

Sandy City, Utah

Meeting Agenda

City Council

Chris McCandless, District 4	
Steve Fairbanks, At-large	
Linda Martinez Saville, At-large	
Stephen P. Smith, At-large	

Web address to view complete packet: http://sandyutah.legistar.com

The Sandy City Council has adopted Rules of Procedure which are available at the rear of the Council Chambers and online at: http://sandy.utah.gov/government/city-council/procedure-guidelines.html. Public comments during the Citizen Comment portion of the City Council meeting, or those offered during a Public Hearing may not exceed 3 minutes. If you wish to comment on a public hearing item(s), please hold your comments until that item is being discussed. Work Session items may or may not occur prior to 7:00 PM. Items not concluded during the Work Session will occur in the regular Council Meeting at the conclusion of other official business. Consent Calendar items have been previously considered or are otherwise routine in nature and will be considered in a single motion unless a Council Member wishes to discuss an item separately. In compliance with the Americans with Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance, please call (801) 568-7141.

4:30 Dinner

5:15 Work Session

Agenda Planning Calendar Review

Council Member Business

Council Office Director's Report

Mayor's Report

CAO Report

Information Items

1. <u>17-315</u> Police Department presenting information on asset forfeiture.

2.	<u>17-313</u>	City Council Office presenting the Council with an analysis and possible scenarios for the Sandy City utility assistance program
	<u>Attachments:</u>	Utility Assistance Program Scenarios
		Utility Discount Program Calculations
		Memo_StaffTime
3.	<u>17-312</u>	Councilman Cowdell requesting a discussion on the Sandy City Block Tier Water Rate System
	Attachments:	Sandy Water Rates
		<u>SB 28</u>
		Dominion Energy Block Tier System
		Rocky Mountain Power Block Tier System

7:00 Council Meeting

Roll Call

Opening Remarks / Prayer / Pledge of Allegiance

Citizen Comments

Consent Calendar

4. <u>CODE-09-17-</u> 5305 The Sandy City Community Development Department has filed a request to amend Title 15A, Chapter 11, Home Occupations, Land Development Code, Revised Ordinances of Sandy City, 2008.

Attachments: CC Staff Report.pdf

Exhibit A.pdf

Exhibit B.pdf

Exhibit C.pdf

PC10-19-2017 - draft.pdf

5. <u>CODE-09-07-</u> 5306 The Sandy City Community Development Department has filed a request to amend Title 15A, Chapter 11, Mobile Food Businesses, Land Development Code, Revised Ordinances of Sandy City, 2008.

 Attachments:
 CC Staff Report.pdf

 Exhibit A.pdf

 Exhibit B.pdf

 Exhibit C.pdf

 PC10-19-2017 draft.pdf

6. <u>17-304</u> Administration recommending the Council consent to appointment of Dan McDonald as the hearing officer for reasonable accommodation requests for group homes for disabled persons.

Attachments: Resolution 17-57C.pdf

7:05 Public Hearing(s)

 7. <u>ZONE-10-17-</u> <u>5308</u> Brent Beuchert has submitted an application requesting a zone change of two parcels located at 11521 S. and 11529 S. 1700 E., a total of approximately 1.19 acres, from R-1-20A and R-1-10, both "Single Family Residential Districts", to R-1-15A "Single Family Residential District" -Zone-10-17-5308.

<u>Attachments:</u> Staff Report-Beuchert (10.25.17) Ord. #17-28 PC11-02-2017 Minutes (draft)

8. <u>16-279</u> Public hearing on a proposed small cell tower ordinance.

Council Items

9.	<u>17-314</u>	City Recorder recommending the City Council accept the results of the November 7, 2017 General Election canvass.
10.	<u>17-297</u>	Wasatch Front Waste and Recycling District requesting authorization from the City Council for proposed fee increases and new fees to be effective January 1, 2018
	Attachments:	Resolution 1762C
11.	<u>17-316</u>	Public Works recommends that City Council approve the donation of a surplus Street Sweeper to Minersville, Utah.
	Attachments:	Street Sweeper Resolution 2017.doc
		Street Sweeper Resolution packet.pdf
12.	<u>17-311</u>	Recess of City Council meeting and convene a meeting of the Sandy City Redevelopment Agency
	<u>Attachments:</u>	RDA Packet

Completion of reports and other items not held in the Work Session.

Adjournment



Staff Report

File #: 17-315, Version: 1

Date: 11/21/2017

Agenda Item Title:

Police Department presenting information on asset forfeiture.

Presenter:

Lt. Severson



Staff Report

File #: 17-313, Version: 1

Date: 11/21/2017

Agenda Item Title:

City Council Office presenting the Council with an analysis and possible scenarios for the Sandy City utility assistance program

Presenter: Dustin Fratto

Description/Background:

On September 5th the Council requested an analysis of the Sandy City Utility Assistance Program. After receiving necessary assistance enrollment numbers from Salt Lake County in mid October staff began formulating possible Sandy utility assistance program scenarios for the Council to consider.

Regarding the scenarios detailed in the attached documents, it should be noted that:

Program Enrollment 1 and 2 include enrollment from "select SLCo programs." These programs include the Circuit Breaker Program, the Indigent Program, the Hardship Program, and the Blind Program.

Program Enrollment 3 includes enrollment from "any SLCo program." These programs include all of the programs from Enrollment 1 and 2 plus the Veteran Program.

Further action to be taken:

Decide which scenario makes sense for Sandy City. Upon a decision by the Council, staff will return a resolution adopting the recommended scenario.

Sandy City Utility Assistance Programs

ANALYSIS AND POSSIBLE SCENARIOS



Sandy City Council Office

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The Circuit Breaker, Indigent, and Hardship relief programs require an application calling for an affidavit and/or documentation for proof of age, citizenship, property ownership, property occupancy, dependent status, income, and other assets. Applicants to these programs must provide a complete copy of their federal tax return from the previous year in addition to copies of all yearend income statements (bank accounts. retirement accounts, securities, business interests) for each adult member of the household. For those adult members who cannot provide the required documentation, an IRS Wage and Income Transcript and verification of a non-filing letter must be provided.

Circuit Breaker Program (~ 165)

Must be at least 66 years old or surviving spouse with household income of no more than \$32,101.

County Benefit: A credit of up to \$951 against taxes due on a primary residence.

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The Circuit Breaker, Indigent, and Hardship relief programs require an application calling for an affidavit and/or documentation for proof of age, citizenship, property ownership, property occupancy, dependent status, income, and other assets. Applicants to these programs must provide a complete copy of their federal tax return from the previous year in addition to copies of all yearend income statements (bank accounts. retirement accounts, securities, business interests) for each adult member of the household. For those adult members who cannot provide the required documentation, an IRS Wage and Income Transcript and verification of a non-filing letter must be provided.

Indigent Program (~ 51)

Must be at least 65 years old, or disabled, or in extreme hardship with household income plus adjusted assets that do not exceed \$32,101.

County Benefit: A credit of up to \$951 against taxes due on a primary residence OR 50% of any remaining tax due after deduction of any other relief.

The Circuit Breaker, Indigent, and Hardship relief programs require an application calling for an affidavit and/or documentation for proof of age, citizenship, property ownership, property occupancy, dependent status, income, and other assets. Applicants to these programs must provide a complete copy of their federal tax return from the previous year in addition to copies of all yearend income statements (bank accounts. retirement accounts, securities, business interests) for each adult member of the household. For those adult members who cannot provide the required documentation, an IRS Wage and Income Transcript and verification of a non-filing letter must be provided.

Hardship Program (~ 2)

Must be experiencing extreme financial hardship at any age with household income plus adjusted assets that do not exceed \$32,101. This limit is increased by \$4,160 for each household member.

County Benefit: A credit of up to \$951 against taxes due on a primary residence OR 50% of any remaining tax due after deduction of any other relief.

The Veteran and Blind Relief Programs require an application and official statements from the appropriate authorities (doctor or military) affirming their status as blind, a veteran, or active duty.

Veteran Program (~ 415)

Veterans with a service connected disability or the unmarried surviving spouse or minoraged orphan of a deceased veteran, who had a service-connected disability, was killed in action, or died in the line of duty. Active duty service members with over 200 days of consecutive federal active duty out of the state.

County Benefit: Obtain an exemption of up to \$255,301 of the assessed value of a primary residence and/or other tangible personal property (automobiles, etc.). Surviving spouse is exempt from property taxes on a primary residence and/or any tangible personal property.

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The Veteran and Blind Relief Programs require an application and official statements from the appropriate authorities (doctor or military) affirming their status as blind, a veteran, or active duty.

Blind Program (~ 18)

Legally blind in both eyes or the unmarried surviving spouse or minoraged orphan of a deceased blind person.

County Benefit: Obtain an exemption of up to \$11,500 of the assessed value of your real and tangible personal property.

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Description of Possible Scenarios

Program Enrollment

Enrollment 1

Follow current enrollment process, enrolling by request, those who have already qualified for select SLCo programs

Enrollment 2

Automatically enroll anyone who has already qualified for select SLCo programs

Enrollment 3

Automatically enroll anyone who has qualified for any SLCo program

Discount Structure

Structure A

Maintain the current discount structure of 50% off of all base rates

Structure B

Maintain discount of 50% off of all base rates, plus 50% off of total water bill

Structure C 100% off of all base rates

Structure D 100% off of all base rates, plus 100% off of tier one water

Sandy City Council Office

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Table of Possible Scenarios

	Structure A	Structure B	Structure C	Structure D
Enrollment 1	Scenario 1A	Scenario 1B	Scenario 1C	Scenario 1D
Enrollment 2	Scenario 2A	Scenario 2B	Scenario 2C	Scenario 2D
Enrollment 3	Scenario 3A	Scenario 3B	Scenario 3C	Scenario 3D



Sandy City Council Office

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11/21/2017



- 50% Discount off of all base rates
- Enroll by request only
- Impacts ~55 households annually

Water	Storm	Street	Waste	Total
\$0.17	\$0.07	\$0.04	\$0.16	\$0.44



- 50% Discount off of total bill
- Enroll by request only
- Impacts ~55 households annually

Water	Storm	Street	Waste	Total
\$0.56	\$0.07	\$0.04	\$0.16	\$0.83



- 100% Discount off of all base rates
- Enroll by request only
- Impacts ~55 households annually

Water	Storm	Street	Waste	Total
\$0.33	\$0.15	\$0.07	\$0.33	\$0.88



- 100% Discount off of all base rates
- 100% Discount off of water tier 1
- Enroll by request only
- Impacts ~55 households annually

Water	Storm	Street	Waste	Total
\$0.56	\$0.15	\$0.06	\$0.33	\$1.10

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- 50% Discount off of all base rates
- Auto enroll from select County Prog.
- Impacts ~175 households annually

Water	Storm	Street	Waste	Total
\$0.54	\$0.23	\$0.12	\$0.52	\$1.41

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• 50% Discount off of total bill

- Auto enroll from select County Prog.
- Impacts ~175 households annually

Water	Storm	Street	Waste	Total
\$1.80	\$0.23	\$0.12	\$0.52	\$2.67



- 100% Discount off of all base rates
- Auto enroll from select County Prog.
- Impacts ~175 households annually

Water	Storm	Street	Waste	Total
\$1.07	\$0.47	\$0.23	\$1.05	\$2.82



- 100% Discount off of all base rates
- 100% Discount off of water tier 1
- Auto enroll from select County Prog.
- Impacts ~175 households annually

Water	Storm	Street	Waste	Total
\$1.80	\$0.47	\$0.23	\$1.05	\$3.55

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- 50% Discount off of all base rates
- Auto enroll from all County Programs
- Impacts ~600 households annually

Water	Storm	Street	Waste	Total
\$1.87	\$0.80	\$0.40	\$1.80	\$4.87



• 50% Discount off of total bill

- Auto enroll from all County Programs
- Impacts ~600 households annually

Water	Storm	Street	Waste	Total
\$6.21	\$0.80	\$0.40	\$1.80	\$9.21



- 100% Discount off of all base rates
- Auto enroll from all County Programs
- Impacts ~600 households annually

Water	Storm	Street	Waste	Total
\$3.68	\$1.61	\$0.80	\$3.60	\$9.69



- 100% Discount off of all base rates
- 100% Discount off of water tier 1
- Auto enroll from all County Programs
- Impacts ~600 households annually

Water	Storm	Street	Waste	Total
\$6.18	\$1.61	0.80	\$3.60	\$12.19

Which Scenario best suits Sandy City?



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	Number of Accounts		Water tructure C Discount		Vater Base Rate Calculation	Water Structure D Discount	Water itructure A Discount		Water tructure B Discount	W Discount ructure C &D	St	W Discount ructure A & B	 L Discount ructure C & D	L Discount ructure A & B	Waste Discount ructure C & D	Waste Discount ructure A & B
Revenue loss per account		\$	112.32	\$	164.88	\$ 277.20	\$ 83.70	\$	278.50	\$ 72.00	\$	36.00	\$ 35.76	\$ 17.88	\$ 161.40	\$ 80.70
Enrollment 3	606	\$	68,065.92	\$	99,917.28	\$ 167,983.20	\$ 50,722.66	\$ 1	168,769.10	\$ 43,632.00	\$	21,816.00	\$ 21,670.56	\$ 10,835.28	\$ 97,808.40	\$ 48,904.20
Enrollment 2	176	\$	19,768.32	\$	29,018.88	\$ 48,787.20	\$ 14,731.33	\$	49,015.45	\$ 12,672.00	\$	6,336.00	\$ 6,293.76	\$ 3,146.88	\$ 28,406.40	\$ 14,203.20
Enrollment 1	55	\$	6,177.60	Ş	9,068.40	\$ 15,246.00	\$ 4,603.54	\$	15,317.33	\$ 3,960.00	\$	1,980.00	\$ 1,966.80	\$ 983.40	\$ 8,877.00	\$ 4,438.50
	100	\$	11,232.00	\$	16,488.00	\$ 27,720.00	\$ 8,370.08	\$	27,849.69	\$ 7,200.00	\$	3,600.00	\$ 3,576.00	\$ 1,788.00	\$ 16,140.00	\$ 8,070.00
	200	\$	22,464.00	Ş	32,976.00	\$ 55,440.00	\$ 16,740.15	\$	55,699.37	\$ 14,400.00	\$	7,200.00	\$ 7,152.00	\$ 3,576.00	\$ 32,280.00	\$ 16,140.00
	300	\$	33,696.00	Ş	49,464.00	\$ 83,160.00	\$ 25,110.23	\$	83,549.06	\$ 21,600.00	\$	10,800.00	\$ 10,728.00	\$ 5,364.00	\$ 48,420.00	\$ 24,210.00
	400	\$	44,928.00	Ş	65,952.00	\$ 110,880.00	\$ 33,480.30	\$ 1	111,398.75	\$ 28,800.00	\$	14,400.00	\$ 14,304.00	\$ 7,152.00	\$ 64,560.00	\$ 32,280.00
	500	\$	56,160.00	Ş	82,440.00	\$ 138,600.00	\$ 41,850.38	\$ 1	139,248.43	\$ 36,000.00	\$	18,000.00	\$ 17,880.00	\$ 8,940.00	\$ 80,700.00	\$ 40,350.00
	1000	\$ 1	112,320.00	Ş	164,880.00	\$ 277,200.00	\$ 83,700.76	\$ 2	278,496.86	\$ 72,000.00	\$	36,000.00	\$ 35,760.00	\$ 17,880.00	\$ 161,400.00	\$ 80,700.00
	2000	\$ 2	224,640.00	Ş	329,760.00	\$ 554,400.00	\$ 167,401.52	\$ 5	556,993.73	\$ 144,000.00	\$	72,000.00	\$ 71,520.00	\$ 35,760.00	\$ 322,800.00	\$ 161,400.00

	Number of Accounts	Total Ar	nnual Revenue I	oss by Discount.	Structure
		Totals:	Totals:	Totals:	Totals:
		Structure B	Structure A	Structure C	Structure D
Enrollment 3	606	\$ 250,324.58	\$ 132,278.14	\$ 231,176.88	\$ 331,094.16
Enrollment 2	176	\$ 72,701.53	\$ 38,417.41	\$ 67,140.48	\$ 96,159.36
Enrollment 1	55	\$ 22,719.23	\$ 12,005.44	\$ 20,981.40	\$ 30,049.80
	100	\$ 41,307.69	\$ 21,828.08	\$ 38,148.00	\$ 54,636.00
а., В.	200	\$ 82,615.37	\$ 43,656.15	\$ 76,296.00	\$ 109,272.00
	300	\$ 123,923.06	\$ 65,484.23	\$ 114,444.00	\$ 163,908.00
	400	\$ 165,230.75	\$ 87,312.30	\$ 152,592.00	\$ 218,544.00
	500	\$ 206,538.43	\$ 109,140.38	\$ 190,740.00	\$ 273,180.00
	1000	\$ 413,076.86	\$ 218,280.76	\$ 381,480.00	\$ 546,360.00
	2000	\$ 826,153.73	\$ 436,561.52	\$ 762,960.00	\$ 1,092,720.00

Discount Program Calculations

	Number of Accounts				Annu	al C	ost to Sandy	Re	sidents by Uti	ilit	y						
		Water B	Water A	Water C	Water D		SW A & B		SW C & D		SLA&B	5	SLC&D	Wa	ste A & B	Wa	aste C & D
Enrollment 3	606	\$ 6.21	\$ 1.87	\$ 3.68	\$ 6.18	\$	0.80	\$	1.61	\$	0.40	\$	0.80	\$	1.80	\$	3.60
Enrollment 2	176	\$ 1.80	\$ 0.54	\$ 1.07	\$ 1.80	\$	0.23	\$	0.47	\$	0.12	\$	0.23	\$	0.52	\$	1.05
Enrollment 1	55	\$ 0.56	\$ 0.17	\$ 0.33	\$ 0.56	\$	0.07	\$	0.15	\$	0.04	\$	0.07	\$	0.16	\$	0.33
	100	\$ 1.02	\$ 0.31	\$ 0.61	\$ 1.02	\$	0.13	\$	0.26	\$	0.07	\$	0.13	\$	0.30	\$	0.59
	200	\$ 2.05	\$ 0.62	\$ 1.21	\$ 2.04	\$	0.26	\$	0.53	\$	0.13	\$	0.26	\$	0.59	\$	1.19
	300	\$ 3.07	\$ 0.92	\$ 1.82	\$ 3.06	\$	0.40	\$	0.79	\$	0.20	\$	0.39	\$	0.89	\$	1.78
	400	\$ 4.10	\$ 1.23	\$ 2.43	\$ 4.08	\$	0.53	\$	1.06	\$	0.26	\$	0.53	\$	1.19	\$	2.38
	500	\$ 5.12	\$ 1.54	\$ 3.03	\$ 5.10	\$	0.66	\$	1.32	\$	0.33	\$	0.66	\$	1.49	\$	2.97
	1000	\$ 10.25	\$ 3.08	\$ 6.07	\$ 10.20	\$	1.32	\$	2.65	\$	0.66	\$	1.32	\$	2.97	\$	5.94
	2000	\$ 20.50	\$ 6.16	\$ 12.14	\$ 20.40	\$	2.65	\$	5.30	\$	1.32	\$	2.63	\$	5.94	\$	11.88

	Number of Accounts	т	otal Annual	Cos	t to Sandy R	eisi	dents by Dis	cou	nt Structure
			Total B		Total A		Total C		Total D
Enrollment 3	606	\$	9.21	\$	4.87	\$	9.68	\$	12.19
Enrollment 2	176	\$	2.68	\$	1.41	\$	2.81	\$	3.54
Enrollment 1	55	\$	0.84	\$	0.44	\$	0.88	\$	1.11
	100	\$	1.52	\$	0.80	\$	1.60	\$	2.01
	200	\$	3.04	\$	1.61	\$	3.19	\$	4.02
	300	\$	4.56	\$	2.41	\$	4.79	\$	6.03
	400	\$	6.08	\$	3.21	\$	6.39	\$	8.04
	500	\$	7.60	\$	4.02	\$	7.99	\$	10.05
	1000	\$	15.20	\$	8.03	\$	15.97	\$	20.11
	2000	\$	30.41	\$	16.07	\$	31.95	\$	40.22



MEMORANDUM

To: Sandy City CouncilFrom: Brett Neumann, Budget & Billing ManagerCc: Dustin Fratto, City Council AnalystDate: November 16, 2017

Re: Staff Time Spent on Utility Accounts on Assistance Rates

Sandy City typically has 50-65 utility accounts on assistance rates each year. Eligibility for these assistance rates is tied to certain Salt Lake County tax relief programs. In order to verify continued eligibility for these accounts we annually (typically in October) request from Salt Lake County a list of Sandy properties eligible for tax relief. We then compare this list of properties to our list of utility accounts currently on assistance rates, send letters to customers no longer eligible, and enroll eligible customers on assistance rates, at their request.

This process requires approximately 7-8 hours of staff time annually between six staff members. In addition, I estimate that there may be another hour or two of work related to assistance accounts and rates throughout a normal year. In some years, we may spend more time on refining processes and policies, researching and clarifying eligibility, and/or exploring alternatives related to assistance rates.

If assistance rates eligibility is expanded, I estimate it would initially create a minute or two of extra work per eligible property. After the first year, that impact would likely be cut in half. If the discount structure is modified, it would initially require approximately two hours of setup and testing with no additional ongoing impact on staff time.

In general, the administrative burden on our staff related to this program is relatively low. If eligibility remains tied to tax relief programs administered by Salt Lake County, the impacts associated with eligibility expansion could be absorbed by existing staff with relative ease.



Staff Report

File #: 17-312, Version: 1

Date: 11/21/2017

Agenda Item Title:

Councilman Cowdell requesting a discussion on the Sandy City Block Tier Water Rate System

Presenter: Scott Cowdell

Description/Background:

In addition to Sandy Water Rates, Councilman Cowdell requested information on the block tier systems used by Dominion Energy and Rocky Mountain Power.

9/27/2017-

Water Rates

Customers are billed a base rate according to the size of their meter plus the cost of the water used per 1,000 gallons according to the tiers shown below. **These rates took effect July 1, 2016.** Two water rate calculators are available towards the bottom of this page.

Water Rate Schedule Beginning July 2016 **Cost Per Thousand Gallons** Meter Size **Base Rate** Block 1 Block 2 Block 3 Block 4 \$1.56 \$2.41 \$2.84 \$3.26 \$13.74 3/4 and Under 1-6 7-40 41-80 81+ 1" \$17.89 1-7 8-65 66-130 131 +1.5" \$22.04 1-35 36-200 201-400 401+ 2" \$33,45 51-400 401-800 801+ 1-50 3" \$117.47 1-80 81-740 741-1480 1481+ 4" 1766-3525 \$148.58 1-170 171-1765 3526+ 6" \$221.19 5301-11000 11001 +1-645 646-5300 8" \$304.18 646-5300 5301-11000 11001 +1-645 10" \$418.28 1-645 646-5300 5301-11000 11001 +**COUNTY Water Rate Schedule Beginning July 2016** Cost Per Thousand Gallons Meter Size **Base Rate** Block 1 Block 2 Block 3 Block 4 \$1.71 \$2..62 \$3.09 \$3.54 3/4 and Under \$19.00 1-6 7-40 41-80 81+ 1" 1-7 \$25.20 8-65 66-130 131 +1.5" \$31.40 1-35 36-200 201-400 401+ 2" 1-50 51-400 401-800 801+ \$48.44 3" \$173.95 1-80 81-740 741-1480 1481 +4" \$220.41 1-170 1766-3525 171-1765 3526+ 6" \$328.87 1-645 646-5300 5301-11000 11001 +8" \$452,84 1-645 11001+ 646-5300 5301-11000

For information on other utility fees, please refer to the Other Residential Fees page.

http://sandy.utah.gov/departments/public-utilities/utility-billing/water-rates

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Water Rates | Sandy City, UT

COUNT			0	ning July 20	
10"	\$623.27	1-645	646-5300	5301-11000	11001+

Other charges related to water services are as follows:

Other Water Charges	
Annual Interest on Outstanding Balance	18%
Late Fee	\$12
Collection Fee	\$30
After Hours Service Restoration Fee (after 4:30 p.m.)	\$42
Meter Rereads	\$24
Meter Shut Off - Customer Request	\$50
Meter Turn-on/off for Inspection	\$50
Meter Test	\$66
Meter or Other Equip. Tamper Fee	Labor & Materials
Water Meter Re-inspection Fee (after 2nd inspection)	\$35

City Water Rate Calculators

To help you understand what the water rate changes might mean for you, we've provided the following interactive water rate calculators.

To enter your own water usage values, click on the fields highlighted in green, type in your monthly values and either move to another field or press 'Enter' for the totals to update.

Note that it may take a moment for the calculators to load. And for the totals to update after each edit.

WATER SYSTE	EM CONSERVATION PRICING
201	6 GENERAL SESSION
	STATE OF UTAH
Chief S	ponsor: Scott K. Jenkins
House	e Sponsor: Lee B. Perry
LONG TITLE	
General Description:	
This bill requires retail water pro	oviders to establish an increasing rate structure for
culinary water.	
Highlighted Provisions:	
This bill:	
 requires retail water provider 	s to establish an increasing rate structure for culinary
water and provide certain information to	customers.
Money Appropriated in this Bill:	
None	
Other Special Clauses:	
None	
Utah Code Sections Affected:	
ENACTS:	
73-10-32.5, Utah Code Annotate	d 1953
Be it enacted by the Legislature of the st	ate of Utah:
Section 1. Section 73-10-32.5 is	enacted to read:
73-10-32.5. Culinary water pri	cing structure.
A retail water provider, as define	d in Section 73-10-32, shall:
(1) establish a culinary water rat	e structure that:

- 28 (a) incorporates increasing block units of water used; and
- 29 (b) provides for an increase in the rate charged for additional block units of water used


DOMINION ENERGY UTAH UTAH NATURAL GAS TARIFF PSCU 500

2.02 GS RATE SCHEDULE

GS VOLUMETRIC RATES

OD VOLUMETRIC INTED				
		Rates Per Dth U	Used Each Month	
	therms = 1,000,000 Btu			
	Summer Rates: Apr. 1 - Oct. 31 Winter Rates: Nov			Nov. 1 - Mar. 31
	First 45 Dth	All Over 45 Dth	First 45 Dth	All Over 45 Dth
Base DNG	\$1.72670	\$0.72670	\$2.34949	\$1.34949
CET Amortization	0.00000	0.00000	0.00000	0.00000
DSM Amortization	0.19054	0.19054	0.19054	0.19054
Energy Assistance	0.01409	0.01409	0.01409	0.01409
Infrastructure Rate Adjustment	0.15178	0.06388	0.20653	0.11863
Distribution Non-Gas Rate	\$2.08311	\$0.99521	\$2.76065	\$1.67275
Base SNG	\$0.56865	\$0.56865	\$1.21114	\$1.21114
SNG Amortization	0.02371	0.02371	0.05050	0.05050
Supplier Non-Gas Rate	\$0.59236	\$0.59236	\$1.26164	\$1.26164
Base Gas Cost	\$4.06830	\$4.06830	\$4.06830	\$4.06830
191 Amortization	(0.04894)	(0.04894)	(0.04894)	(0.04894)
Commodity Rate	\$4.01936	\$4.01936	\$4.01936	\$4.01936
Total Rate	\$6.69483	\$5.60693	\$8.04165	\$6.95375
	Blockl	Black 2	Block 1	Block Z
GS FIXED CHARGES				-
Monthly Basic Service Fee (BSF) : For a definition of meter categories see § 8.03.			BSF Category 1	\$6.75
			BSF Category 2	\$18.25
			BSF Category 3	\$63.50
		(BSF Category 4	\$420.25
Annual Energy Assistance crea	lit for qualified lo	ow income		
customers:				\$70.00
For a description of the Low In				utial 1

Assistance Fund.

GS CLASSIFICATION PROVISIONS

- (1) Service is used for purposes such as space heating, air conditioning, water heating, clothes drying, cooking or other similar uses.
- (2) Usage does not exceed 1,250 Dth in any one day during the winter season.
- (3) Service is subject to a monthly basic service fee.
- (4) Service is subject to Weather Normalization Adjustment as explained in § 2.05
- (5) All sales are subject to the additional local charges and state sales tax stated in § 8.02.



P.S.C.U. No. 50

2

Original Sheet No. 1.1

ROCKY MOUNTAIN POWER

ELECTRIC SERVICE SCHEDULE NO. 1

STATE OF UTAH

Residential Service

AVAILABILITY: At any point on the Company's interconnected system where there are facilities of adequate capacity.

APPLICATION: This Schedule is for alternating current electric service supplied at approximately 120 or 240 volts through one kilowatt-hour meter at a single point of delivery for all service required on the premises for residential purposes.

When conditions are such that service is supplied through one meter to more than one dwelling or apartment unit, the charge for such service will be computed by multiplying the number of kWh in each applicable usage block, the Customer Charge and the minimum charges by the maximum number of dwelling or apartment units that may be served.

When a portion of a dwelling is used regularly for business, professional or other gainful purposes and 50 percent or more of the electrical energy supplied to that dwelling is being used for residential purposes, the premises shall be subject to this or other residential rates. If 50 percent or more of the electrical energy supplied to the premises is used for other than residential purposes, the premises will be classified as non-residential and electric service shall be provided under the appropriate non-residential schedule. However, if the wiring is so arranged that the service for residential purposes can be metered separately, this Schedule will be applied to such service.

MONTHLY BILL:

Customer Charge:

Single phase: \$6.00 per customer almost all Vesidential is Three phase: \$12.00 per customer single phase.

(continued)

Issued by authority of Report and Order of the Public Service Commission of Utah in Docket No. 13-035-184

FILED: September 5, 2014

EFFECTIVE: September 1, 2014



Second Revision of Sheet No. 1.2 Canceling First Revision of Sheet No. 1.2

P.S.C.U. No. 50

ELECTRIC SERVICE SCHEDULE NO. 1 - Continued

MONTHLY BILL: (continued)

Energy Charge:

Billing Months - May through September inclusive 8.8498¢ per kWh first 400 kWh Block 1 11.5429¢ per kWh next 600 kWh Block 2 14.4508¢ per kWh all additional kWh Block 3

Billing Months - October through April inclusive 8.8498¢ per kWh first 400 kWh Block 1 10.7072¢ per kWh all additional kWh Block 2

Minimum:

\$ 8.00 for single-phase service\$16.00 for three-phase service

SURCHARGE ADJUSTMENT: All monthly bills shall be adjusted in accordance with Schedule 80.

SEASONAL SERVICE: When seasonal service is supplied under this Schedule, the minimum seasonal charge will be \$96.00.

CONNECTION FEE: Each time a Customer, eligible to receive electric service under this Schedule, begins to receive electric service at a point of delivery not previously used, or at a point of delivery which has been used previously by another Customer, or each time a Customer changes his point of delivery or reconnects after voluntary disconnection to the same point of delivery, that Customer shall be charged a connection fee of \$10.00.

At the discretion of the Company, the connection fee may be waived for account holders such as landlords and real estate agents who accept, on a temporary basis, responsibility for the accounts of vacant residential units during the transitional time of vacancy in those cases where the cost to the Company of the physical discontinuance and restoration of electrical service would exceed the amount of the connection fee.

CONTRACT PERIOD: One year or longer.

(continued)

Issued by authority of Report and Order of the Public Service Commission of Utah in Docket No. 13-035-184

FILED: July 23, 2015

EFFECTIVE: September 1, 2015



P.S.C.U. No. 50

2. 11

Original Sheet No. 1.3

ELECTRIC SERVICE SCHEDULE NO. 1 - Continued

ELECTRIC SERVICE REGULATIONS: Service under this Schedule will be in accordance with the terms of the Electric Service Agreement between the Customer and the Company. The Electric Service Regulations of the Company on file with and approved by the Public Service Commission of the State of Utah, including future applicable amendments, will be considered as forming a part of and incorporated in said Agreement.

Issued by authority of Report and Order of the Public Service Commission of Utah in Docket No. 13-035-184



Staff Report

File #: CODE-09-17-5305, Version: 2 Date: 11/21/2017

Agenda Item Title:

The Sandy City Community Development Department has filed a request to amend Title 15A, Chapter 11, Home Occupations, Land Development Code, Revised Ordinances of Sandy City, 2008.

Presenter:

Mike Wilcox

Description/Background:

The public hearing was conducted on November 14. The City Council tabled action until a resolution could be prepared to execute the ordinance.

The purpose of the Code Amendment is to make changes in our code that will align it with recent State Code changes relating to home based businesses. The proposed changes will allow for a small number of home based businesses to be exempt from the requirement to have a business license.

Staff recommended to Planning Commission that the proposed code amendment be approved. On October 19, 2017, the Planning Commission unanimously recommended to the City Council to to adopt the proposed ordinance amendment. See attached staff report and meeting minutes for more details.

Fiscal Impact:

Negligible: Minor impact on Business License Fee revenue.

Further action to be taken:

n/a

Recommended Action and/or Suggested Motion:

That the City Council adopt the proposed ordinance amendment as shown in Exhibit "A" for the following reasons:

1. Compliance with the Purpose of the Land Development Code by stabilizing property values by establishing a system of fair, comprehensive, consistent and equitable regulations, and standards under which home occupations will be evaluated within the City.

2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.



MEMORANDUM

October 11, 2017

To:City Council via Planning CommissionFrom:Community Development DepartmentSubject:Home Occupations – Business License Exemption –
Amend Title 15A, Chapter 11, Home Occupations, Land
Development Code, Revised Ordinances of Sandy City, 2008

CODE-09-17-5305

HEARING NOTICE: This Code Amendment was noticed in the paper at least 10 days prior to the first Planning Commission meeting.

BACKGROUND

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

ANALYSIS

Earlier this year, the State Legislature made changes to State Code that have caused us to revisit our code and make some changes. Upon reviewing our Home Occupation section, we have proposed several changes to this section of code to align it with the State Code.

Senate Bill 81 made changes to a few things relating to home based businesses. The law requires cities to allow for an exemption from business licensure for certain types of home based businesses where the combined offsite impacts of the business do not materially exceed the impact of the primary residential use alone.

To address this change, staff is proposing to add a new sub-section called "Exempt for Business Licensure" under the "Home Occupation Standards" section of the Home Occupations code. This creates a new exemption for certain Category I businesses from needing a business license. The section illustrates that if a business does not create impacts beyond that of a single-family home, then they can be exempt from needing to have a business license. It is important to note that these businesses will still have to adhere to all zoning requirements of this section.

There are a few other text changes that are proposed within the section that provide clarity regarding this change in licensure requirements.

The clean version of all final proposed text is shown in Exhibit "A" attached hereto. A full detail of all redlined changes is shown in the attached Exhibit "B". The original text of this section is shown in Exhibit "C".

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 15A-01-03 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

15A-01-03 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 will stabilize property values by establishing a system of fair, comprehensive, consistent and equitable regulations, and standards under which home occupations will be evaluated within the City.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City.

OTHER

Besides the purposes set out in the ordinances cited above, one of the stated purposes of the City's land use ordinances is to facilitate the orderly growth and development of Sandy City (Rev. Ord. of Sandy City 2008, Section 15A-01-03(A)(1)). Some of the general purposes of the City's Development Code are to implement Sandy City's General Plan, and to promote the following public policies: 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 (R.O.S.C. Sec. 15A-01-03(A)).

STAFF RECOMMENDATION

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

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

Planner:

Reviewed by:

Mike Wilcox Zoning Administrator

File Name: S:\USERS\PLN\STAFFRPT\2017\CODE-09-17-5305_HOME OCCUPATION LICENSE EXEMPTION\STAFF REPORT.DOCX

Exhibit "A"

- A. **Purpose.** The purposes of this section are to:
 - 1. Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. 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.
 - 2. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
 - 3. Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.
 - 4. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
 - 5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the business license regulations of the Revised Ordinances of Sandy City (ROSC), and if necessary, terminate home occupations if violations of the ordinances regulating home occupations occur.
- B. **Home Occupation License.** All home occupations shall be licensed unless specifically provided an exemption in this Section or in the business license regulations of the ROSC. Regardless of whether a license is required, all Home Occupations must adhere to the standards and qualifications listed in this section. The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the Business License Office of the Community Development Department.
- C. Categories and Requirements of Home Occupation Licenses. Home occupation businesses are classified as Category I, Permitted Home Occupation, or Category II, Conditional Use Home Occupation. A Category II Conditional Use Home Occupation requires review and approval of the Planning Commission.
- 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 be a bona fide resident of the home.
 - 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 shall not be conducted at the home of an employee of a company by non-resident 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 non-resident 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 non-resident 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 8. **Designating Areas of Property to be Used.** The home occupation applicant must designate the portion of the home, accessory structure, yard, attached or detached garage as the principal 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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.
 - 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. (Ord 10-45, Amended 12-14-2010)
- 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 code. (Ord 10-45, Amended 12-14-2010)
- 13. **Conformity with Safety Codes.** There shall be complete conformity with fire, building, plumbing, electrical, and all other City, County, State, and Federal codes. (Ord 10-45, Amended 12-14-2010)
- 14. **Health and Safety.** No process can be used which is hazardous to public health, safety, morals, or welfare. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 19. **Exempt from Business Licensure.** A business license will not be required unless the combined offsite 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 non-resident 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.
- 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.
- 1. When the business use within the home exceeds twenty-five percent (25%) 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. The Category I 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.

10. Category I Home Occupation License Involving Elderly Day Care

- a. This type of home occupation shall not exceed supervising more than two elderly persons 60 years of age or older. 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 (1) 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 (2) recreational vehicles.
- b. Any recreational vehicle must be parked according to the Residential Parking Requirements and Restrictions within the Code, 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 the Noise Ordinance and the Property Maintenance Ordinance contained within the Sandy City Code.
- e. Any customer renting the recreational vehicle shall not leave their own car on the street, but may place their vehicle on the homeowners property in compliance with all Residential Parking Requirements during the time the recreational vehicle is being rented. (Ord 09-18, Amended 7-31-2009)

- 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.
 - 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 5 Business Licensing, 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. (Ord 12-33, Amended 9-17-2012)
 - 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. Work Shops. Repair shops including welding, carpentry, sheet metal work, furniture manufacturing, upholstery, and other similar manufacturing activities
- 6. **Business Not Conducted Within a Home.** Any home occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:
 - a. The applicant for a Home Occupation Business License shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.
 - b. No more that a maximum of 200 square feet, or in the alternative, no more than 50 percent of the total floor space (whichever is the greater) of any accessory structure or attached or detached garage may be used for a home occupation unless there are specific exceptions granted by the Planning Commission.
 - c. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.
 - d. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
 - e. The home occupation may utilize one unanimated, non-illuminated flat sign to be attached to the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in a window. The sign may not have an area greater than one square foot.
- 7. **Home Occupations and Outdoor Activities.** Any home occupations proposing to conduct business utilizing any yard space or in a swimming pool.
- 8. **Dangerous Home Occupations.** Any home occupation using explosives, incendiary products and devices, flammable, or hazardous chemicals.
- 9. Home Occupations Generating Excessive Traffic. Any home occupation which will generate in excess of two customers or visitors per hour or eight per day. A maximum of 12 business-associated visitors per day may be allowed under a conditional use permit, except as provided for child day care and other group child activities.
- 10. **Large, Business Related Vehicles.** Any home occupation which utilizes vehicles more than 24 feet in length (with the exception of renting recreational vehicles). (Ord 09-18, Amended 7-31-2009)

- 11. More Than Two Home Occupation Licenses. Any home where the applicant(s) is seeking more than two home occupation licenses.
- G. **Prohibited Home Occupations.** The following uses, by nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are, therefore, prohibited:
 - 1. Mortuary, crematorium, columbarium, mausoleum.
 - 2. Animal hospitals or veterinary services.
 - 3. Clinic, dental office, medical office, chiropractic office, or hospital.
 - 4. Junk yard, auto wrecking yard, or salvage yard.
 - 5. Stables, kennels, pet store, or any other commercial animal breeding business or similar activities are prohibited. Activities may be allowed within the scope of a hobby license as issued by the Animal Services Division of Sandy City.
 - 6. Storage, service, repair, sales of ambulance, tow truck, recreational vehicle, water craft, automobiles, ATV, or other motorized vehicles. (Ord 09-18, Amended 7-31-2009)
 - 7. Fitness or health spa facility.
 - 8. Boutiques, sample sale, or craft shows.
 - 9. Auto body repair, motor vehicle repair.
 - 10. Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current adopted Building and Fire Codes would require an Operational Permit.
 - 11. Number of vehicular stops or visits that would exceed 24 per day.
 - 12. Massage therapy or other alternative healing and energy healing businesses, with the exception that a Home Occupation license may be issued if the applicant is the only person employed in said operation and he/she has obtained any required license(s) from the State of Utah. Limit one massage therapy or alternative healing and energy healing business per residence. All other standards and Category I qualifications must be complied with. No massage therapy or other alternative healing businesses may be permitted if a Category II qualification is required. (Ord 15-25, Amended 7-21-2015, Ord 16-13, Amended 3-23-2016)
 - 13. A Bed & Breakfast facility.

Exhibit "B"

- A. **Purpose.** The purposes of this section are to:
 - 1. Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. 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.
 - 2. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
 - 3. Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.
 - 4. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
 - 5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the business license regulations of the Revised Ordinances of Sandy City (ROSC), and if necessary, terminate home occupations if violations of the ordinances regulating home occupations occur.
- B. Home Occupation License. All home occupations shall be licensed unless specifically provided an exemption in this Section or in the business license regulations of the ROSC. <u>Regardless of whether a license is required, all Home Occupations must adhere to the standards and qualifications listed in this section.</u> The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the Business License Office of the Community Development Department.
- C. **Categories and Requirements of Home Occupation Licenses.** Home occupation businesses are <u>licensableclassified</u> as Category I, Permitted Home Occupation, or Category II, Conditional Use Home Occupation. A Category II Conditional Use Home Occupation requires review and approval of the Planning Commission.
- 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 be a bona fide resident of the home.
 - 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 shall not be conducted at the home of an employee of a company by non-resident 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 non-resident 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 non-resident 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 8. **Designating Areas of Property to be Used.** The home occupation applicant must designate the portion of the home, accessory structure, yard, attached or detached garage as the principal 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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.
 - 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. (Ord 10-45, Amended 12-14-2010)
- 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 code. (Ord 10-45, Amended 12-14-2010)
- 13. **Conformity with Safety Codes.** There shall be complete conformity with fire, building, plumbing, electrical, and all other City, County, State, and Federal codes. (Ord 10-45, Amended 12-14-2010)
- 14. **Health and Safety.** No process can be used which is hazardous to public health, safety, morals, or welfare. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 19. Exempt from Business Licensure. A business license will not be required unless the combined offsite 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 non-resident 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.
- j. If the home occupation is categorized as a Category II, Conditional Use Home Occupations, as described herein.
- <u>k.</u> If the home requires any modification requiring a building permit to accommodate the <u>business operations</u>.
- 1. When the business use within the home exceeds twenty-five percent (25%) 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. The Category I 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.

10. Category I Home Occupation License Involving Elderly Day Care

- a. This type of home occupation shall not exceed supervising more than two elderly persons 60 years of age or older. 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 (1) 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 (2) recreational vehicles.
- b. Any recreational vehicle must be parked according to the Residential Parking Requirements and Restrictions within the Code, 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 the Noise Ordinance and the Property Maintenance Ordinance contained within the Sandy City Code.
- e. Any customer renting the recreational vehicle shall not leave their own car on the street, but may place their vehicle on the homeowners property in compliance with all Residential Parking Requirements during the time the recreational vehicle is being rented. (Ord 09-18, Amended 7-31-2009)

- 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.
 - 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 5 Business Licensing, 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. (Ord 12-33, Amended 9-17-2012)
 - 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. Work Shops. Repair shops including welding, carpentry, sheet metal work, furniture manufacturing, upholstery, and other similar manufacturing activities
- 6. **Business Not Conducted Within a Home.** Any home occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:
 - a. The applicant for a Home Occupation Business License shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.
 - b. No more that a maximum of 200 square feet, or in the alternative, no more than 50 percent of the total floor space (whichever is the greater) of any accessory structure or attached or detached garage may be used for a home occupation unless there are specific exceptions granted by the Planning Commission.
 - c. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.
 - d. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
 - e. The home occupation may utilize one unanimated, non-illuminated flat sign to be attached to the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in a window. The sign may not have an area greater than one square foot.
- 7. **Home Occupations and Outdoor Activities.** Any home occupations proposing to conduct business utilizing any yard space or in a swimming pool.
- 8. **Dangerous Home Occupations.** Any home occupation using explosives, incendiary products and devices, flammable, or hazardous chemicals.
- 9. Home Occupations Generating Excessive Traffic. Any home occupation which will generate in excess of two customers or visitors per hour or eight per day. A maximum of 12 business-associated visitors per day may be allowed under a conditional use permit, except as provided for child day care and other group child activities.
- 10. **Large, Business Related Vehicles.** Any home occupation which utilizes vehicles more than 24 feet in length (with the exception of renting recreational vehicles). (Ord 09-18, Amended 7-31-2009)

- 11. More Than Two Home Occupation Licenses. Any home where the applicant(s) is seeking more than two home occupation licenses.
- G. **Prohibited Home Occupations.** The following uses, by nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are, therefore, prohibited:
 - 1. Mortuary, crematorium, columbarium, mausoleum.
 - 2. Animal hospitals or veterinary services.
 - 3. Clinic, dental office, medical office, chiropractic office, or hospital.
 - 4. Junk yard, auto wrecking yard, or salvage yard.
 - 5. Stables, kennels, pet store, or any other commercial animal breeding business or similar activities are prohibited. Activities may be allowed within the scope of a hobby license as issued by the Animal Services Division of Sandy City.
 - 6. Storage, service, repair, sales of ambulance, tow truck, recreational vehicle, water craft, automobiles, ATV, or other motorized vehicles. (Ord 09-18, Amended 7-31-2009)
 - 7. Fitness or health spa facility.
 - 8. Boutiques, sample sale, or craft shows.
 - 9. Auto body repair, motor vehicle repair.
 - 10. Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current adopted Building and Fire Codes would require an Operational Permit.
 - 11. Number of vehicular stops or visits that would exceed 24 per day.
 - 12. Massage therapy or other alternative healing and energy healing businesses, with the exception that a Home Occupation license may be issued if the applicant is the only person employed in said operation and he/she has obtained any required license(s) from the State of Utah. Limit one massage therapy or alternative healing and energy healing business per residence. All other standards and Category I qualifications must be complied with. No massage therapy or other alternative healing businesses may be permitted if a Category II qualification is required. (Ord 15-25, Amended 7-21-2015, Ord 16-13, Amended 3-23-2016)

13. A Bed & Breakfast facility.

Exhibit "C"

- A. **Purpose.** The purposes of this section are to:
 - 1. Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. 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.
 - 2. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
 - 3. Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.
 - 4. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
 - 5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the business license regulations of the Revised Ordinances of Sandy City (ROSC), and if necessary, terminate home occupations if violations of the ordinances regulating home occupations occur.
- B. **Home Occupation License.** All home occupations shall be licensed unless specifically provided an exemption in this Section or in the business license regulations of the ROSC. The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the Business License Office of the Community Development Department.
- C. **Categories and Requirements of Home Occupation Licenses.** Home occupation businesses are licensable as Category I, Permitted Home Occupation, or Category II, Conditional Use Home Occupation. A Category II Conditional Use Home Occupation requires review and approval of the Planning Commission.
- D. **Home Occupation Standards.** All home occupations 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 be a bona fide resident of the home.
 - 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 shall not be conducted at the home of an employee of a company by non-resident 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 non-resident 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 non-resident 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 8. **Designating Areas of Property to be Used.** The home occupation applicant must designate the portion of the home, accessory structure, yard, attached or detached garage as the principal 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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.
 - 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. (Ord 10-45, Amended 12-14-2010)
- 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 code. (Ord 10-45, Amended 12-14-2010)
- 13. **Conformity with Safety Codes.** There shall be complete conformity with fire, building, plumbing, electrical, and all other City, County, State, and Federal codes. (Ord 10-45, Amended 12-14-2010)
- 14. **Health and Safety.** No process can be used which is hazardous to public health, safety, morals, or welfare. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. The Category I 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.

10. Category I Home Occupation License Involving Elderly Day Care

- a. This type of home occupation shall not exceed supervising more than two elderly persons 60 years of age or older. 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 (1) 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 (2) recreational vehicles.
- b. Any recreational vehicle must be parked according to the Residential Parking Requirements and Restrictions within the Code, 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 the Noise Ordinance and the Property Maintenance Ordinance contained within the Sandy City Code.
- e. Any customer renting the recreational vehicle shall not leave their own car on the street, but may place their vehicle on the homeowners property in compliance with all Residential Parking Requirements during the time the recreational vehicle is being rented. (Ord 09-18, Amended 7-31-2009)
- 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.
 - 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 5 Business Licensing, 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. (Ord 12-33, Amended 9-17-2012)
 - 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. Work Shops. Repair shops including welding, carpentry, sheet metal work, furniture manufacturing, upholstery, and other similar manufacturing activities
- 6. **Business Not Conducted Within a Home.** Any home occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:
 - a. The applicant for a Home Occupation Business License shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.
 - b. No more that a maximum of 200 square feet, or in the alternative, no more than 50 percent of the total floor space (whichever is the greater) of any accessory structure or attached or detached garage may be used for a home occupation unless there are specific exceptions granted by the Planning Commission.

- c. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.
- d. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
- e. The home occupation may utilize one unanimated, non-illuminated flat sign to be attached to the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in a window. The sign may not have an area greater than one square foot.
- 7. **Home Occupations and Outdoor Activities.** Any home occupations proposing to conduct business utilizing any yard space or in a swimming pool.
- 8. **Dangerous Home Occupations.** Any home occupation using explosives, incendiary products and devices, flammable, or hazardous chemicals.
- 9. Home Occupations Generating Excessive Traffic. Any home occupation which will generate in excess of two customers or visitors per hour or eight per day. A maximum of 12 business-associated visitors per day may be allowed under a conditional use permit, except as provided for child day care and other group child activities.
- 10. **Large, Business Related Vehicles.** Any home occupation which utilizes vehicles more than 24 feet in length (with the exception of renting recreational vehicles). (Ord 09-18, Amended 7-31-2009)
- 11. More Than Two Home Occupation Licenses. Any home where the applicant(s) is seeking more than two home occupation licenses.
- G. **Prohibited Home Occupations.** The following uses, by nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are, therefore, prohibited:
 - 1. Mortuary, crematorium, columbarium, mausoleum.
 - 2. Animal hospitals or veterinary services.
 - 3. Clinic, dental office, medical office, chiropractic office, or hospital.
 - 4. Junk yard, auto wrecking yard, or salvage yard.
 - 5. Stables, kennels, pet store, or any other commercial animal breeding business or similar activities are prohibited. Activities may be allowed within the scope of a hobby license as issued by the Animal Services Division of Sandy City.
 - 6. Storage, service, repair, sales of ambulance, tow truck, recreational vehicle, water craft, automobiles, ATV, or other motorized vehicles. (Ord 09-18, Amended 7-31-2009)
 - 7. Fitness or health spa facility.
 - 8. Boutiques, sample sale, or craft shows.

- 9. Auto body repair, motor vehicle repair.
- 10. Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current adopted Building and Fire Codes would require an Operational Permit.
- 11. Number of vehicular stops or visits that would exceed 24 per day.
- 12. Massage therapy or other alternative healing and energy healing businesses, with the exception that a Home Occupation license may be issued if the applicant is the only person employed in said operation and he/she has obtained any required license(s) from the State of Utah. Limit one massage therapy or alternative healing and energy healing business per residence. All other standards and Category I qualifications must be complied with. No massage therapy or other alternative healing businesses may be permitted if a Category II qualification is required. (Ord 15-25, Amended 7-21-2015, Ord 16-13, Amended 3-23-2016)

Exhibit "A"

- A. **Purpose.** The purposes of this section are to:
 - 1. Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. 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.
 - 2. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
 - 3. Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.
 - 4. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
 - 5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the business license regulations of the Revised Ordinances of Sandy City (ROSC), and if necessary, terminate home occupations if violations of the ordinances regulating home occupations occur.
- B. **Home Occupation License.** All home occupations shall be licensed unless specifically provided an exemption in this Section or in the business license regulations of the ROSC. Regardless of whether a license is required, all Home Occupations must adhere to the standards and qualifications listed in this section. The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the Business License Office of the Community Development Department.
- C. Categories and Requirements of Home Occupation Licenses. Home occupation businesses are classified as Category I, Permitted Home Occupation, or Category II, Conditional Use Home Occupation. A Category II Conditional Use Home Occupation requires review and approval of the Planning Commission.
- 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 be a bona fide resident of the home.
 - 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 shall not be conducted at the home of an employee of a company by non-resident 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 non-resident 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 non-resident 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 8. **Designating Areas of Property to be Used.** The home occupation applicant must designate the portion of the home, accessory structure, yard, attached or detached garage as the principal 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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.
 - 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. (Ord 10-45, Amended 12-14-2010)
- 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 code. (Ord 10-45, Amended 12-14-2010)
- 13. **Conformity with Safety Codes.** There shall be complete conformity with fire, building, plumbing, electrical, and all other City, County, State, and Federal codes. (Ord 10-45, Amended 12-14-2010)
- 14. **Health and Safety.** No process can be used which is hazardous to public health, safety, morals, or welfare. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 19. **Exempt from Business Licensure.** A business license will not be required unless the combined offsite 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 non-resident 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.
- 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.
- 1. When the business use within the home exceeds twenty-five percent (25%) 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. The Category I 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.

10. Category I Home Occupation License Involving Elderly Day Care

- a. This type of home occupation shall not exceed supervising more than two elderly persons 60 years of age or older. 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 (1) 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 (2) recreational vehicles.
- b. Any recreational vehicle must be parked according to the Residential Parking Requirements and Restrictions within the Code, 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 the Noise Ordinance and the Property Maintenance Ordinance contained within the Sandy City Code.
- e. Any customer renting the recreational vehicle shall not leave their own car on the street, but may place their vehicle on the homeowners property in compliance with all Residential Parking Requirements during the time the recreational vehicle is being rented. (Ord 09-18, Amended 7-31-2009)

- 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.
 - 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 5 Business Licensing, 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. (Ord 12-33, Amended 9-17-2012)
 - 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. Work Shops. Repair shops including welding, carpentry, sheet metal work, furniture manufacturing, upholstery, and other similar manufacturing activities
- 6. **Business Not Conducted Within a Home.** Any home occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:
 - a. The applicant for a Home Occupation Business License shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.
 - b. No more that a maximum of 200 square feet, or in the alternative, no more than 50 percent of the total floor space (whichever is the greater) of any accessory structure or attached or detached garage may be used for a home occupation unless there are specific exceptions granted by the Planning Commission.
 - c. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.
 - d. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
 - e. The home occupation may utilize one unanimated, non-illuminated flat sign to be attached to the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in a window. The sign may not have an area greater than one square foot.
- 7. **Home Occupations and Outdoor Activities.** Any home occupations proposing to conduct business utilizing any yard space or in a swimming pool.
- 8. **Dangerous Home Occupations.** Any home occupation using explosives, incendiary products and devices, flammable, or hazardous chemicals.
- 9. Home Occupations Generating Excessive Traffic. Any home occupation which will generate in excess of two customers or visitors per hour or eight per day. A maximum of 12 business-associated visitors per day may be allowed under a conditional use permit, except as provided for child day care and other group child activities.
- 10. **Large, Business Related Vehicles.** Any home occupation which utilizes vehicles more than 24 feet in length (with the exception of renting recreational vehicles). (Ord 09-18, Amended 7-31-2009)

- 11. More Than Two Home Occupation Licenses. Any home where the applicant(s) is seeking more than two home occupation licenses.
- G. **Prohibited Home Occupations.** The following uses, by nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are, therefore, prohibited:
 - 1. Mortuary, crematorium, columbarium, mausoleum.
 - 2. Animal hospitals or veterinary services.
 - 3. Clinic, dental office, medical office, chiropractic office, or hospital.
 - 4. Junk yard, auto wrecking yard, or salvage yard.
 - 5. Stables, kennels, pet store, or any other commercial animal breeding business or similar activities are prohibited. Activities may be allowed within the scope of a hobby license as issued by the Animal Services Division of Sandy City.
 - 6. Storage, service, repair, sales of ambulance, tow truck, recreational vehicle, water craft, automobiles, ATV, or other motorized vehicles. (Ord 09-18, Amended 7-31-2009)
 - 7. Fitness or health spa facility.
 - 8. Boutiques, sample sale, or craft shows.
 - 9. Auto body repair, motor vehicle repair.
 - 10. Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current adopted Building and Fire Codes would require an Operational Permit.
 - 11. Number of vehicular stops or visits that would exceed 24 per day.
 - 12. Massage therapy or other alternative healing and energy healing businesses, with the exception that a Home Occupation license may be issued if the applicant is the only person employed in said operation and he/she has obtained any required license(s) from the State of Utah. Limit one massage therapy or alternative healing and energy healing business per residence. All other standards and Category I qualifications must be complied with. No massage therapy or other alternative healing businesses may be permitted if a Category II qualification is required. (Ord 15-25, Amended 7-21-2015, Ord 16-13, Amended 3-23-2016)
 - 13. A Bed & Breakfast facility.

Exhibit "B"

15A-11-05 Home Occupations

- A. **Purpose.** The purposes of this section are to:
 - 1. Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. 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.
 - 2. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
 - 3. Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.
 - 4. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
 - 5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the business license regulations of the Revised Ordinances of Sandy City (ROSC), and if necessary, terminate home occupations if violations of the ordinances regulating home occupations occur.
- B. Home Occupation License. All home occupations shall be licensed unless specifically provided an exemption in this Section or in the business license regulations of the ROSC. <u>Regardless of whether a license is required, all Home Occupations must adhere to the standards and qualifications listed in this section.</u> The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the Business License Office of the Community Development Department.
- C. **Categories and Requirements of Home Occupation Licenses.** Home occupation businesses are <u>licensableclassified</u> as Category I, Permitted Home Occupation, or Category II, Conditional Use Home Occupation. A Category II Conditional Use Home Occupation requires review and approval of the Planning Commission.
- 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 be a bona fide resident of the home.
 - 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 shall not be conducted at the home of an employee of a company by non-resident 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 non-resident 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 non-resident 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 8. **Designating Areas of Property to be Used.** The home occupation applicant must designate the portion of the home, accessory structure, yard, attached or detached garage as the principal 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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.
 - 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. (Ord 10-45, Amended 12-14-2010)
- 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 code. (Ord 10-45, Amended 12-14-2010)
- 13. **Conformity with Safety Codes.** There shall be complete conformity with fire, building, plumbing, electrical, and all other City, County, State, and Federal codes. (Ord 10-45, Amended 12-14-2010)
- 14. **Health and Safety.** No process can be used which is hazardous to public health, safety, morals, or welfare. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 19. Exempt from Business Licensure. A business license will not be required unless the combined offsite 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 non-resident 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.
- j. If the home occupation is categorized as a Category II, Conditional Use Home Occupations, as described herein.
- <u>k.</u> If the home requires any modification requiring a building permit to accommodate the <u>business operations</u>.
- 1. When the business use within the home exceeds twenty-five percent (25%) 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. The Category I 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.

10. Category I Home Occupation License Involving Elderly Day Care

- a. This type of home occupation shall not exceed supervising more than two elderly persons 60 years of age or older. 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 (1) 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 (2) recreational vehicles.
- b. Any recreational vehicle must be parked according to the Residential Parking Requirements and Restrictions within the Code, 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 the Noise Ordinance and the Property Maintenance Ordinance contained within the Sandy City Code.
- e. Any customer renting the recreational vehicle shall not leave their own car on the street, but may place their vehicle on the homeowners property in compliance with all Residential Parking Requirements during the time the recreational vehicle is being rented. (Ord 09-18, Amended 7-31-2009)

- 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.
 - 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 5 Business Licensing, 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. (Ord 12-33, Amended 9-17-2012)
 - 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. Work Shops. Repair shops including welding, carpentry, sheet metal work, furniture manufacturing, upholstery, and other similar manufacturing activities
- 6. **Business Not Conducted Within a Home.** Any home occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:
 - a. The applicant for a Home Occupation Business License shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.
 - b. No more that a maximum of 200 square feet, or in the alternative, no more than 50 percent of the total floor space (whichever is the greater) of any accessory structure or attached or detached garage may be used for a home occupation unless there are specific exceptions granted by the Planning Commission.
 - c. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.
 - d. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
 - e. The home occupation may utilize one unanimated, non-illuminated flat sign to be attached to the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in a window. The sign may not have an area greater than one square foot.
- 7. **Home Occupations and Outdoor Activities.** Any home occupations proposing to conduct business utilizing any yard space or in a swimming pool.
- 8. **Dangerous Home Occupations.** Any home occupation using explosives, incendiary products and devices, flammable, or hazardous chemicals.
- 9. Home Occupations Generating Excessive Traffic. Any home occupation which will generate in excess of two customers or visitors per hour or eight per day. A maximum of 12 business-associated visitors per day may be allowed under a conditional use permit, except as provided for child day care and other group child activities.
- 10. **Large, Business Related Vehicles.** Any home occupation which utilizes vehicles more than 24 feet in length (with the exception of renting recreational vehicles). (Ord 09-18, Amended 7-31-2009)

- 11. More Than Two Home Occupation Licenses. Any home where the applicant(s) is seeking more than two home occupation licenses.
- G. **Prohibited Home Occupations.** The following uses, by nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are, therefore, prohibited:
 - 1. Mortuary, crematorium, columbarium, mausoleum.
 - 2. Animal hospitals or veterinary services.
 - 3. Clinic, dental office, medical office, chiropractic office, or hospital.
 - 4. Junk yard, auto wrecking yard, or salvage yard.
 - 5. Stables, kennels, pet store, or any other commercial animal breeding business or similar activities are prohibited. Activities may be allowed within the scope of a hobby license as issued by the Animal Services Division of Sandy City.
 - 6. Storage, service, repair, sales of ambulance, tow truck, recreational vehicle, water craft, automobiles, ATV, or other motorized vehicles. (Ord 09-18, Amended 7-31-2009)
 - 7. Fitness or health spa facility.
 - 8. Boutiques, sample sale, or craft shows.
 - 9. Auto body repair, motor vehicle repair.
 - 10. Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current adopted Building and Fire Codes would require an Operational Permit.
 - 11. Number of vehicular stops or visits that would exceed 24 per day.
 - 12. Massage therapy or other alternative healing and energy healing businesses, with the exception that a Home Occupation license may be issued if the applicant is the only person employed in said operation and he/she has obtained any required license(s) from the State of Utah. Limit one massage therapy or alternative healing and energy healing business per residence. All other standards and Category I qualifications must be complied with. No massage therapy or other alternative healing businesses may be permitted if a Category II qualification is required. (Ord 15-25, Amended 7-21-2015, Ord 16-13, Amended 3-23-2016)

13. A Bed & Breakfast facility.

Exhibit "C"

15A-11-05 Home Occupations

- A. **Purpose.** The purposes of this section are to:
 - 1. Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. 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.
 - 2. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
 - 3. Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.
 - 4. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
 - 5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the business license regulations of the Revised Ordinances of Sandy City (ROSC), and if necessary, terminate home occupations if violations of the ordinances regulating home occupations occur.
- B. **Home Occupation License.** All home occupations shall be licensed unless specifically provided an exemption in this Section or in the business license regulations of the ROSC. The authority to issue a license to conduct a home occupation shall be under the jurisdiction of the Business License Office of the Community Development Department.
- C. **Categories and Requirements of Home Occupation Licenses.** Home occupation businesses are licensable as Category I, Permitted Home Occupation, or Category II, Conditional Use Home Occupation. A Category II Conditional Use Home Occupation requires review and approval of the Planning Commission.
- D. **Home Occupation Standards.** All home occupations 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 be a bona fide resident of the home.
 - 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 shall not be conducted at the home of an employee of a company by non-resident 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 non-resident 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 non-resident 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 8. **Designating Areas of Property to be Used.** The home occupation applicant must designate the portion of the home, accessory structure, yard, attached or detached garage as the principal 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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.
 - 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. (Ord 10-45, Amended 12-14-2010)
- 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 code. (Ord 10-45, Amended 12-14-2010)
- 13. **Conformity with Safety Codes.** There shall be complete conformity with fire, building, plumbing, electrical, and all other City, County, State, and Federal codes. (Ord 10-45, Amended 12-14-2010)
- 14. **Health and Safety.** No process can be used which is hazardous to public health, safety, morals, or welfare. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. (Ord 10-45, Amended 12-14-2010)
- 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. The Category I 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.

10. Category I Home Occupation License Involving Elderly Day Care

- a. This type of home occupation shall not exceed supervising more than two elderly persons 60 years of age or older. 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 (1) 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 (2) recreational vehicles.
- b. Any recreational vehicle must be parked according to the Residential Parking Requirements and Restrictions within the Code, 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 the Noise Ordinance and the Property Maintenance Ordinance contained within the Sandy City Code.
- e. Any customer renting the recreational vehicle shall not leave their own car on the street, but may place their vehicle on the homeowners property in compliance with all Residential Parking Requirements during the time the recreational vehicle is being rented. (Ord 09-18, Amended 7-31-2009)
- 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.
 - 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 5 Business Licensing, 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. (Ord 12-33, Amended 9-17-2012)
 - 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. Work Shops. Repair shops including welding, carpentry, sheet metal work, furniture manufacturing, upholstery, and other similar manufacturing activities
- 6. **Business Not Conducted Within a Home.** Any home occupation which proposes or conducts activities within an outbuilding, accessory building, attached or detached garage. The following guidelines shall be used to determine the maximum impacts permitted:
 - a. The applicant for a Home Occupation Business License shall designate the areas of the home, attached/detached garage or accessory structure that will be used for the home occupation. If approved, the home occupation may be conducted only in the designated area.
 - b. No more that a maximum of 200 square feet, or in the alternative, no more than 50 percent of the total floor space (whichever is the greater) of any accessory structure or attached or detached garage may be used for a home occupation unless there are specific exceptions granted by the Planning Commission.

- c. Any home occupation uses in an attached or detached garage may not eliminate minimum parking requirements for the particular zone wherein the home occupation is located.
- d. Any accessory structure used for a home occupation must maintain the architectural aesthetics or compatibility of the home and the immediate neighborhood.
- e. The home occupation may utilize one unanimated, non-illuminated flat sign to be attached to the accessory structure where the home occupation is being conducted in lieu of a sign attached to the home or in a window. The sign may not have an area greater than one square foot.
- 7. **Home Occupations and Outdoor Activities.** Any home occupations proposing to conduct business utilizing any yard space or in a swimming pool.
- 8. **Dangerous Home Occupations.** Any home occupation using explosives, incendiary products and devices, flammable, or hazardous chemicals.
- 9. Home Occupations Generating Excessive Traffic. Any home occupation which will generate in excess of two customers or visitors per hour or eight per day. A maximum of 12 business-associated visitors per day may be allowed under a conditional use permit, except as provided for child day care and other group child activities.
- 10. **Large, Business Related Vehicles.** Any home occupation which utilizes vehicles more than 24 feet in length (with the exception of renting recreational vehicles). (Ord 09-18, Amended 7-31-2009)
- 11. More Than Two Home Occupation Licenses. Any home where the applicant(s) is seeking more than two home occupation licenses.
- G. **Prohibited Home Occupations.** The following uses, by nature of the occupation, substantially impair the use and value of residentially zoned areas for residential purposes and are, therefore, prohibited:
 - 1. Mortuary, crematorium, columbarium, mausoleum.
 - 2. Animal hospitals or veterinary services.
 - 3. Clinic, dental office, medical office, chiropractic office, or hospital.
 - 4. Junk yard, auto wrecking yard, or salvage yard.
 - 5. Stables, kennels, pet store, or any other commercial animal breeding business or similar activities are prohibited. Activities may be allowed within the scope of a hobby license as issued by the Animal Services Division of Sandy City.
 - 6. Storage, service, repair, sales of ambulance, tow truck, recreational vehicle, water craft, automobiles, ATV, or other motorized vehicles. (Ord 09-18, Amended 7-31-2009)
 - 7. Fitness or health spa facility.
 - 8. Boutiques, sample sale, or craft shows.

- 9. Auto body repair, motor vehicle repair.
- 10. Use of specified chemicals, pesticides and flammable/combustible materials, and including any other process or business where current adopted Building and Fire Codes would require an Operational Permit.
- 11. Number of vehicular stops or visits that would exceed 24 per day.
- 12. Massage therapy or other alternative healing and energy healing businesses, with the exception that a Home Occupation license may be issued if the applicant is the only person employed in said operation and he/she has obtained any required license(s) from the State of Utah. Limit one massage therapy or alternative healing and energy healing business per residence. All other standards and Category I qualifications must be complied with. No massage therapy or other alternative healing businesses may be permitted if a Category II qualification is required. (Ord 15-25, Amended 7-21-2015, Ord 16-13, Amended 3-23-2016)

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

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

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

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

STAFF RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Lisa Hartman opened this item to public comment.

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

Commissioner Lisa Hartman closed this item to public comment.

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

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

3. Mobile Food & Street Vendor Businesses Amend Title 15A, Chapter 11, Special Uses, Land Development Code, Revised Ordinances of Sandy City, 2008 CODE-09-17-5306

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

STAFF RECOMMENDATION

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

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



Staff Report

File #: CODE-09-07-5306, Version: 2 Date: 11/21/2017

Agenda Item Title:

The Sandy City Community Development Department has filed a request to amend Title 15A, Chapter 11, Mobile Food Businesses, Land Development Code, Revised Ordinances of Sandy City, 2008.

Presenter:

Description/Background:

The public hearing was conducted on November 14. The City Council tabled action on this item until a resolution could be prepared to execute the ordinance.

The purpose of the Code Amendment is to make changes in our code that will align it with recent State Code changes relating to food trucks and mobile food businesses. Staff has also proposed several formatting changes to make it easier for mobile food businesses and street vendors to follow and understand our requirements, while also making it easier to enforce. The proposed changes will also make it easier to operate a mobile food business or street vendor.

Staff recommended to Planning Commission that the proposed code amendment be approved. On October 19, 2017, the Planning Commission unanimously recommended to the City Council to adopt the proposed ordinance amendment. See attached staff report and meeting minutes for more details.

Fiscal Impact: Negligible: Minor impact on Business License Fee revenue.

Further action to be taken:

n/a

Recommended Action and/or Suggested Motion:

That the City Council adopt the proposed ordinance amendment as shown in Exhibit "A" for the following reasons:

1. Compliance with the Purpose of the Land Development Code by facilitating the orderly growth and development of Sandy City by establishing a system of fair, comprehensive, consistent and equitable regulations, and standards under which mobile food and street vendor businesses will be evaluated within the City.

2. Compliance with the Goals and Policies of the General Plan by establishing appropriate development standards for all uses and zoning categories within Sandy City.



MEMORANDUM

October 11, 2017

To:City Council via Planning CommissionFrom:Community Development DepartmentSubject:Mobile Food & Street Vendor Businesses –
Amend Title 15A, Chapter 11, Mobile Food Businesses, Land
Development Code, Revised Ordinances of Sandy City, 2008CODE-09-17-5306

HEARING NOTICE: This Code Amendment was noticed in the paper at least 10 days prior to the first Planning Commission meeting.

BACKGROUND

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

ANALYSIS

The popularity of mobile food businesses has increased across the country in recent years. The City revamped our regulations of these businesses in 2015 with a lot of research and discussion with industry representatives. Earlier this year, the State Legislature made changes to State Code that have caused us to revisit our code and make some changes. Upon reviewing our code and making the minimum changes to align with the State Code, staff is recommending some other changes that will make it easier for staff to regulate and enforce, while also making it easier for mobile food businesses to operate in Sandy.

Senate Bill 250 made changes to several things relating to food trucks. Cities can no longer require multiple business licenses at different locations for the same business, requires cities to reciprocate health and safety certificates and inspections, and eliminates our ability to require certain distance requirements.

The following is a short summary of the proposed changes to the text of this section:

- 1. Added a "Purpose" section.
- 2. Reorganized the text in a pattern similar to our regulations for Home Occupations. We have organized the existing requirements and added some new ones under four (4) main headings. The

General Requirements section lays out requirements that apply to all mobile food businesses, street vendors, and mobile food courts. Then there are three sections that have additional design and operation requirements for those different types of vendors.

- 3. Removed requirements that are prohibited by State Code (e.g. distant requirements to other businesses and restaurants, multiple business licenses for the same business at multiple locations).
- 4. Removed duplicative text relating to overlap with the Business License code in Title 5.
- 5. Expanded the application of Mobile Food Courts to other areas of the city.

The clean version of all proposed text amendments is shown in Exhibit "A" attached hereto. A full detail of all redlined changes to the original text are shown in the attached Exhibit "B". The original text of this section is shown in Exhibit "C".

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 15A-01-03 lists the criteria explaining the intent and purpose of the Ordinance. The purpose is:

15A-01-03 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 will stabilize property values by establishing a system of fair, comprehensive, consistent and equitable regulations, and standards under which mobile food and street vendor businesses will be evaluated within the City.

GENERAL PLAN COMPLIANCE

The General Plan encourages appropriate development standards for all uses and zoning categories within Sandy City.

OTHER

Besides the purposes set out in the ordinances cited above, one of the stated purposes of the City's land use ordinances is to facilitate the orderly growth and development of Sandy City (Rev. Ord. of Sandy City 2008, Section 15A-01-03(A)(1)). Some of the general purposes of the City's Development Code are to implement Sandy City's General Plan, and to promote the following public policies: 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 (R.O.S.C. Sec. 15A-01-03(A)).

STAFF RECOMMENDATION

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

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

Planner:

Reviewed by:

Mike Wilcox Zoning Administrator

File Name: S:\USERS\PLN\STAFFRPT\2017\CODE-09-17-5306_MOBILE FOOD BUSINESS REVISIONS\STAFF REPORT.DOCX

Exhibit "A"

15A-11-19 Mobile Food & Street Vendor Businesses

- A. **Purpose.** This section is established to provide regulation and design standards for mobile food businesses, mobile food courts, and street vendors in commercial or industrial land use areas, except as otherwise allowed herein. These regulations are designed to expand the opportunity of various types of temporary mobile vendors in the city, while guiding them to appropriate locations, and ensuring they are conducted safely and in harmony with the surrounding land uses.
- B. **General Requirements**. The following requirements must be met for all mobile food businesses, street vendors, and mobile food courts. Provisions found in this section shall not apply to other uses identified as "temporary use" that are specifically regulated by this Title.
 - 1. **License Required.** No person shall operate a mobile food or street vendor, business without first having obtained a business license from Sandy City in accordance with Title 5 Sandy City Revised Ordinances. Licenses will expire on the earliest date of expiration of the required health or safety inspections, or one (1) year from the date of issuance.
 - 2. Prohibited Sales. No alcohol shall be provided/sold from a mobile food business.
 - 3. Use of Public or Private Property (Excluding Public Right of Way). Mobile food businesses and street vendors shall be allowed to operate on property within all commercial or industrial land use areas, in accordance with the provisions of this section. Each business shall abide by the following:
 - a. **Property Owner Approval**. Prior written consent from the property owner is required for every location a business desires to operate. Said letter must include information about where the vendor is permitted on the site that complies with the location requirements herein. Upon inspection, the business must provide proof of permission to operate in any given location.
 - b. **Parking and Circulation**. Acceptable space shall be available for any off-street parking and traffic circulation generated by the uses. The location and use of a site may not interfere with the existing parking demand and circulation of the surrounding development.
 - c. **Vacant Lots**. Prior to operating a mobile food business on a vacant lot (where there is no current licensed business with a permanent structure on-site) the improvements outlined within this Title for Temporary Uses are required for each site prior to operating business.
 - 4. Use of Public Right-of-Way. Mobile food businesses and street vendors may be allowed to operate in the public right-of-way only in appropriate locations as determined by the City in accordance with the provisions in this section (such as Centennial Parkway). Each business seeking to operate within the public right-of-way shall abide by the following conditions and requirements.
 - a. **City Approval**. Written permission from the City to operate a business in the right-ofway is required. Said permission may be granted if an applicant can demonstrate compliance with the regulations in this section.

- b. **Parking and Traffic Regulations**. Mobile food businesses shall obey all on-street parking and traffic regulations as stated in State statute and/or City ordinances.
- c. **Prohibited Parking Areas**. Parking on a sidewalk, park strip, or otherwise landscaped area is not allowed. Street Vendors are exempt from this prohibition if they are set up on a paved surface, do no harm to landscaped areas, and comply with all other provisions of this section.
- d. **Parallel Parking Spaces**. Mobile food businesses utilizing parking space within the public right-of-way shall park only in parallel parking spaces. Mobile food businesses must be parked so that neither the vehicle nor the customers interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
- e. **Orientation of Vending Window**. The operator shall locate the vending window facing the sidewalk or on private property unless the roadway has been closed to vehicular traffic for a public event.
- f. **Parking for Primary Use**. No mobile food business shall create a parking issue for the surrounding primary uses.
- g. No Sales in Roadway. No sales shall be made to any person standing in a roadway unless the roadway has been closed to vehicular traffic for a public event.
- h. **Locations**. Mobile food businesses shall not operate on public streets where the speed limit exceeds thirty-five (35) miles per hour, unless the roadway has been closed to vehicular traffic for a public event, nor locations that are otherwise deemed hazardous by the Sandy City Transportation Engineer.
- i. Certificate of Insurance. When locating on public property, each applicant for a license or renewal under this Chapter shall submit, with the application, a certificate of insurance executed by an insurance company or association authorized to transact business in this state, showing that there is in full force and effect, for the full term of the license, general liability insurance in the amount not less than two hundred thousand dollars (\$200,000) for personal injury to each person, five hundred thousand dollars (\$500,000) for each occurrence, and five hundred thousand (\$500,000) for each occurrence involving property damage; or a single limit policy of not less than five hundred thousand dollars (\$500,000) covering all claims per occurrence. Such policy or policies shall also include coverage of all motor vehicles used in connection with applicant's business and the coverage shall be primary. A. current certificate of insurance shall be kept on file with the Business License Administrator at all times that applicant is licensed by the City verifying such continuing coverage and naming Sandy City, its officers, officials, and employees as additional insureds. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage. Cancellation shall constitute grounds for suspensions or revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination. In the case of a mobile food court, a certificate of insurance would be required for each vehicle.
- j. **Indemnity Clause**. A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising

from any activity carried on under the terms of the license.

- 5. **Open Space Zones**. It shall be unlawful for any mobile food business to operate adjacent to or in a public park, or in an OS Zone, without the prior written consent of the Community Development Director. Authorization does not supersede or replace the requirement that the business obtain a Sandy City business license.
- 6. **Pedestrian Flow**. The business shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage. Vendor must maintain clear, continuous sidewalk width of no less than four (4) feet.
- 7. Location Restrictions. Must not be located within:
 - a. Ten (10) feet of any fire hydrant;
 - b. Ten (10) feet of any bus or transit stop;
 - c. Ten (10) feet or one stall away from any handicap parking space or access ramp;
 - d. Ten (10) feet from any curb cut;
 - e. Ten (10) feet from any other mobile food business or street vendor;
 - f. Ten (10) feet from any manhole or storm drain inlet;
 - g. Sixty (60) feet from any intersection or driveway; and
 - h. One thousand (1000) feet from any private/public school k-12 between the hours of 7:00 am to 4:00 pm, Monday through Friday, unless permission is given from an authorized representative from the school to locate on school property. School authorization does not supersede or replace the requirement that the business obtain a Sandy City business license.
- 8. **Restrooms**. Access to restroom facilities shall be made available.
- 9. **Display of License, Inspections, and Registration**. The business license, fire inspection certificate, and health department inspection must be displayed in a visible location on the vehicle, trailer, or cart. The vehicle, trailer, or cart must also have the license plate, proof of insurance coverage, safety inspection, and vehicular registration.
- 10. **Multiple Locations**. The business may operate from several locations (both public and private) within the city under the same business license.
- 11. **Business Activity to be Temporary**. All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve (12) hours within any twenty-four (24) hour period at any one location, unless the Director approves a longer time on either public or private property. All vehicles, trailers, or carts must be removed from the public right-of-way or private property at the close of each business day. The hours of operation shall be restricted to 7 am to 10 pm, unless approved by the Director if one or more of the following conditions are met:
 - a. The extended hours are part of an approved special event.
 - b. The location is a site that contains a business that has been approved for extended hours.
- 12. **Noise Ordinance**. Live music will not be performed nor loudspeakers played from a mobile food business or in a mobile food court area unless the decibel level is in conformance with the Salt Lake Valley Health Department noise ordinance.

- 13. Drive-Thru Prohibited. The business shall not have or operate as a drive-thru.
- 14. **Appearance**. The mobile food vehicle, trailer, or cart shall be kept in a good operating condition and no peeling paint or rust shall be visible.
- 15. **Auxiliary Power**. Any auxiliary power required for the operation of the mobile food business shall be self-contained. The use of power or water located in private property is not allowed, unless the property owner grants permission.
- 16. **Illegal to Discharge in Storm Drain**. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
- 17. **Garbage**. All garbage or other refuse generated from a mobile food business shall be disposed of properly. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition. Trash containers shall be provided for use of the business patrons. If a mobile food business has operated on or adjacent to a public right-of-way, that vendor shall be responsible for cleaning up litter dropped or discarded onto the public right-of-way prior to leaving the location.
- Signage. Signage shall be allowed as part of the design of the vehicle, trailer, or cart itself or upon the canopy or umbrella. One menu board A-frame sign may be used with a maximum size of 3' x 4'. Signs shall not block or impede pedestrian traffic.
- 19. **Professional and Personal Services Prohibited**. Professional or personal services shall not be provided from a mobile food business or street vendor.
- 20. **Compliance Responsibility**. All vendors are subject to Sandy City Sales Tax for goods sold within the boundaries of Sandy City. Vendors shall be required to keep accurate records of daily sales that occur within the Sandy City limits. Sandy City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the Sandy City business license.
- **C.** Additional Design and Operation Standards for Mobile Food Businesses. Mobile food businesses shall comply with the following design and operation requirements:
 - 1. **Canopy Regulations**. Any canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto or over the public sidewalk or any other part of the public right-of-way in a way that impedes pedestrian passage or is lower than seven (7) feet measured from the lowest portion of the canopy to the sidewalk or ground surface. Walled enclosures, whether hard or soft, are not authorized. Chairs and tables are not allowed in the public right-of-way.
 - 2. **Comply with Motor Vehicle Regulations**. Licensees/owners will ensure their business vehicles are at all times in compliance with all applicable laws or ordinances regulating motor vehicles.
- **D.** Additional Design Standards for Street Vendors. Street vendor carts shall comply with the following design standards:
 - 1. **Canopy Clearance**. Umbrellas or canopies shall be a minimum of seven (7) feet and a maximum of ten (10) feet above the sidewalk if they extend beyond the edge of the cart.

- 2. Canopy Size. Umbrellas or canopies shall not exceed one hundred (100) square feet in area.
- 3. **Cart Size**. The cart shall not exceed three and one-half (3.5) feet in width and eight (8) feet in length, including the hitch. The height of the mobile device or push cart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed five (5) feet.
- 4. **Non-motorized Carts**. The cart shall be on wheels and of sufficiently lightweight construction that it can be moved from place to place by one adult person without auxiliary power. The device or cart shall not be motorized so as to move on its own power.
- **E.** Additional Design and Operation Standards for Mobile Food Courts. A mobile food court, which consists of three (3) or more mobile food businesses or street vendors that congregate at a site or street at the same time on a temporary or permanent basis. Temporary mobile food courts are located on sites that are typically set up in an existing parking lot as an accessory use or street and operate on a weekly, seasonal, or other temporary basis. A permanent mobile food court is a site constructed as a primary use on private property specifically designed for hosting various vendors and intended to operate year-round on a consistent basis. Permanent mobile food courts will be allowed in certain zone districts as determined in the Land Use Tables of the Sandy City Land Use Development Code. A mobile food court shall only be approved if it complies with the following design and operation requirements:
 - 1. Administrative Permit. Temporary mobile food courts are allowed by administrative special use permit, in accordance with the provisions of this section and other applicable provisions in the Sandy City Land Use Development Code. Permanent mobile food courts will be required to adhere to the provisions of this section and all applicable commercial site plan review requirements in the Sandy City Land Use Development Code.
 - 2. **Parcel Size**. A mobile food court is required to be on a parcel that is at least 2,000 square feet in size.
 - 3. **Number of Food Vendors**. No more than ten (10) individual mobile food businesses or other authorized vendors are allowed in a mobile food court.
 - 4. **Business License**. A promoter, mobile food court operator, or property owner must obtain a mobile food court license. Any participating vendor operating at a mobile food court location must have a participation license or their own business license. If individual vendors seek to operate in other locations in the city, they must obtain their own business license.
 - 5. Landscape Requirements. All landscaping requirements shall be met prior to issuing a permit.
 - 6. **Comply with Site Approvals**. The proposed mobile food court complies with all conditions pertaining to any existing variances, conditional uses or other approvals granted for the property.
 - 7. **Health Department Approval**. All activities associated with a mobile food court must comply with all Salt Lake Valley Health Department Requirements.
 - 8. Site Plan. A site plan demonstrating the following is required:
 - a. The location and orientation of each vendor pad.

- b. The location of any paving, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers or any other site requirement by the International Building Code, or Health Department.
- c. The location of all existing and proposed activities on site.
- d. The circulation of all pedestrian and vehicle traffic on the site.
- e. The location of restroom facilities to be used for the mobile food court.
- f. The location of any permanent structures or facilities (such as restrooms, ancillary food preparation facility, etc.)
- 9. **Parking**. Parking for a mobile food court is required at a ratio of two (2) stalls per mobile food business. This requirement maybe modified or waived by the Director if there is sufficient and available on-street parking or the applicant can demonstrate that their use will not generate as much parking demand. Hard surface paving at the vehicular entrance to the mobile food court and for each individual mobile food business pad is required. Alternatives to asphalt and concrete may be approved as part of the special use review if the applicant is able to demonstrate that the alternative will not result in the accumulation of mud or debris on the City right-of-way.
- **F. Special Events**. The restrictions of this Chapter notwithstanding, nothing herein shall prohibit the City from authorizing mobile food businesses other than those licensed under this section, to conduct concurrent vending operations within the public right-of-way, or such other areas as the City may deem appropriate, during special events. The special event vendors shall still be governed by this section, except as specifically provided otherwise by the special event permit or such other ordinance, policy, or executive order as may be applicable. However, as long as the public right-of- way remains open to the general public, such authorization or special event vendors shall not require removal of a permittee under this section from operating within an otherwise lawfully occupied location of a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under City ordinances. If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, a mobile food business may not access that right-of-way unless specifically authorized by the City.
- **G.** Grounds for Denial, Suspension or Revocation. Failure to comply with the requirements of this section shall be grounds for denial, suspension or revocation of a business license as described in Title 5 Sandy City Revised Ordinances. Failure to comply may result in the suspension or revocation of a business license, and is a class B misdemeanor.

Exhibit "B"

15A-11-19 Mobile Food <u>& Street Vendor</u> Businesses

- A. **Purpose.** This section is established to provide regulation and design standards for mobile food businesses, mobile food courts, and street vendors in commercial or industrial land use areas, except as otherwise allowed herein. These regulations are designed to expand the opportunity of various types of temporary mobile vendors in the city, while guiding them to appropriate locations, and ensuring they are conducted safely and in harmony with the surrounding land uses.
- A.B. General Requirements. The following requirements must be met for all mobile food businesses, street vendors, and mobile food courts. Provisions found in this section shall not apply to other uses identified as "temporary use" that are specifically regulated by this Title.
 - 1. **License Required.** No person shall operate a mobile food <u>or street vendor</u>, business, without first having obtained a business <u>licenses[icense]</u> from Sandy City in accordance with Title 5_ <u>Sandy City Revised Ordinances</u>. Licenses will expire on the earliest date of expiration of the required health or safety inspections, or one (1) year from the date of issuance.
 - 2. Prohibited Sales. No alcohol shall be provided/sold from a mobile food business.
 - 3. Use of Public andor Private Property: <u>(Excluding Public Right of Way)</u>. Mobile food businesses are and street vendors shall be allowed to operate in the public right of way only along. Centennial Parkwayon property within all commercial or industrial land use areas, in accordance with the provisions inof this section. Mobile food businesses shall be allowed to vend on private-property, also in accordance with the provisions of this section, within all commercial/industrial-zones in Sandy, with prior Each business shall abide by the following:
 - 3.a. Property Owner Approval. Prior written consent from the private property owner is required for every location a business desires to operate. Said letter must include information about where the vendor is permitted on the site that complies with the location requirements herein. Upon inspection, the business must provide proof of permission to operate in any given location.
 - 4. Open Space Zones. It shall be unlawful for any mobile food business to operate adjacent to a public park in or next to an OS Zone without the prior consent of the Director of Parks and Recreation or his/her designee. This requirement does not supersede or replace the requirement that the applicant obtain a Sandy City business license.
 - 5. **Pedestrian Flow.** Location must not hinder the free flow of pedestrian and other traffic in the area. Permittee must maintain clear, continuous sidewalk width of no less than four (4) feet.
 - 6.1. Location Restrictions. Must not be located within:
 - a. Ten (10) feet of any fire hydrant;
 - b.a. Ten (10) feet of any bus or transit stop;
 - e.a. Ten (10) feet or one stall away from any handicap parking space or access ramp;
 - d. Ten (10) feet of any business entrance or display window;
 - e.a. Ten (10) feet from any curb cut;
 - f. Ten (10) feet from any other vending cart or like business.



g.a. Ten (10) feet from any manhole or storm drain inlet;

h. Sixty (60) feet from any intersection or driveway;

i. One hundred (100) feet from any restaurant entrance; and

j. One thousand (1000) feet from any private/public school k-12 between the hours of 7:00 am to 4:00 pm, Monday through Friday, unless permission is given from an authorized representative from the school to locate on school property. This requirement does not supersede or replace the requirement that the applicant obtain a Sandy City business license.

b. **Parking and Circulation**. Acceptable space shall be available for any off-street parking and traffic circulation generated by the uses. The location and use of a site may not interfere with the existing parking demand and circulation of the surrounding development.

7.1. Restrooms. Access to restroom facilities shall be made available.

- 8. **Display of License and Inspection**. Display business license and fire inspection in a visible location on the mobile food business or pushcart.
 - 9.c. Vacant Lots. Prior to operating a mobile food business on a vacant lot (where there is no current licensed business with a permanent structure on-site) the improvements outlined within this Title for Temporary Uses (See 15A 11-14(C) are required for each site prior to operating business.__
- 10.<u>1.</u><u>Noise Ordinance. Live music will not be performed nor loudspeakers played from a</u> mobile food business or in a mobile food court area unless the decibel level is in conformancewith the Salt Lake Valley Health Department noise ordinance.

B. Application

- 1. File for Business License. An application for a business license Use of Public Right-of-Way. Mobile food businesses and street vendors may be allowed to conduct a mobile food business shall be filed operate in the public right-of-way only in appropriate locations as determined by the City in writingaccordance with the Sandy City business license office as set forthprovisions in Title 5, ten (10) working days prior to commencement of operation.
- 2. Additional License Information. In addition to the information required by this section (such Title, the license application shall include:

a. The name and location of the applicant's principal place of business, or residence if nopermanent place of business exists.

b. The number of mobile food vehicles to be used in the business, a description of eachvehicle, its license plate number, vehicle identification number (VIN) and proof of insurance coverage, and safety inspection.

c. The address of the commissary.

d. If any of the forgoing information changes, the applicant or licensee, as the case may be, shall deliver current information to Sandy City business license office within ten (10) business days following the change.


e. Letter of permission from the property owner to include information on the permitted location for the food truck.

- 3. Other Approvals. A valid copy of all licenses or permits required by the State of Utah or the Salt Lake Valley Health Department, including, but not limited to, proof of business name and business owner(s) name as registered with the Department of Commerce and proof of a valid sales tax certificate from the State of Utah that includes Sandy City as the incorporated city where business is to be conducted.
- 4.a. Certificate of Insurance. When locating on public property, each applicant for a licenseor renewal under this Chapter shall submit, with the application, a certificate of insuranceexecuted by an insurance company or association authorized to transact business in this state, showing that there is in full force and effect, for the full term of the license, general liabilityinsurance in the amount not less than two hundred thousand dollars (\$200,000) for personalinjury to each person, five hundred thousand dollars (\$500,000) for each occurrence, and fivehundred thousand (\$500,000) for each occurrence involving property damage; or a single limitpolicy of not less than five hundred thousand dollars (\$500,000) covering all claims peroccurrence. Such policy or policies shall also include coverage of all motor vehicles used inconnection with applicant's business and the coverage shall be primary. A. current certificateof insurance shall be kept on file with the Business License Administrator at all times that applicant is licensed by the City verifying such continuing coverage and naming Sandy City, its officers, officials, and employees as additional insureds. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days prior toeancellation or material change in the coverage. Cancellation shall constitute grounds forsuspensions or revocation of the license issued hereunder unless another insurance policycomplying herewith is provided and is in effect at the time of cancellation/termination. In thecase of a mobile food court, a certificate of insurance would be required for each vehicle.
- 5.a. Indemnity Clause. A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons-arising from any activity carried on under the terms of the license.
- 6. **Fire Inspection**.<u>Centennial Parkway</u>). Each applicant for a license or renewal under this Chapter shall submit with the application, a valid fire inspection.

C. Separate Locations

Once original business license application is approved, the business owner, or promotor, shall update application information for additional locations on forms supplied by the licensing office.

D. License Fees

Fees shall be required as shown on the Fee Schedule adopted by the Sandy City Council<u>business</u> seeking to operate.

E. Business Activity to be Temporary

All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve (12) hours within a twenty four (24) hour period at any



one location, unless the Director approves a longer time, nor for more than 150 days in the calendar year (January through December) on either public or private property. All vehicles must be removed from the public right of way at the close of each business day. The hours of operation shall be restricted to 7 am to 10 pm.

F. Use of Public Right-of-Way

- <u>4.</u> Each mobile food business offering food within the public right-of-way shall abide by the following conditions and requirements. Failure to comply may result in the suspension or revocation of a business license, and is a class B misdemeanor:
 - a. City Approval. Written permission from the City to operate a business in the right-ofway is required. Said permission may be granted if an applicant can demonstrate compliance with the regulations in this section.
 - **1.b. Parking and Traffic Regulations**. Mobile food businesses shall obey all <u>on-street</u> parking and traffic regulations as stated in State statute of<u>and/or</u> City ordinances.
 - 2.c. **Prohibited Parking Areas.** Parking on a sidewalk-(except for a street vendor)_a park strip, or otherwise landscaped area is not allowed. <u>Street Vendors are exempt from this</u> prohibition if they are set up on a paved surface, do no harm to landscaped areas, and comply with all other provisions of this section.
 - 3.d. **Parallel Parking Spaces**. Mobile food businesses utilizing parking space within the public right-of-way shall park only in parallel parking spaces. Mobile food businesses must be parked so that neither the vehicle nor the customers interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
 - 4.e. <u>LocationOrientation</u> of Vending Window. The operator shall locate the vending window facing the sidewalk or on private property unless the roadway has been closed to vehicular traffic for a public event.
 - 5.f. **Parking for Primary Use**. No mobile food business shall create a parking issue for the <u>surrounding primary useuses</u>.
 - 6. Cannot Interfere with Pedestrian Passage. The mobile food business shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk-users' free and unobstructed passage.
 - 7.g. No Sales in Roadway. No sales shall be made to any person standing in a roadway unless the roadway has been closed to vehicular traffic for a public event.
 - 8.h. <u>Right-of-Way</u> Locations. Mobile food businesses shall not operate on public streets where the speed limit exceeds thirty-five (35) miles per hour, unless the roadway has been closed to vehicular traffic for a public event, nor locations that are otherwise deemed hazardous by the Sandy City Transportation Engineer.
 - i. Certificate of Insurance. When locating on public property, each applicant for a license or renewal under this Chapter shall submit, with the application, a certificate of insurance



executed by an insurance company or association authorized to transact business in this state, showing that there is in full force and effect, for the full term of the license, general liability insurance in the amount not less than two hundred thousand dollars (\$200,000) for personal injury to each person, five hundred thousand dollars (\$500,000) for each occurrence, and five hundred thousand (\$500,000) for each occurrence involving property damage; or a single limit policy of not less than five hundred thousand dollars (\$500,000) covering all claims per occurrence. Such policy or policies shall also include coverage of all motor vehicles used in connection with applicant's business and the coverage shall be primary. A. current certificate of insurance shall be kept on file with the Business License Administrator at all times that applicant is licensed by the City verifying such continuing coverage and naming Sandy City, its officers, officials, and employees as additional insureds. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage. Cancellation shall constitute grounds for suspensions or revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination. In the case of a mobile food court, a certificate of insurance would be required for each vehicle.

- <u>j.</u> Indemnity Clause. A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising from any activity carried on under the terms of the license.
- 5. Open Space Zones. It shall be unlawful for any mobile food business to operate adjacent to or in a public park, or in an OS Zone, without the prior written consent of the Community Development Director. Authorization does not supersede or replace the requirement that the business obtain a Sandy City business license.
- 6. <u>Pedestrian Flow.</u> The business shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage. Vendor must maintain clear, continuous sidewalk width of no less than four (4) feet.
- 7. Location Restrictions. Must not be located within:
 - a. Ten (10) feet of any fire hydrant;
 - b. Ten (10) feet of any bus or transit stop;
 - c. Ten (10) feet or one stall away from any handicap parking space or access ramp;
 - d. Ten (10) feet from any curb cut;
 - e. Ten (10) feet from any other mobile food business or street vendor;
 - f. Ten (10) feet from any manhole or storm drain inlet;
 - g. Sixty (60) feet from any intersection or driveway; and
 - <u>h.</u> One thousand (1000) feet from any private/public school k-12 between the hours of 7:00 am to 4:00 pm, Monday through Friday, unless permission is given from an authorized representative from the school to locate on school property. School authorization does not supersede or replace the requirement that the business obtain a Sandy City business license.
- 8. **Restrooms**. Access to restroom facilities shall be made available.
- 9. **Display of License, Inspections, and Registration**. The business license, fire inspection certificate, and health department inspection must be displayed in a visible location on the vehicle, trailer, or cart. The vehicle, trailer, or cart must also have the license plate, proof of insurance



coverage, safety inspection, and vehicular registration.

- 10. Multiple Locations. The business may operate from several locations (both public and private) within the city under the same business license.
- 11. Business Activity to be Temporary. All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve (12) hours within any twenty-four (24) hour period at any one location, unless the Director approves a longer time on either public or private property. All vehicles, trailers, or carts must be removed from the public right-of-way or private property at the close of each business day. The hours of operation shall be restricted to 7 am to 10 pm, unless approved by the Director if one or more of the following conditions are met:
 - a. The extended hours are part of an approved special event.
 - b. The location is a site that contains a business that has been approved for extended hours.
- <u>12. Noise Ordinance.</u> Live music will not be performed nor loudspeakers played from a mobile food business or in a mobile food court area unless the decibel level is in conformance with the Salt Lake Valley Health Department noise ordinance.

G. Design and Operation Guidelines

Mobile food businesses shall comply with the following design and operation requirements:

- 1. **Compliance with the Health Department.** Mobile food businesses shall be designed and operated in a manner so as to meet all applicable Salt Lake Valley Health Department requirements relating to the handling/storage and distribution of food.
- 2.13. **Drive-Through.** Thru Prohibited. The mobile food-business shall not have or operate as a drive-throughthru.
- 3.14. **Food Truck** Appearance. <u>Mobile The mobile</u> food <u>businessesvehicle, trailer, or cart</u> shall be kept in a good operating condition and no peeling paint or rust shall be visible <u>on business</u> vehicles.
- 15. Auxiliary Power. Any auxiliary power required for the operation of the mobile food business shall be self-contained. The use of power or water located in private property is not allowed, unless the property owner grants permission.
- <u>16. Illegal to Discharge in Storm Drain.</u> It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
- 4. Location from a Restaurant. No mobile food business shall operate within a one hundred foot (100') radius of any public entrance to a restaurant or City authorized special event selling food, unless the mobile food vendor obtains the written consent of the proprietor of such restaurant or shop. Such consent shall not exempt the applicant from compliance with the other location and distance restrictions of this Chapter.
- 5.17. **Garbage Properly Disposed Of.** All garbage or other refuse generated from a mobile



food business shall be disposed of properly. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition. Trash containers shall be provided for use of the business patrons. If a mobile food business has operated on or adjacent to a public right-of-way, that vendor shall be responsible for cleaning up litter dropped or discarded onto the public right-of-way prior to leaving the location.

- 18. Signage. Signage shall be allowed as part of the design of the vehicle, trailer, or cart itself or upon the canopy or umbrella. One menu board A-frame sign may be used with a maximum size of 3' x 4'. Signs shall not block or impede pedestrian traffic.
- <u>19. Professional and Personal Services Prohibited</u>. Professional or personal services shall not be provided from a mobile food business or street vendor.
- 20. Compliance Responsibility. All vendors are subject to Sandy City Sales Tax for goods sold within the boundaries of Sandy City. Vendors shall be required to keep accurate records of daily sales that occur within the Sandy City limits. Sandy City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the Sandy City business license.

C. Additional Design and Operation Standards for Mobile Food Businesses. Mobile food businesses shall comply with the following design and operation requirements:

- 6-1. Canopy Regulations. Any canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto or over the public sidewalk or any other part of the public right-of-way in a way that impedes pedestrian passage or is lower than seven (7) feet measured from the lowest portion of the canopy to the sidewalk or ground surface. Walled enclosures, whether hard or soft, are not authorized. Chairs and tables are not allowed in the public right-of-way.
- 7. Auxiliary Power. Any auxiliary power required for the operation of the mobile food businessshall be self-contained. The use of power or water located in private property is not allowed, unless the property owner grants permission.
- 8.<u>1.</u>Illegal to Discharge in Storm Drain. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
- 9.2. Comply with Motor Vehicle Regulations. Licensees/owners will ensure their business vehicles are at all times in compliance with all applicable laws or ordinances regulating motor vehicles.

H. Street Vendor CartAdditional Design Standards

- **D.** for Street Vendors. Street vendor carts shall comply with the following design standards:
 - 1. **Canopy Clearance**. Umbrellas or canopies shall be a minimum of seven (7) feet and a maximum of ten (10) feet above the sidewalk if they extend beyond the edge of the cart.
 - 2. Canopy Size. Umbrellas or canopies shall not exceed one hundred (100) square feet in area.
 - 3. **Cart Size**. The mobile devise or push cart shall not exceed three and one-half (3.5) feet in width and eight (8) feet in length, including the hitch. The height of the mobile device or push cart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed five (5) feet.



- 4. **Non-motorized Carts**. The mobile device or push cart shall be on wheels and of sufficiently lightweight construction that it can be moved from place to place by one adult person without auxiliary power. The device or cart shall not be motorized so as to move on its own power.
- 5.<u>1.Signage.Signage shall be allowed as part of the design of the cart itself or upon the canopy or</u> umbrella. One menu board A-frame sign may be used with a maximum size of 3' x 4'. Signs shallnot block or impede pedestrian traffic.

I. Professional and Personal Services Prohibited

1.__Professional or personal services shall not be provided from a mobile food business-

J. Compliance Responsibility

<u>1.</u> All vendors are subject to Sandy City Sales Tax for goods sold within the boundaries of Sandy City. Vendors shall be required to keep accurate records of daily sales that occur within the Sandy City limits. Sandy City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the Sandy City business license.

K. Special Events

<u>A.</u> The restrictions of this Chapter notwithstanding, nothing herein shall prohibit the City from authorizing mobile food businesses other than those licensed under this section, to conduct concurrent vending operations within the public right-of-way, or such other areas as the City-may deem appropriate, during special events. The special event vendors shall still be governed by this section, except as specifically provided otherwise by the special event permit or such other ordinance, policy, or executive order as may be applicable. However, as long as the public right-of-way remains open to the general public, such authorization or special event vendors shall not require removal of a permittee under this section from operating within an otherwise lawfully occupied location of a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under City ordinances. If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, a mobile food business may not access that right-of-way unless specifically authorized by the City.

L. Grounds for Denial, Suspension or Revocation

Failure to comply with the requirements of this section shall be grounds for denial, suspension or revocation of a business license as described in Title 5 Sandy City Revised Ordinances.

M. Mobile Food Courts

- 1. **Approval First**. Operating a mobile food court is unlawful without first obtaining approval subject to the qualifying provisions written below as well as those found-within this Chapter for mobile food businesses.
- **E.** Additional Design and Operation Standards for Mobile Food Courts. A mobile food court, which consists of three (3) or more mobile food businesses or street vendors that congregate at a site or street at the same time on a temporary or permanent basis. Temporary mobile food courts are located on sites that are typically set up in an existing parking lot as an accessory use or street and operate on a



weekly, seasonal, or other temporary basis. A permanent mobile food court is a site constructed as a primary use on private property specifically designed for hosting various vendors and intended to operate year-round on a consistent basis. Permanent mobile food courts will be allowed in certain zone districts as determined in the Land Use Tables of the Sandy City Land Use Development Code. A mobile food court shall only be approved if it complies with the following design and operation requirements:

- 2. Administrative Permit. <u>Mobile Temporary mobile</u> food courts are allowed by administrative special use <u>permits only along Centennial Parkwaypermit</u>, in accordance with the provisions of this Chapter. Mobile food courts on private property shall comply with all provisions outlined herein.
- 3.1. Restricted Approvals. Provisions found section and other applicable provisions in this section shall apply to the Sandy City Land Use Development Code. Permanent mobile food businesses and street vendor carts courts will be required to adhere to the provisions of this section and all applicable commercial site plan review requirements in the Sandy City Land Use Development Code.

N. Qualifying Provisions

- 4.2. Parcel Size. A mobile food court is required to be on a parcel that is at least 2,000 square feet in size.
- 2.3. Number of Food Vendors. No less than two and no more than ten (10) individual mobile food businesses or other authorized vendors are allowed in a mobile food court.
- 3.4. Business License-Fee. No. A promoter, mobile food court operator, or property owner must obtain a mobile food court license. Any participating mobile foodvendor operating at a mobile food court location must have a participation license or their own business or license. If individual vendors seek to operate in other authorized vendor shall continue in operation at the mobile food court unless the holder thereof has paid a locations in the city, they must obtain their own business license fee as set forth in the Fee Schedule.
- 4.5. Landscape Requirements. _All landscaping requirements shall be met prior to issuing a permit.
- 5. **Pedestrian Flow**. The proposed mobile food court will not impede pedestrian or vehicular traffic on the public right of way.
- 6. **Comply with Site Approvals**._ The proposed mobile food court complies with all conditions pertaining to any existing variances, conditional uses or other approvals granted for the property.
- 7. **Health Department Approval**. All activities associated with a mobile food court must comply with all Salt Lake Valley Health Department Requirements.
- 8. **Site Plan**. _A-detailed site plan demonstrating the following is required:
 - a. The location and orientation of each vendor pad.
 - b. The location of any paving, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers or any other site requirement by the International



Building Code, or Health Department.

- c. The location of all existing and proposed activities on site.
- d. The circulation of all pedestrian and vehicle traffic on the site.
- e. The location of restroom facilities to be used for the mobile food court.
- <u>f.</u> The location of any permanent structures or facilities (such as restrooms, ancillary food preparation facility, etc.)
- 9. Parking._ Parking for a mobile food court is required at a ratio of two (2) stalls per mobile food business. This requirement maybe <u>modified or</u> waived by the Director as part of the approval.if there is sufficient and available on-street parking or the applicant can demonstrate that their use will not generate as much parking demand. Hard surface paving at the vehicular entrance to the mobile food court and for each individual mobile food business <u>pad</u> is required. Alternatives to asphalt and <u>cementconcrete</u> may be approved as part of the special use review if the applicant is able to demonstrate that the alternative will not result in the accumulation of mud or debris on the City right-of-way.
- **F.** Special Events. The restrictions of this Chapter notwithstanding, nothing herein shall prohibit the City from authorizing mobile food businesses other than those licensed under this section, to conduct concurrent vending operations within the public right-of-way, or such other areas as the City may deem appropriate, during special events. The special event vendors shall still be governed by this section, except as specifically provided otherwise by the special event permit or such other ordinance, policy, or executive order as may be applicable. However, as long as the public right-of- way remains open to the general public, such authorization or special event vendors shall not require removal of a permittee under this section from operating within an otherwise lawfully occupied location of a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under City ordinances. If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, a mobile food business may not access that right-of-way unless specifically authorized by the City.
- Grounds for Denial, Suspension or Revocation. Failure to comply with the requirements of this section shall be grounds for denial, suspension or revocation of a business license as described in Title 5 Sandy City Revised Ordinances. Submittal by Promotor. Mobile food court applications may be submitted by a promotor for the participating vehicles. Failure to comply may result in the suspension or revocation of a business license, and is a class B misdemeanor.

10.





Exhibit "C"

15A-11-19 Mobile Food Businesses

- A. **General Requirements**. Provisions found in this section shall not apply to other uses identified as "temporary use" that are specifically regulated by this Title.
 - 1. **License Required.** No person shall operate a mobile food business, without first having obtained a business licenses from Sandy City in accordance with Title 5.
 - 2. Prohibited Sales. No alcohol shall be provided/sold from a mobile food business.
 - 3. **Public and Private Property**. Mobile food businesses are allowed to operate in the public right-of-way only along Centennial Parkway in accordance with the provisions in this section. Mobile food businesses shall be allowed to vend on private property, also in accordance with the provisions of this section, within all commercial/industrial zones in Sandy, with prior consent from the private property owner
 - 4. **Open Space Zones**. It shall be unlawful for any mobile food business to operate adjacent to a public park in or next to an OS Zone without the prior consent of the Director of Parks and Recreation or his/her designee. This requirement does not supersede or replace the requirement that the applicant obtain a Sandy City business license.
 - 5. **Pedestrian Flow**. Location must not hinder the free flow of pedestrian and other traffic in the area. Permittee must maintain clear, continuous sidewalk width of no less than four (4) feet.
 - 6. Location Restrictions. Must not be located within:
 - a. Ten (10) feet of any fire hydrant;
 - b. Ten (10) feet of any bus or transit stop;
 - c. Ten (10) feet or one stall away from any handicap parking space or access ramp;
 - d. Ten (10) feet of any business entrance or display window;
 - e. Ten (10) feet from any curb cut;
 - f. Ten (10) feet from any other vending cart or like business.
 - g. Ten (10) feet from any manhole or storm drain inlet;
 - h. Sixty (60) feet from any intersection or driveway;
 - i. One hundred (100) feet from any restaurant entrance; and
 - j. One thousand (1000) feet from any private/public school k-12 between the hours of 7:00 am to 4:00 pm, Monday through Friday, unless permission is given from an authorized representative from the school to locate on school property. This requirement does not supersede or replace the requirement that the applicant obtain a Sandy City business license.
 - 7. **Restrooms**. Access to restroom facilities shall be made available.
 - 8. **Display of License and Inspection**. Display business license and fire inspection in a visible location on the mobile food business or pushcart.
 - 9. Vacant Lots. Prior to operating a mobile food business on a vacant lot (where there is no current licensed business with a permanent structure on-site) the improvements outlined within this Title for Temporary Uses (See 15A-11-14(C) are required for each site prior to operating business.

10. **Noise Ordinance.** Live music will not be performed nor loudspeakers played from a mobile food business or in a mobile food court area unless the decibel level is in conformance with the Salt Lake Valley Health Department noise ordinance.

B. Application

- 1. **File for Business License**. An application for a business license to conduct a mobile food business shall be filed in writing with the Sandy City business license office as set forth in Title 5, ten (10) working days prior to commencement of operation.
- 2. Additional License Information. In addition to the information required by such Title, the license application shall include:

a. The name and location of the applicant's principal place of business, or residence if no permanent place of business exists.

b. The number of mobile food vehicles to be used in the business, a description of each vehicle, its license plate number, vehicle identification number (VIN) and proof of insurance coverage, and safety inspection.

c. The address of the commissary.

d. If any of the forgoing information changes, the applicant or licensee, as the case may be, shall deliver current information to Sandy City business license office within ten (10) business days following the change.

e. Letter of permission from the property owner to include information on the permitted location for the food truck.

- 3. **Other Approvals**. A valid copy of all licenses or permits required by the State of Utah or the Salt Lake Valley Health Department, including, but not limited to, proof of business name and business owner(s) name as registered with the Department of Commerce and proof of a valid sales tax certificate from the State of Utah that includes Sandy City as the incorporated city where business is to be conducted.
- 4. Certificate of Insurance. When locating on public property, each applicant for a license or renewal under this Chapter shall submit, with the application, a certificate of insurance executed by an insurance company or association authorized to transact business in this state, showing that there is in full force and effect, for the full term of the license, general liability insurance in the amount not less than two hundred thousand dollars (\$200,000) for personal injury to each person, five hundred thousand dollars (\$500,000) for each occurrence, and five hundred thousand (\$500,000) for each occurrence involving property damage; or a single limit policy of not less than five hundred thousand dollars (\$500,000) covering all claims per occurrence. Such policy or policies shall also include coverage of all motor vehicles used in connection with applicant's business and the coverage shall be primary. A. current certificate of insurance shall be kept on file with the Business License Administrator at all times that applicant is licensed by the City verifying such continuing coverage and naming Sandy City, its officers, officials, and employees as additional insureds. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days

prior to cancellation or material change in the coverage. Cancellation shall constitute grounds for suspensions or revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination. In the case of a mobile food court, a certificate of insurance would be required for each vehicle.

- 5. **Indemnity Clause**. A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising from any activity carried on under the terms of the license.
- 6. **Fire Inspection**. Each applicant for a license or renewal under this Chapter shall submit with the application, a valid fire inspection.

C. Separate Locations

Once original business license application is approved, the business owner, or promotor, shall update application information for additional locations on forms supplied by the licensing office.

D. License Fees

Fees shall be required as shown on the Fee Schedule adopted by the Sandy City Council.

E. Business Activity to be Temporary

All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve (12) hours within a twenty-four (24) hour period at any one location, unless the Director approves a longer time, nor for more than 150 days in the calendar year (January through December) on either public or private property. All vehicles must be removed from the public right-of-way at the close of each business day. The hours of operation shall be restricted to 7 am to 10 pm.

F. Use of Public Right-of-Way

Each mobile food business offering food within the public right-of-way shall abide by the following conditions and requirements. Failure to comply may result in the suspension or revocation of a business license, and is a class B misdemeanor:

- 1. **Parking and Traffic Regulations**. Mobile food businesses shall obey all parking and traffic regulations as stated in State statute of City ordinances.
- 2. **Prohibited Parking Areas**. Parking on a sidewalk (except for a street vendor) park strip, or otherwise landscaped area is not allowed.
- 3. **Parallel Parking Spaces**. Mobile food businesses utilizing parking space within the public right-of-way shall park only in parallel parking spaces. Mobile food businesses must be parked so that neither the vehicle nor the customers interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
- 4. Location of Vending Window. The operator shall locate the vending window facing

the sidewalk or on private property unless the roadway has been closed to vehicular traffic for a public event.

- 5. **Parking for Primary Use**. No mobile food business shall create a parking issue for the primary use.
- 6. **Cannot Interfere with Pedestrian Passage**. The mobile food business shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage.
- 7. **No Sales in Roadway**. No sales shall be made to any person standing in a roadway unless the roadway has been closed to vehicular traffic for a public event.
- 8. **Right-of-Way Locations**. Mobile food businesses shall not operate on public streets where the speed limit exceeds thirty-five (35) miles per hour, unless the roadway has been closed to vehicular traffic for a public event, nor locations that are otherwise deemed hazardous by the Sandy City Transportation Engineer.

G. Design and Operation Guidelines

Mobile food businesses shall comply with the following design and operation requirements:

- 1. **Compliance with the Health Department.** Mobile food businesses shall be designed and operated in a manner so as to meet all applicable Salt Lake Valley Health Department requirements relating to the handling/storage and distribution of food.
- 2. Drive-Through. The mobile food business shall not have or operate as a drive-through.
- 3. **Food Truck Appearance**. Mobile food businesses shall be kept in a good operating condition and no peeling paint or rust shall be visible on business vehicles.
- 4. **Location from a Restaurant**. No mobile food business shall operate within a one-hundred foot (100') radius of any public entrance to a restaurant or City authorized special event selling food, unless the mobile food vendor obtains the written consent of the proprietor of such restaurant or shop. Such consent shall not exempt the applicant from compliance with the other location and distance restrictions of this Chapter.
- 5. **Garbage Properly Disposed Of.** All garbage or other refuse generated from a mobile food business shall be disposed of properly. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition. Trash containers shall be provided for use of the business patrons. If a mobile food business has operated on or adjacent to a public right-of-way, that vendor shall be responsible for cleaning up litter dropped or discarded onto the public right-of-way prior to leaving the location.
- 6. **Canopy Regulations**. Any canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto or over the public sidewalk or any other part of the public right-of-way in a way that impedes pedestrian passage or is lower than seven (7) feet measured from the lowest portion of the canopy to the sidewalk or ground surface. Walled enclosures, whether hard or soft, are not authorized. Chairs and tables are not allowed in the

public right-of-way.

- 7. **Auxiliary Power**. Any auxiliary power required for the operation of the mobile food business shall be self-contained. The use of power or water located in private property is not allowed, unless the property owner grants permission.
- 8. **Illegal to Discharge in Storm Drain**. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
- 9. **Comply with Motor Vehicle Regulations**. Licensees/owners will ensure their business vehicles are at all times in compliance with all applicable laws or ordinances regulating motor vehicles.

H. Street Vendor Cart Design Standards

Street vendor carts shall comply with the following design standards:

- 1. **Canopy Clearance**. Umbrellas or canopies shall be a minimum of seven (7) feet and a maximum of ten (10) feet above the sidewalk if they extend beyond the edge of the cart.
- 2. Canopy Size. Umbrellas or canopies shall not exceed one hundred (100) square feet in area.
- 3. **Cart Size**. The mobile devise or push cart shall not exceed three and one-half (3.5) feet in width and eight (8) feet in length, including the hitch. The height of the mobile device or push cart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed five (5) feet.
- 4. **Non-motorized Carts**. The mobile device or push cart shall be on wheels and of sufficiently lightweight construction that it can be moved from place to place by one adult person without auxiliary power. The device or cart shall not be motorized so as to move on its own power.
- 5. **Signage**. Signage shall be allowed as part of the design of the cart itself or upon the canopy or umbrella. One menu board A-frame sign may be used with a maximum size of 3' x 4'. Signs shall not block or impede pedestrian traffic.

I. Professional and Personal Services Prohibited

Professional or personal services shall not be provided from a mobile food business.

J. Compliance Responsibility

All vendors are subject to Sandy City Sales Tax for goods sold within the boundaries of Sandy City. Vendors shall be required to keep accurate records of daily sales that occur within the Sandy City limits. Sandy City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the Sandy City business license.

K. Special Events

The restrictions of this Chapter notwithstanding, nothing herein shall prohibit the City from authorizing mobile food businesses other than those licensed under this section, to conduct concurrent vending operations within the public right-of-way, or such other areas as the City may deem appropriate, during special events. The special event vendors shall still be governed by this

section, except as specifically provided otherwise by the special event permit or such other ordinance, policy, or executive order as may be applicable. However, as long as the public right-of-way remains open to the general public, such authorization or special event vendors shall not require removal of a permittee under this section from operating within an otherwise lawfully occupied location of a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under City ordinances. If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, a mobile food business may not access that right-of-way unless specifically authorized by the City.

L. Grounds for Denial, Suspension or Revocation

Failure to comply with the requirements of this section shall be grounds for denial, suspension or revocation of a business license as described in Title 5 Sandy City Revised Ordinances.

M. Mobile Food Courts

- 1. **Approval First**. Operating a mobile food court is unlawful without first obtaining approval subject to the qualifying provisions written below as well as those found within this Chapter for mobile food businesses.
- 2. Administrative Permit. Mobile food courts are allowed by administrative special use permits only along Centennial Parkway, in accordance with the provisions of this Chapter. Mobile food courts on private property shall comply with all provisions outlined herein.
- 3. **Restricted Approvals**. Provisions found in this section shall apply to mobile food businesses and street vendor carts.

N. Qualifying Provisions

- 1. **Parcel Size**. A mobile food court is required to be on a parcel that is at least 2,000 square feet in size.
- 2. **Number of Food Vendors**. No less than two and no more than 10 individual mobile food businesses or other authorized vendors are allowed in a mobile food court.
- 3. **Business License Fee**. No participating mobile food business or other authorized vendor shall continue in operation at the mobile food court unless the holder thereof has paid a business license fee as set forth in the Fee Schedule.
- 4. Landscape Requirements. All landscaping requirements shall be met prior to issuing a permit.
- 5. **Pedestrian Flow**. The proposed mobile food court will not impede pedestrian or vehicular traffic on the public right-of-way.
- 6. **Comply with Site Approvals**. The proposed mobile food court complies with all conditions pertaining to any existing variances, conditional uses or other approvals granted for the property.

- 7. **Health Department Approval**. All activities associated with a mobile food court must comply with all Salt Lake Valley Health Department Requirements.
- 8. Site Plan. A detailed site plan demonstrating the following is required:
 - a. The location and orientation of each vendor pad.
 - b. The location of any paving, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers or any other site requirement by the International Building Code, or Health Department.
 - c. The location of all existing and proposed activities on site.
 - d. The circulation of all pedestrian and vehicle traffic on the site.
- 9. **Parking**. Parking for a mobile food court is required at a ratio of two (2) stalls per mobile food business. This requirement maybe waived by the Director as part of the approval. Hard surface paving at the vehicular entrance to the mobile food court and for each individual mobile food business is required. Alternatives to asphalt and cement may be approved as part of the special use review if the applicant is able to demonstrate that the alternative will not result in the accumulation of mud or debris on the City right-of-way.
- 10. **Submittal by Promotor**. Mobile food court applications may be submitted by a promotor for the participating vehicles.

Exhibit "A"

15A-11-19 Mobile Food & Street Vendor Businesses

- A. **Purpose.** This section is established to provide regulation and design standards for mobile food businesses, mobile food courts, and street vendors in commercial or industrial land use areas, except as otherwise allowed herein. These regulations are designed to expand the opportunity of various types of temporary mobile vendors in the city, while guiding them to appropriate locations, and ensuring they are conducted safely and in harmony with the surrounding land uses.
- B. **General Requirements**. The following requirements must be met for all mobile food businesses, street vendors, and mobile food courts. Provisions found in this section shall not apply to other uses identified as "temporary use" that are specifically regulated by this Title.
 - 1. **License Required.** No person shall operate a mobile food or street vendor, business without first having obtained a business license from Sandy City in accordance with Title 5 Sandy City Revised Ordinances. Licenses will expire on the earliest date of expiration of the required health or safety inspections, or one (1) year from the date of issuance.
 - 2. Prohibited Sales. No alcohol shall be provided/sold from a mobile food business.
 - 3. Use of Public or Private Property (Excluding Public Right of Way). Mobile food businesses and street vendors shall be allowed to operate on property within all commercial or industrial land use areas, in accordance with the provisions of this section. Each business shall abide by the following:
 - a. **Property Owner Approval**. Prior written consent from the property owner is required for every location a business desires to operate. Said letter must include information about where the vendor is permitted on the site that complies with the location requirements herein. Upon inspection, the business must provide proof of permission to operate in any given location.
 - b. **Parking and Circulation**. Acceptable space shall be available for any off-street parking and traffic circulation generated by the uses. The location and use of a site may not interfere with the existing parking demand and circulation of the surrounding development.
 - c. **Vacant Lots**. Prior to operating a mobile food business on a vacant lot (where there is no current licensed business with a permanent structure on-site) the improvements outlined within this Title for Temporary Uses are required for each site prior to operating business.
 - 4. Use of Public Right-of-Way. Mobile food businesses and street vendors may be allowed to operate in the public right-of-way only in appropriate locations as determined by the City in accordance with the provisions in this section (such as Centennial Parkway). Each business seeking to operate within the public right-of-way shall abide by the following conditions and requirements.
 - a. **City Approval**. Written permission from the City to operate a business in the right-ofway is required. Said permission may be granted if an applicant can demonstrate compliance with the regulations in this section.

- b. **Parking and Traffic Regulations**. Mobile food businesses shall obey all on-street parking and traffic regulations as stated in State statute and/or City ordinances.
- c. **Prohibited Parking Areas**. Parking on a sidewalk, park strip, or otherwise landscaped area is not allowed. Street Vendors are exempt from this prohibition if they are set up on a paved surface, do no harm to landscaped areas, and comply with all other provisions of this section.
- d. **Parallel Parking Spaces**. Mobile food businesses utilizing parking space within the public right-of-way shall park only in parallel parking spaces. Mobile food businesses must be parked so that neither the vehicle nor the customers interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
- e. **Orientation of Vending Window**. The operator shall locate the vending window facing the sidewalk or on private property unless the roadway has been closed to vehicular traffic for a public event.
- f. **Parking for Primary Use**. No mobile food business shall create a parking issue for the surrounding primary uses.
- g. No Sales in Roadway. No sales shall be made to any person standing in a roadway unless the roadway has been closed to vehicular traffic for a public event.
- h. **Locations**. Mobile food businesses shall not operate on public streets where the speed limit exceeds thirty-five (35) miles per hour, unless the roadway has been closed to vehicular traffic for a public event, nor locations that are otherwise deemed hazardous by the Sandy City Transportation Engineer.
- i. Certificate of Insurance. When locating on public property, each applicant for a license or renewal under this Chapter shall submit, with the application, a certificate of insurance executed by an insurance company or association authorized to transact business in this state, showing that there is in full force and effect, for the full term of the license, general liability insurance in the amount not less than two hundred thousand dollars (\$200,000) for personal injury to each person, five hundred thousand dollars (\$500,000) for each occurrence, and five hundred thousand (\$500,000) for each occurrence involving property damage; or a single limit policy of not less than five hundred thousand dollars (\$500,000) covering all claims per occurrence. Such policy or policies shall also include coverage of all motor vehicles used in connection with applicant's business and the coverage shall be primary. A. current certificate of insurance shall be kept on file with the Business License Administrator at all times that applicant is licensed by the City verifying such continuing coverage and naming Sandy City, its officers, officials, and employees as additional insureds. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage. Cancellation shall constitute grounds for suspensions or revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination. In the case of a mobile food court, a certificate of insurance would be required for each vehicle.
- j. **Indemnity Clause**. A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising

from any activity carried on under the terms of the license.

- 5. **Open Space Zones**. It shall be unlawful for any mobile food business to operate adjacent to or in a public park, or in an OS Zone, without the prior written consent of the Community Development Director. Authorization does not supersede or replace the requirement that the business obtain a Sandy City business license.
- 6. **Pedestrian Flow**. The business shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage. Vendor must maintain clear, continuous sidewalk width of no less than four (4) feet.
- 7. Location Restrictions. Must not be located within:
 - a. Ten (10) feet of any fire hydrant;
 - b. Ten (10) feet of any bus or transit stop;
 - c. Ten (10) feet or one stall away from any handicap parking space or access ramp;
 - d. Ten (10) feet from any curb cut;
 - e. Ten (10) feet from any other mobile food business or street vendor;
 - f. Ten (10) feet from any manhole or storm drain inlet;
 - g. Sixty (60) feet from any intersection or driveway; and
 - h. One thousand (1000) feet from any private/public school k-12 between the hours of 7:00 am to 4:00 pm, Monday through Friday, unless permission is given from an authorized representative from the school to locate on school property. School authorization does not supersede or replace the requirement that the business obtain a Sandy City business license.
- 8. **Restrooms**. Access to restroom facilities shall be made available.
- 9. **Display of License, Inspections, and Registration**. The business license, fire inspection certificate, and health department inspection must be displayed in a visible location on the vehicle, trailer, or cart. The vehicle, trailer, or cart must also have the license plate, proof of insurance coverage, safety inspection, and vehicular registration.
- 10. **Multiple Locations**. The business may operate from several locations (both public and private) within the city under the same business license.
- 11. **Business Activity to be Temporary**. All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve (12) hours within any twenty-four (24) hour period at any one location, unless the Director approves a longer time on either public or private property. All vehicles, trailers, or carts must be removed from the public right-of-way or private property at the close of each business day. The hours of operation shall be restricted to 7 am to 10 pm, unless approved by the Director if one or more of the following conditions are met:
 - a. The extended hours are part of an approved special event.
 - b. The location is a site that contains a business that has been approved for extended hours.
- 12. **Noise Ordinance**. Live music will not be performed nor loudspeakers played from a mobile food business or in a mobile food court area unless the decibel level is in conformance with the Salt Lake Valley Health Department noise ordinance.

- 13. Drive-Thru Prohibited. The business shall not have or operate as a drive-thru.
- 14. **Appearance**. The mobile food vehicle, trailer, or cart shall be kept in a good operating condition and no peeling paint or rust shall be visible.
- 15. **Auxiliary Power**. Any auxiliary power required for the operation of the mobile food business shall be self-contained. The use of power or water located in private property is not allowed, unless the property owner grants permission.
- 16. **Illegal to Discharge in Storm Drain**. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
- 17. **Garbage**. All garbage or other refuse generated from a mobile food business shall be disposed of properly. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition. Trash containers shall be provided for use of the business patrons. If a mobile food business has operated on or adjacent to a public right-of-way, that vendor shall be responsible for cleaning up litter dropped or discarded onto the public right-of-way prior to leaving the location.
- Signage. Signage shall be allowed as part of the design of the vehicle, trailer, or cart itself or upon the canopy or umbrella. One menu board A-frame sign may be used with a maximum size of 3' x 4'. Signs shall not block or impede pedestrian traffic.
- 19. **Professional and Personal Services Prohibited**. Professional or personal services shall not be provided from a mobile food business or street vendor.
- 20. **Compliance Responsibility**. All vendors are subject to Sandy City Sales Tax for goods sold within the boundaries of Sandy City. Vendors shall be required to keep accurate records of daily sales that occur within the Sandy City limits. Sandy City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the Sandy City business license.
- **C.** Additional Design and Operation Standards for Mobile Food Businesses. Mobile food businesses shall comply with the following design and operation requirements:
 - 1. **Canopy Regulations**. Any canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto or over the public sidewalk or any other part of the public right-of-way in a way that impedes pedestrian passage or is lower than seven (7) feet measured from the lowest portion of the canopy to the sidewalk or ground surface. Walled enclosures, whether hard or soft, are not authorized. Chairs and tables are not allowed in the public right-of-way.
 - 2. **Comply with Motor Vehicle Regulations**. Licensees/owners will ensure their business vehicles are at all times in compliance with all applicable laws or ordinances regulating motor vehicles.
- **D.** Additional Design Standards for Street Vendors. Street vendor carts shall comply with the following design standards:
 - 1. **Canopy Clearance**. Umbrellas or canopies shall be a minimum of seven (7) feet and a maximum of ten (10) feet above the sidewalk if they extend beyond the edge of the cart.

- 2. Canopy Size. Umbrellas or canopies shall not exceed one hundred (100) square feet in area.
- 3. **Cart Size**. The cart shall not exceed three and one-half (3.5) feet in width and eight (8) feet in length, including the hitch. The height of the mobile device or push cart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed five (5) feet.
- 4. **Non-motorized Carts**. The cart shall be on wheels and of sufficiently lightweight construction that it can be moved from place to place by one adult person without auxiliary power. The device or cart shall not be motorized so as to move on its own power.
- **E.** Additional Design and Operation Standards for Mobile Food Courts. A mobile food court, which consists of three (3) or more mobile food businesses or street vendors that congregate at a site or street at the same time on a temporary or permanent basis. Temporary mobile food courts are located on sites that are typically set up in an existing parking lot as an accessory use or street and operate on a weekly, seasonal, or other temporary basis. A permanent mobile food court is a site constructed as a primary use on private property specifically designed for hosting various vendors and intended to operate year-round on a consistent basis. Permanent mobile food courts will be allowed in certain zone districts as determined in the Land Use Tables of the Sandy City Land Use Development Code. A mobile food court shall only be approved if it complies with the following design and operation requirements:
 - 1. Administrative Permit. Temporary mobile food courts are allowed by administrative special use permit, in accordance with the provisions of this section and other applicable provisions in the Sandy City Land Use Development Code. Permanent mobile food courts will be required to adhere to the provisions of this section and all applicable commercial site plan review requirements in the Sandy City Land Use Development Code.
 - 2. **Parcel Size**. A mobile food court is required to be on a parcel that is at least 2,000 square feet in size.
 - 3. **Number of Food Vendors**. No more than ten (10) individual mobile food businesses or other authorized vendors are allowed in a mobile food court.
 - 4. **Business License**. A promoter, mobile food court operator, or property owner must obtain a mobile food court license. Any participating vendor operating at a mobile food court location must have a participation license or their own business license. If individual vendors seek to operate in other locations in the city, they must obtain their own business license.
 - 5. Landscape Requirements. All landscaping requirements shall be met prior to issuing a permit.
 - 6. **Comply with Site Approvals**. The proposed mobile food court complies with all conditions pertaining to any existing variances, conditional uses or other approvals granted for the property.
 - 7. **Health Department Approval**. All activities associated with a mobile food court must comply with all Salt Lake Valley Health Department Requirements.
 - 8. Site Plan. A site plan demonstrating the following is required:
 - a. The location and orientation of each vendor pad.

- b. The location of any paving, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers or any other site requirement by the International Building Code, or Health Department.
- c. The location of all existing and proposed activities on site.
- d. The circulation of all pedestrian and vehicle traffic on the site.
- e. The location of restroom facilities to be used for the mobile food court.
- f. The location of any permanent structures or facilities (such as restrooms, ancillary food preparation facility, etc.)
- 9. **Parking**. Parking for a mobile food court is required at a ratio of two (2) stalls per mobile food business. This requirement maybe modified or waived by the Director if there is sufficient and available on-street parking or the applicant can demonstrate that their use will not generate as much parking demand. Hard surface paving at the vehicular entrance to the mobile food court and for each individual mobile food business pad is required. Alternatives to asphalt and concrete may be approved as part of the special use review if the applicant is able to demonstrate that the alternative will not result in the accumulation of mud or debris on the City right-of-way.
- **F. Special Events**. The restrictions of this Chapter notwithstanding, nothing herein shall prohibit the City from authorizing mobile food businesses other than those licensed under this section, to conduct concurrent vending operations within the public right-of-way, or such other areas as the City may deem appropriate, during special events. The special event vendors shall still be governed by this section, except as specifically provided otherwise by the special event permit or such other ordinance, policy, or executive order as may be applicable. However, as long as the public right-of- way remains open to the general public, such authorization or special event vendors shall not require removal of a permittee under this section from operating within an otherwise lawfully occupied location of a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under City ordinances. If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, a mobile food business may not access that right-of-way unless specifically authorized by the City.
- **G.** Grounds for Denial, Suspension or Revocation. Failure to comply with the requirements of this section shall be grounds for denial, suspension or revocation of a business license as described in Title 5 Sandy City Revised Ordinances. Failure to comply may result in the suspension or revocation of a business license, and is a class B misdemeanor.

Exhibit "B"

15A-11-19 Mobile Food <u>& Street Vendor</u> Businesses

- A. **Purpose.** This section is established to provide regulation and design standards for mobile food businesses, mobile food courts, and street vendors in commercial or industrial land use areas, except as otherwise allowed herein. These regulations are designed to expand the opportunity of various types of temporary mobile vendors in the city, while guiding them to appropriate locations, and ensuring they are conducted safely and in harmony with the surrounding land uses.
- A.B. General Requirements. The following requirements must be met for all mobile food businesses, street vendors, and mobile food courts. Provisions found in this section shall not apply to other uses identified as "temporary use" that are specifically regulated by this Title.
 - 1. **License Required.** No person shall operate a mobile food <u>or street vendor</u>, business, without first having obtained a business <u>licenses[icense]</u> from Sandy City in accordance with Title 5_ <u>Sandy City Revised Ordinances</u>. Licenses will expire on the earliest date of expiration of the required health or safety inspections, or one (1) year from the date of issuance.
 - 2. Prohibited Sales. No alcohol shall be provided/sold from a mobile food business.
 - 3. Use of Public andor Private Property: <u>(Excluding Public Right of Way)</u>. Mobile food businesses are and street vendors shall be allowed to operate in the public right of way only along. Centennial Parkwayon property within all commercial or industrial land use areas, in accordance with the provisions inof this section. Mobile food businesses shall be allowed to vend on private-property, also in accordance with the provisions of this section, within all commercial/industrial-zones in Sandy, with prior Each business shall abide by the following:
 - 3.a. Property Owner Approval. Prior written consent from the private property owner is required for every location a business desires to operate. Said letter must include information about where the vendor is permitted on the site that complies with the location requirements herein. Upon inspection, the business must provide proof of permission to operate in any given location.
 - 4. Open Space Zones. It shall be unlawful for any mobile food business to operate adjacent to a public park in or next to an OS Zone without the prior consent of the Director of Parks and Recreation or his/her designee. This requirement does not supersede or replace the requirement that the applicant obtain a Sandy City business license.
 - 5. **Pedestrian Flow.** Location must not hinder the free flow of pedestrian and other traffic in the area. Permittee must maintain clear, continuous sidewalk width of no less than four (4) feet.
 - 6.1. Location Restrictions. Must not be located within:
 - a. Ten (10) feet of any fire hydrant;
 - b.a. Ten (10) feet of any bus or transit stop;
 - e.a. Ten (10) feet or one stall away from any handicap parking space or access ramp;
 - d. Ten (10) feet of any business entrance or display window;
 - e.a. Ten (10) feet from any curb cut;
 - f. Ten (10) feet from any other vending cart or like business.



g.a. Ten (10) feet from any manhole or storm drain inlet;

h. Sixty (60) feet from any intersection or driveway;

i. One hundred (100) feet from any restaurant entrance; and

j. One thousand (1000) feet from any private/public school k-12 between the hours of 7:00 am to 4:00 pm, Monday through Friday, unless permission is given from an authorized representative from the school to locate on school property. This requirement does not supersede or replace the requirement that the applicant obtain a Sandy City business license.

b. **Parking and Circulation**. Acceptable space shall be available for any off-street parking and traffic circulation generated by the uses. The location and use of a site may not interfere with the existing parking demand and circulation of the surrounding development.

7.1. Restrooms. Access to restroom facilities shall be made available.

- 8. **Display of License and Inspection**. Display business license and fire inspection in a visible location on the mobile food business or pushcart.
 - 9.c. Vacant Lots. Prior to operating a mobile food business on a vacant lot (where there is no current licensed business with a permanent structure on-site) the improvements outlined within this Title for Temporary Uses (See 15A 11-14(C) are required for each site prior to operating business.__
- 10.<u>1.</u> Noise Ordinance. Live music will not be performed nor loudspeakers played from a mobile food business or in a mobile food court area unless the decibel level is in conformance-with the Salt Lake Valley Health Department noise ordinance.

B. Application

- 1. File for Business License. An application for a business license Use of Public Right-of-Way. Mobile food businesses and street vendors may be allowed to conduct a mobile food business shall be filed operate in the public right-of-way only in appropriate locations as determined by the City in writingaccordance with the Sandy City business license office as set forthprovisions in Title 5, ten (10) working days prior to commencement of operation.
- 2. Additional License Information. In addition to the information required by this section (such Title, the license application shall include:

a. The name and location of the applicant's principal place of business, or residence if nopermanent place of business exists.

b. The number of mobile food vehicles to be used in the business, a description of each vehicle, its license plate number, vehicle identification number (VIN) and proof of insurance coverage, and safety inspection.

c. The address of the commissary.

d. If any of the forgoing information changes, the applicant or licensee, as the case may be, shall deliver current information to Sandy City business license office within ten (10) business days following the change.



e. Letter of permission from the property owner to include information on the permitted location for the food truck.

- 3. Other Approvals. A valid copy of all licenses or permits required by the State of Utah or the Salt Lake Valley Health Department, including, but not limited to, proof of business name and business owner(s) name as registered with the Department of Commerce and proof of a valid sales tax certificate from the State of Utah that includes Sandy City as the incorporated city where business is to be conducted.
- 4.a. Certificate of Insurance. When locating on public property, each applicant for a licenseor renewal under this Chapter shall submit, with the application, a certificate of insuranceexecuted by an insurance company or association authorized to transact business in this state, showing that there is in full force and effect, for the full term of the license, general liabilityinsurance in the amount not less than two hundred thousand dollars (\$200,000) for personalinjury to each person, five hundred thousand dollars (\$500,000) for each occurrence, and fivehundred thousand (\$500,000) for each occurrence involving property damage; or a single limitpolicy of not less than five hundred thousand dollars (\$500,000) covering all claims peroccurrence. Such policy or policies shall also include coverage of all motor vehicles used inconnection with applicant's business and the coverage shall be primary. A. current certificateof insurance shall be kept on file with the Business License Administrator at all times that applicant is licensed by the City verifying such continuing coverage and naming Sandy City, its officers, officials, and employees as additional insureds. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days prior toeancellation or material change in the coverage. Cancellation shall constitute grounds forsuspensions or revocation of the license issued hereunder unless another insurance policycomplying herewith is provided and is in effect at the time of cancellation/termination. In thecase of a mobile food court, a certificate of insurance would be required for each vehicle.
- 5.a. Indemnity Clause. A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising from any activity carried on under the terms of the license.
- 6. **Fire Inspection**.<u>Centennial Parkway</u>). Each applicant for a license or renewal under this Chapter shall submit with the application, a valid fire inspection.

C. Separate Locations

Once original business license application is approved, the business owner, or promotor, shall updateapplication information for additional locations on forms supplied by the licensing office.

D. License Fees

Fees shall be required as shown on the Fee Schedule adopted by the Sandy City Council<u>business</u> seeking to operate.

E. Business Activity to be Temporary

All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve (12) hours within a twenty four (24) hour period at any



one location, unless the Director approves a longer time, nor for more than 150 days in the calendaryear (January through December) on either public or private property. All vehicles must be removedfrom the public right of way at the close of each business day. The hours of operation shall be restricted to 7 am to 10 pm.

F. Use of Public Right-of-Way

- <u>4.</u> Each mobile food business offering food within the public right-of-way shall abide by the following conditions and requirements. Failure to comply may result in the suspension or revocation of a business license, and is a class B misdemeanor:
 - a. City Approval. Written permission from the City to operate a business in the right-ofway is required. Said permission may be granted if an applicant can demonstrate compliance with the regulations in this section.
 - **1.b. Parking and Traffic Regulations**. Mobile food businesses shall obey all <u>on-street</u> parking and traffic regulations as stated in State statute of<u>and/or</u> City ordinances.
 - 2.c. **Prohibited Parking Areas.** Parking on a sidewalk-(except for a street vendor)_a park strip, or otherwise landscaped area is not allowed. <u>Street Vendors are exempt from this</u> prohibition if they are set up on a paved surface, do no harm to landscaped areas, and comply with all other provisions of this section.
 - 3.d. **Parallel Parking Spaces**. Mobile food businesses utilizing parking space within the public right-of-way shall park only in parallel parking spaces. Mobile food businesses must be parked so that neither the vehicle nor the customers interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
 - 4.e. <u>LocationOrientation</u> of Vending Window. The operator shall locate the vending window facing the sidewalk or on private property unless the roadway has been closed to vehicular traffic for a public event.
 - 5.f. **Parking for Primary Use**. No mobile food business shall create a parking issue for the <u>surrounding primary useuses</u>.
 - 6. Cannot Interfere with Pedestrian Passage. The mobile food business shall ensure that its use of the right of way, including the sidewalk, in no way interferes with or limits sidewalk-users' free and unobstructed passage.
 - 7.g. No Sales in Roadway. No sales shall be made to any person standing in a roadway unless the roadway has been closed to vehicular traffic for a public event.
 - 8.h. <u>Right-of-Way</u> Locations. Mobile food businesses shall not operate on public streets where the speed limit exceeds thirty-five (35) miles per hour, unless the roadway has been closed to vehicular traffic for a public event, nor locations that are otherwise deemed hazardous by the Sandy City Transportation Engineer.
 - i. Certificate of Insurance. When locating on public property, each applicant for a license or renewal under this Chapter shall submit, with the application, a certificate of insurance



executed by an insurance company or association authorized to transact business in this state, showing that there is in full force and effect, for the full term of the license, general liability insurance in the amount not less than two hundred thousand dollars (\$200,000) for personal injury to each person, five hundred thousand dollars (\$500,000) for each occurrence, and five hundred thousand (\$500,000) for each occurrence involving property damage; or a single limit policy of not less than five hundred thousand dollars (\$500,000) covering all claims per occurrence. Such policy or policies shall also include coverage of all motor vehicles used in connection with applicant's business and the coverage shall be primary. A. current certificate of insurance shall be kept on file with the Business License Administrator at all times that applicant is licensed by the City verifying such continuing coverage and naming Sandy City, its officers, officials, and employees as additional insureds. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage. Cancellation shall constitute grounds for suspensions or revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination. In the case of a mobile food court, a certificate of insurance would be required for each vehicle.

- <u>j.</u> Indemnity Clause. A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising from any activity carried on under the terms of the license.
- 5. Open Space Zones. It shall be unlawful for any mobile food business to operate adjacent to or in a public park, or in an OS Zone, without the prior written consent of the Community Development Director. Authorization does not supersede or replace the requirement that the business obtain a Sandy City business license.
- 6. <u>Pedestrian Flow.</u> The business shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage. Vendor must maintain clear, continuous sidewalk width of no less than four (4) feet.
- 7. Location Restrictions. Must not be located within:
 - a. Ten (10) feet of any fire hydrant;
 - b. Ten (10) feet of any bus or transit stop;
 - c. Ten (10) feet or one stall away from any handicap parking space or access ramp;
 - d. Ten (10) feet from any curb cut;
 - e. Ten (10) feet from any other mobile food business or street vendor;
 - f. Ten (10) feet from any manhole or storm drain inlet;
 - g. Sixty (60) feet from any intersection or driveway; and
 - <u>h.</u> One thousand (1000) feet from any private/public school k-12 between the hours of 7:00 am to 4:00 pm, Monday through Friday, unless permission is given from an authorized representative from the school to locate on school property. School authorization does not supersede or replace the requirement that the business obtain a Sandy City business license.
- 8. **Restrooms**. Access to restroom facilities shall be made available.
- 9. **Display of License, Inspections, and Registration**. The business license, fire inspection certificate, and health department inspection must be displayed in a visible location on the vehicle, trailer, or cart. The vehicle, trailer, or cart must also have the license plate, proof of insurance



coverage, safety inspection, and vehicular registration.

- 10. Multiple Locations. The business may operate from several locations (both public and private) within the city under the same business license.
- 11. Business Activity to be Temporary. All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve (12) hours within any twenty-four (24) hour period at any one location, unless the Director approves a longer time on either public or private property. All vehicles, trailers, or carts must be removed from the public right-of-way or private property at the close of each business day. The hours of operation shall be restricted to 7 am to 10 pm, unless approved by the Director if one or more of the following conditions are met:
 - a. The extended hours are part of an approved special event.
 - b. The location is a site that contains a business that has been approved for extended hours.
- <u>12. Noise Ordinance.</u> Live music will not be performed nor loudspeakers played from a mobile food business or in a mobile food court area unless the decibel level is in conformance with the Salt Lake Valley Health Department noise ordinance.

G. Design and Operation Guidelines

Mobile food businesses shall comply with the following design and operation requirements:

- 1. Compliance with the Health Department. Mobile food businesses shall be designed and operated in a manner so as to meet all applicable Salt Lake Valley Health Department requirements relating to the handling/storage and distribution of food.
- 2.13. **Drive-Through.** Thru Prohibited. The mobile food-business shall not have or operate as a drive-throughthru.
- 3.14. **Food Truck** Appearance. <u>Mobile The mobile</u> food <u>businessesvehicle, trailer, or cart</u> shall be kept in a good operating condition and no peeling paint or rust shall be visible <u>on business</u> vehicles.
- 15. Auxiliary Power. Any auxiliary power required for the operation of the mobile food business shall be self-contained. The use of power or water located in private property is not allowed, unless the property owner grants permission.
- <u>16. Illegal to Discharge in Storm Drain.</u> It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
- 4. Location from a Restaurant. No mobile food business shall operate within a one hundred foot (100') radius of any public entrance to a restaurant or City authorized special event selling food, unless the mobile food vendor obtains the written consent of the proprietor of such restaurant or shop. Such consent shall not exempt the applicant from compliance with the other location and distance restrictions of this Chapter.
- 5.17. **Garbage Properly Disposed Of.** All garbage or other refuse generated from a mobile



food business shall be disposed of properly. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition. Trash containers shall be provided for use of the business patrons. If a mobile food business has operated on or adjacent to a public right-of-way, that vendor shall be responsible for cleaning up litter dropped or discarded onto the public right-of-way prior to leaving the location.

- 18. Signage. Signage shall be allowed as part of the design of the vehicle, trailer, or cart itself or upon the canopy or umbrella. One menu board A-frame sign may be used with a maximum size of 3' x 4'. Signs shall not block or impede pedestrian traffic.
- <u>19. Professional and Personal Services Prohibited</u>. Professional or personal services shall not be provided from a mobile food business or street vendor.
- 20. Compliance Responsibility. All vendors are subject to Sandy City Sales Tax for goods sold within the boundaries of Sandy City. Vendors shall be required to keep accurate records of daily sales that occur within the Sandy City limits. Sandy City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the Sandy City business license.

C. Additional Design and Operation Standards for Mobile Food Businesses. Mobile food businesses shall comply with the following design and operation requirements:

- 6-1. Canopy Regulations. Any canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto or over the public sidewalk or any other part of the public right-of-way in a way that impedes pedestrian passage or is lower than seven (7) feet measured from the lowest portion of the canopy to the sidewalk or ground surface. Walled enclosures, whether hard or soft, are not authorized. Chairs and tables are not allowed in the public right-of-way.
- 7. Auxiliary Power. Any auxiliary power required for the operation of the mobile food businessshall be self-contained. The use of power or water located in private property is not allowed, unless the property owner grants permission.
- 8.<u>1.</u>Illegal to Discharge in Storm Drain. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
- 9.2. Comply with Motor Vehicle Regulations. Licensees/owners will ensure their business vehicles are at all times in compliance with all applicable laws or ordinances regulating motor vehicles.

H. Street Vendor CartAdditional Design Standards

- **D.** for Street Vendors. Street vendor carts shall comply with the following design standards:
 - 1. **Canopy Clearance**. Umbrellas or canopies shall be a minimum of seven (7) feet and a maximum of ten (10) feet above the sidewalk if they extend beyond the edge of the cart.
 - 2. Canopy Size. Umbrellas or canopies shall not exceed one hundred (100) square feet in area.
 - 3. **Cart Size**. The mobile devise or push cart shall not exceed three and one-half (3.5) feet in width and eight (8) feet in length, including the hitch. The height of the mobile device or push cart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed five (5) feet.



- 4. **Non-motorized Carts**. The mobile device or push cart shall be on wheels and of sufficiently lightweight construction that it can be moved from place to place by one adult person without auxiliary power. The device or cart shall not be motorized so as to move on its own power.
- 5.<u>1.Signage.Signage shall be allowed as part of the design of the cart itself or upon the canopy or</u> umbrella. One menu board A-frame sign may be used with a maximum size of 3' x 4'. Signs shallnot block or impede pedestrian traffic.

I. Professional and Personal Services Prohibited

1.__Professional or personal services shall not be provided from a mobile food business-

J. Compliance Responsibility

<u>1.</u> All vendors are subject to Sandy City Sales Tax for goods sold within the boundaries of Sandy City. Vendors shall be required to keep accurate records of daily sales that occur within the Sandy City limits. Sandy City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the Sandy City business license.

K. Special Events

<u>A.</u> The restrictions of this Chapter notwithstanding, nothing herein shall prohibit the City from authorizing mobile food businesses other than those licensed under this section, to conduct concurrent vending operations within the public right-of-way, or such other areas as the City-may deem appropriate, during special events. The special event vendors shall still be governed by this section, except as specifically provided otherwise by the special event permit or such other ordinance, policy, or executive order as may be applicable. However, as long as the public right-of-way remains open to the general public, such authorization or special event vendors shall not require removal of a permittee under this section from operating within an otherwise lawfully occupied location of a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under City ordinances. If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, a mobile food business may not access that right-of-way unless specifically authorized by the City.

L. Grounds for Denial, Suspension or Revocation

Failure to comply with the requirements of this section shall be grounds for denial, suspension or revocation of a business license as described in Title 5 Sandy City Revised Ordinances.

M. Mobile Food Courts

- 1. **Approval First**. Operating a mobile food court is unlawful without first obtaining approval subject to the qualifying provisions written below as well as those found-within this Chapter for mobile food businesses.
- **E.** Additional Design and Operation Standards for Mobile Food Courts. A mobile food court, which consists of three (3) or more mobile food businesses or street vendors that congregate at a site or street at the same time on a temporary or permanent basis. Temporary mobile food courts are located on sites that are typically set up in an existing parking lot as an accessory use or street and operate on a



weekly, seasonal, or other temporary basis. A permanent mobile food court is a site constructed as a primary use on private property specifically designed for hosting various vendors and intended to operate year-round on a consistent basis. Permanent mobile food courts will be allowed in certain zone districts as determined in the Land Use Tables of the Sandy City Land Use Development Code. A mobile food court shall only be approved if it complies with the following design and operation requirements:

- 2. Administrative Permit. <u>Mobile Temporary mobile</u> food courts are allowed by administrative special use <u>permits only along Centennial Parkwaypermit</u>, in accordance with the provisions of this Chapter. Mobile food courts on private property shall comply with all provisions outlined herein.
- 3.1. Restricted Approvals. Provisions found section and other applicable provisions in this section shall apply to the Sandy City Land Use Development Code. Permanent mobile food businesses and street vendor carts courts will be required to adhere to the provisions of this section and all applicable commercial site plan review requirements in the Sandy City Land Use Development Code.

N. Qualifying Provisions

- 1.2. Parcel Size. A mobile food court is required to be on a parcel that is at least 2,000 square feet in size.
- 2.3. Number of Food Vendors. No less than two and no more than ten (10) individual mobile food businesses or other authorized vendors are allowed in a mobile food court.
- 3.4. Business License-Fee. No. A promoter, mobile food court operator, or property owner must obtain a mobile food court license. Any participating mobile foodvendor operating at a mobile food court location must have a participation license or their own business or license. If individual vendors seek to operate in other authorized vendor shall continue in operation at the mobile food court unless the holder thereof has paid a locations in the city, they must obtain their own business license fee as set forth in the Fee Schedule.
- 4.5. Landscape Requirements. _All landscaping requirements shall be met prior to issuing a permit.
- 5. **Pedestrian Flow**. The proposed mobile food court will not impede pedestrian or vehicular traffic on the public right of way.
- 6. **Comply with Site Approvals**._ The proposed mobile food court complies with all conditions pertaining to any existing variances, conditional uses or other approvals granted for the property.
- 7. **Health Department Approval**. All activities associated with a mobile food court must comply with all Salt Lake Valley Health Department Requirements.
- 8. **Site Plan**. _A-detailed site plan demonstrating the following is required:
 - a. The location and orientation of each vendor pad.
 - b. The location of any paving, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers or any other site requirement by the International



Building Code, or Health Department.

- c. The location of all existing and proposed activities on site.
- d. The circulation of all pedestrian and vehicle traffic on the site.
- e. The location of restroom facilities to be used for the mobile food court.
- <u>f.</u> The location of any permanent structures or facilities (such as restrooms, ancillary food preparation facility, etc.)
- 9. Parking._ Parking for a mobile food court is required at a ratio of two (2) stalls per mobile food business. This requirement maybe <u>modified or</u> waived by the Director as part of the approval.if there is sufficient and available on-street parking or the applicant can demonstrate that their use will not generate as much parking demand. Hard surface paving at the vehicular entrance to the mobile food court and for each individual mobile food business <u>pad</u> is required. Alternatives to asphalt and <u>cementconcrete</u> may be approved as part of the special use review if the applicant is able to demonstrate that the alternative will not result in the accumulation of mud or debris on the City right-of-way.
- **F.** Special Events. The restrictions of this Chapter notwithstanding, nothing herein shall prohibit the City from authorizing mobile food businesses other than those licensed under this section, to conduct concurrent vending operations within the public right-of-way, or such other areas as the City may deem appropriate, during special events. The special event vendors shall still be governed by this section, except as specifically provided otherwise by the special event permit or such other ordinance, policy, or executive order as may be applicable. However, as long as the public right-of- way remains open to the general public, such authorization or special event vendors shall not require removal of a permittee under this section from operating within an otherwise lawfully occupied location of a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under City ordinances. If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, a mobile food business may not access that right-of-way unless specifically authorized by the City.
- Grounds for Denial, Suspension or Revocation. Failure to comply with the requirements of this section shall be grounds for denial, suspension or revocation of a business license as described in Title 5 Sandy City Revised Ordinances. Submittal by Promotor. Mobile food court applications may be submitted by a promotor for the participating vehicles. Failure to comply may result in the suspension or revocation of a business license, and is a class B misdemeanor.

10.



Exhibit "C"

15A-11-19 Mobile Food Businesses

- A. **General Requirements**. Provisions found in this section shall not apply to other uses identified as "temporary use" that are specifically regulated by this Title.
 - 1. **License Required.** No person shall operate a mobile food business, without first having obtained a business licenses from Sandy City in accordance with Title 5.
 - 2. Prohibited Sales. No alcohol shall be provided/sold from a mobile food business.
 - 3. **Public and Private Property**. Mobile food businesses are allowed to operate in the public right-of-way only along Centennial Parkway in accordance with the provisions in this section. Mobile food businesses shall be allowed to vend on private property, also in accordance with the provisions of this section, within all commercial/industrial zones in Sandy, with prior consent from the private property owner
 - 4. **Open Space Zones**. It shall be unlawful for any mobile food business to operate adjacent to a public park in or next to an OS Zone without the prior consent of the Director of Parks and Recreation or his/her designee. This requirement does not supersede or replace the requirement that the applicant obtain a Sandy City business license.
 - 5. **Pedestrian Flow**. Location must not hinder the free flow of pedestrian and other traffic in the area. Permittee must maintain clear, continuous sidewalk width of no less than four (4) feet.
 - 6. Location Restrictions. Must not be located within:
 - a. Ten (10) feet of any fire hydrant;
 - b. Ten (10) feet of any bus or transit stop;
 - c. Ten (10) feet or one stall away from any handicap parking space or access ramp;
 - d. Ten (10) feet of any business entrance or display window;
 - e. Ten (10) feet from any curb cut;
 - f. Ten (10) feet from any other vending cart or like business.
 - g. Ten (10) feet from any manhole or storm drain inlet;
 - h. Sixty (60) feet from any intersection or driveway;
 - i. One hundred (100) feet from any restaurant entrance; and
 - j. One thousand (1000) feet from any private/public school k-12 between the hours of 7:00 am to 4:00 pm, Monday through Friday, unless permission is given from an authorized representative from the school to locate on school property. This requirement does not supersede or replace the requirement that the applicant obtain a Sandy City business license.
 - 7. **Restrooms**. Access to restroom facilities shall be made available.
 - 8. **Display of License and Inspection**. Display business license and fire inspection in a visible location on the mobile food business or pushcart.
 - 9. Vacant Lots. Prior to operating a mobile food business on a vacant lot (where there is no current licensed business with a permanent structure on-site) the improvements outlined within this Title for Temporary Uses (See 15A-11-14(C) are required for each site prior to operating business.

10. **Noise Ordinance.** Live music will not be performed nor loudspeakers played from a mobile food business or in a mobile food court area unless the decibel level is in conformance with the Salt Lake Valley Health Department noise ordinance.

B. Application

- 1. **File for Business License**. An application for a business license to conduct a mobile food business shall be filed in writing with the Sandy City business license office as set forth in Title 5, ten (10) working days prior to commencement of operation.
- 2. Additional License Information. In addition to the information required by such Title, the license application shall include:

a. The name and location of the applicant's principal place of business, or residence if no permanent place of business exists.

b. The number of mobile food vehicles to be used in the business, a description of each vehicle, its license plate number, vehicle identification number (VIN) and proof of insurance coverage, and safety inspection.

c. The address of the commissary.

d. If any of the forgoing information changes, the applicant or licensee, as the case may be, shall deliver current information to Sandy City business license office within ten (10) business days following the change.

e. Letter of permission from the property owner to include information on the permitted location for the food truck.

- 3. **Other Approvals**. A valid copy of all licenses or permits required by the State of Utah or the Salt Lake Valley Health Department, including, but not limited to, proof of business name and business owner(s) name as registered with the Department of Commerce and proof of a valid sales tax certificate from the State of Utah that includes Sandy City as the incorporated city where business is to be conducted.
- 4. Certificate of Insurance. When locating on public property, each applicant for a license or renewal under this Chapter shall submit, with the application, a certificate of insurance executed by an insurance company or association authorized to transact business in this state, showing that there is in full force and effect, for the full term of the license, general liability insurance in the amount not less than two hundred thousand dollars (\$200,000) for personal injury to each person, five hundred thousand dollars (\$500,000) for each occurrence, and five hundred thousand (\$500,000) for each occurrence involving property damage; or a single limit policy of not less than five hundred thousand dollars (\$500,000) covering all claims per occurrence. Such policy or policies shall also include coverage of all motor vehicles used in connection with applicant's business and the coverage shall be primary. A. current certificate of insurance shall be kept on file with the Business License Administrator at all times that applicant is licensed by the City verifying such continuing coverage and naming Sandy City, its officers, officials, and employees as additional insureds. The certificate shall contain a statement that the City will be given written notification at least thirty (30) days

prior to cancellation or material change in the coverage. Cancellation shall constitute grounds for suspensions or revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination. In the case of a mobile food court, a certificate of insurance would be required for each vehicle.

- 5. **Indemnity Clause**. A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising from any activity carried on under the terms of the license.
- 6. **Fire Inspection**. Each applicant for a license or renewal under this Chapter shall submit with the application, a valid fire inspection.

C. Separate Locations

Once original business license application is approved, the business owner, or promotor, shall update application information for additional locations on forms supplied by the licensing office.

D. License Fees

Fees shall be required as shown on the Fee Schedule adopted by the Sandy City Council.

E. Business Activity to be Temporary

All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve (12) hours within a twenty-four (24) hour period at any one location, unless the Director approves a longer time, nor for more than 150 days in the calendar year (January through December) on either public or private property. All vehicles must be removed from the public right-of-way at the close of each business day. The hours of operation shall be restricted to 7 am to 10 pm.

F. Use of Public Right-of-Way

Each mobile food business offering food within the public right-of-way shall abide by the following conditions and requirements. Failure to comply may result in the suspension or revocation of a business license, and is a class B misdemeanor:

- 1. **Parking and Traffic Regulations**. Mobile food businesses shall obey all parking and traffic regulations as stated in State statute of City ordinances.
- 2. **Prohibited Parking Areas**. Parking on a sidewalk (except for a street vendor) park strip, or otherwise landscaped area is not allowed.
- 3. **Parallel Parking Spaces**. Mobile food businesses utilizing parking space within the public right-of-way shall park only in parallel parking spaces. Mobile food businesses must be parked so that neither the vehicle nor the customers interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
- 4. Location of Vending Window. The operator shall locate the vending window facing

the sidewalk or on private property unless the roadway has been closed to vehicular traffic for a public event.

- 5. **Parking for Primary Use**. No mobile food business shall create a parking issue for the primary use.
- 6. **Cannot Interfere with Pedestrian Passage**. The mobile food business shall ensure that its use of the right-of-way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage.
- 7. **No Sales in Roadway**. No sales shall be made to any person standing in a roadway unless the roadway has been closed to vehicular traffic for a public event.
- 8. **Right-of-Way Locations**. Mobile food businesses shall not operate on public streets where the speed limit exceeds thirty-five (35) miles per hour, unless the roadway has been closed to vehicular traffic for a public event, nor locations that are otherwise deemed hazardous by the Sandy City Transportation Engineer.

G. Design and Operation Guidelines

Mobile food businesses shall comply with the following design and operation requirements:

- 1. **Compliance with the Health Department.** Mobile food businesses shall be designed and operated in a manner so as to meet all applicable Salt Lake Valley Health Department requirements relating to the handling/storage and distribution of food.
- 2. Drive-Through. The mobile food business shall not have or operate as a drive-through.
- 3. **Food Truck Appearance**. Mobile food businesses shall be kept in a good operating condition and no peeling paint or rust shall be visible on business vehicles.
- 4. **Location from a Restaurant**. No mobile food business shall operate within a one-hundred foot (100') radius of any public entrance to a restaurant or City authorized special event selling food, unless the mobile food vendor obtains the written consent of the proprietor of such restaurant or shop. Such consent shall not exempt the applicant from compliance with the other location and distance restrictions of this Chapter.
- 5. **Garbage Properly Disposed Of.** All garbage or other refuse generated from a mobile food business shall be disposed of properly. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition. Trash containers shall be provided for use of the business patrons. If a mobile food business has operated on or adjacent to a public right-of-way, that vendor shall be responsible for cleaning up litter dropped or discarded onto the public right-of-way prior to leaving the location.
- 6. **Canopy Regulations**. Any canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto or over the public sidewalk or any other part of the public right-of-way in a way that impedes pedestrian passage or is lower than seven (7) feet measured from the lowest portion of the canopy to the sidewalk or ground surface. Walled enclosures, whether hard or soft, are not authorized. Chairs and tables are not allowed in the

public right-of-way.

- 7. **Auxiliary Power**. Any auxiliary power required for the operation of the mobile food business shall be self-contained. The use of power or water located in private property is not allowed, unless the property owner grants permission.
- 8. **Illegal to Discharge in Storm Drain**. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system.
- 9. **Comply with Motor Vehicle Regulations**. Licensees/owners will ensure their business vehicles are at all times in compliance with all applicable laws or ordinances regulating motor vehicles.

H. Street Vendor Cart Design Standards

Street vendor carts shall comply with the following design standards:

- 1. **Canopy Clearance**. Umbrellas or canopies shall be a minimum of seven (7) feet and a maximum of ten (10) feet above the sidewalk if they extend beyond the edge of the cart.
- 2. Canopy Size. Umbrellas or canopies shall not exceed one hundred (100) square feet in area.
- 3. **Cart Size**. The mobile devise or push cart shall not exceed three and one-half (3.5) feet in width and eight (8) feet in length, including the hitch. The height of the mobile device or push cart, excluding canopies, umbrellas, or transparent enclosures, shall not exceed five (5) feet.
- 4. **Non-motorized Carts**. The mobile device or push cart shall be on wheels and of sufficiently lightweight construction that it can be moved from place to place by one adult person without auxiliary power. The device or cart shall not be motorized so as to move on its own power.
- 5. **Signage**. Signage shall be allowed as part of the design of the cart itself or upon the canopy or umbrella. One menu board A-frame sign may be used with a maximum size of 3' x 4'. Signs shall not block or impede pedestrian traffic.

I. Professional and Personal Services Prohibited

Professional or personal services shall not be provided from a mobile food business.

J. Compliance Responsibility

All vendors are subject to Sandy City Sales Tax for goods sold within the boundaries of Sandy City. Vendors shall be required to keep accurate records of daily sales that occur within the Sandy City limits. Sandy City reserves the right to audit sales records. Failure to keep accurate records may result in revocation of the Sandy City business license.

K. Special Events

The restrictions of this Chapter notwithstanding, nothing herein shall prohibit the City from authorizing mobile food businesses other than those licensed under this section, to conduct concurrent vending operations within the public right-of-way, or such other areas as the City may deem appropriate, during special events. The special event vendors shall still be governed by this
section, except as specifically provided otherwise by the special event permit or such other ordinance, policy, or executive order as may be applicable. However, as long as the public right-of-way remains open to the general public, such authorization or special event vendors shall not require removal of a permittee under this section from operating within an otherwise lawfully occupied location of a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under City ordinances. If the City is closing a public right-of-way to general access, either partially or fully, in order to accommodate a special event, a mobile food business may not access that right-of-way unless specifically authorized by the City.

L. Grounds for Denial, Suspension or Revocation

Failure to comply with the requirements of this section shall be grounds for denial, suspension or revocation of a business license as described in Title 5 Sandy City Revised Ordinances.

M. Mobile Food Courts

- 1. **Approval First**. Operating a mobile food court is unlawful without first obtaining approval subject to the qualifying provisions written below as well as those found within this Chapter for mobile food businesses.
- 2. Administrative Permit. Mobile food courts are allowed by administrative special use permits only along Centennial Parkway, in accordance with the provisions of this Chapter. Mobile food courts on private property shall comply with all provisions outlined herein.
- 3. **Restricted Approvals**. Provisions found in this section shall apply to mobile food businesses and street vendor carts.

N. Qualifying Provisions

- 1. **Parcel Size**. A mobile food court is required to be on a parcel that is at least 2,000 square feet in size.
- 2. **Number of Food Vendors**. No less than two and no more than 10 individual mobile food businesses or other authorized vendors are allowed in a mobile food court.
- 3. **Business License Fee**. No participating mobile food business or other authorized vendor shall continue in operation at the mobile food court unless the holder thereof has paid a business license fee as set forth in the Fee Schedule.
- 4. Landscape Requirements. All landscaping requirements shall be met prior to issuing a permit.
- 5. **Pedestrian Flow**. The proposed mobile food court will not impede pedestrian or vehicular traffic on the public right-of-way.
- 6. **Comply with Site Approvals**. The proposed mobile food court complies with all conditions pertaining to any existing variances, conditional uses or other approvals granted for the property.

- 7. **Health Department Approval**. All activities associated with a mobile food court must comply with all Salt Lake Valley Health Department Requirements.
- 8. Site Plan. A detailed site plan demonstrating the following is required:
 - a. The location and orientation of each vendor pad.
 - b. The location of any paving, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers or any other site requirement by the International Building Code, or Health Department.
 - c. The location of all existing and proposed activities on site.
 - d. The circulation of all pedestrian and vehicle traffic on the site.
- 9. **Parking**. Parking for a mobile food court is required at a ratio of two (2) stalls per mobile food business. This requirement maybe waived by the Director as part of the approval. Hard surface paving at the vehicular entrance to the mobile food court and for each individual mobile food business is required. Alternatives to asphalt and cement may be approved as part of the special use review if the applicant is able to demonstrate that the alternative will not result in the accumulation of mud or debris on the City right-of-way.
- 10. **Submittal by Promotor**. Mobile food court applications may be submitted by a promotor for the participating vehicles.

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

Commissioner Lisa Hartman opened this item to public comment.

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

Commissioner Lisa Hartman closed this item to public comment.

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

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

3. Mobile Food & Street Vendor Businesses Amend Title 15A, Chapter 11, Special Uses, Land Development Code, Revised Ordinances of Sandy City, 2008 CODE-09-17-5306

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

STAFF RECOMMENDATION

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

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

Brian McCuistion presented this item to the Planning Commission. He stated that Senate Bill 250 made changes to several things relating to food trucks. Cities can no longer require multiple business licenses at different locations for the same business. This Bill also requires cities to reciprocate health and safety certificates and inspections, and eliminates our ability to require certain distance from restaurants. Sandy City would be making all the change that the state has put forth as well as reorganizing the way this particular chapter is outlined.

Commissioner Nancy Day asked if food trucks could be in the same parking lot as a restaurant.

Brian McCuistion replied we have locations as to where these food trucks could be as far as handicap stalls, fire hydrants, and other food trucks, but we cannot restrict how close they can be to a restaurant. The property owner would have to give permission for the food truck to be located on their property.

James Sorenson stated food trucks could be in the public areas but not in private areas without permission.

Brian McCuistion stated the provisions on where food trucks could go within the public right-ofway are very restrictive.

Commissioner Cyndi Sharkey asked how would a food truck or cart provides access to a restroom.

Brian McCuistion replied that would typically happen when given permission from a property owner. The restaurant would allow access to a restroom. For larger events, port-a-potty's would have to be delivered or they could work with the adjacent property owner to use their restroom.

James Sorenson stated if there were a food truck court of something larger, they would have to bring in their own restrooms or work with the adjacent property owner.

Commissioner Cyndi Sharkey stated in the Land Use Development Code Purpose Compliance, under "General" it states to stabilize property values. She asked if the reason for implementing the Food Truck Ordinance is to stabilize property values. She also stated stabilize property values would be the least likely reason to do this.

Commissioner Jared Clayton stated it does not state "real" property value.

Commissioner Cyndi Sharkey stated she does not understand why stabilize property values would be the reference of why the city is applying this new ordinance.

Brian McCuistion stated this was an oversight. This is the language that has been used in Code Amendments in past.

Commissioner Cyndi Sharkey replied this language was also sighted in the Home Occupation

Ordinance, but it makes sense to have it there. It should be removed from the Food Truck Ordinance.

Commissioner Jared Clayton stated the language could be changed when a motion is made.

Commissioner Lisa Hartman opened this item to public comment.

Steve Van Maren, 11039 Lexington Circle, Sandy, indicated Nicole Martin stated sales tax was memitted, not based on sales but by business locations.

Commissioner Cyndi Sharkey stated what she was told is that if the food truck chooses to have a business license in Sandy; sales tax would be remitted to Sandy. If the food truck is operating in Sandy but has a business license in another city, sales tax revenue would go to the other city.

Steve Van Maren stated the Ordinance should not say "Sales that occur within Sandy City limits". It should say, "Any business registered in Sandy".

Commissioner Lisa Hartman closed this item to public comment.

Commissioner Joe Baker commented on the language, which discusses temporary and permanent mobile food courts.

Commissioner Lisa Hartman commented that there are permanent food truck courts, but the trucks are not permanent.

Commissioner Nancy Day stated the space is permanent and the food trucks are temporary.

Brian McCuistion stated the intent is to have a permanent food court and temporary food trucks.

Commissioner Lisa Hartman commented that food trucks are independent businesses. They travel all over the Valley.

Commissioner Joe Baker stated so, Sandy City would police the food trucks and make them leave every night.

Commissioner Lisa Hartman stated yes, they would have to leave every night.

Commissioner Joe Baker commented on the word "adjacent" in Auxiliary Power under the Purpose. He said the word "adjacent" should be removed. Adjacent would be the property next to you, not the property you are currently on.

Commissioner Cyndi Sharkey moved that the Planning Commission forward a positive recommendation to the City Council to adopt the proposed ordinance amendment as shown in Exhibit "A", for the two reasons listed in the staff report with an amendment to the first reason to read: Compliance with the Purpose of the Land Development Code by facilitating the orderly

growth and development of Sandy City. Also, remove the word "adjacent" in Auxiliary Power Regulations.

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

Commissioner Nancy Day asked if there was anything in the first recommendation that needs to stay.

Brian McCuistion replied he is fine with the amended recommendation.

4. Minutes

Commissioner Monica Collard moved to approve the October 5, 2017 meeting minutes. Jared Clayton seconded the motion. The vote was unanimous in favor.

- 5. Sandy City Development Report
- 6. Planning Commission Attendance List
- 7. Director's Report

James Sorenson gave the Directors report.

The meeting adjourned at 6:42 p.m.

The content of these minutes are not intended nor are they submitted as a verbatim transcript of the meeting. These minutes are a brief overview of what occurred at the meeting.

Respectfully submitted:

Raima Tobler- Fleming, Minutes Secretary



File #: 17-304, Version: 2

Date: 11/21/2017

Agenda Item Title:

Administration recommending the Council consent to appointment of Dan McDonald as the hearing officer for reasonable accommodation requests for group homes for disabled persons.

Presenter:

Shane Pace **Description/Background:**

This item was tabled at the November 14 City Council meeting to allow an opportunity for the Mayorelect to review the hearing officer appointment.

On June 21, 2017 the City Council approved Ordinance #17-14 to appoint a hearing officer to review reasonable accomodation requests instead of the Planning Commission. The code amendment included the advise and consent of the City Council for the appointment. The Purchasing Agent issued a Request for Proposal for hearing officer services and did not receive any responses. The Senior Civil Attorney emailed a few Attorneys that have experience with being a hearing officer, or those familiar with the Federal Fair Housing Act and AMericans with Disabilities Act, asking if they would be interested. Two attorneys, Glenn Bronson and Dan McDonald responded.

Members of Administration interviewed both lawyers. Based on the information gathered from those interviews and from other sources, Dan McDonald is recommended for this position.

Fiscal Impact:

\$300.00 per hour

Recommended Action and/or Suggested Motion:

Motion to approve Dan McDonald as hearing officer.

RESOLUTION #17-57C

A RESOLUTION CONSENTING TO THE APPOINTMENT OF DAN MCDONALD AS A HEARING OFFICER, AN APPEAL AUTHORITY FOR THE PURPOSE OF REVIEWING AND DECIDING REQUESTS FOR REASONABLE ACCOMMODATIONS, AS DETERMINED BY THE MAYOR.

WHEREAS, the Sandy City Council adopted Ordinance #17-14, effective June 21, 2017, which amended the review and approval process for Residential Facilities for Disabled Persons. The ordinance requires the Mayor to appoint a hearing officer with the advice and consent of the City Council (15A-11-08(G)).

WHEREAS, based on the information gathered from the interview, the experience being familiar with the Federal Fair Housing Act and American with Disabilities Act, and other sources, Dan McDonald is recommended for the hearing officer position.

BE IT RESOLVED by the City Council of Sandy City, Utah, hereby consents to the appointment of Dan McDonald as a hearing officer, as determined by the Mayor.

PASSED AND APPROVED by the Sandy City Council this _____ day of _____, 2017.

Chris McCandless, Chairman Sandy City Council

ATTEST:

City Recorder

Recorded this _____ day of ______, 2017.



File #: ZONE-10-17-5308, Version: 1 Date: 11/21/2017

Agenda Item Title:

Brent Beuchert has submitted an application requesting a zone change of two parcels located at 11521 S. and 11529 S. 1700 E., a total of approximately 1.19 acres, from R-1-20A and R-1-10, both "Single Family Residential Districts", to R-1-15A "Single Family Residential District" - Zone-10-17-5308.

Presenter:

Jake Warner

Description/Background:

The Applicant intends to consolidate the subject property with a parcel to the north (11481 S. 1700 E.), which is already zone R-1-15A, to create four lots fronting on to 1700 E. The proposed rezone would allow for residential lots, with animal rights, at a minimal area of 15,000 square feet.

Staff recommended to the Planning Commission that they forward a recommendation of approval to the City Council. On November 2, 2017, the Planning Commission, by a vote of 6-1, passed a motion recommending that the City Council approve the rezone of the subject property to R-1-15A with a requirement that the property be cleaned up prior to construction.

Fiscal Impact:

Further action to be taken:

Recommended Action and/or Suggested Motion:

1. That the subject property, located at 11521 S. 1700 E. and 11529 S. 1700 E., be rezoned from the R-1-20A and R-1-10 Zones to R-1-15A based on the findings in the staff report and the requirement that the property be cleaned up prior to construction.

2. To adopt Ordinance #??-?? to rezone the subject property from R-1-20A and R-1-10 "Single Family Districts" to the R-1-15A "Single Family District."

Community Development Department



Tom Dolan Mayor Scott J. Bond Chief Administrative Officer James L. Sorensen Director

MEMORANDUM

November 2, 2017

To:	City Council via Planning Commission		
From:	Community Development Department		
Subject:	Beuchert/Cushing Property, R-1-20A & R-1-10 to	ZONE-10-17-5308	
	R-1-15A 1.19 Ac		
	11521 S. 1700 E., 11529 S. 1700 E.		
	[The Bluff, Community #25]		

HEARING NOTICE: This item has been noticed to property owners within 300 feet of the subject area, on public websites, and in the newspaper.

PROPERTY CASE HISTORY			
Case Number	Case Summary		
A#91-3	The subject property was part of an annexation application (Young Annexation) approved by the City Council on June 11, 1991 by Ordinance #91-37. The Ordinance also zoned the majority of the subject property to R-1-20A and the remainder R-1-10.		

REQUEST

Brent Beuchert has submitted an application for a zone change of two parcels, approximately 1.19 acres, located at 11521 S. and 11529 S. 1700 E. from the R-1-20A and R-1-10 Zones, both "Single Family Residential Districts" to R-1-15A "Single Family Residential District." The resulting zone change would allow, when combined with the parcel to the north (11481 S. 1700 E.), for a five-lot subdivision. The parcel at 11521 S. 1700 E. is owned by Dave and Carol Cushing and the parcel at 11529 S. 1700 E. is owned by Beuchert Builders.

BACKGROUND

The subject property (1.19 acres) was annexed into the City in 1991. The annexation included a total of 11.02 acres. Of the property (1.19 acres) subject to this application, 1.14 was zoned R-1-20A through the annexation and the remaining 0.05 acre was zoned R-1-10. The majority of the total annexed property (east of the subject property) was zoned R-1-10. The properties to the east are still zoned R-1-10, as well as the properties to the south and across 1700 E. to the west. The properties to the north are currently zoned R-1-15A.

2



A community meeting was held on July 7, 2016. Due to the amount of time between the community meeting and submittal of the subject application, City Staff contacted the leader for Community #25 (Alan Lodder) upon receiving the application. He expressed that the community had been supportive of the zone change and he continues to support the proposal. He did not feel that another community meeting was necessary.

ANALYSIS

The applicant's intent to consolidate the two subject properties and the adjacent property to the north in order to develop a five-lot subdivision is consistent with the zoning, land use, and average property size in the surrounding area. A zone change to R-1-15A is supported by the Goals of the Sandy City General Plan, including the following:

HOUSING ELEMENT

- Goal 1.1 Develop infill options that complement existing housing stock and neighborhood characteristics.
- Goal 1.4 Ensure a range of housing options to accommodate an aging population and growth trends.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve a zone change of the subject property from R-1-20A and R-1-10 to R-1-15A based on the following findings:

- 1. That the proposed zone change is consistent with the zoning of the surrounding properties.
- 2. That the proposed change of zone will have no unmitigated negative impacts on the surrounding properties or the area as a whole.
- 3. That the proposed change of zone is consistent with the Sandy City General Plan.

ZONE-10-17-5308 - Beuchert/Cushing Property

Planner:

Reviewed by:

Jake Warner Long Range Planning Manager Brian McCuistion Planning Director

File Name:

S:\USERS\PLN\STAFFRPT\2017\ZONE-10-17-5308_Beuchert_Cushing

BEUCHERT/CUSHING PROPERTY REZONE

ORDINANCE #17-28

AN ORDINANCE AMENDING AND FIXING THE BOUNDARIES OF A ZONE DISTRICT OF THE SANDY CITY ZONING ORDINANCE; TO WIT: REZONING TWO PARCELS, APPROXIMATELY 1.19 ACRES FROM R-1-20A "SINGLE-FAMILY RESIDENTIAL DISTRICT" AND R-1-10 "SINGLE-FAMILY RESIDENTIAL DISTRICT" TO R-1-15A "SINGLE-FAMILY RESIDENTIAL DISTRICT", LOCATED AT APPROXIMATELY 11521 SOUTH 1700 EAST AND 11529 SOUTH 1700 EAST; ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

BE IT KNOWN AND REMEMBERED that the City Council of Sandy City, Utah, finds and determines as follows:

1. Pursuant to Sections 10-9a-501 through 10-9a-505 Utah Code Annotated 1953 as amended the City has authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land.

2. A request has been made for a change of zoning on the below described property.

3. The Planning Commission held a public hearing on November 2, 2017, which meeting was preceded by notice published in the <u>Salt Lake Tribune</u> on October 22, 2017, and by posting in Sandy City Hall, Sandy Parks & Recreation, the Salt Lake County Library-Sandy, the Sandy City Website - <u>http://www.sandy.utah.gov</u>, and the Utah Public Notice Website - <u>http://pmn.utah.gov</u> on October 16, 2017; and to review the request for rezoning and has made recommendations thereon to the City Council.

4. The City Council of Sandy City, Utah has held a public hearing before its own body on November 21, 2017 which hearing was preceded by publication in the <u>Salt Lake Tribune</u>, on November 11, 2017, and by posting in Sandy City Hall, Sandy Parks & Recreation, the Salt Lake County Library-Sandy, the Sandy City Website - <u>http://www.sandy.utah.gov</u>, and the Utah Public Notice Website - <u>http://pmn.utah.gov</u> on November 3, 2017; and has taken into consideration citizen testimony, planning and demographic data, the desires of the owners of the property and the Planning Commission recommendation as part of the Council's deliberations.

5. The rezone of said parcel will be appropriate, it is in accordance with the General Plan, it will promote the health and general welfare of the City, it will be compatible with the best interests of the particular neighborhood involved and it will be sensitive to the needs of the

City as a whole.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, Utah, as follows:

Section 1. <u>Amendment.</u> The zoning ordinance which sets forth the zone districts within Sandy City which portion of the said zoning ordinance is established by a zoning map, is hereby amended as follows:

The property described in **EXHIBIT A**, which is attached hereto and by this reference made a part hereof, affects two parcels, located at approximately 11521 South1700 East and 11529 South 1700 East, Sandy, Utah, and are currently zoned R-1-20A "Single-Family Residential District" and R-1-10 "Single-Family Residential District", shall be zoned to R-1-15A "Single-Family Residential District", and the land use map is amended accordingly.

ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:

- R-1-20A "Single-Family Residential District"
- R-1-10 "Single-Family Residential District"

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:

R-1-15A "Single-Family Residential District"

Section 2. <u>Severable</u>. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. <u>Effective.</u> This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED this _____ day of _____, 2017.

Chris McCandless, Chairman Sandy City Council ATTEST:

City Recorder

PRESENTED to the Mayor of Sandy City for his approval this _____ day of _____, 2017.

APPROVED this _____ day of _____, 2017.

Thomas M. Dolan, Mayor

ATTEST:

City Recorder

RECORDED this _____ day of _____,2017.

SUMMARY PUBLISHED this ______ day of ______, 2017.

EXHIBIT A

Property Descriptions

Parcel #: 28214010200000 Address: 11521 S. 1700 E.

BEG 588.08 FT S FR CEN OF SEC 21, T 3S, R 1E, S L M; S 49.98FT; E 216.25 FT; N 40 FT; E 208.73 FT; N 10 FT; W 424.98 FT TO BEG. LESS STREET. 0.26 AC M OR L. 5551-0721 5814-733 6001-1626 6411-677

Parcel #: 28214010060000 Address: 11529 S. 1700 E.

BEG 638.06 FT S & 33 FT E FR CEN SEC 21, T 3S, R 1E, S L M; S 221.97 FT; E 183.25 FT; N 221.97 FT; W 183.25 FT TO BEG. 0.93 AC. 4679-115 5297-0186 7778-0949 8991-8026

Field Trip

THOSE PRESENT: Nancy Day, Monica Collard, Jared Clayton, Lisa Hartman, Joe Baker, Scott Sabey, Ron Mortimer, Doug Haymore, Alternate Member Cyndi Sharkey, Alternate Member; James Sorensen, Community Development Director; Brian McCuistion, Planning Director; Jake Warner, Long Range Planner; Mitch Vance, Planner; Darien Alcorn, Senior City Attorney; Britney Ward, Traffic Engineer; Ryan Kump, City Engineer; Raima Fleming, Planning Secretary

THOSE EXCUSED:

Executive Session

Grading Discussion – Ryan Kump, City Engineer

Regular Session

THOSE PRESENT: Nancy Day, Monica Collard, Jared Clayton, Lisa Hartman, Joe Baker, Scott Sabey, Ron Mortimer, Doug Haymore, Alternate Member Cyndi Sharkey, Alternate Member; James Sorensen, Community Development Director; Brian McCuistion, Planning Director; Jake Warner, Long Range Planner; Mitch Vance, Planner; Darien Alcorn, Senior City Attorney; Britney Ward, Traffic Engineer; Ryan Kump, City Engineer; Raima Fleming, Planning Secretary

THOSE EXCUSED:

North Pine Villas PUD – Final Review 789 E. 7800 S. [High Point, Community #6] SUB-07-17-5282 SPEX-10-17-5312

The applicant, Grant Lefgren of Keystone Construction, is requesting approval for the revised architecture, site layout, and landscaping for the proposed townhome project. The Planning Commission reviewed this item several weeks ago during which the preliminary subdivision review was determined to be complete but that the applicant would need to return for Final Architecture and Landscape plan approval. Additionally, the applicant is requesting that the Planning Commission grant a Special Exception for the creation of lots without frontage onto a public street.

STAFF RECOMMENDATION

Staff has determined that previous concerns from Staff and the Planning Commission have been addressed by the applicant. Staff recommends that the Planning Commission approve the Final Architecture, Site Plan, Landscape Plan, and grant a Special Exception for the creation of lots without public frontage for the North Pine Villas PUD located at 789 East 7800 South, subject to the following conditions:

- 1. That the applicant complies with each department's comments and redlines throughout the final review process and that all issues be resolved before the subdivision can be recorded.
- 2. That all City provisions, codes and ordinances are adhered to during the review, construction and operations process of this project.
- 3. That the improvement agreement between Sandy City and the applicant be approved and signed by both parties before final subdivision approval is given.
- 4. That a six (6) foot privacy fence be constructed around the subdivision perimeter adjacent to the church property to the north and the existing single family home to the east.
- 5. That the subdivision CC&R's include language that requires sufficient space to park two (2) vehicles in garages at all times.
- 6. That the subdivision CC&R's include language that limits parking on all surface stalls to residents and their guests and that stalls shall not be used for any long term (more than 5 consecutive days) parking of vehicles.
- 7. That the architecture for the townhomes be approved as shown in this report and that any significant change to materials or design be required to come back to the Planning Commission for approval.
- 8. That the setbacks for the subdivision be dictated as follows and that these setbacks be recorded as a note on the plat:
 - 10 feet to front porch, 13 feet to front porch for units along 7800 South
 - 15 feet to living area
 - 20 feet to garage
 - 5 feet in side yard between buildings
 - 15 feet in rear yard for lots on the north
 - 20 feet in rear yard for lots on the east
 - Minimum setback of 20 feet from west property line
- 9. That the private alley and road shall be maintained by the Home Owners Association for the subdivision.
- 10. That the Planning Commission determine that the pavilion, swings, sand volleyball court, sidewalks, and benches are sufficient amenities for the development.
- 11. That all public improvements be carried out in accordance with the requirements and approvals by the Sandy City Engineering Department through the Subdivision Review process. That street dedication be carried out in accordance with the requirements and approvals by the Sandy City Engineering Department, specifically:

- a. That the half-width of 7800 South be dedicated to Sandy City including a five (5) foot parkstrip and five (5) foot sidewalk be installed by the developer.
- b. That Chad Street be dedicated a public right-of-way with 27 feet of asphalt, two and a half (2.5) feet of curb and gutter, eight (8) foot parkstips, and five (5) foot sidewalks on either side of the street.
- c. That the alley behind the rear-loaded units be developed as a private alleyway with a width of 24 feet.
- d. That Pine Falls Lane be developed as a private lane and stubbed at the east boundary of the parcel with a width of 32 feet (curb to curb) with a six (6) foot adjacent walk on the south side.
- 12. That a cross-access easement be established and shown on the plat for the potential extension of Pine Falls Lane between this development and the adjacent parcel to the east should the adjacent parcel redevelop.

Mitch Vance introduced this item to the Planning Commission.

Grant Lefgren, 12924 Verona Creek Way, Riverton, Keystone Construction, Applicant, stated this project has 36 units. The majority of the units are front loading. A private road terminates to the property to the east for future development. As far as the landscaping, minor adjustments were made for line of site to ensure there are no trees or shrubs that would block the visual at the intersection. The swing set was expanded. Additional benches were added to the detention area and the volleyball court. The porches were moved forward. Vertical and horizontal separation was added to the interior unit. In the front loading product, the interior units were moved forward and the end units were moved back. The 8-plex was separated into two 4-plexs. Variation was added to the roof elevation.

Commissioner Monica Collard asked if the stub street is public or private.

Grant Lefgren replied it is private.

Commissioner Scott Sabey opened this item to public comment and there was none.

Commissioner Lisa Hartman complimented the applicant on the work that's been done.

Commissioner Nancy Day commented on the color around the windows.

Commissioner Monica Collard moved that the Planning Commission approve the Final Architecture, Site Plan, Landscape Plan, and grant a Special Exception for the creation of lots without public frontage for the North Pine Villas PUD located at 789 East 7800 South, subject to the twelve conditions outlined in the staff report, with an additional condition to read: 13. That the Planning Commission determines that the reduction from 40% to 39.3% common and private open space is acceptable based on the proposed Landscape and Architectural Design of the site.

Commissioner Joe Baker stated number 13 does not sound like a condition. He asked if it could be phrased as a condition to require it.

Commissioner Monica Collard moved that the Planning Commission approve the Final Architecture, Site Plan, Landscape Plan, and grant a Special Exception for the creation of lots without public frontage for the North Pine Villas PUD located at 789 East 7800 South, subject to the twelve conditions outlined in the staff report, with an additional condition to read: 13. That the Planning Commission determines that the reduction from 40% open space requirement cannot be less than 39.3% common and private open space is acceptable based on the proposed Landscape and Architectural Design of the site.

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

2. Beuchert/Cushing Property – R-1-20A & R-1-10 to R-1-15A 11521 S. & 11529 S. 1700 E. [The Bluff, Community #25] ZONE-10-17-5308

Brent Beuchert has submitted an application for a zone change of two parcels, approximately 1.19 acres, located at 11521 S. and 11529 S. 1700 E. from the R-1-20A and R-1-10 Zones, both "Single Family Residential Districts" to R-1-15A "Single Family Residential District." The resulting zone change would allow, when combined with the parcel to the north (11481 S. 1700 E.), for a five-lot subdivision. The parcel at 11521 S. 1700 east is owned by Dave and Carol Cushing and the parcel at 11529 S. 1700 E. is owned by Beuchert Builders.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve a zone change of the subject property from R-1-20A and R-1-10 to R-1-15A based on the following findings:

- 1. That the proposed zone change is consistent with the zoning of the surrounding properties.
- 2. That the proposed change of zone will have no unmitigated negative impacts on the surrounding properties or the area as a whole.
- 3. That the proposed change of zone is consistent with the Sandy City General Plan.

Jake Warner introduced this item to the Planning Commission.

Commissioner Monica Collard asked if there is a business at this location.

Jake Warner stated the applicant should be able to answer that question.

Brent Beuchert, 1924 E. Ashley Masa Lane, Sandy, stated most of the trailers on his property are his personal trailers and boats. He is not running a business. He would like to clean his area up and turn it into a 4 lot subdivision. He said at it's current zoning, it is too small to have four lots. That is the reason for the zoning change.

Commissioner Scott Sabey asked about the RV's.

Brent Beuchert replied two of the RV's are his neighbors and everything else on the property is his.

Commissioner Monica Collard asked if it was inportant for the applicant to keep the (A) animal designation.

James Sorenson stated it help to keep the right if he's wanting to have animals.

Commissioner Scott Sabey opened this item to the public.

Ray Herman, 11454 S. 1700 E., Sandy, asked if the rezoning would allow for apartments.

James Sorenson replied this rezoning would allow for single family homes only.

Commissioner Scott Sabey closed this item to public comment.

Commissioner Scott Sabey stated he is very disappointed with the upkeep of this lot. The lot has not been maintained to the requirement of the city. It's not fenced or blocked accordingly. He also stated he will not vote to approve the rezone until the lot has been cleaned up.

Commissioner Joe Baker commented if the zoning is approved, the lot would be cleared.

Commissioner Scott Sabey replied we can not award the applicant economically to get rid of the trailers.

Commissioner Joe Baker stated the lots would be unbuildable until the trailers are removed.

Commissioner Monica Collard asked if the city has tried to enforce a clean up.

James Sorenson replied he does not know the history of this property but will look into it.

Commissioner Scott Sabey stated if this property was grandfathered in, it still has to be shielded properly.

James Sorenson stated the benefit of this property being rezoned is that it would have to be cleared.

Commissioner Nancy Day moved that the Planning Commission forward a positive recommendation to the City Council to approve a zone change of the property located at

located at 11521 S. and 11529 S. 1700 E. from R-1-20A and R-1-10 to R-1-15A based on the three findings in the staff report with an added condition: 4. That the applicant need to bring this location into compliance with Sandy City Code prior to construction.

Monica Collard seconded the motion. The vote was as follows: Nancy Day, yes; Monica Collard, yes; Jared Clayton, yes; Lisa Hartman, yes; Joe Baker, yes; Ron Mortimer, yes; Scott Sabey, no. The vote was six to one in favor of the motion.

3. Minutes

Commissioner Jared Clayton moved to approve the October 19, 2017 meeting minutes. Nancy Day seconded. The vote was unanimous in favor.

4. Sandy City Development Report

5. Planning Commission Attendance List

6. Director's Report

James Sorenson gave the directors report.

The meeting adjourned at 7:28 p.m.

The content of these minutes are not intended nor are they submitted as a verbatim transcript of the meeting. These minutes are a brief overview of what occurred at the meeting.

Respectfully submitted: _

Raima Tobler- Fleming, Minutes Secretary



File #: 16-279, Version: 3

Date: 11/21/2017

Agenda Item Title:

Public hearing on a proposed small cell tower ordinance.

Presenter:

Wade Sanner

Description/Background:

This item was noticed for a hearing on November 21, 2017. However, the draft ordinance was not available at this time. The Council Office recommends that the City Council open the hearing to allow those who anticipated speaking an opportunity for comment, but continue the public hearing to a date when the ordinance is complete.

Recommended Action and/or Suggested Motion:

Motion to continue the public hearing on a proposed small cell tower ordinance, and require standard public notice of the new hearing date when the ordinance is complete.



File #: 17-314, Version: 1

Date: 11/21/2017

Agenda Item Title:

City Recorder recommending the City Council accept the results of the November 7, 2017 General Election canvass.

Presenter:

Wendy Downs **Description/Background:** The Recorder's Office will provide the official canvass to the Council at the November 21 meeting.

Fiscal Impact:

Further action to be taken:

Recommended Action and/or Suggested Motion:

Motion to accept the November 7, 2017 General Election canvass.



File #: 17-297, Version: 2

Date: 11/21/2017

Agenda Item Title:

Wasatch Front Waste and Recycling District requesting authorization from the City Council for proposed fee increases and new fees to be effective January 1, 2018

Presenter: Pam Roberts

Description/Background:

Request Authorization of the District's 2018 Residential Fee Increase from \$14.75 per month to \$17.00 per month and a new fee for more than one recycling can in the amount of \$3.00 per can/per month. The fee for more than one garbage can will also increase from \$15.00 per month to \$17.00 per month.

Recommended Action and/or Suggested Motion:

To adopt resolution 17-62C authorizing proposed fee increases and new fees for the Wasatch Front Waste and Recycling District, to be effective January 1, 2018

RESOLUTION #17-62C

A RESOLUTION AUTHORIZING PROPOSED FEE INCREASES AND NEW FEES FOR THE WASATCH FRONT WASTE AND RECYCLING DISTRICT, TO BE EFFECTIVE JANUARY 1, 2018

WHEREAS, the Sandy City Council ("*Council*") met in regular meeting on November 21, 2017, to consider, among other things, authorizing a proposed fee increase for the Wasatch Front Waste and Recycling District (*"the District"*), to be effective January 1, 2018; and

WHEREAS, the District is empowered by Utah Code Ann. § 17D-1-101 et seq. and by Salt Lake County Resolution Number 4670, November 20, 2012, to provide garbage collection and recycling services within the boundaries of the District; and

WHEREAS, Sandy City and its residents are within the boundaries of the District, and the Sandy residents receive services from the District; and

WHEREAS, the County Resolution 4670 provides that an increase in the District's service charges is not effective until a majority of the legislative bodies of those local governments located within the District have authorized an increase in charges; and

WHEREAS, Salt Lake County Resolution Number 5100 amended County Resolution 4670 provides "[a]n increase in a basic service charge will not be effective until it has been authorized by a majority of the governing bodies that have representation on the Board as reflected in letters, minutes, or other written confirmation;" and

WHEREAS, the Council has determined that this resolution constitutes "other written confirmation" as contemplated by County Resolution 5100; and

WHEREAS, the District has recommended increases to the current fees by the District as follows: (i) The base fee to be increased from \$14.75 to \$17.00 per month, an increase of \$2.25 per month, (ii) the fee for each additional garbage can to be increased from \$15.00 to \$17.00 per month, an increase of \$2.00 per month, (iii) a new fee for each additional recycling can to be charged in the amount of \$3.00 per month, (iv) all such fee increases and/or new fees are to be effective January 1, 2018; and

WHEREAS, the Council finds that the New Fees are reasonable and justified.

NOW THEREFORE, BE IT RESOLVED, that the Sandy City Council hereby authorizes the new fees to be enacted and to take effect upon the 1st day of January 2018, as follows:

1

- 1. The base fee to be increased from \$14.75 to \$17.00, an increase of \$2.25 per month
- 2. The fee for each additional garbage can to be increased from \$15.00 to \$17.00, an increase of \$2.00 per month
- 3. A new fee for each additional recycling can to be charged in the amount of \$3.00 per month

PASSED AND ADOPTED THIS 21ST DAY OF NOVEMBER, 2017.

Chris McCandless, Chairman Sandy City Council

ATTEST:

City Recorder



File #: 17-316, Version: 1

Date: 11/21/2017

Agenda Item Title:

Public Works recommends that City Council approve the donation of a surplus Street Sweeper to Minersville, Utah.

Presenter:

Mike Gladbach, Public Works Director

Description/Background:

Minersville is a small community in Beaver County with a population of less than 1,000 residents. They have attempted to budget for the purchase of a street sweeper for years but have been unable to fund the purchase of even a used one. They historically rent one for short periods to clean up after projects, but cannot maintain clean streets on a regular basis.

During a discussion with our Fleet Manager, Nathan Schafer, we determined that we have one (1) street sweeper that is under-utilized. I am requesting a reduction in fleet allocation of one (1) street sweeper taking us from five units to four units. The sweeper in question is a 2002 model year with about 50,000 miles.

Fiscal Impact:

We estimate the value of the street sweeper at approximately \$10,000 based on what we believe it may return at auction.

Further action to be taken:

Recommended Action and/or Suggested Motion:

Recommend approval of Resolution #17-61C

RESOLUTION #17-61C

A RESOLUTION APPROVING THE DONATION OF A SURPLUS STREET SWEEPER TO THE TOWN OF MINERSVILLE, UTAH.

WHEREAS, the Town of Minersville, Utah ("**Minersville**") has a population of under 950 residents, and has a limited budget with insufficient funds for purchasing a used street sweeper which it needs to provide clean streets for its residents, and is especially needed when laying new asphalt and slurry on roads; and

WHEREAS, Sandy City has a 15-year-old surplus street sweeper with over 50,000 miles of use on it which Sandy City almost never uses, as it has another back-up street sweeper in better condition; and

WHEREAS, the 2002 street sweeper is worth \$10,000 or less; and

WHEREAS, Utah Code Section 10-8-2 allows for a city to provide non-monetary assistance to a non-profit entity, whether or not the city receives consideration in return; and

WHEREAS, the donation of the street sweeper will, with all other services, nonmonetary assistance, and fees waived under Subsection 10-8-2(1)(a)(v), not exceed one percent of the City's total budget for this fiscal year, which is the limit allowed under Utah Code Section 10-8-2,

NOW THEREFORE, BE IT RESOLVED by the City Council of Sandy City, that the City Council hereby approves and authorizes the donation of the City's 2002 street sweeper to the Town of Minersville, Utah.

PASSED AND APPROVED by the Sandy City Council this _____ day of _____, 2017.

Chris McCandless, Chairman Sandy City Council

ATTEST:

City Recorder

Recorded this _____ day of ______, 2017.

RESOLUTION #17-61C

A RESOLUTION APPROVING THE DONATION OF A SURPLUS STREET SWEEPER TO THE TOWN OF MINERSVILLE, UTAH.

WHEREAS, the Town of Minersville, Utah ("**Minersville**") has a population of under 950 residents, and has a limited budget with insufficient funds for purchasing a used street sweeper which it needs to provide clean streets for its residents, and is especially needed when laying new asphalt and slurry on roads; and

WHEREAS, Sandy City has a 15-year-old surplus street sweeper with over 50,000 miles of use on it which Sandy City almost never uses, as it has another back-up street sweeper in better condition; and

WHEREAS, the 2002 street sweeper is worth \$10,000 or less; and

WHEREAS, Utah Code Section 10-8-2 allows for a city to provide non-monetary assistance to a non-profit entity, whether or not the city receives consideration in return; and

WHEREAS, the donation of the street sweeper will, with all other services, nonmonetary assistance, and fees waived under Subsection 10-8-2(1)(a)(v), not exceed one percent of the City's total budget for this fiscal year, which is the limit allowed under Utah Code Section 10-8-2,

NOW THEREFORE, BE IT RESOLVED by the City Council of Sandy City, that the City Council hereby approves and authorizes the donation of the City's 2002 street sweeper to the Town of Minersville, Utah.

PASSED AND APPROVED by the Sandy City Council this _____ day of _____, 2017.

Chris McCandless, Chairman Sandy City Council

ATTEST:

City Recorder

Recorded this _____ day of _____, 2017.



DEPARTMENT OF PUBLIC WORKS

Tom Dolan Mayor

Scott Bond Chief Administrative Officer

Michael Gladbach, P.E. Director

October 27, 2017

TO: Scott Bond, Chief Administrative Officer

RE: Equipment Donation Request

Public Works recommends that Sandy City donate a Street Sweeper to Minersville, Utah. The residents of Minersville deserve clean streets and we can help them to that end.

Background:

Minersville is a small community in Beaver County with a population of less than 1,000 residents. They have attempted to budget for the purchase of a street sweeper for years but have been unable to fund the purchase of even a used one. They historically rent one for short periods to clean up after projects, but cannot maintain clean streets on a regular basis.

During a discussion with our Fleet Manager, Nathan Schafer, we determined that we have one (1) street sweeper that is under-utilized. I am requesting a reduction in fleet allocation of one (1) street sweeper taking us from five units to four units. The sweeper in question is a 2002 model year with about 50,000 miles. We estimate its value at about \$10,000 based on what we believe it may return at auction.

If you have any questions or wish to discuss this further I can be reached at 801-568-2968 or by email at <u>mgladbach@sandy.utah.gov</u>.

Thanks.

Michaef Reddad

Michael C. Gladbach, P.E. Director

Minersville Town 60 West Main PO Box 159 Minersville UT. 84752 435-386-2242

To Whom It May Concern:

Minersville Town has been looking for a street sweeper for over a year. We have a small budget and have been attempting to find a good used sweeper. The Town has been borrowing the sweeper from the Beaver County Road Crew when we have to chip seal our roads. Kevin Carter (Town Manager) had contacted Greg from Cate Equipment in our search. Greg contacted me Cherie Wood (Minersville Town Clerk) last week asking if we had purchased a sweeper yet, I replied no we had not found one that our budget could afford yet. Greg also asked me if it was alright if he gave our contact name and number to someone that might have one that we might be interested in. I told him yes he could give our contact information out.

I received a call from Nathan Schafer from Sandy City last Thursday and he said that Greg from Cate Equipment had given him our contact information and said that Minersville Town was looking for a street sweeper.

Thank you,

Thu (ward

Cherie C. Wood Minersville Town Clerk

Mike Gladbach - Re: sweeper to Minersville

From:	Robert Wall
To:	Mike Gladbach
Date:	10/26/2017 2:26 PM
Subject:	Re: sweeper to Minersville
Cc:	Steve Osborn
Attachments:	Robert Wall.vcf

Mike,

Thanks for contacting me. My apologies if we did not communicate well. After we talked I did not realize you were then hoping for something more from me. Below is language from the statute I mentioned when we last spoke that I think allows you to make the donation. I have highlighted the pertinent provisions. I do not know the specific process the City has used internally in making allowed donations in the past; however, here are the components you probably need to pursue, not necessarily in this order:

* A conversation with Scott Bond and Brian Kelley would be appropriate as there is a limitation to the value of donation the City can make in any given fiscal year (1% of the budget). The 1% cap is for all donations combined, not each donation;

* If Administration is ok with the donation, you need to work with the Council Office to include the proposal on a Council agenda for a public hearing. The hearing notice requires no unique wording or time for publication (ie the notice could be that which is given for a regular Council agenda item);

* It would probably be helpful to the Council if you prepared a staff report that reflects what the donation is, why you think it is a good idea, etc. Again, there is no particular format for such; perhaps a conversation with Mike Applegarth relative to what information he believes the Council would desire in order to make a decision would help you prepare a staff report and your presentation the night of the hearing.

* The Council would approve the donation by resolution so you would need to provide a resolution as part of the information you include for the Council packet.

I'll ask Steve Osborn to help you with any wording for your staff report or your resolution by copying him on this email should you have questions or would like assistance after you talk with Scott, Brian, and Mike. The 4 steps may seem a bit bureaucratic but the process is quite straight forward as you can see from the statute. Rob.

Effective 5/13/2014

10-8-2 Appropriations -- Acquisition and disposal of property -- Municipal authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property. (1)

- (a) A municipal legislative body may:
 - (i) appropriate money for corporate purposes only;

(ii) provide for payment of debts and expenses of the corporation;

(iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the municipality, whether the property is within or without the municipality's corporate boundaries, if the action is in the public interest and complies with other law; (iv) improve, protect, and do any other thing in relation to this property that an individual could do; and

(v) subject to Subsection (2) and after first holding a public hearing, authorize municipal services or other nonmonetary assistance to be provided to or waive fees required to be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

(b) A municipality may:

(i) furnish all necessary local public services within the municipality;

(ii) purchase, hire, construct, own, maintain and operate, or lease public utilities located and operating within and operated by the municipality; and

(iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property located inside or outside the corporate limits of the municipality and necessary for any of the purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B, Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

(c) Each municipality that intends to acquire property by eminent domain under Subsection (1)(b) shall comply with the requirements of Section 78B-6-505.

(d) Subsection (1)(b) may not be construed to diminish any other authority a

municipality may claim to have under the law to acquire by eminent domain property located inside or outside the municipality.

(2)

(a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to the provisions of Subsection (3).

(b) The total amount of services or other nonmonetary assistance provided or fees waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the municipality's budget for that fiscal year.

I. Robert Wall Sandy City Attorney <u>rwall@sandy.utah.gov</u>

>>> Mike Gladbach 10/26/2017 1:48 PM >>> Rob, Any update? Does this have wheels? Thanks. Mike

Mike Gladbach, P.E. Public Works Director

8775 South 700 West Sandy, UT 84070 phone: <u>801/568-2968</u>

file:///D:/Users/mgladbach/AppData/Local/Temp/XT99FpWise/99F1F08ASANDYCTYSAN... 11/1/2017



File #: 17-311, Version: 1

Date: 11/21/2017

Agenda Item Title:

Recess of City Council meeting and convene a meeting of the Sandy City Redevelopment Agency

Presenter: Nick Duerksen Description/Background:

Resolution RD 17-12. A Resolution of the Redevelopment Agency of Sandy City authorizing the execution of a Tax Increment Participation Agreement with Mountain America Federal Credit Union relating to new commercial development within the Civic Center North Redevelopment Project Area.

Agenda and supporting documents attached.

Fiscal Impact:

Further action to be taken:

Recommended Action and/or Suggested Motion:

Motion to approve Resolution RD 17-12.

Redevelopment Agency of Sandy City



Chris McCandless Linda Martinez-Saville Scott Cowdell Stephen P. Smith Steve Fairbanks Maren Barker Kristin Coleman-Nicholl Chair Vice-Chair Board Member Board Member Board Member Board Member

Tuesday, November 21, 2017

Sandy City Hall 10000 Centennial Parkway, Sandy, Utah

Agenda

Meeting time: Approximately 7:00 p.m.

- 1. Motion to convene Redevelopment Agency meeting
- 2. Resolution RD 17-12. A Resolution of the Redevelopment Agency of Sandy City authorizing the execution of a Tax Increment Participation Agreement with Mountain America Federal Credit Union relating to new commercial development within the Civic Center North Redevelopment Project Area.
- 3. Motion to adjourn Redevelopment Agency meeting.

In compliance with the Americans with Disabilities Act, reasonable accommodations for individuals with disabilities will be provided upon request. For assistance please call (801) 568-7141.

SANDY CITY RDA The Gold Standard

Redevelopment Agency of Sandy City

CHRIS McCANDLESS Chair

LINDA MARTINEZ-SAVILLE Vice-Chair

MEMORANDUM

To:Redevelopment Agency of Sandy CityFrom:Nick Duerksen, DirectorDate:November 9, 2017RE:MACU Participation Agreement

Attached is the participation agreement with Mountain America Credit Union (MACU) for the Redevelopment Agency's (RDA) participation on the parking structure to be used by MACU, Hale Centre Theatre (HCT) and the general public.

Below is a summary of the main provisions of the agreement:

1. Within 60 days of a Certificate of Occupancy for the MACU office building, the RDA will make a payment of \$6,000,000 to MACU. Funds for this payment are from the Civic Center North Project area (\$4M) and grants (\$2M).

2. From the annual tax increment generated by the MACU office site, the RDA will pay up to \$1,481,000 (cap amount, not a guaranteed amount) in equal annual installments—estimated to be \$105,786 per year—from 2019 through 2032; in no event, however will any annual installment payment exceed 85% of the tax increment actually generated by, and received by the Agency from, the MACU office site. This participation is directly for purposes of adding an additional level of parking to the parking structure. MACU, HCT and Sandy City mutually agreed the need for this additional parking.

3. MACU must have 700 stalls of the 1,766 stalls completed by December 31, 2017 as required in the Second Amended Purchase Agreement executed November 15, 2016. The remaining stalls in the parking structure will be completed with the Certificate of Occupancy of the office building. (Estimate June 2018).

4. The parking structure is available for public use nights and weekends, including special events as provided for in the CC&R's, less the stalls allocated for HCT.

5. Should the area form a downtown association, MACU agrees to participate.

Resolution No. RD 17-12

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF SANDY CITY AUTHORIZING THE EXECUTION OF A TAX INCREMENT PARTICIPATION AGREEMENT WITH MOUNTAIN AMERICA FEDERAL CREDIT UNION RELATING TO NEW COMMERCIAL DEVELOPMENT WITHIN THE CIVIC CENTER NORTH REDEVELOPMENT PROJECT AREA.

WHEREAS the Redevelopment Agency of Sandy City (the "Agency") has been created by the Sandy City Council to transact the business and exercise all of the powers provided for by Title 17C of the Utah Code Annotated, "Limited Purpose Local Government Entities— Community Reinvestment Agency Act" (the "Act");

WHEREAS, the Agency, in furtherance of the purposes of the Act and the Project Area Plan for the Civic Center North Redevelopment Project Area (the "Project Area"), desires to enter into a Tax Increment Participation Agreement (the "Agreement"), substantially in the form attached hereto as **Exhibit A**, encouraging and promoting the private development of a major commercial/office campus and associated parking structure within the Project Area.

NOW, THEREFORE, BE IT RESOLVED BY GOVERNING BODY OF THE REDEVELOPMENT AGENCY OF SANDY CITY:

1. The Agreement in substantially the form attached hereto as **Exhibit** A is hereby approved, and the Executive Director of the Agency is authorized and directed to execute the same for and on behalf of the Agency. The Executive Director is authorized to approve any minor modifications, amendments, or revisions to the Agreement as may be in the Agency's best interest and in harmony with the intent and purpose of the Agreement, and the Executive Director's signature upon the final Agreement shall constitute the Agency Board's acceptance of all such minor modifications, amendments, or revisions.

2. This resolution takes effect upon adoption.

THIS RESOLUTION IS APPROVED AND ADOPTED BY THE REDEVELOPMENT AGENCY OF SANDY CITY on this November 21, 2017.

Chris McCandless, Chair

Attest:

Vickey Barrett, Secretary

Exhibit A Form of Agreement

Page 183 of 191 November 21, 2017

TAX INCREMENT PARTICIPATION AGREEMENT

This Tax Increment Participation Agreement (this "Agreement") is entered into as of November 21, 2017, between **Mountain America Federal Credit Union** (the "Company") and the **Redevelopment Agency of Sandy City**, a Utah political subdivision (the "Agency") as follows:

A. **WHEREAS** the Agency was the owner of certain real property known as Lot 1 Sandy Gardner Office Park ("Lot 1"), and the Agency entered into a Second Amended Purchase and Sale Agreement and Escrow Instructions dated November 15, 2016 (the "Lot 1 PSA") with the KC Gardner Company, L.C. (the "Developer") providing for the sale of Lot 1 by the Agency to the Developer;

B. **WHEREAS** the Developer assigned to the Company all of the Developer's rights under the Lot 1 PSA, the Agency consented to that assignment, and pursuant to the Lot 1 PSA, the Company acquired Lot 1 from the Agency;

C. **WHEREAS** the Company currently owns Lot 1, which is located within the boundaries of a redevelopment project area created by the Agency and known as the Civic Center North Redevelopment Project Area (the "Project Area");

D. WHEREAS as the Lot 1 PSA required the Company to do, the Company is currently constructing an office building (the "Office Building") and associated parking structure (the "Parking Structure") and other related improvements on Lot 1 (collectively, the "Office Project"), which Office Project will be of great benefit to the Project Area and to Sandy City and its residents, including in particular to certain real property owned by Sandy City adjacent to Lot 1, which City-owned property is known as Lots 2 and 3, Sandy Gardner Office Park (respectively, "Lot 2" and "Lot 3");

E. **WHEREAS** the Company and the Developer have presented to the Agency and its consultants sufficient information, including development plans and alternatives, and other information, showing justification for the Agency's participation in the construction of the Parking Structure to serve the Office Building and also to serve Lots 2 and 3;

F. **WHEREAS** the Agency has adopted the Civic Center North Neighborhood Development Plan (the "Plan"), which, in connection with Utah Code Ann. § 17C-1-403, authorizes the Agency to collect and use tax increment for, among other things, the purposes of this Agreement;

G. **WHEREAS** due to its location within the Project Area, Lot 1 generates tax increment revenues that are diverted to the Agency under the Plan and as provided in Utah Code Ann. § 17C-1-403 (2017);

H. WHEREAS the Agency's collection of tax increment from the Project Area according to the Plan and Utah Code Ann. § 17C-1-403 (2017) was set to expire after the tax year 2022, but the Agency has negotiated, and is still in the process of negotiating, various Interlocal Cooperation Agreements with some or all of the taxing entities within the Project Area (each an "Interlocal Agreement") in order to extend the Agency's collection of a portion of the tax increment from the Project Area as permitted under Utah Code Ann. § 17C-2-207 (2017) for an additional ten years (until 2032);

I. WHEREAS before the conveyance of Lot 1 from the Agency to the Company, the executive director of the Agency provided a letter to the Company, dated September 23, 2016 (the "Participation Letter"), in which Participation Letter the Agency acknowledged having identified \$6,000,000.00 of available tax increment funds that could, subject to the future agreement and discretion of the Agency's governing body, potentially be contributed to the cost of development and construction of the Office Project;

J. WHEREAS after delivering the Participation Letter to the Company, the Agency also discussed with the Company their mutual desire to see one additional level added to the Parking Structure (*i.e.*, one level more than what was originally planned by the Developer), and the Agency and Company discussed the Agency paying for approximately one-half of the cost of the additional parking level, in exchange for the company agreeing to pay the other one-half of the cost of constructing that additional parking level and providing Sandy City and its residents certain limited public parking rights in the Parking Structure solely as described *below*; and

K. WHEREAS pursuant to the Participation Letter and the discussions relating to the additional parking level, and in consummation of all other discussions relating to Agency participation of any kind in the costs of development and construction of the Parking Structure and the Office Project on Lot 1, the Agency is, subject at all times to the prior performance of the Company as described below, willing to provide a portion of the tax increment generated from Lot 1 (and actually received by the Agency each year), as a reimbursement for expenses relating to the construction of the Parking Structure, to the Company in order to induce the Company to construct the Office Project within the Project Area.

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants, conditions, and considerations as more fully set forth below, the parties hereby agree as follows:

Tax Increment. This Agreement refers to "tax increment" which is a term defined by Utah 1. Code Ann. § 17C-1-102(60) (2017). The term tax increment has the same meaning as defined by that statute (as amended, replaced or superseded from time to time). The parties acknowledge that tax increment generally refers to the additional ad valorem tax revenues generated by the increase in value of taxable real and personal property within the Project Area resulting from new development and improvements on real property located within the Project Area. Under the Plan as originally adopted, the Agency is entitled to collect tax increment from the Project Area as provided in the schedule under Utah Code Ann. § 17C-1-403(2)(a) (2017), until and including the tax year 2022. Then, after that, the Agency is entitled to collect a portion of tax increment from the Project Area as expressly provided under each of the Interlocal Agreements, respectively. The parties acknowledge that as of the Effective Date, the Agency has entered into an Interlocal Agreement with each of the following taxing entities, respectively: Central Utah Water Conservancy District; Crescent Cemetery Maintenance District; Metropolitan Water District of Salt Lake & Sandy; Sandy Suburban Improvement District; South Salt Lake Valley Mosquito Abatement District; and Canyons School District. Each of those Interlocal Agreements provides that the Agency may receive 60% of tax increment from the Project Area during the ten-year extension period (tax years 2023-2032, inclusive). The parties acknowledge that as of the Effective Date, the Agency has not yet entered into Interlocal Agreement with either Salt Lake County or South Valley Sewer District; the Agency intends to pursue Interlocal Agreements with these remaining entities, but the Agency makes no guarantees, the Agency reserves absolute discretion as to whether or not to enter into Interlocal Agreements with these remaining two taxing entities, and the Company acknowledges that each of these remaining two taxing entities has independent discretion to approve or not approve an Interlocal Agreement.

2. <u>**Company's Commitments.**</u> As a condition to all obligations of the Agency under this Agreement, the Company agrees to do each of the following (each a "Company Commitment"):

- a. by December 31, 2017, on Lot 1, substantially complete construction, as evidenced by obtaining a temporary certificate of occupancy, of a parking structure (the "Parking Structure") with at least 700 parking units; the parties acknowledge the Company intends to construct significantly more than 700 units, but as between the Company and the Agency, the minimum requirement is only 700; and
- b. make the entire Parking Structure available—except for reserved stalls or restricted areas, so long as at least 700 stalls are left available—for use by Sandy City and/or general public on the terms and conditions set forth in the CC&R's (defined *below*); and
- c. by December 31, 2018, on Lot 1, substantially complete construction, as evidenced by obtaining a temporary certificate of occupancy, of the Office Building according to the plans and specifications prepared by WRNS Studio known as "Sandy Development 11-story building and Parking Garage 9800 South Monroe Street, Sandy Utah 84070", as previously approved by the Sandy City Council (together with any changes to the plans and specifications approved by the Sandy City Council, which approval shall not be unreasonably withheld, conditioned or delayed); and
- d. Sandy City is currently considering promoting and/or establishing a downtown association, the purview of which will likely include Lot 1; the Company agrees to participate in the downtown association if and when it is promoted or created, upon request from the Agency or Sandy City, provided the terms of such participation are reasonably acceptable to the Company and do not materially increase the Company's obligations or decrease Company's rights with respect to Lot 1 or otherwise.

3. Parking Structure Financing.

- a. *Generally.* The Company is solely responsible for all the costs of development, construction, maintenance, ownership, repair, etc., of the Office Project (including the Office Building and the Parking Structure). However, subject to the performance of the Company Commitments by the Company first, and also subject to Section 4 *below*, the Agency will participate with the Company in financing the construction of the Parking Structure solely by paying a maximum amount of \$7,481,000.00 (the "Maximum Reimbursement Amount") to the Company as reimbursement for expenses actually incurred by the Company in the construction of the Parking Structure, as follows:
 - i. Within 60 days after the date the Company has timely obtained a permanent certificate of occupancy for each and both of the Parking Structure and the Office Building (*i.e.*, 60 days after the second permanent certificate of occupancy is issued), the Agency will make a one-time cash payment to the Company in the amount of \$6,000,000.00, as

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reimbursement for the Company's expenses in constructing the Parking Structure. Upon request by the Agency, the Company must first provide evidence of payment of at least \$6,000,000.00 in costs towards the construction of the Parking Structure. For informational purposes, the Agency intends to reimburse itself, at least in part, for this \$6,000,000.00 upfront cash payment by collecting and retaining tax increment generated from Lot 1; and

- ii. The Agency will pay to the Company annually, in equal annual installments beginning with a payment for the first year in which the Office Building is assessed and appears on the tax rolls for Salt Lake County (estimated to be 2019) and ending with a final payment for the final year of the remaining tax increment collection period for the Project Area under the Interlocal Agreements, which is currently 2032 (each such annual payment is referred to as an "Annual Increment Payment"). The Agency will calculate the estimated amount of each Annual Increment Payment based on the number of years between the first year of payment and the 2032 tax year. It is anticipated that the first Annual Increment Payment will be made for the 2019 tax year, which would mean the estimated amount of each Annual Increment Payment will be \$105,786.00 (\$1,481,000.00/14 years). In no event, however, will any single Annual Increment Payment be more than 85% of all tax increment revenues generated, and actually received by the Agency from the Salt Lake County, in any year from Lot 1. If, for any tax year, 85% of all tax increment revenues generated, and actually received by the Agency from the Salt Lake County, from Lot 1 is less than the scheduled amount of the Annual Increment Payment, then the Agency will pay the Company the lesser amount equal (i.e., the amount equal to 85% of all tax increment revenues generated, and actually received by the Agency from the Salt Lake County, in any year from Lot 1), and the estimated Annual Increment Payment schedule for each succeeding year will be adjusted (i.e., increased) by taking the total remaining balance of the Maximum Reimbursement Amount and dividing that by the number of tax years remaining until the tax year 2032. The Agency will retain the remaining 15% of tax increment revenues for other Agency uses/obligations as permitted under the Plan and/or the Interlocal Agreements.
- b. *Clarification on Payments*. The Agency will continue making Annual Increment Payments until the first to occur of either (i) the Agency has paid to the Company the Maximum Reimbursement Amount, or (ii) the Agency no longer has the right to receive tax increment from the Project Area because the final year of the tax increment collection period (2032), has passed. Notwithstanding anything in this Agreement to the contrary, the Agency has no obligation to pay any more than the Maximum Reimbursement Amount; accordingly, the parties anticipate that the Agency will pay the Company a series of Annual Tax Increment Payments in the maximum combined amount of \$1,481,000.00, and if and when that amount has been paid, the Agency will have no further payment obligations of any kind to the Company.

- c. *Limitation*. Notwithstanding anything in this Agreement to the contrary, if the Company does not satisfy each of the Company Commitments, then the Agency will have no obligation to pay any Annual Tax Increment Payments to the Company; instead, the Agency will then be entitled to retain all tax increment generated from Lot 1 for other legal and authorized purposes of the Agency.
- d. *Taxes Condition Precedent.* Notwithstanding anything in this Agreement to the contrary, all obligations of the Agency to pay any Annual Tax Increment Payment(s) to the Company are conditional on the Company timely and properly paying all taxes assessed on or generated from Lot 1, including but not necessarily limited to real property, personal property, *ad valorem*, and sales taxes, to the appropriate taxing authorities. The Company reserves all, and does not waive or relinquish any, rights available at law or in equity to appeal or contest any taxes or assessments on Lot 1. The Company acknowledges that the Agency will not have any tax increment funds to pay to the Company if the Company does not first pay the taxes on Lot 1.
- e. *Preservation of Interlocal Agreements.* The Agency agrees that the Agency shall not, without the prior written consent of the Company, until such time as Company has been reimbursed the Maximum Reimbursement Amount as provided in this Agreement, cause, permit or consent to any modifications or amendments to any of the Interlocal Agreements in a manner that reduces the amount of tax increment to be paid to the Agency, on either an annual or cumulative basis, from the Project Area.

4. **Default under CC&Rs/Lot 1 PSA.** The Company as owner of Lot 1, together with Sandy City as owner of Lots 2 and 3 (and with a limited joinder by Hale Centre Theatre as tenant of Lot 3), has entered into the "Declaration and Establishment of Protective Covenants, Conditions and Restrictions and Grant of Easements" dated on or about November 16, 2016 (the "CC&Rs"), relating to Lots 1, 2 and 3, including, without limitation, certain obligations of the Company to construct and maintain the Parking Structure. All obligations of the Agency under this Agreement, including without limitation the Agency's obligation to pay any tax increment or Annual Tax Increment Payment to the Company, are conditional on the Company not materially breaching or being in default of its obligations to the City under the CC&Rs, and the Company materially breaching or being in default of any obligations under the Lot 1 PSA. If the Company materially breaches or defaults under the CC&Rs with respect to the Parking Structure, and/or the Lot 1 PSA, then the Company will be considered in material breach of this Agreement and the Agency may terminate this Agreement as provided in, and subject to, Section 7 *below*.

5. <u>Timing of Annual Incentive Payments.</u> Subject to Sections 2 and 3 *above*, the Agency will make the first Annual Tax Increment Payment within thirty days after the Agency receives from the Salt Lake County Treasurer the final tax increment payment for the calendar year in which the Office Project is assessed and appears on the tax rolls for Salt Lake County, and, subject to Section 5 *above*, the Agency will continue making the Annual Tax Increment Payments each successive year within the same thirty-day period for so long as the Agency is entitled to collect tax increment from the Project Area (as may be extended, if at all, from time to time). For informational purposes, the Agency typically receives tax increment payments from the Salt Lake County Treasurer in March or April (for the preceding tax year), which means the Agency will likely pay the first Annual Tax Increment Payment to the Company around April or May of the year following the calendar year during which the Company obtains the required temporary certificates of occupancy for the Office Building and

Parking Structure, and then the successive payments in April or May of each succeeding year.

Agency Authority. The Company acknowledges that the Agency is a political subdivision 6. of the State of Utah operating and existing under Title 17C of the Utah Code Ann., separate and distinct from Sandy City, for the purpose of, among other things, promoting the urban renewal, economic development and community development in the City. The Company acknowledges that Sandy City is not a party to this Agreement and Sandy City will not have any duties, liabilities or obligations under this Agreement. The Company understands that the Agency has no independent taxing power, and therefore the Agency's sole source of revenue is tax increment financing as provided under Utah law. If Utah law is amended or superseded by new law that has the effect of reducing or eliminating the amount of tax increment revenue to be paid to the Agency, the Agency's obligation to pay Annual Tax Increment Payments to the Company shall be accordingly reduced or eliminated. Similarly, if a court of competent jurisdiction declares that the Agency cannot receive tax increment revenues, or make payments to the Company from tax increment revenues as provided in this Agreement, or takes any other action which eliminates or reduces the amount of tax increment revenues paid to the Agency, the Agency's obligation to make Annual Tax Increment Payments to the Company shall be accordingly reduced or eliminated.

7. <u>Agreement Term/Breach/Termination.</u> This Agreement will automatically terminate and expire upon payment of the final Annual Tax Increment Payment as described in Section 3 *above*. This Agreement may also be terminated earlier as follows: Upon the material breach of this Agreement by either party, the non-breaching party may provide notice to the breaching party. The breaching party shall have 30 days to cure the breach, and if the breach is not timely cured, the non-breaching party may then terminate this Agreement by providing final notice to the breaching party.

8. <u>Successors and Assigns.</u> This Agreement shall be binding upon the parties and their respective successors and assigns. Neither party may assign its rights or obligations under this Agreement without the advance written consent of the other party.

9. <u>Amendments.</u> Except as otherwise provided herein, this Agreement may be modified or amended by, and only by, a written instrument duly authorized and executed by the Company and the Agency.

10. <u>**Governing Law and Interpretation.**</u> This Agreement shall be governed by the laws of the State of Utah, and any action pertaining hereto shall be brought in the applicable state or federal court having jurisdiction in Salt Lake County, Utah.

11. **Integrated Agreement/Lot 1 PSA.** The above recitals are incorporated and made an integral part of this Agreement. This Agreement constitutes the entire agreement of the parties with respect to the subject matter addressed. There are no other contracts or agreements, written or verbal, between the parties relating in any way to the subject matter of this Agreement. No party is relying on any verbal or written statements of the other than those expressly set forth in this Agreement. Notwithstanding the foregoing, however, the parties acknowledge that certain provisions of the Lot 1 PSA survive and will continue to exist according to their terms as written, and will be read harmoniously with this Agreement. If there is any conflict between the Lot 1 PSA and the terms of this Agreement will prevail.

12. Further Assurances. The parties shall cooperate, take such additional actions, sign such

additional documentation, and provide such additional information as reasonably necessary to accomplish the objectives set forth in this Agreement.

13. <u>Indemnification</u>. Except as may be otherwise provided in the CC&Rs, the Company shall indemnify, defend (with counsel of the indemnitee's choosing), and hold the Agency and Sandy City (including their respective officers, directors, agents, employees, contractors, and consultants) harmless from and against all liability, loss, damage, costs or expenses, including attorneys' fees and court costs, arising from or as a result of death, injury, accident, loss or damage of any kind caused to any person or property because of the act(s), error(s), or omission(s) of the Company (including its officers, directors, agents, employees, contractors, and consultants) upon or in connection with Lot 1 or in connection in any way with this Agreement, except in each case to the extent arising out of the negligence, willful misconduct, illegal acts, bad faith or breach of this Agreement by the Agency or Sandy City (including their respective officers, directors, agents, employees, contractors, and consultants).

14. **Third-Party Beneficiaries.** Except for Sandy City which is an intended third-party beneficiary as described in the immediately preceding paragraph regarding indemnification, this Agreement is intended solely for the benefit of the Agency and the Company and there are no intended third party beneficiaries.

15. **No Liability of Officials or Employees.** No director, officer, agent, employee, or consultant of the Agency or the Company shall be personally liable to the other party hereto, or any successor in interest, in the event of any default or breach by the Agency or Company or for any amount which may become due to the Company or its successors or on any obligations under the terms of this Agreement.

16. <u>No Legal Relationships.</u> The parties disclaim any partnership, joint venture, fiduciary, agency or employment status or relationship between them. No party has the authority to make any representation or warranty or incur any obligation or liability on behalf of the other party, nor shall they make any representation to any third party inconsistent with this paragraph.

17. **No Public Dedication.** Nothing contained in this Agreement shall be deemed to be a gift or dedication of all or any portion of the Parking Structure for the general public or for any public purpose whatsoever.

[End of Terms – Signature Page Follows]

THIS TAX INCREMENT PARTICIPATION AGREEMENT IS EXECUTED effective as of the day and year first above written, by:

MOUNTAIN AMERICA FEDERAL CREDIT UNION

By: [Exhibit - Don't Sign] Name: Sterling Nielsen Title: President/CEO

REDEVELOPMENT AGENCY OF SANDY CITY, a Utah political subdivision

By: _____ [Exhibit - Don't Sign]

Tom Dolan, Executive Director

Attest:

[Exhibit - Don't Sign]

Vickey Barrett, Secretary