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## Staff Report Memorandum

### July 18, 2024

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To: City Council via Planning Commission

From: Community Development Department

Subject: Amendments to Title 21 of the Land Development Code related to Home-based Microschools, Micro-education Entities, Charter and Public School CA04262024-0006762

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**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.

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#### Request

The proposed Code Amendments would amend Title 21, *Land Development Code*, Chapter 7, *Land Uses in Residential Districts*, Chapter 8, *Land Uses in the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts*, Chapter 9, *Institutional Care District*, Chapter 10, *Open Space District*, Chapter 11, *Special Use Standards*, Chapter 19, *Special Development (SD) Districts*, and Chapter 37, *Definitions*. The code amendments are related to home-based microschoools, micro-education entities, charter schools and public schools to ensure Sandy's Land use Development Code (LDC) is consistent with the Utah Code. Specific amendments to the LDC are included as Exhibit "A" (red-lined version) and Exhibit "B" (clean version).

#### Background

During the 2024 Utah Legislative Session, [Senate Bill 13](#) was passed, which provides Home-based Microschools and Micro-education Entities with similar requirements, waivers, and rights as private and charter schools. A Micro-education Entity provides kindergarten through grade 12 education services for up to 100 students, while a Home-based Microschool provides K - 12 education services for up to 16 students from a residential dwelling or property. Of significance is that cities are required to allow both of these schools in all zoning districts within a city, similar to charter and public schools (see UCA 10-9a-305(7)(a)). The proposed code amendments will bring various sections of the City's land use code into compliance with these new state law provisions. The code amendments also bring existing references to charter and public schools into compliance with the Utah Code.

## 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 Code § 10-9a-205.

## Analysis

A summary of the key points of [Senate Bill 13](#) are described as follows:

- Definitions for Home-based Microschool and Micro-education Entity are provided (see UCA 53G-6-201):
  - *Home-based microschool* means an individual or association of individuals that registers as a business entity in accordance with state and local laws; and provides kindergarten through grade 12 education services for compensation, to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property. A home-based microschool does not include a daycare.
  - *Micro-education entity* means a person or association of persons that registers as a business entity in accordance with state and local laws; and provides kindergarten through grade 12 education services for compensation to 100 students or fewer. A micro-education entity does not include a daycare, home-based microschool, private school, commercial school, or a school within the public education system
- A municipality is required to allow a home-based microschool and micro-education entity as a permitted use in all zoning districts (see UCA 10-9a-305(7)(a)).
- Cities are authorized to apply certain restrictions on home-based microschool and micro-education entity. For example, cities may require a business license and regulate parking, traffic, hours of operation and site development, as well as regulate the location if it is necessary to avoid risks to health or safety (see UCA 10-9a-305(10)).

To address these new legislative changes, the Land Development Code is proposed to be amended. The specific language of the proposed code amendment is shown under Exhibit “A” (red-lined version) and Exhibit “B” (clean version). A summary of those amendments is described as follows:

- **Definitions** for Home-based Microschool and Micro-education Entity have been added, consistent with the Utah Code definitions for these land uses.
- **Land Use Matrices** are amended to allow both Home-based Microschools and Micro-education Entities as permitted uses with a special use permit within all zones. This includes all residential, non-residential and special development zoning districts. The Open Space district is the only exception where all schools are **not** permitted in the zone. In addition, existing references to Charter Schools and Public Schools in land use matrices are changed to permitted uses where needed to bring the land development code in line with state law.
- **Micro-education Entity Standards** and qualifications are established by creating a new section under the *Special Use Standards* ([Sec. 21-11](#)). Similar to requirements for *Low Impact Commercial Schools* ([Sec. 21-11-12](#)), the standards for micro-education entities include:
  - **Occupancy** is limited to a maximum of 100 students if all other standards can be met.
  - **Access** to an arterial or major collector street must be provided and no access is permitted to any minor collector or local street.
  - **A Traffic Plan** that has been reviewed and approved by the City Transportation Engineer must include traffic flow, drop off, turn-around areas, and sufficient street width to accommodate additional vehicular traffic.
  - **Required Parking** must include at least 1 space for each instructor/staff, 4 visitor parking spaces, and 4 queuing spaces. Plus 1 visitor parking space and 1 queuing space is required for every 5 students beyond the first 20 students.
  - **An on-site drop-off** area must be provided.

- **Home-based Microschool Standards** and qualifications are established by creating new requirements under the existing *Home Occupation Standards* ([Sec. 21-11-5](#)). Similar to the requirements for *Child Day Care and Other Child Group Activities*, the standards for home-based microschoools are:
  - The standards under [Sec. 21-11-5\(d\)](#) apply to all home occupations, including all Category I and II home-based microschoools.
    - Category I home-based microschoools allow up to 8 students if all Category I standards can also be met.
    - Category II home-based microschoool allow up to 16 students with conditional use permit approval by the Planning Commission, if the Commission finds the following standards can also be met:
      - [Traffic Plan](#) that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop off, turn-around areas, sufficient street width to accommodate additional vehicular traffic, and no more than 24 vehicular stops per day.
      - [Conditional Use Permit](#) requirements under [Sec. 21-33](#).

### No n-C o n f o r m i n g U s e s

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

### L a n d D e v e l o p m e n t C o d e P u r p o s e C o m p l i a n c e

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 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, related to home-based microschoools, micro-education entities, charter schools and public schools 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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**CHAPTER 21-7. - LAND USES IN RESIDENTIAL DISTRICTS**

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**Sec. 21-7-2. - Permitted Land Use Matrix by the Residential Districts.**

(a) Matrix Explanation. The following matrix lists all permitted uses within Sandy City residential, civic or open space zones. The letters "P," "C," "S" or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within the title for all land uses allowed with an "S." For those letters that are followed by a slash "/" the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number ( <sup>1</sup> ), refer to Subsection (c) of this section for explanation.

(b) Table of Uses.

Land Use Category	R-1-40	R-1-30	R-1-20	R-1-15	R-1-12	R-1-10	R-1-9	R-1-8	R-1-8 (INF)	R-1-7.5 (HS)	R-1-6	R-2-10	R-2-8	RM	MH	PUD
School, charter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
School, commercial (low-impact)	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>
<u>School, home-based microschoo</u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>	<u>S<sup>2</sup></u>
<u>School, micro-education entity</u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>	<u>S<sup>15</sup></u>
School, private or quasi-public	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>
School, public	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>

(c) Explanatory Notes for Land Use Matrix.

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2. This land use may be allowed only as a home occupation subject to the home occupations standards and qualifications.

...

9. May be allowed as a home occupation subject to the Home Occupation Standards and Qualifications. A conditional use permit would be required if a commercial school, low-impact, complies with the regulations established for such use.

...

15. A micro-education entity is a permitted use subject to the special use standards and qualifications.

**Exhibit "A"**

**CHAPTER 21-8. - LAND USES IN THE COMMERCIAL, OFFICE, INDUSTRIAL, MIXED USE, TRANSIT CORRIDOR, AND RESEARCH AND DEVELOPMENT DISTRICTS**

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**Sec. 21-8-2. - Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts.**

(a) Matrix Explanation. The following matrix lists all permitted uses within Sandy City commercial, office, industrial, mixed use, transit corridor, and research and development districts. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number ( 1 ), refer to Subsection (c) of this section for explanation.

(b) Table of Uses.

Land Use Category	CBD	CB D-P	CB D-O	CBD -A&C	CR-PUD	RC	BC	CC	CN	CvC	CN (HS N)	HB D	LC	PO	ID	AM (Deal erships)	AM (Co mm ercial l)	MU	TC	RD
School, charter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	NP	P
School, commercial	P	C	C	P	P	P	P	P	P	N	P	P	P	N	P	C	P	C	N	P
School, commercial (low-impact)	P <sup>17</sup>	C <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>
<u>School, home-based microschoo</u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>	<u>S<sup>28</sup></u>
<u>School, micro-education entity</u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>	<u>S<sup>29</sup></u>
School, private or quasi-public	C	C	C	C	C	C	C	C	C	N	N	N	C	C	N	C	C	C	N	C
School, public	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>	<del>GP</del>

...

(c) Explanatory Notes for Land Use Matrix.

...

28. A home-based microschoo may be allowed only as a home occupation subject to the home occupations standards and qualifications. If not otherwise permitted in the zone, the home-based microschoo may only be considered for existing legal non-conforming dwellings.

29. A micro-education entity is a permitted use subject to the special use standards and qualifications.

**CHAPTER 21-9. - INSTITUTIONAL CARE DISTRICT**

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**Sec. 21-9-3. - Permitted Land Uses by the Institutional Care District.**

(a) Matrix Explanation. The following matrix below lists all permitted standards within the Institutional Care District. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for business located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan).

(b) Table of Uses.

*Land Uses in Institutional Care Districts*

School, charter	NP
School, commercial	N
School, commercial (low-impact)	N
<u>School, home-based microschool</u>	<u>S<sup>1</sup></u>
<u>School, micro-education entity</u>	<u>S<sup>2</sup></u>
School, private or quasi-public	N
School, public	NP

...

(c) Explanatory Notes.

1. A home-based microschool may be allowed only as a home occupation subject to the home occupations standards and qualifications. If not otherwise permitted in the zone, the home-based microschool may only be considered for existing legal non-conforming dwellings.
2. A micro-education entity is a permitted use subject to the special use standards and qualifications.

**CHAPTER 21-10. - OPEN SPACE DISTRICT**

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**Sec. 21-10-2. - Permitted Land Uses in the Open Space District.**

(a) Matrix Explanation. The following matrix lists all permitted uses within the Open Space District. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters that are followed by a slash "/" the second letter shall indicate those location restrictions for business located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number ( 1 ), refer to Subsection (c) of this section for explanation.

(b) Table of Uses.

*Land Uses in Open Space District*

School, charter	N
School, commercial	N
School, commercial (low-impact)	N
<u>School, home-based microschool</u>	<u>N</u>
<u>School, micro-education entity</u>	<u>N</u>
School, private or quasi-public	N
School, public	N



**CHAPTER 21-11. - SPECIAL USE STANDARDS**

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**Sec. 21-11-5. Home Occupations.**

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- (d) *Home Occupation Standards.* All home occupations, licensed or not, shall comply with the following standards at all times:
- (1) *Bona Fide Resident.* The home occupation business shall be owned by and carried on only by a bona fide resident of the home that resides in the home more than six months (183 days or more) per calendar year. Proof of residency shall be provided as follows:
    - a. A signed statement stating that the property is the primary residence of the business owner and will remain as the primary residence for the duration of the home occupation license; and
    - b. A government-issued identification listing the address of the property as the address of the business owner, unless the Director determines, for good cause, it is not required.
  - (2) *Satellite Office Not Allowed.* A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location. Business activities that do not qualify for the exemption from licensure as described in this Section shall not be conducted at the home of an employee of a company and shall not be conducted by nonresident company employees.
  - (3) *Accessory Use on the Property.* For residential purposes, the home occupation shall be clearly secondary and incidental to the primary use of the dwelling unit.
  - (4) *On-Site Employees.* One full-time or full-time equivalent nonresident may be employed, volunteer, or work on the premises where the home occupation business is located. No more than two persons shall comprise the equivalent full-time employee, and only one nonresident employee may work at the home at one time.
  - (5) *Off-Site Employees.* Any home occupation may utilize employees to work off-site. The off-site employee, volunteer, hiree, or any other person engaged with the home occupation shall not come to the home for purposes related to the home occupation business license except for incidental vehicle stops.
  - (6) *Off-Street Parking.* All business-related vehicles which park at the location of the home occupation, including those of the applicant, employee, customers, clients, or business-related visitor vehicles, must use off-street parking. This provision excludes stops made by delivery vehicles.
  - (7) *Vehicle Advertisement.* Vehicles, trailers, or equipment may not be used for the primary purpose of advertising the home occupation at the site of the home occupation.
  - (8) *Designating Areas of Property to be Used.* The home occupation applicant must designate the portion of the home, accessory structure, yard, or attached or detached garage to be used as the location for business activities. No businesses are allowed to operate outside of an enclosed structure, unless otherwise approved by the Planning Commission for outside activities.
  - (9) *External Appearance.* The home occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage, or accessory structure. Any structural alterations to accommodate the home occupation shall maintain the architectural aesthetics and compatibility of the neighborhood.
  - (10) *Outdoor/Yard Space.* The home occupation shall not involve the use of any yard space for storage or display of supplies, inventory, or equipment when such use is in conjunction with the sales, service, or production of goods, unless specifically stored within trailers or accessory structures as allowed herein. Any screened area or structure used for the home occupation must be located in either the side or rear yard areas.
  - (11) *Business Trailer.* One trailer may be used in association with the home occupation. Trailers allowed in conjunction with a home occupation are as follows:
    - a. An open or enclosed trailer with a body length of 20 feet or less, excluding the tongue.

## Exhibit "A"

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- b. Materials/equipment shall not be stored outside of the trailer.
  - c. The trailer shall be placed in the side or rear yard behind a fence or garaged on private property and not within the front yard of the dwelling. If the home is located on a corner lot, the trailer shall not be stored on the street side of the house unless it is out of the required front yard setback. If the topography of the lot prohibits the parking of the trailer on the side or rear yard, the trailer must be stored off-site.
  - d. The trailer must be well-maintained and must not present negative impacts for adjacent neighbors, including, but not limited to, odors, dust, or parking location.
  - e. All areas utilized for the parking of trailers shall be paved with a hard surface (e.g., concrete, asphalt, brick, or other water impenetrable surface). This includes the side and rear yard of the home. It is prohibited to park upon areas that have been landscaped or are reserved for future landscaping.
  - f. A site plan shall be included with all business license applications indicating where the trailer will be stored outside of the front yard.
- (12) *Commercial Vehicle.* Only one such vehicle may be parked on a residential lot. A commercial vehicle parked or stored on a residential lot must be owned or apportioned by an occupant who resides at the residence. This vehicle must comply with all residential parking requirements contained within this title.
- (13) *Conformity with Safety Codes.* There shall be complete conformity with fire, building, plumbing, electrical, and all other City, County, State, and Federal codes.
- (14) *Health and Safety.* No process can be used which is hazardous to public health, safety, morals, or welfare.
- (15) *No Excessive Utility Uses.* The home occupation shall not cause a demand for municipal, community, or utility services that are substantially in excess of those usually and customarily provided for residential uses.
- (16) *Neighborhood Disruptions Not Permitted.* The home occupation shall not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The home occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or other nuisances, including interferences with radio and television reception, or any other adverse effects within the neighborhood.
- (17) *Renter/Owner Responsibility.* If the applicant for a home occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner at the time the application is submitted to the Business License Office.
- (18) *Interior Alterations/Remodeling.* Interior alterations of the principal dwelling for the purpose of accommodating the home occupation are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas, or all of the bedrooms.
- (19) *Exempt from Business Licensure.* A business license will not be required unless the combined off-site impact of the home occupation and the primary residential use materially exceeds the impact of the primary residential use alone. If a home occupation has any of the following impacts, a business license is required:
- a. Business-related customers, client visits, or meetings on the property.
  - b. Signage or advertising of the business that is visible from the exterior of the home.
  - c. The business owner or operator desires a physical copy of a business license.
  - d. Any nonresident working on the property.
  - e. Business-related deliveries are made to or from the property.
  - f. Accessory or commercial vehicles are stored or parked on the property for the home occupation.
  - g. The home or property requires inspections from any regulatory authority or agency, including, but not limited to, the City, Salt Lake Valley Health Department, and/or the Department of Agriculture.
  - h. The business generates any additional vehicular traffic or parking on the property.
  - i. If the State requires a sales tax number for any reason.

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**Exhibit "A"**

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- j. If the home occupation is categorized as a Category II, Conditional Use Home Occupations, as described herein.
  - k. If the home requires any modification requiring a building permit to accommodate the business operations.
  - l. When the business use within the home exceeds 25 percent of the primary dwelling.
- (e) *Category I Qualifications.* In addition to the standards previously set forth above, all Category I home occupation businesses must also comply with the provision of the qualifications outlined below. If a business finds that they are unable to fully comply with all of the qualifications set forth, the applicant may pursue possible approval as a Category II home occupation through the conditional use permit process before submitting the application for a home occupation business license.
- (1) *Hours.* No visitors in conjunction with the home occupation (clients, patrons, employees, volunteers, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.
  - (2) *Traffic.* 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.
  - (3) *Delivery Vehicles.* The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of 23,000 pounds or less.
  - (4) *Conducted in a Home.* When business activities are being conducted on the property that is to be licensed, the home occupation shall be primarily conducted within the principal home.
  - (5) *Maximum Floor Space.* No more than 25 percent of the total main floor area or upper living levels of the dwelling unit, nor, in the alternative, more than 50 percent of the total floor area of any basement of the home unit shall be utilized for the home occupation.
  - (6) *Signs.* The home occupation may utilize one unanimated, non-illuminated flat sign for each street upon which the home abuts. The sign must be placed either in a window or on the exterior wall of the home wherein the home occupation is being conducted and may not have an area greater than one square foot.
  - (7) *Display of Products.* The home occupation may include the sale of tangible goods. Direct sales from display apparatus is permitted only if the goods or products are not visible from the exterior of any approved structure being used for the home occupation.
  - (8) *Food or Beverage Preparation for Consumption Outside of the Home.* Any home occupation involving or proposing to involve food or drink preparation, storage, or catering will be permitted when it is authorized by the appropriate State or County department or agency.
  - (9) *Category I Home Occupation Licensing Involving Child Day Care and Other Child Group Activities.*
    - a. This type of home occupation shall not exceed eight children associated with child day care or other child group activities (e.g., dance schools, preschool, music classes, etc.) at any one time. A maximum of eight students/children are permitted per day. This number shall include the licensee's own children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
    - b. All child day care and other group child activity facilities shall provide safe, outdoor play time and spaces as required by Federal, State, County, or local laws governing such business activities.

**Exhibit "A"**

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(10) *Category I Home Occupation License Involving Adult Day Care.*

- a. This type of home occupation shall not exceed supervising more than two elderly persons 60 years of age or older or more than two persons who have a mental or physical disability or acquired brain injury, as defined by the Utah Department of Health and Human Services (DHHS) Division of Services for People with Disabilities (DSPD). Any home occupation of this nature which exceeds two individuals or more than 12 hours of operation will be considered a Category II home occupation and shall be reviewed and approved by the Planning Commission.
- b. This type of home occupation must comply with all local and state laws governing such business activity.

(11) *Category I Home Occupation Licensing Involving Renting Recreational Vehicles from Personal Property in Single-Family Residential Zones.*

- a. A property owner/resident living in the home may rent one recreational vehicle that is owned by the owner/resident. Where more than one recreational vehicle can fit on a recreational trailer, the owner may rent a maximum of two recreational vehicles.
- b. Any recreational vehicle must be parked according to the residential parking requirements and restrictions within this title, except that any recreational vehicle that is being rented from the home must be parked on a hard surface (concrete, asphalt, brick, or other impenetrable surface). In addition, the maximum area of hard surface for the purpose of parking a recreational vehicle shall be complied with.
- c. Advertising on the recreational vehicle is prohibited.
- d. Servicing the recreational vehicle shall be limited to those activities which will comply with Chapter 13-2 and Title 19.
- e. Any customer renting the recreational vehicle shall not leave their own car on the street, but may place their vehicle on the homeowner's property in compliance with all residential parking requirements during the time the recreational vehicle is being rented.

(12) Category I Home Occupation Licensing Involving a Home-based Microschool.

- a. A home-based microschool provides kindergarten through grade 12 education services for compensation. A home-based microschool does not include a daycare.
- b. A maximum of 8 students is permitted at any one time.
- c. A maximum of 8 students is permitted per day.
- d. The maximum number of students includes the licensee's and any employees' children if they are a student at the time the home occupation is conducted.

(f) *Category II, Conditional Use Permit Required.* If a home occupation is able to comply with all of the standards but is unable to comply with all of the Category I qualifications established above, the proposed business activities must be reviewed by the Planning Commission and granted a conditional use permit before pursuing a home occupation business license through the Business License Office.

(1) *General.* In addition to any conditions established by the Planning Commission at the time of its review, all Category II home occupations must comply with the following:

- a. All Category II home occupation uses shall only be conducted from property with a single-family dwelling.

## Exhibit "A"

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- b. The conditional use permit and the home occupation business license shall be maintained in good standing for the entire period that business is being conducted.
- (2) *Compliance.* Uses are appropriate as licensable home occupations only if they are determined to be compatible with residential neighborhoods after full conditional use review by the Planning Commission, compliance with Title 15, all of the standards and qualifications that have not been granted an exception through the conditional use process, and additional regulations set forth hereafter.
- (3) *Child Day Care.* The following items indicate maximum limits that may be granted by the Planning Commission when a child day care is expected to exceed eight children at one time:
- a. A maximum of 16 children is permitted at any one time.
  - b. A maximum of 18 children is permitted per day.
  - c. These numbers shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
  - d. A maximum of 24 vehicular stops per day for child drop off or pick up is permitted.
- (4) *Group Child Activities.* The following provisions indicate a maximum limit that may be granted by the Planning Commission for other group child activities which are expected to generate or exceed eight children/students (e.g., dance schools, preschools, music classes, other care or instruction for children) at any one time other than child day care:
- a. The following guidelines shall be used to determine the maximum number of students/children permitted:
    - 1. A Traffic Plan that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop off, and turn-around areas.
    - 2. The existing residential street is of sufficient width to accommodate additional vehicular traffic.
  - b. A maximum of 12 students/children per session and a maximum of 24 students/children per day shall be permitted.
  - c. A maximum of four sessions per day may be permitted.
  - d. All sessions combined shall not generate more than 24 vehicular stops per day.
  - e. The total number of students/children shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
  - f. No group child activities falling under a Category II home occupation may be established within 300 feet as measured from property line to property line of another group child activity, Category II home occupation use.
- (5) *Home-based Microschool.* The following provisions indicate maximum limits that may be granted by the Planning Commission when a Home-based Microschool is unable to fully comply with all the qualifications set forth for a Category I Home Occupation License.
- a. The following shall be used to determine the maximum number of students permitted:
    - 1. A Traffic Plan that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop off, and turn-around areas.

Exhibit "A"

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2. The existing residential street is of sufficient width to accommodate additional vehicular traffic.

3. No more than 24 vehicular stops per day for student drop off or pick up is permitted.

b. A maximum of 16 students is permitted at any one time.

c. A maximum of 16 students is permitted per day.

e. The maximum number of students includes the licensee's and any employees' children if they are a student at the time the home occupation is conducted.

(56) *Work Shops.* Repair shops, including welding, carpentry, sheet metal work, furniture manufacturing, upholstery, and other similar manufacturing activities

...

....

**Sec. 21-11-27. – Micro-Education Entity.**

(a) A Micro-education entity provides kindergarten through grade 12 education services for compensation. Micro-education entities are allowed according to the land use matrices as a Special Use provided it complies with all the following restrictions:

(1) Occupancy shall be limited to a maximum of 100 students at any one time and a maximum of 100 students per day.

(2) The proposed use must have direct access to an arterial or major collector street, with no access permitted to any minor collector or local street.

(3) The following shall be used to determine the maximum number of students permitted:

a. A Traffic Plan that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop off, and turn-around areas.

b. The street is of sufficient width to accommodate additional vehicular traffic.

(4) Required Parking.

a. Required parking shall consist of at least one space for each instructor and staff, four visitor parking spaces, and four queuing spaces.

b. In addition, one visitor parking space and one queuing space is required for every five students or a portion thereof beyond the first 20 students.

(5) An on-site drop-off area shall be provided.

**CHAPTER 21-19. - SPECIAL DEVELOPMENT (SD) DISTRICTS**

**Sec. 21-19-1. - Special Development District SD.**

...

(c) *Land Uses Allowed.* Land uses allowed within an SD District shall be established by the review process as described in Subsection (e) of this section-, except as otherwise authorized by Utah Code Annotated as are currently in effect or as may be amended. These include, but are not limited:

(1) School, Charter. Charter School is a permitted use.

(2) School, Home-based Microschool. Home-based microschool may be allowed only as a home occupation subject to the home occupations standards and qualifications. If not otherwise permitted in the zone, the home-based microschool may only be considered for existing legal non-conforming dwellings.

(3) School, Micro-education entity. Micro-education entity is a permitted use subject to the special use standards and qualifications.

(4) School, Public. Public School is a permitted use.

...



**CHAPTER 21-37. - DEFINITIONS**

**Sec. 21-37-9. - "H" Definitions**

...

(12) *Home occupation* means a business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity is carried on as an accessory use in a residential zone by a bona fide resident of the dwelling. A home occupation shall not be construed to mean an employee working in their own home in the service of an employer whose principal place of business is licensed at another location within Sandy or elsewhere. A home occupation shall not be construed to mean an individual making deliveries of products which were ordered in advance.

*(13) Home-based microschool. See School, Home-based microschool.*

~~(1314)~~ *Hospice. See Health care facilities.*

...

**Sec. 21-37-14. - "M" Definitions.**

...

(8) *Medical and health care office* means a building used exclusively by physicians, dentists, and other health care personnel for the treatment and examination of patients on an outpatient basis.

*(9) Micro-education entity. See School, Micro-education entity.*

~~(910)~~ *Micro wireless facility* means a type of small wireless facility that, not including any antenna, is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and on which any exterior antenna is no longer than 11 inches; and that only provides Wi-Fi service.

...

**Sec. 21-37-20. - "S" Definitions**

...

(3) *School, charter*, means a public school established by a contract with a school district governing board, the State Board Of Education, or the State Board for Charter Schools pursuant to state law.

(4) *School, commercial*, means a school established to provide for the teaching of vocational, industrial, clerical, managerial, artistic skills, or similar skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

(5) *School, commercial (low-impact)*, means those commercial schools which are artistic in nature and which have a relatively low impact on surrounding uses because they are conducted indoors; have a limited number of students; and do not require a large number of parking spaces because of the age of the students. Such schools generally include smaller scale dance schools, music lessons, martial arts schools, gymnastics schools and similar uses.

## Exhibit "A"

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(6) School, Home-based microschool, means an individual or association of individuals that registers as a business entity in accordance with state and local laws; and provides kindergarten through grade 12 education services for compensation, to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property. A home-based microschool does not include a daycare.

(7) School, Micro-education entity, means a person or association of persons that registers as a business entity in accordance with state and local laws; and provides kindergarten through grade 12 education services for compensation to 100 students or fewer. A micro-education entity does not include a daycare, home-based microschool, private school, commercial school, or a school within the public education system.

(68) School, private or quasi-public, means a school operated by a private or quasi-public organization, or individual, which has a curriculum similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction. A private school may be a profit-making or nonprofit organization. A private school may also include laboratory and shop instruction with the use of demonstration vehicles, products or models incidental to said instruction; but shall not include the repair, maintenance and manufacture of vehicles, goods or merchandise, and shall not provide direct services, other than instruction to the general public. (Does not include commercial schools.)

(79) Schools, public, means an educational facility operated by a school district or other public agency of the State of Utah.

...

**CHAPTER 21-7. - LAND USES IN RESIDENTIAL DISTRICTS**

...

**Sec. 21-7-2. - Permitted Land Use Matrix by the Residential Districts.**

(a) Matrix Explanation. The following matrix lists all permitted uses within Sandy City residential, civic or open space zones. The letters "P," "C," "S" or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within the title for all land uses allowed with an "S." For those letters that are followed by a slash "/" the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number ( <sup>1</sup> ), refer to Subsection (c) of this section for explanation.

(b) Table of Uses.

Land Use Category	R-1-40	R-1-30	R-1-20	R-1-15	R-1-12	R-1-10	R-1-9	R-1-8	R-1-8 (INF)	R-1-7.5 (HS)	R-1-6	R-2-10	R-2-8	RM	MH	PUD
School, charter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, commercial	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
School, commercial (low-impact)	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>
School, home-based microschool	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>	S <sup>2</sup>
School, micro-education entity	S <sup>15</sup>	S <sup>15</sup>	S <sup>15</sup>	S <sup>15</sup>	S <sup>15</sup>	S <sup>15</sup>	S <sup>15</sup>	S <sup>15</sup>	S <sup>15</sup>	S <sup>15</sup>	S <sup>15</sup>	S <sup>15</sup>	S <sup>15</sup>	S <sup>15</sup>	S <sup>15</sup>	S <sup>15</sup>
School, private or quasi-public	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>	N <sup>9</sup>
School, public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

(c) Explanatory Notes for Land Use Matrix.

.....

2. This land use may be allowed only as a home occupation subject to the home occupations standards and qualifications.

...

9. May be allowed as a home occupation subject to the Home Occupation Standards and Qualifications. A conditional use permit would be required if a commercial school, low-impact, complies with the regulations established for such use.

...

15. A micro-education entity is a permitted use subject to the special use standards and qualifications.

**Exhibit "B"**

**CHAPTER 21-8. - LAND USES IN THE COMMERCIAL, OFFICE, INDUSTRIAL, MIXED USE, TRANSIT CORRIDOR, AND RESEARCH AND DEVELOPMENT DISTRICTS**

...

**Sec. 21-8-2. - Permitted Land Use Matrix by the Commercial, Office, Industrial, Mixed Use, Transit Corridor, and Research and Development Districts.**

(a) Matrix Explanation. The following matrix lists all permitted uses within Sandy City commercial, office, industrial, mixed use, transit corridor, and research and development districts. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for businesses located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number ( 1 ), refer to Subsection (c) of this section for explanation.

(b) Table of Uses.

Land Use Category	CBD	CB D-P	CB D-O	CBD -A&C	CR- PUD	RC	BC	CC	CN	CvC	CN (HS N)	HB D	LC	PO	ID	AM (Deal ershi ps)	AM (Co mm ercia l)	MU	TC	RD
School, charter	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, commercial	P	C	C	P	P	P	P	P	P	N	P	P	P	N	P	C	P	C	N	P
School, commercial (low-impact)	P <sup>17</sup>	C <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>	P <sup>17</sup>
School, home-based microschool	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>	S <sup>28</sup>
School, micro-education entity	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>	S <sup>29</sup>
School, private or quasi- public	C	C	C	C	C	C	C	C	C	N	N	N	C	C	N	C	C	C	N	C
School, public	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

...

(c) Explanatory Notes for Land Use Matrix.

...

28. A home-based microschool may be allowed only as a home occupation subject to the home occupations standards and qualifications. If not otherwise permitted in the zone, the home-based microschool may only be considered for existing legal non-conforming dwellings.

29. A micro-education entity is a permitted use subject to the special use standards and qualifications.

**CHAPTER 21-9. - INSTITUTIONAL CARE DISTRICT**

...

**Sec. 21-9-3. - Permitted Land Uses by the Institutional Care District.**

(a) Matrix Explanation. The following matrix below lists all permitted standards within the Institutional Care District. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters which are followed by a slash "/" the second letter shall indicate those location restrictions for business located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the Sandy City Transportation Engineer in the Transportation Element of the Sandy City General Plan).

(b) Table of Uses.

*Land Uses in Institutional Care Districts*

School, charter	P
School, commercial	N
School, commercial (low-impact)	N
School, home-based microschool	S <sup>1</sup>
School, micro-education entity	S <sup>2</sup>
School, private or quasi-public	N
School, public	P

...

(c) Explanatory Notes.

1. A home-based microschool may be allowed only as a home occupation subject to the home occupations standards and qualifications. If not otherwise permitted in the zone, the home-based microschool may only be considered for existing legal non-conforming dwellings.
2. A micro-education entity is a permitted use subject to the special use standards and qualifications.

**CHAPTER 21-10. - OPEN SPACE DISTRICT**

...

**Sec. 21-10-2. - Permitted Land Uses in the Open Space District.**

(a) Matrix Explanation. The following matrix lists all permitted uses within the Open Space District. The letters "P," "C," "S," or "N" shall mean "Permitted," "Conditional," "Special Use," or "Not Permitted," respectively. Refer to special use standards within this title for all land uses allowed with an "S." For those letters that are followed by a slash "/" the second letter shall indicate those location restrictions for business located within 250 feet of a residential district (unless bisected by a major arterial road as determined by the City Transportation Engineer in the Transportation Element of the Sandy City General Plan). For those land uses marked with a superscript number ( 1 ), refer to Subsection (c) of this section for explanation.

(b) Table of Uses.

*Land Uses in Open Space District*

School, charter	N
School, commercial	N
School, commercial (low-impact)	N
School, home-based microschool	N
School, micro-education entity	N
School, private or quasi-public	N
School, public	N

---

**CHAPTER 21-11. - SPECIAL USE STANDARDS**

...

**Sec. 21-11-5. Home Occupations.**

...

- (d) *Home Occupation Standards.* All home occupations, licensed or not, shall comply with the following standards at all times:
- (1) *Bona Fide Resident.* The home occupation business shall be owned by and carried on only by a bona fide resident of the home that resides in the home more than six months (183 days or more) per calendar year. Proof of residency shall be provided as follows:
    - a. A signed statement stating that the property is the primary residence of the business owner and will remain as the primary residence for the duration of the home occupation license; and
    - b. A government-issued identification listing the address of the property as the address of the business owner, unless the Director determines, for good cause, it is not required.
  - (2) *Satellite Office Not Allowed.* A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location. Business activities that do not qualify for the exemption from licensure as described in this Section shall not be conducted at the home of an employee of a company and shall not be conducted by nonresident company employees.
  - (3) *Accessory Use on the Property.* For residential purposes, the home occupation shall be clearly secondary and incidental to the primary use of the dwelling unit.
  - (4) *On-Site Employees.* One full-time or full-time equivalent nonresident may be employed, volunteer, or work on the premises where the home occupation business is located. No more than two persons shall comprise the equivalent full-time employee, and only one nonresident employee may work at the home at one time.
  - (5) *Off-Site Employees.* Any home occupation may utilize employees to work off-site. The off-site employee, volunteer, hiree, or any other person engaged with the home occupation shall not come to the home for purposes related to the home occupation business license except for incidental vehicle stops.
  - (6) *Off-Street Parking.* All business-related vehicles which park at the location of the home occupation, including those of the applicant, employee, customers, clients, or business-related visitor vehicles, must use off-street parking. This provision excludes stops made by delivery vehicles.
  - (7) *Vehicle Advertisement.* Vehicles, trailers, or equipment may not be used for the primary purpose of advertising the home occupation at the site of the home occupation.
  - (8) *Designating Areas of Property to be Used.* The home occupation applicant must designate the portion of the home, accessory structure, yard, or attached or detached garage to be used as the location for business activities. No businesses are allowed to operate outside of an enclosed structure, unless otherwise approved by the Planning Commission for outside activities.
  - (9) *External Appearance.* The home occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage, or accessory structure. Any structural alterations to accommodate the home occupation shall maintain the architectural aesthetics and compatibility of the neighborhood.
  - (10) *Outdoor/Yard Space.* The home occupation shall not involve the use of any yard space for storage or display of supplies, inventory, or equipment when such use is in conjunction with the sales, service, or production of goods, unless specifically stored within trailers or accessory structures as allowed herein. Any screened area or structure used for the home occupation must be located in either the side or rear yard areas.
  - (11) *Business Trailer.* One trailer may be used in association with the home occupation. Trailers allowed in conjunction with a home occupation are as follows:
    - a. An open or enclosed trailer with a body length of 20 feet or less, excluding the tongue.

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**Exhibit "B"**

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- b. Materials/equipment shall not be stored outside of the trailer.
  - c. The trailer shall be placed in the side or rear yard behind a fence or garaged on private property and not within the front yard of the dwelling. If the home is located on a corner lot, the trailer shall not be stored on the street side of the house unless it is out of the required front yard setback. If the topography of the lot prohibits the parking of the trailer on the side or rear yard, the trailer must be stored off-site.
  - d. The trailer must be well-maintained and must not present negative impacts for adjacent neighbors, including, but not limited to, odors, dust, or parking location.
  - e. All areas utilized for the parking of trailers shall be paved with a hard surface (e.g., concrete, asphalt, brick, or other water impenetrable surface). This includes the side and rear yard of the home. It is prohibited to park upon areas that have been landscaped or are reserved for future landscaping.
  - f. A site plan shall be included with all business license applications indicating where the trailer will be stored outside of the front yard.
- (12) *Commercial Vehicle.* Only one such vehicle may be parked on a residential lot. A commercial vehicle parked or stored on a residential lot must be owned or apportioned by an occupant who resides at the residence. This vehicle must comply with all residential parking requirements contained within this title.
- (13) *Conformity with Safety Codes.* There shall be complete conformity with fire, building, plumbing, electrical, and all other City, County, State, and Federal codes.
- (14) *Health and Safety.* No process can be used which is hazardous to public health, safety, morals, or welfare.
- (15) *No Excessive Utility Uses.* The home occupation shall not cause a demand for municipal, community, or utility services that are substantially in excess of those usually and customarily provided for residential uses.
- (16) *Neighborhood Disruptions Not Permitted.* The home occupation shall not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The home occupation shall not create or be associated with or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or other nuisances, including interferences with radio and television reception, or any other adverse effects within the neighborhood.
- (17) *Renter/Owner Responsibility.* If the applicant for a home occupation license rents or leases the property wherein the home occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner at the time the application is submitted to the Business License Office.
- (18) *Interior Alterations/Remodeling.* Interior alterations of the principal dwelling for the purpose of accommodating the home occupation are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas, or all of the bedrooms.
- (19) *Exempt from Business Licensure.* A business license will not be required unless the combined off-site impact of the home occupation and the primary residential use materially exceeds the impact of the primary residential use alone. If a home occupation has any of the following impacts, a business license is required:
- a. Business-related customers, client visits, or meetings on the property.
  - b. Signage or advertising of the business that is visible from the exterior of the home.
  - c. The business owner or operator desires a physical copy of a business license.
  - d. Any nonresident working on the property.
  - e. Business-related deliveries are made to or from the property.
  - f. Accessory or commercial vehicles are stored or parked on the property for the home occupation.
  - g. The home or property requires inspections from any regulatory authority or agency, including, but not limited to, the City, Salt Lake Valley Health Department, and/or the Department of Agriculture.
  - h. The business generates any additional vehicular traffic or parking on the property.
  - i. If the State requires a sales tax number for any reason.



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**Exhibit "B"**

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- j. If the home occupation is categorized as a Category II, Conditional Use Home Occupations, as described herein.
  - k. If the home requires any modification requiring a building permit to accommodate the business operations.
  - l. When the business use within the home exceeds 25 percent of the primary dwelling.
- (e) *Category I Qualifications.* In addition to the standards previously set forth above, all Category I home occupation businesses must also comply with the provision of the qualifications outlined below. If a business finds that they are unable to fully comply with all of the qualifications set forth, the applicant may pursue possible approval as a Category II home occupation through the conditional use permit process before submitting the application for a home occupation business license.
- (1) *Hours.* No visitors in conjunction with the home occupation (clients, patrons, employees, volunteers, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 6:00 a.m.
  - (2) *Traffic.* 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.
  - (3) *Delivery Vehicles.* The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to vehicles with a gross vehicle weight rating (GVWR) of 23,000 pounds or less.
  - (4) *Conducted in a Home.* When business activities are being conducted on the property that is to be licensed, the home occupation shall be primarily conducted within the principal home.
  - (5) *Maximum Floor Space.* No more than 25 percent of the total main floor area or upper living levels of the dwelling unit, nor, in the alternative, more than 50 percent of the total floor area of any basement of the home unit shall be utilized for the home occupation.
  - (6) *Signs.* The home occupation may utilize one unanimated, non-illuminated flat sign for each street upon which the home abuts. The sign must be placed either in a window or on the exterior wall of the home wherein the home occupation is being conducted and may not have an area greater than one square foot.
  - (7) *Display of Products.* The home occupation may include the sale of tangible goods. Direct sales from display apparatus is permitted only if the goods or products are not visible from the exterior of any approved structure being used for the home occupation.
  - (8) *Food or Beverage Preparation for Consumption Outside of the Home.* Any home occupation involving or proposing to involve food or drink preparation, storage, or catering will be permitted when it is authorized by the appropriate State or County department or agency.
  - (9) *Category I Home Occupation Licensing Involving Child Day Care and Other Child Group Activities.*
    - a. This type of home occupation shall not exceed eight children associated with child day care or other child group activities (e.g., dance schools, preschool, music classes, etc.) at any one time. A maximum of eight students/children are permitted per day. This number shall include the licensee's own children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
    - b. All child day care and other group child activity facilities shall provide safe, outdoor play time and spaces as required by Federal, State, County, or local laws governing such business activities.

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**Exhibit "B"**

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(10) *Category I Home Occupation License Involving Adult Day Care.*

- a. This type of home occupation shall not exceed supervising more than two elderly persons 60 years of age or older or more than two persons who have a mental or physical disability or acquired brain injury, as defined by the Utah Department of Health and Human Services (DHHS) Division of Services for People with Disabilities (DSPD). Any home occupation of this nature which exceeds two individuals or more than 12 hours of operation will be considered a Category II home occupation and shall be reviewed and approved by the Planning Commission.
- b. This type of home occupation must comply with all local and state laws governing such business activity.

(11) *Category I Home Occupation Licensing Involving Renting Recreational Vehicles from Personal Property in Single-Family Residential Zones.*

- a. A property owner/resident living in the home may rent one recreational vehicle that is owned by the owner/resident. Where more than one recreational vehicle can fit on a recreational trailer, the owner may rent a maximum of two recreational vehicles.
- b. Any recreational vehicle must be parked according to the residential parking requirements and restrictions within this title, except that any recreational vehicle that is being rented from the home must be parked on a hard surface (concrete, asphalt, brick, or other impenetrable surface). In addition, the maximum area of hard surface for the purpose of parking a recreational vehicle shall be complied with.
- c. Advertising on the recreational vehicle is prohibited.
- d. Servicing the recreational vehicle shall be limited to those activities which will comply with Chapter 13-2 and Title 19.
- e. Any customer renting the recreational vehicle shall not leave their own car on the street, but may place their vehicle on the homeowner's property in compliance with all residential parking requirements during the time the recreational vehicle is being rented.

(12) Category I Home Occupation Licensing Involving a Home-based Microschool.

- a. A Home-based microschool provides kindergarten through grade 12 education services for compensation. A home-based microschool does not include a daycare.
- b. A maximum of 8 students is permitted at any one time.
- c. A maximum of 8 students is permitted per day.
- d. The maximum number of students includes the licensee's and any employees' children if they are a student at the time the home occupation is conducted.

(f) *Category II, Conditional Use Permit Required.* If a home occupation is able to comply with all of the standards but is unable to comply with all of the Category I qualifications established above, the proposed business activities must be reviewed by the Planning Commission and granted a conditional use permit before pursuing a home occupation business license through the Business License Office.

(1) *General.* In addition to any conditions established by the Planning Commission at the time of its review, all Category II home occupations must comply with the following:

- a. All Category II home occupation uses shall only be conducted from property with a single-family dwelling.

**Exhibit "B"**

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- b. The conditional use permit and the home occupation business license shall be maintained in good standing for the entire period that business is being conducted.
- (2) *Compliance.* Uses are appropriate as licensable home occupations only if they are determined to be compatible with residential neighborhoods after full conditional use review by the Planning Commission, compliance with Title 15, all of the standards and qualifications that have not been granted an exception through the conditional use process, and additional regulations set forth hereafter.
- (3) *Child Day Care.* The following items indicate maximum limits that may be granted by the Planning Commission when a child day care is expected to exceed eight children at one time:
- a. A maximum of 16 children is permitted at any one time.
  - b. A maximum of 18 children is permitted per day.
  - c. These numbers shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
  - d. A maximum of 24 vehicular stops per day for child drop off or pick up is permitted.
- (4) *Group Child Activities.* The following provisions indicate a maximum limit that may be granted by the Planning Commission for other group child activities which are expected to generate or exceed eight children/students (e.g., dance schools, preschools, music classes, other care or instruction for children) at any one time other than child day care:
- a. The following guidelines shall be used to determine the maximum number of students/children permitted:
    - 1. A Traffic Plan that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop off, and turn-around areas.
    - 2. The existing residential street is of sufficient width to accommodate additional vehicular traffic.
  - b. A maximum of 12 students/children per session and a maximum of 24 students/children per day shall be permitted.
  - c. A maximum of four sessions per day may be permitted.
  - d. All sessions combined shall not generate more than 24 vehicular stops per day.
  - e. The total number of students/children shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
  - f. No group child activities falling under a Category II home occupation may be established within 300 feet as measured from property line to property line of another group child activity, Category II home occupation use.
- (5) *Home-based Microschool.* The following provisions indicate maximum limits that may be granted by the Planning Commission when a Home-based Microschool is unable to fully comply with all the qualifications set forth for a Category I Home Occupation License.
- a. The following shall be used to determine the maximum number of students permitted:
    - 1. A Traffic Plan that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop off, and turn-around areas.

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2. The existing residential street is of sufficient width to accommodate additional vehicular traffic.
  3. No more than 24 vehicular stops per day for student drop off or pick up is permitted.
  - b. A maximum of 16 students is permitted at any one time.
  - c. A maximum of 16 students is permitted per day.
  - e. The maximum number of students includes the licensee's and any employees' children if they are a student at the time the home occupation is conducted.
- (6) *Work Shops*. Repair shops, including welding, carpentry, sheet metal work, furniture manufacturing, upholstery, and other similar manufacturing activities

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**Sec. 21-11-27. – Micro-Education Entity.**

- (a) A *Micro-education entity* provides kindergarten through grade 12 education services for compensation. Micro-education entities are allowed according to the land use matrices as a Special Use provided it complies with all the following restrictions:
- (1) Occupancy shall be limited to a maximum of 100 students at any one time and a maximum of 100 students per day.
  - (2) The proposed use must have direct access to an arterial or major collector street, with no access permitted to any minor collector or local street.
  - (3) The following shall be used to determine the maximum number of students permitted:
    - a. A Traffic Plan that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop off, and turn-around areas.
    - b. The street is of sufficient width to accommodate additional vehicular traffic.
  - (4) Required Parking.
    - a. Required parking shall consist of at least one space for each instructor and staff, four visitor parking spaces, and four queuing spaces.
    - b. In addition, one visitor parking space and one queuing space is required for every five students or a portion thereof beyond the first 20 students.
  - (5) An on-site drop-off area shall be provided.

**CHAPTER 21-19. - SPECIAL DEVELOPMENT (SD) DISTRICTS**

**Sec. 21-19-1. - Special Development District SD.**

...

(c) *Land Uses Allowed.* Land uses allowed within an SD District shall be established by the review process as described in Subsection (e) of this section, except as otherwise authorized by Utah Code Annotated as are currently in effect or as may be amended. These include, but are not limited:

- (1) *School, Charter.* Charter School is a permitted use.
- (2) *School, Home-based Microschool.* Home-based microschool may be allowed only as a home occupation subject to the home occupations standards and qualifications. If not otherwise permitted in the zone, the home-based microschool may only be considered for existing legal non-conforming dwellings.
- (3) *School, Micro-education entity.* Micro-education entity is a permitted use subject to the special use standards and qualifications.
- (4) *School, Public.* Public School is a permitted use.

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**CHAPTER 21-37. - DEFINITIONS**

**Sec. 21-37-9. - "H" Definitions**

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(12) *Home occupation* means a business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity is carried on as an accessory use in a residential zone by a bona fide resident of the dwelling. A home occupation shall not be construed to mean an employee working in their own home in the service of an employer whose principal place of business is licensed at another location within Sandy or elsewhere. A home occupation shall not be construed to mean an individual making deliveries of products which were ordered in advance.

(13) *Home-based microschoo*l. See School, Home-based microschoo

(14) *Hospice*. See Health care facilities.

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**Sec. 21-37-14. - "M" Definitions.**

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(8) Medical and health care office means a building used exclusively by physicians, dentists, and other health care personnel for the treatment and examination of patients on an outpatient basis.

(9) *Micro-education entity*. See School, Micro-education entity.

(10) Micro wireless facility means a type of small wireless facility that, not including any antenna, is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and on which any exterior antenna is no longer than 11 inches; and that only provides Wi-Fi service.

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**Sec. 21-37-20. - "S" Definitions**

...

(3) School, charter, means a public school established by a contract with a school district governing board, the State Board Of Education, or the State Board for Charter Schools pursuant to state law.

(4) School, commercial, means a school established to provide for the teaching of vocational, industrial, clerical, managerial, artistic skills, or similar skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

(5) School, commercial (low-impact), means those commercial schools which are artistic in nature and which have a relatively low impact on surrounding uses because they are conducted indoors; have a limited number of students; and do not require a large number of parking spaces because of the age of the students. Such schools generally include smaller scale dance schools, music lessons, martial arts schools, gymnastics schools and similar uses.

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(6) School, *Home-based microschool*, means an individual or association of individuals that registers as a business entity in accordance with state and local laws; and provides kindergarten through grade 12 education services for compensation, to 16 or fewer students from an individual's residential dwelling, accessory dwelling unit, or residential property. A home-based microschool does not include a daycare.

(7) School, *Micro-education entity*, means a person or association of persons that registers as a business entity in accordance with state and local laws; and provides kindergarten through grade 12 education services for compensation to 100 students or fewer. A micro-education entity does not include a daycare, home-based microschool, private school, commercial school, or a school within the public education system.

(8) School, private or quasi-public, means a school operated by a private or quasi-public organization, or individual, which has a curriculum similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction. A private school may be a profit-making or nonprofit organization. A private school may also include laboratory and shop instruction with the use of demonstration vehicles, products or models incidental to said instruction; but shall not include the repair, maintenance and manufacture of vehicles, goods or merchandise, and shall not provide direct services, other than instruction to the general public. (Does not include commercial schools.)

(9) Schools, public, means an educational facility operated by a school district or other public agency of the State of Utah.

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