

# PLANNING COMMISSION STAFF REPORT

## Home Occupations Ordinance Zoning Text Amendment PLNPCM2011-00380 April 11, 2012



Planning and Zoning Division  
Department of Community and  
Economic Development

**Applicant:**

Mayor Ralph Becker

**Staff:**

Nole Walkingshaw,  
Planning Programs Supervisor,  
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Daunte Rushton  
Planning Division Intern  
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**Tax ID:**

N/A

**Current Zone:**

N/A

**Master Plan Designation:**

N/A

**Council District:**

City Wide

**Community Council:**

City Wide

**Current Use:**

N/A

**Applicable Land Use Regulations:**

- Title 5: Business Taxes, Licenses and Regulations
- 21A.36.010: Use of Land and Buildings
- 21A.36.030: Home Occupations
- 21A.50: Amendments

**Attachments:**

- A. Draft Ordinance
- B. Department Comments
- C. Public Input

### ***Request***

Mayor Ralph Becker is requesting a Zoning Text Amendment to modify the Home Occupations regulations in the zoning ordinance. The proposed amendments to the Ordinance would modify the allowed uses of a home occupation, remove conditional home occupations, and revise the standards for permitting and terminating home occupations. The Planning Commission's recommendation will be transmitted to the City Council for a public hearing and final decision.

### ***Recommendation***

Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the project generally meets the applicable standards and therefore, recommends that the Planning Commission transmit a favorable recommendation to the City Council.

### ***Potential Motions***

**Consistent with Staff Recommendation:** Based on the findings listed in the staff report and testimony, I move that the Planning Commission transmit a favorable recommendation for petition PLNPCM2011-00380 to the City Council.

-or-

**Not Consistent with Staff Recommendation:** If the Planning Commission finds issues with the proposed amendments to the ordinance and denies approval of petition PLNPCM2011-00380, the Planning Commission must list the specific text criteria of the ordinance with findings for each criterion so that Planning Staff can make the necessary alterations and resubmit the petition.

## Background

### Project Description

In July of 2011, Salt Lake City Mayor Ralph Becker initiated a petition request to analyze the appropriateness of amending the City Code and Zoning Ordinance relating to Home Occupations. The analysis was to determine whether the City should modify its existing uses relating to home occupations, the conditions for approval, and processes for establishing a legal home occupation within an existing residence.

Research conducted by the US Census Bureau shows that slightly more than half of the U.S. businesses (51.6%) were home based. Salt Lake City's Home Occupation licenses make up 20% or 2,476 out of 12,158 total active business licenses. Home occupations require minimal capital to establish and provide an opportunity for local economic growth. They offer opportunities for sustainable economic development by minimizing vehicle trips and the required energy of powering separate home and office locations. They allow flexibility to persons who care for their children, those with disabilities or the elderly, also helping with crime prevention because they are at home during the daytime when most residential burglaries occur. Changes in technology are also enabling more opportunities for home based employment. During the economic downturn of the last few years it has been reported that many professionals have returned to home based occupations, as well as new startup companies from others who have lost traditional jobs.

In its analysis of amendments to the Home Occupations Ordinance, Salt Lake City Planning Staff researched the regulations for home occupations held by different municipalities throughout the State of Utah and the United States. Planning Staff evaluated the standards of these different ordinances as they might apply to Salt Lake City in conjunction with the policies in Salt Lake City's Master Plans and commentary received from City Departments and the general public. The draft copy of the ordinance includes proposed changes to the existing regulations of the Ordinance, including changes and alterations including the following items:

1. Eliminate the zoning fee for a home occupation permit. Currently Salt Lake City charges a fee of \$110.74 for permitted and conditional home occupations. This portion of the amendment is being processed by the Salt Lake City Finance Department as part of the 2013 budget amendments and amendments to the Consolidated Fee Schedule.
2. The existing code lists permitted home occupations, but this amendment suggests removing that list and permitting occupations subject to their compliance with the provided list of standards. Currently there is a list of specific uses that are prohibited; additional uses are proposed for this prohibited list. *Example:* An individual who wants to operate a graphic design business from his or her home. Uses such as "graphic design" are not specifically described as a permitted use, but may be permitted if they meet the standards of the ordinance. Alternatively, if an individual wanted to operate a kennel from his or her home, "kennels" are specifically listed as a prohibited use within the proposed ordinance.
3. Removing conditional home occupations. Currently there is a subset of permitted home occupations known as "conditional" home occupations. These uses were subject to approval as a special exception. The difference between a permitted and conditional home occupation has been a signature requirement received from the abutting property owners; this process has been known as a "routine and uncontested matter"; and for special exceptions this has been modified to a notice of application process. The Planning Division's opinion is that the notice of application process should not apply to home occupations and that all uses that are not expressly prohibited would be permitted subject to their compliance with the standards listed.
4. Defining the number of clients and hours of visitation permitted and for a Home Occupation to address the impact issues. In its analysis of potential amendments, it is Planning Division's recommendation that the frequency of visitation be specified to address potential adverse impacts to neighboring

residential uses to ensure that the home occupation is subordinate to the dwelling unit's primary use as residential. The proposed ordinance language reads: "Any home occupation requiring client(s) visitation shall not occur at a frequency of greater than two (2) client(s) per hour, and not more than one place of vehicular parking shall be occupied by a client at any time. Client(s) shall include one or more person(s) with a unified interest in visiting the home occupation at one specific time". Example: If a family of three or more persons seeks counsel from an individual operating a family counsel business from his or her home, this would be allowed provided that if the family drives to the home occupation, they arrive in one vehicle and do not occupy more than one place of vehicular parking.

5. Prohibiting direct retail sales. Secondary sales associated with the provided service would be permitted. Example: If an individual has an appointment with a home-based barbershop, the barber could sell this individual a comb, hair care products and other related products associated with their appointment. Alternatively, a home occupations display of a sign that directly advertises the sale of retail products (ex. "Buy one, get one free"; "50% off sale", etc.) would be prohibited.
6. Removing the Board of Adjustment from the list of decision-makers used for the application and regulation of the Home Occupation Ordinances. The Board of Adjustment has been replaced with an Appeals Hearing Officer.
7. Adding a section specifying the process for terminating Home Occupations. The Planning Division recommends that the Ordinance list a clause that allows the City to terminate the home occupation if those person(s) operating a home occupation fail to abide by Salt Lake City Code and inflict nuisance like behavior onto neighboring property owners. Example: An individual interested in operating a business from his or her home meets the regulations for starting a home occupation and then obtains a business license. However, when the home occupation begins to provide services, it fails to comply with the standards of the ordinance. To resolve this issue, the home occupation may be terminated by the City's police powers.

Amendments to the Ordinance are to maintain home occupations as a use clearly incidental and secondary to the primary use of the dwelling for residential purposes. The amendments have not been formulated to benefit one particular business or business trade, but will incite opportunities for local and sustainable economic development in Salt Lake City's business community.

## **Comments**

### **Public Notice, Meetings and Comments**

Notice of the public hearing for the proposed text amendment includes:

- Public hearing notice posted on City and State Websites on March 30, 2012
- Public hearing notice emailed to the Planning Division list serve on March 27, 2012
- Public hearing notice advertise in newspaper on March 27, 2012

The following are a list of public meetings and review sessions held for the Text Amendment.

- Presentation to the Business Advisory Board held on October 12, 2011 and March 14, 2012. Comments and notes can be found in attachment C.
- Project routed to Salt Lake City Departments for review on January 23, 2012.
- Project Open House held on February 16, 2012. Comments can be found in attachment C.
- Project posted on Open City Hall for public commentary from February 17, 2012 until March 26, 2012. Comments can be found in attachment C.

## City Department Comments

The comments received from pertinent City Departments / Divisions are attached to this staff report in Attachment B. The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition.

## Analysis and Findings

### Options

If the proposed text amendment is supported by the Planning Commission, the Commission should then provide a favorable recommendation to the City Council for its approval. If the Planning Commission finds concerns with the proposed amendments, they may request that modifications be made, or they may recommend denial of the petition. If the Planning Commission requests that modifications be made, they should provide specific feedback and direction to the Planning Staff. Planning Staff will use the provided feedback to make alterations to the proposed amendments and resubmit the proposal to the Planning Commission.

## Findings

### 21A.50.050 Standards for general amendments.

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard.

A. In making its decision concerning a proposed text amendment, the city council should consider the following factors:

**1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;**

**Finding:** Many of Salt Lake City's Community Master Plans include recommendations and policies to support small businesses and preserve the character of the City's residential neighborhoods. Providing small and basic services to the community, home occupations are considered a business operation, but are required by City Code to be incidental and secondary to the dwelling unit's primary use for residential purposes. Allowing these small and home-based businesses to operate within Salt Lake City's residential neighborhoods meets those values described in the Salt Lake City Vision and Strategic Plan, specifically those *"creating attractive conditions for business expansion within the boundaries of the City; strengthening the City's position as the economic, cultural, educational, and governmental capital of the region, but not at the expense of minimizing our environmental stewardship or neighborhood vitality."*

Goals and statements from the Central City Master Plan supporting the continued permission of Home Occupations include those that *"provide opportunities for smarter and more creative development practices to better serve the community."* Permitting persons to operate a small business as a home occupation is such a mechanism of *"creative development practices"* cited by the Central Community Master Plan, allowing persons with small business interests to offer small scale commercial services within a residential dwelling unit, reducing the pressure of added commercial development to Salt Lake City. Multiple Salt Lake City Master Plans including the East Bench Master Plan explain the desire of

city residents for the addition of small commercial services in their neighborhoods, also explaining the need to maintain appropriate building scale and traffic patterns for residential neighborhoods. Similar strategies described from the Downtown Master Plan support the practices of home occupations, to “discourage non residential development in east downtown.”

Home occupations are essential to the local economy, and the Salt Lake City Vision and Strategic Plan holds the objective to “Develop “business friendly” licensing and regulatory practices”, accomplished through action steps that “Establish process improvement teams to recommend changes to the City’s license and regulatory practices to make them more “business friendly.” The Central City Master Plan supports the Strategic Plan’s objective for helping businesses including home occupations, explaining that “The City should not over regulate these local businesses and reduce their potential success.”

The proposed amendments, including the elimination of the zoning fee for home occupations and clarification of the Ordinance standards are designed to make the Ordinance more business friendly. The proposed amendments will help those individuals with entrepreneurial interests for opening a home occupation, reducing burdensome regulatory obstacles for approval, supporting the Downtown Master Plan’s concept to “streamline approval process”, through actions that “emphasize self administered guidelines rather than design review in zoning”. The Central City Master Plan supports these streamlined and self-regulatory measures “protecting individual business owners and small entrepreneurs who contribute to the local economy through sales taxes with their investment is important.” Amendments to the regulations may help to maintain the unique and diverse residential character of Salt Lake City’s many residential neighborhoods, but also procure an economy with a local and sustainable identity.

## **2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;**

**Finding:** The purpose for text amendment is to clarify the regulations for Home Occupations. Modifying the regulations will help decrease reduce obstacles that limit the creation of home-based businesses and their potential success. The proposed amendments may improve the diversity of Salt Lake City’s economy, providing opportunities for the initiation of small and home-based businesses provided their conformance with Salt Lake City Code. Adoption of the proposed amendments to the regulations would embolden the purpose statement for the Chapter, which states:

*“...is to permit the establishment of home occupations in all residential districts and within legal conforming single-family, duplex, and multi-family dwellings in 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. Home occupations are intended to promote local and sustainable economic growth and development.”*

Amending the regulations will enable a greater diversity of permitted home occupations to operate within Salt Lake City’s residential neighborhoods, while preserving the residential character of these neighborhoods.

**3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and**

**Finding:** The proposed amendments are not site specific. All home occupations will be required to comply with all applicable zoning overlay districts as they relate to their specific location within the City.

**4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.**

**Finding:** Per the Ordinance standards, *“The home occupation must be clearly incidental and secondary to the primary use of the dwelling for residential purposes”*. The text amendment includes modifications which meet this standard, maintaining compatibility between the building scale and land uses of Salt Lake City’s residential neighborhoods, while also serving the needs of the small business community. As technology improves, it is easier for people to conduct business from their homes that is not impactful to the surrounding community. The advancements in technology can be used to not only benefit individuals, but allow them to make a meaningful and positive impact in the community through entrepreneurial business ventures. The proposed ordinance will allow for small and home-based businesses to operate within Salt Lake City’s residential neighborhoods provided that the applicants comply with the ordinance and all Salt Lake City Codes.

The Ordinance regulations are intended to mitigate any known adverse impacts of a home occupation onto the surrounding residents, preventing the home occupations from superseding the dwelling unit’s primary use as a residence, and from creating traffic patterns not normally found in residential neighborhoods. Standards of compliance include those that *“Any home occupation requiring client(s) visitation shall not occur at a frequency of greater than two (2) client(s) per hour, and not more than one place of vehicular parking shall be occupied by a client at any time. Client(s) shall include one or more person(s) with a unified interest in visiting the home occupation at one specific time.”* Home occupations are regulated as subordinate uses within residential dwellings and residential zoning classifications, making efficient use of already developed parcels and reducing the need to erect new structures on vacant parcels for small businesses of low land use intensity. Home occupations replicate practices of *growth management*, and as Salt Lake City adds population, policies managing the growth and development of the City will be crucial for the preservation of valuable open spaces while making efficient use of Salt Lake City’s developed parcels.

# **Attachment A**

## **Draft Ordinance**

## 21A.36.030: HOME OCCUPATIONS:

A. Purpose: 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, ~~and having~~ no negative impacts upon the surrounding neighborhood. Home occupations are intended to promote local and sustainable economic growth and development.

B. Permitted Home Occupations: All home occupations not specifically listed as prohibited may be permitted subject to their compliance with the standards specified in this subsection G of this, ~~the following occupations, that do not have the client come to the home, shall be permitted as home occupations subject only to approval by the zoning administrator pursuant to subsection I of this section:~~

- ~~1. Artists, illustrators, writers, photographers, editors, drafters, and publishers;~~
- ~~2. Consultants, private investigators, field representatives and other similar activities;~~
- ~~3. Bookkeeping and other similar computer activities;~~
- ~~4. Locksmith;~~
- ~~5. Distribution of products assembled at home for off premises sales (such as crafts, etc.);~~
- ~~6. Janitorial services;~~
- ~~7. Mail order business or sales representative; and~~
- ~~8. Distribution of products grown as part of an urban farm for on or off premises sales (such as garden produce).~~

C. Home Occupations Prohibited: The following businesses, regardless of their conformance with the standards in subsection GH of this section, are prohibited as home occupations:

1. Auto repairs;
2. Kennels;
3. Welding shops or machine shops;
4. Large appliance/electronics or equipment repair or service (washers, dryers, refrigerators and other appliances or equipment that are too large to be carried in 1 individual's arms);
5. Truck hauling;
6. Cabinetmaking;
7. Deliveries; ~~and~~
8. Stables;
9. Bottling plant;



10. Commercial bakery;

11. Industrial assembly;

12. Laboratory, medical, dental, optical;

13. Laboratory, testing; and

14. Any occupation which is offensive or noxious by reason of the emission of odor, smoke, gas, dust, vibration, magnetic or electrical interference, noise, or other similar impacts extending beyond the property line of the lot where the occupation is located is prohibited.

~~D. Conditional Home Occupations:~~

~~1. The following home occupations, which either require a client to come to the home or which may result in neighborhood impacts if not properly managed, may be authorized by the planning commission as an accessory use only by special exception pursuant to standards specified in this section as well as the provisions of chapter 21A.52 of this title;~~

~~a. Barbers, cosmetologists, manicurists;~~

~~b. Consultant services;~~

~~c. Physicians, therapists, massage therapists;~~

~~d. Home instruction of musical instruments, voice, dance, acting and educational subjects;~~

~~e. Small appliance/electronics/equipment repair or service (items which can be carried in 1 individual's arms);~~

~~f. Dressmaker/tailor where there is no cleaning, dyeing or pressing by mechanically operated equipment;~~

~~g. Contractor, "handyman", and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises;~~

~~h. Artists, photographers; and~~

~~i. Other similar personal or professional services where the client comes to the home.~~

~~2. The planning commission may delegate authority to the planning director to handle special exceptions for conditional home occupations. The planning director will review and approve applications in accordance with the provisions of chapter 21A.52 of this title.~~

~~ED. Application: Applications for home occupations shall be filed with the zoning administrator Salt Lake City Business Licensing Department. The applications shall include the following information:~~

~~1. A complete description of the type of business proposed including the location of the storage and operations area for the home occupation;~~

~~2. A listing of the individuals at the home who will be working on the business;~~

~~3. The expected hours of operation of the business;~~

~~43.~~ The expected number of clients per hour and total expected number of clients visiting the home per day;

~~5.~~ For conditional home occupations, approval of the apartment management or property owner if the business is conducted on a leased property. Notification is subject to the provisions of chapter 21A.10 of this title.

~~FE.~~ License Required: It is unlawful for any person, firm, corporation, or association to engage in a "home occupation" as defined in section [21A.62.040](#) of this title without first obtaining a license pursuant to the provisions of [title 5, chapter 5.042](#) of this code. Prior to issuance of said license, the criteria set forth in this title must be satisfied and all applicable fees shall be paid. All home occupation permits shall be valid for one year, and may be renewed annually, provided there have been no reported violations, subject to subsection ~~J~~ of this section.

~~GF.~~ Determination Of Completeness: Upon receipt of an application for a home occupation, the zoning administrator shall make a determination of completeness pursuant to section [21A.10.010](#) of this title.

~~HG.~~ Standards: All home occupations shall comply with the following standards:

1. The home occupation must be clearly incidental and secondary to the primary use of the dwelling for residential purposes;

2. The dwelling unit must be the principal place of residence for the person(s) conducting the home occupation;

~~23.~~ The area of the residence, used for home occupations shall remain in character with the rest of the home except for such minor alterations necessary to conduct an approved home occupation;

~~34.~~ The home occupation shall not be conducted in, nor in any way use, the garage, carport, any accessory building or any portion of the yard. As per chapter 21A.36.200 of this title, a home occupation license to distribute produce grown on the premises for off premises sales may be conducted in the rear yard and include the use of accessory buildings but may not occupy required parking areas;

~~45.~~ The home occupation work conducted at the residence shall not involve any employees other than persons lawfully living in the residence;

~~5.~~ The residence must be the principal residence of the applicant;

6. Except for those vehicles identified by chapter 21A.36 (Urban Farms) of this title, Other than and the applicant's personal transportation, there shall be no vehicles or equipment stored outdoors, or in a garage or an accessory building on the property associated with the home occupation which would not normally be found at a residence. Service vehicles defined as an automobile in Chapter 21A.62 which double as a personal vehicle such as Taxi Cabs, Limousine, or other vehicles used for mobile businesses and used for offsite services may only be parked on site in a legal parking area;

7. Delivery of merchandise, goods, or equipment, to the site of the home occupation, shall be made by a vehicle typically employed in residential deliveries. No deliveries to the site of the home occupation by semitractor/trailer truck shall be permitted. Loading and deliveries to the site of the home occupation shall be limited to the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M.;

8. No mechanical or electrical apparatus, equipment or tools shall be permitted in the home occupation except those which are commonly associated with a residential use or as are customary to home crafts, and which do not exceed two hundred twenty (220) volts ~~or which are customary to an approved conditional home occupation;~~

9. Tools, items, equipment or occupations which are offensive or noxious by reason of the emission of odor, smoke, gas, dust, vibration, magnetic or electrical interference, noise, or other similar impacts extending beyond the property line of the lot where the occupation is located, are prohibited. Tools, items, and equipment used for the operation and maintenance of an urban farm must comply with those storage requirements itemized by chapter 21A.36.200 of this title;

10. Stock in trade, inventory or other merchandise shall be allowed to be kept only in the interior space of the dwelling;

11. No outdoor storage is permitted in conjunction with the occupation other than produce for off premises sales, outlined in subsection ~~H3~~ G4 of this section;

~~12. Other than allowed conditional home occupations, no clients or customers shall come to the home nor shall any additional vehicular traffic or parking needs be generated;~~

~~132. For conditional home occupations, no more than one client may be served at one time and no more than one place of vehicular parking shall be occupied by a client at any time; Home occupations involving visitations from pedestrian or vehicular traffic shall only be conducted between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M.;~~

13. Any home occupation requiring client(s) visitation shall not occur at a frequency of greater than two (2) client(s) per hour, and no more than one client may be served at one time and not more than one place of vehicular parking shall be occupied by a client at any time. Client(s) shall include one or more person(s) with a unified interest in visiting the home occupation at one specific time;

14. Only one (1) nonilluminated nameplate, with a maximum sign face as specified in chapter 21A.46 of this title, stating the name of the business or occupant and mounted flat against the building, shall be allowed. Except for the permitted nameplate, the home occupation shall not make or require any internal alterations, other than those necessary for an approved home occupation, nor any external alterations to the residence that creates the appearance of a commercial operation, nor shall the home occupation provide any visible evidence from the exterior that the building is being used for any other purpose than that of a residence; and

~~15. Only one nonilluminated nameplate, with a maximum sign face as specified in chapter 21A.46 of this title, stating the name of the business or occupant and mounted flat against the building, shall be allowed;~~

~~16. The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses; and~~

~~175. Direct retail sales are prohibited. Incidental or secondary No direct sales of products are made from the home whether or not incidental sales ensuing from to the services provided in conjunction with the home occupation are permitted. Limited sales or distribution of produce grown from an urban farm shall be permitted as specified by chapter 21A.36.200 of this title.~~

~~H.~~ Decision By Planning Commission or Planning Director the Zoning Administrator: The ~~planning commission or planning director~~ zoning administrator shall issue a permit for the home occupation if they ~~planning commission or planning director~~ finds that:

1. The provisions of this title are satisfied;

2. The home occupation will be in keeping with the character of the neighborhood and will not adversely affect the desirability or stability of the neighborhood;
3. The home occupation does not diminish the use and enjoyment of adjacent properties or create an adverse parking impact on adjacent streets or properties;
4. The home occupation will not negatively impact the future use of the property as a residence;
5. The home occupation will not adversely affect the public health, safety or welfare; and
6. The home occupation conforms with all fire, building, plumbing, electrical and health codes.

JJ. Loss Of Home Occupation Use: The zoning administrator may terminate any home occupation use upon making findings that support either or both of the following conclusions:

1. Any of the required licenses or permits necessary for the operation of the business have been revoked or suspended; or
2. Any of the provisions of this title have been violated.

KJ. Appeals Termination of Home Occupation:

1. The licensee shall be responsible for the operation of the licensed premises in conformance with Salt Lake City Code. Any business license issued by the City may be suspended or revoked per the provisions of title 5, chapter 5.02 of this code.

K. Appeals:

1. Any termination of a home occupation may be appealed pursuant to the provisions of [title 5, chapter 5.02](#) of this code as if the termination were a business license revocation.
2. Any person adversely affected by the denial or issuance of a permit for a home occupation may appeal that decision to the ~~land use appeals board~~ appeals hearing officer pursuant to chapter ~~21A.52~~16 of this title.

L. Existing Home Occupation Licenses: Existing licenses for home occupations which were legal under the prior zoning ordinance regulating home occupations but which are not permitted under this title are subject to the provisions of chapter 21A.38 of this title ~~may be kept and reissued for subsequent years.~~

M. Nontransferability: Permits for home occupations are personal to the applicant, nontransferable and do not run with the land. (Ord. 21-11, 2011: Ord. 10-10 § 1, 2010: Ord. 54-00 § 1, 2000: Ord. 35-99 §§ 49, 50, 1999: Ord. 26-95 § 2(18-3), 1995)

## **Attachment B**

### **Department Comments**

## **Public Utilities: 1/25/2012**

“After reviewing the proposed changes to Chapt 21A.36.030, it would appear that the changes do not impact the Public Utilities Department. We have no objection to the proposed changes.”

## **Building: 2/6/2012**

“Here are our comments:

We have allowed office use only as a home occupation regardless of the occupation. Section C states that regardless of compliance the referenced list of businesses are prohibited as home occupations. Suggest including language that specifically clarifies the home office use.

#6 references vehicles identified in 21A.36. Will a list be provided in the ordinance?

#8 references a conditional home occupation

Business storage in garages may eliminate required parking on site.

Section 21A.36.130 “Child Daycare” contains the conditional use / special exception home occupation language

Do you think it would be worthwhile to define or clarify the incidental / secondary sales language?”

## **Engineering: 2/02/2012**

“Engineering has no comment on this.”

## **Transportation: 2/01/2012**

“Issues addressing transportation item have been noted in: G-4 ... may not occupy required parking areas. G-6 ... no vehicles or equipment stored outside of an enclosed structure. G-13 .. not more than one place of vehicular parking shall be occupied by a client at any time. H-3 The home occupation does not diminish the use and enjoyment of the adjacent properties or create an adverse parking impact on adjacent streets or properties. We do recommend that in section D-3 ?(a) add a requirement that - Parking provisions be stipulated and show on a site plan if require, in compliance with city standards.”

## **All Other Departments:**

No comments provided

# **Attachment C**

## **Public Input**

### **Business Advisory Board Meeting- October 12, 2011**

Planning Staff Member Nole Walkingshaw and Planning Division Intern Daunte Rushton briefed the Business Advisory Board on the petition analyzing the appropriateness to amend the Home Occupations Ordinance. The Business Advisory Board was asked to provide input to questions including:

- What are appropriate uses for a home occupation?
- What conditions should be met in order for home occupations to operate?
- Should home occupations be permitted operations within accessory structures?

The input received from the Board included suggestions that home occupations should be permitted based upon the intensity/category of the street arterial they are located upon. It was also suggested that home occupations be given a revenue “cap”; limiting their annual income generation, whereupon their surpassing of this cap would no longer render them as a home occupation.

### **Open House- February 16, 2012**

Planning Staff held an open house meeting to collect comments on the proposed text amendment. Two persons attended this open house, signing their names on the sign in sheet. No comments were received.

### **Business Advisory Board Meeting- March 14, 2012**

Planning Staff Member Nole Walkingshaw briefed the Business Advisory Board on the petition and the proposed amendments.

### **Public Comments**

Received emails and comments on Open City Hall. Please see the attachment.



**From:** [cindy.cromer](mailto:cindy.cromer)  
**To:** [Walkingshaw, Nole](mailto:Walkingshaw.Nole); [Rushton, Daunte](mailto:Rushton.Daunte)  
**Subject:** RE: home occupations  
**Date:** Wednesday, February 08, 2012 12:30:03 PM

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Nole and Daunte-A couple of examples going way back and really frustrating neighbors regarding the use of accessory structures for commercial purposes:

Gastronomy on 1300 E bet. 200 S and 300 S had the garbage issue that led to Wells et al. vs. SLC and resulted in the restrictions on variances becoming so impossible that virtually no one could get a variance. (I remember the days when the BOA would grant them generously.) At the same time the fish were stinking, Gastronomy was using a garage ON THE RESIDENTIAL SIDE (Douglas St.) of the alley for storage. Gastronomy even purchased the residence so that it controlled the garage. The use of the garage for commercial purposes created traffic on the residential side associated with the hours of operation (and clean up) of the restaurant. Another example is the drive-through coffee place on the sw corner of 1100 E and 900 S. It's one of the nonconforming business properties you've looked at. The beans and other commercial stuff were stored in an accessory structure on the neighboring residential property as I recall. Then of course, there is the example of Liberty Heights Fresh. Yes, Steven is a beloved business person, but he has been using a house in a residential zone for his business and parking for many years.

The point: If you allow accessory structures to be used as part of the business enterprise, not only will you get activities at the residence which create a nuisance---activities that people would not tolerate inside their houses, you will also get the kind of bleeding of commercial activity into residential zones in the examples above. Can of worms, absolutely a can of worms.

Thanks for the heads up of course. c

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**From:** [Nole.Walkingshaw@slcgov.com](mailto:Nole.Walkingshaw@slcgov.com)  
**To:** [3cinslc@live.com](mailto:3cinslc@live.com); [Daunte.Rushton@slcgov.com](mailto:Daunte.Rushton@slcgov.com)  
**Date:** Wed, 8 Feb 2012 07:41:06 -0700  
**Subject:** RE: home occupations

Cindy,

This is what we routed to staff last week, we are getting comments on this that will require us to make a few changes before the open house materials are prepared. An additional something that is being considered is the use of accessory structures for storage and for conducting business. We haven't come to a comfort level yet with proposing specific language to allow it. There is currently an enforcement case where a guy is doing bike repairs out of his garage and everybody loves him.... But it is not permitted under the home occ license he has. We will send the open house materials your way too, once they are ready.

Thanks,  
Nole

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**From:** [cindy.cromer](mailto:cindy.cromer) [<mailto:3cinslc@live.com>]  
**Sent:** Tuesday, February 07, 2012 5:20 PM  
**To:** [Walkingshaw, Nole](mailto:Walkingshaw.Nole); [Rushton, Daunte](mailto:Rushton.Daunte)  
**Subject:** home occupations

Nole and Daunte-Do you have a draft of the proposed changes regarding home occupations that you could send me ahead of the open house? Thanks, cindy

**From:** [Nathan McAllister](#)  
**To:** [Rushton, Daunte](#)  
**Subject:** SLC Home occupation zoning changes  
**Date:** Friday, February 24, 2012 5:39:45 PM

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Looks good generally.

It appears the home occupation permit is issued by the zoning administrator. If someone files an appeal to his decision, the appeal is reviewed by the zoning administrator, too. Either I'm reading it wrong, or the appeals structure seems messed up.

**Nathan McAllister**  
*HMS Host Assist. Proj. Manager*  
[nmcallister@gmail.com](mailto:nmcallister@gmail.com)  
801-347-8727

# Home Occupations

*What changes would you like to see to the Salt Lake City Home Occupations Ordinance?*

Public comments as of March 26, 2012, 12:06 PM

All Participants around Salt Lake City



*As with any public comment process, participation in Open City Hall is voluntary. The statements in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.*

# Home Occupations

*What changes would you like to see to the Salt Lake City Home Occupations Ordinance?*

## Introduction

The analysis intends to determine whether the City should modify the allowed uses relating to home occupations, the conditions relating to home occupations, the process for approving conditional home occupations and the opportunity for some elements of the home occupation to be conducted within an accessory structure.

# Home Occupations

*What changes would you like to see to the Salt Lake City Home Occupations Ordinance?*

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As of March 26, 2012, 12:06 PM, this forum had:

Attendees:	315
Participants around Salt Lake City:	14
Minutes of Public Comment:	42

## Home Occupations

What changes would you like to see to the Salt Lake City Home Occupations Ordinance?

### All Participants around Salt Lake City

Name not shown outside Salt Lake City

February 24, 2012, 8:03 PM

I agree with Carole. The focus should be on whether an activity causes a nuisance, less on appearance.

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Keith Bartholomew in District 4

February 23, 2012, 9:48 AM

I support the recommended changes. Unless there is a compelling reason why a non-residential use is incompatible in a residential neighborhood, it should be allowed. The greater the mixture of uses in a neighborhood, the greater the vibrancy of the street environment, which reduces crime and reliance on automobiles.

Keith Bartholomew  
115 S. 1100 E.  
SLC, UT 84102

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Name not shown in District 3

February 20, 2012, 10:15 AM

Expanding opportunities for home occupations makes sense for many reasons, including neighborhood safety. With more eyes on the street each day because residents are able to stay in their neighborhood to work rather than head out to a "properly zoned" destination increases neighborhood safety.

By expanding options for home occupations single parents or those providing care to a family member can continue to generate an income without the added expense of finding (trusted, competent) care-givers.

The 8:00-6:00 hours are arbitrary--what if a graphic designer has a client come over for a cup of tea at 7:00 pm to talk about a design on a computer screen? Doesn't this pose less potential for a problem than a group of guys coming over for beer to watch a basketball game at 7:00 pm on TV?

Ancillary buildings should also be allowed. A seamstress, an architect or interior designer, a violin maker, jeweler or picture framer--each of these low-impact professions can find a place in neighborhoods without causing problems. The noise of screaming children, barking dogs or people tuning-up motorcycles is far more intrusive.

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Rabbit Felton in District 3

February 18, 2012, 11:22 AM

As a lifetime resident of the avenues I am totally opposed to allowing expanded occupancy.No changes are necessary.

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Name not shown in District 4

February 17, 2012, 10:52 PM

I support the ordinance. It was completely idiotic that I had to pay \$100 for a "zoning review" for my business when all I did was work on a computer, which is no different from someone sitting at home surfing the web.

## Home Occupations

What changes would you like to see to the Salt Lake City Home Occupations Ordinance?

### All Participants around Salt Lake City

I'd like to see more flexibility in hours. Most people are working or commuting from 8-6, so perhaps some evening hours (8-8?) would be reasonable.

I'd also like to see a clearer definition of "using outdoor space". Would this include such a thing as sitting outside with a client in summer? Growing flowers or vegetables?

Finally, while I support no more than 2 "clients" per hour, I'd like to see that clarified. If a female "client" brings her husband and children, would that be a violation?

Thank you for recognizing the importance of home businesses and the detrimental effects on them caused by the current ordinance.

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Name not shown in District 5

February 17, 2012, 3:21 PM

The proposal seems well intentioned, but once implemented what compliance and enforcement provisions are envisioned? It is something that could be badly abused without severe consequences, but abuse could have dire consequences for a quiet residential neighborhood. I would have to know a great deal more about how the program would be administered and controlled before I could endorse it.

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Joseph Giron in District 2

February 17, 2012, 2:28 PM

I favor change, and I hope that future change can be made immediately rather than waiting to combine several issues that effect the livelihood of business minded citizens.

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Carole Straughn in District 7

February 17, 2012, 12:00 PM

I favor the proposed loosening of rules for home occupations, because working at home has so many benefits, for example:

- 1) Replacing jobs lost by moving overseas and by labor-saving technology,
- 2) Keeping cash flow in the local economy,
- 3) Strengthening the social fabric of neighborhoods,
- 4) Increasing self-reliance and resilience, and
- 5) Bringing income to those who need to care for vulnerable family members at home.

People should be allowed to conduct any legal business that does not create a nuisance for neighbors--light, noise, odors, excessive traffic or parking congestion. I don't see why out-buildings can't be used for business storage or operations.

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Name not shown in District 7

February 17, 2012, 8:33 AM

I am in support of the ordinance changes. I think it appropriate for small home-based businesses to have more flexibility. I like keeping the hours of operations from 8:00-6:00 and excluding retail sales.

## Home Occupations

What changes would you like to see to the Salt Lake City Home Occupations Ordinance?

### All Participants around Salt Lake City

I think having a small number of employees is perfectly acceptable and allowing clients to meet at the home is fine.

Also, I believe it is important to allow accessory structures to be used for storage or operations provided they don't cause a negative effect on the neighbors.

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Name not shown in District 4

February 17, 2012, 8:05 AM

I support the draft proposed ordinance.

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