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Staff Report Memorandum

March 7, 2024

To: City Council via Planning Commission
 From: Community Development Department
 Subject: Amendments to Title 21 of the Land Development Code related to Home Occupations CA02262024-0006721

Public Hearing Notice: This item has been noticed on public websites, sent to affected entities and posted in three public locations at least 10 days prior to the Public Hearing.

Request

On behalf of Sandy City, the Community Development Department is proposing to amend Title 21, *Land Development Code*, Chapter 11, *Special Use Standards*, and Chapter 5, *Home Occupations*. The purpose of the code amendments is to clarify the land uses and activities that are allowed as Home Occupations. The specific amendments to the Land Development Code are included as Exhibit “A” (red-lined version) and Exhibit “B” (clean version).

Background

The Home Occupation requirements ([Sec. 21-11-5](#)) provide an opportunity for residents to conduct home businesses as an accessory use when they are compatible with the neighborhood. Through on-going administration of the home occupation code, staff have identified issues that need clarification or refinement. To address these issues, amendments are proposed to the home occupation standards, as outlined in this report, and shown in the exhibits.

Case History	
Case Number	Case Summary
Ordinance No. 09-18	The amendment allows homeowners to rent RVs from their home on a limited basis as a Category 1 Home Occupation. (7-31-2009)
Ord. No. 10-45	The amendment modifies the type of items that can be stored on the premises of a home occupation. (12-14-2010)
Ord. No. 12-33 CODE-6-12-2365	The amendment made changes that align with State Code relating to child day care as a home occupation. (9-17-2012)
Ord. No. 15-25 CODE-5-15-4342	The amendment made changes related to massage therapy. (7-21-2015)

<p>Ord. No. 16-13 CODE-2-16-4959</p>	<p>The amendment made changes to allow alternative healing and energy healing types of businesses in residential districts as home occupations. (3-23-2016)</p>
<p>Ord. No. 17-29 CODE-09-17-5305</p>	<p>The amendment made changes that align with State Code changes relating to home-based businesses and allow for a small number of home-based businesses to be exempt from a business license. (12-1-2017)</p>

Public Notice

The city issued notice of the public hearing for the proposed code amendments on public websites, mailed notice to affected entities and posted in three public locations at least 10 days prior to the Planning Commission public hearing in accordance with the Land Development Code Sec. 21-36-1 and the Utah State Code § 10-9a-205.

Analysis

A summary of the proposed code amendments is described below:

1. **Bona Fide Resident:** The code amendment clarifies that a bona fide resident lives in the home at least six months out of the year, and adds the documentation needed to verify proof of residency. This change was made because a person may own five homes in Sandy and spend some residency in each home (there is currently no stipulation how much), and could therefore operate five home occupation businesses in the city at the same time.
2. **Satellite Offices:** The code amendment clarifies that satellite offices are not allowed. For example, an employer whose principal of business is licensed at another location, is not allowed to ask employees to manufacture goods with multiple deliveries at their residence.
3. **Adult Day Care:** The provision for “Elderly Day Care” is expanded to allow care for not just seniors, but other adults with mental or physical disabilities who need care during the day. The Utah Department of Health and Human Services (DHHS) [Division of Services for People with Disabilities](#) (DSPD) identifies specific conditions that are eligible for services through their agency as intellectual disabilities, physical disabilities and acquired brain injury. None of these conditions include disabilities caused by drug or alcohol addiction. Therefore, adult day care is added to home occupations, but only for individuals who have a condition that is eligible through DSPD.
4. **Home Occupations Conducted Outside of the Home:** With Planning Commission approval of a Conditional Use Permit, a home occupation may be conducted in a detached accessory structure or in an attached or detached garage; however, the size is limited to 200 square feet, or, 50% of the total floor space (whichever is the greater). This size limitation may be increased with an exception approved by the Planning Commission but currently, there are no criteria upon which the Commission may make that decision.

Therefore, two decision-making criteria related to compatibility have been added for the Planning Commission’s evaluation. These are: a) the use does not adversely impact the residential character of the neighborhood, and b) the total floor space used for the home occupation in a detached accessory structure does not exceed the maximum size of an accessory structure that is permitted by-right within the zone (for example, the size of the accessory structure does not require a conditional use permit). Based on this criterion, the following table shows the maximum floor space the Planning Commission may approve for a home occupation in a detached accessory structure.

<p>Maximum Area of a Home Occupation in a Detached Accessory Structure Allowed with Planning Commission Approval</p>	
Property Size	Maximum Floor Space
14,999 sq. ft. or smaller	750 sq. ft.
15,000 sq. ft.—19,999 sq. ft.	1,000 sq. ft.
20,000 sq. ft. or larger	1,500 sq. ft.

5. **Home Occupations Conducted Inside a Garage:** For home occupations that are conducted inside a garage, clarification is provided to ensure the required minimum off-street parking area is maintained and clear of all materials and equipment that would prohibit the parking of vehicles during non-business hours.
6. **Prohibited Home Occupations:** The proposed amendments relate to activities currently listed as prohibited:
 - a. **Animal-related Activities:** Generally, commercial animal-related activities are prohibited as home occupations because they have the potential for causing negative impacts to the neighborhood; however, clarification is needed to address ambiguities. Therefore, animal day care and on-site animal training are added to the specific list of prohibited activities. In contrast, pet grooming services that do not include kenneling may be allowed, but only within the parameters of the home occupation standards¹.
 - b. **Fitness or Health Spa:** “Fitness or Health Spa Facilities” are currently prohibited as home occupations, regardless of the number of customers served at any one time. These activities are amended to allow a maximum of two customers at a time because the impact is not anticipated to exceed normal activities that occur in a home in a residential neighborhood.
 - c. **Parent-child or Adult Group Activities:** The code allows “Group Child Activities” as either a Category I or II Home Occupation. There have been inquiries from customers about home businesses for parent-child activities (e.g. *mommy-and-me* classes) and adult activities (e.g. social dance classes). The code does not currently prohibit these activities, but there are concerns about excessive and overflow parking when adults participate in group activities on a regular basis in residential areas. Therefore, parent-child and adult group activities that exceed two customers at a time are added to the list of prohibited activities, similar to fitness or health spa facilities.

Non-Conforming Uses

This code amendment would not create any non-conforming situations.

Land Development Code Purpose Compliance

The Sandy City Land Development Code in 21-1-3 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

21-1-3 Purpose

This Code is adopted to implement Sandy City’s General Plan and to promote public health, safety, convenience, aesthetics, welfare; efficient use of land; sustainable land use and building practices; transportation options and accessibility; crime prevention; timely citizen involvement in land use decision making; and efficiency in development review and land use administration. Specifically, this Code is established to promote the following purposes:

1. General

- a. To facilitate the orderly growth and development of Sandy City.*
- b. To facilitate adequate provision for transportation, water, sewage, schools, parks, and other public requirements.*
- c. To stabilize property values.*
- d. To enhance the economic well-being of Sandy City and its inhabitants.*

2. Implementation of General Plan

To coordinate and ensure the implementation of the City’s General Plan through effective execution of development review requirements, adequate facility and services review and other goals, policies, or programs

¹ There are several standards that apply to all home occupations. One standard that significantly limits the impact to neighboring properties relates to traffic limitations, which states: “Vehicular traffic from business related visitors and customers shall not exceed that which normally and reasonably occurs for a home in the neighborhood and shall be conducted so that the neighbors will not be significantly impacted by its existence. The home occupation shall be limited to two business related visitors or customers per hour, to a maximum of eight business related visitors or customers per day. Business related deliveries or pickups shall not exceed two per day (Sec. 21-11-5(e)(2)).”

contained in the General Plan.

3. Comprehensive, Consistent and Equitable Regulations

To establish a system of fair, comprehensive, consistent and equitable regulations, standards and procedures for review and approval of all proposed land development within the City.

4. Efficiently and Effectively Managed Procedures

a. To promote fair procedures that are efficient and effective in terms of time and expense.

b. To be effective and responsive in terms of the allocation of authority and delegation of powers and duties among ministerial, appointed, and elected officials.

c. To foster a positive customer service attitude and to respect the rights of all applicants and affected citizens.

The proposed code amendment is consistent with the purpose of the Land Development Code because the proposal promotes the public health, safety and welfare; ensures consistency and equitable standards; establishes fair procedures that are efficient and effective in terms of time and expense; facilitates the orderly growth and development of Sandy City; and is consistent with the Sandy City General Plan.

General Plan Compliance

The Sandy City General Plan encourages appropriate development standards for all uses and zoning categories within the city. The proposed code amendment furthers that goal and objective by establishing appropriate land development standards for all uses and zoning categories within Sandy City.

Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to amend Title 21, of the Sandy Municipal Code, relating to Home Occupations as shown in Exhibit “A”, based on the following findings:

Findings:

1. The City Council may amend land use ordinances consistent with the purposes of the Sandy Land Development Code, the Sandy City General Plan, and the Utah Code, Municipal Land Use, Development, and Management Act per Title 21 Chapter 5 of the Sandy Municipal Code.
2. The proposal is reviewed by the Planning Commission and City Council in accordance with the requirements of Title 21 Chapter 5 of the Sandy Municipal Code.
3. The proposal complies with the purpose of the Land Development Code under Section 21-1-03 by promoting the public health, safety, and welfare; ensuring consistent and equitable standards; establishing fair procedures that are efficient and effective in terms of time and expense; and by facilitating the orderly growth and development of Sandy City.
4. The proposal complies with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.

Planner:



Melissa Anderson
Zoning Administrator

Exhibits:

- A. Proposed code amendments (red-lined version)

B. Proposed code amendments (clean version)

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