

ORDINANCE ADOPTING REGULATIONS RELATED TO HOME-BASED OCCUPATIONS

WHEREAS, the City of Lake Point acknowledges the importance of small home-based businesses as a cornerstone of our local economy and desires to promote entrepreneurship and economic growth while preserving the residential character of the community; and

WHEREAS, the City Council wishes to establish regulations for home-based occupations/businesses that prioritize the individual liberties enshrined in the U.S. Constitution and the Declaration of Independence, and that does not violate the Law of Nature and Nature's God; and

WHEREAS, the City Council aims to enhance the well-being of our community and raise the standard of living, we further recognize the value home-based businesses create as sources of innovation and opportunity for residents of our city; and

WHEREAS the City Council desires to adopt specific regulations regarding the conditions and manner in which businesses located upon residential lots/parcels and residential dwelling units may be permitted;

NOW, THEREFORE, BE IT ORDAINED by the Lake Point City Council as follows:

Section 1: Purpose

The purpose of this Ordinance is to allow the establishment and operation of modest home-based occupations/businesses upon residential lots in Lake Point in a manner that respects individual freedoms and limits unnecessary government intervention. It seeks to encourage entrepreneurship, economic growth, and the responsible operation of home-based businesses within the City of Lake Point, while ensuring that these activities remain incidental and secondary to the residential use.

Section 2: Definitions

2.1 [Will need to add as ordinance comes together]

2.2 Daycare: The care and supervision of children, other than children related to the adult resident(s) of a residential property, which is provided in place of care ordinarily provided by a parent in the parent's home, for less than 24 hours a day, and for direct or indirect compensation.

2.3 Home Occupation: An occupation or other commercial or business activity conducted upon a residential lot/parcel and/or within a residential dwelling unit, which is incidental and secondary to the residential use of the property and does not change its character. It does not include services rendered by an employee to an employer within a dwelling.

2.4 In-Home Instruction: The provision of classes, lessons, training, practice, and other organized instruction in various subjects, offered within a residence to individuals, including children, who do not live at the residence. This includes in-home preschools and also adult instruction courses.

2.5 Preschool: An early childhood program that provides education and care to pre-elementary school-aged children, emphasizing learning and development rather than daycare services.

Section 3: Rights and Responsibilities

3.1 Rights of Residents, including Home-Based Business Owners living within Lake Point: They have the right to engage in business activities according to the Declaration of Independence and the US Constitution. Home-based businesses may include office or professional services, arts and crafts, sales of goods, or other similar activities.

3.2 Limitations on Home-Based Businesses: Home-based businesses shall not engage in the following activities:

- a) Animal hospital or clinic.
- b) Junkyard or scrapyard.
- c) Medical hospital, clinic, or office.
- d) Mortuary.
- f) Sales, leasing, rental, repair, or servicing of motor vehicles.
- g) Sexually oriented or adult-oriented businesses.
- h) [Add other prohibited occupations if desired]

3.3 Neighboring Relations: In the event of a complaint related to a home-based business, complainants must attempt to resolve the issue directly with the individual or family responsible for the alleged nuisance before approaching the City of Lake Point.

Section 4: Types of Home-Based Businesses

4.1 Type I Home Occupations: Type I home occupations do not require a permit or a home-based business license. These businesses engage in administrative support for off-site services and may occupy up to fifty (50) percent of the heated area of the residence.

4.1.1 Type I home occupations must comply with the following regulations:

- A) Exterior Appearance:** The residential appearance and characteristics must be maintained. Changes that make the dwelling look like a business, such as commercial exterior lighting or electric signs, are prohibited.
- B) Customer Vehicles:** Only two-hundred customer vehicles per week may visit the site between 6 am and 10 pm.
- C) Outside Business Signage:** Signage may not emit light but may be illuminated by landscape lighting. Placement and sizes must follow the specifications in the city sign ordinance.
- D) Employees and Parking:** No more than 10 employees may be employed, and off-site parking shall be provided.
- E) Deliveries:** Deliveries shall consist of ten (10) or fewer per day.

4.2 Type II Home Occupations: Type II home occupations do not require a permit or a home-based business license but require permission from 75% of neighboring property

owners. These businesses may have more impact than Type I and may occupy up to fifty (50) percent of the heated area of the residence.

4.2.1 Type II home occupations must adhere to the regulations outlined in Section 4.1 and these additional requirements:

- A) Permission from Neighbors:** Permission must be obtained from 75% of neighboring property owners, although it is preferred to obtain permission from all adjacent properties.
- B) Material Goods and Products:** Material goods or products may be produced or manufactured between 8 am and 8 pm and may be stored on the property.
- C) Noise, Vibration, and Odors:** Permissible during the hours of 8 am and 8 pm.
- D) Exterior Product Displays:** Allowed if perimeter fencing and gates enclose the displays when the business is closed.

4.3 Type III Home Occupations: Type III home occupations require a business license and permission from 75% of neighboring property owners. These businesses may occupy up to fifty (50) percent of the heated area of the residence.

4.3.1 Type III home occupations must comply with the regulations outlined in Sections 4.1 and 4.2. and these additional requirements:

- A) Business License:** A Type III business license is required to meet State and Federal laws when mandated or upon request by the home-based business owner.
- B) Home Occupation Business License Fee:** An annual fee for the Home Occupation business license shall be charged from July 1 to June 30 of the fiscal year.

Section 5: Home-Based Occupation Regulations

5.1 City Regulation Lake Point shall exercise the lowest amount of regulatory control necessary to protect public health, safety, and welfare without unduly burdening home-based businesses.

5.1.1 Licensing Requirement: Home-based occupations (Type III) requiring a license shall comply with the requirements outlined below:

- A) License Application:** Applicants for a home-based occupation license shall provide the following information, in addition to any other requirements:
 - a) A drawing showing the area of the home, accessory structures, and yard where the occupation will be conducted compared to the unused portion of the property.
 - b) A description of the proposed home-based occupation.

- c) A statement of compliance with all applicable regulations, including this Ordinance.
- d) Approval statement from the property owner, if different from the applicant.
- e) Permission from 75% of neighboring property owners.

B) Operational Requirements:

- a) Off-street parking spaces shall be provided for each non-resident employee, in addition to all other required parking spaces for the dwelling. A parking and traffic flow plan shall be submitted to demonstrate adequate parking and access.
- b) The occupation shall not involve commercial traffic or deliveries using vehicles weighing more than twenty-six thousand (26,000) pounds gross weight.
- c) All buildings, structures, and property where the occupation is located shall comply with applicable building, fire, health, zoning, land use, and safety codes and regulations.

C) Continued Compliance:

Any license, permit, or authorization granted for a home-based occupation shall be subject to compliance with this Ordinance and all other applicable Lake Point land use and business license ordinances, codes, and regulations.

D) Denial and Revocation:

A business license for a home-based occupation may be denied or revoked in accordance with the procedures outlined in the Lake Point business license ordinance.

5.2 Inspections: Home-based businesses are entitled to one inspection per year if requested, with the cost of the inspection borne by the business owner as part of the licensing fee. In the absence of a request by the owner, no inspections shall be conducted.

Section 6: Additional Considerations

6.1 Sales Tax: Citizens engaged in home-based businesses are responsible for reporting, collecting, and remitting all applicable sales taxes to the appropriate governing authority, if required.

6.2 Insurance: Home-based businesses may need to obtain liability insurance or other types of insurance to protect themselves and their business from potential lawsuits or damages, depending on the nature of the business.

6.3 Off-Street Parking: Home-based businesses may be required to provide off-street parking if they have employees or customers who need to park nearby. The number of required parking spaces shall be determined based on the size and type of the business.

6.4 Permit Parking: Home-based businesses may be eligible to obtain permits for employee or customer parking on designated streets identified and permitted by the City for local businesses. Additionally, businesses may enter into agreements with neighbors for parking arrangements.

6.5 Accessibility Requirements: Home-based businesses serving customers with disabilities may be required by the ADA to provide accessible parking spaces based on specific requirements, including proximity to the entrance and proper signage.

6.6 Short-term Rentals: Short term rentals are allowed. The Transient Room Tax will need to be collected and allocated to the City, with the responsibility of doing this placed upon the hosting site for the Short-term Rental.

Section 7: In-Home Instruction and Daycare

7.1 General Requirements: Home-based occupations involving daycare or in-home instruction are permitted without any license from the city.

7.2 Optional Licensing: An optional business license may be obtained from the City and will be subject to the following:

- a) Compliance with all requirements outlined in Section 5 (Home-Based Occupation Regulations).
- b) Daycare operators must obtain the necessary licensing from the State of Utah Child Care Licensing.
- c) Daycares and in-home instruction may use portions of the yard associated with the dwelling if such use does not significantly alter the residential nature of the property.

Section 8: Exemptions

8.1 In-Home Instruction: see 2.4

8.2 Agriculture - Animals : Farm animals (including 4-H) in alignment with City Zoning for the parcel/lot. Greenbelt properties may have different regulations.

8.3 Agriculture - Food (for Human or Animal usage and consumption) : Includes field crops (examples: hay, wheat, rye, straw), Vegetable Gardens, Orchards, Greenhouses, Mutton, Beef, Pork, Fowl, etc.

8.4 Minor-operated business: means a business that is operated by an individual who is:
a) Under 18 years old.

Section 9: Conclusion

This ordinance provides the framework for the operation of home-based businesses in the City of Lake Point, prioritizing individual liberties while ensuring minimal government interference. By adhering to the principles outlined in the US Constitution, the Declaration of Independence, and relevant state and local regulations, Lake Point aims to foster a vibrant and entrepreneur-friendly community.

Section 10: Effective Date

This Ordinance shall take effect immediately upon adoption and publication in accordance with the law.