

PROPOSED RULE
FOR
HOME OCCUPATIONS

This is a proposed rule to be added to the Committee of Architecture (COA) Rules and Regulations. Currently the COA rules and regulations are very ambiguous regarding home occupations. This rule is intended to provide clarity and expand on the guidelines which were previously utilized for approving Home Occupational Permits.

Below are proposed changes to be added to the Committee of Architecture (COA) Rules and Regulations regarding Home Occupations. Currently the COA rules and regulations are very ambiguous regarding home occupations and the DOR noted is quite restrictive. These notes below intended to provide clarity and expand on the guidelines which were previously utilized for approving Home Occupational Permits.

The SCA put together a prior draft of rules and regulations based on other communities as a starting point and asked the public to attend a meeting to give feedback and provide discussion. Additional meetings are set (per open meeting law) for future dates for additional review and adoption.

As stated prior, the reason SCA is expanding rules is to encourage additional homebased businesses. One main reason for this is that the rules that are currently in place were too restrictive - For example not being able to use a shop or accessory building was noted in old rules. A second reason for this is due to Great Basin Water not allowing some residential and commercial lots to hook up to sewer because they are at capacity for their sewer treatment plant. This has halted growth for businesses in Spring Creek and we have found it important to work with homebased business to bring services to the area without them waiting years for a new sewer treatment plant. Finally, our goal is to have peace between neighbors and AR (agriculture residential) lots while providing additional businesses. For example, a trash company who identifies as homebased business will not be able to store trash in their three garages on their property even though they identify as a home business, this is a commercial business. As stated in prior meetings, no one is here to stop any homebased business but to provide a clear understanding between neighbors and homebased businesses of what they can expect.

We encourage you to please call the office at 753-6295 with any questions you may have.

This draft is only a proposal and has not been approved by the Committee of Architecture.

REVISED DRAFT 5/27/22

COA Rule and Regulation:

HOME OCCUPATION(s): A Home Occupation(s) is a use otherwise allowable by law which is incidental to the primary residential purpose, and which does not change the residential character of the premises. A Home Occupation Permit application must be approved by the Committee of Architecture.

WORKING FROM HOME: A Resident of a home who is working from home for a third-party employer, or self-employed, which tasks generally involve utilizing a computer, telephone and/or other similar devices, with no foot traffic from customers/clients shall not be considered a home occupation and shall not require a home occupation permit.

CHARACTERISTICS OF A HOME OCCUPATION: A home occupation generally has the following characteristics:

1. The home occupation is conducted in the home or an auxiliary structure on the premises.
2. At least one permanent resident of the home is working at the home occupation and no more than three (3) nonresident employees are working at the home occupation at any given time.
3. The home occupation does not generate pedestrian or vehicular traffic greater than that normally found in the area and does not cause excessive noise, odor, dust or smoke on a continuous basis.
4. Is not a use that is permissible in a Commercial Zoning Designation or as a Conditional Use for the zoning district for which the premises is located as defined by the Spring Creek Association Declaration of Reservations.

REQUIREMENTS OF A HOME OCCUPATION PERMIT APPLICATION: The following shall be supplied to the Committee of Architecture with a Home Occupation Permit Application:

- 1.** The application shall provide the Committee of Architecture with background information regarding the following:
 - a. Type of Occupation
 - b. Sign Proposal
 - c. Parking Requirements
 - d. Ingress/Egress plan (including the generally planned number of employees and number of visitors)
 - e. Potential effects on neighboring properties (noise, dust, etc.)
 - f. Lot Plan/Usages of the Premises
 - g. Hours of Operation
 - h. Would you like to be added to the SCA List of Businesses and provided with advertising for a \$50.00 marketing fee?
 - i. May SCA provide your information to others?

- 2.** The home occupation may be conducted in the home or in an auxiliary structure(s) on the premises. If the home occupation is conducted in the home, no more than 40% of the total floor area of the home shall be consistently used for the home occupation. If an auxiliary structure(s) is used for the home occupation, the entire structure may be used for the home occupation.

- 3.** There shall be no outdoor evidence of the home occupation through the continual storage of materials, products or equipment. This shall not apply to daycares, agricultural home occupations and stables. Storage of vehicles, which display logos or advertising or signage including wrapped vehicles, on the premises shall not be considered external evidence of the home occupation.

- 4.** The Home Occupation should not use show windows, exterior business displays, sandwich boards, or advertising that is visible from outside the premises, except as is permitted by the DORs and approved by the COA through the sign permit application process. Signs are not permitted within easements. This rule shall not be applicable to vehicles associated with the business that are parked at the premises.

- 5.** The home occupation shall not continually generate vehicular traffic measurably more than that normally associated with the residential nature of the premises, including the regular parking of multiple vehicles associated with the home occupation visible outside the home or auxiliary structure. The home occupation shall not involve regular and consistent deliveries by and/or parking of tractor-trailer trucks other than those necessary to provide deliveries or remove items from the Home Occupation.

No machinery or equipment shall be permitted that regularly and consistently produces noise, noxious odor, dust, smoke, vibration, electrical interference or radio or electromagnetic interference beyond the boundary of the property. No use shall generate noise that is in excess of the general residential characteristics of the property.

- 6.** The character of the home and premises shall be maintained in appearance and cleanliness. The exterior of the home, auxiliary structures and premises shall not be changed in such a way

as to alter its residential appearance, except for permitted parking spaces and the permitted sign.

- 7.** A home occupation shall not be conducted in a way that is consistently disruptive beyond the premises between the hours of 10:00 p.m. and 7:00 a.m., including but not limited to excessive noise, odors, traffic and unloading or loading of vehicles.
- 8.** The home occupation shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts commonly found in a home. The use shall not involve or use the storage of toxic substances unless incidental to the nature of the home occupation. The premises must have adequate fire suppression in relation to the type of home occupation.
- 9.** This rule shall be effective as of _____, 2022. All applications for Home Occupation Permits filed with Spring Creek Association after that date shall be subject to the contents of this rule. All permits granted before that date shall be “grandfathered in” and not subject to the requirements of this rule.
- 10.** Each Home Occupation Permittee shall file an annual renewal with Spring Creek Association, which shall not require approval or action from SCA or the Committee of Architecture, indicating the home occupation is still viable. Failure to file an annual renewal may result in the lapse of home occupation permit. The SCA has the authority to revoke a permit based upon any violation of the SCA DORs and/or current COA Rules and Regulations, which shall be handled and noticed properly to the permittee in accordance with the COA Rules and Regulations. Each Permittee shall be given the opportunity to be heard in a public hearing before the COA prior to having a permit revoked. There shall be no fee for the annual renewal.

DEFINITION(S)

HOME: the primary residence located on the subject parcel.

PREMISES: the entire legal parcel which a home occupation permit is requested for including both the home, driveway, landscaping, and any buildings or structures located on the parcel.

ACCESSORY STRUCTURE: A structure or building which is subordinate to, and the use of which is incidental to the home or principal use on the same lot.

EXAMPLES OF PREVIOUSLY GRANTED HOME OCCUPATIONS:

1. Attorney
2. Architect
3. Accountant
4. Day Care
5. Computer Programmer
6. Stenographer
7. Photographer
8. Artists: Painting, sculpture, wood carving
9. Barber/Beautician (limited to one per home)
10. Market Farm
11. Financial Advisor