

Chapter 5: Home Occupations

5.1 Home Occupation Permit Required

To assure compliance with provisions of the Land Use Code (whenever referenced, the term Code and/or Land Use Code is always understood to include all other relevant documents, Zoning Ordinances and Maps) and to protect the character of residential neighborhoods in the Town, while allowing limited conduct of business in the residential neighborhoods, a Home Occupation Permit shall be required and shall be obtained from the Town before a dwelling or accessory building in a residential zone may be used for business purposes.

The Home Occupation is an accessory use and will be incidental and secondary to the use of the home for dwelling purposes. The dwelling shall be the principal residence of the occupants seeking a Home Occupation Permit.

If a proposed use is located within the Sensitive Lands Overlay Zone, additional requirements and regulations shall apply. See Sensitive Lands Overlay, Chapter 25.

5.2 Classes of Home Occupations

There shall be two (2) classes of home occupations:

1. Public Home Occupation (Class 1): Public home occupation (class 1) is a business wherein the public may come to the home for services or goods, and which has been granted a home occupation permit by the Planning Commission. Examples include, but are not limited to: animal care or childcare facilities and professional services by appointment. Bed and Breakfasts are a Public Home Occupation (Class 1) governed under Chapter 6 – Bed & Breakfast Establishments.
2. Non-public Home Occupation (Class 2): Non-public home occupation (class 2) is a business which has applied for and been granted a home occupation permit by the Planning Commission, wherein the public does not come to the home and where business transactions are conducted by telephone, mail or fax, and where no goods or services are supplied to walk-in customers or by appointment. Examples include, but are not limited to: phone sales businesses, art studios without galleries or sales in the home, and consultants who work by computer, phone or fax with no visiting clients.

5.3 Application

An application for a home occupation permit shall contain information sufficient to determine compliance with the provisions of this chapter and shall include:

1. A completed home occupation permit application;
2. Current property ownership information necessary to satisfy notification requirements, which shall include names and addresses of all owners of property located within three hundred feet (300') of the exterior boundaries of the subject property and a copy of the county recorder's map on which property locations are keyed to ownership information;
3. The appropriate filing fee as established by resolution of the town council.

4. In addition, if the proposed Home Occupation is a rental property, the owner's notarized written permission is required as part of the application process.

5.4 Procedure

The Planning Commission may, upon application, and upon review in a public meeting where notice to nearby property owners has been given pursuant to section 5.5 of this chapter, may issue a home occupation permit, which shall state the home occupation permitted as well as any attached conditions and/or time limitations that have been imposed. The permit shall not be issued unless the applicant has met, and agreed in writing, to comply with all of the conditions listed in 5.7 below as well as any conditions the Planning Commission has deemed necessary to carry out the intent of this Chapter.

5.5 Notice to Adjacent Property Owners

Notice shall be mailed or delivered to the owners of properties within three hundred feet (300') of the proposed Home Occupation, as listed on an application for home occupation permit. The notice shall state the nature and location of the proposed home occupation and advise of opportunity for review and comment on said home occupation at the Planning Commission public meeting. A notice of a home occupation review shall be posted at three (3) prominent locations within the town at least (15) days prior to the Planning Commission public meeting.

5.6 Standards for Review

The Town shall not issue a Home Occupation Permit unless the Planning Commission determines that:

- A. The use is consistent with and does not compromise the General Plan.
- B. The application complies with all requirements of the Code.
- C. The use is compatible with the residential character of the neighborhood.

5.7 Conditions

The holder of a Home Occupation Permit must be in compliance with all of the following conditions:

- A. The Home Occupation shall be conducted entirely on the premises, shall be clearly incidental to the use of the structure as a residence and shall not occupy a garage if the garage is needed to meet the off-street parking provisions of the Land Use Code. In the event the home business is operating outside the home structure, sound and visual disturbances must be mitigated.
- B. No persons other than residents of the residential premise shall be employed in the Home.
- C. Off-street Parking, as required by the provisions of the Code, shall be provided.
- D. No exterior signage is permitted.

- E. No display of any kind shall be visible from the exterior of the premises.
- F. No motorized, mechanical or electrical equipment, apparatus, equipment or tools shall be permitted except those items which are commonly associated with a residential use or customarily used for home crafts. This provision is not intended to preclude the use of personal computers, copy machines and similar equipment.
- G. The Home Occupation shall not generate pedestrian or vehicular traffic beyond the normal to the residence. No materials requiring regular or frequent delivery to a customer by a semi-tractor/trailer truck are permitted.
- H. The structure containing a Home Occupation that invites the public into the home shall be in complete conformity with current fire, building, plumbing, electrical and health codes and to all State and Town laws and ordinances that are applicable to the particular Home Occupation.
- I. The Home Occupation shall not create a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.
- J. The Home Occupation shall not alter the residential character of the structure or premises (the exterior of the dwelling housing a Home Occupation shall not appear different from its neighbors) or unreasonably disturb the peace and quiet, including media reception, of the neighborhood through the use of color, design, materials, construction, lighting, sounds, noises, vibrations, dust, odors, noxious fumes and so forth.
- K. All Home Occupation Permits shall be valid if acted upon within one (1) year of initial approval. The approval shall remain valid unless compliance with any conditions attached to the approval ceases or there have been reported complaints or detrimental actions which may, following review by the Planning Commission, require termination or revocation of the Home Occupation Permit.
- L. There shall be no display of goods, customer services or sales of goods, other than the sales of goods and services conducted by telephone and received by the customer off-premises by delivery or postal services.
- M. Home Occupation shall include the care of no more than three (3) children or less, other than members of the family residing in the dwelling or as prescribed by State Codes or regulations.

5.8 Fees

An application fee shall accompany the initial application for a Home Occupation Permit.

5.9 Inspection

With just cause and after reasonable notice, the premises shall be subject to inspection by the Planning Commission or its designated agent.

5.10 Noncompliance

Any Home Occupation Permit shall be reviewed and may be revoked by the Planning Commission upon violation of any requirements of this Chapter or upon failure to comply with any of the conditions or limitations of the permit, unless the violation is corrected within thirty (30) days of receipt of a written violation notice. A permit shall be revoked for repeated violations of the requirements of this Chapter notwithstanding compliance to the violation notices.

5.11 Appeal

In the event of denial or revocation of any permit or of objection to the limitations placed upon a permit, appeal may be made to the Town Council acting as the appeal authority.

5.12 Business License Required

A Home Occupation Permit is not a business license. The granting of a Home Occupation Permit shall not relieve the holder of the permit of any other license requirement of the Town or that of any other public agency.

Approval of a transfer of a Home Occupation permit through the sale/lease of property does not guarantee the new owner/tenant a business license. The business license is not transferable with the property and must be applied for and approved by the Planning Commission before the holder of the permit may conduct business in the Town.

5.13 Utah Sales Tax License

If required by the State of Utah, a Utah State sales tax license and number will be required with Rockville Town listed as a business location.