



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Cassie Younger, Senior Planner
Aaron Barlow, Principal Planner
Date: October 11, 2023
Re: PLNPCM2019-00225: Text Amendments Regarding Childcare Facilities

Text Amendment

PROPERTY ADDRESS: Citywide
MASTER PLAN: Plan Salt Lake
ZONING DISTRICT: Citywide

REQUEST: Text Amendments Regarding Childcare Facilities

As one of her 2023 Priorities, Mayor Erin Mendenhall has requested an amendment, or change, to the requirements in Salt Lake City's Zoning Ordinance pertaining to daycare facilities. Specifically, the Mayor's request is to reduce barriers to new and expanding daycare facilities within the zoning regulations.

RECOMMENDATION:

Based on the information, findings, and analysis listed in the staff report, it is the Planning Staff's opinion that the request generally meets the factors to consider regarding proposed text amendments (found in 21A.50.050.A of the Salt Lake City Zoning Ordinance) and therefore recommends the Planning Commission send a positive recommendation to the Salt Lake City Council.

ATTACHMENTS:

- A. [Table of Proposed Changes](#)
- B. [Maps of Proposed Changes](#)
- C. [Redlines of Proposed Changes](#)
- D. [Text Amendment Standards](#)
- E. [Public Process & Comments](#)
- F. [Department Review Comments](#)

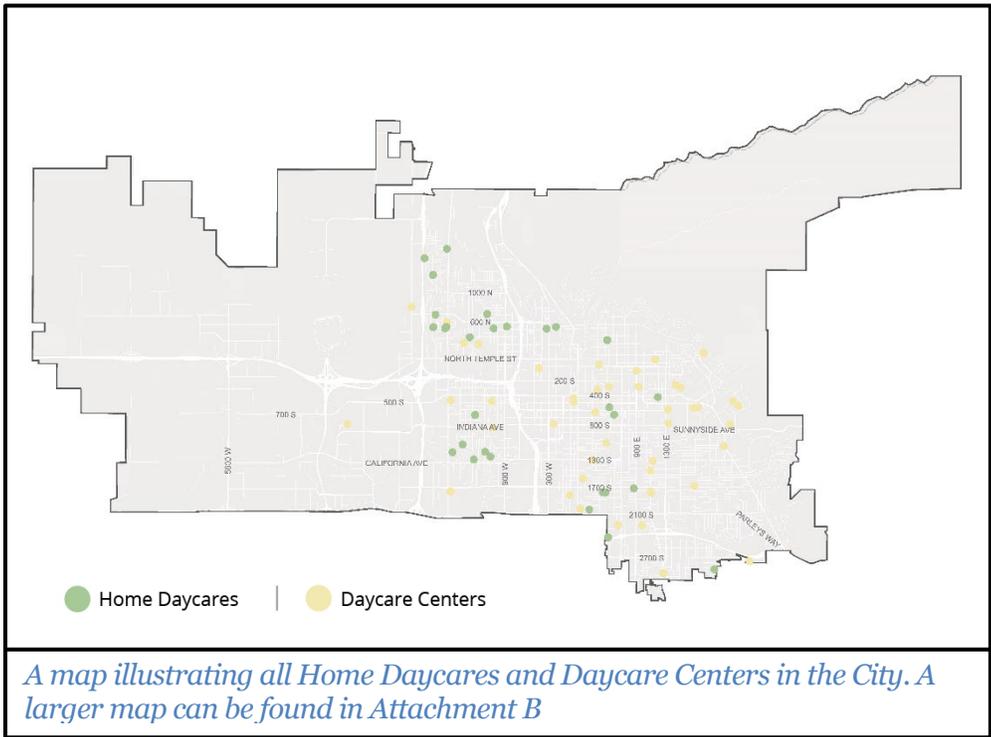
PROJECT DESCRIPTION

Background Information

A national daycare shortage is affecting Utah's parents and children in a merging crisis of capacity and affordability. The Utah Department of Workforce Services identified that, in 2020, the most severe shortage of childcare centers in Utah was within Salt Lake County. **Salt Lake City has only 35 existing Licensed Family Home Daycares and 49 Daycare Centers. As of 2020, Salt Lake County needed 454 additional Licensed Family Home Daycares and 99 Childcare Centers daycares to keep up with demand (see [Attachment B](#) for a map of all Home Daycares and Daycare Centers within the City).** As demand continues to grow, we can only expect that these numbers have increased in the three years since this report. Along with low wages and staffing difficulties, land use regulations can burden new daycare providers applying for land use permits in a new city. A [recent article](#) by the Salt Lake Tribune outlined that this issue of affordable and available childcare options for Utahns is about to get worse when Covid-era funding expires this year.

While zoning cannot solve this complex problem alone, the Mayor has requested that the Planning Division do everything possible to reduce zoning barriers to this desperately needed service in our City.

Available and affordable childcare is essential for equity in the workplace, especially for women and people of color. With the growing cost of living and housing, many families need two incomes to afford daily expenses. Without affordable childcare, not only are many adults excluded from participating in the workforce who would likely do so given the opportunity, but many families are left vulnerable to food and housing insecurity. Without childcare options, women are statistically more likely to leave their careers to stay with their children. According to the Utah Department of Labor’s statistics, the rate of women in the workforce with children under 6 is only 50%, while 74% of women with children ages 6-17 (of school age) are in the workforce. If Salt Lake City intends to support women in the workforce, it needs to provide opportunities for more childcare options where it can.



A map illustrating all Home Daycares and Daycare Centers in the City. A larger map can be found in Attachment B

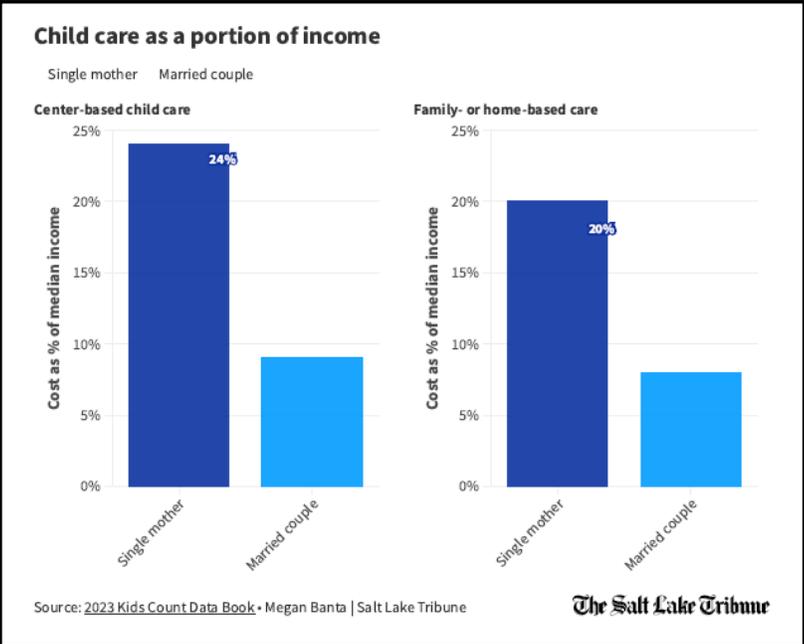
Types of Daycares in Utah

Salt Lake City’s Zoning Ordinance and Utah’s State Code separate daycare businesses into two types of facilities: Commercial Child Daycare Centers (Daycare Centers) and Daycares within a residence (Licensed Family or Home Daycare). These two types of child daycare are regulated differently at the City and State levels.

Daycare Centers are considered commercial enterprises and must meet all zoning and building code requirements for a commercial establishment. These requirements may include parking, commercial kitchens, fire prevention systems (such as sprinklers), and emergency exits. They are intended to serve more children at one time and may employ several providers or other staff. Additionally, there are extensive licensing requirements from the state. State licensing further separates these types of establishments into different subtypes, including preschools and hourly providers. City regulations do not differentiate between these commercial daycare types since the impacts are likely to be very similar.

Home Daycares provide care for children in a house. These types of daycares are usually accessory to the residential use of a building. In both Daycare Centers and Home Daycares, the state places strict limits on the number of children that may be cared for at one time. The number of children allowed at a facility can vary based on the type of license (either a Licensed Family or Residential Certificate) and the age range of the children under the provider’s care.

Before 2021, Salt Lake City regulated Home Daycares through the Special Exception process in addition to a home occupation license. However, Special Exceptions were removed from the City’s regulations in 2021, and Home Daycare providers in Salt Lake City are now required to obtain only a Home Occupation License.



A graphic from the Salt Lake Tribune illustrating that home-based daycare may be slightly more affordable for families than center-based care

Existing Barriers and Conflicts with State Code

Several regulations in the Salt Lake City Zoning Ordinance make it difficult for providers to find a location within the City for a new daycare. For example, Conditional Use approval is required for Daycare Centers in the R-1/12,000, R-1/7,000, R-1/5,000, SR-3, R-2, RMF-30, and RMF-35 zoning districts.

The Conditional Use standards for commercial Daycare Centers, as outlined in 21A.36.130 of the Salt Lake City Zoning Ordinance, are prohibitive for any new Daycare Center that would try to build within those residential zones. Planning staff has found that many of these standards are not only prohibitive and costly but unnecessary, especially with such a high demand for these uses in the City. Some of these prohibitive standards include:

- A minimum lot size of 20,000 square feet
- A requirement to be located on and oriented toward an arterial street (or major road)
- A prohibition of new Daycare Centers within 600 feet of another daycare facility that required conditional use approval on the same street frontage.

Based on conversations with daycare providers and an analysis of existing facilities, Planning staff has found these standards, and many others listed in the Conditional Use Standards for Daycare Centers, may be burdensome and preventing new daycares from opening in places where they are most needed—within residential areas near families and children.

For Home Daycares, the regulations within the Salt Lake City Zoning Ordinance are more restrictive than what's allowed in State code. The City's current regulations for Home Daycares limit providers from caring for more than eight children at a time, even though state regulations allow up to 16. Additionally, the State recently updated their rules to allow a second Home Daycare location under the same license within a dwelling without a principal residential use—which is currently not allowed in Salt Lake City by the Home Occupation regulations. The goal of these amendments is not only to reduce barriers in this context but to better align the City's code with State requirements and help reduce confusion through the daycare licensing process.

Summary of Proposed Amendments

The following changes are being proposed to eliminate the existing barriers in the zoning code and align with State Code:

Childcare 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 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

Home Daycares (as a Home Occupation)

- Eliminate the definition and regulations for “Nonregistered Home Daycares.” “Nonregistered Home Daycares” 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 Home Daycare without a primary residential use.

Work Session Concerns and Considerations

The Planning Commission held a work session with Planning staff about the proposed amendments at their August 9, 2023 meeting. During that session, they brought up the following questions and concerns.

What are the (State-regulated) spatial requirements for Home Daycares versus Daycare Centers per child?

[From State Licensing Manual] For Home Daycares and Centers:

The provider shall ensure that there is at least 35 square feet of indoor space for each child in care, including the provider's and employees' children.

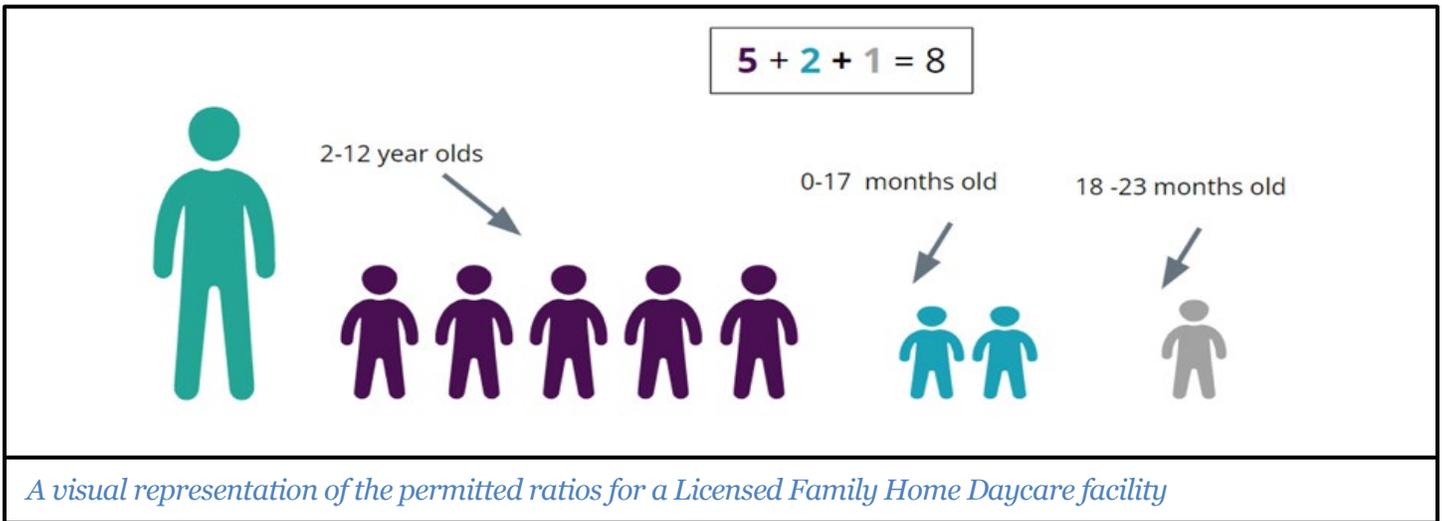
The provider shall ensure that the outdoor area has at least 40 square feet of space for each child using the area at one time.

The provider shall ensure that the outdoor area is enclosed within a fence, wall, or solid natural barrier that is at least four feet high if the facility is on a street or within a half mile of a street that: (a) has a speed of 25 miles per hour or higher; or (b) has more than two lanes of traffic.

What are the rules for ratios of children to caretakers based on their ages? Could there be 16 infants in one Home Daycare?

For [daycare centers](#), the ratio of caretaker to infants under two years old is 1:4. From ages 2-3, the ratio increases to 1:7. Over three years, the ratio becomes 1:12.

In a [Licensed Family facility](#), when caring for children younger than two years old, the provider shall ensure that: (a) there is at least one caregiver for every three children younger than two years old; (b) each caregiver cares for no more than two children younger than 18 months old; and (c) there are at least two caregivers if more than three children younger than two years old are present and there are more than six children in care. The number of children allowed in a home daycare is limited by the age of the children. Under the State’s regulations, it would not be possible for a Home Daycare to provide care for 16 infants.



What are the differences or barriers to entry to converting a Home Daycare into a Daycare Center?

Converting a Home Daycare into a Daycare Center would subject the business to a completely different license and set of regulations through the State. They would also be subject to building, fire, and health code restrictions for commercial settings—including things like a commercial kitchen (hood, grease trap, etc.), fire building separation, and other renovations that could be cost-prohibitive to the business.

Would the expansion of Home Daycares and Daycare Centers affect local businesses and restaurants’ ability to obtain a liquor license?

Any retail alcohol license cannot be located within 500 feet of a “Community Location, ” meaning a public or private school; a church; a public library; a public playground; or a public park.

The State’s Definition of “school” is:

- (a) "School" means a building in which any part is used for more than three hours each weekday during a school year as a public or private: (i) elementary school; (ii) secondary school; or (iii) kindergarten. (b) "School" does not include: (i) a nursery school; (ii) a day care center; (iii) a trade and technical school; (iv) a preschool; or (v) a home school.

Daycares and Home Daycares would not prohibit local businesses from receiving a Liquor License.

Would the expansion of Home Daycares limit the availability of housing for sex offenders in the City?

A new center or Home Daycare would not displace any existing sex offender, but the State would provide a list (of those within 1/2 mile) to the provider and instruct them that the offender can't be in contact with the facility. If a parent is on the registry, they recommend the provider contact local law enforcement about the individual for details about the nature of their crime. The closest a parent on the registry can get is at the front door. This applies to both Daycare Centers and Home Daycares.

If the City allows home daycares in homes not used as a residence, should there be requirements for daycares to “keep the lights on” at night to give the appearance that the residence is occupied?

There are no regulations for a home to “appear inhabited” when vacant or when the owners are absent from the property. Imposing this requirement on home daycares would not be an equitable solution since other property owners in the neighborhood would not be required to do the same.

How are complaints about Home Daycares enforced?

Neighbors can file complaints to Utah’s Child Care Licensing Division, and a Complaint Investigator will be sent to the site. Complaints may also be filed with Salt Lake City’s Civil Enforcement if related to the noise ordinance or a facility operating without a business license.

Typically, complaints should be filed with the State Licensing division, as matters of excessive noise or disruption may be due to neglect from the provider.

Work Session Direction from the Planning Commission

Ultimately, The Planning Commission recommended separating Home Daycares from Home Occupations with the possibility of adding some development standards. However, after Planning Staff explored the option with the Building Services and Business Licensing divisions, they found two major issues related to the Business Licensing process:

- By removing Home Daycares from Home Occupation, the application for a Business License would be switched to a “Commercial” License, which could subject Home Daycare facilities to commercial building standards. This would defeat the entire purpose of the proposed changes.
- Additionally, subjecting new Home Daycares to a Commercial Business License would require a licensing fee, which Home Daycares do not currently have to pay. Based on the [2023 Consolidated Fee Schedule](#), a commercial license for a Home Daycare could cost up to \$334 per year.

Because of the above-listed issues, Planning staff recommends that Home Daycares continue to be regulated as Home Occupations. The proposed redlines (in [Attachment C](#)) would still accomplish the stated goals of these amendments and also enable Home Daycare providers to open a second location within a residential structure. Second Home Daycare locations are further discussed in Key Consideration 4.

KEY CONSIDERATIONS

Planning staff identified several key considerations through their analysis of this proposal. They are listed below for consideration:

1. How the proposed amendment helps to implement City goals and policies identified within adopted plans.
2. Compliance with Text Amendment Standards
3. Alignment With State Code
4. Option for a Second Home Daycare Location

Consideration 1: How the proposed amendment helps to implement City goals and policies identified within adopted plans.

Plan Salt Lake

Plan Salt Lake is the guiding document for the future of Salt Lake City. The proposed daycare amendments align with three of its guiding principles: Neighborhoods, Equity, and Economy.

Guiding principle #1: Neighborhoods that provide a safe environment, opportunity for social interaction, and services needed for the wellbeing of the community therein.

Initiatives:

- Maintain neighborhood stability and character.
- Create a safe and convenient place for people to carry out their daily lives.
- Promote accessible neighborhood services and amenities, including parks, natural lands, and schools.
- Encourage and support local businesses and neighborhood business districts.

The proposed reduction of zoning barriers to Daycare Centers and Home Daycares throughout the city ensures that parents have amenities within or near their neighborhoods. This creates safe and convenient places for people to carry out their daily lives, which includes daycare drop off and pick up of their children. Just as schools are encouraged to be located within a safe walking distance from residential communities, daycare services are an essential part of daily life for families. They should be situated near their homes and neighborhoods. This proposal also encourages the expansion of local businesses in the city in a way that maintains the character of its unique neighborhoods.

Guiding Principle #11: Ensure access to all City amenities for all citizens while treating everyone equitably with fairness, justice, and respect.

Initiatives:

- Pursue equitable access to privately provided services and amenities across the city.
- Promote and foster high rates of social capital.
- Educate the public on the importance of nondiscrimination, equity, and respect.

Access to convenient and affordable daycare is a matter of equity for all parents. Without it, parents cannot stay in the workforce and contribute to the economy. Daycares are needed in neighborhoods of all incomes. Keeping daycares localized to neighborhoods, similar to schools, fosters a sense of community and increases social capital.

Guiding Principle #12: A balanced economy that produces quality jobs and fosters an environment for commerce, local business, and industry to thrive.

Initiatives:

- Support the growth of small businesses, entrepreneurship, and neighborhood business nodes.

The opportunity to expand Daycare Centers and Home Daycares promotes small businesses, especially those at the neighborhood level.

Consideration 2: Compliance with Text Amendment Standards

See [Attachment D](#) for a full review of compliance with standards for zoning text amendments. These proposed amendments align with the stated purpose of the zoning ordinance and are up to date with the most recent urban planning philosophies.

Consideration 3: Alignment with State Code

The intent and purpose of these amendments is to remove any zoning barriers associated with daycare uses within the city. The Utah State Department of Health and Human Services is responsible for setting the rules and requirements for licensing these uses. These rules and regulations include things related to the building and siting of these uses to protect the safety and well-being of children in care. Requirements such as the minimum indoor and outdoor area per child, fencing surrounding outdoor play areas, health code violations, sleep safety, ratios of caretakers to children, and food preparation are all dictated by the State. Any zoning rules regulating these uses would be additional requirements for these businesses.

The proposed amendments bring the City's zoning regulations regarding daycares in alignment with State Code in an effort to reduce additional burdens on newer and smaller childcare businesses. Complying with requirements from multiple levels of government can be confusing and burdensome for small business owners when trying to receive a license, especially if English is not their first language. The proposed alignment with state code reduces the need for multiple layers of rules without increasing the burdens on State regulators or local communities.

Consideration 4: Option for Second Home Daycare Location

After a discussion with the Directors of Daycare Licensing from Utah's Department of Health and Human Services, Planning staff learned that they can permit a second Home Daycare facility within a residential building without a residential occupant under a single license. This allows the expansion of successful Home Daycare businesses to another house nearby or in another neighborhood where there is demand for more daycare facilities.

The State made this change after identifying the demand for more Home Daycare facilities. Statistics show that Home Daycares can help some families by providing a more affordable option for childcare than the larger Daycare Centers. To encourage more childcare options within its borders, the City should follow suit and align its policies with the state regarding these second locations.

Planning staff is well aware of the City's affordable housing crisis. However, the shortage of childcare providers affects a significant number of working parents, which in turn affects the financial stability of these families. At the work session on August 9, 2023, the Planning Commission agreed that it is a necessary trade-off to use some existing residential buildings as a childcare space, especially at the neighborhood level. As noted earlier in this report, only 35 Licensed Family Home Daycares currently operate in the city. The number of residential buildings that *may* be converted to a second Home Daycare location is likely minimal.

STAFF RECOMMENDATION

The proposed ordinance amendments have been reviewed against the Zoning Amendment consideration criteria in [Attachment D](#). The proposed amendment implements professional best practices, does not conflict with other applicable State or City Code, and aligns with the City's zoning purposes. The proposed amendment also furthers the purpose of the City's policies and goals, including those outlined in Plan Salt Lake. Due to these considerations, staff recommends that the Commission forward a favorable recommendation on this request to the City Council.

NEXT STEPS

The Planning Commission can provide a positive or negative recommendation for the proposed text amendment. The recommendation will be sent to the City Council, who will hold a briefing and additional public hearing on the proposed amendments. The City Council may make modifications to the proposal and approve or decline to approve the proposed amendments. If ultimately approved by the City Council, the changes would be incorporated into the Salt Lake City Zoning Ordinance, and new development would be required to follow the new regulations.

ATTACHMENT A: Table of Proposed Changes

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CHILD DAYCARE CENTER



	CURRENT	PROPOSED	REASON
DEFINITIONS: Daycare	<p>“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, 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.”</p>	<p>“Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision (regardless of educational emphasis) to children 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.”</p>	Align with Utah State Code.
DEFINITION: Daycare Center, Child	<p>“An establishment providing care and maintenance to seven (7) or more children at any one time of any age separated from their parents or guardians.”</p>	<p>“An establishment providing care and maintenance 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 daycare; or (ii) care provided in a facility or program exempt under Utah State Code.”</p>	Align with Utah State Code.
LAND USE TABLE	<p><i>Conditional Use</i> in most single family and multifamily residential zones.</p> <p><i>Not permitted</i> in Foothill residential zones.</p>	<p>Add or change to <i>Permitted</i> in all residential zones.</p>	Reduce land use permits, time, and cost for businesses starting daycares.
STANDARDS	<p>Conditional Use standards for Child Daycare centers outlined in 21A.36.130.</p>	<p>All Conditional Use standards for daycare centers removed.</p>	Reduce unnecessary restrictions and barriers to building new daycare centers.



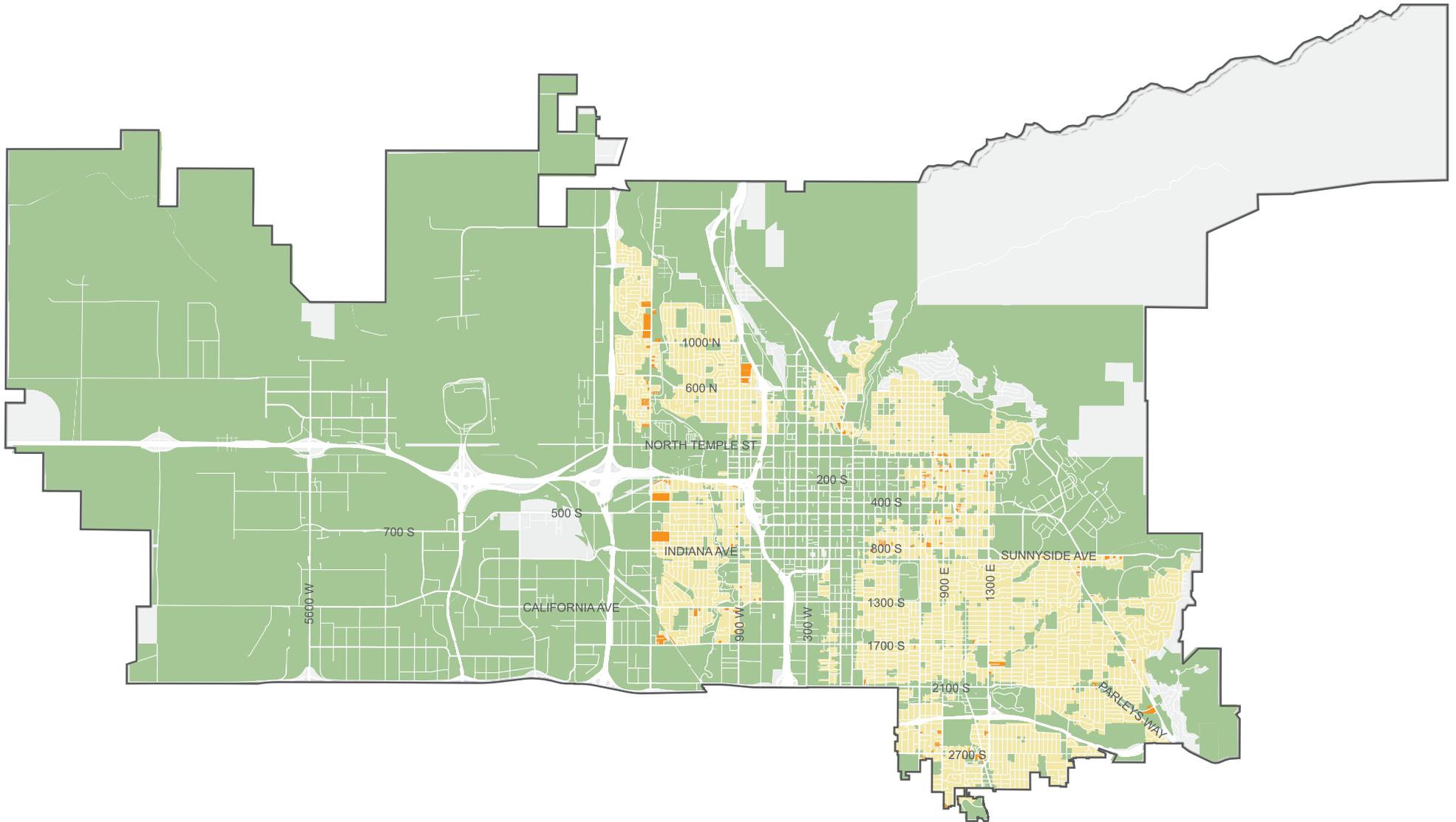
HOME DAYCARES, AS HOME OCCUPATION

	CURRENT	PROPOSED	REASON
<p>DEFINITION: <i>Registered Home Daycare or Preschool</i></p>	<p>“Registered home daycare or preschool daycare” means the 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).”</p>	<p>“A use providing educational and/or daycare opportunities for children that is located in a building intended for residential use.” Eliminate “Home Preschool”</p>	<p>Eliminate unnecessary age and group size restrictions and better align with Utah State Code.</p>
<p>DEFINITION: <i>Unregistered Home Daycare or Preschool</i></p>	<p>“Nonregistered home daycare” means a person who uses his/her principal place of residence to provide daycare for no more than two (2) children.</p>	<p>Eliminate definition and all references to “Nonregistered home daycare”.</p>	<p>This use is not regulated under zoning code.</p>
<p>LAND USE TABLE</p>	<p>Permitted in all residential districts and within a legal conforming dwellings in non residential districts, except M-1 & M-2.</p>	<p>No change.</p>	<p>N/A</p>
<p>GROUP SIZE</p>	<p>Group size at any given time shall not exceed eight (8), including the provider’s own children under age seven (7).</p>	<p>Group size shall not exceed sixteen (16) children, supervised by the number of caregivers required according to Utah Administrative Code 430-90-10 or its successor.</p>	<p>This allows for more children in home daycares, and follows the same group size and age limitations as Utah State Code.</p>
<p>STANDARDS</p>	<p>Standards outlined in 21A.36.130.</p>	<p>Standards outlined in 21A.36.030.H.</p>	<p>When Special Exception petitions were removed from the City’s zoning regulations, the method of approval for home daycares was essentially lost. Placing Home Daycares within the Home Occupation section of the zoning ordinance will provide the City with a mechanism to review and permit new Home Daycares.</p>
<p>SECOND HOME DAYCARE</p>	<p>Not allowed unless within a primary residence.</p>	<p>Second licensed home daycare may be permitted in a residential building without a primary residential use.</p>	<p>Allows home daycare business to expand in neighborhoods with demand.</p>

ATTACHMENT B: Maps

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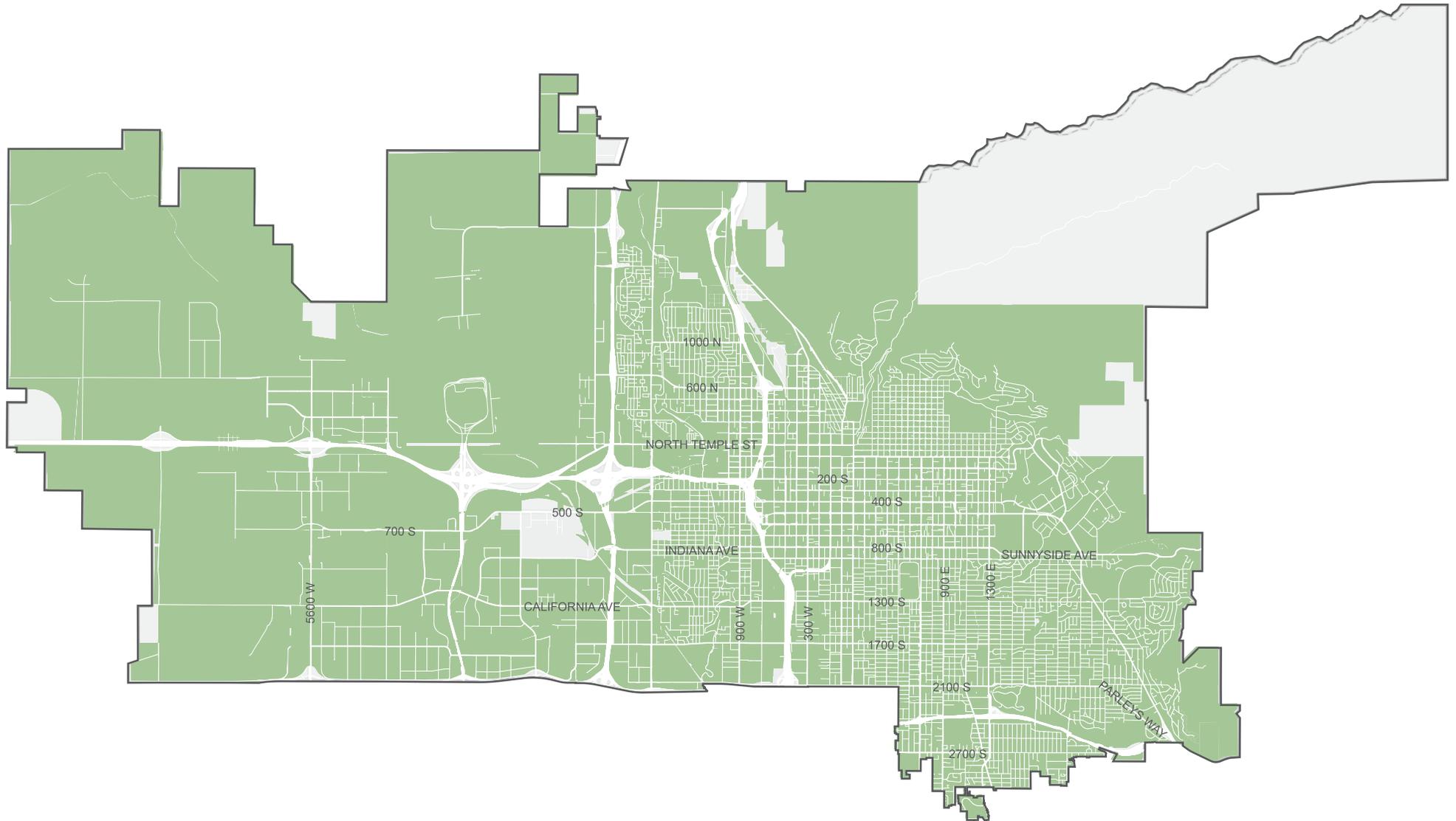
CHILD DAYCARE CENTER AMENDMENTS | EXISTING CONDITIONS



■ Permitted Use | ■ Properties Eligible for Conditional Use | ■ Residential Properties ineligible for Conditional Use | ■ Not Permitted



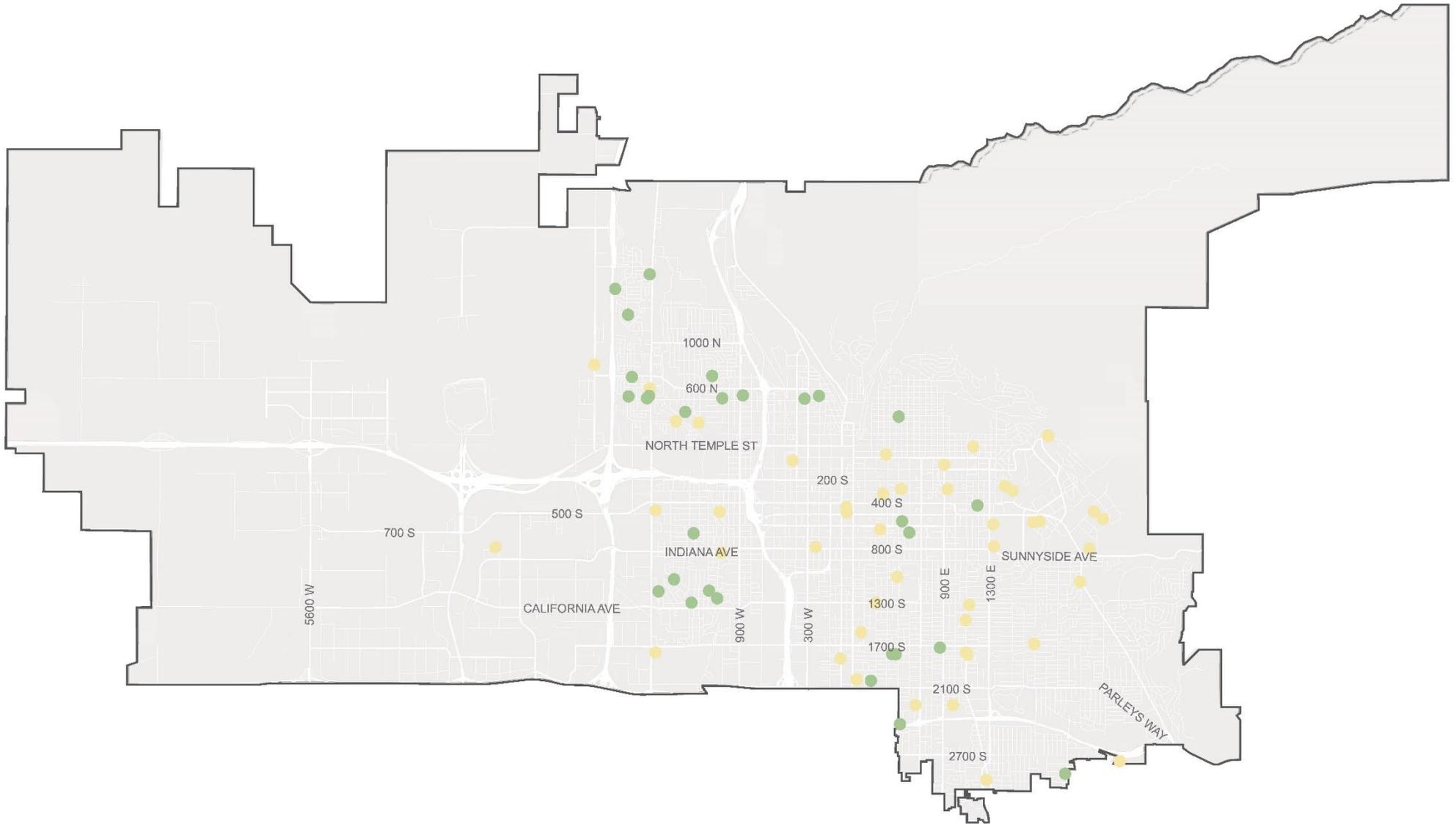
CHILD DAYCARE CENTER AMENDMENTS | PROPOSED CONDITIONS



■ Permitted Use | ■ Not Permitted



DAYCARE CENTERS & HOME DAYCARES | EXISTING PROVIDERS



● Home Daycares | ● Daycare Centers



ATTACHMENT C: Redlines of Proposed Changes

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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, CHILD: 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, ~~as allowed by state regulations, 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. Licensed 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 ~~§~~Section 21A.10.010 of this title.

G. General Standards: Licensed 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 ~~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 at any one time, 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.

c. A second licensed 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 or appearance of such building, nor shall the structure be altered in a way that prevents it from being used as a residential structure. 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>	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				
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				

18. Subject to section ~~21A.36.130~~ 21A.36.030 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 section ~~21A.36.130~~ 21A.36.030 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 section ~~21A.36.130~~ 21A.36.030 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 section ~~21A.36.130~~ 21A.36.030 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 section ~~21A.36.130~~ 21A.36.030 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 section ~~21A.36.130~~ 21A.36.030 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 section ~~21A.36.130~~ 21A.36.030 of this title.

ATTACHMENT D: Text Amendment Standards

21A.50.050: A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. In deciding to amend the zoning text, the City Council should consider the following:

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

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

Finding: Complies

Discussion:

Please see Key Consideration #1 for how the proposed amendments comply with Salt Lake City's adopted purposes, goals, objectives, and policies.

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

Finding: Complies

Discussion:

21A.02.030: Purpose and Intent:

The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the City, and to carry out the purposes of the Municipal Land Use Development and Management Act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:

- A. *Lessen congestion in the streets or roads;*
- B. *Secure safety from fire and other dangers;*
- C. *Provide adequate light and air;*
- D. *Classify land uses and distribute land development and utilization;*
- E. *Protect the tax base;*
- F. *Secure economy in governmental expenditures;*
- G. *Foster the City's industrial, business and residential development; and*
- H. *Protect the environment. (Ord. 26-95 § 2(1-3), 1995)*

These amendments protect the safety, convenience, prosperity, and welfare of the inhabitants of Salt Lake City by expanding options for childcare. Expanding daycares and family daycares within residential neighborhoods where families live is likely to lessen congestion on the streets and reduce pollution from long commutes to daycares throughout the city. The expansion of daycare businesses fosters the City's residential and business development. Expanded options for childcare will keep children safe and parents able to stay in their careers and contribute to the economy.

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

Finding: The changes proposed by this amendment would not be inconsistent with the purposes or provisions of any applicable overlay zoning district.

Discussion: Any new daycare center or home daycare would need to comply with all provisions of an applicable overlay district. The proposed amendments would neither amend nor create a conflict with any provisions found in the City's overlay districts.

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

Finding: Complies

Discussion: The American Planning Association has outlined a [Policy Guide on the Provision of Childcare](#) which outlines policy positions:

- 1. APA advocates the inclusion of childcare policies as part of local planning policies.**
- 2. APA supports local or state legislation which provides for small childcare homes as permitted land uses in all zoning districts, without the standard home occupation restrictions, but with reasonable compatibility standards; and further supports state preemption of local legislation which does not permit this type of childcare home.**
- 3. APA encourages communities to consider amending local zoning ordinances to remove obstacles to the provision of regulated group and family childcare in all zoning districts, in locations that are appropriate and safe for children.**
4. *APA encourages communities to negotiate with developers and to offer incentives to provide space for childcare in all types of projects, residential, office, mixed-use, and commercial, including new construction and reuse.*

These proposed amendments particularly align with policy positions #2 and #3, which recommend allowing for daycare uses in all zoning districts without the standard home occupation restrictions. It recommends reducing obstacles so that family childcare opportunities (Home Daycares) are permitted in all locations that are safe for children.

While the proposed amendments do not go so far as to offer incentives to developers that provide childcare, the amendments perfectly align with the APA's recommendations for childcare.

ATTACHMENT E: Public Process & Comments

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project since the applications were submitted:

- June 13, 2023 – All City RCOs were sent the 45 day required notice for recognized community organizations (RCOs).
- June 13, 2023 – Person with current Home Daycare business licenses and Daycare Centers were sent notification of proposed amendments.
- June – September 2021 – The project was posted to the Online Open House webpage.
- September 6, 2023 – Notice of additional amendments to Home Occupations to allow for a second Home Daycare was sent to all RCOs, and the Online Open House page was updated.

Notice of the public hearing for the proposal included:

- September 15, 2023
 - Public hearing notice mailed
 - Public notice posted on City and State websites and Planning Division listserv

Public Input:

Staff presented at two community councils and the Business Advisory Board. Staff received no opposing comments from the public or RCOs.

From: [Carla Verhaaren](#)
To: [Younger, Cassie](#)
Subject: (EXTERNAL) Case PLNPCM2019-00225
Date: Friday, June 23, 2023 11:26:25 PM

Caution: This is an external email. Please be cautious when clicking links or opening attachments.

I am reaching out about the zoning for child daycare centers and home daycares.

I am very excited for this possible change, as I have called and complained a couple of time for needing both a child care license and a business license for my very small part-time home preschool.

My license expires end of this month but I don't teach preschool until September... is there a chance these changes will have been decided before September? I am wondering whether to hold of renewing, but rather apply for a license for my preschool at the end of august. I am sure there are no definite timelines but I was wondering what your best guess would be.

Thank you for your time!

Carla Verhaaren

Sent from my iPhone

ATTACHMENT F: Department Review Comments

This proposal was reviewed by the following departments. Any comments that were provided to staff are included below:

Engineering:

Engineering has no comment on this.

Housing Stability Division:

Salt Lake City's 2020-2024 Consolidated Plan is the product of a collaborative process to identify housing and community development needs and to establish goals, priorities, and strategies to address those needs. This five-year plan provides a framework for maximizing and leveraging the City's block grant allocations to build healthy and sustainable communities that better focus funding from the U.S. Department of Housing and Urban Development (HUD) formula block grant programs.

As outlined in the Consolidated Plan, the need for increased accessible and affordable childcare options was identified as a community need.

"39.5% of Salt Lake City renter households, and 19.7% of homeowner households are cost-burdened, spending over 30% of their monthly income on housing costs. Over 18.9% of renter households spend over 50% of their monthly income on housing. Families who are cost-burdened have limited resources for food, childcare, healthcare, transportation, education, and other basic needs. Despite the community wide efforts to increase housing availability and reduce housing costs, 29.9% households are cost-burdened."

"Housing problems, including cost-burden, are more likely to affect households earning 0 to 50% of the area median income (AMI). Households within this income range struggle to find safe, decent, and affordable housing and often spend a high proportion of their income on housing. These households have limited resources for other basic essentials, including food, healthcare, childcare, and transportation. Housing problems also significantly impact households in the 50 to 80% AMI income groups, elderly households, and single-parent households. The high rate of housing cost-burden and other housing problems points to the need to expand affordable housing opportunities throughout Salt Lake City."

"There were 151,580 children in Utah under the age of 6 who needed care in 2019, but there were only 41,092 available slots reported in childcare programs. 30 This means there are at least two additional children in need of childcare for every child who is currently in a childcare program. In 2016, the National Household Survey reported that the main reason families had difficulty finding childcare was cost (31%) with the second most common reason being "lack of open slots" (27%)."

"Single female-headed households with children often lack the resources necessary to find adequate childcare or job training services. This in turn impacts the woman's ability to provide stable housing and care for her children. If a mother is able to find work and childcare, the rising cost of childcare further diminishes single mothers' paychecks."

"More long-term stable housing is needed to address the needs of low-income female-headed households with children, as well as job training, employment placement services, and childcare opportunities."

Sources:

ChildCare Aware of America. 2019 State Childcare Facts in the State of: Utah.

Schochet, Leila. "The Childcare Crisis Is Keeping Women Out of the Workforce" Center for American Progress, <https://www.americanprogress.org/issues/early-childhood/reports/2019/03/28/467488/child-care-crisis-keeping-women-workforce/>.

Authors analysis of National Center for Education Statistics, "2016 National Household Education Survey: Early Childhood Program Participation Survey"

Fire:

Building Services has no issues with this zoning text amendment.

Sustainability:

The Sustainability Department supports the proposed text amendments related to child Daycare Centers and Home Daycares within Salt Lake City. Social equity and overall health and wellbeing of our residents is a firm pillar of the Sustainability Department's guiding principles, and the intent of these text amendments supports these goals.

Economic Development:

For the non-planning recommendations from State of Utah, I think DED and RDA should be considering these as well. These are similar recommendations that motivated our pursuit of the Social Impact bond interventions in this space.

- Expand eligibility for childcare subsidies, to the extent practicable, with Childcare & Development Block Grant funds.
- Encourage significant developments to incorporate the building of childcare facilities by providing incentives such as: state corporate income tax credits for childcare facilities built in Opportunity Zones, local property tax abatement for developments that incorporate childcare facilities and zoning density bonuses that incorporate childcare facilities.

- Include childcare access in long range planning, such as housing developments, land use planning, as well as plans that include increasing access to employment.
- Local governments partner with employers to rehabilitate and retrofit vacant buildings to operate as licensed childcare programs.

Enforcement:

[In response to a question about past civil enforcement cases regarding daycare uses]: I have anecdotal examples from memory but no real data to support this. Child daycare locations that were not permitted for the zone and no business license seem to me to be the most common occurrence. My recollection is that most complaints are usually about vehicle drop off and pick up traffic causing road congestion, similar to a school. Searching in Accela for “case name” of daycare and daycare only returned a few of each and none that were recent.