

21A.60.020 LIST OF DEFINED TERMS

DAYCARE

DAYCARE CENTER, CHILD.

~~DAYCARE, NONREGISTERED HOME.~~

~~DAYCARE, REGISTERED HOME DAYCARE OR PRESCHOOL~~

DAYCARE, HOME

PRESCHOOL, HOME

HOME OCCUPATION

SCHOOLS, PUBLIC OR PRIVATE

21A.62.040: DEFINITIONS OF TERMS:

DAYCARE: Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision (regardless of educational emphasis) to children ~~under fourteen (14) years of age, under the age of thirteen (13), or under the age of eighteen (18) if the person has a disability;~~ in lieu of care and supervision ordinarily provided by parents in their own homes. ~~with or without charge, are engaged in providing child "daycare" for purposes of this title. Such providers and their facilities shall be classified as defined herein and shall be subject to the applicable provisions of title 5, title 9, chapters 9.08 through 9.20, 9.28 through 9.40, and title 14, chapter 14.36 of this Code, this title, and applicable State law.~~

DAYCARE CENTER, CHILD: An establishment providing care and maintenance to ~~seven (7) or more~~ any number of children at any one time of any age separated from their parents or guardians. This includes hourly centers, commercial centers, and preschools. "Child Daycare Center" does not include: (i) home daycare; or (ii) care provided in a facility or program exempt under Utah State Code.

~~DAYCARE, NONREGISTERED HOME:~~ "Nonregistered home daycare" means a person who uses his/her principal place of residence to provide daycare for no more than two (2) children.

~~DAYCARE, REGISTERED HOME DAYCARE OR PRESCHOOL:~~ "Registered Home daycare or preschool daycare" means the An accessory use of a principal place of residence to provide educational or daycare opportunities for children. ~~under age seven (7) in small groups. The group size at any given time shall not exceed eight (8), including the provider's own children under age seven (7).~~

DAYCARE, HOME: A use providing educational and/or daycare opportunities for children that is located in a building intended for residential use.

PRESCHOOL, HOME: See the definition of HOME DAYCARE.

HOME OCCUPATION: A business, profession, occupation, or trade conducted for gain or support and located and conducted within a dwelling unit, which use is accessory, incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character of appearance of such building and subject to the regulations set forth in section [21A.36.030](#) of this title. Home daycares are exempt from having the business be accessory to the residential use and may function as the principal use, but must be located in a building intended for residential use.

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 ~~nursery schools,~~ 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, but not including professional and vocational schools, charm schools, dancing schools, music schools or similar limited schools nor public or private universities or colleges

21A.36.130: CHILD DAYCARE:

~~**A. Nonregistered Home Daycare:** Nonregistered home daycare, limited to no more than two (2) children, excluding the provider's own children, is permitted in the home of the care provider as set forth in chapter 21A.33, "Land Use Tables", of this title and within legal conforming single-family, duplex, and multi-family dwellings within commercial and nonresidential districts excluding M-1 and M-2 Districts. A business revenue license or home occupation special exception approval shall not be required.~~

~~**B. Registered Home Daycare or Registered Home Preschool:** A registered home daycare or registered home preschool as defined in chapter 21A.62 of this title, may be allowed as an accessory use as set forth in chapter 21A.33, "Land Use Tables", of this title and within legal conforming single-family, duplex, and multi-family dwellings within commercial and nonresidential districts excluding M-1 and M-2 Districts as a conditional use pursuant to the provisions of chapter 21A.54 of this title. Registered home day cares shall be considered an administrative conditional use under section 21A.54.155 and be eligible for administrative approval under that section. Registered home day cares under this section are exempt from the noticing requirements in section 2.60.050 or its successor. The permittee shall also obtain appropriate licensing where applicable from the State pursuant to the Utah Code.~~

~~— 1. Permit; Application: An application for a residential home daycare or preschool must be submitted to the zoning administrator. As a part of the application, the applicant must submit the following documentation:~~

~~— a. The number of children and employees; both total for the day and the expected maximum number to be on the premises at any given time;~~

~~— b. The hours and days of operation; and~~

~~— c. Proof of appropriate licensing from the State, where applicable, or basis upon which exemption therefrom is claimed.~~

~~— 2. Standards: All residential home daycare or preschools shall be subject to the standards set forth in chapter 21A.54 of this title and subject to the following specific standards:~~

~~— a. The applicant resides at the home in which the business will be conducted;~~

~~— b. At no time shall the applicant provide home daycare or home preschool services for a group of children exceeding the maximum specified for such facility;~~

~~— c. The outdoor play area for the home daycare or home preschool shall be located in the rear or side yards of the home for the protection and safety of the children and for the protection of the neighborhood;~~

~~— d. The use of the home for the services of providing childcare shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character of the home or the neighborhood;~~

~~— e. The care and supervision of the children shall be conducted in a manner which is not a public nuisance to the neighborhood;~~

~~— f. There shall be no advertising of such occupation, business or service, no window or other signs or displays;~~

~~— g. No employees other than persons lawfully living in the dwelling;~~

~~— h. No play or yard equipment located in the front yard; and~~

~~— i. It is unlawful for any person to engage in a "registered home daycare or registered home preschool" as defined in section 21A.62.040 of this title without first obtaining a license pursuant to the provisions of chapter 5.04 of this code. Prior to issuance of said license, the criteria set forth in this title must be satisfied and all applicable fees shall be paid. All home occupation business licenses shall be valid for one year, and may be renewed annually, provided there have been no reported violations, subject to subsection 21A.36.030.I of this chapter.~~

C. ~~Child Daycare Center:~~

~~1. Conditional Use Standards for Child Daycare Centers: A child daycare center may be allowed as a conditional use pursuant to the provisions of chapter 21A.54 of this title and the requirements and provisions of this subsection.~~

~~— a. Site Requirements:~~

~~— (1) Minimum Lot Size: Twenty thousand (20,000) square feet.~~

~~— (2) Location Requirements: The child daycare use shall be addressed on and oriented to an arterial street as shown on the City's major street plan.~~

~~— (3) Rear Yard Playground Equipment: All outside playground equipment shall be located only in the rear yard.~~

~~— (4) Landscape Buffering: Any outside area where children are allowed must be fenced with a solid fence at least six feet (6') high. At least ten feet (10') five feet (5') from the fence to the interior portion of the property shall be landscaped in such a way that the area cannot be used by the patrons.~~

~~— b. Signage: Signs are limited to either one nonilluminated low profile identification sign, or one "flat sign" as defined in chapter 21A.46 of this title. The size of the sign shall be determined as part of the conditional use approval.~~

~~— c. Prohibitions:~~

~~— (1) Residential Demolition: No existing building containing a residential dwelling unit may be demolished to allow for the construction of a new conditional use facility for child daycare under this section.~~

~~— (2) Residential Conversion: The conversion of any existing residential structure or a conditional use allowed under this section shall not permit any major exterior or interior alterations of the building to be made which render the building substantially incompatible with the return to its use as a residence.~~

~~———— (3) No Variances: The planning commission shall not approve a childcare conditional use pursuant to this section if the appeals hearing officer would be required to grant a variance from any zoning condition.~~

~~———— (4) Six Hundred Feet Proximity: No conditional use allowed under this section may be within six hundred feet (600') on the same street frontage as another conditional use allowed under this section.~~

~~———— d. Application: The application for a child daycare center shall include, in addition to application submission requirements of chapter 21A.54 of this title, the following information:~~

~~———— (1) The number of children, employees, staff or volunteers; both total for the day and the expected maximum number to be on the premises at any given time;~~

~~———— (2) The hours and days of operation;~~

~~———— (3) The proposed signage; and~~

~~———— (4) The number, location and dimensions of any dropoff or pick up areas for either private transportation or public transportation.~~

~~———— e. Standards: Standards for approval shall include, in addition to standards of chapter 21A.54 of this title, the following:~~

~~———— (1) Specific Standards for Child Daycare Conditional Uses:~~

~~———— (A) The lot is of sufficient size to accommodate all required parking in the side and rear yards, or to the rear of the required landscaped setback in the front yard;~~

~~———— (B) The dropoff and pick up area is designed in a manner that vehicles do not back into a public street or the stacking or queuing of vehicles will not interrupt traffic flow on the public street; and~~

~~———— (C) The signage is appropriate for the area. (Ord. 64-21, 2021; Ord. 46-17, 2017)~~

21A.36.030: HOME OCCUPATIONS:

A. Purpose: ~~The purpose of t~~This section is to permit the establishment of establishes regulations for home occupations in all ~~R~~residential Districts and within legal conforming single-family, duplex, and multi-family dwellings within all ~~C~~commercial and Nonresidential ~~D~~istricts and to ensure that the home occupations are compatible with the district in which they are located, ~~having no and do not negatively impacts upon~~ the surrounding neighborhood. Home occupations are intended to promote local and sustainable economic growth and development.

B. Permitted Home Occupations: All home occupations not specifically listed as prohibited may be permitted subject to their compliance with the standards specified in ~~s~~Subsections G and H of this section.

C. Home Occupations Prohibited: The following businesses, regardless of their conformance with the standards in ~~s~~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 ~~occupation which is offensive or noxious by reason of use that causes~~ the emission of odor, smoke, gas, dust, vibration, magnetic or electrical interference, noise, or other similar impacts extending beyond the property line of the lot where the occupation is located is prohibited.

D. Application: Applications for home occupations shall be filed with the Salt Lake City ~~Business Licensing department~~ Division. The 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 also submit the expected number and ages of children and 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, where applicable, or proof of exemption.

E. License Required: It is unlawful for any person, firm, corporation, or association to engage in a "home occupation" as defined in eChapter 21A.62 of this title without first obtaining a license pursuant to the provisions of †Title 5, eChapter 5.02 of this code. Prior to issuance of said license, the standards ~~criteria~~ set forth in this section must be satisfied and all applicable fees shall be paid. All home occupation business licenses ~~permits~~ shall be valid for one year,

and may be renewed annually, ~~provided there have been no reported violations, subject to subsection I of this section.~~

F. Determination Of Completeness: Upon receipt of an application for a home occupation, the zoning administrator shall make a determination of completeness pursuant to ~~s~~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 ~~s~~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 ~~e~~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 eight o'clock (8:00) A.M. and six o'clock (6:00) P.M.;

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

9. Tools, items, and equipment ~~or for occupations~~ which are offensive or noxious by reason of the emission of odor, smoke, gas, dust, vibration, magnetic or electrical interference, noise, or other similar impacts extending beyond the property line of the lot where the occupation is located, are prohibited. Tools, items, and equipment used for the operation and maintenance of

an urban farm must comply with those storage requirements itemized by §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 eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M.;

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

14. Only one 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: A home daycare as defined in Chapter 21A.62 of this title, may be allowed as a permitted use as set forth in Chapter 21A.33, "Land Use Tables", of this title and within legal conforming single-family, duplex, and multi-family dwellings within commercial and nonresidential districts excluding M-1 and M-2 Districts. The permittee shall obtain appropriate licensing where applicable from the State of Utah pursuant to the Utah Code.

1. Standards: All home daycares shall be subject to the following specific standards:

a. Group size shall not exceed 16 children, supervised by the number of caregivers required according to Utah Administrative Code R430-90-10 or its successor;

b. The outdoor play area for the home daycare shall be located only in the rear or side yards of the home for the protection and safety of the children and for the protection of the neighborhood.

c. A second home daycare location under the same license is not required to be accessory to a principal residential use. The daycare shall not change the essential residential character of appearance of such building. The home daycare shall remain

in character with the rest of the home except for such minor alterations necessary to conduct the business.

d. Home daycares are subject to all the rules and regulations as outlined in Utah Administrative Code R430-90-10 or its successor;

~~H. I. Decision By the Zoning Administrator: The zoning administrator shall issue a permit for the home occupation if they find that~~ —1. ~~The standards provisions of this title section are met.~~

~~—2. The home occupation will be in keeping with the character of the neighborhood and will not adversely affect the desirability or stability of the neighborhood;~~

~~—3. The home occupation does not diminish the use and enjoyment of adjacent properties or create an adverse parking impact on adjacent streets or properties;~~

~~—4. The home occupation will not negatively impact the future use of the property as a residence;~~

~~—5. The home occupation will not adversely affect the public health, safety or welfare; and~~

~~—6. The home occupation conforms with all fire, building, plumbing, electrical and health codes.~~

~~I. 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.~~

~~J. K Termination Of Home Occupation:~~

~~1. 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.~~

~~K. 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.~~

~~L. 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.~~

–M. N Nontransferability: Permits for home occupations are personal to the applicant, nontransferable and do not run with the land. (~~Ord. 3-13, 2013~~)

21A.33.020: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:

Use	Permitted A and Conditional Uses B 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	<u>P</u>	<u>P</u>	<u>P</u>	C ¹⁸ <u>P</u>	C ¹⁸ <u>P</u>	C ¹⁸ <u>P</u>	C ¹⁸ <u>P</u>		C ¹⁸ <u>P</u>	C ¹⁸ <u>P</u>	C ¹⁸ <u>P</u>	C ¹⁸ <u>P</u>	C ¹⁸ <u>P</u>	P	P	P	P	P	P
Daycare, nonregistered home daycare	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸		P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸
Daycare, Registered home daycare or home preschool Daycare, Home	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸		P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸

18. Subject to Subsection 21A.36.030.H of this title.

21A.33.030: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS

Use	Permitted A and Conditional Uses B by District						
	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
Daycare center, child	P	P	P	P	P	P	<u>P</u>
Daycare, nonregistered home daycare	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸
Daycare, Registered home daycare or home preschool Daycare, Home	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸

18. Subject to Subsection 21A.36.030.H of this title.

21A.33.035: TABLE OF PERMITTED AND CONDITIONAL USES FOR TRANSIT STATION AREA DISTRICTS

Use	Permitted Aand Conditional Uses Bby District							
	TSA-UC		TSA-UN		TSA_MUEC		TSA-SP	
	Core	Transition	Core	Transition	Core	Transition	Core	Transition
Daycare center, child	P	P	P	P	P	P	P	P
Daycare, nonregistered home daycare	P⁶	P⁶	P⁶	P⁶	P⁶	P⁶	P⁶	P⁶
Daycare, Registered home daycare or home preschool <u>Daycare, Home</u>	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶

6. Subject to Subsection 21A.36.030.H of this title.

21A.33.040: TABLE OF PERMITTED AND CONDITIONAL USES FOR MANUFACTURING DISTRICTS

Use	Permitted Aand Conditional Uses Bby District	
	M-1	M-2
Daycare center, child	P	

21A.33.050: TABLE OF PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS

Use	Permitted Aand Conditional Uses Bby District			
	D-1	D-2	D-3	D-4
Daycare center, child	P	P	P	P
Daycare, nonregistered home daycare	P¹²	P¹²	P¹²	P¹²
Daycare, Registered home daycare or home preschool <u>Daycare, Home</u>	P ¹²	P ¹²	P ¹²	P ¹²

12. Subject to Subsection 21A.36.030.H of this title.

21A.33.060: TABLE OF PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT

Use	G-MU
Daycare center, child	P
Daycare, nonregistered home daycare	P ⁶
Daycare, Registered home daycare or home preschool Daycare, Home	P ⁶

6. Subject to Subsection 21A.36.030.H of this title.

21A.33.070: TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS

Use	Permitted A and Conditional Uses B 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
Daycare, nonregistered home daycare	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶
Daycare, Registered home daycare or home preschool Daycare, Home	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶	P ¹⁶

16. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to Subsection 21A.36.030.H of this title.

21A.33.080: TABLE OF PERMITTED AND CONDITIONAL USES IN FORM BASED DISTRICTS

Use	Permitted A and Conditional Uses B by District			
	FB-UN1	FB-UN2	FB-SC	FB-SE
Daycare center, child	P	P	P	P
Daycare, nonregistered home daycare	P ¹	P ¹	P ¹	P ¹
Daycare, Registered home daycare or home preschool Daycare, Home	P ¹	P ¹	P ¹	P ¹

1. Subject to Subsection 21A.36.030.H of this title.