

December 20, 2021

**ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2021-01108**



REQUEST:

A request for an administrative interpretation regarding a proposed use on property located in the M-1 zoning district at approximately 754 W 1355 S. A determination is sought due to the property containing an existing residential use in a manufacturing zoning district. The applicant intends to use a portion of their property for outdoor storage, which is a permitted use in the M-1 zoning district, as part of their existing handyman business. The handyman business is currently licensed as a home occupation. The interpretation is to clarify whether the applicant can have outdoor storage associated with an existing home occupation business license or if it must be considered a separate land use.

DECISION:

The Zoning Administrator finds that while outdoor storage is a permitted land use in the M-1 zoning district, it is not permitted to be licensed as part of a home occupation. The M-1 zoning district permits multiple uses on a single parcel, therefore outdoor storage can be permitted as a commercial use so long as it meets all the applicable standards for outdoor storage in the zoning ordinance.

FINDINGS:

The purpose of home occupations is established in subsection 21A.36.030.A which states:

The purpose of this section is to permit the establishment of home occupations in all Residential Districts and within legal conforming single-family, duplex, and multi-family dwellings within all Commercial and Nonresidential districts and ensure that the home occupations are compatible with the district in which they are located, having no negative impacts upon the surrounding neighborhood.

In addition, subsection 21A.36.030.B states:

All home occupations not specifically prohibited may be permitted subject to their compliance with the standards specified in subsection G.

This establishes that all businesses operating as home occupations, regardless of zoning district, must adhere to the standards found in 21A.36.030. Standard 11 in subsection G reads:

No outdoor storage is permitted in conjunction with the occupation other than produce for off premise sales, outlined in subsection G4 of this section.

Subsection G4 states, in part:

The home occupation shall not be conducted in, nor in any way use, carport, or any portion of the yard. A home occupation may use a garage or other fully enclosed accessory structure provided all other standards in the section are met.

The standards established in subsections G4 and G11 clearly state that outdoor storage is not permitted to be licensed as part of a home occupation. This applies regardless of the underlying zoning therefore outdoor storage is not permitted as a function of the home occupation at this location.

However, Table 21A.33.040, Permitted and Conditional Uses for Manufacturing Districts lists outdoor storage as a permitted use in the M-1 zone. As such, outdoor storage can be permitted as a separate commercial land use on the property so long as it complies with all the applicable standards for outdoor storage in the zoning code.

If you have any questions regarding this interpretation, please contact Katilynn Harris at (801) 535-6179 or by email at katilynn.harris@slcgov.com.

APPEAL PROCESS:

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at [https:// www.slc.gov/ planning/applications/](https://www.slc.gov/planning/applications/) along with information about the applicable fee. Appeals may be filed in online at the following link:

<https://citizenportal.slcgov.com/citizen/Default.aspx>

NOTICE:

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.

Katilynn Harris

Katilynn Harris
Associate Planner

cc: Nick Norris, Planning Director
Joel Paterson, Zoning Administrator
Casey Stewart, Development Review Supervisor
Posted to Web
Applicable Recognized Organizations