

application materials based on the findings and subject to the four conditions listed in the staff report.

Monica Collard seconded the motion. The vote was as follows: Jared Clayton, yes; Monica Collard, yes; Nancy Day, yes; Cyndi Sharkey, yes; Joe Baker, yes; Lisa Hartman, yes. The vote was unanimous in favor.

2. Home Occupations – Business License Exemption Amend Title 15A, Chapter 11, Special Uses, Land Development Code, Revised Ordinances of Sandy City, 2008
CODE-09-17-5305

The Sandy City Community Development Department has filed a request to amend Title 15A, Chapter 11, Home Occupations, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to make changes in our code that will align it with recent State Code changes relating to home based businesses. The proposed changes will allow for a small number of home based businesses to be exempt from the requirement to have a business license.

STAFF RECOMMENDATION

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit “A”, attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by stabilizing property values by establishing a system of fair, comprehensive, consistent and equitable regulations, and standards under which home occupations would be evaluated within the City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Brian McCuistion presented this item to the Planning Commission. He stated that this Code Amendment is a result of State changes at the Legislative session last year. A new section was added in the standards for all home occupations. The new section is called “Exempt from Business Licensure”. This section illustrates that if a business does not have any impacts beyond a single-family dwelling, the business would be exempt from needing to have a business license. This is an effort to update Sandy City’s Code with the State Code.

Commissioner Joe Baker stated he could not come up with any kind of a Home Occupation that would not transgress any of the conditions listed under the exemptions.

Brian McCuistion stated there are a number of businesses where they are not required to have a business license like bookkeeping or an attorney.

Commissioner Cyndi Sharkey asked if ride-sharing services needed to have a business license in Sandy City. She also stated after reading “F” and “H” under the exemptions, it would mandate that ride-sharing services would need a business license.

Brian McCuiston stated he has reviewed many business licenses applications in the past but has never seen an application for an Uber or Lyft driver.

Commissioner Cyndi Sharkey asked if these drivers are getting away with not having a business license since they are driving a commercial vehicle.

Brian McCuiston stated we define commercial vehicles as vehicles such as trucks, trailers, backhoes, etc. The typical sedan would not fall under that definition.

Commissioner Lisa Hartman stated she think they technically call it a ride-share for a reason.

Commissioner Joe Baker stated if drivers declare their vehicle as a business expense on their taxes, then it’s a commercial vehicle.

Commissioner Monica Collard stated that depends. You can claim just mileage or you can claim the entire vehicle. There are two separate tax laws.

Commissioner Cyndi Sharkey asked where ride-share drivers run their business.

Commissioner Jared Clayton stated they run their business from their phone.

Brian McCuiston stated ride-share drivers would need to have a business license for their home. They would need to have a location for the business.

Commissioner Cyndi Sharkey asked if the City is missing revenue by not requiring ride-share drivers to have a business license.

Brian McCuiston stated he feels there will be a financial loss. He’s not sure to what degree.

Commissioner Joe Baker asked who would be responsible for making the decision if a business materially exceeds the impact of the primary resident.

Brian McCuiston replied all of the Home Occupations have to meet standards. This language came from State Code. He feels there will be a very limited amount of people that will not be required to obtain a business license.

James Sorenson stated some people would choose to have a business license for a variety of reasons even though they are not required.

Commissioner Nancy Day asked if Sandy City would be liable for a business if that business does not have a business license.

James Sorenson replied we would be following what the State Law has put in place. We would be making our code comply with what we have been told to comply with.

Commissioner Lisa Hartman opened this item to public comment.

Steve Van Maren, 11039 Lexington Circle, Sandy, commented that Cindy Sharkey's microphone wasn't working.

Commissioner Lisa Hartman closed this item to public comment.

Commissioner Monica Collard moved that Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit "A", for the two reasons outlined in the staff report.

Nancy Day seconded the motion. The vote was as follows: Monica Collard, yes; Nancy Day, yes; Jared Clayton, yes; Cyndi Sharkey, yes; Joe Baker, yes; Lisa Hartman, yes. The vote was unanimous in favor.

3. Mobile Food & Street Vendor Businesses Amend Title 15A, Chapter 11, Special Uses, Land Development Code, Revised Ordinances of Sandy City, 2008

CODE-09-17-5306

The Sandy City Community Development Department has filed a request to amend Title 15A, Chapter 11, Mobile Food Businesses, Land Development Code, Revised Ordinances of Sandy City, 2008. The purpose of the Code Amendment is to make changes in our code that will align it with recent State Code changes relating to food trucks and mobile food businesses. Staff has also proposed several formatting changes to make it easier for mobile food businesses and street vendors to follow and understand our requirements, while also making it easier to enforce. The proposed changes will also make it easier to operate a mobile food business or street vendor.

STAFF RECOMMENDATION

The Community Development Department requests that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit "A", attached, for the following reasons:

1. Compliance with the Purpose of the Land Development Code by stabilizing property values by establishing a system of fair, comprehensive, consistent and equitable regulations, and standards under which mobile food and street vendor businesses would be evaluated within the City.
2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.