



Communication to Planning Commission

Community & Economic Development
Office of the Director

To: Planning Commission Members

From: Nole Walkingshaw and Daunte Rushton

Date: April 25, 2012

Re: Recommended modifications to the Home Occupations Ordinance
Amendment Petition Number PLNPCM2011-00380

On April 11, 2012 Planning Staff, Nole Walkingshaw and Daunte Ruston presented the petition PLNPCM2011-00380 amending sections of the Salt Lake City Code relating to Home Occupations. During this discussion staff reviewed the potential opportunities for the expansion of Home Occupations to include the use of accessory structures.

The public hearing was closed and the Planning Commission discussions lead to the support of an addition to the ordinance. It was requested that staff prepare a discussion and an amendment to the draft ordinance to include the use of accessory structures. There are two potential uses that may occur in this instance; first the use of the accessory structure would be for storage purposes only, and second the allowance of the home occupation to be the primary use of the accessory structures. Staff researched this opportunity during its original review and and noted the potential that the use of an accessory structure may permit an expansion of home occupations beyond a secondary use and that there may be an opportunity for the use to become more intense than what may be desirable within a residential setting.

The amended ordinance reflects changes that would permit the home occupation to be the primary use of the accessory structure. One additional change is that staff prepared a definition of a "client." Our current ordinance does not define "client" and Webster's offers a singular definition. Based upon the discussion it was determined that "client" being defined to include more than one person was awkward legally. Based upon that staff is amending the proposed ordinance to not reflect a change in the term.

Below are the amended sections, the full ordinance is attached:

34. The home occupation shall not be conducted in, nor in any way use, the garage, a carport, any accessory building 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

ordinance are met. 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;

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;

13. Any home occupation requiring client(s) visitation shall not occur at a frequency of greater than two (2) clients 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;

During Staff's analysis of the proposed amendment the following options or qualifying provisions were considered for home occupations utilizing accessory structures, in addition to the standards:

- Allow subject to a conditional use approval (as a process not qualifying provision)
- There is no creation of finished space for client visitations. Examples; Hair services, accounting services, etc.
- Visitations are by appointment only
- Establishment of a maximum size or area of use within an accessory structure used.

Staff is looking for guidance regarding the proposed revisions which reflect only the need for compliance with the listed standards. Staff may amend the ordinance to include some or all of the provisions listed above or other noted changes prior to transmitting the petition.

Attachment
Proposed 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;
- ~~4.~~ 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 ~~4.~~ of this section.

~~GE.~~ 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;
- ~~3.~~ 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;
- ~~4.~~ 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. A home occupation may use a garage or other fully enclosed accessory structure provided all other standards in the ordinance are met. 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;~~

~~13. 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) clients 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.

IH. 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.

K.J. 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.5216~~ 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)