

ERIN MENDENHALL  
Mayor



DEPARTMENT of COMMUNITY  
and NEIGHBORHOODS

Blake Thomas  
Director

## CITY COUNCIL TRANSMITTAL

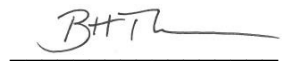
  
Rachel Otto (Mar 25, 2024 16:31 MDT)  
Rachel Otto, Chief of Staff

**Date Received:** 03/25/2024  
**Date sent to Council:** 03/25/2024

**TO:** Salt Lake City Council  
Victoria Petro, Chair

**DATE:** 03/21/2024

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



**SUBJECT:** Proposed Changes to Recent Adopted Ordinance - Zoning Text Amendment for Daycare Facilities PLNPCM2019-00225

**STAFF CONTACT:** Cassie Younger, Senior Planner, [Cassie.younger@slcgov.com](mailto:Cassie.younger@slcgov.com), 801-535-6211

**DOCUMENT TYPE:** Ordinance

**RECOMMENDATION:** That the City Council adopts the proposed changes to the Ordinance that was previously adopted on March 5, 2024, regarding daycare facilities

**BUDGET IMPACT:** None.

**BACKGROUND/DISCUSSION:** An ordinance that provided zoning text amendments regarding daycare facilities was transmitted to the City Council on November 27, 2023. The City Council held a public hearing and adopted the ordinance on March 5, 2024. After the ordinance was adopted, Staff found three minor issues in the ordinance language, which are technical in nature. Planning Staff worked with the City attorney and drafted revisions to the ordinance to ensure that the ordinance is consistent with the Planning Commission's recommendation to the City Council. The proposed changes are as follows:

- Revising the land use table for the form-based districts to include the newly adopted FB-MU 11 zoning district;
- Including language that exempts a home daycare provider from providing proof of state licensing when no state licensing is required; and

- Adding language that prohibits home daycare in the Light Manufacturing and Heavy Manufacturing Zoning Districts.

#### FB-MU 11 Summary

This issue is related to the timing of the adoption of the ordinance that created the FB-MU 11 zone and the timing of the newly adopted daycare regulations. The daycare ordinance was going through the transmittal process in November of 2023 and the FB-MU 11 Zone was adopted the following month. The daycare ordinance and the ordinance adopting the FB-MU 11 zoning district modify the land use tables for the form-based districts. Due to the timing of the transmittal of the daycare ordinance and the adoption of the FB-MU 11 zoning district, a conflict was created in the land use tables. In order to be consistent with the adopted FB-MU 11 Zone, changes to the daycare ordinance have been updated to include FB-MU 11 in the land use table and include footnotes specifically associated with the FB-MU 11 district, which were not shown in the daycare ordinance.

#### State Licensing Exemption

The City Business License process requires proof of licensing by the State for a Home Daycare, but there are many instances where exemptions from this license occur under the current State Law. Currently, any home daycare providing care for six children or less is not required to receive a State License. The Utah Legislature [recently passed a law](#) increasing this number to eight children, which will go into effect this May. The daycare ordinance language recommended by the Planning Commission included language that would allow for proof of exemption of a Home Daycare license from the State when applying for a City Business License. Language to allow for “proof of exemption” is now listed in the application process for Home Daycares.

#### Manufacturing Zone Prohibition

The ordinance recommended by the Planning Commission stated that home daycares are allowed in “legal conforming single-family, duplex, and multi-family dwellings within commercial and nonresidential districts excluding M-1 and M-2 Districts.” This language was included because residential uses are not allowed uses in the manufacturing districts. The final ordinance transmitted to the City Council was simplified to state that home daycares are allowed in legally established residential dwellings. This proposed ordinance correction re-inserts the language specifically excluding home daycare from the manufacturing districts to make it clear that they are not permitted in those zones.

To view the original transmittal, please refer to the following City Council agenda:

- [City Council March 5, 2024 Agenda](#)

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

- [Planning Commission Staff Report](#)

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## **1. Ordinance**

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:

Use	Permitted and Conditional Uses by District																		
	FR-1/ 43,560	FR-2/ 21,780	FR-3/ 12,000	R-1/ 12,000	R-1/ 7,000	R-1/ 5,000	SR-1	SR-2	SR-3	R-2	RMF - 30	RMF - 35	RMF - 45	RMF - 75	RB	R- MU- 35	R-MU- 45	R-MU	RO
Daycare center, child	P	P	P	P	P	P	P		P	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.33.020 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 <sup>1</sup>	CC	CSHBD <sup>1</sup>	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-MU11	FB-SC	FB-SE
Daycare center, child	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.33.080 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.
- 6. Only allowed on a ground floor when the use is located behind another permitted or conditional use that occupies the required ground floor use space.
- 7. Subject to parking location restrictions of Subsection 21A.27.060.C.3.
- 8. Subject to conformance with the provisions of section 21A.36.300, "Alcohol Related Establishments", of this title.

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, or where applicable, proof of exemption. 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, except in the M-1 and M-2 Districts. 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 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 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 repealed in its entirety 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.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), 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)v2

<b>APPROVED AS TO FORM</b> Salt Lake City Attorney's Office Date: <u>March 11, 2024</u> By: <u>Katherine D. Pasker</u> Katherine D. Pasker, <i>Senior City Attorney</i>
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