

CHAPTER 20**HOME OCCUPATIONS**

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Section 20.010. Purpose. *(amended 03/28/00)*

It is the intent of Lehi City to encourage business activities in appropriate commercial districts. Business activities may be conducted within a residence on a limited basis provided that the proposed activity complies with the standards and provisions of this Chapter. All home occupations shall be secondary and incidental to the residential use of the structure. All home occupation activities shall occur completely within the residential structure and not out of doors or in any accessory building, such as a garage. Any home occupation, which would alter the residential nature of the immediate vicinity, shall be denied. Home occupations are a temporary privilege that can be revoked at any time if disruption of the residential neighborhood occurs, or if the applicant fails to comply with any condition of approval.

Section 20.020. Requirements of Approval.

(amended 03/28/00; 8/10/04; 12/08/09)

In order to protect the character of residential neighborhoods in the City, a Home Occupation permit shall be obtained prior to use of a residential dwelling for a business. An application for a home occupation permit may be approved if the following procedures have been complied with and the following conditions met:

- A. The applicant for a home occupation resides in the residence for which the permit is being sought;
- B. The home occupation shall not require alterations to the exterior of the residence and the residence shall maintain the general character and appearance of a residential dwelling;
- C. The home occupation shall not occupy more than 400 square feet, or 25% of the total floor area of the dwelling, whichever is less;
- D. The home occupation shall not occupy any space in any attached or unattached garage or accessory

building on the parcel outside of the dwelling;

- E. Application for a home occupation shall not be approved prior to a Lehi City Certificate of Occupancy being issued for the residence;
- F. The applicant must purchase a Lehi City Business License for a home occupation on an annual basis;
- G. Advertising signs or product displays for a home occupation are not permitted;
- H. No more than one home occupation shall be approved per residence unless the applicant can demonstrate that the additional home occupation(s) will not impact the residential nature of the area;
- I. The applicant shall provide ample off-street parking for any vehicles related to the home occupation;
- J. There shall be no storage or parking of tractor trailers, semi trucks, or other heavy equipment on the premises or on the streets in the vicinity of the premises of a home occupation, except that not more than one truck of one-ton capacity or less may be parked during off hours;
- K. In order to provide protection that the home occupation, once authorized, will not become a nuisance to the neighbors, the Zoning Administrator and Planning Commission may impose operating conditions, initially and also subsequently, to protect the public health, safety, peace, and welfare of the residents of the surrounding residential area;
- L. The home occupation shall be clearly incidental and secondary to the residential use of the dwelling and must not change the character of the building from common residential uses;
- M. Activities in connection with the home occupation shall not be in conflict with the objectives and characteristics of the district in which the home occupation is located;
- N. If the applicant for a home occupation is not the legal owner of the residence, the applicant shall present, in writing, permission from the legal owner of the residence to conduct the activities proposed.

Section 20.030. Employees.

(amended 03/28/00)

- A. Permanent residents of the dwelling for which a home occupation has been approved may be employed in such residence without constraint.

B. Recognizing that for the purposes of some home occupation activities additional employees are necessary or practical, the city may allow one (1) employee not residing on the premises, during appropriate daytime business hours to work at the location of a home occupation. If an applicant desires more than one (1) additional on-premise employee, the home occupation will require review and approval by the Planning Commission. In such a case, the applicant must clearly demonstrate that the additional employee(s) will not cause conflict with the residential use of the dwelling or the residential nature of the surrounding area. Off-street parking will be required for all on-premise employees of an approved home occupation.

C. Off-premise employees shall not be allowed to frequent the premise of a home occupation. If the applicant is unable to satisfy the Planning Commission that off-premise employees will not frequent the location of the home occupation, the Planning Commission shall deny the application.

Section 20.040. Patrons. (amended 07/18/02; 8/10/04)

A. For purposes of this Section, a home occupation should not create the demand for more than two (2) patrons per hour. If a home occupation creates a demand for more than two (2) patrons per hour, the application for the home occupation will require review and approval from the Planning Commission. In such a case, the applicant must clearly demonstrate that the additional patron(s) will not cause conflict with the residential use of the dwelling or the residential nature of the surrounding area. Off-street parking will be required for all patrons of an approved home occupation.

B. In the case of in-home child instruction (including, but not limited to preschools, dance, music, art instruction, etc.), the Planning Commission may not allow more than twelve (12) children at one time.

C. In the case of child day care, no more than six (6) children will be allowed at one time. As used in this Section, "child" means a child of a person other than the care provider and any children of the care provider who are under the age of four. A care provider may not provide care to more than two children under the age of two.

Section 20.050. Minor Home Occupations.

(New 03/28/00)

The intent of the minor home occupation is to allow administrative approval of home occupations that have no effect upon neighboring households. A minor home occupation may be approved by a member

of the Lehi City Planning Department, following the submittal of a complete application, including fees, provided that it complies with the stipulations in Section 20.020 of this Code, and the following:

A. No patrons, customers, or clients may visit the home;

B. Outside employees not residing on the premises will not be allowed;

C. No additional traffic may be created by the minor home occupation;

D. No hazardous equipment or materials may be used in the minor home occupation, including anything deemed flammable, unsafe, etc.

Section 20.060. Major Home Occupations.

(New 03/28/00) (Amended 8/10/04; 12/09/08; 07/27/10)

The intent of the major home occupation is to allow home occupations that may have some impact upon neighboring households. Any request for a major home occupation shall be placed on the regular agenda of the Planning Commission. The Planning Department may request that the application be reviewed by the Development Review Committee prior to being placed on the Planning Commission agenda. The Planning Commission may approve a major home occupation provided that it complies with the requirements of Sections 20.020, 20.030, and 20.040 of this Code and the following regulations:

A. Property owners within 300 feet of a residence proposed for a major home occupation shall be notified by the applicant, on the form provided by the City, and given an opportunity to respond at or prior to the time the permit is issued.

B. The applicant must pass a fire and safety inspection prior to issuance of the business license.

C. For child day care and preschool major home occupations, the back yard of the home is required to be fully fenced and all gates shall have self closing latches.

Section 20.070. Prohibited Home Occupations.

(New 12/08/09)

For the purpose of protecting residential character, certain types of home occupations are prohibited. Prohibited home occupations include, but are not limited to the following professions and business activities, and those of a similar nature:

- A. Body art facilities;
- B. Clinics, hospitals;
- C. Animal/veterinary clinics;
- D. Restaurants;
- E. Auto, truck, recreational vehicle repair services;
- F. Construction activities;
- G. Ambulance services;
- I. Automobile sales, auto parts sales.

Section 20.080 Appeals.

If an applicant for a Home Occupation Permit is either denied a permit by the Planning Commission or desires to appeal any condition of approval placed on the application by the Commission, the applicant may present an appeal to the City Council within ten (10) days of the denial or the approval with conditions by the Planning Commission. The applicant will notify the Zoning Administrator, in writing, of the appeal. The Zoning Administrator will schedule an appeal hearing with the City Council and provide no less than fourteen (14) days public notice consistent with the notification procedures of Section 03-080. At the hearing the City Council may hear from the Chair of the Planning Commission, Zoning Administrator, staff, applicant, public and other interested parties prior to making a decision on the appeal. Following the hearing, the City Council may approve, approve with conditions, or deny the appeal.

Section 20.090. Noncompliance and Revocation.

Any Home Occupation Permit shall be revoked by the Zoning Administrator upon violation of any of the requirements of this Chapter, or upon failure to comply with any condition(s) of the permit, unless the violation is corrected within ten (10) days of receipt of written notice of the violation. A permit may be revoked for repeated violations of the requirements of this Chapter, notwithstanding compliance to the violation notice.

Section 20.100. Business License Required.

(New 12/08/09)

A Home Occupation Permit is not a business license, and the granting of said permit shall not relieve the permittee of any other license requirement of the City or of any other public agency.