

THE CITY OF WEST JORDAN, UTAH

ORDINANCE NO. 24-01

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(HOME OCCUPATIONS STANDARDS; AMENDING SECTION 13-11-2
AND THE “HOME OCCUPATION” DEFINITION IN SECTION 13-2-3)**

WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”) in 2009; and the City Council of the City (“Council” or “City Council”) desires to amend Section 13-11-2 and the “Home Occupation” definition in Section 13-2-3 (“proposed City Code amendments”); and

WHEREAS, the Planning Commission of the City (“Planning Commission”) held a public hearing and provided a recommendation on December 5, 2023, regarding the proposed City Code amendments, which are all land use regulations in the land use titles; and determined the following, pursuant to City Code Section 13-7D-6B:

1. The proposed City Code amendments conform to the General Plan and are consistent with the adopted goals, objectives and policies described therein;
2. The proposed City Code amendments are appropriate given the context of the request and there is sufficient justification for a modification to the land use titles;
3. The proposed City Code amendments will not create a conflict with any other section or part of the land use titles or the General Plan; and
4. The proposed City Code amendments do not relieve a particular hardship, nor do they confer any special privileges to a single property owner or cause, and they are only necessary to make a modification to the land use titles in light of corrections or changes in public policy; and

WHEREAS, the City Council held a public hearing on January 24, 2024, regarding the proposed City Code amendments, and finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the following proposed City Code amendments.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

Section 1. Amendment of City Code Provisions. City Code Section 13-11-2 and the “Home Occupation” definition in Section 13-2-3 are amended as shown in Attachments 1 (legislative version) and 2 (clean version) to this Ordinance.

Section 2. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor, with the request by the City Council to complete the posting and signing requirements by February 1, 2024.

PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 24TH DAY OF JANUARY 2024.

(continued on the following pages)

CITY OF WEST JORDAN

By: Zach Jacob
Zach Jacob
Council Chair

ATTEST:

Cindy M. Quick
Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

	"YES"	"NO"
Council Chair Zach Jacob	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Vice-Chair Chad Lamb	~ absent ~	
Council Member Bob Bedore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Pamela Bloom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kelvin Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kent Shelton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kayleen Whitelock	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON JANUARY 26, 2024.

Mayor's Action: X Approve _____ Veto

By: Dirk Burton Jan 29, 2024
Mayor Dirk Burton Date

ATTEST:

Tangee Sloan
Tangee Sloan, CMC
City Recorder

STATEMENT OF APPROVAL/PASSAGE (check one)

X The Mayor approved and signed Ordinance No. 24-01.



_____ The Mayor vetoed Ordinance No. 24-01 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

_____ Ordinance No. 24-01 became effective by operation of law without the Mayor's approval or disapproval.

Tangee Sloan
Tangee Sloan, CMC
City Recorder

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the 30th day of January 2024. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

Tangee Sloan, CMC
City Recorder

(Attachments on the following pages)

Attachment 1 (Legislative) to

ORDINANCE NO. 24-01

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(HOME OCCUPATIONS STANDARDS; AMENDING SECTION 13-11-2
AND THE "HOME OCCUPATION" DEFINITION IN SECTION 13-2-3)**

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: ~~Within Principal Residence: A home occupation shall be carried on within the principal residence building.~~ 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: ~~A Home occupation shall not involve the use of any yard space or activity outside of the primary residence, unless: 1) the use or activity is customarily found in the residential neighborhood; and 2) the use or activity does shall not adversely impact the residential nature character of the neighborhood.~~

H. ~~Floor Area~~ Permitted Area Used: 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 1 : 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)

Notes

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

13-2-3: DEFINITIONS [*Amending only one definition*]:

HOME OCCUPATION: A business, profession, occupation, or trade licensed to be conducted ~~entirely within a dwelling~~ **on a residential property** pursuant to the business license ordinance. A "home occupation" is a residential accessory use so located and conducted that the average neighbor, under normal conditions, would not be aware of its existence.

Attachment 2 (Clean) to

ORDINANCE NO. 24-01

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
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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.

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Ordinance No. 24-01 Code Amd for Home Occupation Standards

Final Audit Report

2024-01-30


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"Ordinance No. 24-01 Code Amd for Home Occupation Standards" History


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