

SOUTH JORDAN CITY
CITY COUNCIL STUDY MEETING

OCTOBER 7, 2025

Present: Mayor Dawn R. Ramsey, Council Member Patrick Harris, Council Member Kathie Johnson, Council Member Don Shelton, Council Member Tamara Zander, Council Member Jason McGuire, City Manager Dustin Lewis, City Attorney Ryan Loose, CFO Sunil Naidu, Police Chief Jeff Carr, Deputy Fire Chief Ryan Lessner, Director of Engineering & City Engineer Brad Klavano, Director of Recreation Janell Payne, Associate Director of Public Works Joey Collins, Director of Planning & Economic Development Brian Preece, Director of Administrative Services Melinda Seager, Director of Human Resources Teresa Cook, CTO Matthew Davis, GIS Coordinator Matt Jarman, Communications Manager/PIO Rachael Van Cleave, Deputy City Recorder Ambra Holland, Planning Commissioner Michele Hollist

Absent:

Other (Electronic) Attendance: Candice Randall, Tomas Longholtz

Other (In-Person) Attendance: Jennifer Kiddle, Jennifer Zollinger, Lilly Wong, Grace Wong, Taylor Hollist

4:36 P.M.
REGULAR MEETING

A. Welcome, Roll Call, and Introduction - By Mayor Dawn R. Ramsey

Mayor Ramsey welcomed everyone present and introduced the meeting.

B. Invocation – By Council Member, Kathie Johnson

Council Member Johnson offered the invocation.

C. Mayor and Council Coordination

D. Discussion/Review of City Council Meeting

Presentation Items:

- Proclamation Honoring Mason Sauzo - April Play Ball Player of the Month.
- Utah PTA Centennial Celebration Proclamation.

Public Hearing Items:

- Resolution R2025-52, Adopting the City of South Jordan 2025 Water Conservation Plan.
- Resolution R2025-49, Amending Chapter 7 of the South Jordan Plan to comply with new requirements of State Law.
- Ordinance 2025-16, Amending Chapters 17.18 (Uses), 17.30 (Agricultural Zones), 17.40 (Residential Zones), 17.54 (Redwood Road Mixed Use Zones), 17.72 (Planned

Community Zone) of the South Jordan City Municipal Code to comply with changes in State Legislation.

E. Discussion Item:

E.1. Home Occupation/Preschools Requirements. (By City Manager, Dustin Lewis)

City Manager Dustin Lewis provided an overview of the city's ordinance regarding home-based preschools and reviewed handouts (Attachment A) containing a summary spreadsheet with examples from other cities for reference. He explained that this discussion had been requested for the work session three weeks prior to allow the council to review and consider specific questions regarding the ordinance. Staff prepared materials highlighting key issues and parameters for discussion, including comparisons with other cities and states. Key discussion points included whether non-resident employees should be allowed (currently prohibited in South Jordan), vehicle trip limits for student drop-offs and pick-ups (South Jordan allows 12 one-way trips, roughly six round trips per day), class size limits (which vary across municipalities from six to 24 students, with some determined on a case-by-case basis), and whether the licensee's own children count toward the total number of children at the home. He noted that these topics had been flagged by a resident and emphasized as items requiring council clarification.

Council Member McGuire asked whether there is any state regulation requiring a specific adult-to-child ratio for home-based preschools. City Manager Lewis clarified that adult-to-child ratio requirements are generally more applicable to daycare facilities rather than home-based preschools. He explained that the information was provided to give the council context for their discussion.

Council Member Shelton asked whether, on the daycare side, the licensee's own children are counted as part of the total number of children in the home. Deputy City Recorder Ambra Holland explained that on the daycare side, the licensee's own children are counted toward the total, with age considered, for example, a baby versus a seven-year-old may be treated differently when determining the maximum number of children allowed.

City Manager Dustin Lewis clarified that while counting the licensee's own children is primarily a daycare consideration, some city ordinances blur the lines between daycare and preschool. He noted that most ordinances apply to home-based operations, with some cities creating specific provisions for preschools, others for daycares, and some leaving the distinction vague.

Council Member Zander asked for clarification regarding the age at which a licensee's own children count toward the total number of children in a home-based program. Deputy City Recorder Holland responded that age seven was used as an example, but she was unsure of the exact age and would need to check the specific requirement.

City Manager Lewis addressed resident questions regarding the number of sessions allowed per day and per week for home-based preschools. He explained that the current ordinance limits programs to two sessions per day and four sessions per week. He noted that other municipalities vary widely, with some allowing up to four sessions per day, others setting three, some having no

limits, and some handling it on a case-by-case basis. He highlighted that the definition can be unclear, particularly when different age groups have varying schedules, which can result in different total sessions depending on programming. He acknowledged that this complexity has led residents to request council clarification.

Council Member Shelton asked for clarification what a session does. City Manager Lewis clarified that, in this context, a “session” refers to a single class period, such as an morning session with a defined group of children. Two sessions per day would typically mean one morning and one afternoon session. He noted that the weekly limit of four sessions is separate from the daily count, so two sessions per day over multiple days does not automatically exceed the weekly maximum; the total is calculated based on the combined number of sessions held throughout the week.

Council Member McGuire suggested that the session limits should be interpreted more like days of operation rather than individual sessions.

City Manager Lewis stated that the city’s current ordinance limits preschool session length to three hours, but many municipalities do not regulate this detail or address it only on a case-by-case basis. Some cities allow up to four hours per session. He noted that the lack of clarity in South Jordan’s definition has caused confusion and suggested that creating a clearer structure may be beneficial. However, he also questioned whether regulating session length at this level of detail is necessary, encouraging the council to consider whether this requirement should remain in the ordinance.

Council Member Shelton asked whether removing limits on preschool session length could unintentionally allow preschools to function as de facto daycares. He questioned whether that distinction would trigger different considerations or regulatory needs.

City Manager Lewis noted that removing limits on session length could allow preschools to operate similarly to daycares, which may lead providers to use the model to circumvent daycare regulations. He also outlined another key consideration; proximity. While South Jordan’s current ordinance is silent on spacing requirements, several other cities limit preschools or similar home occupations to one within a 300-foot radius, with some adding additional restrictions if more than one exists within a quarter mile. He explained that without proximity rules, multiple preschools could cluster within a small neighborhood or cul-de-sac, potentially resulting in significant traffic congestion during drop-off and pick-up times. Some cities address this by requiring notification to neighbors within 300 feet, allowing them an opportunity to provide input during the application process.

Council Member Zander inquired about how neighbors are notified when a home-based preschool is established. She noted that since these operations fall under the city’s home occupation regulations, the business license process might provide such notification. It was clarified that this notification used to occur but may not be consistently applied currently, and that in Daybreak, it is handled as a specific HOA feature.

City Manager Lewis provided further context on considerations for home-based preschools. He explained that when conditional use permits (CUPs) were used in the past, they helped mitigate impacts on neighbors, particularly related to congestion. He noted that multiple preschools on the same street with overlapping drop-off and pick-up times could create traffic issues, and some cities

address this by requiring breaks between sessions, which South Jordan currently does not regulate. He also highlighted that South Jordan has age restrictions for preschool students (ages three to five), making the city somewhat of an outlier compared to most cities that do not impose such limits. He noted potential concerns with shared driveways, where parking for drop-offs could create conflicts, although the city does not currently regulate this. Additional considerations observed in other municipalities include maintaining a residential appearance, restricting signage and commercial vehicles, limiting outdoor play areas to backyards, and requiring safety checks such as smoke alarms and carbon monoxide detectors, aligning with general home occupation standards.

Council Member McGuire inquired further about the safety check requirements, seeking clarification on what is currently mandated for home-based preschools. City Manager Lewis explained that safety checks for home-based preschools are conducted by the Fire Marshal and are designed to maintain the residential character of neighborhoods. He then introduced the “cheat sheet” handout (Attachment A), which provides comparative examples of how other cities regulate home-based preschools.

City Manager Lewis directed the council’s attention to the South Jordan home occupation ordinance, specifically the section on preschools (Section 5.38.030). He emphasized that this is the section for discussion regarding potential clarifications, modifications, or additions. He referenced the comparative materials from other cities included in the handout, as well as concerns previously raised by a resident, noting that the document also contained examples of Conditional Use Permits (CUPs) and Conditional Education Permits (CEPs) issued in 2004 and 2016 that adjusted student limits to 12 per day. He explained that these examples illustrate potential variability in rules across different preschools. He then opened the discussion for the council to identify key issues, suggest ordinance adjustments, and direct staff on drafting potential revisions, with staff available to answer questions during the deliberation.

Mayor Ramsey shared her personal experience with home-based preschools, noting that all six of her children attended such programs. She described that the oldest two attended a neighborhood preschool near their home, while the remaining four commuted to a different home preschool after the family moved. She explained the scheduling structure, noting that four-year-old classes had morning and afternoon sessions on alternating days (Monday/Wednesday or Tuesday/Thursday), and three-year-old classes met on Fridays with multiple sessions. Class sizes often exceeded six children, sometimes reaching twelve, and were staffed by consistent teachers rather than substitutes. She emphasized the importance of maintaining neighborhood and community character while avoiding overly burdensome government regulation. She noted that it may have been over 16 years since some elements were last reviewed in detail. She emphasized that while the city remains committed to preserving quality of life in neighborhoods, the current context makes it appropriate to revisit the ordinance to determine if further updates are necessary. She concluded by noting that while she does not have all the answers, she is open to council discussion and believes the current ordinance could be improved to better balance community needs with practical flexibility for home preschools.

Council Member Johnson emphasized that the most critical consideration for home-based preschools is the potential traffic impact on neighborhoods. She noted that the effects can vary

significantly depending on street layout, such as whether the preschool is located on a cul-de-sac or a through street, and highlighted the importance of coordinating regulations to address these differences.

Council Member Zander raised a related point regarding the impact of common driveways, noting that this was a concern of hers. She inquired whether common driveways exist in areas of the city beyond Daybreak, emphasizing the need to consider how such shared access points could affect preschool operations and neighborhood traffic. City Attorney Ryan Loose confirmed that there are additional areas in the city with shared driveways outside of Daybreak, where multiple homes use a common access point.

Council Member Zander highlighted that the layout and density in Daybreak, particularly homes facing a Paseo with alley access, could create significant congestion if a preschool or daycare operated there. She suggested considering a requirement that such home-based preschools or daycares have direct curb frontage to better manage drop-offs and reduce neighborhood traffic impacts, noting that shared driveways or alley access could exacerbate congestion.

Council Member McGuire noted a similar scenario on his street with homes on a green court, where children are dropped off for a preschool or daycare. He observed that, in that case, there has not been noticeable traffic congestion, suggesting that location-specific impacts may vary.

Council members discussed the differences between green courts and Paseos, noting that green courts generally have more curb frontage, while Paseos often feature narrow strips of grass with limited access. They acknowledged that the discussion did not fully define regulations for each type of frontage. The conversation included consideration of existing HOA guidelines, recognizing that Daybreak and other HOAs may have application processes or policies affecting home-based preschools. Council members agreed that policies should not rely solely on a single HOA's rules, and emphasized that factors such as curb frontage can influence traffic impact. Examples were shared of preschools with good reputations that operated from homes fronting a curb without causing neighborhood disruption. Overall, the discussion focused on potential ways to mitigate traffic and maintain neighborhood quality of life.

Council Member Shelton emphasized that while traffic and neighborhood impact are important, it is also essential to consider the operational needs of preschool providers. He noted the importance of understanding how many sessions per day and per week providers require to run a viable program. He suggested seeking input from preschool operators to better balance neighborhood concerns with the practical needs of parents and providers, proposing that the council consider whether to invite the providers in attendance for input during this discussion or at a later time.

Mayor Ramsey noted that they had not previously informed preschool providers about the opportunity to engage in the discussion, so some may have participated if given the chance. She suggested that it would not be appropriate to open the conversation to outside input at this moment, as it could create confusion and disrupt the meeting's process. She recommended considering provider input at a later, properly noticed time.

City Manager Lewis added that input from neighborhood residents should also be considered, noting that some neighbors may have strong opinions about home-based preschools. He suggested

that a future, properly noticed meeting could provide a balanced opportunity for both providers and residents to give feedback.

Council Member Shelton asked whether input from providers and residents needed to be gathered in a formal council meeting or if it could be handled through a smaller work group with staff and possibly some council members.

City Manager Lewis suggested that the council could approach this creatively by appointing one or two members to work with staff in a smaller group to gather input from providers and neighbors. He emphasized that while this work could help prepare information, any formal action would still need to occur in a public meeting.

Council Member McGuire suggested that it would be beneficial for the council to first review the prepared materials to clarify their positions, and then meet with the working group to ensure those align with the needs of preschool providers. He noted that prior requests from providers, such as having two sessions per day (morning and afternoon), should be considered, as these factors directly tie into traffic flow and parking concerns.

Council Member Shelton emphasized that the council should consider key operational details for preschools, including the number of sessions per day, the number of sessions per week, and the number of children in each session, as these factors impact both viability for providers and neighborhood traffic. He added that the council currently lacks clarity on the operational needs of preschool providers, including what residents running these businesses require and what the community demand is, noting that understanding these factors is important for informed decision-making.

Mayor Ramsey noted that preschool demand can be very high, citing her own experience where children had to be placed on a waiting list from birth due to the popularity and quality of the program, highlighting the importance of recognizing community need when considering operational guidelines.

Council Member Zander shared her perspective as both a neighbor and a community member, noting that she lived near a home-based preschool for over a decade before the operator relocated to a commercial building in South Jordan. She observed that the preschool ran responsibly and efficiently, with no complaints from neighbors regarding traffic or operations. She emphasized that while there are considerations for regulation, she believes overly prescriptive rules can verge on government overreach and that the city should avoid micromanaging these operators. She suggested setting clear, simple parameters, such as limiting the number of sessions per day, two sessions being reasonable, to give neighbors predictability without imposing excessive controls. She stressed that preschool operators are competent and conscientious, focusing on the well-being of the children, and that the city's role should be to address only the few key points that directly impact neighborhoods, then allow operators to manage their business effectively.

Council Member Johnson suggested addressing traffic concerns by requiring preschool operators to submit a plan for managing drop-off activity. She emphasized that the plan should focus on the flow and coordination of vehicles during drop-off times, rather than the number of parking spaces, recognizing that each site and situation could differ.

City Manager Lewis explained that some cities require preschools to submit a drop-off and parking plan when operating under a CEP, as part of the approval process for this type of home-based business.

Council Member Zander expressed support for requiring preschools to submit a drop-off and parking plan as an exercise in planning, but emphasized that the city should avoid overly prescriptive or micromanaging rules, such as restricting specific turning movements, to ensure the regulations remain practical and reasonable for operators.

Council Member Johnson added that any required drop-off or parking plan must be manageable and effective; if the plan does not work in practice, the preschool should face consequences, including potential loss of its license.

Council Member Zander emphasized the importance of trusting business owners to manage their operations responsibly, citing a friend who runs a successful dance studio without prescriptive regulations like mandatory breaks between sessions. She suggested that, similarly, preschool operators are experienced and capable of managing drop-offs and scheduling efficiently, and cautioned against excessive city oversight that could become micromanaging.

City Manager Lewis noted that certain regulations, such as limiting vehicle trips, could be circumvented depending on the location. For example, a home-based business on a dead-end street could have client's park at a nearby church lot and walk to the residence, effectively bypassing the trip limit. He highlighted that similar situations could occur elsewhere in the community, emphasizing the need for practical and enforceable guidelines.

Mayor Ramsey raised a question regarding how vehicle trips are counted for home-based preschools. She noted that while the current system counts one trip in and one trip out as two trips, from a practical standpoint, a single round trip to a location, like going to a store, feels like one trip. She suggested reconsidering whether the existing method of counting trips accurately reflects real-world traffic impacts.

Council Member Harris commented on vehicle trips and related regulations, noting that many issues, such as class size, are inherently tied to the number of students and their drop-offs. He suggested that if the council sets a clear limit for class size, he referenced 24 students, then other related regulations largely manage themselves, reducing the need for prescriptive rules on every individual aspect. He added that establishing the appropriate class size should be the primary focus, emphasizing that once the class size is set correctly, other considerations related to drop-offs and operations will fall into place, and additional detailed regulations are unnecessary.

Council Member Zander added that home size and available space can vary significantly, noting that a larger home with ample space might safely accommodate more children than a smaller home. She cautioned against over-regulating based on square footage, emphasizing that focusing on class size rather than trying to micromanage individual home layouts is more practical.

City Manager Lewis noted that while the council is asking the right questions, they also need to balance neighborhood character. He emphasized that limits on student numbers should consider how non-business-owning residents might perceive and respond to higher enrollment, as allowing

too many children could generate complaints from neighbors concerned about traffic and neighborhood impact.

Council Member Harris stated that there should be a reasonable cap on the number of children allowed in a home-based preschool. He emphasized that once a business reaches a certain size, it should no longer operate as a home-based business but instead move to a commercial location. He noted that while larger homes might accommodate more children, operating a large preschool in a residential neighborhood could disrupt neighbors, and the city should ensure that any cap aligns with standards in other municipalities.

City Manager Lewis noted that as the council considers updates to home-based preschool regulations, they should also be aware that other cities have addressed similar issues for home-based instructional activities, such as swimming lessons, tennis lessons, and other private instruction. He highlighted that South Jordan has homes with pools, tennis courts, and pickleball courts, and while these are not preschools, the considerations around instruction and neighborhood impact could be relevant when making regulatory changes.

Council Member Harris stated that while he supports being generous in setting limits for home-based preschools, he believes there should be clear boundaries to prevent operators from exceeding reasonable limits. He emphasized the need for regulations that allow flexibility but ensure that operators do not overextend in ways that could negatively impact neighborhoods.

Mayor Ramsey highlighted the benefits of neighborhood preschools, noting that families often appreciate having a preschool within walking distance, which reduces traffic and fosters community engagement. She emphasized that the city currently has no proximity requirements and supports maintaining that flexibility, as market demand generally prevents oversaturation in any one area, such as multiple preschools on a single cul-de-sac. She noted that any potential issues could be addressed if they arise, but such conflicts are unlikely. She stressed the importance of not restricting qualified individuals, such as parents who choose to operate a preschool near their home, based on location or personal circumstances, and affirmed that responsible operators, guided by common sense and market demand, already effectively manage preschool operations.

Council Member McGuire provided his perspective on key aspects of home-based preschools. He supported allowing non-resident employees, noting potential benefits for programs serving children with special needs. He indicated that traffic flow did not require additional regulation and that class sizes of eight students per day largely self-regulate. He agreed that licensee children should not count toward the total and that two sessions per day, five days per week, is reasonable, allowing operators to determine their own hours of operation. He recommended minimal city involvement beyond these points, with the exception of common driveways, which he suggested should be prohibited due to enforcement difficulties.

Council Member Zander clarified the implication of prohibiting the use of common driveways. She noted that on streets where some homes share a driveway, such as one house facing the curb with a shared driveway for four others, residents in the back units would be unable to operate a preschool if the common driveway restriction is applied.

Council Member McGuire clarified that homes with shared driveways could still operate a preschool, but vehicles could not use the shared driveway for drop-offs or pick-ups. Instead, parents and guardians would need to use street parking, similar to standard residential parking practices.

Council Member Zander expressed some hesitation regarding the proposed cap of eight students per class. She noted the need to consult with preschool operators to understand typical class sizes and operational feasibility, suggesting that many could effectively manage 10 to 12 students. She referenced a resident inquiry indicating that the current ordinance allows eight students, but there are families on waiting lists, highlighting the need for clarification in the code and potential adjustment of the cap. Council Member McGuire indicated agreement with potentially adjusting the class size limit, signaling support for revisiting the number to better align with operational needs and demand. Council Member Zander expressed support for maintaining two sessions per day, citing a positive experience with a neighbor who operated a preschool under that schedule. She noted some uncertainty regarding class size limits and suggested considering a cap of 12 students per class while allowing operators to determine what is reasonable based on their individual space and circumstances.

Mayor Ramsey invited public input, noting that while this is not a formal roundtable, anyone wishing to share their perspective on class size, whether 8, 10, or 12 students per session, was welcome to come forward and share their thoughts.

Jennifer Kiddle, owner of Popcorn Pop-In Preschool in South Jordan, addressed the council regarding class size and parking. She explained that she currently operates with 12 students per class, which she finds optimal because it accommodates absences, twins, and overall planning. She noted that her classes are managed with the help of a family member who lives locally and assists daily. Regarding parking and drop-off, she described a streamlined process; parents line up along the street, she retrieves each child in under two minutes, and there is no need for parents to exit their vehicles. She emphasized that their procedure avoids double parking and using neighbors' driveways, and she recommended considering the number of street outlets when evaluating potential preschool locations, as streets with multiple outlets mitigate congestion. She concluded that in her location, parking and traffic have not been an issue.

Council Member Harris indicated agreement with setting the class size at 12 students per class.

Council Member Zander added that having a helper alongside the lead teacher is ideal and should not be restricted, emphasizing that most preschool operators are dedicated individuals who genuinely care for the children in their care.

Council Member Harris suggested limiting class size to 12 students and avoiding overregulation of other aspects, noting that most operational concerns, like traffic flow, are naturally managed. He did emphasize addressing the issue of common driveways but felt additional restrictions were unnecessary.

Council Member Shelton clarified that preschools could have a maximum of 12 students per session, with two sessions per day, operating five days a week, and may have one or two helpers as needed.

Council Member Zander added that non-resident employees are permitted and that the operator's own children do not count toward the maximum class size.

Council members discussed and agreed to not cap number of employees. .

City Manager Lewis summarized the council's approach; the city will not regulate parking or traffic flow, but will set a maximum class size of 12 students per day, not counting the operator's own children. Two sessions per day will be allowed, with no specific limit on the number of sessions per week, effectively leaving that decision to the operator while maintaining the class size cap as the primary limiting factor.

Council Member Zander noted that while theoretically up to 10 sessions could be scheduled, in practice it's unlikely anyone would operate beyond two sessions per day. She asked whether the council wants to set a limit of five days per week or leave it flexible, allowing operators to determine their own schedule within the two-session-per-day framework.

City Manager Lewis summarized that the council could remain silent on several operational details, proximity, breaks between sessions, and age restrictions, allowing these aspects to self-regulate. He noted that common driveways should include guidance emphasizing respect for neighbors to maintain the neighborhood atmosphere. He outlined five key points for the council's consideration and proposed that staff take a first pass at redrafting the ordinance section. He added that fire inspections for preschools will follow the same language and requirements currently applied to daycares, ensuring consistent safety standards across home-based child care operations.

Council Member Johnson emphasized that while the city will not regulate traffic or parking in detail, the code should include a note reminding preschool operators to be considerate and careful with drop-off procedures to minimize impact on neighbors.

City Manager Lewis suggested that the city could provide guidance or best practices to help other preschool operators manage drop-offs and traffic efficiently, using the example provided by Jennifer Kiddle as a model.

Council Member McGuire noted that, based on personal experience with preschools and similar businesses like dance studios, operators typically take the initiative to establish efficient drop-off and operational procedures on their own, without requiring city intervention.

Mayor Ramsey concluded the discussion by emphasizing that updating the preschool policy will result in a more current and effective framework that better serves South Jordan residents. She noted that the city can revisit the policy if any issues arise, though she anticipates few problems. She thanked the participants, including preschool operators, for their input and stressed the city's commitment to maintaining a family-friendly, business-friendly, and neighborhood-focused environment. She noted that the updated policy will return as a formal agenda item for further review and potential code amendments.

Council Member McGuire motioned to recess the City Council Study Meeting and move to Executive Closed Session to discuss the character, professional competence, physical or

mental health of an individual. Council Member Zander seconded the motion. Vote was 5-0, unanimous in favor.

RECESS CITY COUNCIL STUDY MEETING AND MOVE TO EXECUTIVE CLOSED SESSION

F. Executive Closed Sessions:

F.1. Discussion of the purchase, exchange, or lease of real property.

ADJOURN EXECUTIVE CLOSED SESSION AND RETURN TO CITY COUNCIL STUDY MEETING

Council Member Zander motioned to adjourn the Executive Closed Session and move back to the City Council Study Meeting. Council Member McGuire seconded the motion. Vote was 5-0, unanimous in favor.

Council Member Johnson motioned to adjourn the October 7, 2025 City Council Study Meeting. Council Member Shelton seconded the motion. Vote was 5-0, unanimous in favor.

ADJOURNMENT

The October 7, 2025 City Council Study Meeting adjourned at 6:32 p.m.

This is a true and correct copy of the October 7, 2025 City Council Study Meeting Minutes, which were approved on December 2, 2025.



South Jordan City Recorder

	South Jordan City	Sandy City	Herriman City	West Jordan City	Riverton City	Murray City	Layton City	Orem City	Holladay City	Millcreek City	Eagle Mountain City	West Valley City	Bluffdale City	Taylorsville City	Midvale City	SUMMARY
Code reference	5.38.030	21-11-5	10-22; 10-22-8	13-11-2; 13-11-3	18.19	17.24; 17.24.050	19.06.030; 19.06.040	22-6-9(M); 22-14-15	13.76.720; Title 5	18.76; 18.76.060	17.65	7-7-115 (S)	3.8	13.11.040 E	No ordinance for preschools	
non-resident employees?	not allowed	1 full-time	2	2	1	1, or planning commission can review for more than 1.	2	1	0 without CUP / 1 with CUP	1	1	1	1 w/o special exception, 4 with a special exception.	not allowed	not allowed	2 cities do not allow; 8 cities allow 1 (with or without CUP); 3 cities allow 2; 1 city allows 4 with special exception
parking requirements?	n/a	n/a	n/a	n/a	n/a	off-street	case by case basis	on property, or street that abuts the lot	yes, 1 spot; On-street parking may be approved by the Community and Economic Development Director, upon application, and with a recommendation by the TRC, under circumstances where on-site parking creates a safety issue or is in conflict with property access and use.	2 on-site	both on-street and off-street parking	Drop off and parking shall not occur on the Street.	Off-street parking required. With a special exception on-street parking allowed if (1) parking is directly in front of the home, (2) parking does not impede traffic, and (3) the street is wider than 28 feet.	drop-off and pick-up shall not occur in the public right-of-way	n/a	5 cities have no requirements; 6 cities require on-site; 1 city is on a case-by-case basis; 2 cities allow both on-site and street
vehicle traffic	12 one-way (6 round-trip) per day	24	A home occupation shall not generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone where the home occupation is located.	24	24	case by case basis	case by case basis	n/a	n/a	n/a	12 clients per hour and 24 per day	2 per hour without CUP / 6 per hour with CUP	Up to 16 trips per day (8 vehicles coming and going). With a special exception Child Daycare and Group Activities and Seasonal Child Group Activities may be allowed up to 34 trips per day (17 vehicles coming and going)	n/a	3 vehicles per hour	4 cities allow 24; 1 city allows 17 round trip vehicles with special exception; 5 cities do not specify; 2 cities are case-by-case; 2 cities are per hour (3 per hour or 6 per hour with CUP)
max # of children per class	8	8 in category 1 or 12 in category 2	12	12	8 without CUP / 12 with CUP	case by case basis	12	up to 12 at any one time	6 without CUP; 12 with CUP	6 without CUP / 12 with CUP	n/a	n/a	n/a	12	n/a	9 cities allow 12 (some with a CUP, some without a CUP); 5 are case-by-case or not specified
max # of children per day	n/a	24	n/a	24	24	case by case basis	n/a	n/a	n/a	n/a	n/a	n/a	Up to 12 children per day (max 8 at a time) w/o special exception. With a special exception up to 16 children per day (max 12 at a time)	n/a	n/a	3 cities allow 24; 1 city allows 16 with special exception); 10 cities do not specify or do case-by-case
includes licensee's children?	n/a	yes, if under 6 and in care of licensee	n/a	yes, under age 12	yes, under 6 and in care of licensee	n/a	yes, under 6 years old	yes, preschool aged	yes, under age 6	n/a	n/a	n/a	n/a	yes under age 6	n/a	6 cities include children under 6; 1 city includes children under 12; 7 cities do not specify
# of sessions allowed per day	2	4	2 (session defined as 3 or more students)	2	3	case by case basis	no limit on number, just not more than 4 hours per day	n/a	n/a	n/a	n/a	2	n/a	n/a	n/a	3 cities allow two; 1 city allows three; 1 city allows 4; 1 city is case-by-case; 8 cities have no limit or did not specify
# of sessions allowed per week	4	n/a	n/a	n/a	n/a	case by case basis	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1 city is case-by-case; 13 cities did not specify
limits on session length?	3 hours	n/a	n/a	n/a	n/a	case by case basis	not more than 4 hours a day; 8 am to 6 pm	n/a	n/a	n/a	n/a	4 hours	n/a	4 hours	n/a	10 cities did not specify; 1 city is case-by-case; 3 cities are not more than 4 hours total per day
proximity requirements?	n/a	300 feet	n/a	n/a	300 feet	n/a	n/a	n/a	If additional home occupations are being conducted within ¼ mile at the time of application, additional conditions to mitigate increased traffic or other potential impacts in the area may be applied by the Community and Economic Development Director, upon review and recommendation by the TRC.	n/a	n/a	n/a	n/a	300 feet	n/a	10 cities did not specify; 3 cities are 300 feet; 1 city is 1/4 mile
time between sessions?	n/a	n/a	30 minutes	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	30 minutes	n/a	n/a	n/a	2 cities are 30 minutes; 12 cities did not specify
age restrictions?	3, 4, or 5 years old	n/a	n/a	n/a	n/a	n/a	under 6 years of age	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1 city is under 6; 13 cities did not specify
prohibited with common driveway?	n/a	n/a	yes	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Home businesses located within residential developments with limited visitor parking (such as townhome or condominium areas) shall not be permitted to generate additional traffic which causes clients or customers to park.	n/a	n/a	n/a	n/a	12 cities did not specify; 1 city vaguely limits; 1 city is yes
other	Residential Character of the Neighborhood (why we license home occupation businesses)					Signatures of approval of all abutting and adjacent property owners, including property owners across the street(s), on a form provided by the Community and Economic Development Department. CUP required if not all signatures are obtained.	Instructors shall show evidence of knowledge in the field that they will be teaching Instructors shall specify the type of curriculum that will be taught. The facility shall provide at least 35 square feet of interior floor area and at least 100 square feet of outdoor play area for each child	All Home Preschool Services may not generate more than two car trips per hour between the hours of 9:00 p.m. and 6:00 a.m.	All property owners within a five hundred foot (500') radius of the caregiver's property shall be mailed notice concerning the licensing of a home daycare/preschool, at such property. The play yard shall not be located in the front yard and only shall be used between eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M.	The caregiver shall notify all property owners within a 300-foot radius of the caregiver's property in writing, on a form provided by the City, concerning the licensing of a home day care or preschool at such property.		Special Exception: An applicant may apply for two special exceptions to the Major Home Occupation regulations. The special exception table is found in BCC 3.80.060. An applicant that applies for a "Customer" exception does not need to also apply for a "Traffic" exception. A special exception request shall be decided by the Business Licensing Committee, which shall consider, at minimum, the following: The location and size of the property; Whether there is safe traffic movement, both vehicular and pedestrian, both internal to the business and in the area which will serve the business; whether the exception, if approved, meets the purpose of this Chapter; the level of the overall impact that the exception, if approved, on the surrounding neighborhood.	Shall only be allowed in an attached or detached single-family dwelling that: (1) Has a privately fenced rear yard area for the sole and exclusive use of the residents of the lot or parcel on which the home occupation is situated; and (2) Fronts on a public or private street with a minimum pavement width of 25 feet that has curb, gutter, and sidewalk; and (3) The minimum 25-foot pavement width and curb, gutter, and sidewalk extends from the home occupation lot or parcel to the nearest through street with those same improvements. Shall not be permitted on a flag lot. Shall not be permitted on a lot or parcel with an accessory dwelling unit (ADU).		4 cities require neighbor signatures	

Preschool Licensing Requirements

	South Jordan City	Sandy City	Herriman City	West Jordan City	Riverton City	Murray City	Layton City	Orem City	Holladay City	Millcreek City	Eagle Mountain City	West Valley City	Bluffdale City	Taylorsville City	Midvale City	SUMMARY
Code reference	5.38.030	21-11-5	10-22; 10-22-8	13-11-2; 13-11-3	18.19	17.24; 17.24.050	19.06.030; 19.06.040	22-6-9(M); 22-14-15	13.76.720; Title 5	18.76; 18.76.060	17.65	7-7-115 (5)	3.8	13.11.040 E	No ordinance for preschools	
non-resident employees?	not allowed	1 full-time	2	2	1	1, or planning commission can review for more than 1.	2	1	0 without CUP / 1 with CUP	1	1	1	1 w/o special exception, 4 with a special exception.	not allowed	not allowed	2 cities do not allow; 8 cities allow 1 (with or without CUP); 3 cities allow 2; 1 city allows 4 with special exception
parking requirements?	n/a	n/a	n/a	n/a	n/a	off-street	case by case basis	on property, or street that abuts the lot	yes, 1 spot; On-street parking may be approved by the Community and Economic Development Director, upon application, and with a recommendation by the TRC, under circumstances where on-site parking creates a safety issue or is in conflict with property access and use.	2 on-site	both on-street and off-street parking	Drop off and parking shall not occur on the Street.	Off-street parking required. With a special exception on-street parking allowed if (1) parking is directly in front of the home, (2) parking does not impede traffic, and (3) the street is wider than 28 feet.	drop-off and pick-up shall not occur in the public right-of-way	n/a	5 cities have no requirements; 6 cities require on-site; 1 city is on a case-by-case basis; 2 cities allow both on-site and street
vehicle traffic	12 one-way (6 round-trip) per day	24	A home occupation shall not generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone where the home occupation is located.	24	24	case by case basis	case by case basis	n/a	n/a	n/a	12 clients per hour and 24 per day	2 per hour without CUP / 6 per hour with CUP	Up to 16 trips per day (8 vehicles coming and going). With a special exception Child Daycare and Group Activities and Seasonal Child Group Activities may be allowed up to 34 trips per day (17 vehicles coming and going)	n/a	3 vehicles per hour	4 cities allow 24; 1 city allows 17 round trip vehicles with special exception; 5 cities do not specify; 2 cities are case-by-case; 2 cities are per hour (3 per hour or 6 per hour with CUP)
max # of children per class	8	8 in category 1 or 12 in category 2	12	12	8 without CUP / 12 with CUP	case by case basis	12	up to 12 at any one time	6 without CUP; 12 with CUP	6 without CUP / 12 with CUP	n/a	n/a	n/a	12	n/a	9 cities allow 12 (some with a CUP, some without a CUP); 5 are case-by-case or not specified
max # of children per day	n/a	24	n/a	24	24	case by case basis	n/a	n/a	n/a	n/a	n/a	n/a	Up to 12 children per day (max 8 at a time) w/o special exception. With a special exception up to 16 children per day (max 12 at a time)	n/a	n/a	3 cities allow 24; 1 city allows 16 with special exception); 10 cities do not specify or do case-by-case
includes licensees children?	n/a	yes, if under 6 and in care of licensee	n/a	yes, under age 12	yes, under 6 and in care of licensee	n/a	yes, under 6 years old	yes, preschool aged	yes, under age 6	n/a	n/a	n/a	n/a	yes under age 6	n/a	6 cities include children under 6; 1 city includes children under 12; 7 cities do not specify
# of sessions allowed per day	2	4	2 (session defined as 3 or more students)	2	3	case by case basis	no limit on number, just not more than 4 hours per day	n/a	n/a	n/a	n/a	2	n/a	n/a	n/a	3 cities allow two; 1 city allows three; 1 city allows 4; 1 city is case-by-case; 8 cities have no limit or did not specify
# of sessions allowed per week	4	n/a	n/a	n/a	n/a	case by case basis	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1 city is case-by-case; 13 cities did not specify
limits on session length?	3 hours	n/a	n/a	n/a	n/a	case by case basis	not more than 4 hours a day; 8 am to 6 pm	n/a	n/a	n/a	n/a	4 hours	n/a	4 hours	n/a	10 cities did not specify; 1 city is case-by-case; 3 cities are not more than 4 hours total per day
proximity requirements?	n/a	300 feet	n/a	n/a	300 feet	n/a	n/a	n/a	If additional home occupations are being conducted within ¼ mile at the time of application, additional conditions to mitigate increased traffic or other potential impacts in the area may be applied by the Community and Economic Development Director, upon review and recommendation by the TRC.	n/a	n/a	n/a	n/a	300 feet	n/a	10 cities did not specify; 3 cities are 300 feet; 1 city is 1/4 mile
time between sessions?	n/a	n/a	30 minutes	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	30 minutes	n/a	n/a	n/a	2 cities are 30 minutes; 12 cities did not specify
age restrictions?	3, 4, or 5 years old	n/a	n/a	n/a	n/a	n/a	under 6 years of age	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1 city is under 6; 13 cities did not specify
prohibited with common driveway?	n/a	n/a	yes	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Home businesses located within residential developments with limited visitor parking (such as townhome or condominium areas) shall not be permitted to generate additional traffic which causes clients or customers to park.	n/a	n/a	n/a	n/a	12 cities did not specify; 1 city vaguely limits; 1 city is yes
other	Residential Character of the Neighborhood (why we license home occupation businesses)					Signatures of approval of all abutting and adjacent property owners, including property owners across the street(s), on a form provided by the Community and Economic Development Department. CUP required if not all signatures are obtained.	Signatures of approval of all abutting and adjacent property owners on a form provided by the Community and Economic Development Department. CUP required if not all signatures are obtained. Instructors shall show evidence of knowledge in the field that they will be teaching Instructors shall specify the type of curriculum that will be taught. The facility shall provide at least 35 square feet of interior floor area and at least 100 square feet of outdoor play area for each child	All Home Preschool Services may not generate more than two car trips per hour between the hours of 9:00 p.m. and 6:00 a.m.	All property owners within a five hundred foot (500') radius of the caregiver's property shall be mailed notice concerning the licensing of a home daycare/preschool, at such property. The play yard shall not be located in the front yard and only shall be used between eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M.	The caregiver shall notify all property owners within a 300-foot radius of the caregiver's property in writing, on a form provided by the City, concerning the licensing of a home day care or preschool at such property.			Special Exception: An applicant may apply for two special exceptions to the Major Home Occupation regulations. The special exception table is found in BCC 3.80.060. An applicant that applies for a "Customer" exception does not need to also apply for a "Traffic" exception. A special exception request shall be decided by the Business Licensing Committee, which shall consider, at minimum, the following: The location and size of the property; Whether there is safe traffic movement, both vehicular and pedestrian, both internal to the business and in the area which will serve the business; whether the exception, if approved, meets the purpose of this Chapter; the level of the overall impact that the exception, if approved, on the surrounding neighborhood.	Shall only be allowed in an attached or detached single-family dwelling that: (1) Has a privately fenced rear yard area for the sole and exclusive use of the residents of the lot or parcel on which the home occupation is situated; and (2) Fronts on a public or private street with a minimum pavement width of 25 feet that has curb, gutter, and sidewalk; and (3) The minimum 25-foot pavement width and curb, gutter, and sidewalk extends from the home occupation lot or parcel to the nearest through street with those same improvements. Shall not be permitted on a flag lot. Shall not be permitted on a lot or parcel with an accessory dwelling unit (ADU).		4 cities require neighbor signatures

Preschool Licensing Requirements	Questions	Notes
Non-resident Employees	Should employees be allowed to work in the home that do not live in the home?	
Parking	Should there be restrictions? Is on street parking ok?	
Vehicle Traffic / Flow	Should there be limitations on trips? What constitutes a trip?	
Class Size	Should there be a limit on the number of children per class? *JZ Request	
Students per Day	Should there be a limitation on the number of students that attend per day?	
Licenssee Children	Do the children of the licensee count to the total?	
Sessions per Day	Should there be a limitation on the number of sessions held per day? *JZ Request	
Sessions per Week	Should there be a limitation on the number of sessions held per week? *JZ Request	
Session Length	Should there be a limitation on the length / duration of the session?	
Proximity	Should preschools be allowed next to each other? How many should be on one street / location?	
Breaks Between Sessions	Should there be a required break between sessions? If so for how long?	
Age Restrictions	Is there a restriction on the age of students?	
Common Driveways	Should there be restrictions for situations where adjacent property owners share the same driveway or common parking?	
Other		

CHAPTER 5.38 HOME OCCUPATIONS

5.38.010: DEFINITION AND PURPOSE

5.38.020: REQUIREMENTS

5.38.030: PRESCHOOLS - ADDITIONAL REQUIREMENTS

5.38.040: PROHIBITED ACTIVITIES AS A HOME OCCUPATION BUSINESS

5.38.050: HOME OCCUPATION BUSINESS LICENSE APPLICATION

5.38.060: HOME OCCUPATION APPLICATION REVIEW PROCEDURE

5.38.010: DEFINITION AND PURPOSE

Unless otherwise defined in this chapter, definitions in title 17, chapter 17.08 of this Code 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.

HISTORY

Adopted by Ord. **2018-14** on 7/17/2018

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 this title. 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 chapter 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", of this Code with the exception that subsections 17.18.040F, "Additional Notice", and G, "Residential Protection Area", of this Code 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 percent (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 this Code.
 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 nineteen thousand five hundred (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 on site 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 feet (24') 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 title 17, chapter 17.08 of this Code.

- 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.

HISTORY

Adopted by Ord. [2018-14](#) on 7/17/2018

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.

HISTORY

Adopted by Ord. [2018-14](#) on 7/17/2018

5.38.040: PROHIBITED ACTIVITIES AS A HOME OCCUPATION BUSINESS

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

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

Any business where the number of vehicular stops or visits would exceed twelve (12) one-way trips per day.

Clinic, dental office, medical office, chiropractic office, or hospital.

Commercial stables.

Depository and/or non-depository financial institution.

Fabrication shops such as welding, woodworking, spray finishing and so forth.

Fitness or health spa facility.

General retail sales.

Junk yard, auto wrecking yard, salvage yard, or parking facility.

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.

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

Restaurant.

Self-storage units.

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.

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.

HISTORY

Adopted by Ord. [2018-14](#) on 7/17/2018

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.

HISTORY

Adopted by Ord. [2018-14](#) on 7/17/2018

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.

HISTORY

Adopted by Ord. [2018-14](#) on 7/17/2018

Sec. 21-11-5. - Home Occupations.

(a) *Purpose.* The purposes of this Section are to:

- (1) Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located.
- (2) Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
- (3) Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.
- (4) Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
- (5) Provide a means to enforce and regulate the businesses that are licensable through the authority of the business license regulations of this Code, and, if necessary, terminate home occupations if violations of the ordinances regulating home occupations occur.

(b) *Home Occupation License.* All home occupations shall be licensed unless specifically provided an exemption in this Section or in the business license regulations of this Code. Regardless of whether a license is required, all home occupations must adhere to the standards and qualifications listed in this Section. The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the Business License Office of the Community Development Department.

(c) *Categories and Requirements of Home Occupation Licenses.* Home occupation businesses are classified as Category I, Permitted Home Occupation, or Category II, Conditional Use Home Occupation. A Category II, Conditional Use Home Occupation requires review and approval of the Planning Commission.

(d) *Home Occupation Standards.* All home occupations, licensed or not, shall comply with the following standards at all times:

- (1) *Bona Fide Resident.* The home occupation business shall be owned by and carried on only by a bona fide resident of the home that resides in the home more than six months (183 days or more) per calendar year. Proof of residency shall be provided as follows:
 - a. A signed statement stating that the property is the primary residence of the business owner and will remain as the primary residence for the duration of the home occupation license; and

b A government-issued identification listing the address of the property as the address of the business owner, unless the Director determines, for good cause, it is not required.

- (2) *Satellite Office Not Allowed.* A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location. Business activities that do not qualify for the exemption from licensure as described in this Section shall not be conducted at the home of an employee of a company and shall not be conducted by nonresident company employees.
- (3) *Accessory Use on the Property.* For residential purposes, the home occupation shall be clearly secondary and incidental to the primary use of the dwelling unit.
- (4) *On-Site Employees.* One full-time or full-time equivalent nonresident may be employed, volunteer, or work on the premises where the home occupation business is located. No more than two persons shall comprise the equivalent full-time employee, and only one nonresident employee may work at the home at one time.
- (5) *Off-Site Employees.* Any home occupation may utilize employees to work off-site. The off-site employee, volunteer, hiree, or any other person engaged with the home occupation shall not come to the home for purposes related to the home occupation business license except for incidental vehicle stops.
- (6) *Off-Street Parking.* All business-related vehicles which park at the location of the home occupation, including those of the applicant, employee, customers, clients, or business-related visitor vehicles, must use off-street parking. This provision excludes stops made by delivery vehicles.
- (7) *Vehicle Advertisement.* Vehicles, trailers, or equipment may not be used for the primary purpose of advertising the home occupation at the site of the home occupation.
- (8) *Designating Areas of Property to be Used.* The home occupation applicant must designate the portion of the home, accessory structure, yard, or attached or detached garage to be used as the location for business activities. No businesses are allowed to operate outside of an enclosed structure, unless otherwise approved by the Planning Commission for outside activities.
- (9) *External Appearance.* The home occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage, or accessory structure. Any structural alterations to accommodate the home occupation shall maintain the architectural aesthetics and compatibility of the neighborhood.

(10)

Outdoor/Yard Space. The home occupation shall not involve the use of any yard space for storage or display of supplies, inventory, or equipment when such use is in conjunction with the sales, service, or production of goods, unless specifically stored within trailers or accessory structures as allowed herein. Any screened area or structure used for the home occupation must be located in either the side or rear yard areas.

- (11) *Business Trailer.* One trailer may be used in association with the home occupation. Trailers allowed in conjunction with a home occupation are as follows:
- a. An open or enclosed trailer with a body length of 20 feet or less, excluding the tongue.
 - b. Materials/equipment shall not be stored outside of the trailer.
 - c. The trailer shall be placed in the side or rear yard behind a fence or garaged on private property and not within the front yard of the dwelling. If the home is located on a corner lot, the trailer shall not be stored on the street side of the house unless it is out of the required front yard setback. If the topography of the lot prohibits the parking of the trailer on the side or rear yard, the trailer must be stored off-site.
 - d. 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.
 - e. All areas utilized for the parking of trailers shall be paved with a hard surface (e.g., concrete, asphalt, brick, or other water impenetrable surface). This includes the side and rear yard of the home. It is prohibited to park upon areas that have been landscaped or are reserved for future landscaping.
 - f. A site plan shall be included with all business license applications indicating where the trailer will be stored outside of the front yard.
- (12) *Commercial Vehicle.* Only one such vehicle may be parked on a residential lot. A commercial vehicle parked or stored on a residential lot must be owned or apportioned by an occupant who resides at the residence. This vehicle must comply with all residential parking requirements contained within this title.
- (13) *Conformity with Safety Codes.* There shall be complete conformity with fire, building, plumbing, electrical, and all other City, County, State, and Federal codes.
- (14) *Health and Safety.* No process can be used which is hazardous to public health, safety, morals, or welfare.
- (15)

No Excessive Utility Uses. The home occupation shall not cause a demand for municipal, community, or utility services that are substantially in excess of those usually and customarily provided for residential uses.

- (16) *Neighborhood Disruptions Not Permitted.* The home occupation shall not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The home occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or other nuisances, including interferences with radio and television reception, or any other adverse effects within the neighborhood.
- (17) *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 Business License Office.
- (18) *Interior Alterations/Remodeling.* Interior alterations of the principal dwelling for the purpose of accommodating the home occupation are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas, or all of the bedrooms.
- (19) *Exempt from Business Licensure.* A business license will not be required unless the combined off-site impact of the home occupation and the primary residential use materially exceeds the impact of the primary residential use alone. If a home occupation has any of the following impacts, a business license is required:
 - a. Business-related customers, client visits, or meetings on the property.
 - b. Signage or advertising of the business that is visible from the exterior of the home.
 - c. The business owner or operator desires a physical copy of a business license.
 - d. Any nonresident working on the property.
 - e. Business-related deliveries are made to or from the property.
 - f. Accessory or commercial vehicles are stored or parked on the property for the home occupation.
 - g. The home or property requires inspections from any regulatory authority or agency, including, but not limited to, the City, Salt Lake Valley Health Department, and/or the Department of Agriculture.
 - h. The business generates any additional vehicular traffic or parking on the property.
 - i. If the State requires a sales tax number for any reason.
 - j. If the home occupation is categorized as a Category II, Conditional Use Home Occupations, as described herein.

k. If the home requires any modification requiring a building permit to accommodate the business operations.

l. When the business use within the home exceeds 25 percent of the primary dwelling.

(e) *Category I Qualifications.* In addition to the standards previously set forth above, all Category I home occupation businesses must also comply with the provision of the qualifications outlined below. If a business finds that they are unable to fully comply with all of the qualifications set forth, the applicant may pursue possible approval as a Category II home occupation through the conditional use permit process before submitting the application for a home occupation business license.

- (1) *Hours.* No visitors in conjunction with the home occupation (clients, patrons, employees, volunteers, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.
- (2) *Traffic.* Vehicular traffic from business related visitors 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. The home occupation shall be limited to two business related visitors or customers per hour, to a maximum of eight business related visitors or customers per day. Business related deliveries or pickups shall not exceed two per day.
- (3) *Delivery Vehicles.* The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of 23,000 pounds or less.
- (4) *Conducted in a Home.* When business activities are being conducted on the property that is to be licensed, the home occupation shall be primarily conducted within the principal home.
- (5) *Maximum Floor Space.* No more than 25 percent of the total main floor area or upper living levels of the dwelling unit, nor, in the alternative, more than 50 percent of the total floor area of any basement of the home unit shall be utilized for the home occupation.
- (6) *Signs.* The home occupation may utilize one unanimated, nonilluminated flat sign for each street upon which the home abuts. The sign must be placed either in a window or on the exterior wall of the home wherein the home occupation is being conducted and may not have an area greater than one square foot.
- (7) *Display of Products.* The home occupation may include the sale of tangible goods. Direct sales from display apparatus is permitted only if the goods or products are not visible from the exterior of any approved structure being used for the home occupation.
- (8)

Food or Beverage Preparation for Consumption Outside of the Home. Any home occupation involving or proposing to involve food or drink preparation, storage, or catering will be permitted when it is authorized by the appropriate State or County department or agency.

(9) *Category I Home Occupation Licensing Involving Child Day Care and Other Child Group Activities.*

- a. This type of home occupation shall not exceed eight children associated with child day care or other child group activities (e.g., dance schools, preschool, music classes, etc.) at any one time. A maximum of eight students/children are permitted per day. This number shall include the licensee's own children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
- b. All child day care and other group child activity facilities shall provide safe, outdoor play time and spaces as required by Federal, State, County, or local laws governing such business activities.

(10) *Category I Home Occupation License Involving Adult Day Care.*

- a. This type of home occupation shall not exceed supervising more than two elderly persons 60 years of age or older or more than two persons who have an intellectual or physical disability or acquired brain injury, as defined by the Utah Department of Health and Human Services (DHHS) Division of Services for People with Disabilities (DSPD). Any home occupation of this nature which exceeds two individuals or more than 12 hours of operation will be considered a Category II home occupation and shall be reviewed and approved by the Planning Commission.
- b. This type of home occupation must comply with all local and state laws governing such business activity.

(11) *Category I Home Occupation Licensing Involving Renting Recreational Vehicles from Personal Property in Single-Family Residential Zones.*

- a. A property owner/resident living in the home may rent one recreational vehicle that is owned by the owner/resident. Where more than one recreational vehicle can fit on a recreational trailer, the owner may rent a maximum of two recreational vehicles.
- b. Any recreational vehicle must be parked according to the residential parking requirements and restrictions within this title, except that any recreational vehicle that is being rented from the home must be parked on a hard surface (concrete, asphalt, brick, or other impenetrable surface). In addition, the maximum area of hard surface for the purpose of parking a recreational vehicle shall be complied with.
- c. Advertising on the recreational vehicle is prohibited.

- d. Servicing the recreational vehicle shall be limited to those activities which will comply with Chapter 13-2 and Title 19.
- e. Any customer renting the recreational vehicle shall not leave their own car on the street, but may place their vehicle on the homeowner's property in compliance with all residential parking requirements during the time the recreational vehicle is being rented.

(12) *Category I Home Occupation Licensing Involving a Home-based Microschool.*

- a. A Home-based microschool provides kindergarten through grade 12 education services for compensation. A home-based microschool does not include a daycare.
- b. A maximum of eight students is permitted at any one time.
- c. A maximum of eight students is permitted per day.
- d. The maximum number of students includes the licensee's and any employees' children if they are a student at the time the home occupation is conducted.

(f) *Category II, Conditional Use Permit Required.* If a home occupation is able to comply with all of the standards but is unable to comply with all of the Category I qualifications established above, the proposed business activities must be reviewed by the Planning Commission and granted a conditional use permit before pursuing a home occupation business license through the Business License Office.

(1) *General.* In addition to any conditions established by the Planning Commission at the time of its review, all Category II home occupations must comply with the following:

- a. All Category II home occupation uses shall only be conducted from property with a single-family dwelling.
- b. 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) *Compliance.* Uses are appropriate as licensable home occupations only if they are determined to be compatible with residential neighborhoods after full conditional use review by the Planning Commission, compliance with Title 15, all of the standards and qualifications that have not been granted an exception through the conditional use process, and additional regulations set forth hereafter.

(3) *Child Day Care.* The following items indicate maximum limits that may be granted by the Planning Commission when a child day care is expected to exceed eight children at one time:

- a. A maximum of 16 children is permitted at any one time.
 - b. A maximum of 18 children is permitted per day.
 - c. These numbers shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
 - d. A maximum of 24 vehicular stops per day for child drop off or pick up is permitted.
- (4) *Group Child Activities.* The following provisions indicate a maximum limit that may be granted by the Planning Commission for other group child activities which are expected to generate or exceed eight children/students (e.g., dance schools, preschools, music classes, other care or instruction for children) at any one time other than child day care:
- a. The following guidelines shall be used to determine the maximum number of students/children permitted:
 - 1. A Traffic Plan that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop off, and turn-around areas.
 - 2. The existing residential street is of sufficient width to accommodate additional vehicular traffic.
 - b. A maximum of 12 students/children per session and a maximum of 24 students/children per day shall be permitted.
 - c. A maximum of four sessions per day may be permitted.
 - d. All sessions combined shall not generate more than 24 vehicular stops per day.
 - e. The total number of students/children shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
 - f. No group child activities falling under a Category II home occupation may be established within 300 feet as measured from property line to property line of another group child activity, Category II home occupation use.
- (5) *Home-based Microschool.* The following provisions indicate maximum limits that may be granted by the Planning Commission when a Home-based Microschool is unable to fully comply with all the qualifications set forth for a Category I Home Occupation License.
- a. The following shall be used to determine the maximum number of students permitted:
 - 1. A Traffic Plan that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop off, and turn-around areas.
 - 2. The existing residential street is of sufficient width to accommodate additional vehicular traffic.

3. No more than 24 vehicular stops per day for student drop off or pick up is permitted.
 - b. A maximum of 16 students is permitted at any one time.
 - c. A maximum of 16 students is permitted per day.
 - d. The maximum number of students includes the licensee's and any employees' children if they are a student at the time the home occupation is conducted.
- (6) *Work Shops.* Repair shops, including welding, carpentry, sheet metal work, furniture manufacturing, upholstery, and other similar manufacturing activities
- (7) *Business Not Conducted Within a Home.* Any home occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following standards shall be used to determine the maximum impacts permitted:
- a. The applicant for a home occupation business license shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.
 - b. No more than a maximum of 200 square feet, or, in the alternative, no more than 50 percent of the total floor space (whichever is the greater) of any accessory structure or attached or detached garage may be used for a home occupation unless an exception is granted by the Planning Commission through the conditional use permit, and they find that:
 1. The total floor space used for the home occupation in a detached accessory structure does not exceed the maximum size of an accessory structure that is permitted by-right within the zone, as regulated in this title (for example, the size of the accessory structure does not require a conditional use permit); and
 2. The use does not adversely impact the residential character of the neighborhood.
 - c. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located. The required minimum off-street parking area shall be maintained and clear of all materials and equipment that would prohibit the parking of vehicles during nonbusiness hours.
 - d. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
 - e.

The home occupation may utilize one unanimated, nonilluminated flat sign to be attached to the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in a window. The sign may not have an area greater than one square foot.

- (8) *Home Occupations and Outdoor Activities.* Any home occupations proposing to conduct business utilizing any yard space or in a swimming pool.
- (9) *Dangerous Home Occupations.* Any home occupation using explosives, incendiary products and devices, flammable, or hazardous chemicals.
- (10) *Home Occupations Generating Excessive Traffic.* Any home occupation which will generate in excess of two customers or visitors per hour or eight per day. A maximum of 12 business-associated visitors per day may be allowed under a conditional use permit, except as provided for child day care and other group child activities.
- (11) *Large, Business Related Vehicles.* Any home occupation which utilizes vehicles more than 24 feet in length (with the exception of renting recreational vehicles).
- (12) *More Than Two Home Occupation Licenses.* Any home where the applicant is seeking more than two home occupation licenses.
- (g) *Prohibited Home Occupations.* The following uses, by nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are, therefore, prohibited:
 - (1) Mortuary, crematorium, columbarium, or mausoleum.
 - (2) Animal hospitals or veterinary services.
 - (3) Clinic, dental office, medical office, chiropractic office, or hospital.
 - (4) Junkyard, auto wrecking yard, or salvage yard.
 - (5) Stables, animal kennels, animal day-care, on-site animal training, pet store, commercial animal breeding business, or any other similar activities are prohibited.
 - a. Activities may be allowed within the scope of a hobby license as issued by the Animal Services Division of Sandy City.
 - b. Pet grooming services without on-site kenneling may be allowed to operate in accordance with the standards of this section.
 - (6) Storage, service, repair, or sales of ambulances, tow trucks, recreational vehicles, water craft, automobiles, ATVs, or other motorized vehicles.
 - (7) Fitness or health spa facilities that exceed two clients at a time.

- (8) Boutiques, sample sale, or craft shows.
- (9) Auto body repair or motor vehicle repair.
- (10) 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.
- (11) Number of vehicular stops or visits that would exceed 24 per day.
- (12) Massage therapy or other alternative healing and energy healing businesses, with the exception that a home occupation license may be issued if the applicant is the only person employed in said operation and has obtained any required licenses from the State of Utah. Limit one massage therapy or alternative healing and energy healing business per residence. All other standards and Category I qualifications must be complied with. No massage therapy or other alternative healing and energy healing businesses may be permitted if a Category II qualification is required.
- (13) Bed and breakfast facilities.
- (14) Parent-child or adult group activities that exceed two clients at a time.

(Ord. No. 09-18, 7-31-2009; Ord. No. 10-45, 12-14-2010; Ord. No. 12-33, 9-17-2012; Ord. No. 15-25, 7-21-2015; Ord. No. 16-13, 3-23-2016; Ord. No. 17-29, § 1, 12-1-2017; Ord. No. 24-05, § 1(Exh. A), 3-26-2024; Ord. No. 24-14, § 1(Exh. A), 7-30-2024)

CHAPTER 10-22 HOME OCCUPATIONS**10-22-1 Purpose****10-22-2 Scope****10-22-3 Definitions****10-22-4 Permitted And Prohibited Uses****10-22-5 Home Occupation Standards****10-22-6 Special Home Occupations****10-22-7 Home Day Care****10-22-8 Home Group Instruction****10-22-1 Purpose**

The purpose of this chapter is to establish use and development regulations for home occupations. These regulations are intended to ensure that limited business activities allowed in a residence do not disturb the residential character of a neighborhood.

(Code 2023, § 10-22-1; Ord. No. 2018-36, 11-14-2018)

HISTORY

Adopted by Ord. [2025-13](#) on 5/14/2025

10-22-2 Scope

The requirements of this chapter shall apply to any home occupation conducted within the city.

(Code 2023, § 10-22-2; Ord. No. 2018-36, 11-14-2018)

HISTORY

Adopted by Ord. [2025-13](#) on 5/14/2025

10-22-3 Definitions

Certain words and phrases in this chapter, including uses, are defined in HCC chapter 10-3.

(Code 2023, § 10-22-3; Ord. No. 2018-36, 11-14-2018)

HISTORY

Adopted by Ord. [2025-13](#) on 5/14/2025

10-22-4 Permitted And Prohibited Uses

- A. *Permitted uses in agricultural and residential zones.* Except for prohibited uses set forth in subsection (B) of this section, a person residing in a dwelling located in an agricultural or residential zone may conduct a home occupation, subject to the home occupation standards set forth in HCC 10-22-5 and any other applicable requirement under this title.
- B. *Prohibited uses in all zones.* The uses set forth below involve operations not suited to a residential area and shall be prohibited as home occupations in all zones:
 1. Any use that requires or utilizes chemicals or hazardous materials in excess of volumes allowed by the International Fire Code in a dwelling.
 2. Auto body or fender work.
 3. Junkyards, storage or recycling yards.
 4. Manufacture or sale of ammunition, explosives, or similar products.

5. Mortuaries and crematoriums.
6. Rental or sale of vehicles exceeding two rentals or sales per year.
7. Sexually oriented businesses.
8. Short term rentals.
9. Vehicle towing operations.

(Code 2023, § 10-22-4; Ord. No. 2018-36, 11-14-2018)

HISTORY

Adopted by Ord. [2025-13](#) on 5/14/2025

10-22-5 Home Occupation Standards

The standards set forth in this section shall apply to any home occupation, except as otherwise provided in HCC 10-22-6.

- A. *Accessory buildings.* Home occupations may not be operated out of an accessory structure except as provided for in subsection (E) of this section and HCC 10-22-6.
- B. *Business license.* Approval of a home occupation shall not relieve a person from obtaining a city business license as required by this Code.
- C. *Employees.* Home occupations may have up to two employees who do not reside in the home. One off-street parking spot on the premises shall be provided for each employee. The residential driveway (including garage) may be used, provided that each of the vehicles of the occupants of the single-family home can be parked off-street.
- D. *Fire inspection.* Every facility used in a home occupation may be inspected by the fire department prior to initial use and shall meet fire department standards at all times.
- E. *Inventory.* Products associated with a home occupation may be kept on the premises, provided that storage of such items shall be inside the dwelling or an accessory structure located on the premises and shall be limited to a maximum of 250 cubic feet.
- F. *Modification of structures.* There shall be no visible evidence from the exterior of a dwelling indicating any use other than for a dwelling.
- G. *Neighborhood disturbance.* A home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood by reason of construction, dust, electrical or electromagnetic wave interference, fumes, lighting, noise, odor, smoke, sounds, traffic, vibration, or other causes.
- H. *Parking.* Additional parking may be created in areas customarily associated with parking. Parking shall not be created in front of the home's living space or in front or side yard opposite of the home's existing attached garage.
- I. *Product display.* There shall be no external display of products or merchandise.
- J. *Promotional meetings.* Promotional meetings for the purpose of selling merchandise, taking orders, or training shall be prohibited.
- K. *Secondary use only.* A home occupation shall be conducted entirely indoors and shall be incidental and secondary to the primary use of a dwelling for residential purposes. Not more than 20 percent of the floor area of a dwelling unit shall be used for a home occupation.
- L. *Signs.* See HCC chapter 10-27.

M. *Traffic and access.* A home occupation shall not generate pedestrian, parking, or vehicular traffic in excess of that customarily associated with the zone where the home occupation is located. A home occupation which generates additional pedestrian, parking, or vehicular traffic is prohibited in a dwelling unit which shares a common driveway or other access with an adjoining dwelling unit.

N. *Utility demand.* A home occupation shall not cause a demand for public utilities in excess of that necessarily and customarily provided for residential uses.

O. *Yards.* Yards surrounding a dwelling:

1. May be used for activities customarily conducted outside a dwelling unit, such as swimming lessons and child play areas; and
2. Shall not be used for storage of any materials or equipment associated with a home occupation.

P. *Hours.* Home occupations involving pedestrian or vehicle traffic shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m., except as provided for in HCC 10-22-7(E).

Q. *Customers.* Home occupations are limited to two customers at a time except as provided in HCC 10-22-7(B) and 10-22-8(G).

(Code 2023, § 10-22-5; Ord. No. 2018-36, 11-14-2018; Ord. No. 2022-25, 6-8-2022)

HISTORY

Adopted by Ord. [2025-13](#) on 5/14/2025

10-22-6 Special Home Occupations

Notwithstanding any contrary provision in HCC 10-22-5, and subject to the provisions of this section, a person residing in a dwelling located in an agricultural zone and up to two employees may conduct a special home occupation. If the lot where the home occupation is located is larger than one acre, up to four employees on the premises may operate the home occupation. A special home occupation shall be a conditional use in the agricultural zones.

- A. *Accessory buildings.* Work may be done in accessory buildings if any nuisance arising from noise and odors, other than those incidental to legitimate agricultural uses, is mitigated.
- B. *Business license.* A business license for a home occupation in an agricultural zone shall not exceed two years but may be renewed subject to applicable provisions of this chapter.
- C. *Equipment.* Equipment may be stored outside a building in a rear yard.
- D. *Parking.* One additional parking space on the premises shall be provided for each employee coming to the dwelling as a result of the home occupation. Such parking shall be located only in a side or rear yard.
- E. *Restrooms.* Any accessory buildings where employees work shall have restrooms for such employees.
- F. *Secondary use only.* A home occupation shall be incidental and secondary to the use of the dwelling and the premises for agricultural purposes and shall not change the character of the dwelling.
- G. *Storage.* Storage of material shall be within an enclosed building.

(Code 2023, § 10-22-6; Ord. No. 2018-36, 11-14-2018)

HISTORY

Adopted by Ord. [2025-13](#) on 5/14/2025

10-22-7 Home Day Care

A home day care shall meet the home occupation standards of HCC 10-22-5 and the following additional requirements:

- A. The operator of the day care shall be a bona fide resident of the premises where the home occupation is conducted.
- B. The number of children attending a day care center shall be no more than 12 and conform to applicable requirements of the Utah Code.
- C. Outdoor play areas shall be fenced and located only in a rear yard or side yard. No play or yard equipment shall be located in the front yard.
- D. A day care center operated as a home occupation shall be prohibited if located on a shared driveway.
- E. Day cares shall be conducted only between the hours of 6:00 a.m. and 7:00 p.m.

(Code 2023, § 10-22-7; Ord. No. 2018-36, 11-14-2018; Ord. No. 2022-25, 6-8-2022)

HISTORY

Adopted by Ord. [2025-13](#) on 5/14/2025

10-22-8 Home Group Instruction

A home occupation for group instruction, including, but not limited to, preschools, tumbling lessons, swimming lessons, dance lessons, and other types of pickup and dropoff activities, shall meet the home occupation standards of HCC 10-22-5 and the following additional requirements:

- A. The operator shall be a bona fide resident of the premises where the home occupation is conducted.
- B. For purposes of this section, the term "group" means three or more students attending a session.
- C. The number of children attending for preschool instruction shall conform to applicable requirements of the Utah Code.
- D. The number of classes shall be limited to two sessions per day. The sessions must be separated by at least 30 minutes to allow adequate time for pick up and drop off.
- E. Outdoor play areas shall be fenced and located only in a rear yard or side yard. No play or yard equipment shall be located in the front yard.
- F. A home occupation for instruction shall be prohibited if located on a shared driveway.
- G. No more than 12 students may be allowed per session.

(Code 2023, § 10-22-8; Ord. No. 2018-36, 11-14-2018; Ord. No. 2022-25, 6-8-2022)

HISTORY

Adopted by Ord. [2025-13](#) on 5/14/2025

13-11-2: HOME OCCUPATION STANDARDS:

A home occupation shall meet all the following standards:

- A. Business License Required: A home occupation shall obtain a business license pursuant to title 4, chapter 2, article D of this code .
- B. Location: A home occupation shall be located only in zones permitted by this title.
- C. Subordinate Use : A home occupation shall be a subordinate use which is secondary and incidental to the primary use of the property as a dwelling unit for residential purposes.
- D. Where Allowed on the Property: A home occupation shall be allowed in only one part of the property, as follows and subject to subsection H of this section:
 - 1. Entirely within the interior of a primary residence;
 - 2. Entirely inside a garage , but only if the required off street parking is not eliminated; or
 - 3. Entirely inside one accessory dwelling or other accessory structure on the property.
- E. Residence Required; Employees: The business licensee shall reside in the residence where the home occupation is conducted. Two (2) employees other than residents of the dwelling unit shall be allowed for a home occupation.
- F. Exterior Alteration Prohibited: A home occupation shall not alter the exterior residential character of the dwelling or premises. No exterior architectural modification shall be made expressly to accommodate the home occupation. Interior alterations for the purpose of accommodating the home occupation are prohibited if such alteration eliminates either the kitchen , dining area, bathrooms, living room, or a majority of the bedrooms.
- G. Use Outside Residence: Home occupation activity outside of the primary residence shall not adversely impact the residential character of the neighborhood.
- H. Permitted Area: Except where a daycare service is approved as a home occupation , not more than twenty five percent (25%) of the area of any floor within the interior of the primary residence shall be devoted to the home occupation up to a maximum of five hundred (500) square feet. Home occupations in a garage , accessory dwelling , or other accessory structure shall be limited to five hundred (500) square feet in area maximum. At no time shall the combined square footage of home occupations taking place within the primary residence or outside the primary residence (in a garage or accessory structure) total more than five hundred (500) square feet in area, which is the maximum.
- I. Inventory And Supplies: Inventory and supplies for the home occupation shall not occupy more than fifty percent (50%) of the permitted area.
- J. Signage : Advertising signs shall be limited to one unanimated, nonilluminated wall sign for each dwelling . The sign shall be placed either in a window or on the exterior wall on the front of the dwelling and shall not have an area greater than two (2) square feet. Minimal mailbox identification is permitted.
- K. Traffic, Parking Requirements: Home occupations shall meet the following traffic and parking requirements:

1. Only one vehicle and one trailer may be used in association with a home occupation . They shall be stored entirely on private property and not within the front yard or street side yard of a corner lot . Off street parking for residents must be preserved in addition to that which is required for the commercial vehicle. The vehicle used for the home occupation shall be limited to a maximum gross vehicle weight rating of twelve thousand (12,000) pounds or six (6) tons. Off street parking for the resident's vehicles and the commercial vehicle must be maintained at all times.

2. Up to six (6) customers or patrons per hour may come to the home, provided adequate off street parking is provided and the use does not adversely affect the neighborhood. This subsection excludes daycare , certified residential childcare facilities, dance studio, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses where this code expressly allows for a larger number of clients.

3. A home occupation shall not generate vehicular traffic (both type and volume) which is not commonly associated with the zone in which the home occupation is located (i.e., heavy trucks, delivery or service vehicles, significantly increased traffic, etc.).

L. Interference, Nuisance Prohibited: The home occupation shall not be discernible beyond the premises or unreasonably disturb the peace and quiet of the neighborhood by causing interference with radio, television or other electronic reception, or by reason of design, materials, construction, lighting, glare, color, spray, odor, smoke, dust, heat, noxious fumes, sound noise, vibration, vehicles, parking, general operation of the business, or other nuisance.

M. Hazardous Materials: Toxic, explosive or combustible materials shall not be allowed in conjunction with a home occupation . No process or material shall be used which is hazardous to public health, safety, morals, or welfare.

N. Promotional Meetings: Promotional meetings for the purpose of selling merchandise or taking orders shall not be held more than once per month .

O. Hours Of Deliveries, Visits: Deliveries and customer/client visits to the home occupation site are prohibited between the hours of ten o'clock (10:00) P.M. to seven o'clock (7:00) A.M.

P. Demand For Services: A home occupation shall not create a demand for municipal, community or utility services that are substantially in excess of those usually and customarily provided for residential uses.

Q. Excessive Voltage Use : A home occupation shall not involve the installation in the dwelling of special equipment and/or fixtures which require more than normal voltage used for residential purposes or which use is incompatible with the use of a premises as a residential dwelling.

R. Code Conformity; Inspections: There shall be complete conformity with health, fire, building, plumbing, electrical, and all other city , county , state and federal codes, including business license regulations. Periodic inspections will be made as required by these codes and the type of home occupation .

S. Additional Conditions May Be Imposed: The city planner may require additional conditions in order to alleviate any impacts a home occupation may have on adjacent neighbors and the public.

T. Food Regulations: The preparation, storage, manufacture or sale of foods from a private home is limited to those substances and activities allowed by the state department of health.

U. Sales Restricted: Sales must be by appointment or other personal arrangement and not offered to the general public as a commercial retail outlet.

V. Daycare , Preschools: In addition to the other requirements of this section, daycare and preschools shall meet the following requirements:

1. The minimum amount of square feet per child required for preschool and daycare services shall be subject to state licensing requirements.

2. The number of students/children permitted in association with a home occupation shall include the licensee's children, except those children over twelve (12) years of age. In the case of a licensed or certified residential childcare facility, state code shall apply.

3. Daycare services shall be allowed employees as required by the state department of health. (2001 Code § 89-6-502; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 24-01, 1-24-2024)

Notes

1. See also subsection 12-3-3H of this code.

13-11-3: PERMITTED HOME OCCUPATIONS:

Permitted home occupations include, but are not limited to, the following:

Accountants.

Artist and authors.

Barbershops, beauty shops and nail salons.

Bookkeeping.

Computer based business, including data processing, computer programming, and software design.

Construction office (no heavy equipment).

Consulting services.

Dance studio, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses, provided the number of clients is limited to not more than twelve (12) per day.

Daycare for not more than four (4) children during operational hours. In the case of a licensed or certified residential childcare facility, state code shall apply.

Direct sales distribution.

Garden produce.

Home crafts and arts.

Insurance sales or broker.

Janitorial service.

Landscape contractor (no heavy equipment).

Mail order or internet based sales.

Massage therapy .

Offices.

Professional services, including architectural services and interior design.

Real estate sales or broker.

Sales representative.

Sewing or embossing of clothing or fabrics. (2001 Code § 89-6-503; amd. Ord. 11-35, 11-22-2011)

Chapter 18.190 HOME OCCUPATIONS

Sections:

- 18.190.010 Purpose.
- 18.190.020 Business license.
- 18.190.030 Simple home occupation.
- 18.190.040 Permitted home occupation.
- 18.190.050 Conditional use home occupation.
- 18.190.051 Short term rentals.
- 18.190.060 Fixed standards.
- 18.190.070 Qualifications.
- 18.190.080 Conditional use permit required.
- 18.190.090 Prohibited home occupations.
- 18.190.100 Exceptions.
- 18.190.110 Revocation.
- 18.190.120 Reapplication following revocation or denial.

18.190.010 Purpose.

(1) Provide an opportunity for home occupations as an accessory use, when they are compatible with the neighborhoods in which they are located. A home occupation shall not be construed to mean an employee, working in his/her home in the service of an employer whose principal place of business is licensed at another location.

(2) Guide business activities that are not compatible with neighborhoods to appropriate commercial zones.

(3) Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazard and other possible business uses that are in excess of that customarily associated with the neighborhood. Home occupations include but are not limited to the following:

- (a) Artists, authors, architectural services;
- (b) Accountants;
- (c) Barber shops and beauty shops;
- (d) Bookkeeping;
- (e) Consulting services;
- (f) Construction office;
- (g) Dance studio, aerobic exercise, music lessons, tutoring and general educational instruction;
- (h) Day care or preschool;
- (i) Data processing computer programming;
- (j) Direct sales distribution;
- (k) Home crafts;
- (l) Garden produce;
- (m) Janitorial service;
- (n) Insurance sales or broker;
- (o) Interior design;
- (p) Landscape contractor office;

- (q) Mail order not including retail sales from site;
- (r) Offices;
- (s) Real estate sales or broker;
- (t) Sales representative;
- (u) Sewing or embossing of clothing or fabrics; and
- (v) Short term rentals.

Other occupations not listed in this section but of similar kind or character may be conducted as home occupations, subject to the provisions of this chapter. Other occupations not listed in this chapter must apply for and receive a conditional use permit. Prior to receipt of a conditional use permit, other occupations not listed in this section must be reviewed by the zoning administrator for a determination as to whether the proposed occupation is of a similar kind or character to home occupations listed in this section. A finding by the zoning administrator that an occupation is not of a similar kind or character as those listed herein may be appealed to the planning commission. A finding by the planning commission that an occupation is not of a similar kind or character as those listed herein may be appealed to the board of adjustment, as provided in Chapter [2.80](#) RCC. A sexually oriented business, or an administrative service in support of a sexually oriented business, may not operate as a home occupation in any zone of the city.

- (4) Provide an opportunity for a home occupation to engage in the business of childcare and other group child activities, and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
- (5) 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 a violation of the ordinances regulating home occupations occurs.
- (6) Create a streamlined process for home occupations that meet strict criteria for blending into a neighborhood and facilitate other home occupations that may be allowed under specific conditions. [Ord. 20-05 § 1 (Exh. A); Ord. 07-12 § 1. Code 1997 § 12-207-005.]

18.190.020 Business license.

- (1) All home occupations shall have a business license, unless specifically exempted from the business license requirement as provided in this chapter. Only the owner of a business may apply for a home occupation business license and the applicant must be a bona fide resident of the home.
- (2) Home occupation permits expire six months after granted if no business license is obtained.
- (3) Home occupation permits expire three months after the business license lapses unless the business license is renewed during that time period.
- (4) Home occupation permits are issued for individuals at a specific address. The permit does not run with the land, and is not transferable to another person or party, or other address.
- (5) Types of Home Occupations. Home occupation businesses are licensable as one of the following:
 - (a) Simple home occupation.
 - (b) Permitted home occupation.
 - (c) Conditional use home occupation. [Ord. 20-05 § 1 (Exh. A); Ord. 07-12 § 1. Code 1997 § 12-207-010.]

18.190.030 Simple home occupation.

- (1) Planning staff can approve a simple home occupation permit when the applicant complies with the following:
 - (a) Applicant is a bona fide resident of the home.
 - (b) Business shall be entirely conducted within the home.
 - (c) The home occupation shall not involve any wholesale or retail sales at the home.
 - (d) The home occupation will not require any signage, including signage on vehicles parked at the home.

(e) The home occupation does not involve customers or employees visiting the home.

(f) The home occupation does not require storage of inventory at the home.

(g) There will be no evidence from the exterior of the home that a business is being conducted.

(h) No specialty vehicles associated with this business such as dump trucks, tractors, skid steers, tractor trailers, boom trucks, tank trucks, backhoes, pump trucks or other similar vehicles will be parked or stored at the home.

(2) Staff may require drawings, photographs, schematics, floor plans or other materials necessary to demonstrate compliance with the criteria in subsection (1) of this section.

(3) The applicant will sign a statement verifying they have read and understand the criteria under which the simple home occupation is given and agree to operate their business within those criteria.

(4) Applicants may appeal the planning director's decision about a simple home occupation to the planning commission. The commission will decide whether the applicant qualifies for a simple permit or must apply for a staff-reviewed home occupation or a conditional use permit following the standards and procedure set forth in this chapter. A public hearing is not required nor shall be conducted for the appeal. [Ord. 20-05 § 1 (Exh. A); amended during 2011 recodification; Ord. 07-12 § 1. Code 1997 § 12-207-015.]

18.190.040 Permitted home occupation.

(1) Staff can approve home occupations that meet all of the requirements of RCC [18.190.060](#), Fixed standards, and all of the requirements of RCC [18.190.070](#), Qualifications.

(2) The applicant will fill out an application and submit plans, drawings, pictures, and other materials necessary to verify compliance with the standards and qualifications. Notice of the pending application will be sent to neighbors within 300 feet of the applicant's property. The applicant will bear the costs of noticing, and review fees, or any additional studies that may be required.

(3) Staff shall refer permitted home occupations to the planning commission as conditional use home occupations when:

(a) Evidence suggests that the application may not meet all of the qualifications;

(b) *Repealed by Ord. 20-05;*

(c) At the request of a planning commissioner; or

(d) At the discretion of the planning manager.

(e) In such cases the applicant will be responsible for the additional noticing fees.

(4) Applicants may appeal the planning director's decision about a permitted home occupation to the planning commission. The appeal would be a decision item where the commission will decide whether the applicant qualifies for a permitted home occupation or must apply for a conditional use permit following the standards and procedure set forth in RCC [18.190.050](#) and [18.190.080](#). A public hearing is not required nor shall be conducted for the appeal. [Ord. 20-05 § 1 (Exh. A); Ord. 07-12 § 1. Code 1997 § 12-207-020.]

18.190.050 Conditional use home occupation.

(1) The planning commission will hold a public hearing for home occupation applications that meet all of the fixed standards but are unable to meet all of the qualifications or have been referred by the planning manager.

(2) The planning commission may deny, approve, or approve with any of the conditions included in RCC [18.190.080](#), Conditional use permit required. The planning commission may also alter or waive any of the qualifications described in RCC [18.190.070](#). The planning commission may not alter or waive any of the fixed standards of RCC [18.190.060](#).

(3) Applications for conditional use home occupation permits will be noticed for a public hearing before the planning commission. Notices will be sent to property owners within 300 feet of the applicant property at least 10 days prior to the hearing and a notice will be posted on the city's webpage.

(4) The applicant will be responsible to pay fees associated with the noticing and public hearing.

(5) The planning commission acts as the land use authority for conditional use home occupations.

(6) Appeals of the planning commission decision must be made within 30 days of the decision by submitting a notice of appeal to the board of adjustment as set forth in RCC [18.195.100](#). [Ord. 24-17 § 1 (Exh. A); Ord. 21-19 § 1 (Exh. A); Ord. 20-05 § 1 (Exh. A); amended during 2011 recodification; Ord. 07-12 § 1. Code 1997 § 12-207-025.]

18.190.051 Short term rentals.

(1) A short term rental property must be owner occupied and the business owner's primary residence.

(2) Short term rentals are an allowable conditional use in all residential zones.

(a) The owner must live in the dwelling a minimum of 185 nights a year.

(b) Rentals are limited to 150 nights per year. Renters must be required to agree to a two-night minimum stay.

(3) Only one rental agreement may be in operation at any one time, and the party who executes the rental agreement with the property owner must stay at the property each night during the rental period.

(4) The owner must provide a contact number to all renters and to all residents within 300 feet of the residence.

(a) The owner or representative must be available to respond 24/7 by phone.

(b) The owner or representative must physically respond, meaning arrive at the rental property, within one hour after being called.

(5) Each rental shall be limited to 29 consecutive nights per renter.

(a) There shall be a minimum of four hours vacancy between renters.

(6) Rentals are limited to a total of eight renters.

(7) All rental-related parking must be off street and contained within footprint of the frontage of the home.

(8) An informational packet must be posted in plain view inside the residence with escape, emergency contact information, appliance control and hazard-related information.

(9) An address number shall be conspicuously posted on the entrance of the rental residence or on any mailbox located in the park strip of the residence.

(10) All rental activities must be confined to the residence, accessory or out building and the privacy fenced rear and side yards of the residence. Privacy fencing around rear and side yards shall be required in all zones which allow for a one-third-acre lot size, or lots smaller than a one-third-acre lot size.

(11) As part of the conditional use application the property owner must:

(a) Provide proof of ownership.

(b) Provide proof of primary residency by providing sufficient documentation as determined by the Riverton City planning department. Such information may include, any one of the following:

(i) Federal or state tax returns;

(ii) Government issued ID showing property address;

(iii) Deed records;

(iv) Providing signed and notarized affidavit attesting to ownership; or

(v) Other suitable proof of ownership as determined by the city.

(c) Provide proof of adequate off-street parking areas on the property and contained within footprint of the frontage of the home.

(d) Provide proof of compliance with existing CC&Rs associated with the property.

(e) Provide proof that all applicable fees associated with the conditional use permit have been paid.

(f) Comply with all other requirements of the conditional use permit process established by the Riverton City Code.

(g) Provide a copy of the short term rental business license application.

(h) Provide proof of sales tax license.

(i) Provide proof of business entity registration (if applicable) with the state of Utah (<http://corporations.utah.gov>).

(j) Show compliance with all applicable requirements associated with the Riverton City business license code and procedures and payment of all applicable fees.

(12) The owner shall ensure that all rental activities comply with Riverton City noise ordinance.

(a) More than one violation of the noise ordinance by any one renter in any 72-hour period which results in issuance of a citation shall require the owner to terminate the rental.

(13) The owner is responsible to ensure that the residence and associated property is maintained in accordance with Riverton City Code.

(a) Three or more violations within any 12-month period will result in the loss of the business license. [Ord. 20-05 § 1 (Exh. A).]

18.190.060 Fixed standards.

Permitted home occupations and conditional use home occupations must comply with these fixed standards at all times. The applicant shall submit drawings, sketches, documentation and/or photos as required by staff to demonstrate compliance with these standards.

(1) Bona Fide Resident. The home occupation business shall be owned by and carried on only by a bona fide resident of the home.

(a) A "bona fide resident" is defined as an individual who:

(i) Resides in the home a minimum of 185 days in the calendar year; and

(ii) Is a resident of Riverton City and the state of Utah for all tax purposes.

(2) Satellite Office Not Allowed. Business activities shall not be conducted at the home of an employee of a company, by nonresident company employees. However, a home occupation shall not be construed to mean an employee, working in his/her home in the service of an employer whose principal place of business is licensed at another location.

(3) Accessory Use on the Property. The home occupation shall be clearly secondary and incidental to the primary use of the dwelling unit for residential purposes.

(4) On-Site Employees. One full-time or full-time equivalent nonresident may be employed, volunteer, or work on the premises wherein the home occupation business is located. And only one nonresident employee may work at the home at one time regardless of the number of home occupations.

(a) The planning commission may grant an exception to this requirement and allow additional employees working at the home with a conditional use permit if the applicant can demonstrate they meet the following qualifications:

(i) The property has sufficient space on the lot to accommodate all employee and business-related vehicles and that on-street parking will not be necessary.

(ii) Vehicles shall be screened and out of public view to preserve the residential integrity of the property and shall not displace any required front yard landscaping.

(iii) Utilized floor space of the home occupation shall not exceed allotted amounts as specified in this title.

(iv) Employees will only be at the home between the hours of 7:00 a.m. and 7:00 p.m.

(v) Employee vehicles permitted at the home shall be limited to cars, pick-up trucks, vans and SUVs. Semi-trucks and trailers, construction equipment, and other heavy equipment shall not be permitted to be brought to the home by employees.

(vi) That any increase in the number of employees does not result in an increase of customers visiting the property that would exceed allotted customers per day as specified by this title.

(vii) The home occupation will not require any signage, including signage on vehicles parked at the home.

(5) Off-Site Employees. Any home occupation may utilize employees to work off site. The off-site employee, volunteer, agent or any other person engaged with the home occupation shall not come to the home for purposes related to the home occupation license unless otherwise approved with a conditional use permit by the planning commission.

(6) Off-Street Parking. All business-related vehicles, which park at the location of the home occupation, including those of the applicant and employee, must be provided and use off-street parking. Off-street parking must also be provided for customers, clients or business-related visitor vehicles.

(7) Vehicle Advertisement. Vehicles or equipment may not be used for the primary purpose of advertising the home occupation at the site of the home occupation.

(8) Designating Areas of Property to Be Used. The home occupation applicant must designate the portion of the home, accessory structure, yard, attached or detached garage dedicated as the principal location for business activities.

(9) External Appearance. The home occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage or accessory structures. Any structural alterations to accommodate the home occupation shall maintain the architectural aesthetics and compatibility of the neighborhood.

(10) Outdoor/Yard Space. The home occupation shall not involve the use of any unscreened or unenclosed yard space for home occupation activities including, but not limited to, home occupation events or activities; and storage or display of supplies, inventory or equipment when such use is in conjunction with the sales, service or production of goods. Any screened area or structure used for the home occupation must be located in either the side or rear yard areas.

(11) Conformity with Safety Codes. There shall be complete conformity with fire, building, plumbing, electrical and all other city, county, state and federal codes.

(12) Health and Safety. No process can be used which is hazardous to public health, safety, morals or welfare.

(13) No Excessive Utility Uses. The home occupation shall not cause a demand for municipal, community or utility services that are substantially in excess of those usually and customarily provided for residential uses.

(14) Neighborhood Disruptions Not Permitted. The home occupation shall not substantially, unreasonably and uncharacteristically interfere or disrupt the peace, quiet and domestic tranquility of the neighborhood. The home occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic or other nuisances, including interferences with radio and television reception or any other adverse effects within the neighborhood.

(15) 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 license office.

(16) Interior Alterations/Remodeling. Interior alterations of the principal dwelling, for the purpose of accommodating the home occupation, are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas or all of the bedrooms. [Ord. 20-05 § 1 (Exh. A); Ord. 17-16 § 1 (Exh. A); Ord. 07-12 § 1. Code 1997 § 12-207-030.]

18.190.070 Qualifications.

In addition to the fixed standards set forth in RCC [18.190.060](#), all staff-reviewed home occupations must also comply with the requirements outlined in this section. If a business finds that they are unable to fully comply with all of the requirements as set forth in this section, the applicant may pursue possible approval as a conditional use home occupation.

(1) Hours. With the exception of short term rentals, no visitors in conjunction with the home occupation (clients, patrons, employees, volunteers, students, pupils, etc.) shall be permitted between the hours of 7:00 p.m. and 7:00 a.m.

(2) Traffic. Vehicular traffic from business-related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood. With the exception of short term rentals the home occupation shall be limited to two business-related

visitors or customers per hour, to a maximum of eight business-related visitors or customers per day. Business-related deliveries or pickups scheduled by the business owner shall not exceed two per day.

(3) *Repealed by Ord. 20-05.*

(4) Conducted in a Home. When business activities are being conducted on the property that is to be licensed, the home occupation shall be conducted within the principal home or enclosed areas.

(5) Maximum Floor Space. With the exception of short term rentals, no more than 25 percent of the total main floor area and upper floor areas of the dwelling unit shall be used for home occupation. As an alternative to use of main and upper floor areas of the dwelling unit, up to 50 percent of the basement of a home unit may be utilized for home occupation.

(6) Signs. The home occupation may utilize one unanimated, nonilluminated flat sign. The sign must be placed either in a window or on the exterior wall of the home wherein the home occupation is being conducted, and may not have an area greater than four square feet.

(7) Display of Products. The home occupation may include the sale of tangible goods. Direct sales from display apparatus are permitted only if the goods or products are not visible from the exterior of any approved structure being used for the home occupation.

(8) Permitted home occupations involving child day care and other child group activities shall also comply with the following:

(a) The home occupation shall not exceed eight children, associated with child day care or other child group activities (e.g., dance schools, preschool, music classes, etc.) at any one time. A maximum of eight students/children are permitted per day. This number shall include the licensee's own children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.

(b) No other permitted child day care or child group activities are within 300 feet of the proposed home occupation.

(c) All child day care shall be allowed to provide safe, outdoor play time in designated areas.

(d) Outdoor play areas shall be fenced in accordance with Riverton City fencing standards and shall have a self-locking gate. [Ord. 20-05 § 1 (Exh. A); amended during 2011 recodification; Ord. 07-12 § 1. Code 1997 § 12-207-035.]

18.190.080 Conditional use permit required.

The following uses are appropriate as licensable home occupations only if they are determined to be compatible with residential neighborhoods after full conditional use review by the planning commission, all of the fixed standards, all the qualifications that have not been granted an exception through the conditional use process and additional regulations set forth hereafter:

- (1) More Than Two Home Occupation Licenses. Any home where the applicant(s) are seeking more than two permitted or conditional home occupation licenses.
- (2) Workshops. Workshops, including carpentry, small scale sheet metal work, furniture making, upholstery and other similar activities.
- (3) Business Not Conducted within a Home. Any home occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:
 - (a) The applicant for a home occupation license 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 area.
 - (b) A maximum 50 percent of the total floor space of any accessory structure or attached or detached garage may be used for the home occupation. The planning commission may grant an exception for parcels of at least one-half acre.
 - (c) Any accessory structure used for a home occupation will be reviewed for architectural aesthetics and compatibility of the home and the immediate neighborhood.
 - (d) The home occupation may utilize one unanimated, nonilluminated flat sign to be attached to the accessory structure where the home occupation is being conducted, in lieu of the sign attached to the home or in a window. The sign may not have an area greater than four square feet.

(4) Home Occupations and Outdoor Activities. Any home occupations proposing to conduct business utilizing any yard space, or in a swimming pool.

(5) Dangerous Home Occupations. Any home occupation using explosives, incendiary products and devices, or flammable or hazardous chemicals.

(6) Home Occupations Generating Excessive Traffic. Any home occupation which will generate in excess of two customers or visitors per hour or six per day. A maximum of 12 business-associated visitors per day may be allowed under a conditional use permit, except as provided for with child day care and other group child activities.

(7) Large, Business-Related Vehicles. Any home occupation which utilizes vehicles longer than 24 feet in length.

(8) Food or Beverage Preparation. Any home occupation involving or proposing to involve food or drink preparation, storage or catering.

(9) Child day care and other group child activities (e.g., dance schools, preschools, music classes, other care or instruction for children) that are expected to generate or exceed eight children/students any day. The following guidelines shall be used by the planning commission to determine the maximum number of students/children permitted:

(a) A traffic plan has been reviewed and approved by the planning department, which includes acceptable traffic flow, drop-off and turnaround areas.

(b) A maximum of 12 students/children per session and a maximum of 24 students/children per day shall be permitted.

(c) A maximum of three sessions per day may be permitted.

(d) All sessions combined shall not generate more than 24 vehicular trips per day.

(e) The total number of students/children shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.

(f) No child day care or group child activities, conditional use home occupation may be established within 300 feet as measured from property line to property line of another child day care or group child activities, conditional use home occupation.

(10) Any home occupation requesting more than one full-time or full-time equivalent nonresidential employee or volunteer working in any business-related capacity. [Ord. 20-05 § 1 (Exh. A); Ord. 17-16 § 1 (Exh. A); Ord. 15-07 § 1 (Exh. A); Ord. 07-12 § 1. Code 1997 § 12-207-040.]

18.190.090 Prohibited home occupations.

The following uses are not compatible with residential uses, and in order to protect the health, safety and welfare of residents from noise, nuisance, traffic, fire hazard and other possible business uses that are in excess of that customarily associated with the neighborhood, the following uses are prohibited:

- (1) Mortuaries, crematoriums, columbariums, or mausoleums.
- (2) Animal hospitals and veterinary services.
- (3) Clinics, dental offices, medical offices, chiropractic offices, or hospitals.
- (4) Junkyards, auto wrecking yards or salvage yards.
- (5) Stables, kennels, pet stores or any other commercial animal breeding or similar activities.
- (6) Storage, service, repair, sales or rental of ambulance, tow truck, recreational vehicle, watercraft, automobiles, ATV, or other motorized vehicles.
- (7) Food or drink preparations, storage or catering, which is not permitted by the appropriate state or county department or agency.
- (8) Fitness or health spa facility.
- (9) Lawn mower or small engine sales, service or repair.

(10) Auto body repair, motor vehicle repair.

(11) Manufacturing and/or mechanical product assembly, other than small scale arts, crafts, and hobby work. Use of hazardous chemicals, pesticides and flammable/combustible materials, and any other process or business where current, adopted building and fire codes would require an operational permit.

(12) Number of vehicular stops/or visits exceeds 24 per day.

(13) Sexually oriented business.

(14) Treatment centers or counseling for persons who are violent or being treated for alcoholism or drug abuse.

(15) *Repealed by Ord. 20-05.*

(16) Outdoor seasonal retail sales/services such as Christmas trees, fireworks, pumpkin patches, haunted houses, corn mazes, etc., except where such uses are for products produced entirely on site. [Ord. 20-05 § 1 (Exh. A); Ord. 20-02 § 1 (Exh. A); Ord. 15-07 § 1 (Exh. A); Ord. 07-12 § 1. Code 1997 § 12-207-045.]

18.190.100 Exceptions.

(1) Home occupations do not include:

(a) Occasional babysitting at the dwelling, which would not be classified as a day care or preschool operation.

(b) Garage or yard sales are not considered home occupations but may be held no more than four calendar days per year.

(c) Sales of night crawlers gathered by the home owner or immediate family.

(d) Lemonade stands and similar occasional activities related to the subject premises are not considered home occupations.

(e) One-time in-home parties designed to take orders, such as Tupperware parties, Pampered Chef, or Mary Kay.

(2) Temporary signage may be used to advertise yard sales, night crawlers, lemonade and similar occasional sales activities, provided it does not create a nuisance or a traffic hazard, is not placed on private property without permission of the property owner or in the public right-of-way, and provided it is removed by 7:00 p.m. each day and upon conclusion of the activity. [Ord. 20-05 § 1 (Exh. A); amended during 2011 recodification; Ord. 07-12 § 1. Code 1997 § 12-207-050.]

18.190.110 Revocation.

A conditional use permit may be revoked by the planning commission upon a finding of failure to comply with the terms and conditions of the original permit or for any violation of this chapter occurring on the site for which the permit was approved. Prior to taking action concerning revocation of a conditional use permit, a hearing shall be held by the planning commission. Notice of the hearing and the grounds for consideration of revocation shall be mailed to the permittee at least 10 days prior to the hearing. [Ord. 20-05 § 1 (Exh. A); Ord. 15-07 § 1 (Exh. A).]

18.190.120 Reapplication following revocation or denial.

Following the revocation or denial of a conditional use permit, a new application for the same business type and location will not be accepted for a period of one year from the date of revocation or denial. Upon reapplication, the applicant for the same business type and location which was revoked in a prior year shall be required to pay application fees as established by the city council. [Ord. 20-05 § 1 (Exh. A); Ord. 15-07 § 1 (Exh. A).]

The Riverton City Code is current through Ordinance 25-22, passed September 16, 2025.

Disclaimer: The City Recorder's Office has the official version of the Riverton City Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.rivertonutah.gov/>

City Telephone: (801) 254-0704

Codification services provided by [General Code](#)

CHAPTER 17.24**HOME OCCUPATIONS****SECTION:****17.24.010: Purpose****17.24.020: Definitions****17.24.030: License/When Required****17.24.040: Regulations Generally****17.24.050: Major Home Occupations****17.24.060: Prohibited Uses****17.24.070: Application****17.24.010: PURPOSE:**

The purpose of this chapter is to allow and regulate certain income producing accessory uses in residential districts which are compatible with, and not detrimental to, the neighborhood in which they are located. Home occupations are limited to those uses which may be conducted within a residential dwelling without changing the appearance or condition of that residence.

(Ord. 20-14: Ord. 13-12)

17.24.020: DEFINITIONS:

As used in this chapter:

ABUTTING: Bordering or touching, such as sharing a common lot or property line.

ADJACENT: Sharing a common property line or separated by a road right of way, drainage easement, or alley.

HOME OCCUPATION, GENERALLY: A business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity is carried on as an accessory use in a residential zone by a bona fide resident of the dwelling. This definition shall not be construed to allow an employee, working in the employee's own home in the service of an employer who does not reside in the same dwelling.

MAJOR HOME OCCUPATION: A home occupation business where the combined off-site impact of the home occupation business and the primary residential use materially exceeds the off-site impact of the primary residential use alone.

MINOR HOME OCCUPATION: Any home occupation business not classified as a major home occupation.

(Ord. 20-14: Ord. 13-12)

17.24.030: LICENSE/WHEN REQUIRED:

- A. A home occupation license shall be required to conduct a permitted major home occupation business in a residence located in a residential zone.
- B. The City shall not require a license or charge fees to operate a minor home occupation business.
- C. The owner of a minor home occupation may request a home occupation business license from the City. If the owner of a minor home occupation requests a business license, the applicant shall be subject to all regulations outlined in this chapter and title 5 of this code, and shall pay the license fees outlined in section 5.08.010 of this code.

(Ord. 20-14: Ord. 13-12)

17.24.040: REGULATIONS GENERALLY:

Major home occupation businesses are subject to the requirements of title 5 applicable to home occupation businesses. Both major and minor home occupations are accessory uses to the primary residential use, and are subject to the following regulations.

- A. **Business To Be Conducted Within Main Dwelling:** The home occupation business use must be conducted entirely within the main dwelling, except that the outside yard areas may be used for group instruction, residential daycare facilities and group education uses.
- B. **Bona Fide Resident:** The home occupation business may be conducted only by persons who are bona fide residents of the dwelling unit, and the dwelling unit must be established as the primary residence.
- C. **On-Site Employees:** Up to one person not residing in the residence may work, volunteer or otherwise assist with the business on-site at the dwelling. The owner of the business must reside in the residence. The planning commission may approve more than one non-resident employee if it finds (1) that the additional employee will not be employed as a driver of a work vehicle kept at the residence, and (2) that the employee's presence in the premises will not otherwise violate the intent of this chapter. Only one non-resident employee or volunteer, or such additional non-resident employees or volunteers as approved by the planning commission through approval of a major home occupation, is allowed to work on-site per residence at any one time, regardless of the number of home occupation licenses held by persons residing in the residence.
- D. **Off-Site Employees:** Any home occupation business licensed under this chapter may utilize persons to work, volunteers or assist with the business off-site. The off-site employee, volunteer or any other person assisting with the business shall not come to the home for purposes related to the home occupation business, nor shall they park at the home or on the street near the home.
- E. **Accessory Use On The Property:** The business use must be clearly incidental and secondary to the residential use of the dwelling and may not change the residential character of the dwelling. No more than twenty five percent (25%) of the total main or upper floor area, or, in the alternative, no more than fifty percent (50%) of the total floor area of a basement, may be used to conduct a home occupation. Interior alterations to accommodate a home occupation are prohibited if the kitchen, the dining area, all bathrooms, the living room, or a majority of the bedrooms is eliminated. Signs related to the home occupation are prohibited unless otherwise provided in this title. Exterior alterations are prohibited if the alterations change the residential appearance of the dwelling. Home occupation businesses shall not involve the use of any accessory building or yard space for storage, sale, rental or display of supplies or inventory used in the home occupation.

F. **Commodities And Display For Sale:** Commodities may be produced on the premises in accordance with law. Sale of commodities from shelves or similar display on the premises is not allowed.

G. **Group Instruction/Childcare:** Group education, group instruction, childcare, and instruction of children, other than those residing in the dwelling, are allowed as a home occupation accessory use or as a conditional use only to the extent as allowed in this title.

H. **Multiple Businesses At Residence:** More than one home occupation business license per dwelling unit is allowed; provided, however, that the cumulative effect of such businesses shall not violate the provisions and the intent of this chapter. By way of illustration and not limitation, the conduct of multiple home occupations may not violate the prohibitions against excessive traffic, and the limit on the number of non-resident employees and motor vehicles allowed at a residence. Any or all of the home occupation licenses issued at a residence are subject to suspension or revocation if the cumulative effect of the conduct of those businesses violates this chapter.

I. **Conformity With Safety Codes:** Home occupation licensees shall comply with all State and local laws, including fire, building, and similar life safety and health codes.

J. **Subject To Inspections:** The premises of a home occupation may be inspected during reasonable business hours to determine compliance with the provisions of this title.

K. **Term Of License:** A home occupation business license shall be valid for twelve (12) months from the application date and may be renewed annually unless the license, or the privilege of renewing that license, has been revoked or suspended due to violations of this title or other laws applicable to the home occupation license. Home occupation business licenses are personal to the applicant, non-transferable and do not run with the land.

L. **Vehicles:** One business vehicle used by the licensee in connection with the home occupation may be parked at the premises, subject to the restrictions in this chapter. Other motor vehicles and equipment, and trailers used to transport the same, which are used in connection with the home occupation may not be stored or parked on the premises of the licensee or in any street adjacent to the licensed premises. Under no circumstances may motor vehicles having a gross vehicle weight rating of more than twelve thousand (12,000) pounds and which are used in connection with the home occupation be stored or parked on the premises of a home occupation or any street adjacent to those premises. By way of illustration and not limitation, this subsection is intended to prohibit the storage or parking of business fleet vehicles, such as limousines; service or work vehicles (snowplow/landscape maintenance trucks) and similar vehicles; delivery vehicles; and contractor's equipment and trailers used to transport the same. As provided in subsection B of this section, a non-resident employee may not be allowed to drive any business vehicle parked at the premises as permitted by this subsection as part of that employee's regular work assignment.

M. **Trailers:** Notwithstanding anything contrary in this chapter, one trailer may be used in association with the home occupation. Trailers allowed in conjunction with a home occupation business are as follows:

1. An open or enclosed trailer with a body length of twenty feet (20') or less, excluding the tongue.
2. Materials/equipment shall not be stored outside of the trailer.
3. The trailer may be placed in the side or rear yard behind a fence or garaged on private property and not within the front yard of any residential zone except on established driveways. A trailer must maintain a minimum setback of five feet (5') from the front property line so as to provide adequate visibility. If the home is located on a corner lot, the trailer shall not be stored on the street side of the

house unless it is out of the required front yard setback. If the topography of the lot prohibits the parking of the trailer on the side, rear, or front yard, the trailer must be stored off-site.

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. All areas utilized for the parking of trailers shall be paved with a hard surface, e.g., concrete, asphalt, brick or other water impenetrable surface. This includes the side, rear, and front yard of the home. It is prohibited to park upon areas that have been landscaped or are reserved for future landscaping.

6. A site plan shall be included with all business license applications indicating where the trailer will be stored.

N. Traffic: The traffic generated by a home occupation may not exceed that which would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street according to city regulations. All business-related vehicles which park at the location of the home occupation business, including on-site employees, customers, clients, or business-related visitor vehicles, must use off-street parking. This provision excludes stops made by delivery vehicles. The home occupation shall not involve the use of commercial vehicles having a gross vehicle weight rating of more than twelve thousand (12,000) pounds for delivery of materials to or from the premises.

O. Approval Authority: Except as otherwise provided in this title, the community and economic development department is authorized to approve home occupation applications in accordance with this title.

P. Neighborhood Disruptions Not Permitted: The home occupation business may not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The home occupation business shall not create, be associated with, or produce noises or vibrations, noxious odors, fumes, glare, dust, heat, excessive traffic, interferences with radio and television reception or any other adverse effects that may be discernible beyond the premises.

Q. Storage Of Dangerous Materials: The storage or use of flammable, explosive, or other dangerous materials is prohibited.

(Ord. 20-14)

17.24.050: MAJOR HOME OCCUPATIONS:

A. The following home occupations, which either require a client to come to the home or which may result in neighborhood impacts if not properly managed, may be authorized as an accessory use through a major home occupation permit pursuant to the standards specified in this section:

Barbers, cosmetologists, manicurists.

Contractor, "handyperson," and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises.

Counseling, when clients come to the home.

Home instruction including musical instruments, voice, dance, acting and educational subjects, swimming, tennis and other athletic instruction.

Other similar personal or professional services where the client comes to the home, including, but not limited to:

1. Childcare;
2. Preschool;
3. Home instruction.

B. Uses classified as major home occupations must comply with the standards of section 17.24.030 of this chapter, which shall be considered minimum standards. The Community and Economic Development Director or Planning Commission may require additional reasonable conditions to mitigate reasonably potential adverse impacts of the use on adjacent properties. These conditions may include, but are not limited to:

1. Limits on hours of operation;
2. Limits on numbers of clients per day/hour;
3. Provision of adequate off-street parking;
4. Other conditions reasonably related to mitigating adverse impacts resulting from the use.

(Ord. 20-14: Ord. 13-12)

17.24.060: PROHIBITED USES:

The following uses by the nature of the investment or operation have a pronounced tendency, once started, to rapidly increase beyond limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations regardless of their conformance with the other standards of this chapter:

Dental offices.

Electronics repair.

Limousine or taxi service.

Major appliance repair (washers, dryers, refrigerators, etc.).

Medical offices.

On site carpentry work including cabinetmaking or other similar uses which generate noise, dust or fumes.

Painting of vehicles.

Permanent yard sales.

Photo developing.

Photo studios.

Private schools.

Sexually oriented businesses.

Tattooing.

Trailer or boat repair.

Upholstering.

Vehicle repair.

Vehicle sales.

The listing of specific prohibited businesses in this section shall not be construed to allow or permit a home occupation business which otherwise violates this chapter.

(Ord. 13-12)

17.24.070: APPLICATION:

An application for a home occupation business license shall be filed with the City Business License Division, and shall include the following information:

- A. A complete description of the type of business proposed including the location of the storage and operations area for the home occupation;
- B. A listing of the individuals at the home who will be working on the business;
- C. The expected hours of operation of the business;
- D. The expected number of clients per hour and total expected number of clients visiting the home per day;
- E. A site plan indicating areas of off-street parking for employees and clients;
- F. Neighboring Property Owner Information: Names, signatures and addresses of all abutting and adjacent property owners, including property owners across the street(s);
- G. Leased Property: Approval of the property management or property owner shall be required if the business is conducted on a leased property; and
- H. Notice To Neighboring Property Owners: Signatures of approval of all abutting and adjacent property owners on a form provided by the community and economic development division.
 - 1. If all of the required signatures cannot be obtained, the applicant may request the application be referred to the Planning Commission to be considered for approval subject to reasonable conditions related to mitigating reasonably potential adverse impacts.

2. If all the required signatures are obtained, the director or designee will approve, approve with conditions, or refer the application to the Planning Commission to be considered for approval subject to reasonable conditions related to mitigating reasonably potential adverse impacts.

3. Notification Of Decision: Within ten (10) working days of the director's decision, a letter shall be sent notifying the applicant of the decision required under subsection H2.

(Ord. 20-14: Ord. 13-12)

19.06.030 Home Occupation

A Home Occupation is a small-scale occupation, service, profession, or enterprise that operates as an accessory, or secondary use to the primary residential use, most typically involving a member of a single household. Home Occupation types and the scope and scale of operations may vary based on housing type and neighborhood context in single family residential neighborhoods. For home occupations in C-TH, MU, and MU-TOD zones, refer to Chapter 19.24 - Condominium/Townhouse (C-TH) Zoning District, 19.25 - Mixed-Use (MU) Zoning District, and 19.26 - Mixed Use/Transit Oriented Development (MU-TOD) Zoning District.

The purpose of this section is to:

1. Provide an opportunity for home occupations as an accessory use, when they are compatible with the neighborhoods and land use context in which they are located;
2. Protect the City's single family residential neighborhoods from the adverse effects sometimes associated with business uses. Such impacts include noise, traffic, fire hazards, and other characteristics typical to businesses that may cause significant impacts on a neighborhood;
3. Guide more intensive business activities which are not compatible with single family residential neighborhoods to appropriate mixed-use areas, or to commercial and industrial/manufacturing zones.

HISTORY

Ord. No. 97-19, Enacted, 4/17/1997

Ord. No. 97-35, Recodified, 6/19/1997

Ord. No. 04-69, Recodified, 12/16/2004

Ord. No. [17-13](#), Amended, 6/15/2017

Ord. No. [20-39](#), Amended, 12/3/2020

19.06.030.1 Home Occupation License

All owners operating a home occupation shall apply for and obtain a Layton City Business License prior to operating a business, and shall renew annually.

HISTORY

Ord. No. [20-39](#), Enacted, 12/3/2020

19.06.030.2 Classification Of Home Occupation License

All home occupations shall be classified as either a Low-Impact or High-Impact home occupation. Regardless of the classification, all home occupations shall adhere to the standards and qualifications set forth in this section.

1. Low-Impact Home Occupation. A Low-Impact home occupation may allow for employment of household members and no more than one additional non-household employee working from the home.
2. High-Impact Home Occupation. The following home occupations, which either require a client to come to the home or which may result in neighborhood impacts if not properly managed, may be authorized as an accessory use through a high impact home occupation permit pursuant to the standards specified in this section:

- a. A home occupation business which employs no more than two non-household employees working from the home, in addition to household members.
 - b. Barbers, cosmetologists, manicurists.
 - c. Consultant services where clients come to the home.
 - d. Contractor, "handyperson", and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises.
 - e. In-person counseling.
 - f. Home instruction including musical instruments, voice, dance, acting and educational subjects, swimming, tennis and other athletic instruction.
 - g. Other similar personal or professional services where the client comes to the home.
3. High-Impact Home Occupation Permit: Applications for a high-impact home occupation permit shall be reviewed based on all of the following information and review process required for a home occupation business license:
- a. Neighboring Property Owner Information: Names and addresses of all abutting and adjacent property owners, including property owners across the street(s).
 - b. Leased Property: Approval of the property management or property owner shall be required if the business is conducted on a leased property.
 - c. Notice To Neighboring Property Owners: Signatures of approval of all abutting and adjacent property owners on a form provided by the Community and Economic Development Department.
 - d. If all of the required signatures cannot be obtained, the applicant may request the application be referred to the Planning Commission to be considered as a conditional use permit at a public meeting.
 - e. If all of the required signatures are obtained, the Community and Economic Development Director or designee will review the application based on the standards of the City Code and will approve, approve with conditions, or deny the application.
 - f. If the business license application is reviewed as a conditional use permit application, the Planning Commission shall approve upon finding that City requirements are met, and that public input has been considered to identify any additional conditions as outlined in item 5 below.
4. Notification of Decision: A notice of determination shall be sent to the applicant within 10 working days of the Community and Economic Development Director's decision. The notice can be sent digitally, electronically, and/or by mailed letter.
5. Uses classified as High-Impact home occupations must comply with the standards of this chapter, which shall be considered minimum standards. The Zoning Administrator or Planning Commission may require additional conditions to mitigate impacts of the use on adjacent properties. These conditions may include, but are not limited to:
- a. Limits on hours of operation;
 - b. Limits on numbers of clients/visitors per day/hour;
 - c. Provision of adequate off-street parking;
 - d. Other conditions related to mitigating adverse impacts resulting from the use.

HISTORY

19.06.030.3 General Home Occupation Standards

Home occupation businesses shall comply with the following standards:

1. Accessory Use.
 - a. The home occupation shall be clearly secondary and incidental to the primary use of the dwelling unit (home), and shall not change the character of the dwelling unit (home) or the neighborhood in which it is located.
 - b. Only one home occupation shall be allowed per residential dwelling unit, except for the following:
 - i. A primary residential use, and legally permitted accessory residential dwelling unit (ADU) associated with the same primary residential use may both qualify to conduct a home occupation business by meeting the requirements of this Chapter.
 - ii. An additional low impact home occupation may be approved if the combined impacts of the businesses do not exceed the requirements of this section.
2. Use Limitations. All home occupations shall be subject to the following:
 - a. A home occupation shall not be associated with any noise, dust, odors, noxious fumes, glares, or other nuisances, which are discernable beyond the premises, as regulated in Title 9 of the Layton Municipal Code.
 - b. Hours of operation for deliveries, clients, and operation of mechanical or electrical equipment is limited to 7:00 a.m. to 8:00 p.m.
 - c. Home occupations shall be conducted in such a manner that the average neighbor, under normal circumstances, would not be aware of its existence as listed below.
 - i. Storage, display and sale of any stock-in-trade items shall be limited to incidental visitor/customer purchases associated with by-appointment only consultations and shall not be openly displayed to be visible from the street.
 - ii. No internal or external alterations inconsistent with the residential use of a primary or accessory building are allowed. There shall be no visible evidence on the exterior of the premises that the property is used in any way other than for a residential dwelling and allowed accessory uses.
 - iii. The following uses by the nature of the investment or operation have a pronounced tendency, once started, to rapidly increase beyond limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations regardless of their conformance with the other standards of this section:
 1. Surgical procedures associated with allowed medical offices.
 2. Machine shop.
 3. Major appliance and electronics repair (washers, dryers, refrigerators, large screen televisions etc.).
 4. On-site carpentry work including cabinet making or other similar uses which generate noise, dust or fumes.
 5. Permanent yard sales.
 6. Tattooing/body art.

7. On-site trailer, boat, RV, UTV/ATV repair.
 8. Upholstering.
 9. Vehicle or auto body repair, painting of vehicles.
 10. Welding.
 11. Vehicle sales.
- iv. The listing of specific prohibited businesses in this section shall not be construed to allow or permit a home occupation business which otherwise violates this chapter.
 - v. No more than 25% of the total main or upper floor area, or, in the alternative, no more than 50% of the total floor area of a basement, may be used to conduct a home occupation.
 1. Up to 300 s.f. of interior accessory structure space and up to 150 s.f. of attached garage space may be used for a home occupation. The home occupation shall not replace interior structure area used for required parking.
 2. Exception. Home daycare and pre-schools shall meet all State, County, and City requirements for the number of children allowed. If there are any conflicts with any regulations the more restrictive shall apply.
- d. The home occupation shall not carry on activities outside of a primary residential or accessory unit structure.
 - i. Exception. Home daycare, pre-schools and group instruction may utilize outdoor yard spaces such as private swimming pools, tennis courts, or other similar areas for instruction and play areas. Such outdoor yard spaces shall be fenced in accordance with Code.
 - e. The home occupation may employ any number of nonresident employees off-site. Nonresident employees shall not meet, congregate or park vehicles at the home or the general vicinity. Remote employees may work in other separate commercial business or home occupation locations, and shall not visit the dwelling unit (home) for any business purpose.
 - f. A home occupation license may be issued to operate as an extension of a licensed business in another area (or community) by the owner or an employee, with a separate business license also required for the associated home occupation.
 - g. Appointments shall be scheduled to limit overlap of business service between separate appointments.
3. Machinery. Machinery that causes noise, electrical interference with radio or television reception, vibration, glare, fumes, odors and dust detectable at the property line is prohibited.
 4. Outdoor Yard Space. The home occupation shall not involve the use of any outdoor yard space for storage or display of materials/supplies, inventory, inoperable vehicles or equipment, unless specifically stored within an enclosed vehicle, enclosed trailer or enclosed accessory structure allowed herein.
 5. No home occupation shall use flammable material, explosives or other dangerous materials unless licensed through a state or federal agency and approved by the Layton City Fire Department;
 - a. No home occupation located within a multi-family dwelling unit or townhome may use flammable material, explosives or other dangerous materials to operate.
 6. The occupation shall include no window displays and signage shall be limited to an identification sign which does not exceed four square feet, located on a single wall or window.
 7. Commercial Vehicle(s) and Trailer(s). Commercial vehicle(s) and trailer(s) stored at each residential property with a home occupation(s) shall be limited to the following types and quantities:
 - a. No more than two vehicles with a maximum gross vehicle weight rating (GVWR) of 10,000 pounds; or
 - b. One vehicle with a maximum gross vehicle weight rating of 14,000 pounds; and

- c. One trailer with a maximum length of 20' excluding the tongue. An open trailer shall not be used to store business or personal materials/equipment.
 - d. Materials/equipment shall not be stored outside unless located entirely within an enclosed vehicle and/or trailer.
 - e. The trailer and vehicle(s) shall be well-maintained and licensed, and shall not present negative impacts for adjacent neighbors including, but not limited to, odors, dust, junk or debris, or parking location.
 - f. A site plan shall be included with a home occupation business license application indicating where the commercial vehicle and/or trailer will be stored.
 - g. Commercial vehicle and trailer parking shall meet the same standard required for recreational vehicles as provided in 19.12.190.
 - h. Vehicles, trailers, or equipment shall not be used for the primary purpose of advertising the home occupation at the site of the home occupation.
8. **Conformity With Safety Codes.** There shall be complete conformity with fire, building, plumbing, electrical, and all other applicable City, County, State, and Federal codes.
9. **Health And Safety.** No business operation shall be permitted that is hazardous to public health, safety, morals, or welfare.
10. **No Excessive Services.** The home occupation shall not cause an increased demand for municipal or community public safety, waste, water or utility services that are substantially in excess of those usually and customarily provided for residential uses.
11. **Neighborhood Disruptions Not Permitted.** The home occupation shall not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The home occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or other nuisances including interferences with radio and television reception or any other adverse effects within the neighborhood.
12. **Appeal.** The decision of the Zoning Administrator or Planning Commission related to a home occupation may be appealed to the Hearing Officer. Such appeal shall be applied for within 30 days of the decision. If the Hearing Officer approves the application, the Zoning Administrator shall issue a home occupation permit. The Zoning Administrator may revoke the home occupation permit for violation of any provision of this Code. Inspections may be performed without notice to ensure compliance to this ordinance.
13. **Delivery Vehicles.** The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to standard delivery vehicles that would normally be expected in a residential neighborhood for delivery of materials to or from the premises.

HISTORY

Ord. No. [20-39](#), Enacted, 12/3/2020

Ord. No. [23-02](#), Amended 1/5/2023

M. Residential Preschool (SLU Code 6265). Preschools operating in residential zones are subject to the following requirements:

1. All Home Preschools must obtain a business license from the City of Orem in accordance with the provisions of CHAPTER 12 prior to operating the business.
2. All Home Preschools must be clearly incidental to and secondary to the residential use of the dwelling unit.
3. All residents, visitors and employees who arrive at the home in connection with the Home Preschools shall be legally parked on the lot occupied by the residence or on that part of the street which immediately abuts the lot.
4. No Home Preschool Service may be operated in a dwelling that has an accessory apartment.
5. There shall be no signage of any kind visible from the street or from any neighboring residence.
6. All play areas used by a Home Preschool facility shall be fully enclosed with a six foot (6') fence with self-closing/self-latching gates, and all Home Preschool facilities shall have an outdoor soft-surface play area. Play areas and play structures shall not be located in front yards nor in side yards adjacent to dedicated streets.
7. Out of door activities are not permitted between the hours of 9:00 pm and 8:00 a.m.
8. A Home Preschool Service provider may have only one (1) nonresident employee. At least one off street parking space shall be provided for such employee. The residential driveway (including garage) may be used for this purpose provided that each of the provider's own vehicles and those of family members can be parked in the driveway and not on the street.
9. All Home Preschool Services may not generate more than two car trips per hour between the hours of 9:00 p.m. and 6:00 a.m.
10. Preschool provider may care for up to twelve (12) children, including the provider's own preschool aged children, at any one time. The care is provided in the residence of the preschool provider.
11. A Home Preschool shall comply with all City building and fire codes. The City may require building and fire inspections for all Home Preschool Services.

22-14-15. Home Occupation Requirements.

A. No home occupation shall be conducted without first obtaining a home occupation permit pursuant to this Chapter and a business license pursuant to this chapter and the Orem City Code chapter regulating businesses.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0009, Amended, 2/27/2001; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-03-0029, Amended, 9/9/2003)

B. The Finance Director may grant a home occupation permit in the residential zones, provided the use applied for meets each and every one of the standards set forth in this Section.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0009, Amended, 2/27/2001; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-03-0029, Amended, 9/9/2003; Ord. No. O-2021-0003, Amended 1/12/2021)

C. A home occupation permit shall be obtained from the Finance Department before such home occupation is established. The permit shall have an annual fee established by resolution of the City Council.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. O-01-0009, Amended, 2/27/2001; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-03-0029, Amended, 9/9/2003; Ord. No. O-2021-0003, Amended 1/12/2021)

D. **Home Occupations.** As a matter of public policy, commercial and industrial activities should be conducted in zones where such activities are specifically permitted. Except as otherwise specifically provided, it shall be unlawful to conduct a business or occupation in a residential dwelling unless a home occupation permit has been issued by the City. The Director of Finance may issue a home occupation permit to allow limited business activities to be conducted within a residential dwelling located in any zone in the City if the following requirements are met:

1. A business license has been issued for the home occupation pursuant to CHAPTER 12 and the permitted pays an annual business license fee in an amount established by resolution of the City Council.
2. The home occupation is clearly incidental to and secondary to the residential use of the dwelling unit and does not occupy more than one thousand (1,000) square feet or forty percent (40%) of the total floor area of such dwelling unit, whichever is less. Enclosed garages and accessory buildings may be used in conjunction with the home occupation, the square footage of which shall count toward the maximum allowed for the home occupation.
3. The home occupation is carried on solely by one or more of the members of the immediate family who reside in the dwelling unit. However, where the home occupation business will generate little or no vehicular traffic beyond what that particular residence generates without the home occupation, and where customers will not travel to the home to receive or pay for products or services, the City shall allow a maximum of one (1) employee who does not reside at the home provided that one (1) off-street parking stall measuring at least 8' x 18' is located on the lot. The driveway shall not be used for the required parking stall unless the dwelling has an attached three (3) car garage.
4. The home occupation does not have any external evidence of the home occupation nor any exterior displays, displays of goods, nor advertising signs visible from outside of the dwelling unit. No activity related to the home occupation shall be conducted outside the dwelling unit and the storage of materials or products outside the dwelling unit is prohibited.

5. The home occupation or combination of all home occupations in a residential dwelling shall not generate more than two vehicular round trips related to the home occupation(s) during any single hour, nor shall they generate any traffic between the hours of 6:00 p.m. and 7:30 a.m.
6. All residents, visitors and employees who arrive at the home because of the home occupation shall be legally parked on the lot occupied by the residence or on that part of the street which immediately abuts the lot.
7. A home occupation may be allowed in a residential structure with an accessory apartment (whether in the main dwelling, accessory apartment, or both) only if the home occupation does not have (1) customers who come to the home, (2) deliveries to the home, or (3) an employee who lives outside the home. The existence of any of the above three factors after issuance of a home occupation permit shall be grounds for revocation of the permit.
8. No vehicle weighing in excess of twenty thousand (20,000) pounds, gross weight, may travel to the residence for purposes of servicing the home occupation.
9. The home occupation must not emit noise, odor, dust, fumes, vibration, smoke, electrical interference or other interference with the residential use of adjacent properties. The storage or use of flammable, explosive or other dangerous materials in connection with a home occupation is prohibited.
10. The home occupation must comply with all City building and fire codes.
11. Home Day Care Services are exempt from the requirements of this Section and are governed by Section 22-6-9.
12. Any repair business listed in Appendix A of the Orem City Code with a Standard Land Use Code 64XX shall not be permitted as part of a home occupation.

(Ord. No. 661, Revised, 04/10/1990; Ord. No. 690, Amended, 07/23/1991; Ord. No. O-97-0020, Amended, 03/25/1997; Ord. No. O-98-0015, Amended, 02/24/1998; Ord. No. O-01-0009, Amended, 2/27/2001; Ord. No. O-01-0021, Amended, 06/12/2001; Ord. No. O-01-0048, Amended, 12/04/2001; Ord. No. O-03-0029, Amended, 9/9/2003; Ord. No. O-2013-0012, Amended 05/28/2013; Ord. No. O-2021-0003, Amended 1/12/2021)

Effective on: 4/10/1990

13.76.720: HOME DAYCARE/PRESCHOOL:

A home daycare/preschool may be approved by the planning commission if it meets all of the following standards:

- A. There shall be a maximum of twelve (12) children on premises at one time, including the caregiver's own children under the age of six (6) and not in full day school.
- B. There shall be no more than one employee present at one time who does not reside in the dwelling.
- C. The home daycare/preschool caregiver shall comply with all applicable licensing requirements under title 5 of this code.
- D. The use shall comply with all applicable noise regulations.
- E. The play yard shall not be located in the front yard and only shall be used between eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M.
- F. The lot shall contain one available on site parking space not required for use of the dwelling, and an additional available on site parking space not required for use of the dwelling for each employee not residing in the dwelling. The location of the parking shall be approved by the community development director to ensure that the parking is functional and does not change the residential character of the lot.
- G. No signs shall be allowed on the dwelling or lot except a nameplate sign.
- H. The use shall comply with all local, state and federal laws and regulations.
- I. Upon complaint that one or more of the requirements of this section or other city ordinance is being violated by a home daycare/preschool caregiver, the city shall review the complaint and, if substantiated, may: 1) set a hearing before the planning commission to revoke the conditional use permit; and/or 2) institute a license revocation proceeding under title 5 of this code.
- J. All property owners within a five hundred foot (500') radius of the caregiver's property shall be mailed notice concerning the licensing of a home daycare/preschool, at such property.

- 1. Such notice shall not be a condition precedent to the legality of such license, and

- 2. No such license shall be deemed invalid or illegal because of a failure to mail such notice. (Ord. 2012-15, 9-20-2012)

13.76.725: HOME DAYCARE/PRESCHOOL, SMALL:

A small home daycare/preschool is exempt from the home occupation requirements under section 13.76.730 of this chapter, but must meet all of the following standards:

- A. There shall be a maximum of six (6) children on premises at one time, including the caregiver's own children under the age of six (6) and not in full day school.
- B. There shall be no employees that do not reside in the dwelling.

- C. The small home daycare/preschool caregiver shall comply with all applicable licensing requirements under title 5 of this code.
- D. The use shall comply with all applicable noise regulations.
- E. The play yard shall not be located in the front yard and only shall be used between eight o'clock (8:00) A.M. and seven o'clock (7:00) P.M.
- F. The lot shall contain one available on site parking space not required for use of the dwelling. The location of the parking shall be approved by the community development director to ensure that the parking is functional and does not change the residential character of the lot.
- G. No signs shall be allowed on the dwelling or lot except a nameplate sign.
- H. The use shall comply with all local, state and federal laws and regulations.
- I. Upon complaint that one or more of the requirements of this section or other city ordinance is being violated by a small home daycare/preschool caregiver, the city shall review the complaint and, if substantiated, may institute a license revocation proceeding under title 5 of this Code.
- J. All property owners within a five hundred foot (500') radius of the caregiver's property shall be mailed notice concerning the licensing of a small home daycare/preschool, at such property.
 - 1. Such notice shall not be a condition precedent to the legality of such license, and
 - 2. No such license shall be deemed invalid or illegal because of a failure to mail such notice. (Ord. 2012-15, 9-20-2012)

18.76.060 Home Daycare Or Preschool

A Home Daycare or Preschool must meet the following standards:

- A. When allowed as a permitted use there shall be a maximum of six (6) children without any employees not residing in the dwelling. When allowed as a conditional use there shall be a maximum of twelve (12) children with not more than one employee at any one time not residing in the dwelling;
- B. The use shall comply with the Salt Lake County Health Department noise regulations;
- C. The play yard shall not be located in the front yard and shall only be used between eight a.m. and nine p.m.;
- D. The lot or parcel shall contain one available on-site parking space not required for use of the dwelling, and an additional available on-site parking space not required for use of the dwelling for any employee not residing in the dwelling. The Planning Director shall approve the location of the parking area to ensure that the parking is functional and does not change the residential character of the lot or parcel;
- E. No signs shall be allowed on the dwelling, lot, or parcel except a nameplate sign;
- F. The use shall comply with all local, state, and federal laws and regulations. The Life Safety Code includes additional requirements if there are more than six children;
- G. Upon complaint that a home daycare or preschool caregiver is violating any requirements of this section or any other City ordinance, the City shall review the complaint and if substantiated may institute a license revocation proceeding under [MKC 5.07](#); and
- H. The caregiver shall notify all property owners within a 300-foot radius of the caregiver's property in writing, on a form provided by the City, concerning the licensing of a home day care or preschool at such property.

HISTORY

Repealed & Reenacted by Ord. [25-12](#) on 4/28/2025

Division IV. Special Use Development Standards and Regulations

**Chapter 17.65
HOME BUSINESSES**

Sections:

- 17.65.010** What this chapter does.
- 17.65.020** Purpose.
- 17.65.030** Business license required.
- 17.65.040** Application.
- 17.65.050** Approval process.
- 17.65.060** Generally applicable standards for all home businesses.
- 17.65.070** Prohibited home businesses.
- 17.65.080** Greenhouses.
- 17.65.090** Day cares and preschools.
- 17.65.100** Appeals.
- 17.65.110** Renewal of business license.
- 17.65.120** Noncompliance.

17.65.010 What this chapter does.

This chapter establishes approval criteria and outlines processing procedures for home businesses. In cases of conflict with EMMC Title 5, Business Licenses and Regulations, this chapter shall govern all home businesses. On issues where this chapter is silent, EMMC Title 5, Business Licenses and Regulations, shall govern. [Ord. O-19-2011 § 3 (Exh. 1); Ord. O-05-2010 § 2 (Exh. A); Ord. O-10-2007 § 2 (Exh. A § 13.1); Ord. O-02-2006 § 3 (Exh. 1 § 13.1); Ord. O-23-2005 § 3 (Exh. 1(1) § 13.1)].

17.65.020 Purpose.

Home-based enterprises are encouraged as a desirable form of local economic development. Home businesses may be allowed in single-family dwellings only if the proposed use is secondary to the primary residential use of the property and does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood, or significantly increase traffic or the demand

on utilities. Residents of multifamily dwellings may have home offices or day cares approved. [Ord. [O-19-2011](#) § 3 (Exh. 1); Ord. [O-05-2010](#) § 2 (Exh. A); Ord. [O-10-2007](#) § 2 (Exh. A § 13.2); Ord. [O-02-2006](#) § 3 (Exh. 1 § 13.2); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 13.2)].

17.65.030 Business license required.

All persons within the limits of Eagle Mountain City who engage in, carry on, or operate a business from a residence shall obtain the appropriate business license from the city, unless exempted through state or federal laws. Personal services rendered at home by an employee for his or her employer under any contract of personal employment do not constitute a home business. Home businesses shall be a permitted use in the residential zone if found to be in compliance with all criteria enumerated in this chapter. The license official, or designee, may approve a home business license with conditions to ensure compatibility between the proposed business and the residential use of the property or adjacent properties. [Ord. [O-19-2011](#) § 3 (Exh. 1); Ord. [O-05-2010](#) § 2 (Exh. A); Ord. [O-10-2007](#) § 2 (Exh. A § 13.3); Ord. [O-02-2006](#) § 3 (Exh. 1 § 13.3); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 13.3)].

17.65.040 Application.

An application for a home business license shall be completed by the applicant on forms approved by the license official. No home business license shall be processed without the application, supporting materials, and the fee required by the current consolidated fee schedule. Incomplete applications shall not be processed under any circumstance.

A. Supporting Materials. The home business license application shall be submitted with the materials required herein. The license official or designee may determine and require that additional items not listed herein be submitted in order to evaluate the home business application.

1. Professional Licenses and Background Checks. If applicable, the applicant shall submit a photocopy of professional licenses related to the home business. The planning department will inform applicants if a professional license is required. When a background check is required by the application, the applicant shall provide the information on the authorization for a background check form included in the home business application packet. The applicant is responsible to pay the fee required by the current consolidated fee schedule.

2. Fee. The processing fee required by the current consolidated fee schedule approved by the city council shall be paid in full with submittal of an application. [Ord. [O-19-2011](#) § 3 (Exh. 1); Ord. [O-05-2010](#) § 2 (Exh. A); Ord. [O-10-2007](#) § 2 (Exh. A § 13.4); Ord. [O-](#)

[02-2006](#) § 3 (Exh. 1 § 13.4); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 13.4)].

17.65.050 Approval process.

Home business licenses shall be approved by the license official, or designee. Any petition for a minor exception from the standards listed in EMMC [17.65.060](#)(A) through (F) may be approved administratively at the discretion of the license official if the exception does not adversely impact surrounding residents or affect the residential characteristics of the neighborhood, or significantly increase traffic or the demand on utilities. Any other petition for an exception from the standards in this chapter requires approval by the planning commission before the license may be issued or renewed. In addition, any home business currently in operation that constitutes a nuisance may also be required to go before the planning commission for continued use of the license and operation of the business. If the planning commission denies the continued use of the license, the license shall not be renewed. [Ord. [O-19-2011](#) § 3 (Exh. 1); Ord. [O-05-2010](#) § 2 (Exh. A); Ord. [O-10-2007](#) § 2 (Exh. A § 13.5); Ord. [O-02-2006](#) § 3 (Exh. 1 § 13.5); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 13.5)].

17.65.060 Generally applicable standards for all home businesses.

All home businesses shall be in compliance with the following criteria to ensure that the residential characteristics of neighborhoods are preserved and that utilities and infrastructure are not overburdened. Home businesses are to be clearly incidental and secondary to the residential use of the property. All home businesses are allowed as permitted uses, contingent on complying with the following requirements. Licenses may be reviewed periodically as needed and may be revoked if the approval requirements are violated. The approval criteria include:

A. Floor Area. A home business shall not occupy more than one-third of the total floor area of dwellings. Exception may be granted for day cares, preschools, and businesses that offer instruction classes.

B. Employees. Home businesses shall have no more than one on-premises employee who is not a member of the resident family or household.

C. Parking. Home businesses shall provide adequate parking (which may include both on-street and off-street parking) to be determined by the license official, or designee. Home businesses located within residential developments with limited visitor parking (such as townhome or condominium areas) shall not be permitted to generate additional traffic which causes clients or customers to park.

- D. Outdoor Storage. Outdoor storage associated with a home business shall be subject to the same performance standards governing other outdoor storage on residential lots.
- E. Outdoor Activity. All home business activity, except passive storage, shall be carried out within the home or an accessory building and shall not be observable by the general public or from the street in front of the residence, unless specifically approved in the home business license for such activities as outdoor play time for preschools or day care centers. Garage doors shall remain closed while business activity is conducted therein.
- F. Hours of Operation. Home businesses that receive customers, clients, or students shall operate only between 7:00 a.m. and 9:00 p.m. Approval for such hours may be rescinded by the license official, or designee, if the operation of the business at such hours constitutes a nuisance.
- G. Hazardous Materials. No home business shall use hazardous materials or generate hazardous wastes that increase the danger of fire or cause fumes or odors that may constitute a nuisance or pose a danger to neighboring residents. Home businesses are subject to inspection for compliance with the International Fire Code.
- H. Noise and Light. All home businesses shall comply with Chapter [8.15](#) EMMC, Noise. Home businesses are prohibited from generating or projecting light that is objectionable or potentially harmful to other residents.
- I. Exterior Appearance. No home business shall alter the exterior of the home to differ from the residential use of colors, materials, construction or lighting. The property from which a home business is conducted must be in full compliance with all other city laws, codes and ordinances.
- J. Retail Sales. Home businesses are not to be established solely for the sale of merchandise (except for greenhouses or Internet- and mail-order-based home businesses). Service-related home businesses may conduct incidental retail sales; provided, that the sales do not increase traffic.
- K. Traffic Generation. Traffic generation for home businesses shall not exceed 12 clients per hour and 24 per day.

L. Multiple Home Business Licenses. More than one home business license may be issued for a residence; provided, that the home businesses or the accumulative effects of the home businesses do not violate the approval criteria.

M. Building Codes. Fire inspections are required for day care providers, preschools, hair salons and other home businesses that the fire chief determines present elevated potential health and safety concerns. In these cases, the home business shall be conducted in areas of a home where the building department has issued a permit and performed the building inspections. All home businesses shall comply with the standards and requirements of the International Building Code or the International Residential Code and any requirements the chief building official and/or fire chief deem necessary to protect the health, safety, and welfare of the public.

N. Long-Term Storage. Long-term storage shall be permitted as a conditional use in agriculture, RA1, and RA2 zone developments under the following circumstances:

1. Minimum lot size: two and one-half acres.
2. All storage must be within a legal permitted enclosed structure that maintains the aesthetic qualities of the primary use of the property and the surrounding area.
3. Use must remain secondary to primary residential use of property.
4. The community development director or his/her designee may limit hours of operation and/or total number of clients if necessary to protect the character of the neighborhood. [Ord. [O-12-2023](#) § 2 (Exh. A); Ord. [O-36-2020](#) § 2 (Exh. A); Ord. [O-26-2018](#) § 2 (Exh. A); Ord. [O-19-2011](#) § 3 (Exh. 1); Ord. [O-05-2010](#) § 2 (Exh. A); Ord. [O-10-2007](#) § 2 (Exh. A § 13.6); Ord. [O-02-2006](#) § 3 (Exh. 1 § 13.6); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 13.6)].

17.65.070 Prohibited home businesses.

The following will not be permitted as a home business by the license official, or designee, or planning commission under any circumstances: automobile-related businesses such as auto repair, body, and painting; retail or wholesale sales that are not incidental to the home business (except for point of sale that is not conducted at the home); engine repair; metal fabrication or assembly shops; sexually oriented businesses; and health care businesses containing medical, hazardous, or biological waste (not including massage

therapists, chiropractors, psychiatrists, or orthodontists). [Ord. [O-19-2011](#) § 3 (Exh. 1); Ord. [O-05-2010](#) § 2 (Exh. A); Ord. [O-10-2007](#) § 2 (Exh. A § 13.7); Ord. [O-04-2007](#) § 2 (Exh. A § 13.7); Ord. [O-02-2006](#) § 3 (Exh. 1 § 13.7); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 13.7)].

17.65.080 Greenhouses.

The license official may approve a home business license for greenhouses with retail sales of products to the public if the property has sufficient acreage and off-street parking to accommodate the business. [Ord. [O-19-2011](#) § 3 (Exh. 1); Ord. [O-05-2010](#) § 2 (Exh. A); Ord. [O-10-2007](#) § 2 (Exh. A § 13.8); Ord. [O-02-2006](#) § 3 (Exh. 1 § 13.8); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 13.8)].

17.65.090 Day cares and preschools.

The license official, or designee, may approve a home business license for day cares and preschools that are in compliance with the approval criteria of this chapter. Day cares and preschools will be treated as any other home business. Applicants for an in-home day care shall provide evidence of any mandatory state licenses. Any day care or preschool proposed to be established within a residence that does not have typical ground level access (i.e., the upper levels of condominiums, etc.) shall be required to comply with all ingress and egress standards determined by the International Fire Code. [Ord. [O-19-2011](#) § 3 (Exh. 1); Ord. [O-05-2010](#) § 2 (Exh. A); Ord. [O-10-2007](#) § 2 (Exh. A § 13.9); Ord. [O-02-2006](#) § 3 (Exh. 1 § 13.9); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 13.9)].

17.65.100 Appeals.

Aggrieved applicants may appeal the decision of the license official, or designee, to the planning commission within 10 days of the announced decision. In all cases, the appeal board shall conduct a public hearing and review the application of the proposed business. The planning commission may approve, approve with conditions, or deny the application of the proposed home business.

Aggrieved applicants may appeal the decision of the planning commission to the city council within 10 days of the announced decision. In all cases, the appeal board shall conduct a public hearing and review the application of the proposed business. The city council may approve, approve with conditions, or deny the application of the proposed home business.

Aggrieved applicants of the city council's decision may appeal to district court within 30 days of the announced decision. [Ord. [O-19-2011](#) § 3 (Exh. 1); Ord. [O-05-2010](#) § 2 (Exh. A); Ord. [O-10-2007](#) § 2 (Exh. A § 13.10); Ord. [O-02-2006](#) § 3 (Exh. 1 § 13.10)].

17.65.110 Renewal of business license.

The license official or designee shall mail a statement to all licensees in the city 30 days prior to the expiration of the license held by the licensee. This statement shall identify steps needed to renew the business license. Failure to send out such notice, or the failure of the licensee to receive it, shall not excuse the licensee from the requirement to obtain a new license or a renewal of a license. [Ord. [O-19-2011](#) § 3 (Exh. 1); Ord. [O-05-2010](#) § 2 (Exh. A); Ord. [O-10-2007](#) § 2 (Exh. A § 13.11); Ord. [O-02-2006](#) § 3 (Exh. 1 § 13.11); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 13.10)].

17.65.120 Noncompliance.

Home businesses that fail to maintain or that violate any approval criteria or conditions of approval that were contingent upon issuing the home business license may have the license revoked by the license official, designee or city council. Notice shall be given to the proprietor of the home business that they have 14 days to correct a violation before the permit is revoked. Persons aggrieved by the revocation of a permit by the license official, or designee, may use the appeal process to have their grievance heard. [Ord. [O-19-2011](#) § 3 (Exh. 1); Ord. [O-05-2010](#) § 2 (Exh. A); Ord. [O-10-2007](#) § 2 (Exh. A § 13.12); Ord. [O-02-2006](#) § 3 (Exh. 1 § 13.12); Ord. [O-23-2005](#) § 3 (Exh. 1(1) § 13.11)].

The Eagle Mountain Municipal Code is current through Ordinance O-32-2025, passed July 15, 2025.

Disclaimer: The City Recorder's office has the official version of the Eagle Mountain Municipal Code. Users should contact the City Recorder's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://eaglemountaincity.com/>

City Telephone: (801) 789-6610

Codification services provided by [General Code](#)

7-7-115. HOME OCCUPATIONS.

(1) All Home Occupations shall operate in accordance with the following requirements:

- a. The outside appearance and architecture of the home shall not be modified to accommodate or promote a Home Occupation.
- b. Home Occupations shall be conducted entirely within the home. No storage of merchandise, equipment, supplies, or materials shall occur outside of the home.
- c. With the exception of Home Child Care, employees shall not come to the home to work unless said employees reside at the home. For Home Child Care, no more than one employee that does not reside at the home may come to the home to work.
- d. Explosive or combustible materials shall not be stored or used in association with a Home Occupation.
- e. The Home Occupation shall not disturb the residential character of the neighborhood.
- f. Home Occupations shall not be conducted after 10:00 P.M. or before 6:00 A.M.
- g. Home Occupations shall not be licensed, approved, or conducted without the written consent of the property Owner.
- h. No more than 25 percent of any floor of the home shall be used for the Home Occupation.
- i. Garages and Accessory Buildings shall not be used for Home Occupations except for vehicle storage. If a Conditional Use Permit is obtained, other storage may occur in garages and Accessory Buildings if the home retains two parking spaces for residents and the garage is still usable for parking.
- j. Home Occupations shall have no more than two customers per hour visiting the residence. If a Conditional Use Permit is obtained, up to six customers per hour may visit the residence.

(2) Vehicles may be used in association with a Home Occupation in accordance with the following requirements:

- a. With the exception of Home Child Care, only one vehicle may be used in association with a Home Occupation. For Home Child Care, two vehicles may be used in association with a Home Occupation.
- b. The maximum size of a vehicle used in association with a Home Occupation shall be equivalent to a one-ton pickup truck. If a Conditional Use Permit is obtained and the vehicle is screened and parked on private property, a larger commercial vehicle may be used if it is not a Heavy Truck.
- c. Vehicles used in association with a Home Occupation must be parked on private property. With the exception of Home Child Care, vehicles shall be parked outside of the required Front Yard setback. For Home Child Care with two vehicles, one vehicle shall be parked outside of the required Front Yard

setback and the other vehicle may be parked within the required Front Yard setback on an approved surface.

- d. Tow trucks, tanker trucks, box vans, delivery vans, and similar vehicles shall not be stored on site. Such vehicles may be located off site in an approved off-site storage location.
- e. One trailer may be used in association with a Home Occupation in accordance with the following standards:
 - i. The maximum body length of an enclosed trailer is 20 feet. The maximum body length of an open trailer is 16 feet.
 - ii. Trailers must be garaged or stored on private property and may not be located within the Front Yard setback or, for Corner Lots, in either the Front or Side Yard setback.
 - iii. Trailers may have one sign covering the lesser of 24 square feet or 30 percent of the side panel of the trailer.
- f. Off-Street parking must be sufficient for both the residents of the home and the vehicle and/or trailer used in association with a Home Occupation.
- g. Vehicles used in association with a Home Occupation may have a single sign no larger than four square feet.

(3) Sales may be conducted in association with a Home Occupation in accordance with the following requirements:

- a. Direct retail sales from display shelves are prohibited.
- b. Promotional meetings to sell merchandise, take orders, or conduct similar activities shall not be held more than one day per month.
- c. Garage, Basement, or Yard sales shall be conducted a maximum of three times per year, and each sale must last no more than 72 hours.

(4) Home Child Care may be offered as a Home Occupation in accordance with the following requirements:

- a. Only one Home Occupation shall be licensed to conduct Home Child Care per Dwelling Unit.
- b. The Home Occupation shall comply with the maximum capacity requirements set forth by state law for a licensed family child care facility.

(5) Home Preschools may be conducted as a Home Occupation in accordance with the following requirements:

- a. No more than 10 children shall be present during a session.
- b. Sessions shall last no more than four hours.

- c. Home Preschools shall conduct no more than two sessions per day. If two sessions are conducted, a break of at least 30 minutes must occur between sessions.
 - d. Individual children shall not attend more than one session per day.
 - e. Drop off and parking shall not occur on the Street.
 - f. If children have access to the Rear Yard area, the Rear Yard shall be fully Fenced with a self-latching gate.
- (6) Only the following Home Occupations are allowed:
- a. All Uses that are allowed in the RB zone except for Financial Institutions and Veterinary Hospitals.
 - b. Artist Studios and Neighborhood Service Establishments.
- (7) Home Occupations in Accessory Buildings shall be conducted as a Conditional Use in accordance with the following requirements:
- a. The Home Occupation conducted in the Accessory Building shall be limited to instructional businesses, such as musical or artistic instruction. The craft, skill, or practice taught must be a permitted Use in the underlying zone.
 - b. The Accessory Building shall be existing at the time of application and shall not be constructed for the primary purpose of housing the Home Occupation.
 - c. A maximum of six students per session and three sessions per day shall be observed.
 - d. Hard surfaced access and off-street parking shall be provided.
 - e. The Home Occupation shall be entirely located within a legally built and conforming enclosed Structure and shall not encroach into any carport, Garage, patio, breezeway, or Yard space.
 - f. The Home Occupation shall not displace minimum required parking for the residence.
 - g. The Home Occupation shall only operate when classes are in session and students are present.
 - h. A Conditional Use Permit shall be obtained.

(Ord. No. 18-13 Amended 05/08/2018; Ord. No. 22-32 Amended 08/23/2022; Ord. No. 23-23 Amended 07/18/2023)

The West Valley City Municipal Code is current through Ordinance 25-22, passed August 12, 2025.

Disclaimer: The city recorder's office has the official version of the West Valley City Municipal Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

City Website: www.wvc-ut.gov

City Telephone: (801) 966-3600

Hosted by General Code.

3.80 HOME OCCUPATIONS

3.80.010 Purpose

3.80.020 Definitions

3.80.030 License

3.80.040 General Regulations

3.80.050 Minor And Major Home Occupation Table

3.80.060 Special Exception Table

3.80.070 Prohibited Home Occupations

3.80.080 Interpretation

3.80.090 Denial, Suspension, Or Revocation

HISTORY

Adopted by Ord. 2020-27 on 11/18/2020

3.80.010 Purpose

- A. To afford residents of Bluffdale an opportunity to operate home occupations as an accessory use, when they are compatible with the neighborhoods in which they are located.
- B. Encourage home occupations as an appropriate form of economic and community development but guide business activities that are not compatible with neighborhoods to appropriate commercial zones.
- C. Protect peace, quiet, and safety within all residential neighborhoods by minimizing adverse impacts of business activities conducted in residential areas, including traffic, parking, noise, fire hazard, and other possible impacts.

HISTORY

Adopted by Ord. 2020-27 on 11/18/2020

3.80.020 Definitions

As used in this chapter:

BUSINESS VEHICLE: A business vehicle is any of the following:

- i. A vehicle or trailer that is primarily used for a home occupation business.
- ii. A vehicle or trailer that has the home occupation business advertised on it.
- iii. A vehicle or trailer located at the home occupation property for business purposes that is in public view from a public right-of-way for more than four hours.

A business vehicle is not:

- i. A vehicle or trailer owned by the home occupation business; and
- ii. Stored at the home occupation business location.

CHILD DAYCARE: A licensed daycare or preschool facility for children under the age of twelve.

CHILD GROUP ACTIVITIES: A group of minor children engaged in an activity or instruction. Before an

EMPLOYEE: A person engaged in the business. "Employee" does not include members living in the residence.

RESIDENT: An individual who resides in the dwelling at a minimum of 185 days in a calendar year and is a resident of the City for all tax purposes.

SEASONAL CHILD GROUP ACTIVITIES: A business operation that is in seasonal nature, meaning the operation is consecutive and less than three (3) months in a calendar year. A seasonal business may only accept minor children.

HISTORY

Adopted by Ord. 2020-27 on 11/18/2020

Amended by Ord. 2021-17 on 7/28/2021

Amended by Ord. 2025-01 on 1/8/2025

3.80.030 License

- A. Home Occupation License. All home occupations shall have a business license unless specifically exempted from the business license requirement as provided in this Chapter. Regardless of whether a license is required, all home occupations must adhere to the standards and qualifications listed in this Chapter. The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the Business License Official.
- B. Transferability. Home occupation permits do not run with the land and are not transferable to another person, party, entity, or location.
- C. Multiple Licenses. Multiple home occupation licenses are prohibited if the collective activities of the business exceed the limitations of any approved home occupation at the property.
- D. Types of Home Occupations. Home occupation businesses shall be categorized into one of the following:
 - 1. Minor home occupations: Home occupations that comply with the General Regulations in BCC 3.80.040 and the Minor Home Occupation table in BCC 3.80.050.
 - 2. Major home occupations: Home occupations that comply with the General Regulations in BCC 3.80.040 and the Major Home Occupation table in BCC 3.80.050.
- E. Special Exception.
 - 1. An applicant may apply for two special exceptions to the Major Home Occupation regulations. The special exception table is found in BCC 3.80.060. An applicant that applies for a "Customer" exception does not need to also apply for a "Traffic" exception.
 - 2. A special exception request shall be decided by the Business Licensing Committee, which shall consider, at minimum, the following:
 - a. The location and size of the property.
 - b. The right-of-way width, length, and sidewalks (if any).
 - c. Whether there is safe traffic movement, both vehicular and pedestrian, both internal to the business and in the area which will serve the business.
 - d. Whether the exception, if approved, meets the purpose of this Chapter.
 - e. The level of the overall impact that the exception, if approved, on the surrounding neighborhood.
- F. The following are not considered home occupations and do not need to apply for a business license:

1. Activities at a property that is not part of a business (birthday parties, family gatherings, neighborhood get-togethers, etc.)
2. A business that operates only occasionally by an individual under 18 years of age.
3. Garage or yard sales that are held less than four calendar days per year.
4. In-home parties designed to take orders, such as Tupperware parties, Pampered Chef, or Mary Kay that are held less than four calendar days per year.
5. An employee working from home.

HISTORY

Adopted by Ord. 2020-27 on 11/18/2020

3.80.040 General Regulations

All home occupations must comply with the following:

- A. Resident. The home occupation business shall be carried on only by a resident of the dwelling. 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 have authorization from the property owner to conduct the proposed home occupation business at the property.
- B. Accessory Use. The home occupation shall be clearly secondary and incidental to the primary use of the dwelling for residential purposes.
- C. Vehicle Advertisement. Any vehicle or equipment advertisement shall be limited to two, four (4) square feet signs.
- D. Signs. The home occupation may utilize one unanimated, nonilluminated flat sign. The sign must be placed either in a window or exterior wall of the home wherein the home occupation is being conducted, and may not have an area greater than four (4) square feet.
- E. Shipments or Deliveries. Shipment and delivery of products, merchandise or supplies shall be limited to between 9:00 a.m. and 6:00 p.m. and shall regularly occur only in single rear axle straight trucks or smaller vehicles normally used to serve residential neighborhoods. No deliveries by semi tractors/trailer trucks are permitted.
- F. Traffic Circulation and Parking Plan. For a home occupation business that expects 10 or more customers visiting the business on any given day, a traffic circulation and parking plan is required. That plan should include, without limitation, the streets the business plans on using (including collectors and local/residential streets), vehicular and pedestrian circulation, drop and loading areas, waiting zones, and evidence that the business operation is not going to impede traffic movement. The plan shall be approved by the City Engineer.
- G. Hours of Operation. Home occupations may only be open to clients, visitors, employees, etc. from 7:00 a.m. to 10:00 p.m.
- H. Designating Areas of Property to Be Used. The home occupation applicant must designate the portion of the home, accessory structure, yard, attached or detached garage dedicated as the principal location for business activities.
- I. Insurance. All home occupations shall carry adequate business insurance coverage on a comprehensive basis and to hold such insurance at all times during the existence of the business.
- J. External Appearance. The home occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage, or accessory structures.

Any structural alterations to accommodate the home occupation shall maintain the architectural aesthetics and compatibility of the neighborhood.

- K. Display of Products. Display of products are expressly prohibited unless allowed in the zone where the property is located. See BCC 11.350.030.
- L. Outdoor Storage. The home occupation shall not involve the use of any unscreened or unenclosed yard space for storage or display of supplies, inventory, or equipment. Any screened area or structure used for the home occupation must be located in either the side or rear yard areas.
- M. Yard Space. Home occupations proposing to conduct business utilizing any yard space or in a swimming pool requires approval from the Business Licensing Committee.
- N. Conformity with Safety Codes. There shall be complete conformity with fire, building, plumbing, electrical, and all other City, county, state, and federal laws and regulations.
- O. Health and Safety. No process can be used which is hazardous to public health, safety, morals, or welfare.
- P. No Excessive Utility Uses. The home occupation shall not cause demand for municipal, community, or utility services that are substantially in excess of those usually and customarily provided for residential uses.
- Q. Neighborhood Disruptions Not Permitted. The home occupation shall not substantially, unreasonably, and uncharacteristically interfere or disrupt the peace, quiet and domestic tranquility of the neighborhood. The home occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic or other nuisances, including interferences with radio and television reception or any other adverse effects within the neighborhood.
- R. Interior Alterations/Remodeling. Interior alterations of the principal dwelling, for the purpose of accommodating the home occupation, are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas, or all of the bedrooms.
- S. Professional License. If the home occupation business relates an applicant's federal or state approval or license, an applicant must annually provide the City a current copy of that license.

HISTORY

Adopted by Ord. [2020-27](#) on 11/18/2020

Amended by Ord. [2025-01](#) on 1/8/2025

3.80.050 Minor And Major Home Occupation Table

Regulations		Minor Home Occupation	Major Home Occupation
Traffic ¹		Up to 6 trips per day (3 vehicles coming and going)	Up to 16 trips per day (8 vehicles coming and going)
Parking		Off-street parking required	Off-street parking required
Employees		None	No more than 1 employee at a time
Customers/Clients ²			
	General	Up to 3 clients per day	Up to 6 clients per day (max 3 at a time)

	Child Daycare or Group Activities	None	Up to 12 children per day (max 8 at a time) ³
	Home-based Microschool	None	Up to 16 students and as licensed by the State of Utah per Utah Code 10-9a-305 and §53G-6-201.
	Micro-Education Entity	None	Up to 100 students and as licensed by the State of Utah per Utah Code §10-9a-305 and §53G-6-201
	Seasonal Child Group Activities	None	Up to 16 children per day (max 8 at a time) ³
Percentage of Property Being Used by Business			
	Home	15%	25%
	Garage (attached)	10%	25%
	Accessory Building	25%	50%
Vehicles and Trailers			
	Number of Business Vehicles and Trailers	Up to 1 business vehicle or trailer	Up to 2 business vehicles or trailers
	Weight	Under 14,000 GVWR	Under 14,000 GVWR
	Length	Under 24 feet long	Under 24 feet long
Animals			
	Training	None	Up to 5 animals (max 2 at a time)
	Grooming	None	Up to 5 animals (max 2 at a time)

¹ Traffic includes customers, clients, employees, visitors, volunteers, deliveries, etc.

² An applicant may only choose one category of "Customers/Clients."

HISTORY

Adopted by Ord. [2020-27](#) on 11/18/2020

Amended by Ord. [2021-17](#) on 7/28/2021

Amended by Ord. [2025-01](#) on 1/8/2025

Amended by Ord. [2025-11](#) on 5/14/2025

3.80.060 Special Exception Table

Regulations		Special Exceptions to Major Home Occupations (Can only pick 2 max)
Traffic		Up to 24 trips per day (12 vehicles coming and going); Child Daycare and Group Activities and Seasonal Child Group Activities may be allowed up to 34 trips per day (17 vehicles coming and going)
Parking		On-street parking allowed if (1) parking is directly in front of the home, (2) parking does not impede traffic, and (3) the street is wider than 28 feet.
Employees		No more than 4 employees at a time
Customers/Clients (can only choose one) ¹		
	General	Up to 12 customers per day (max 6 at a time)
	Child Daycare or Group Activities	Up to 16 children per day (max 12 at a time) ²
	Seasonal Child Group Activities	Up to 36 children per day (max 12 at a time) ²
Percentage of Property Being Used by Business		
	Home	Under 35%
	Garage	Under 45%
	Accessory Building	Whole Building
Vehicles and Trailers		
	Number of Vehicles and Trailers	Up to 3 business vehicles or trailers
	Weight	Under 26,000 GVWR
	Length	Under 30 feet long
Animals		
	Training	Up to 10 animals per day (max 5 at a time)
	Grooming	Up to 10 animals per day (max 3 at a time)

HISTORY

Adopted by Ord. [2020-27](#) on 11/18/2020

Amended by Ord. [2021-17](#) on 7/28/2021

Amended by Ord. [2022-12](#) on 5/11/2022

3.80.070 Prohibited Home Occupations

A. The following impacts are not compatible with residential neighborhoods and are expressly prohibited as a home occupation:

1. The home occupation creates any light, noise, odor, dust, vibration, fumes, or smoke that is readily discernible at the lot boundaries.

2. Equipment that creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.

B. The following uses are not compatible with residential uses are expressly prohibited as a home occupation:

1. Mortuaries, crematoriums, columbariums, or mausoleums.
2. Animal hospitals and veterinary services.
3. Clinics, dental offices, medical offices, or hospitals.
4. Junkyards, auto wrecking yards, or salvage yards.
5. Kennels, pet stores, or any other commercial animal breeding or similar activities.
6. Storage, service, repair, sales, or rental of an ambulance, tow truck, recreational vehicle, watercraft, automobile, ATV, or other motorized vehicles.
7. Food or drink preparations, storage, or catering, which is not permitted by the appropriate state or county department or agency.
8. Motor vehicle repair, service or painting, or any repair or servicing of vehicles or equipment with internal combustion engines (such as snowmobiles, lawnmowers, chain saws and other small engines).
9. Auto body repair, motor vehicle repair.
10. Manufacturing and/or mechanical product assembly, other than small scale arts, crafts, and hobby work. Use of hazardous chemicals, pesticides and flammable/combustible materials, and any other process or business where current, adopted building and fire codes would require an operational permit.
11. Tattoo Parlors. Microblading is not considered a tattoo parlor.
12. Sexually oriented business.
13. Outdoor seasonal retail sales/services such as Christmas trees, fireworks, pumpkin patches, haunted houses, corn mazes, etc., except where such uses are for products produced entirely on-site.
14. 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.
15. Storage Units.
16. Financial Institutions.
17. Use of hazardous chemicals, pesticides and flammable/combustible materials, and any other process or business where current, adopted building and fire codes would require an operational permit.

HISTORY

Adopted by Ord. [2020-27](#) on 11/18/2020

3.80.080 Interpretation

Any interpretation of this Chapter shall be made by the Business License Official.

HISTORY

Adopted by Ord. [2020-27](#) on 11/18/2020

3.80.090 Denial, Suspension, Or Revocation

- A. Any denial, suspension, or revocation of a home occupation license shall be in accordance with BCC 3.10.080.
- B. Following the revocation of a home occupation license, a new application for the same business type and location will not be accepted for a period of one year from the date of revocation.

HISTORY

Adopted by Ord. [2020-27](#) on 11/18/2020

13.11.040: HOME OCCUPATIONS:**A. Purpose:**

1. Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located.
2. Provide an opportunity for a home occupation to engage in the business of childcare and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
3. Guide business activities which are not compatible with neighborhoods to appropriate nonresidential zoning districts.
4. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the business license regulations of the applicable ordinances, and if necessary, terminate home occupations if violations of the ordinances regulating home occupations occur.

B. Review Procedure.

1. The Director is the approval authority for a home occupation; however, if the Director determines the application is unusually complex, requires greater scrutiny or public involvement, or raises potentially unique or serious impacts on the City or the surrounding development and/ or neighborhood(s), the Director may refer the application to the Planning Commission for decision in accordance with the nonadministrative conditional use procedure established in Chapter 13.33.
2. If the Director refers the application to the Planning Commission, the Director shall notify the applicant in writing and include an explanation of why the application has been referred to the Planning Commission.
3. If the Director refers the application to the Planning Commission, a notice for a public hearing shall be provided in accordance with Section 13.35.090.

C. General Standards. All Home occupations shall operate in accordance with the following requirements:**1. Licensing and Number.**

- a. Home occupations shall only operate after receiving a home occupation business license from the City, in accordance with Title 5: Business Licenses and Regulations.
- b. No more than two home occupations shall be allowed per dwelling unit.
- c. No more than one home-based microschool, residential child day care, residential preschool, high-impact residential instruction, or home occupation including a business vehicle or trailer shall be allowed per lot or parcel.
- d. Home occupations shall remain compliant with all applicable statutes, rules and regulations.

- e. Home occupations shall not be licensed, approved, or conducted without the written consent of the property owner.
 - f. A home occupation license granted by the City shall not be assignable or transferable to another person or another location.
 - g. Home occupations are subject to review upon complaint. If a complaint is received by the City, the home occupation will be reviewed for compliance with applicable ordinances and conditions of approval.
2. Location and Proximity. Home-based microschools, residential child day cares, residential preschools, and high-impact residential instruction home occupations are subject to the following standards:
- a. Shall only be allowed in an attached or detached single-family dwelling that:
 - (1) Has a privately fenced rear yard area for the sole and exclusive use of the residents of the lot or parcel on which the home occupation is situated; and
 - (2) Fronts on a public or private street with a minimum pavement width of 25 feet that has curb, gutter, and sidewalk; and
 - (3) The minimum 25-foot pavement width and curb, gutter, and sidewalk extends from the home occupation lot or parcel to the nearest through street with those same improvements.
 - b. Shall not be permitted on a flag lot.
 - c. Shall not be permitted on a lot or parcel with an accessory dwelling unit (ADU).
 - d. Shall not be located within 300 feet of another actively licensed:
 - (1) Home-based microschool;
 - (2) Residential child day care;
 - (3) Residential preschool; or
 - (4) High-impact residential instruction.

This distance shall be measured in a straight line from the nearest property line. This standard does not apply if the properties are bisected by a freeway or principal arterial street, as identified in the Taylorsville General Plan.

3. Operational.

- a. Home occupation activity shall be clearly incidental to the residential dwelling. No more than 50 percent of the total floor area of any dwelling unit shall be used for the home occupation.
- b. The outside appearance and architecture of the dwelling shall not be modified to accommodate or promote a home occupation.
- c. Home occupations shall be conducted entirely within the dwelling. Garages and accessory buildings shall not be used for home occupations except for the parking of approved business vehicles or trailers.

- d. No storage of merchandise, equipment, supplies, or materials shall occur outside of the home and shall not be visible from outside of the dwelling. Explosive or combustible materials shall not be stored or used in association with a home occupation.
- e. Delivery of commodities used in connection with the home occupation shall be provided by parcel or letter carrier service only.
- f. Activities associated with the home occupation shall not produce traffic, light, glare, noise, fumes, odor, or vibration that will diminish the residential character of the neighborhood.
- g. Unless otherwise authorized by the decision-making authority, home occupations shall not be conducted after 08:00 P.M. or before 6:00 A.M.
- h. Employees that do not reside on-site are prohibited, except for residential child day cares which may have one nonresident employee. Off-site employees may visit the residence in accordance with § 13.11.040(C)(4): On-Site Visits.
- i. Property address numbers a minimum of four inches in height that are a contrasting color from the primary dwelling shall be maintained on the dwelling unit.

4. Vehicles and Trailers.

- a. Only one vehicle may be used in association with a home occupation.
- b. Vehicles and trailers used in association with a home occupation must be parked in an approved off-street parking location and shall not encroach or overhang on any sidewalk or pedestrian way.
- c. The number of off-street parking spaces must be sufficient for both the residents of the home and the vehicle and/or trailer used in association with a home occupation.
- d. The size of a vehicle used in association with a home occupation shall not exceed a 10,000-pound gross vehicle weight rating and have no more than two axles.
- e. Tow trucks, tanker trucks, box vans, delivery vans, and similar vehicles are prohibited and shall not be parked on-site. Such vehicles may be located off-site in an approved storage location.
- f. Only one trailer with no more than two axles may be used in association with a home occupation.
- g. The maximum body length of an enclosed trailer is 20 feet. The maximum body length of an open trailer is 16 feet. For purposes of this standard, trailer length does not include the trailer tongue.
- h. Auto transport trailers designed to transport more than one vehicle or that exceed the body length requirements are prohibited and shall not be parked on-site. Such trailers may be located off-site in an approved storage location.

5. On-Site Visits. Clients, customers, and/or patrons may visit the home occupation in accordance with the following requirements:

- a. Direct retail sales from the residence is prohibited. Products purchased online may be picked up on-site.

b. Unless otherwise provided in this LDC, the number of off-street parking spaces at the residence must be sufficient for the residents of the home and any clients, customers, patrons, or others visiting the home occupation.

c. Except for home-based microschools, residential child day care, residential preschools, and residential instruction, home occupations shall have no more than two business-related visitors per hour.

d. For home-based microschools, residential child day care, residential preschools, and residential instruction, drop-off and pick-up shall not occur in the public right-of-way.

D. Residential Child Day Care. Residential child day care may be offered as a home occupation in accordance with the standards in this Section 13.11.040, and the following:

1. Residential child day care means a home occupation that provides care for between five and 12 qualified children at any given time, as defined in Utah Code § 26B-2-4. The designated number of children includes the caregiver's own children that meet the state's definition of "qualified children," at the time the home occupation is conducted.

2. A secure outdoor play area is required for all residential child day care home occupations and shall comply with the following:

a. The play area shall be located in the rear and/or side yard of the dwelling.

b. The play area shall be secured by a well-maintained fence that is at least six feet in height with a self-latching gate.

c. The outdoor play area shall be maintained in good condition and be finished and landscaped to include ground covers, paving, or other surfaces that do not pose a risk to children.

d. The outdoor play area shall not be used by the residential child day care before 8:00 A.M. or after 8:00 P.M.

E. Residential Preschools. Residential preschools may be offered as a home occupation in accordance with the standards in this Section 13.11.040, and the following:

1. A residential preschool is a home occupation providing care and instruction, whether or not for compensation, of 12 or fewer children including the caregiver's own children under the age of six and not in full day school, prior to entrance into kindergarten.

2. A maximum of 12 children per session is allowed. A single session shall not exceed four consecutive hours per day and individuals shall not attend more than one session per day.

3. Instructor licensing and curriculum requirements shall comply with the requirements of the State of Utah, as applicable.

F. Residential Instruction. Residential instruction may be offered as a home occupation in accordance with the standards in this Section 13.11.040, and the following:

1. Residential instruction is a home occupation providing instruction (e. g., dance lessons, music lessons, martial arts lessons, or other instruction for children that is artistic in nature), whether or not for compensation, of children under the age of 18 years old. Residential instruction does not include residential child day care or residential preschools as defined in this Title.

2. Low-Impact Residential Instruction. Low-impact residential instruction is the instruction of four or fewer children at any given time.

3. High-Impact Residential Instruction.

a. High-impact residential instruction is the instruction of five or more children at any given time.

b. A maximum of 12 children per session is allowed. A single session shall not exceed four consecutive hours per day and individuals shall not attend more than one session per day.

G. Home-Based Microschool:

1. A home-based microschool is not subject to additional occupancy requirements beyond occupancy requirements that apply to a primary dwelling, except that the home-based microschool shall have enough space for at least 35 net square feet per student.

2. If a floor that is below grade in a home-based microschool is used for home-based microschool purposes, the below grade floor of the home-based microschool shall have at least one emergency escape or rescue window that complies with the requirements for emergency escape and rescue windows as defined by the International Residential Code (IRC).

3. The minimum number of off-street vehicle parking spaces required for a home-based microschool is one space per non-resident employee, plus one additional space beyond those required to serve the primary dwelling.

4. Each room used for the home-based microschool shall have a carbon monoxide and smoke detector.

5. A secure outdoor play area is required for all home-based microschools and shall comply with the following:

a. The play area shall be located in the rear and/or side yard of the dwelling.

b. The play area shall be secured by a well-maintained fence that is at least six feet in height with a self-latching gate.

c. The outdoor play area shall be maintained in good condition and be finished and landscaped to include ground covers, paving, or other surfaces that do not pose a risk to children.

d. The outdoor play area shall not be used by the home-based microschool before 8:00 A.M. or after 8:00 P.M.

H. Home Occupations Not Allowed: The following uses are not allowed as home occupations:

1. Any use that requires or utilizes chemicals or hazardous materials in excess of volumes allowed by the International Fire Code in a residential setting.

2. Auto body or fender work.

3. Auto, truck, diesel, boat, trailer, or motorcycle repair or services at the residence.

4. Furniture or cabinet making.

5. Junkyards, storage or recycling yards.

6. Lawn mower, small engine or motor repair or services.
 7. Major appliance repair (washers, dryers, refrigerators, etc.).
 8. Manufacture or sale of explosives or similar products.
 9. Medical clinics and laboratories.
 10. Mortuaries or crematoriums.
 11. Reiki type therapy.
 12. Sexually oriented businesses.
 13. Short term rental.
 14. Vehicle sales or rental exceeding one on-site vehicle at any given time.
 15. Vehicle towing or impound operations.
 16. Welding or ironworks.
 17. Any other use that would produce traffic, light, glare, noise, fumes, odor or vibration that will diminish the residential character of the neighborhood.
- I. Exceptions: Notwithstanding anything herein to the contrary, a home occupation is not required for the following activities:
1. Garage and yard sales. Refer to section 13.11.130 of this chapter.
 2. Temporary social gathering sales that do not exceed one day, such as Tupperware parties, book parties, candle parties, etc., not to exceed four (4) occurrences per year. (Ord. 15-06, 11-4-2015; amd. Ord. 23-02, 2-15-2023; Ord. 24-05, 8-21-2024)

17-6-4 Home occupation standards.

Each application for a business license for a home occupation shall include the owner's covenant that the proposed use:

- A. Shall not include outdoor storage, outdoor display of merchandise, nor parking/storage of any vehicle in excess of twelve thousand pounds gross vehicle weight;
- B. Shall not include identifying signage in excess of a two-square-foot nameplate attached to the dwelling;
- C. Is limited to the on-site employment of immediate family who occupy the dwelling (this criteria is not intended to limit the number of employees who are engaged in business for the home occupation but work off premises);
- D. Shall not alter the residential character or appearance of the dwelling or neighborhood;
- E. Shall not occupy more than twenty-five percent of the main floor of the dwelling nor more than fifty percent of the floor area of any garage or outbuilding in which the use is conducted;
- F. Shall not generate business-related vehicular traffic in excess of three vehicles per hour;
- G. Shall not cause a demand for municipal services in excess of that associated with normal residential use;
- H. Shall be enclosed within a structure in complete conformity with current building, fire, electrical and plumbing codes;
- I. Is not a mortuary, animal hospital, kennel, clinic, hospital, RV storage yard, junkyard, auto repair service, commercial stable or sexually oriented business. (Ord. 2024-27 § 1 (Att. A))

The Midvale Municipal Code is current through Ordinance 2025-12, passed June 17, 2025.

Disclaimer: The city clerk's office has the official version of the Midvale Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: www.midvalecity.org

[Hosted by General Code.](#)

[REDACTED]

My name is Jennifer Zollinger, and I reside at 3598 W Raphi Place in South Jordan. I hold a current Professional Educator License in the state of Utah and have worked in early childhood education for over 25 years. I currently own and operate Seed to Sprout Preschool, a licensed home occupation business here in South Jordan.

The demand for early childhood education in our city is high—I currently have a waitlist of 43 families for this school year alone, clearly indicating a need for more preschool placements in our community.

Tonight, I am speaking not only on my own behalf, but also on behalf of a number of licensed business owners who operate in-home preschools. Together, we are asking the City Council to review and clarify ambiguous language in the **Home Occupation Ordinance, Section 5.38.030**, as it pertains to the regulation of home-based preschools.

The ordinance currently states:

“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.”

It also states:

“Days and hours of operation shall be provided for review.”

In March 2022, before applying for my license, I contacted the Business Licensing Department for clarification on this section. Their interpretation, based on the intended schedule I provided for review, was that two classes of eight children each, with a combined total of five sessions per week would meet the requirement of the ordinance. I have email documentation confirming this interpretation, and my license was approved in September 2022 under those terms.

However, recent Code Enforcement actions suggest a new interpretation—limiting preschools to four total sessions per week, rather than per class—creating confusion and concern among licensed providers. This code enforcement is also putting at jeopardy access to preschool placements for dozens of South Jordan families.

Preschools in our area typically follow the model of:

- Three-year-olds attend two days per week.
- Four-year-olds attend three days per week.

This is a developmentally appropriate schedule, gradually building children’s stamina, social skills, and readiness for kindergarten. A strict four-sessions-per-week cap for a preschool as a whole makes it impossible to follow this best practice and meet community demand.

We respectfully request that the City Council:

- **Review and clarify** the ordinance language,
- **Define** the allowed number of students per class, sessions per day, and sessions per week per class, and
- **Ensure** the ordinance aligns with intended enforcement practices so providers can confidently comply and families can access quality care.

Thank you for your time and service. We look forward to working together to support high-quality, developmentally appropriate early education for South Jordan families.

Jennifer Zollinger—Seed to Sprout Preschool
jenn@seedtosproutpreschool.com

[REDACTED]

CONSIDERATIONS FOR HOME OCCUPATION PRESCHOOLS

■ CONCERNS

- Ambiguity of the wording of Home Occupation Ordinance Section 5.38.030
- Does 8 children refer to the number of children per class, or total number the preschool can enroll?
- Does 4 sessions per week refer to the number of weekly sessions per class, or total number of sessions for the preschool as a whole?
- Does South Jordan regulate home-based dance studios, music lessons, tutoring businesses, etc.? The home occupation ordinance does not mention these types of businesses and they are likely to involve more children and more sessions per day.

■ CITY COMPARABLES FOR HOME OCCUPATION PRESCHOOLS

- **Herriman:** 8 children; 2 classes per day; no mention of sessions per week
- **West Jordan:** less than 12 children per day; conditional use permit for more than 12 a day, but less than 12 per session; no mention of sessions per day/week
- **Riverton:** 8 children per day; conditional use permit will allow up to 12 per session/24 per day; planning commission will determine the number after plan is submitted; max 3 sessions per day; no mention of sessions per week.

■ STATE GUIDELINES AS OF 9/11/2025

- Crystal Knippers—Director of Childcare Licensing
- Home preschools are exempt when they hold a morning and afternoon session, each for less than 4 hours, and on a sporadic basis.
- Licensing guidelines designate up to 3 days a week as sporadic care for an individual child

■ WHAT WE ARE ASKING FOR

- **Review and clarify** the language in Home Occupation Ordinance section 5.38.030.
- **Clearly define** the allowed number of students per class, sessions per day, and sessions per week, per class
- **Ensure** the ordinance aligns with intended enforcement practices so providers can confidently comply and families can access quality care

■ COMMERCIAL PRESCHOOLS IN SOJO

While we recognize that commercial preschools are subject to different regulations, their schedules set the standard for developmentally appropriate preschool hours. In South Jordan, all licensed commercial preschools offer at least two days per week for 3-year-olds and three days for 4-year-olds, with morning and afternoon sessions.

With twice as many home-based preschools (12) as commercial ones (6) currently licensed in South Jordan, home-based programs are vital to meeting community demand. We seek the ability to offer families who prefer home-based preschools the same weekly access to preschool time as commercial programs.

■ NEGATIVE IMPACTS FOR FAMILIES IF HOME PRESCHOOLS ARE LIMITED TO 4 TOTAL SESSIONS PER WEEK

- Families may have to leave the city to find care.
- Children may miss out on early learning opportunities, leading to readiness gaps.
- Parents lose the ability to choose a 2-day or 3-day schedule that fits their child's developmental stage and their family's schedule.
- Licensed home preschools may be forced to close if they are unable to offer enough sessions to cover operating costs, limiting families' access to high-quality early education in the community.

In 2022, the interpretation of the ordinance was that two classes of 8 children attending a total of 5 sessions per week would be allowed. This implies that the number of sessions noted in the ordinance (4) refers to the number per class, not for the preschool as a whole.

- Correspondence between Ambra Holland from the Business Licensing Department and Jennifer Zollinger in March of 2022:

Sent: Thursday, March 17, 2022 11:06 AM
To: businesslicensing@sjc.utah.gov
Subject: Home Occupation Question

Hi! I'm in the early stages of researching the possibilities of opening an in-home preschool in South Jordan and wondered if I can get some clarification on a business license for that situation. As I've read through the information on the city website, it gives these guidelines for in-home preschools:

"The number of sessions per day (maximum two), number of sessions per week (maximum four), and session times (maximum three hours)"

My immediate assumption is that the number of sessions per week takes into account total sessions for the preschool as a whole. However, I'm aware of several in-home preschools in our city that hold more than 4 total sessions per week (most operate on a schedule that would put them in the range of 8-10 total sessions per week). Am I correct in my assumption, or is the number of sessions each week considered on a per class basis?

More specifically, the schedule I envision for myself would be to hold one class of 8 children on T/W/Th in the morning, and a second class of 8 children on T/Th in the afternoon. Would that be allowed under South Jordan's rules?

Thanks for your help!
Jenn Zollinger

From: Ambra Holland <aholland@sjc.utah.gov> on behalf of businesslicensing@sjc.utah.gov <businesslicensing@sjc.utah.gov>
Sent: Thursday, March 17, 2022 12:01 PM
Subject: RE: Home Occupation Question

Hi Jenn,

City ordinance 5.38.030 allows no more than 8 students per session (ages 3, 4, or 5), no more than two sessions per day, no more than four sessions per week, and each session cannot be more than three hours in length. In addition, city ordinance 5.38.020(D)(5) states 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. I often times have issues come up with preschools having too much traffic to the home. Preschools will sometimes require their students that live close to walk to the home to avoid generating a vehicle trip.

From the description of what you intend to do with your preschool schedule, it appears you would comply with city ordinance 5.38.030 ("one class of 8 children on T/W/Th in the morning, and a second class of 8 children on T/Th in the afternoon"). You would need to make arrangements with parents/students to walk to the home since you cannot generate more than 6 round-trip vehicles per day in order to comply with ordinance 5.38.020(D)(5).

The other preschools you referred to that have up to 8-10 sessions per week are more than likely not licensed with the city and are operating their business illegally and/or not in compliance with city code. If you see this happening please notify the Code Compliance Department.

Feel free to contact me with further questions or concerns.

Thank you!

Ambra Holland | Executive Assistant of City Commerce | City of South Jordan
1600 W. Towne Center Drive | South Jordan, UT 84095
O: 801.254.3742 | F: 801.254.3393 | M: 801.330.2860

- Business license approved in September 2022 (and currently active), noting the same schedule referred to in March:

License Application Summary ☺

Edit License

Licensee Number: LCHO202200644
Business Name: Seed to Sprout Preschool, LLC
License Type: Business - Home Occupation
Application Status: Active
Description: In-home preschool serving children ages 3-5. There won't be any vehicle traffic within the neighborhood. Instead, parents will use the school bus stop area along River Heights Drive for pick-up and drop-off and then walk to my home.
T/W/Th 9-12--class of 8 children
T/Th 12:30-3:00--class of 8 children
Mailing Address: 3598 W Rapha Place
South Jordan UT 84095
United States
odaizymae@hotmail.com
Contact Numbers: Call: (801) 690-6057

David L. Alvord, *Mayor*
Patrick Harris, *Council Member*
Bradley G. Marlor, *Council Member*
Donald J. Shelton, *Council Member*
Tamara Zander, *Council Member*
Christopher J. Rogers, *Council Member*



PH: 801.446-HELP @SouthJordanUT

Notice of Decision

Applicant: Natalie Berg
File Number: CUP-2016.03
Project Name: Happy Hands Preschool
Project Address: 4144 West Yorkshire Drive

The application that was reviewed by *Planning Commission* on *April 26, 2016* for a *Conditional Use Permit* was **approved** in accordance with the documents submitted with the application *and subject to compliance with the South Jordan City Municipal Code in concurrence with the following conditions/requirements:*

1. The preschool shall operate with a maximum of one session per day between the hours of 9:30am and 12:00 (noon).
2. The maximum number of students shall not exceed 12 per day.
3. The Applicant shall inform the parent or guardian of each student that they are to drop-off and pick-up their students on the same side of the street as the preschool, (north side of Yorkshire Drive).
4. The Applicant shall provide documentation for the finished basement area or otherwise obtain the Building Department's final approval for any undocumented finished basement area. (If in the event the Applicant chooses to operate the preschool on the main floor area of the residence, a building permit may not be required in order to operate this use).

For questions or comments regarding this application, please contact the Planning Division at City Hall (801-254-3742)

Thank you.

Brad Sanderson, Planner II

Address: 4144 West Yorkshire Drive
File No: CUP-2016.03
Applicant: Natalie Berg

Planner Brad Sanderson reviewed the background information on this item from the staff report. He said we did have some concern of the hours of operation for the safety of the children. There are potentially 12 additional parents that would be dropping off and picking up in the a.m. We are requesting as a requirement that the applicant inform the student's parents or guardian to drop off on the same side of the street as the preschool, and that they limit their hours of operation to 9:30 am to Noon.

Staff Attorney Steven Schaefermeyer said also list as a condition, the number of students per day. I know it is listed as 12 in the staff report, just add that as one of your conditions.

Commissioner Quinn asked what the maximum number of children per care giver would be.

City Planner Greg Schindler said if there is a requirement it is a state requirement; we don't have a legal requirement in our City Code.

Commissioner Hall asked the applicant if there is a requirement for a second door or exit from the basement where the preschool will be located or are they contemplating building one?

Planner Sanderson said they are not proposing one at this point. That has the applicant a little bit nervous that there may be a requirement. The building department has not gone out to look at the house at this point to determine that. It may be a requirement for them to have an access there.

Natalie Berg, 4144 W. Yorkshire Drive, South Jordan (Applicant); I have nothing to add at this point.

Commissioner Jolley asked the applicant to describe the basement where the intent is to operate the preschool.

Ms. Berg said I have an extra room in my house that I thought would make a good room for a preschool. When we bought the house this part of the basement was finished. There are two huge windows that would meet the egress requirement. The windows or the stairs would be part of the fire safety exit plan.

Commissioner Hall said there is a recommendation from staff that says you will encourage the parents to only drop off the kids on your side of the street. How will you enforce this?

Ms. Berg said I would be standing out there the first few times making sure this was done. I could also talk to my neighbors to let me know if they see anyone that is not obeying the rule. I would also send a letter to each of the parents with the rules.

Commissioner Hall asked what you would do if they don't comply.

Ms. Berg said I would tell them I would have to drop them.

Commissioner Jolley asked the applicant what is her intent with the number of children to attend.

Ms. Berg said I am just following the city rules and the city rules say I can have up to 12. Right now I only have two and they are within walking distance.

Chairman Woolley opened the Public Hearing. No speakers. Chairman Woolley closed the Public Hearing.

Commissioner Quinn said I don't have any objections.

Chairman Woolley said perhaps we could in our approval also add that should the requirements from the building department be excessive in the mind of the applicant and they want to move it up opposed to down that that could be approved so they wouldn't have to come back.

Commissioner Hall said I have a problem. In the space of 2 ½ hours from 9:30 a.m. to 12 o'clock there is going to be at least 24 extra trips to that house on that street. There is also the potential of 12 cars parking on that street at any given time waiting for the kids to be dropped off or picked up. I think that is a burden to the neighborhood. I suffer that every day in my neighborhood. I am concerned about all home occupations and I think we need to take a look at the statute on them. I am not comfortable with going from 7 to 12 or 6 to 12 students.

Ms. Berg said if it is a problem I can vary my pick up and drop off times.

Commissioner Hall said I appreciate that, but how do we enforce it. It is a practical problem. It goes back to the original question that I asked, are you willing to throw them out of your preschool. I am ok with 6 students, not 12. I am opposed to granting the conditional use permit.

Commissioner Jolley said I am alright with this. I know the street well and I don't see that there would be 12 cars parked on the street for any great length of time.

C.2 Potential Action Item – (See VI.C.1)

Commissioner Quinn motioned to approve the Conditional Use Permit CUP-2016.03 for the Happy Hands Preschool with the following requirements:

- 1. The applicant is to inform the parent or guardian of each student that they need to drop-off and pick-up their students on the same side of the street as the preschool, (north side of Yorkshire Drive).**
- 2. The applicant shall provide documentation for the finished basement area or otherwise obtain the Building Department's final approval for any undocumented finished basement area; if there is a problem with the basement that we allow the applicant to host the preschool in the upper level of the home.**

Commissioner Jolley seconded the motion.

Staff Attorney said I assume you are going up to 12 students, but would you just state that in your motion.

Commissioner Quinn added to his motion "up to 12 and not exceeding 12 students." Commissioner Jolley also seconded the addition to the motion.

Deputy Engineer Shane Greenwood said as far as what Mr. Sanderson talked about Welby Elementary School hours, can you put a condition for safety.

Commissioner Hall said I would also like to ask the maker of the motion to consider including in the motion that there be no more than 2 sessions per day.

Commissioner Quinn said I am ok with both of those amendments.

City Planner Schindler said I want to add that if she has two sessions she would be limited to 6 students per session because it is 12 students per day, not per session.

Commissioner Quinn said can we ask the applicant what her intent is regarding these multiple sessions and how many students per session.

Ms. Berg said when I found out I could only have 6 per session and I wanted to get the conditional use permit, I decided to just have one session per day with 12 students from 9:30 am to noon.

Commissioner Quinn said I would ask to amend my motion to limit it to one session per day with 12 students with varying drop off times based off the drop off times of the neighboring elementary school between 9:30 am to 12. Roll Call Vote was 3-1. Commissioner Hall voted no. Commissioners Morrissey and Holbrook were absent.

D.1 Issue: GOLDFISH SWIM SCHOOL SITE PLAN
Address: 1350 W. South Jordan Parkway
File No: SP-2016.08
Applicant: Katie Grisley

City Planner Greg Schindler reviewed the background information on this item from the packet staff report.

Commissioner Quinn asked if they have hours of operation set. City Planner Schindler said I don't think they have set those yet. The applicants can answer that question.

Lars and Katie Grisley, 1310 E. Salt Lake (Applicant); this is a great building and great concept for the community. We have tried to do our best to take any advice and recommendations from Planning and the ARC board. We plan to go above and beyond to make this a great resource for South Jordan. We have worked with the other land owner of the storage unit to make it a very cohesive look. The turn is an issue. This is a destination business and the reason this business is successful is for its experience. Traffic and U-turns are a terrible experience. We have decided that when you first sign up for our school we will give a sheet listing the best way to get in here. Hours of operation are in the works right now. It is really kind of by demand. By the time we're open, we will be in the high 30's of numbers of schools open. Times on all of the schools are as time demands. We will start with one and keep adding.

Chairman Woolley asked what the typical times are for the other locations. Mr. Grisley said we start teaching kids starting at 0 and we don't go any older than age 12. So you have some little kids at home so you have that after school time for an hour or two from 9-11 then you have a pretty good break with few classes and then you start picking up the out of school time.

Ms. Grisley said the earliest time to be open would be about 7:30 a.m. and 8:00 p.m. would be the latest we would close.

Commissioner Jolley asked the applicants if they would have competitions where parents and relatives would come to watch. Ms. Grisley said the parking is for the safety of the children. Being on the corner of 1300 W. and South Jordan Parkway there is no overflow for people to go. We don't want them parking in nearby neighborhoods and we don't want kids walking down those main streets. The school allows for 14 classes per ½ hour and within those 14 classes there can be up to 4 students per class. That gives a total of 54 students and possibly 54 more coming in plus our staff of 20-25 employees. That is well over 100 park spots at max capacity. We don't foresee that all of those spots would be used every day. The last thing we would want is to put any of our students in danger. We don't have large events where the parents and relatives would be

use in the retail center will increase the number of parking stalls required.

- The buildings to be constructed as submitted on the cross section elevation drawings. There is to be a change on Building 3 to provide some relief features on the east elevation, as required by City code.
- All City Engineering and Fire Department requirements will be met.
- All City Development and Zoning Ordinance requirements will be met.
- The Site Plan to be revised before November 30, 2004 to reflect changes in the sidewalk layout.

Commissioner Puich seconded the motion. The vote was unanimous in favor, with Chairman Mabey absent.

- D. *File #CUP-2004-05, Conditional Use Permit Application For A Pre-School, Located At 11229 South Alisa Meadow Drive, R-1.8/Residential, Heidi R. Brimhall (Applicant).*

Senior Planner Schindler reviewed the background information on this item.

Chairman Pro Tempore Johnson opened the public hearing. There were no comments. She closed the public hearing.

Commissioner Kankamp made a motion to approve File #CUP-2004-05, Conditional Use Permit Application For A Pre-School, Located At 11229 South Alisa Meadow Drive, R-1.8/Residential, with the following conditions:

- The 2 sessions per day over a three-day period each week be allowed, as outlined by the applicant, for a total of 6 sessions per week, but only if there is no opposition by any neighboring landowners within 300 feet of property, and if the Planning Commission approves.
- Sessions shall be a maximum 3 hours in length.
- Curriculum and teacher's qualifications shall be provided for review.
- Students' age shall be 3, 4, or 5 years old.
- Days and hours of operation are limited to those shown on the application, Monday, Wednesday, and Thursday, from 9:45 AM To 12:00 PM, and 12:30 PM To 3:00 PM.
- All Life Safety and Building Codes shall be met and a building permit, if necessary, shall be obtained for remodeling.
- All State licensing requirements will be met.
- All other requirements of the zoning ordinance and other local, State and Federal laws shall be met.
- The number of students is to be limited to 12 per session, per City code.

Commissioner Woolley seconded the motion. The vote was unanimous in favor, with Chairman Mabey absent.

- E. *File #SUB-2004-44, Application For A Preliminary PUD Subdivision Plat/Conditional Use Permit, Located At Approximately 10342 South*