of time specified on the license application, and shall be renewed annually in January, provided there have been no reported violations, or detrimental characteristics which may, by the decision of the Town Staff, require revocation of the home occupation business license and termination of said home occupation business.

24.2.10. Revocation or Denial of Home Occupation License.

Any license issued pursuant to the provisions of this chapter may be revoked and any application denied by the Town Staff because of:

24.2.10.1. The failure of the licensee or applicant to comply with the conditions and requirement of this Chapter or any ordinance of the municipality.

24.2.10.2. Unlawful activities conducted or permitted on the premises where the business is conducted.

24.2.10.3. The license was obtained by fraud or deceit.

24.2.10.4. If business license is not renewed by July 1 of the current year.

24.2.10.5. If the use of the original license has been abandoned for a period of at least one (1) year.

24.2.11 Notice of Denial or Revocation of Home Occupation License.

The Town shall notify the applicant of the denial or revocation of a license and the reason for such denial or revocation.

24.2.12. Appeal.

A Home Occupation Business License denial or revocation may be appealed to the Town Council by filing written notice of appeal with the Town Recorder within ten (10) days of the notice of denial or revocation. The Town Council shall hear the appeal within thirty (30) days of the notice of appeal.