

1 **21A.36.130: CHILD DAYCARE:**

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3 Child daycare shall be permitted pursuant to the following provisions:

4 A. Nonregistered Home Daycare: Nonregistered home daycare, limited to no more than ~~two~~
5 ~~(2)~~ four (4) children, excluding the provider's own children, is permitted in the home of the care
6 provider as set forth in [chapter 21A.33](#), "Land Use Tables", of this title and within legal
7 conforming single-family, duplex, and multi-family dwellings within commercial and
8 nonresidential districts excluding M-1 and M-2 Districts. A business revenue license or home
9 occupation ~~special exception approval~~ business license shall not be required.

10 B. Registered Home Daycare Or Registered Home Preschool (small): A registered home
11 daycare or registered home preschool (small) as defined in [chapter 21A.62](#) of this title, may be
12 allowed as an accessory use as set forth in [chapter 21A.33](#), "Land Use Tables", of this title and
13 within legal conforming single-family, duplex, and multi-family dwellings within commercial
14 and nonresidential districts excluding M-1 and M-2 Districts ~~as a home occupation special~~
15 ~~exception pursuant to the provisions of chapter 21A.52 of this title~~. The permittee shall also
16 obtain appropriate licensing where applicable from the State pursuant to the Utah Code.

17 1. Permit; Application: ~~An~~ home occupation business license application for a residential
18 registered home daycare or registered home preschool must be submitted to the Zoning
19 Administrator Salt Lake City Division of Business Licensing. As a part of the application, the
20 applicant must submit the following documentation:

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

23 b. The hours and days of operation; and

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

26 2. Standards: All residential home daycare or preschools shall ~~be subject to the standards set~~
27 ~~forth in chapter 21A.52 of this title and subject to comply with~~ the following specific standards:

28 a. The applicant resides ~~at the home on the property~~ at the home on the property in which the business will be
29 conducted;

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

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

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

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

40 ~~fe.~~ There shall be no advertising of such occupation, business or service, no window or
41 other signs or displays;

42 ~~gf. No employees other than persons lawfully living in the dwelling Only one (1) person,~~
43 ~~at any one time, who resides outside of the residence, may be an employee;~~

44 ~~hg. No use of any accessory dwellings for daycare purposes Outdoor play areas shall be~~
45 ~~protected from traffic or other hazards by fencing or other barriers at least four feet (4') in~~
46 ~~height; and~~

47 ~~i. No play or yard equipment located in the front yard; and~~

48 ~~jh.~~ It is unlawful for any person to engage in a "registered home daycare or registered
49 home preschool" as defined in section [21A.62.040](#) of this title without first obtaining a license
50 pursuant to the provisions of title 5, ~~chapter 5.04 of this Code~~. Prior to issuance of said license,
51 the criteria set forth in this title must be satisfied and all applicable fees shall be paid. All home
52 occupation business licenses shall be valid for one year, and may be renewed annually, provided
53 there have been no reported violations, ~~subject to subsection 21A.36.030I of this chapter~~.

54 ~~C. Registered Home Daycare Or Registered Home Preschool (large): A registered home~~
55 ~~daycare or registered home preschool (large) as defined in chapter 21A.62 of this title, shall be~~
56 ~~permitted as specified in chapter 21A.33, "Land Use Tables", of this title and subject to~~
57 ~~compliance with the applicable provisions of this title. The permittee shall also obtain~~
58 ~~appropriate licensing where applicable from the State pursuant to the Utah Code.~~

59 ~~1. Standards: Standards for approval shall include, in addition to standards of chapter~~
60 ~~21A.54 of this title, the following:~~

- 61 ~~a. All standards required for a registered home daycare or registered preschool (small),~~
62 ~~listed in subsection B2;~~
63
64 ~~b. Provide at least (1) off-street parking space as a designated drop-off and pick-up area;~~
65 ~~and~~
66
67 ~~c. In residential developments consisting of more than one dwelling unit, play areas~~
68 ~~located in an area that is not privately owned by the licensee requires approval from the~~
69 ~~homeowners' association, condominium association, and/or any other entity that~~
70 ~~manages the development. In the event that there is not a management entity, all~~
71 ~~property owners within the development must approve of the play area.~~

72
73 ~~CD.~~ Child Daycare Center:

74 ~~1. Conditional Use Standards For Child Daycare Centers: A child daycare center may shall~~
75 ~~be allowed as a conditional use pursuant to the provisions of chapter 21A.54 permitted as~~
76 ~~specified in chapter 21A.33, "Land Use Tables", of this title and the requirements and provisions~~
77 ~~of this subsection subject to compliance with the applicable provisions of this title.~~

78 a. Site Requirements:

79 ~~(1) Minimum Lot Size: Twenty thousand (20,000) square feet. Fencing: An opaque~~
80 ~~fence six feet (6') in height must be installed around all designated play areas. Dense shrubbery~~

81 may compensate for fencing requirements provided that the lot is secured according to State
82 regulations. If the lot is adjacent to open space, a less opaque fencing material may be used but
83 chain link fencing shall not be used;

84 ~~(2) Location Requirements: The child daycare use shall be addressed on and oriented to~~
85 ~~an arterial street as shown on the City's major street plan. Circulation: If located on an arterial~~
86 ~~street or State Highway, an off-street drop-off and pick-up area is required;~~

87 ~~(3) Rear Yard Playground Equipment: All outside playground equipment shall be~~
88 ~~located only in the rear yard. Play Areas: No structured area for active play or recreational~~
89 ~~(playground) equipment may be located in the front or corner side yards.~~

90 ~~(4) Landscape Buffering: Any outside area where children are allowed must be fenced~~
91 ~~with a solid fence at least six feet (6') high. At least ten feet (10') from the fence to the interior~~
92 ~~portion of the property shall be landscaped in such a way that the area cannot be used by the~~
93 ~~patrons. Setbacks: The required setbacks of the underlying zoning district shall be observed~~
94 ~~except where a Child Daycare Center abuts a lot in a single-family or two-family residential~~
95 ~~district, a minimum of ten feet (10') side yards and twenty-five feet (25') rear yard shall be~~
96 ~~provided.~~

97 ~~(5) Exceptions: The Planning Commission may grant an exception to these Site~~
98 ~~Requirements if it can be shown that the impact of the Child Daycare Center on traffic~~
99 ~~circulation or on adjacent properties will not be increased if the exception is granted.~~

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

103 ~~c. Prohibitions:~~

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

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

111 ~~(3) No Variances: The Planning Commission shall not approve a childcare conditional~~
112 ~~use pursuant to this section if the Appeals Hearing Officer would be required to grant a variance~~
113 ~~from any zoning condition.~~

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

117 ~~db.~~ Application: The application for a child daycare center shall include, in addition to
118 application submission requirements of [chapter 21A.54](#) of this title, the following information:

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

- 121 (2) The hours and days of operation;
- 122 (3) The proposed signage; and
- 123 (4) The number, location and dimensions of any drop-off or pick-up areas for either
- 124 private transportation or public transportation.

125 ~~— e. Standards: Standards for approval shall include, in addition to standards of chapter~~

126 ~~21A.54 of this title, the following:~~

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

128 ~~— (A) The lot is of sufficient size to accommodate all required parking in the side and~~

129 ~~rear yards, or to the rear of the required landscaped setback in the front yard;~~

130 ~~— (B) The dropoff and pick up area is designed in a manner that vehicles do not back~~

131 ~~into a public street or the stacking or queuing of vehicles will not interrupt traffic flow on the~~

132 ~~public street; and~~

133 ~~— (C) The signage is appropriate for the area. (Ord. 46-17, 2017)~~