

WEST BOUNTIFUL CITY

ORDINANCE #511-26

AN ORDINANCE AMENDING TITLE 17 OF THE WEST BOUNTIFUL MUNICIPAL CODE REGARDING THE NEW OR UNLISTED BUSINESS PROCESS AND MODEL HOMES

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

WHEREAS, the West Bountiful City Council desires to maintain land use regulations that are current and accurate; and

WHEREAS, it was determined that there was need for modifications to West Bountiful City Code to comply with current state code; and

WHEREAS, the West Bountiful Planning Commission held a properly noticed public hearing on April 28th, 2026, to consider the proposed modifications and forwarded a positive recommendation to the City Council.

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

This Ordinance shall take effect immediately upon signing and posting.

Adopted May 5th, 2026.

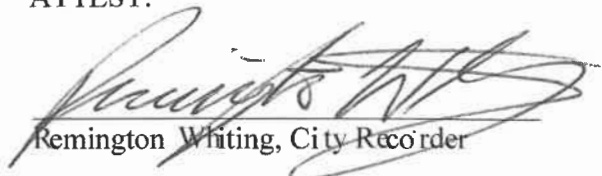
By:


Ken Romney, Mayor

Voting by the City Council:	<u>AYE</u>	<u>NAY</u>
Councilmember Ahlstrom	☒	☐
Councilmember Butterfield	☒	☐
Councilmember Enquist	☒	☐
Councilmember Nielsen	☒	☐
Councilmember Thompson	☒	☐



ATTEST:


Remington Whiting, City Recorder

17.12.080 New or Unlisted Business Classification Process

A. Purpose

The purpose of this section is to establish a clear process for evaluating proposed business uses that are new, unlisted, or not clearly classified in the city's land use code.

B. Application Required

1. Applicants proposing a new or unlisted business use shall submit a New/Unlisted Business Use Application on a form provided by the City.
2. The application shall include:
 - a) a detailed description of the proposed business and its operations;
 - b) Hours of operation and number of employees;
 - c) Description of materials, used or stored, including hazardous materials;
 - d) Site plan or floor plan, if applicable;
 - e) Description of which listed use the proposed use best aligns and why;
 - f) Any other information required on the form or requested by staff that relates to the business.

C. Staff ~~and Planning Commission~~ Review

1. ~~Once the city determines an application is complete, staff shall review the application. Staff shall present the application to the planning commission at the next available planning commission meeting. City staff shall act as the land use authority and shall review the application.~~
2. ~~The planning commission is the land use authority for determining whether a proposed new or unlisted business use aligns with an existing land use category. City staff is the land use authority for determining whether a proposed new or unlisted business aligns with an existing land use category.~~
3. ~~The planning commission~~ City staff will make its decision based on the following criteria:
 - a) Similarity of Primary Activities

- b) Operational Characteristics
- c) Impact of Public Infrastructure
- d) Environmental and Nuisance Impacts
- e) Hazardous Materials and Safety Considerations
- f) Compatibility with surrounding land uses
- g) Purpose and Intent of the Zoning District

The decision must be made within 60 days after a complete application is submitted.

4. If ~~the planning commission~~ city staff determines that the proposed use aligns with an existing use, it will issue a written decision allowing the proposed use to proceed under the regulations of the existing use.
5. If ~~the planning commission~~ city staff determines that the proposed use is a new or unlisted business use, the applicant shall forward the application to the city council requesting approval of the new or unlisted business use and adoption of a land use ordinance permitting the use as a permitted or conditional use.
 - ~~a) The planning commission shall schedule a public hearing for the next available planning commission meeting.~~
 - ~~b) Following the public hearing, the planning commission shall treat the application as an application for a land use code amendment, including any necessary text additions or modifications.~~
 - ~~c) The planning commission will then forward the application and either a positive or negative recommendation to the city council for a potential new business use.~~
6. If ~~the planning commission~~ city staff denies an application for a proposed new or unlisted business use, or if an applicant disagrees with planning commission's city staff's classification of the proposed use, city staff~~the planning commission~~ shall notify the applicant in writing of each reason for the classification or denial, and offer the applicant an opportunity to challenge the classification or denial through the appeal process as outlined in Chapter Section 17.08.120 of City Code and applicable state law.

D. City Council Review

1. ~~The city council shall review recommendations from the planning commission involving new businesses as legislative land use decisions. The city council shall review applications city staff has determined to involving new or unlisted business uses.~~
2. The city council shall determine whether the new or unlisted business use should be added to the land use code.
3. ~~The city council shall approve or deny the application within 60 days after a complete application is submitted, as long as the applicant responds to each request for additional information within 10 days of the request, and appears at all required hearings.~~
4. ~~If approved, the city council shall designate the appropriate zone or zones in which the use is permitted or conditional.~~
5. ~~If the city council denies the application, the city council shall notify the applicant in writing of each reason for the denial and inform the applicant of the process for appealing the decision through the city's land use appeal authority in accordance with Section 17.08.120 of City Code and applicable state law.~~

17.74.020 Definitions

As used in this chapter, the following terms are defined as follows:

"Model home" means ~~a dwelling used as a temporary on-site sales office for a residential development under construction.~~ a single-family home that the homebuilder uses to promote the sale or lease of another single-family home; or a unit within a multi-family residential structure that the owner uses to promote the sale or lease of another unit within the multi-family residential structure.

"Open house" means an event held by a homeowner, including an event in association with a real estate agent, architect, builder, or developer to showcase a home, including the outdoor landscaping around the home

"Sales trailer" means a trailer used as a temporary on-site sales office for a residential development until a model home can be constructed.

**CERTIFICATE OF PASSAGE
AND POSTING ORDINANCE**

*I, the duly appointed and acting recorder for the City of West Bountiful,
do hereby certify that the foregoing Ordinance No. 511-26 was duly
passed and posted on the Utah Public Notice Website, the City Website,
and at West Bountiful City Hall on May 6th, 2026.*

 DATE: 05/06/26
Remington Whiting, City Recorder