

# WEST BOUNTIFUL CITY

## ORDINANCE #481-24

### AN ORDINANCE AMENDING TITLE 5 AND TITLE 17 OF WEST BOUNTIFUL MUNICIPAL CODE UPDATING HOME OCCUPATION REGULATIONS

**WHEREAS**, West Bountiful City is empowered to adopt and amend general laws and land use ordinances pursuant to Utah State law (§10-9a-101 et seq.) and under corresponding sections of the West Bountiful City Code; and ; and

**WHEREAS**, after review and a public hearing of the proposed Home Occupation Business Licensing and Land Use Code Text Amendments on September 12, 2023, the West Bountiful City Planning Commission forwarded a recommendation to the City Council; and

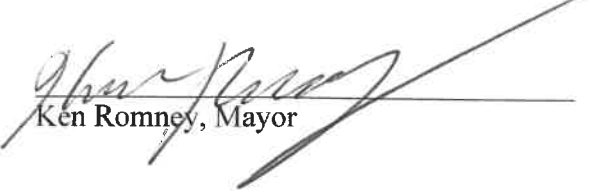
**WHEREAS**, the City Council of West Bountiful conducted additional meetings and deliberations, and finds that these amendments are necessary to protect the general health, safety and welfare of the city's residents.

**NOW THEREFORE BE IT ORDAINED** by the city council of West Bountiful City that the West Bountiful Municipal Code be modified as shown in exhibit A.

This ordinance will become effective upon signing and posting.

Adopted this 19<sup>th</sup> day of March, 2024.

By:

  
Ken Romney, Mayor

Voting by the City Council:	<u>AYE</u>	<u>NAY</u>
Councilmember Ahlstrom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Butterfield	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilmember Enquist	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councilmember Nielsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Councilmember Preece	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ATTEST:

  
Remington Whiting, City Recorder



## **WBMC 5.04 BUSINESS LICENSES IN GENERAL**

### **5.04.010 Definitions**

“**Business**” means all activities engaged in within West Bountiful City limits carried on for the purpose of gain or economic profit, except that employees rendering service to employers shall not be considered to be engaging in business unless the municipal code specifically provides otherwise.

“**Engaging in business**” means the sale of tangible personal property or the rendering of personal services for others for a consideration by persons engaged in any trade, craft, business, occupation, profession or other calling, except the rendering of personal services by an employee to his or her employer under any contract of personal employment, but including the operation of storage buildings or storage warehouses for the storing of motor vehicles, trailers, boats, and other household equipment or personal property.

“**Home occupation**” means a business operated in a dwelling, accessory structure, or both, on a residential property by a resident of the property.

### **5.04.040 License Fee Levied**

The license fee payable by persons engaging in or carrying on any business within the city shall be periodically fixed by resolution of the city council and listed in the city’s Consolidated Fee Schedule.

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## **WBMC 5.28 HOME OCCUPATIONS**

### **5.28.010 Scope**

### **5.28.020 Purpose; License Required**

### **5.28.030 Application For License**

### **5.28.040 Requirements**

### **5.28.050 Specific Businesses Prohibited**

### **5.28.060 Exemptions To License**

### **5.28.070 Home Occupation Business License Renewal**

### **5.28.080 Noncompliance; Revocation And Suspension Of Permit**

### **5.28.90 License Not Transferrable**

### **5.28.010 Scope**

The requirements of this chapter shall apply to any home occupation conducted within the city. Home occupations may be conducted only in residential or agricultural zones, or within homes qualifying as a legal nonconforming residential use. The provisions of the chapter shall not be construed to limit or prohibit any other requirements of this title, the West Bountiful Municipal Code, or other applicable laws.

### **5.28.020 Purpose; License Required**

The purposes of this chapter are to protect the residential character and lifestyle of residential zoning districts within West Bountiful City, to ensure that home occupations remain incidental and accessory to the residential use of the property on which a dwelling is located. To ensure compliance with this chapter, a home occupation business license is required before any property may be used for a home occupation.

### **5.28.030 Application For License**

- A. A home occupation business license application may be obtained from the city offices or from the city website. Each application shall be submitted to the city recorder. If the zoning administrator determines that the combined offsite impact of the proposed home occupation and the primary residential use of the property will materially exceed the offsite impact of the primary residential use alone, the application must be accompanied by payment of a business license fee. The city may also charge an administrative fee if the applicant requests a business license.
- B. It is unlawful for any person to provide false information to the city in relation to the application for, issuance of, or continuation of, a business license, or to knowingly cause or permit the same to be done.
- C. The applicant shall give notice of the nature and description of the proposed home occupation by posting a notice in front of the property on which the home occupation is to be conducted for no less than seven days immediately preceding the submission of a home occupation business license application. For home occupations that require a conditional use permit, the applicant must also give written notice of the nature and description of the proposed home occupation to owners of property within 300 feet of the exterior boundaries of the property on which the home occupation is to be conducted. The applicant must provide evidence of the required posting and written notice, if applicable, as part of the home occupation business license application.
- D. The application will contain the applicant's written agreement to allow the city to enter upon and inspect the property at all reasonable times (1) to ensure the requirements of this chapter have been met before the license is issued, and (2) to verify compliance thereafter.

- E. The applicant must provide evidence of any federal or state licensing or permit required for the home occupation as part of the home occupation business license application.
- F. The zoning administrator shall approve the home occupation business if they find that:
  - 1. The requirements of this chapter have been satisfied;
  - 2. The home occupation will be in keeping with the character of the neighborhood and will not adversely affect the desirability or stability of the neighborhood.
  - 3. The home occupation does not diminish the use and enjoyment of adjacent properties or create an adverse parking impact on adjacent streets or properties;
  - 4. The home occupation will not negatively impact the future use of the property as a residence;
  - 5. The home occupation will not adversely affect the public health, safety or welfare; and
  - 6. The home occupation conforms with all fire, building, plumbing, electrical and health codes and all applicable federal, state, and local laws.

#### **5.28.040 Requirements**

- A. A person who is not a resident of the dwelling shall not work in the home occupation.
- B. Tools, items, equipment or uses which are offensive or noxious by reason of the emission of odor, smoke, gas, dust, vibration, magnetic or electrical interference, noise, or other similar impacts that extend beyond the property line of the lot where the home occupation is located, beyond those impacts of reasonable residential use, are prohibited.
- C. The home occupation shall not involve using or storing flammable material, explosives, or other dangerous materials, including gun powder and fiber glass.
- D. The home occupation shall not involve the parking or storage of equipment or motor vehicles having a gross weight of twenty-six thousand (26,000) pounds or more at the residence or on the street adjacent to the property on which the home occupation is conducted.
- E. The home occupation must be clearly incidental and secondary to the use of the dwelling or accessory structure in which it is located and may not change the purpose or character of the dwelling or accessory structure, or the residential character of the property on which the home occupation is located.
- F. The home occupation shall not involve the use of any part of a dwelling or structure for which, by reason of state, federal or local laws, special or extra entrances or exits or special rooms are required as a condition to the operation of such use.
- G. More than one home occupation business license may be issued for a property, if after review, the zoning administrator specifically determines that the total of all businesses on the property will not have an impact on the community greater than one business.
- H. The home occupation must be conducted entirely within the dwelling, except that twenty-five percent (25%) of a garage or accessory structure on the same property as the dwelling may also be used.
- I. Adequate off-street parking must be provided for both personal vehicles and business customers, except as otherwise specified in conditions set in a conditional use permit for drop-offs or pick-ups

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associated with day care, preschools, or group instructional services.

- J. Yard space may not be used for home occupation activities, except:
  - a. Outside private swimming pools may be used for swimming instruction if the swimming instruction is given by a resident of the dwelling.
  - b. Subject to a conditional use permit, yard space may be used for day care, provided the yard is entirely fenced.
- K. In no event shall outdoor storage be permitted for a home occupation.
- L. Business operations that involve deliveries, pick-ups/drop-offs, or other visits to the property shall be limited to the hours between 7:00 am and 10:00 pm.
- M. The home occupation must comply with all fire, building, plumbing, electrical, and health codes and all applicable federal, state, and local laws.
- N. The home occupation may not cause or create a demand for municipal or utility services or community services, including traffic, in excess of those usually and customarily provided for residential uses; provided, that day care, preschool, and group instructional services will be allowed to have a reasonable amount of drop-offs or pick-ups, as determined by a conditional use permit in accordance with recognized traffic safety standards and subject to the other reasonable requirements.
- O. The home occupation may not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood.
- P. Merchandise, goods, or customer services may not be advertised or otherwise visible from the exterior of the building in which the home occupation is operated.
- Q. Signs, advertising, or displays of any kind shall not be visible from the public streets or from the exterior boundaries of the property on which the home occupation is conducted.
- R. Home occupations requiring state or federal licensing or permits must comply with all applicable state and federal regulations and keep current all applicable licenses or permits.
- S. The city may enter upon and inspect the property on which the home occupation is conducted at all reasonable times and upon reasonable notice to verify compliance with the provisions of this chapter.

**5.28.050 Specific Businesses Prohibited**

Notwithstanding any provision of this chapter to the contrary, the following uses cannot qualify as home occupations:

- 1. Automotive repair, body work, painting, sales, or rentals;
- 2. Welding shops or machine shops;
- 3. Indoor storage facilities;
- 4. Any use prohibited in the city's commercial or industrial districts.

**5.28.060 Conditional Home Occupations**

The following uses qualify as home occupations only when issued by way of a conditional use permit as governed by WBMC 17.60:

- 1. Child care, nursery, preschool or similar use involving the pick-up and drop-off of children;

2. Kennels (only in the A-1 and A-S districts;, otherwise prohibited)

**5.28.070 Exemptions To License**

The following uses are exempt from the provisions of this chapter:

1. Sale of goods or services by city residents under 18 years of age that does not conflict with other provisions of the municipal code;
2. Temporary home occupations such as garage sales, yard sales, or craft boutiques that occur not more than four (4) times a year, with each event lasting not more than seventy-two (72) hours;
3. Promotional meetings for the purpose of taking orders for merchandise, by invitation only, which occur not more than once per month;
4. Community/neighborhood fund raisers that are sponsored by the city or approved by city staff;
5. Engagement in business for solely religious, charitable, or other type of strictly nonprofit purpose that is tax-exempt under the laws of the United States and the State of Utah;
6. Engagement in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah;
7. Selling, offering for sale, or taking orders for or soliciting the sale of any farm products, but not including dairy products actually produced, raised, or grown by the person so selling, offering for sale or taking orders for, or soliciting the sale of any such farm products; and
8. Other exemptions as specifically approved in writing by the city council for good cause shown.

**5.28.080 Home Occupation Business License Renewal**

A home occupation business license is subject to annual renewal, with the license year being the calendar year.

**5.28.090 Noncompliance; Revocation And Suspension Of Permit**

The zoning administrator may revoke or decline to renew a home occupation business license for a violation of any requirement of this chapter.

The zoning administrator, in their discretion, may suspend the license temporarily to give the license holder a specified reasonable period of time, not to exceed thirty (30) days, to cure any such violation. If the violation is not cured within the specified period of time, the zoning administrator shall revoke the home occupation business license. During the period of suspension, the zoning administrator may impose any restrictions or conditions upon the license holder necessary to prevent further violation of applicable law, including cessation of all activities associated with the home occupation.

Any license holder aggrieved by a decision of the zoning administrator under this chapter may appeal the decision in accordance with Chapter 2.64 of the municipal code.

**5.28.100 License Not Transferable**

No license granted or issued under the provisions of this chapter shall in any manner be assignable or transferable or authorize any person other than the licensee named therein to conduct the business specified in the license.

**17.04.030 Definitions**

"Home occupation" means a business operated in a dwelling, accessory structure, or both, on a residential property by a resident of the property (subject to Chapter 5.28).

**17.14.020 Permitted Uses; and**  
**17.16.020 Permitted Uses; and**  
**17.20.020 Permitted Uses; and**  
**17.24.020 Permitted Uses:**

Home occupations (subject to Chapter 5.28)