



CITY COUNCIL TRANSMITTAL


[rachel.otto \(Dec 6, 2023 09:48 MST\)](#)
Rachel Otto, Chief of Staff

Date Received: 12/06/2023
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TO: Salt Lake City Council
Darin Mano, Chair

DATE: December 5, 2023

FROM: Blake Thomas, Director, Department of Community & Neighborhoods



SUBJECT: Zoning Text Amendment for Daycare facilities
PLNPCM2019-00225

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DOCUMENT TYPE: Ordinance

RECOMMENDATION: That the City Council follow the recommendation of the Planning Commission to approve the proposed zoning text amendments.

BUDGET IMPACT: None.

BACKGROUND/DISCUSSION:

The national daycare shortage is a crisis for Utah's parents and children. One of Mayor Erin Mendenhall's policy priorities is to reduce any zoning barriers that may be limiting an effective response to this crisis. At the mayor's request, Planning Staff has analyzed Salt Lake City's existing daycare-related zoning regulations and developed new regulations intended to make it easier for new and existing providers to develop and start new child care facilities. These proposed changes also bring the City's daycare-related zoning regulations closer in line with Utah State Code and administrative rules set by the Utah Department of Health and Human Services (DHHS), the department that oversees daycares within the State.

While there are many types of state licenses a daycare can receive, most of them fall within two categories: Home Daycares and Daycare Centers—which are all issued and regulated by the DHHS. Licensed child care providers must meet all relevant rules and requirements established by State Code and the DHHS. Licensed facilities are also inspected by State officials at least once per year (and more often if there are complaints or prior offenses). It should be noted that there are many types of daycares that are “exempt” from licensing, including daycares serving fewer than

six children, and some religious institutions. If they fall under this category, they are allowed to exist without regulation or licensing by the state. These proposed amendments do not affect these types of daycares. The intent of these amendments is to better align local regulations with State code so that any facility receiving a State-issued license would not face additional requirements or barriers at the local (zoning) level.

Currently, Salt Lake City's zoning regulations separate daycare facilities into Home Daycares and Daycare Centers. Home Daycares are permitted as a Home Occupation within any legal conforming residential use. Current zoning regulations limit the number of children cared for at one time in a Home Daycare to eight—which is fewer than the State's permitted limit of 16. This discrepancy has been a surprise to many providers when they applied for a business license from the City and has likely been ignored by many existing Home Daycares.

Additionally, staff's conversations with the DHHS brought to light another barrier to increasing the number of Home Daycare providers: The DHHS recently allowed a Licensed Home Daycare ("Licensed family" facility) to open a *second* facility with a Director only living in the second facility 50% of the time. Because Home Daycares are a Home Occupation under the city's zoning code, this would not be allowed, as the business owner of the Home Occupation has to live in the household where the business occurs, and the business must be accessory to the residential use. The possibility of a home daycare opening a second location without a primary residential use would take up housing stock, but expand the business and child care opportunities in the neighborhood. After discussions with the Planning Commission at the August 9 work session, the Commission agreed that the opening of a second facility without a primary residential use should be allowed.

Regarding Daycare Centers, Daycare Centers are currently permitted uses in most zoning districts but are listed as a Conditional Use in the R-1/5,000, R-1/7,000, R-1/12,000, SR-1, SR-3, R-2, RMF-30, RMF-35, and RMF-45 zoning districts. In order to qualify for conditional use approval, a proposed site for a Daycare Center in those districts must meet the following criteria:

- Have an area of at least 20,000 square feet,
- Face an arterial (high traffic) street,
- Sit no closer than 600 feet from another Daycare Center, and
- No residential units would need to be demolished.

These limitations disqualify many potential sites from use as a Daycare Center that would otherwise benefit from their proximity to residential neighborhoods. Additionally, the Conditional Use process creates an additional step that potential child care providers must take in order to establish their new business.

In an effort to meet the outcomes mentioned earlier in this report, Planning Staff proposed the following changes to the Planning Commission:

Proposed changes to Home Daycares (as a Home Occupation):

- Eliminate the definition and regulations for "Nonregistered Home Daycares". "Nonregistered Home Daycares" allow for the care of up to two children and are not regulated by City or State code. Including these regulations in the zoning code creates confusion with the definitions and regulations of other childcare facilities.
- Increase the maximum number of children allowed at Home Daycares from eight (8) to sixteen (16), to align with State code.
- Moving standards for Home Daycares into the Home Occupation chapter, 21A.36.030.

- Allow the location of a second Licensed Home Daycare without a primary residential use.

Proposed changes to Child Daycare Centers:

- Change the Land Use from Conditional Use to Permitted in the following zones: R-1/5,000, R-1/7,000, R-1/12,000, SR-1, SR-3, R-2, RMF-30, RMF-35, and RMF-45
- Add as a Permitted Use to the following zones: FR-1/43,560, F-2/21,780, and FR-3/12,000, SNB, FP, and FB-UN1
- Eliminate existing Conditional Use Standards for childcare centers outlined in 21A.36.130

For additional information regarding Planning staff's recommendation, the child daycare shortage, current zoning regulations, and the proposed amendments, please refer to the following reports:

- [Planning Commission Work Session Memo](#)
- [Planning Commission Staff Report](#)

Planning Commission Review and Recommendation:

On August 9, the Planning Commission held a Work Session with staff to review proposed changes and discuss aligning those changes with a recent change to State licensing rules by the DHHS that would allow a "second" home daycare location under the same provider. Staff proposed three options and the Commission recommended that staff remove Home daycares from Home Occupation in order to easier permit a second home daycare that would not be required to be used as a primary residence. The full discussion can be viewed using [this link](#) at minute 2:13:30, and the minutes can be found [here](#).

The Planning Commission held a public hearing at their October 11, 2023, meeting and further discussed the proposed amendments with Planning staff. The Commission voted (7:1) to recommend approval of the zoning text amendment to the City Council. The Planning Commission later reopened the discussion during that same meeting and made a motion that asked Planning staff to add language to the proposed amendment that would clarify that the first home daycare must be accessory to a primary residential use. That motion also passed 7:1. The full public meeting can be viewed using [this link](#) at minute 27:11, and the minutes can be found [here](#).

PUBLIC PROCESS:

- The Planning Division provided a 45-day comment period notice to all recognized Community Organizations on June 13, 2023. Staff presented the petition at the Sugar House, East Liberty Park Community Councils, and the Business Advisory Board.
- Staff sent an early notification announcement of the project to all daycare providers in the city—daycare centers and home daycare providers with an active business license. This notice was sent on June 13, 2023.
- An online open house has been on the Planning Division's website since June 12, 2023.
- Public noticing of the Planning Commission hearing was completed on September 30, 2023

Planning Commission (PC) Records (Click to Access):

Work Session on August 9, 2023

- [PC Agenda for August 9, 2023](#)
- [PC Minutes of August 9, 2023](#)
- [Recording of August 9, 2023, PC Meeting](#)
- [PC Staff Memo for August 9, 2023](#)

Public Hearing on October 11, 2023

- [PC Agenda for October 11, 2023](#)
- [PC Minutes of October 11, 2023](#)
- [Recording of October 11, 2023, PC Meeting](#)
- [PC Staff Report for October 11, 2023](#)

EXHIBITS

1. Chronology
2. Notice of City Council Hearing
3. Mailing List

SALT LAKE CITY ORDINANCE

No. _____ of 2024

(Amending the zoning text of various sections of Title 21A of
the *Salt Lake City Code* pertaining to childcare facilities)

An ordinance amending the text of various sections of Title 21A of the *Salt Lake City Code* pertaining to childcare facilities pursuant to Petition No. PLNPCM2019-00225.

WHEREAS, on October 11, 2023, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on a petition submitted by Salt Lake City Mayor, Erin Mendenhall to amend Salt Lake City’s land use regulations pertaining to childcare facilities (Petition No. PLNPCM2019-00225); and

WHEREAS, at its October 11, 2023 meeting, the Planning Commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council (“City Council”) on said petition; and

WHEREAS, after a public hearing on this matter the City Council has determined that adopting this ordinance is in the city’s best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Text of Section 21A.33.020. That Section 21A.33.020 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts), shall be and hereby is amended as follows:

a. That the use category “Daycare center, child” is amended to read and appear as follows:

[illegible]

- b. That the use categories “Daycare, nonregistered home daycare” and “Daycare, registered home daycare or preschool” **are hereby deleted.**
- c. That the qualifying provisions for the table in Section 21A.33.020 are amended to read as follows:

Qualifying provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Must contain retail component for on-site food sales.
4. Reserved.
5. See Subsection 21A.02.050.B of this title for utility regulations.
6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building’s footprint. Building additions greater than 50 percent of the building’s footprint or new office building construction are subject to a design review.
7. Subject to conformance to the provisions in Section 21A.02.050 of this title.
8. Subject to conformance with the provisions of Subsection 21A.24.010.S of this title.
9. Subject to conformance with the provisions in Section 21A.36.300, “Alcohol Related Establishments”, of this title.
10. In the RB Zoning District, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
11. Accessory guest or servant’s quarters must be located within the buildable area on the lot.
12. Subject to conformance with the provisions of Section 21A.36.150 of this title.
13. Prohibited within 1,000 feet of a Single- or Two-Family Zoning District.
14. Large group homes established in the RB and RO Districts shall be located above the ground floor.

15. Small group homes established in the RB and RO Districts shall be located above the ground floor.
16. Large residential support established in RO Districts shall be located above the ground floor.
17. Small residential support established in RO Districts shall be located above the ground floor.
18. Reserved.
19. Subject to Section 21A.36.170 of this title.
20. Subject to Section 21A.36.030 of this title.
21. Consult the water use and/or consumption limitations of Subsection 21A.33.010.D.1.

SECTION 2. Amending the Text of Section 21A.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts), shall be and hereby is amended as follows:

- a. That the use category “Daycare center, child” is amended to read and appear as follows:

Use	Permitted and Conditional Uses by District						
	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
Daycare center, child	P	P	P	P	P	P	P

- b. That the use categories “Daycare, nonregistered home daycare” and “Daycare, registered home daycare or preschool” **are hereby deleted.**
- c. That the qualifying provisions for the table in Section 21A.33.030 are amended to read as follows:

Qualifying provisions:

1. Development in the CS District shall be subject to planned development approval pursuant to the provisions of Chapter 21A.55 of this title. Certain developments in the CSHBD Zone shall be subject to the design review process pursuant to the provisions of Subsection 21A.26.060.D and Chapter 21A.59 of this title.

2. Subject to conformance to the provisions in Subsection 21A.02.050.B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City register of cultural resources (see Subsections 21A.26.010.S and 21A.26.010.K of this title).
4. Subject to Salt Lake Valley Health Department approval.
5. Pursuant to the requirements set forth in Section 21A.36.140 of this title.
6. Greater than 3 ambulances at location require a conditional use.
7. A community correctional facility is considered an institutional use and any such facility located within the AFPP Airport Flight Path Protection Overlay District is subject to the land use and sound attenuation standards for institutional uses of the applicable Airport Influence Zone within Section 21A.34.040 of this title.
8. No check cashing/payday loan business shall be located closer than $\frac{1}{2}$ mile of other check cashing/payday loan businesses.
9. Subject to conformance to the provisions in Section 21A.40.060 of this title for drive-through use regulations.
10. Subject to conformance with the provisions in Section 21A.36.300, "Alcohol Related Establishments", of this title.
11. In CN and CB Zoning Districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
12. Prohibited within 1,000 feet of a Single- or Two-Family Zoning District.
13. Residential units may be located above or below first floor retail/office.
14. In the SNB Zoning District, bed and breakfast use is only allowed in a landmark site.
15. Medical and dental offices are not allowed in the SNB Zoning District, except for single practitioner medical, dental and health offices.
16. Permitted in the CG Zoning District only when associated with an on site food service establishment.
17. Prohibited within $\frac{1}{2}$ mile of any Residential Zoning District boundary and subject to Section 21A.36.110 of this title.
18. Reserved.
19. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to Section 21A.36.030 of this title.

20. Must contain retail component for on-site food sales.
21. Reserved.
22. Prohibited within 1/2 mile of a residential use if the facility produces hazardous or radioactive waste as defined by the Utah Department of Environmental Quality administrative rules.
23. Consult the water use and/or consumption limitations of Subsection 21A.33.010.D.1.

SECTION 3. Amending the Text of Section 21A.33.035. That Section 21A.33.035 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Transit Station Area Districts), shall be and hereby is amended as follows:

- a. That the use categories “Daycare, nonregistered home daycare” and “Daycare, registered home daycare or preschool” **are hereby deleted.**
- b. That the qualifying provisions for the table in Section 21A.33.035 are amended to read as follows:

Qualifying provisions for specific land uses:

1. Subject to Salt Lake Valley Health Department approval.
2. A community correctional facility is considered an institutional use and any such facility located within the AFPP Airport Flight Path Protection Overlay District is subject to the land use and sound attenuation standards for institutional uses of the applicable Airport Influence Zone within Section 21A.34.040 of this title.
3. Surface parking lots as a principal use located on a lot that has frontage on a public street are prohibited.
4. Prohibited within 1,000 feet of a Single- or Two-Family Zoning District.
5. Subject to conformance to the provisions in Subsection 21A.02.050.B of this title for utility regulations.
6. Reserved.
7. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to Section 21A.36.030 of this title.
8. Subject to Section 21A.36.110 of this title.

9. Drive-through windows are prohibited on any public street facing facade and automobile stacking is prohibited between public street facing facades and the adjacent public right-of-way.
10. Subject to conformance with the provisions in Section 21A.40.060 for drive-through use regulations.
11. Prohibited within 1/2 mile of a residential use if the facility produces hazardous or radioactive waste as defined by the Utah Department of Environmental Quality administrative rules.
12. Consult the water use and/or consumption limitations of Subsection 21A.33.010.D.1.

SECTION 4. Amending the Text of Section 21A.33.050. That Section 21A.33.050 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts), shall be and hereby is amended as follows:

- a. That the use categories “Daycare, nonregistered home daycare” and “Daycare, registered home daycare or preschool” **are hereby deleted.**
- b. That the qualifying provisions for the table in Section 21A.33.050 are amended to read as follows:

Qualifying provisions:

1. Subject to conformance to the provisions in Subsection 21A.02.050.B of this title.
2. Uses allowed only within the boundaries and subject to the provisions of the Downtown Main Street Core Overlay District (Section 21A.34.110 of this title).
3. A car wash located within 165 feet (including streets) of a residential use shall not be allowed.
4. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building’s footprint. Building additions greater than 50 percent of the building’s footprint or new office building construction are subject to a design review (Chapter 21A.59 of this title).
5. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan businesses.
6. Subject to conformance with the provisions in Section 21A.36.300, “Alcohol Related Establishments”, of this title.

7. Subject to conformance with the provisions of Chapter 21A.59, “Design Review”, of this title.
8. Subject to conformance to the provisions in Section 21A.40.060 of this title for drive-through use regulations.
9. Prohibited within 1,000 feet of a Single- or Two-Family Zoning District.
10. Must be located in a fully enclosed building and entirely indoors.
11. If a place of worship is proposed to be located within 600 feet of a tavern, bar establishment, or brewpub, the place of worship must submit a written waiver of spacing requirement as a condition of approval.
12. Reserved.
13. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to Section 21A.36.030 of this title.
14. Must contain retail component for on-site food sales.
15. Subject to conformance with the provisions of Section 21A.36.350 of this title.
16. Limited to basement/below ground levels only. Not allowed on the ground or upper levels of the building, with the exception of associated public leasing/office space.
17. Prohibited within 1/2 mile of a residential use if the facility produces hazardous or radioactive waste as defined by the Utah Department of Environmental Quality administrative rules.
18. Consult the water use and/or consumption limitations of Subsection 21A.33.010.D.1.
19. Parking lots, garages or parking structures, proposed as the only principal use on a property that has frontage on a public street that would result in a building demolition are prohibited subject to the provisions of Subsection 21A.30.010.F.3.

SECTION 5. Amending the Text of Section 21A.33.060. That Section 21A.33.060 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District), shall be and hereby is amended as follows:

- a. That the use categories “Daycare, nonregistered home daycare” and “Daycare, registered home daycare or preschool” **are hereby deleted.**

- b. That the qualifying provisions for the table in Section 21A.33.060 are amended to read as follows:

Qualifying provisions:

1. Subject to conformance to the provisions in Subsection 21A.02.050.B of this title.
2. Subject to conformance with the provisions of Section 21A.36.300, "Alcohol Related Establishments", of this title.
3. Subject to conformance with the provisions of Chapter 21A.59, "Design Review", of this title.
4. Prohibited within 1,000 feet of a Single- or Two-Family Zoning District.
5. Subject to the requirements set forth in Section 21A.40.065, "Outdoor Dining", of this title.
6. Reserved.
7. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to Section 21A.36.030 of this title.
8. Prohibited within 1/2 mile of a residential use if the facility produces hazardous or radioactive waste as defined by the Utah Department of Environmental Quality administrative rules.
9. Consult the water use and/or consumption limitations of Subsection 21A.33.010.D.1.

No conditional use permit shall be granted for any property which abuts a Residential Zoning District, except for places of worship, public/private utilities and related facilities, residential facilities for persons with a disability and educational facilities.

SECTION 6. Amending the Text of Section 21A.33.070. That Section 21A.33.070 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts), shall be and hereby is amended as follows:

- a. That the use category "Daycare center, child" is amended to read and appear as follows:

Use	Permitted and Conditional Uses by District																
	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Daycare center, child	P	P	P					P		P	P	P	P	P			P

- b. That the use categories “Daycare, nonregistered home daycare” and “Daycare, registered home daycare or preschool” **are hereby deleted**.
- c. That the qualifying provisions for the table in Section 21A.33.070 are amended to read as follows:

Qualifying provisions:

1. Subject to conformance to the provisions in Subsection 21A.02.050.B of this title.
2. When located in a building listed on the Salt Lake City Register of Cultural Resources.
3. When located on an arterial street.
4. Subject to Salt Lake Valley Health Department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.
6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of Chapter 21A.55 of this title.
8. Kennels, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
9. Trails and trailheads with signage are subject to Section 21A.46.120, “Sign Regulations for Special Purpose Districts”, of this title.
10. Greater than three ambulances at location require a conditional use.
11. Maximum of one monopole per property and only when it is government owned and operated for public safety purposes.
12. Subject to conformance with the provisions in Section 21A.36.300, “Alcohol Related Establishments”, of this title.
13. If located on a collector or arterial street according to the Salt Lake City Transportation Master Plan - major street plan: roadway functional classification map.
14. Subject to conformance to the provisions in Section 21A.40.060 of this title for drive-through use regulations.

15. Prohibited within 1,000 feet of a Single- or Two-Family Zoning District.
16. Reserved.
17. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to Section 21A.36.030 of this title.
18. Must contain retail component for on-site food sales.
19. Prior to issuance of a building permit in the Development Area and the Eco-Industrial Buffer Area of the Northwest Quadrant Overlay, consultation with the Utah Division of Wildlife Resources is required to obtain recommendations on siting and equipment types for all solar arrays on a particular property to mitigate impacts to wildlife.
20. When customarily provided with the principal use and is accessory to the principal use.
21. New antennae and communication towers are allowed outside the telecommunication corridor in the OS Open Space District for public safety, public security or Salt Lake City Public Utilities Department purposes only.
22. Reception centers may be allowed in parks of 100 acres or more where the reception center is a subordinate use to the principal use of the property as a park. Reception centers are allowed in existing buildings, are limited to 1 reception center per park, and hours of operation are limited to park hours. Removal of existing recreation areas to accommodate the stand alone reception center use, including areas to accommodate parking for the reception center use, is not permitted.
23. Prohibited within 1/2 mile of a residential use if the facility produces hazardous or radioactive waste as defined by the Utah Department of Environmental Quality administrative rules.
24. Consult the water use and/or consumption limitations of Subsection 21A.33.010.D.1.

SECTION 7. Amending the Text of Subsection 21A.33.080. That Section 21A.33.080 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in Form Based Districts), shall be and hereby is amended as follows:

- a. That the use category “Daycare center, child” is amended to read and appear as follows:

Use	Permitted and Conditional Uses by District			
	FB-UN1	FB-UN2	FB-SC	FB-SE
Daycare center, child	P	P	P	P

- b. That the use categories “Daycare, nonregistered home daycare” and “Daycare, registered home daycare or preschool” **are hereby deleted.**
- c. That the qualifying provisions for the table in Section 21A.33.080 are amended to read as follows:

Qualifying provisions:

- 1. Reserved.
- 2. Subject to Section 21A.36.030 of this title.
- 3. Must contain retail component for on-site food sales.
- 4. Prohibited within 1/2 mile of a residential use if the facility produces hazardous or radioactive waste as defined by the Utah Department of Environmental Quality administrative rules.
- 5. Consult the water use and/or consumption limitations of Subsection 21A.33.010.D.1.

SECTION 8. Amending the Text of Section 21A.36.030. That Section 21A.36.030 of the *Salt Lake City Code* (Zoning: General Provisions: Home Occupations), shall be and hereby is amended to read as follows:

21A.36.030: HOME OCCUPATIONS:

- A. Purpose: This section establishes regulations for home occupations within all dwellings to ensure they are compatible with any surrounding residential land uses and do not negatively impact 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 Subsections G and H of this section.
- C. Home Occupations Prohibited: The following businesses, regardless of their conformance with the standards in Subsection G 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. Deliveries;
 7. Stables;
 8. Bottling plant;
 9. Commercial bakery;
 10. Industrial assembly;
 11. Laboratory, medical, dental, optical;
 12. Laboratory, testing; and
 13. Any use that causes the emission of odor, smoke, gas, dust, vibration, magnetic or electrical interference, offensive noise, or other similar impacts extending beyond the property line of the lot where the occupation is located is prohibited.
- D. Application: Applications for home occupations shall be filed with the Salt Lake City Business Licensing Division. Business license 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. The expected hours of operation of the business;
 3. The expected number of clients per hour and total expected number of clients visiting the home per day; and
 4. For home daycares, the applicant must submit the expected number and ages of children, the number of employees, both total for the day and the expected maximum number to be on the premises at any given time, along with proof of appropriate licensing from the State of Utah. First and second home daycares each require a separate business license.
- E. License Required: It is unlawful for any person, firm, corporation, or association to engage in a "home occupation" as defined in Chapter 21A.62 of this title without first obtaining a license pursuant to the provisions of Title 5, Chapter 5.02 of this code. Prior to issuance of said license, the standards set forth in this section must be satisfied and all applicable fees shall be paid. All home occupation business licenses shall be valid for one year, and may be renewed annually.

- F. 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.
- G. General Standards: Home daycares are exempt from the following standards and shall be subject to the standards in Subsection 21A.36.030.H. All other 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, 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 this section are met. As per Section 21A.36.200 of this chapter, 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;
 5. The home occupation work conducted at the residence shall not involve more than one employee from outside of the home, persons lawfully living in the residence may be employed;
 6. Except for those vehicles identified by this chapter (urban farms), and the applicant's personal transportation, there shall be no vehicles or equipment stored outdoors, which would not normally be found at a residence. Service vehicles defined as an "automobile" in Chapter 21A.62 of this title which double as a personal vehicle such as taxicabs, limousine, or other vehicles used for mobile businesses and used for off site 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 8:00 A.M. and 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 220 volts;
 9. Tools, items, and equipment 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 Section 21A.36.200 of this chapter;

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 G.4 of this section;
 12. Home occupations involving visitations from pedestrian or vehicular traffic shall only be conducted between the hours of 8:00 A.M. and 10:00 P.M.;
 13. Any home occupation requiring client(s) visitation shall not occur at a frequency of greater than two 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 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. Direct retail sales are prohibited. Incidental or secondary sales ensuing from 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 Section 21A.36.200 of this chapter.
- H. Home Daycare Standards: A home daycare as defined in Chapter 21A.62 of this title, may be allowed as a home occupation within a legally established residential dwelling. Home daycares shall comply with the following standards:
1. Group size shall not exceed 16 children at any one time, supervised by the number of caregivers required according to state licensing requirements;
 2. Outdoor play areas provided for the home daycare shall be located only in the rear or side yards of the dwelling;
 3. The home daycare must be accessory to the primary residential use of the dwelling (a second home daycare is exempt from this standard as permitted by state regulations);

4. The dwelling must be the home daycare provider's primary residence (a second home daycare is exempt from this standard as permitted by state regulations);
 5. The dwelling used for the home daycare shall remain in character with the residence except for minor alterations necessary to conduct the home daycare; and,
 6. A provider operating a home daycare within their primary residence may obtain an additional business license for a second home daycare within a separate residential dwelling that is not their primary residence as allowed by state regulations, provided:
 - a. The first home daycare is operating under an active business license, and the home occupation is in good standing with the city; and
 - b. The structure is not altered in any way that would prevent future use as a residential dwelling.
- I. Decision by the Zoning Administrator: The zoning administrator shall issue a permit for the home occupation if they find that the standards of this title are met.
- J. 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 section have been violated.
- K. Termination of Home Occupation: The licensee shall be responsible for the operation of the licensed premises in conformance with this code. Any business license issued by the city may be suspended or revoked per the provisions of Title 5, Chapter 5.02 and this section.
- L. Appeals:
1. Any termination of a home occupation may be appealed pursuant to the provisions of Title 5, Chapter 5.02 of this code 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 appeals hearing officer pursuant to Chapter 21A.16 of this title.
- M. 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.
- N. Nontransferability: Permits for home occupations are personal to the applicant, nontransferable and do not run with the land.

SECTION 9. Amending the Text of Section 21A.36.130. That Section 21A.36.130 of the *Salt Lake City Code* (Zoning: General Provisions: Child Daycare), shall be and hereby is amended to read as follows:

21A.36.130: RESERVED.

[The codifier is instructed to make the appropriate change to the Chapter 21A.36 index.]

SECTION 10. Amending the Text of Section 21A.36.130. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: General Provisions: Child Daycare), shall be and hereby is amended as follows:

- a. Amending the definition of “DAYCARE.” That the definition of “DAYCARE” shall be amended to read as follows:

DAYCARE, CHILD: Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision (regardless of educational emphasis) to children separated from their parents or guardians, as allowed by state regulations.

- b. Amending the definition of “DAYCARE CENTER, CHILD.” That the definition of “DAYCARE CENTER, CHILD” shall be amended to read as follows:

DAYCARE CENTER, CHILD: An establishment providing care to any number of children at any one time, as allowed by state regulations, separated from their parents or guardians. This includes hourly centers, commercial centers, and preschools. “Child Daycare Center” does not include: (i) home daycares; or (ii) care provided in a facility or program exempt under Utah State Code.

- c. Amending the definition of “HOME OCCUPATION.” That the definition of “HOME OCCUPATION” shall be amended to read as follows:

HOME OCCUPATION: A business, profession, occupation, or trade conducted for gain or support and located and conducted within a dwelling unit subject to the regulations set forth in Section 21A.36.030 of this title.

- d. Amending the definition of “SCHOOLS, PUBLIC OR PRIVATE.” That the definition of “SCHOOLS, PUBLIC OR PRIVATE” shall be amended to read as follows:

SCHOOLS, PUBLIC OR PRIVATE: “Public or private schools” means an institution of learning or instruction primarily catering to minors, whether public or private, which is licensed at such facility by either the city or the state of Utah. The definition includes kindergarten, elementary schools, junior high schools, middle high schools, senior high schools or any special institution of learning under the jurisdiction of the state department of education. This does not include professional and vocational schools, charm schools, dancing schools, music schools or similar limited schools nor public or private universities or colleges.

- e. Adding the definition of “DAYCARE, HOME.” That the definition of “DAYCARE, HOME” be added and inserted into the list of definitions in alphabetical order to read as follows:

DAYCARE, HOME: A use providing educational and/or daycare opportunities for children located within a building intended for residential use that is licensed or registered by the State of Utah.

- f. Deleting definitions. That the following definitions are hereby **deleted** from the definitions of terms:

DAYCARE, NONREGISTERED HOME

DAYCARE, REGISTERED HOME DAYCARE OR PRESCHOOL

SECTION 11. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____,
2024.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2024.

Published: _____.

Ordinance amending childcare facilities regulations (final)

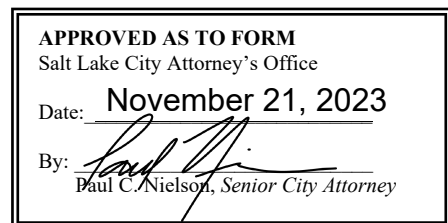


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1) CHRONOLOGY

PROJECT CHRONOLOGY

Petition: PLNPCM2019-00225

2019-2023	Previous research was done by former employee
April 3, 2023	Petition PLNPCM2019-00225 was assigned to Cassie Younger and Aaron Barlow
June 13, 2023	Planning Staff sent 45-day Early Engagement to all Daycare providers within Salt Lake City and all City Recognized Community Organizations. Proposed changes were routed to all Citywide Departments for comment
July 12, 2023	Planning staff presented at Salt Lake City Business Advisory Board
July 17, 2023	Planning Staff presented at Sugar House Community Council
August 1, 2023	Staff made changes to text amendments based on discussions with Licensing Managers from the Utah Department of Health and Human Services
August 9, 2023	Work Session with Planning Commission to address issue of “second home daycares”
August 31, 2023	The 45-day public comment period for Recognized Organizations ended.
September 6, 2023	Staff sent out second notice to RCOs about changes to original petition, including proposed changes on second home daycares
September 14, 2023	Staff presented changes at East Liberty Park Community Council Land Use Committee
September 18, 2023	Staff presented changes at Sugar House Community Council
September 28, 2023	Planning Commission public hearing notices mailed to all daycare providers. Agenda posted to the Planning Commission website and the State of Utah Public Notice webpage.

Public hearing notice sign with project information and notice of the Planning Commission public hearing physically posted at several daycares and public libraries throughout the city.

October 9, 2023

Planning Commission Staff Report was posted.

October 11, 2023

Planning Commission held a public hearing and made a recommendation to the City Council to approve the proposed text amendment with conditions.

November 9, 2023

Staff requested ordinance from Attorney's Office, which included requested changes from the Planning Commission.

November 21, 2023

Ordinance received from Attorney's Office

2) NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition PLNPCM2019-00225 Zoning Text on child daycare facilities. This is a petition initiated by the Mayor to amend sections of the Salt Lake City Zoning Ordinance relating to daycare use facilities, including Daycare Centers, Home Daycares, and Home Occupations. Specifically, amendments to sections 21A.33 Land Use Tables, 21A.36.030 Home Occupations, 21A.36.130 Daycares, 21A.60.020 List of Defined terms, and 21A.62.040 Definitions of Terms. The proposed amendments' intent is to reduce zoning barriers to childcare facilities in the city. The proposed amendments are citywide.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petitions. During the hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The Council may consider adopting the ordinance the same night of the public hearing. The hearing will be held:

DATE:

TIME: 7:00 pm

PLACE: 451 South State Street, Room 326, Salt Lake City, Utah

**** This meeting will be held in-person, to attend or participate in the hearing at the City and County Building, located at 451 South State Street, Room 326, Salt Lake City, Utah. For more information, please visit www.slc.gov/council. Comments may also be provided by calling the 24-Hour comment line at (801) 535-7654 or sending an email to council.comments@slcgov.com. All comments received through any source are shared with the Council and added to the public record.**

If you have any questions relating to this proposal or would like to review the file, please call Cassie Younger at 801-535-6211 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or via e-mail at cassie.younger@slcgov.com

The application details can be accessed at <https://citizenportal.slcgov.com/>, by selecting the "Planning" tab and entering the petition number PLNPCM2019-00225.

People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two weeks in advance. If you have a request, please contact the City Council Office at council.comments@slcgov.com, (801)535-7600, or relay service 711.

3)MAILING LIST

Name of Facility	Address	City	State	Zip
BioKids	290 S 1500 E #115	Salt Lake City	UT	84112
Boys and Girls Club of GSL Sugarhouse	968 E Sugarmont Drive	Salt Lake City	UT	84106
Bright Horizons @ U of U Research Park	419 Wakara Way, Suite 100	Salt Lake City	UT	84108
Bright Horizons at Recursion	25 S Rio Grande Street	Salt Lake City	UT	84101
C Street Child Development	12 C Street	Salt Lake City	UT	84103
Caring for Kids Inc	500 Chipeta Way	Salt Lake City	UT	84108
Center Finance-OCC Charges	288 N 1460 W	Salt Lake City	UT	84120
Central City Recreation Center	615 S 300 E	Salt Lake City	UT	84111
Child Time Inc DBA The Avenues Preschool	50 S 900 E	Salt Lake City	UT	84102
Community Cooperative Nursery School	569 S 1300 E	Salt Lake City	UT	84102
Creative Learning Academy (DA Location)	35 E 500 S	Salt Lake City	UT	84111
Creative Learning Academy of Utah (SL County)	2001 S State Street	Salt Lake City	UT	84190
First Baptist Child Development Center	777 S 1300 E	Salt Lake City	UT	84102
First Friends	500 S Foothill Blvd	Salt Lake City	UT	84148
First Steps Inc.	288 N 1460 W	Salt Lake City	UT	84116
Forever Children, LLC	494 E 2700 S	Salt Lake City	UT	84115
Fun Time Child Care LLC	1248 South 300 East	Salt Lake City	UT	84111
I.J. and Jeanne' Wagner Jewish Community Center	2 North Medical Drive	Salt Lake City	UT	84113
Intermountain Child Development Center	259 S 500 E	Salt Lake City	UT	84102
Jewish Community Center	2 North Medical Drive	Salt Lake City	UT	84113
Jewish Community Center Out of School Time Center	2 N Medical Center Drive	Salt Lake City	UT	84113
Jewish Preschool of the Arts	1760 S 1100 E	Salt Lake City	UT	84105
Kid Care Company II	475 S Redwood Road	Salt Lake City	UT	84104
Let Me Shine Christian Playschool/Preschool	1070 S Foothill Drive	Salt Lake City	UT	84108
Lit'l Scholars Learning Center Sugarhouse	653 E Simpson Avenue	Salt Lake City	UT	84106
Little Geniuses Learning Center LLC. LG4	1283 Zenith Ave	Salt Lake City	UT	84106
Mariama Binti Imran Child Care	1802 S Main St	Salt Lake City	UT	84115
Miss Billies Kids Kampus	232 W 800 S	Salt Lake City	UT	84101
Montessori Children's House	1303 S 1100 E	Salt Lake City	UT	84105
Neighborhood House Association	1050 W 500 S	Salt Lake City	UT	84104
New Prime Inc	3720 W 800 S	Salt Lake City	UT	84104
Northwest Childcare	1300 W 300 N	Salt Lake City	UT	84116
Panda Child Care	581 N Redwood Rd	Salt Lake City	UT	84116
Playful Learning Preschool at Kol Ami	2425 Heritage Way	Salt Lake City	UT	84109
Puddle Jumpers Child Development Center	802 N 2200 W	Salt Lake City	UT	84116
Rahman daycare	1735 South Redwood Rd	Salt Lake City	UT	84104
Salt Lake City Children's Center, The	405 S Main Street	Salt Lake City	UT	84111
Second Avenues Preschool, The	91 N R Street	Salt Lake City	UT	84103
St. John's CCDC- Sugarhouse	1432 S 1100 E	Salt Lake City	UT	84105
St. John's Community Child Development Center	475 E Herbert Ave	Salt Lake City	UT	84111
St. Paul's Preschool & Childcare, Inc.	261 S 900 E	Salt Lake City	UT	84102
Tender Loving Care Teaching Learning Ctr.	1035 W Indiana Avenue	Salt Lake City	UT	84104
The Playhouse Childcare	1740 S 1100 E	Salt Lake City	UT	84105
The Tim & Brenda Huval Child Care Center	1535 Edison Street	Salt Lake City	UT	84115
UKIDS- East Village	1601 University Village East	Salt Lake City	UT	84108
UKIDS- President's Circle	225 S 1400 E Room 120	Salt Lake City	UT	84112
UKids-Guardsman Way	545 S Guardsman Way	Salt Lake City	UT	84108
Wasatch Presbyterian Preschool	1626 S 1700 E	Salt Lake City	UT	84108
YWCA - Lolie Eccles Early Education Center	344 E 300 S	Salt Lake City	UT	84111
BIG GENIUS	248 E HOLLYWOOD	Salt Lake City	UT	84115-2179
LYDIA PRATT	1896 W SERGEANT	SALT LAKE CITY	UT	84116
HUGHES DAYCARE	2393 S 500 E	SALT LAKE CITY	UT	84106
YOU GOAT THIS	410 E 7TH	SALT LAKE CITY	UT	84103
CAROLYN PEARCE	511 E HAWTHORNE	SALT LAKE CITY	UT	84102
DORATHY'S DAYCARE L.L.C.	451 E WILSON	SALT LAKE CITY	UT	84115
BETSY ANDREWS	453 E WILSON	SALT LAKE CITY	UT	84115
MARYCARMEN'S DAYCARE	1050 W 500 N	Salt Lake	UT	84116-2672
LESLYS FRIENDS CHILD CARE	1144 W LAFAYETTE	Salt Lake	UT	84116-2216
ANNA M REYES	1258 S GLENDALE	Salt Lake	UT	84104-2027
MARTHA E SARINANA	1204 S ONTARIO	Salt Lake	UT	84104-
DEBORAH PETTET	1311 W ARAPAHOE	Salt Lake City	UT	84104-2640
DOODLEBUG CONNECTION	854 E 1700 S	Salt Lake City	UT	84105-3251
SARAH K. KINGSTON	453 E WILSON	Salt Lake City	UT	84115-1770

KEFAH ALSARRIEH	1719 W DALE RIDGE	Salt Lake City	UT	84116-
NADIA ISSA	1737 W IRIE	Salt Lake City	UT	84116-0000
CARLA VERHAAREN	1950 E ATKIN	Salt Lake City	UT	84106-4054
HODO DAYCARE	394 N 1400 W	Salt Lake City	UT	84116-2534
Rachel E. West Child Care	463 E WILSON	Salt Lake City	UT	84115-1746
Jessica McKay's Daycare	451 E WILSON	Salt Lake City	UT	84115-1771
Carol Andrews	445 E WILSON	Salt Lake City	UT	84115-1746
Fatumo Hussein	1859 W 700 N	Salt Lake City	UT	84116-1844
DIANE DAYCARE	1157 S EMERY	Salt Lake	UT	84104-2023
MIKEL R CANNON	1497 W GLENROSE	Salt Lake City	UT	84104-3223
LILI'S DAY CARE	336 W 500 N	Salt Lake City	UT	84103-1238
MONICA PORTOCARRERO	1447 N GENERAL	Salt Lake City	UT	84116-4307
ERNEST MANYUAT	514 N MORTON	Salt Lake City	UT	84116-2416
CAROL JONES DAYCARE	644 S 600 E	Salt Lake City	UT	84102-3320
DAHIRA ALI NOOR	1175 S PROSPECT	Salt Lake City	UT	84104-0000
CLAUDIA LAMAS	1164 E 400 S	Salt Lake City	UT	84102-3142
CASA DE NANA MONTESSORI CORNER	527 N 200 W	Salt Lake City	UT	84103-1302
Annie's Nanny Services	530 N 900 W	Salt Lake City	UT	84116-2718
VERONICA ESTRADA/DAY CARE	526 N IRIE	Salt Lake City	UT	84116-0000
LAURA FULLER	453 E WILSON	Salt Lake City	UT	84115-1770
ROSY'S DAYCARE	961 W FREMONT	Salt Lake City	UT	84104-2006
Cassie Younger	1168 Colorado St	Salt Lake City	UT	84116