
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: July 11, 2006

SUBJECT: Petition 400-06-03 – Legislative Action by Council Members Christensen and Love regarding amendments to the Salt Lake City Code pertaining to home daycare operations

AFFECTED COUNCIL DISTRICTS: If the ordinance is adopted the changes would apply Citywide

STAFF REPORT BY: Lehua Weaver

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Community Development Department, Planning Division
Janice Lew, Principal Planner

NOTICE REQUIREMENTS: Newspaper advertisement 14 days prior to the Public Hearing

POTENTIAL MOTIONS:

1. **["I move that the Council"]** Adopt an ordinance amending Section 21A.36.130 of the Salt Lake City Code pertaining to child daycare, and Section 21A.62.040 of the Salt Lake City Code pertaining to definitions.

OR

2. **["I move that the Council"] Not adopt the ordinance.**

On July 6, the Council held a briefing regarding the proposed amendments to home daycare operations. A few questions were raised regarding (a) whether the City performs inspections on the home daycare operations, (b) how the State handles the differences between daycare and preschool operations in terms of inspections and certification, and (c) what is the minimum number of children that triggers State inspection and certification requirements. Council staff is following up on these inquiries and will provide that to Council Members upon receipt.

BACKGROUND INFORMATION

SUMMARY:

Council Members Christensen and Love sponsored a Legislative Action on January 3, 2006 in response to requests by various day care providers and representatives of day care support organizations. The proposed amendments would make the City Code consistent with the

current State certification and laws increasing the number of children allowed from six to eight for home day care providers. While the City is allowed to have different regulations than the State, the changes would provide consistency for day care providers, state inspectors and City staff. (The State regulations changed several years ago. Prior to the State's changes, City and State regulations were the same.)

The proposed amendments also include a requirement for an annual business license to operate a home day care business. The Administration's transmittal notes that the provision to require business licensing will assist the City in tracking this type of land use and monitor neighborhood impacts.

The Planning Commission forwarded a positive recommendation to adopt the proposed amendments.

KEY ELEMENTS:

A. An ordinance has been prepared for Council consideration. Proposed changes include:

1. Number of Children: Increase the number of children allowed in home day care operations from six to eight. This is consistent with allowances at the State, who also require additional certification and inspections for day care licensing.
As an additional note regarding the child to employee ratio, state regulations require an additional childcare provider if there are more than two children under the age of two. This would generally not be allowed under City limitations on home occupations, because
 - a. Caregivers must lawfully reside on the premise and, as such, do not create a need for off-street parking beyond normal dwelling needs.
 - b. Employee restrictions are a clear and simple criterion that ensures home occupations remain incidental and an accessory use to a residential dwelling.
2. Business License: Require a City business license for the operation of a home day care consistent with other home occupation licensing.
 - a. This would add a \$50 annual home occupation license fee to the other fees already paid by the provider.
 - b. The provider already pays a one-time fee in the amount of \$100 to the City for a Board of Adjustment Special Exception Routine and Uncontested Matter application.
 - c. The provider also pays \$50 annually to the State for their application fee.

B. City Land Use Considerations:

1. Zoning Districts – Home day care operations are allowed in the following residential zoning classifications: 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-3; R-2; RMF-30; RMF-35; RMF-45; RMF-75; RB; R-MU-35; R-MU-45; R-MU; and RO.
2. Neighborhood Impact
 - a. Since the current City code allows six children to be dropped-off and picked-up from residential properties, Planning staff notes that it is not anticipated to have a negative impact on neighborhoods to increase the allowed number of children to eight. The restriction on not allowing employees to home occupations will remain in place.

- b. In addition to the proposed new requirement of obtaining a business license, a home day care request would continue to be processed as a Board of Adjustment Special Exception Routine and Uncontested Matter. The application process for this includes notification to abutting property owners.
- C. State Review and Licensing Requirements: Within the Utah Department of Health, the State's Bureau of Child Care Licensing handles the required state review for day care operations.
 1. This review includes:
 - a. qualifications of the provider
 - b. guideline for discipline
 - c. required records from customers / parents
 - d. activities for children
 - e. transportation requirements – if applicable
 - f. health, medication, safety, infection issues
 - g. housekeeping standards
 - h. food service standards
 2. The State enforces these rules through two annual visits. One visit is scheduled and the other is unannounced. If the State office receives any complaints, an additional visit is made.

MATTERS AT ISSUE /POTENTIAL QUESTIONS:

Day Care Provider's Children - The Council may wish to discuss issues relating to the childcare provider's own children. According to the proposed ordinance, no change would be made about counting the care provider's own children under the age of seven (7) as part of the total number of children allowed for a home day care business. However, **the Council may wish to consider maintaining consistency with the State regulations**, which counts children when they are under the age of twelve (12) (rather than only under the age of seven) and includes a broader definition of any relative of the care provider (including grand children, nieces, nephews, etc.) who are in the home be included in the count of children.

MASTER PLAN AND POLICY CONSIDERATIONS:

The Administration's transmittal notes:

- A. The City Vision and Strategic Plan notes that the City seeks to "develop business friendly licensing and regulatory practices". (pg. 22)
- B. The City Futures Commission report vision statement notes the ideal neighborhood includes a neighborhood that is "family and youth friendly". (pg. 38)

cc: Sam Guevara, Rocky Fluhart, DJ Baxter, Ed Rutan, Lynn Pace, Melanie Reif, Louis Zunguze, Brent Wilde, Alex Ikefuna, Doug Wheelwright, Cheri Coffey, Janice Lew, Jan Aramaki, Sylvia Jones, Marge Harvey, Barry Esham, Annette Daly, Gwen Springmeyer, Janice Jardine, Jennifer Bruno,

A. LOUIS ZUNGUZE
DIRECTOR

BRENT B. WILDE
DEPUTY DIRECTOR

SALT LAKE CITY CORPORATION
DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Rocky Fluhart, Chief Administrative Officer **DATE:** May 11, 2006
FROM: Louis Zunguze, Community Development Director
RE: Petition No. 400-06-03 initiated by a Legislative Action of the City Council requesting amendments to the Salt Lake City Code pertaining to the City's standards relating to Child Daycare

STAFF CONTACT: Janice Lew, Principal Planner, at 535-7625 or
janice.lew@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a Public Hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: Positive

DISCUSSION:

Issue Origin: Councilmembers Carlton Christenson and Jill Remington-Love were approached by several representatives of child services support agencies requesting a change to the current child homecare capacity limitations to correspond with State Licensing Standards. Following this meeting with the child services support agency representatives, the City Council initiated a Legislative Action to address the issue on January 3, 2006. The proposed text amendments would change the capacity limitations for registered home daycare and preschool uses from six (6) to eight (8) children and require a current business license to engage in said uses.

Analysis: While the City is allowed to have different regulations than the State, this change would make it easier for home daycare providers to obtain appropriate licensing from the State. State licensing for child care provided in a home of a provider is required for more than four (4) unrelated children. State regulations currently allow one caregiver to care for up to eight (8) children but do not override the capacity limitations set by local governments. In Salt Lake City, the Zoning Ordinance currently limits the number of children allowed to be cared for in a home to six (6) children. The representatives of the child services support agencies advocated for the City to amend its zoning regulations to be consistent with the State regulations. The provision to

require business licensing will assist the City in tracking these land uses as well as in monitoring neighborhood impacts.

Master Plan Considerations: The Salt Lake City Vision and Strategic Plan states that the City seeks to “develop business friendly licensing and regulatory practices (page 22).” The vision statement of the Final Report of the Salt Lake City Futures Commission of the ideal neighborhood includes a neighborhood that is “family and youth friendly (page 38).”

PUBLIC PROCESS:

The Planning Division held an Open House for Community Councils and interested parties on February 15, 2006. The notice was also displayed on the City’s official web page. Planning Staff did not receive any comments from any of the Community Councils on the proposed text changes. All interested parties who attended the Open House and submitted comments support the proposed changes.

On March 22, 2006, the Planning Commission unanimously passed a motion to recommend approval to the City Council to adopt the proposed text amendments.

RELEVANT ORDINANCES:

Salt Lake City Code Chapter 21A.50.050 - Standards for General Amendments

Amendments to the Zoning Ordinance and Maps are authorized under Section 21A.50 of the Salt Lake City Zoning Ordinance, as detailed in Section 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.” It does, however, list five standards, which should be analyzed prior to rezoning property (Section 21A.50.050 A-E). The five standards are discussed in detail starting on page 3 of the Planning Commission Staff Report (see Exhibit 5b).

TABLE OF CONTENTS

- 1. CHRONOLOGY**
- 2. PROPOSED ORDINANCE**
 - a. Original**
 - b. Strike and Bold Version**
- 3. NOTICE OF CITY COUNCIL HEARING**
- 4. MAILING LABELS**
- 5. PLANNING COMMISSION**
 - a. Hearing Notice and Postmark**
 - b. Staff Report**
 - c. Agenda/Minutes**
- 6. ORIGINAL PETITION**

Exhibit 1

CHRONOLOGY

PROJECT CHRONOLOGY

- January 3, 2006 The City Council initiated a Legislative Action.
- January 9, 2006 Petition submitted to the Planning Division.
- January 30, 2006 Notice of the Open House.
- February 15, 2006 Open House.
- March 7, 2006 Notice of the Planning Commission public hearing.
- March 22, 2006 Planning Commission public hearing.
- March 28, 2006 Requested that the City Attorney's Office prepare an ordinance.
- April 12, 2006 Planning Commission ratified the minutes of the March 22, 2006 Planning Commission meeting.

Exhibit 2
ORDINANCE

Exhibit 2a
ORDINANCE
Original

SALT LAKE CITY ORDINANCE

No. _____ of 2006

(Amending Sections 21A.36.130 and 21A.62.040 Related to Child Daycare Standards)

AN ORDINANCE AMENDING SECTION 21A.36.130, *SALT LAKE CITY CODE*,
PERTAINING TO CHILD DAYCARE, AND SECTION 21A.62.040, *SALT LAKE CITY CODE*,
PERTAINING TO DEFINITIONS, PURSUANT TO PETITION NO. 400-06-03.

WHEREAS, the proposed amendments are consistent with the purposes, goals,
objectives, and policies of Salt Lake City's general plan; and

WHEREAS, the City Council finds that the proposed amendments are in the best interest
of the City.

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

SECTION 1. That Section 21A.36.130 of the Salt Lake City Code, pertaining to child
daycare be, and hereby is, amended to read as follows:

21A.36.130 Child Daycare:

Child daycare shall be permitted pursuant to the following provisions:

A. **Nonregistered Home Daycare:** Nonregistered home daycare, limited to no more than
two (2) children, excluding the provider's children, is permitted in the home of the care provider
in the 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-3,
R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU and RO districts.

A business revenue license or home occupation conditional use approval shall not be required.

B. **Registered Home Daycare Or Registered Home Preschool:** A registered home daycare
or registered home preschool as defined in part VI, chapter 21A.62 of this title, may be allowed
as an accessory use in the 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-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-

MU and RO districts as a home occupation special exception pursuant to the provisions of part V, chapter 21A.52 of this title. The permittee shall also obtain appropriate licensing where applicable from the state pursuant to the Utah Code Annotated, 1953.

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;
- c. Proof of appropriate licensing from the state, where applicable, or basis upon which exemption therefrom is claimed; and
- d. The names, addresses, and signatures of record property owners abutting the applicant's property and those across the street(s).

2. Standards: All residential home daycare or preschools shall be subject to the standards set forth in part V, chapter 21A.52 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 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 use of any accessory dwellings for daycare purposes; and
- i. No play or yard equipment located in the front yard.
- j. 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 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 J of section 21A.36.030 of this chapter.

C. **Child Daycare Center:** A child daycare center as defined in part VI, chapter 21A.62 of this title, may be permitted as follows:

1. **Permitted Use:** A child daycare center is a permitted use in the RMF-75, R-MU-35, R-MU-45, R-MU, RB, RO, CN, CB, CC, CS, CSHBD, CG, D-1, D-2, D-3, M-1, I, UI, BP, RP, A, PL and PL-2 districts.

2. Conditional Use: A child daycare center may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, in the R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35 and RMF-45 districts.

a. Site Requirements:

i. **Minimum Lot Size:** Twenty thousand (20,000) square feet.

ii. **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.

iii. **Rear Yard Playground Equipment:** All outside playground equipment shall be located only in the rear yard.

iv. **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') 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 part. The size of the sign shall be determined as part of the conditional use approval.

c. Prohibitions:

i. **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.

ii. **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.

iii. **No Variances:** The planning commission shall not approve a childcare conditional use pursuant to this section if the board of adjustment would be required to grant a variance from any zoning condition.

iv. **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 part V, chapter 21A.54 of this title, the following information:

- i. 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;
- ii. The hours and days of operation;
- iii. The proposed signage; and
- iv. The number, location and dimensions of any drop off or pick up areas for either private transportation or public transportation.

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

i. **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 drop off 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.

SECTION 2. That Section 21A.62.040 of the Salt Lake City Code, pertaining to definitions be, and hereby is, amended, in part, to read as follows:

Daycare, Registered Home Daycare Or Preschool: "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).

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2006.
Published: _____.

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APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date April 11, 2006
By Melanie King

Exhibit 2b
ORDINANCE
Strike and Bold Version

SALT LAKE CITY ORDINANCE
No. _____ of 2006
(Amending Sections 21A.36.130 and 21A.62.040 Related to Child Daycare Standards)

AN ORDINANCE AMENDING SECTION 21A.36.130, *SALT LAKE CITY CODE*,
PERTAINING TO CHILD DAYCARE, AND SECTION 21A.62.040, *SALT LAKE CITY CODE*,
PERTAINING TO DEFINITIONS, PURSUANT TO PETITION NO. 400-06-03.

WHEREAS, the proposed amendments are consistent with the purposes, goals,
objectives, and policies of Salt Lake City's general plan; and

WHEREAS, the City Council finds that the proposed amendments are in the best interest
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in the 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-3,
R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU and RO districts.
A business revenue license or home occupation conditional use approval shall not be required.
- B. **Registered Home Daycare Or Registered Home Preschool:** A registered home daycare
or registered home preschool as defined in part VI, chapter 21A.62 of this title, may be allowed
as an accessory use in the 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-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-

MU and RO districts as a home occupation special exception pursuant to the provisions of part V, chapter 21A.52 of this title. The permittee shall also obtain appropriate licensing where applicable from the state pursuant to the Utah Code Annotated, 1953.

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, staff or volunteers~~; 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;
- c. Proof of appropriate licensing from the state, where applicable, or basis upon which exemption therefrom is claimed; and
- d. The names, addresses, and signatures of record property owners abutting the applicant's property and those across the street(s).

2. **Standards:** All residential home daycare or preschools shall be subject to the standards set forth in part V, chapter 21A.52 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 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 use of any accessory dwellings for daycare purposes; and
- i. No play or yard equipment located in the front yard.
- j. 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 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 J of section 21A.36.030 of this chapter.

C. **Child Daycare Center:** A child daycare center as defined in part VI, chapter 21A.62 of this title, may be permitted as follows:

1. **Permitted Use:** A child daycare center is a permitted use in the RMF-75, R-MU-35, R-MU-45, R-MU, RB, RO, CN, CB, CC, CS, CSHBD, CG, D-1, D-2, D-3, M-1, I, UI, BP, RP, A, PL and PL-2 districts.

2. **Conditional Use:** A child daycare center may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, in the R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35 and RMF-45 districts.

a. **Site Requirements:**

i. **Minimum Lot Size:** Twenty thousand (20,000) square feet.

ii. **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.

iii. **Rear Yard Playground Equipment:** All outside playground equipment shall be located only in the rear yard.

iv. **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') 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 part. The size of the sign shall be determined as part of the conditional use approval.

c. **Prohibitions:**

i. **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.

ii. **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.

iii. **No Variances:** The planning commission shall not approve a childcare conditional use pursuant to this section if the board of adjustment would be required to grant a variance from any zoning condition.

iv. **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 part V, chapter 21A.54 of this title, the following information:

- i. 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;
- ii. The hours and days of operation;
- iii. The proposed signage; and
- iv. The number, location and dimensions of any drop off or pick up areas for either private transportation or public transportation.

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

i. **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 drop off 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.

SECTION 2. That Section 21A.62.040 of the Salt Lake City Code, pertaining to definitions be, and hereby is, amended, in part, to read as follows:

Daycare, Registered Home Daycare Or Preschool: "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)~~six (6)~~, including the provider's own children under age seven (7).

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2006.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2006.

Published: _____.

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Exhibit 3
CITY COUNCIL HEARING NOTICE

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is currently reviewing Petition No. 400-06-03 initiated by a Legislative Action of the City Council requesting amendments to the Salt Lake City Code pertaining to the City's standards relating to Child Daycare. The proposed text amendments would change the capacity limitations for registered home daycare and preschool uses from six (6) to eight (8) children and require a current business license to engage in said uses.

During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME:

**PLACE: ROOM # 315
City & County Building
451 South State Street
Salt Lake City, Utah**

If you have any questions relating to this proposal, or would like to review the file, please call Janice Lew at 535-7625.

Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodation no later than 48 hours in advance in order to attend this City Council Meeting. Accommodations may include alternate formats, interpreters, and other auxiliary aids. This is an accessible facility. For questions, requests, or additional information, please contact Planning at (801) 535-7757 or TDD (801) 535-6021.

Exhibit 4
MAILING LABELS



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Salt Lake City, UT 84114-2003

Chris Bracy
124 South 400 East #400
Salt Lake City, UT 84111

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Salt Lake City, UT 84117

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Janice Lew
Planning Division
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FAIRPARK CHAIR
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MIKE HARMAN
POPLAR GROVE CHAIR
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GLENDALE CHAIR
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Wasatch Hollow Chair
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SLC UT 84105





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NORTH SALT LAKE
CITY COUNCIL
20 S U S HIGHWAY 89
NORTH SALT LAKE, UT 84054

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SALT LAKE CITY, UT 84190-1000



**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, March 22, 2006, at 5:45 p.m.**

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting is open to the public for observation.

- 1. APPROVAL OF MINUTES from Wednesday, March 8, 2006.**
- 2. REPORT OF THE CHAIR AND VICE CHAIR**
- 3. REPORT OF THE DIRECTOR**
- 4. PUBLIC NOTICE AGENDA Salt Lake City Property Conveyance Matters**

Projects within Salt Lake City:

- a) Salt Lake City Property Management and New Cingular Wireless PCS, LLC—Cingular Wireless is requesting that Property Management approve a site lease agreement to allow a portion of the City-owned street right-of-way to be used to install underground power and signal cables connecting a utility pole-mounted cellular telephone antenna installation within the public way to a remote site equipment shelter to be constructed in the rear yard area on an neighboring property at approximately 1314 South 1100 East Street. The property is located within Salt Lake City and the adjacent properties are zoned Neighborhood Commercial (CN) and Residential/Business (RB). Property Management staff intends to approve the site lease request.
- b) Salt Lake City Public Utilities Department and Freeport West Development—Freeport West is requesting that Public Utilities approve a new standard use permit to allow the re-routing of the Ridgeland Irrigation Canal (not City owned) to cross the City owned easement for the Lee Drain (storm water drain) at a new location located at approximately 4898 West California Avenue. Adjacent property is zoned Light Industrial (M-1). The Public Utilities staff intends to approve the standard use permit as requested.

Projects outside of Salt Lake City:

- c) Salt Lake Public Utilities Division and UTOPIA DBA Murray City—UTOPIA is requesting that Public Utilities issue a standard utility permit to allow installation of overhead telecommunications cables over the Salt Lake and Jordan Canal property located at approximately 700 East and I-215 within the boundaries of Midvale City. The Public Utilities staff intends to approve the utility permit request.
- d) Salt Lake City Public Utilities Division and the Utah Telecommunications Open Infrastructure Agency—Utah Telecommunications Agency is requesting that Public Utilities issue a standard utility permit to allow installation of telecommunications cables to cross Salt Lake City-owned canal property, at approximately 930 East South Union Avenue, in Midvale City. The Public Utilities staff intends to approve the utility permit request.
- e) Salt Lake City Public Utilities Department and Mr. Alonzo A. Hinckley—Mr. Hinckley is requesting that Public Utilities issue a standard use permit to allow him to continue gardening and maintaining landscaping on a small portion of Public Utilities owned property adjacent to the rear of 4471 Camille Drive in Holladay City. The Public Utilities staff intends to approve the standard use permit request.
- f) Salt Lake City Public Utilities Department and Donna and Graham Doxey—The Doxeys are requesting that Public Utilities vacate an existing right-of-way for the Big Cottonwood Conduit which impacts the rear of their property located at 6320 South Canyon Cove Drive in un-incorporated Salt Lake County. The conduit right-of-way is no longer needed because the conduit was relocated during the 1980s into Wasatch Drive. The Public Utilities staff intends to vacate the right-of-way in favor of the Doxeys, subject to compensation at fair market value, as requested.

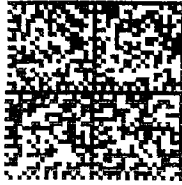
NOTICE OF HEARING

Janice Lew
Planning Division

Salt Lake City Planning Division
Planning Commission Secretary
451 South State Street, Rm. 406
Salt Lake City, UT 84111 JL

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1. Fill out registration card and indicate if you wish to speak and which agenda item you will address.
2. After the staff and petitioner presentations, hearings will be opened for public comment. Community Councils will present their comments at the beginning of the hearing.
3. In order to be considerate of everyone attending the meeting, public comments are limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Written comments are welcome and will be provided to the Planning Commission in advance of the meeting if they are submitted to the Planning Division prior to noon the day before the meeting. Written comments should be sent to:

Salt Lake City Planning Director
451 South State Street, Room 406
Salt Lake City, UT 84111
4. Speakers will be called by the Chair.
5. Please state your name and your affiliation to the petition or whom you represent at the beginning of your comments.
6. Speakers should address their comments to the Chair. Planning Commission members may have questions for the speaker. Speakers may not debate with other meeting attendees.
7. Speakers should focus their comments on the agenda item. Extraneous and repetitive comments should be avoided.
8. After those registered have spoken, the Chair will invite other comments. Prior speakers may be allowed to supplement their previous comments at this time.
9. After the hearing is closed, the discussion will be limited among Planning Commissioners and Staff. Under unique circumstances, the Planning Commission may choose to reopen the hearing to obtain additional information.
10. Salt Lake City Corporation complies with all ADA guidelines. If you are planning to attend the public meeting and, due to a disability, need assistance in understanding or participating in the meeting, please notify the City 48 hours in advance of the meeting and we will try to provide whatever assistance may be required. Please call 535-7757 for assistance.

For information on public or written comments and ADA accommodations, please see the reverse side of the agenda.

**PLEASE TURN OFF CELL PHONES AND PAGERS BEFORE THE MEETING BEGINS.
AT YOUR REQUEST A SECURITY ESCORT WILL BE PROVIDED TO ACCOMPANY YOU TO
YOUR CAR AFTER THE MEETING. THANK YOU.**

Exhibit 5b
PLANNING COMMISSION
March 22, 2006 Staff Report

DATE: March 15, 2006
TO: Salt Lake City Planning Commission
FROM: Janice Lew, Principal Planner
Telephone: 801.535.7625
Email: janice.lew@slcgov.com
RE: STAFF REPORT FOR THE MARCH 22, 2006 MEETING

CASE NUMBER: Zoning Text Amendment – 400-06-03

APPLICANT/STATUS: Salt Lake City Council

PROJECT LOCATION: The proposed text amendments will affect all registered home daycare or registered home preschools allowed as an accessory use in the FR-1/43,500, FR-2/21,780, FR-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU and RO zoning districts.

COUNCIL DISTRICT: All Council Districts

REQUESTED ACTION:

On January 3, 2006, the City Council initiated a Legislative Action requesting amendments to the Salt Lake City Code pertaining to the City's standards relating to Child Daycare.

PROPOSED USE(S):

The proposed text amendments would change the capacity limitations for registered home daycare and preschool uses from six (6) to eight (8) children and require a current business license to engage in said uses.

APPLICABLE LAND USE REGULATIONS:

The proposed text amendments are subject to the Salt Lake City Code, Chapter 21A.50 – Amendments and Special Approvals.

MASTER PLAN SPECIFICATIONS:

The Salt Lake City Vision and Strategic Plan (1993) and the Final Report of the Salt City Futures Commission (1998) apply to the proposed text amendments.

PROJECT HISTORY:

Several child services support agencies approached Council Members Carlton Christenson and Jill Love requesting a change to the current child homecare capacity limitations to correspond with State Licensing Standards. Following this meeting with the child services support agencies, the City Council initiated a Legislative Action to address the issue on January 3, 2006. While the City is allowed to have different regulations than the State, this change would make it easier for home daycare providers to obtain appropriate licensing from the State. State licensing for child care provided in a home of a provider is required for more than four (4) unrelated children. The State currently allows one caregiver to care for up to eight (8) children, but sets capacity limitations in accordance with city standards. In Salt Lake City, the Zoning Ordinance limits the number of children to be cared for in a home to six (6) children.

PROJECT DESCRIPTION:

The proposed text amendments would change the capacity limitations for registered home daycare and preschool uses from six (6) to eight (8) children and require a current business license to engage in said uses.

COMMENTS, ANALYSIS AND FINDINGS:

1. COMMENTS

The comments received from pertinent City Departments/Divisions are attached to this staff report as Exhibit 2. The following is a summary of the comments and concerns received:

- a) **Public Utilities Division:** Public Utilities does not have any objections to the proposed text amendments.
- b) **Division of Transportation:** The division does not have any objections to the proposed text amendments. The current ordinance addressing transportation issues and public transportation corridors are not shown to be affected by the number of children or the licensing process.
- c) **Salt Lake City Engineering:** City Engineering did not respond to the request for comments.
- d) **Fire:** The Fire Department did not respond to the request for comments.
- e) **Building Services:** Building Services did not respond to the request for comments.
- f) **Zoning Enforcement:** Zoning Enforcement did not respond to the request for comments.
- g) **Community Council:** Planning staff held an Open House for Community Councils and interested parties on February 15, 2006. Planning staff did not receive any comments from any of the respective Community Councils on the

proposed text change. All interested parties who attended the Open House and submitted comments support the proposed changes (Exhibit 3).

2. ANALYSIS AND FINDINGS: Zoning Text Amendment

Chapter 21A.50 of the Salt Lake City Code

The City Council has final decision authority with respect to text or zoning map amendments. Chapter 21A.50 of the Salt Lake City Code, entitled “Amendments and Special Approvals” addresses changes to the text of the zoning code and associated maps. Section 21A.50.050 outlines standards the City Council must consider when making a decision regarding amendments. The standards for general amendments are as follows:

A. Whether the proposed amendment is consistent with the purposes, goals, objectives, and policies of the adopted general plan of Salt Lake City.

Discussion: The Salt Lake City Vision and Strategic Plan (page 22) states that the City seeks to “develop business friendly licensing and regulatory practices.” The Salt Lake City Futures Commission vision of the ideal neighborhood (page 38) includes a neighborhood that is “family and youth friendly.”

Finding: The proposed text amendments are supported by policy elements of the Salt Lake City Vision and Strategic Plan and the Final Report of the Salt City Futures Commission.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the immediate vicinity of the subject property.

Discussion: Employee restrictions are a clear and simple criterion that ensures home occupations remain incidental and an accessory use to a residential dwelling. Pursuant to Section 21A.36.130(2) of the Salt Lake City Code, caregivers must lawfully reside on the premise and, as such, do not create a need for off-street parking beyond normal dwelling needs. Additionally, capacity limitations effectively minimize additional traffic that may be generated by a facility.

Finding: Staff finds no evidence that increasing the capacity of registered home daycare facilities or preschools to eight (8), would have a substantial negative effect on the residential character of a neighborhood.

C. The extent to which the proposed amendment will adversely affect adjacent properties.

Discussion: A registered home daycare or preschool request is currently reviewed as a Routine and Uncontested Matter. A Routine and Uncontested

Matter is a special exception to the Zoning Ordinance that the Board of Adjustment has delegated to Planning staff to be determined administratively. Applications for a residential home daycare or preschool must include proof of appropriate licensing from the state, where applicable, and signatures of approval from all abutting property owners. If Planning staff cannot approve a request for any reason, it is referred to the Board of Adjustment for consideration. All residential home daycare or preschools are subject to the provisions set forth in Chapter 21A.52 for home occupation special exceptions and the following specific standards:

1. The applicant resides at the home in which the business will be conducted;
2. 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;
3. 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;
4. 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;
5. The care and supervision of the children be conducted in a manner which is not a public nuisance to the neighborhood;
6. There shall be no advertising of such occupation, business or service, no window or other signs or displays;
7. No employees other than persons lawfully living in the dwelling;
8. No use of any accessory dwellings for daycare purposes; and
9. No play or yard equipment located in the front yard.

Furthermore, the benefit to implementing a more comprehensive regulatory scheme that includes business licensing is that the license is temporary and subject to annual review. Each time a license is up for renewal, the effect of the use on neighbors, and residential character can be reassessed.

Finding: The City's special exception process is intended to protect adjacent properties from potential adverse impacts and includes notification to adjacent property owners. The proposed text amendments will not have a negative impact on adjacent properties.

D. Whether the proposed amendment is consistent with the provisions of any applicable overlay zoning district which may impose additional standards.

Discussion: The proposed text amendment is not site specific, but would be inclusive to the requirements of underlying residential zoning districts and subject to meeting the specific standards listed above under **Standard C**.

Finding: The proposed text amendments meet this standard.

- E. **The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, storm water drainage systems, water supplies and wastewater and refuse collection.**

Discussion: All requests for registered home daycare or preschool uses would be reviewed through the Special Exception and business licensing process to ensure compliance with City Codes and policies.

Finding: All pertinent City Departments will review requests for registered home daycare and preschool uses to ensure adequacy of public facilities and services.

RECOMMENDATION:

Based upon the comments, analysis and findings in this report, Planning staff recommends that the Planning Commission recommend approval to the City Council to adopt the proposed text amendments.

Janice Lew
Principal Planner
March 15, 2006

Attachments:

Exhibit 1 – Proposed Text Amendments
Exhibit 2 – Departmental Comments
Exhibit 3 – Open House Notification and Comments

Exhibit 1

Proposed Text Amendments

Section 21A.62.040
Definitions

Daycare, Registered Home Daycare or Preschool: "Registered home daycare or preschool" 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) ~~six (6)~~, including the provider's own children under age seven (7).

Section 21A.36.130
Child Daycare

B. Registered Home Daycare Or Registered Home Preschool: A registered home daycare or registered home preschool as defined in part VI, chapter 21A.62 of this title, may be allowed as an accessory use in the 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-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU and RO districts as a home occupation special exception pursuant to the provisions of part V, chapter 21A.52 of this title. The permittee shall also obtain appropriate licensing where applicable from the state pursuant to the Utah Code Annotated, 1953.

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, ~~staff or volunteers~~; 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;
- c. Proof of appropriate licensing from the state, where applicable, or basis upon which exemption therefrom is claimed; and
- d. The names, addresses, and signatures of record property owners abutting the applicant's property and those across the street(s).

2. Standards: All residential home daycare or preschools shall be subject to the standards set forth in part V, chapter 21A.52 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 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 use of any accessory dwellings for daycare purposes; and

i. No play or yard equipment located in the front yard.

j. 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 J of section 21A.36.030 of this title.

Exhibit 2

Departmental Comments

Lew, Janice

From: Stewart, Brad
Sent: Wednesday, January 18, 2006 10:09 AM
To: Lew, Janice
Cc: Garcia, Peggy
Subject: RE: Home Daycare Ordinance
Categories: Program/Policy

Janice,

Public Utilities has no objection to proposed change.

Brad

From: Lew, Janice
Sent: Tuesday, January 17, 2006 5:15 PM
To: Butcher, Larry; Walsh, Barry; Stewart, Brad; Smith, Craig; Boskoff, Nancy; Pack, Russ; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed; Zunguze, Louis
Subject: Home Daycare Ordinance

The Planning Division is currently reviewing a request initiated by the City Council to amend the sections of the Zoning Ordinance relating to home daycare or preschools. Two actions were requested by the Council. The first is to change the current child home care group size limitation of six (6) to eight (8) children, to correspond with State Licensing standards. The second request is to require an annual business license for this type of home occupation.

Please send any comments you have regarding this request to me by Wednesday, February 1, 2006. If I do not receive any comments, I will assume your department has no objections to the request. If you have any questions, please contact me at 535-7625. Thank you.

2/14/2006

Lew, Janice

From: Walsh, Barry
Sent: Monday, January 23, 2006 5:54 PM
To: Lew, Janice
Cc: Young, Kevin; Smith, Craig; Stewart, Brad; Larson, Bradley; Butcher, Larry
Subject: RE: Home Daycare Ordinance
Categories: Program/Policy

January 23, 2006

Janice Lew, Planning

Re: Amend the sections of the Zoning Ordinance relating to home daycare or preschools from (6) to eight (8) children, to correspond with State Licensing standards. And to require an annual business license.

The division of transportation review comments and recommendations are for approval subject to the following:

The current ordinance (section below) addressing transportation issues and the public transportation corridors are not shown to be affected by the number of children or the licensing process.

Sincerely,

Barry Walsh

Cc Kevin Young, P.E.
 Craig Smith, Engineering
 Brad Stewart, Utilities
 Brad Larson, Fire
 Larry Butcher, Permits
 File

Sec 21A.36.130 Child Daycare

C. Child Daycare Center: A child daycare center as defined in part VI, chapter 21A.62 of this title, may be permitted as follows:

1. Permitted Use: A child daycare center is a permitted use in the RMF-75, R-MU-35, R-MU-45, R-MU, RB, RO, CN, CB, CC, CS, CSHBD, CG, D-1, D-2, D-3, M-1, I, UI, BP, RP, A, PL and PL-2 districts.

2. Conditional Use: A child daycare center may be allowed as a conditional use pursuant to the provisions of part V, chapter 21A.54 of this title, in the R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35 and RMF-45 districts.

a. Site Requirements:

i. Minimum Lot Size: Twenty thousand (20,000) square feet.

ii. 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.

iii. Rear Yard Playground Equipment: All outside playground equipment shall be located only in the rear yard.

iv. 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') 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 part. The size of the sign shall be determined as part of the conditional use approval.

2/14/2006

c. Prohibitions:

i. 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.

ii. 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.

iii. No Variances: The planning commission shall not approve a childcare conditional use pursuant to this section if the board of adjustment would be required to grant a variance from any zoning condition.

iv. 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 part V, chapter 21A.54 of this title, the following information:

i. 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;

ii. The hours and days of operation;

iii. The proposed signage; and

iv. The number, location and dimensions of any drop off or pick up areas for either private transportation or public transportation.

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

i. 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 drop off 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. 71-04 §§ 18, 19, 20, 2004: Ord. 73-02 § 7, 2002: Ord. 35-99 §§ 51, 52, 1999: Ord. 26-95 § 2(18-13), 1995)

From: Lew, Janice

Sent: Tuesday, January 17, 2006 5:15 PM

To: Butcher, Larry; Walsh, Barry; Stewart, Brad; Smith, Craig; Boskoff, Nancy; Pack, Russ; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed; Zunguze, Louis

Subject: Home Daycare Ordinance

The Planning Division is currently reviewing a request initiated by the City Council to amend the sections of the Zoning Ordinance relating to home daycare or preschools. Two actions were requested by the Council. The first is to change the current child home care group size limitation of six (6) to eight (8) children, to correspond with State Licensing standards. The second request is to require an annual business license for this type of home occupation.

Please send any comments you have regarding this request to me by Wednesday, February 1, 2006. If I do not receive any comments, I will assume your department has no objections to the request. If you have any questions, please contact me at 535-7625. Thank you.

Lew, Janice

From: Pack, Russ
Sent: Tuesday, January 17, 2006 7:55 PM
To: Lew, Janice
Subject: RE: Home Daycare Ordinance

Categories: Program/Policy

Janice,

The Airport Department does not have any comments.

Thank you,

Russ

-----Original Message-----

From: Lew, Janice
Sent: Tue 1/17/2006 5:14 PM
To: Butcher, Larry; Walsh, Barry; Stewart, Brad; Smith, Craig; Boskoff, Nancy; Pack, Russ; Clark, Luann; Dinse, Rick; Fluhart, Rocky; Graham, Rick; Harpst, Tim; Hooton, Leroy; McFarlane, Alison; Oka, Dave; Querry, Chuck; Rutan, Ed; Zunguze, Louis
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The Planning Division is currently reviewing a request initiated by the City Council to amend the sections of the Zoning Ordinance relating to home daycare or preschools. Two actions were requested by the Council. The first is to change the current child home care group size limitation of six (6) to eight (8) children, to correspond with State Licensing standards. The second request is to require an annual business license for this type of home occupation.

Please send any comments you have regarding this request to me by Wednesday, February 1, 2006. If I do not receive any comments, I will assume your department has no objections to the request. If you have any questions, please contact me at 535-7625. Thank you.

Exhibit 3

Open House Notification and Comments

**NOTICE OF OPEN HOUSE
SALT LAKE CITY PLANNING DIVISION**

January 30, 2006

An open house will be held to take public comment and answer questions regarding the two proposals as follows:

Petition 410-770 - Conditional Use Request to Operate a Used Car Sales Lot

Applicant, Jeffrey Keller, is requesting that the Salt Lake City Planning Commission grant conditional use approval to operate a used car sales lot located at 858 South State Street #3 in a Downtown Support District (D-2) Zoning District. The Open House is being held because input is required from multiple neighborhood community councils (Central City, Liberty Wells and People's Freeway).

Petition 400-06-03 - Proposed Revisions to the Zoning Ordinance Relating to Home Daycare and Preschools

The Planning Division is processing a request initiated by the Salt Lake City Council to amend sections of the Zoning Ordinance relating to registered home daycare or preschools. Two actions were requested by City Council. The first is to change the current child home care group size limitation of six (6) to eight (8) children, to correspond with State Licensing standards. The second request is to require an annual business license for this type of home occupation.

As part of our review, the Planning Division will hold a public open house to describe the requests and take your comments. Your comments will be analyzed by staff and included in a report to the Planning Commission. You are invited to attend the public open house to be held:

**WEDNESDAY, FEBRUARY 15, 2006
FROM 4:30 to 6:00 P.M.
ROOM 126
SALT LAKE CITY AND COUNTY BUILDING
451 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84111**

Since it is very difficult for us to inform all interested parties, please discuss these issues with your neighbors and inform them of the meeting.

Salt Lake City complies with all ADA guidelines. Assistive listening devices and interpretive services will be provided upon request 24 hours advance. If you have any questions on this issue, please contact Janice Lew at 535-7625, or by e-mail at janice.lew@slcgov.com. Only those comments received by March 1, 2006 will be included in the Planning Division's analysis. Thank you.

OPEN HOUSE

Petition to Revise the Zoning Ordinance Relating to Home Daycare and Preschools

ATTENDANCE ROLL

February 15, 2006

Please print clearly, as this information will be attached to the subsequent staff report. Thank you.

PRINT NAME <u>Anna M Reyes</u> ADDRESS <u>1258 So. Glendale St</u> ZIP CODE <u>84104</u>	PRINT NAME <u>Paula Barton</u> ADDRESS <u>4568 So. Highland Dr. #240</u> ZIP CODE <u>SLC, Ut. 84117</u>
PRINT NAME <u>Siphra Valli Abalos</u> ADDRESS <u>1144 West Lafayette Dr.</u> ZIP CODE <u>84116.</u>	PRINT NAME <u>Magdalena Graham</u> ADDRESS <u>3135 S. 600 E.</u> ZIP CODE <u>84106</u>
PRINT NAME <u>Claudia A. Lamas.</u> ADDRESS <u>313 E. 3rd. Ave. #11 SLC, UT</u> ZIP CODE <u>84103.</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____
PRINT NAME <u>Wendee Pippy ^{State CC} Licensing</u> ADDRESS <u>PO Box 142003</u> ZIP CODE <u>SLC Ut 84114-2003</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____
PRINT NAME <u>Donna Thomas</u> ADDRESS <u>PO Box 142003</u> ZIP CODE <u>SLC, UT 84114-2003</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____
PRINT NAME <u>Chris Bracy</u> ADDRESS <u>124 S. 400 E #400</u> ZIP CODE <u>SLC UT 84111</u>	PRINT NAME _____ ADDRESS _____ ZIP CODE _____

OPEN HOUSE COMMENTS
Petition to Revise the Zoning Ordinance Relating to Home
Daycare and Preschools
February 15, 2006

Please provide us with the following information, so that we may contact you for further comment. Please print clearly, as this information will be forwarded to the Planning Commission. Thank you.

Name Magdalena Graham.

Address 3135 S. 600 E.

SLC UT. 84106

Phone (801) 463-7754

email _____

Please provide comments below.

I'm a daycare provider, I live in South Salt Lake City, the state low my rate (capacity) what if a have a big space to take care more than 6 or 8 kids? I think the state and the city has to give opportunity to the daycare provider in this area and not only in west valley or, west Jordan. allow to have a family child care, I think you need to considerate other things (space, experience, etc).

OPEN HOUSE COMMENTS
Petition to Revise the Zoning Ordinance Relating to Home
Daycare and Preschools
February 15, 2006

Please provide us with the following information, so that we may contact you for further comment. Please print clearly, as this information will be forwarded to the Planning Commission. Thank you.

Name Claudia A. Lamas

Address 313. East 3rd. Avenue #11, S.L.C,
Utah. 84103.

Phone (801) 355-58-35

email claudiaromero50@hotmail.com

Please provide comments below.

I am for the proposed
changes. Also I thing
~~we~~ we need family Day Care
Group up to 16 children
Because the community need it.
Because the neighbors need more
provider over the avenues.
(not licensed)
Try. please!

OPEN HOUSE COMMENTS
Petition to Revise the Zoning Ordinance Relating to Home
Daycare and Preschools
February 15, 2006

Please provide us with the following information, so that we may contact you for further comment. Please print clearly, as this information will be forwarded to the Planning Commission. Thank you.

Name Sylvia Valli Abalos

Address 1144 West Lafayette Dr
SLC. UT 84116

Phone 801-355-7405

email sabalos@slcpl.org

Please provide comments below.

I am for the proposed
Changes.

We need family group
child care. If the
neighbors say it would
be OK would the city
make allowances?

Family group is up to 16 children
w/ 2 caregivers

OPEN HOUSE COMMENTS
Petition to Revise the Zoning Ordinance Relating to Home
Daycare and Preschools
February 15, 2006

Please provide us with the following information, so that we may contact you for further comment. Please print clearly, as this information will be forwarded to the Planning Commission. Thank you.

Name Anna Reyes

Address 1258 S. Glendale St

Phone 975-0623

email _____

Please provide comments below.

I am a child day care provider
I am in charge of 6 to 8 children.
For Home Day Care, I've been Licensed
for 14 years. I've never had any problems.
All parents are fine with it, they don't want
to leave.

OPEN HOUSE COMMENTS
Petition to Revise the Zoning Ordinance Relating to Home
Daycare and Preschools
February 15, 2006

Please provide us with the following information, so that we may contact you for further comment. Please print clearly, as this information will be forwarded to the Planning Commission. Thank you.

Name Wendee Pippy
Address PO BOX 142003
288 NO. 1460 W.
SUITE 841W-2003
Phone 538-6322
email wpippy@utah.gov

Please provide comments below.

Here as a representative
of child care licensing.
We are in favor of this
change.

OPEN HOUSE COMMENTS
Petition to Revise the Zoning Ordinance Relating to Home
Daycare and Preschools
February 15, 2006

Please provide us with the following information, so that we may contact you for further comment. Please print clearly, as this information will be forwarded to the Planning Commission. Thank you.

Name Donna Thomas
Address Bureau of Child Care Licensing
288 N 1460 W PO Box 142003
SLC 84114
Phone 538-9294
email donna.thomas@utah.gov

Please provide comments below.

As a representative of Child Care Licensing
we are in favor of this change.

OPEN HOUSE COMMENTS
Petition to Revise the Zoning Ordinance Relating to Home
Daycare and Preschools
February 15, 2006

Please provide us with the following information, so that we may contact you for further comment. Please print clearly, as this information will be forwarded to the Planning Commission. Thank you.

Name Chris Bracy
Address ~~226 W. 400 E. #400~~
CCRE-Metro
124 South 400 E #400
Salt Lake City, UT 84101
Phone 326-4380
email Chris@cssutah.org

Please provide comments below.

I am for the proposed changes

Exhibit 5c
PLANNING COMMISSION
March 22, 2006 Agenda/Minutes

**AGENDA FOR THE
SALT LAKE CITY PLANNING COMMISSION MEETING
In Room 326 of the City & County Building at 451 South State Street
Wednesday, March 22, 2006, at 5:45 p.m.**

Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m., in Room 126. During the dinner, Staff may share general planning information with the Planning Commission. This portion of the meeting is open to the public for observation.

- 1. APPROVAL OF MINUTES from Wednesday, March 8, 2006.**
- 2. REPORT OF THE CHAIR AND VICE CHAIR**
- 3. REPORT OF THE DIRECTOR**
- 4. PUBLIC NOTICE AGENDA Salt Lake City Property Conveyance Matters**

Projects within Salt Lake City:

- a) Salt Lake City Property Management and New Cingular Wireless PCS, LLC—Cingular Wireless is requesting that Property Management approve a site lease agreement to allow a portion of the City-owned street right-of-way to be used to install underground power and signal cables connecting a utility pole-mounted cellular telephone antenna installation within the public way to a remote site equipment shelter to be constructed in the rear yard area on an neighboring property at approximately 1314 South 1100 East Street. The property is located within Salt Lake City and the adjacent properties are zoned Neighborhood Commercial (CN) and Residential/Business (RB). Property Management staff intends to approve the site lease request.
- b) Salt Lake City Public Utilities Department and Freeport West Development—Freeport West is requesting that Public Utilities approve a new standard use permit to allow the re-routing of the Ridgeland Irrigation Canal (not City owned) to cross the City owned easement for the Lee Drain (storm water drain) at a new location located at approximately 4898 West California Avenue. Adjacent property is zoned Light Industrial (M-1). The Public Utilities staff intends to approve the standard use permit as requested.

Projects outside of Salt Lake City:

- c) Salt Lake Public Utilities Division and UTOPIA DBA Murray City—UTOPIA is requesting that Public Utilities issue a standard utility permit to allow installation of overhead telecommunications cables over the Salt Lake and Jordan Canal property located at approximately 700 East and I-215 within the boundaries of Midvale City. The Public Utilities staff intends to approve the utility permit request.
- d) Salt Lake City Public Utilities Division and the Utah Telecommunications Open Infrastructure Agency—Utah Telecommunications Agency is requesting that Public Utilities issue a standard utility permit to allow installation of telecommunications cables to cross Salt Lake City-owned canal property, at approximately 930 East South Union Avenue, in Midvale City. The Public Utilities staff intends to approve the utility permit request.
- e) Salt Lake City Public Utilities Department and Mr. Alonzo A. Hinckley—Mr. Hinckley is requesting that Public Utilities issue a standard use permit to allow him to continue gardening and maintaining landscaping on a small portion of Public Utilities owned property adjacent to the rear of 4471 Camille Drive in Holladay City. The Public Utilities staff intends to approve the standard use permit request.
- f) Salt Lake City Public Utilities Department and Donna and Graham Doxey—The Doxeyes are requesting that Public Utilities vacate an existing right-of-way for the Big Cottonwood Conduit which impacts the rear of their property located at 6320 South Canyon Cove Drive in un-incorporated Salt Lake County. The conduit right-of-way is no longer needed because the conduit was relocated during the 1980s into Wasatch Drive. The Public Utilities staff intends to vacate the right-of-way in favor of the Doxeyes, subject to compensation at fair market value, as requested.

- g) Salt Lake Public Utilities Department and Norine Kauztman and Doug Burnett—Ms. Kauztman and Mr. Burnett are requesting that Public Utilities approve a renewal permit to a previously granted standard use permit, which grants access rights over a Public Utilities owned access road right-of-way, to benefit the property located at approximately 6456 South Crest Mount Drive, in un-incorporated Salt Lake County. The Public Utilities staff intends to approve the access renewal permit request.
- h) Salt Lake City Public Utilities Department and Mr. Marv Thomas—Mr. Thomas is requesting that Public Utilities approve a bridge, utility and access permit in favor of the purchasers of her property, located at approximately 2825 North Rose Park Lane, at an existing bridge crossing which was constructed by Salt Lake County over the City Drain (storm water drain) canal, in un-incorporated Salt Lake County. The existing bridge structure provides access to the property owned by Mr. Thomas. The Public Utilities staff intends to approve the bridge, utility and access permit as requested.

5. PUBLIC HEARINGS

- a) **Petition 400-06-01** — A request by the Salt Lake City Planning Commission to amend provisions of the zoning ordinance to allow tandem parking. This petition would allow for limited parking, one (1) space, in a tandem configuration in the front and corner side yards for new and existing single-family residential development and said space can be included in the required parking calculation for the proposed residential use. (Staff – Lex Traughber at 535-6184 or lex.traughber@slcgov.com).
-  b) **Petition No. 400-06-03** — A legislative action item initiated by the City Council requesting revisions to the Zoning Ordinance relating to registered home daycare and preschools. Two actions were requested by the City Council; to change the current child home care group size limitation of six (6) to eight (8) children; to correspond with State Licensing standards. The second request is to require an annual business license for this type of home occupation. (Staff – Janice Lew at 535-7625 or janice.lew@slcgov.com).
- c) **Petition 410-770** — A request initiated by Jeffrey Keller for conditional use approval to operate a used car sales lot at 853 South State Street #3 in a Downtown Support (D-2) zoning district. (Staff – Janice Lew at 535-7625 or janice.lew@slcgov.com).
- d) **Petition 400-05-02** — A request initiated by the Salt Lake City Council to amend provisions of Chapter 21A.46 of the Salt Lake City Zoning Ordinance regarding portable signs which are often referred to as "A-frame" signs. The proposed amendments would limit the distance that portable signs could be located from an advertising business. (Staff – Joel Paterson at 535-6141 or joel.paterson@slcgov.com).

6. UNFINISHED BUSINESS

The next scheduled Planning Commission meeting will be April 12, 2006. This information can be accessed at www.slcgov.com/CED/planning.

**SALT LAKE CITY
PLANNING COMMISSION MEETING
In Room 326 of the City & County Building
451 South State Street, Salt Lake City, Utah
Wednesday, March 22, 2006**

Present for the Planning Commission were Laurie Noda (Chairperson), Tim Chambless, Babs De Lay, John Diamond, Robert Forbis Jr., Peggy McDonough (Vice Chairperson), Prescott Muir, and Kathy Scott. Craig Galli and Jennifer Seelig were excused from the meeting.

Present from the Planning Division were Alexander Ikefuna, Planning Director; Doug Wheelwright, Deputy Planning Director; Joel Paterson, Planning Programs Supervisor; Janice Lew, Principal Planner; Lex Traugher, Principal Planner; and Cindy Rockwood, Planning Commission Secretary.

A roll is being kept of all who attended the Planning Commission Meeting. Chairperson Noda called the meeting to order at 5:46 p.m. Minutes are presented in agenda order and not necessarily as cases were heard by the Planning Commission. Audio recordings of Planning Commission meetings are retained in the Planning Office for an indefinite period of time.

A field trip was held prior to the meeting. Planning Commissioners present were Tim Chambless, Laurie Noda and Kathy Scott. Planning Division Staff present were Doug Wheelwright, Joel Paterson, Janice Lew, and Lex Traugher.

Petition No. 400-06-03 — A legislative action item initiated by the City Council requesting revisions to the Zoning Ordinance relating to registered home daycare and preschools. Two actions were requested by the City Council; to change the current child home care group size limitation of six (6) to eight (8) children to correspond with State Licensing standards. The second request is to require an annual business license for this type of home occupation.

(This item was heard at 6:39 p.m.)

Chairperson Noda recognized Janice Lew, Principal Planner, on behalf of Planning Staff.

Ms. Lew provided a background and synopsis of the petition. She stated that the proposed text amendments would change the group size limitation from six to eight, to coincide with State Licensing, and would require a current business license.

Ms. Lew stated that, in review of the request, Staff is recommending that the Planning Commission forward a favorable recommendation to the City Council.

Commissioner McDonough requested further information regarding the requirement for the size of the home. Ms. Lew stated that when applying for state licensing, the size of the home is a consideration, but not for the City's home daycare review.

Chairperson Noda requested comments from the public.

Chris Bray, Director of Child Care Resource and Referral Metro of Salt Lake, presented a brief history of the reasoning for changing the maximum capacity. The eight children capacity has been in place for over three years, but not heavily enforced until recently. Approximately 1200 home daycare facilities are located within the database of the Resource and Referral Metro and many have difficulty removing family members from their home daycare facility.

Planning Commission Meeting, March 22, 2006

Commissioner Chambless requested a number for how many licensed, residential certified were present in the City.

Ms. Bray stated 200-300 facilities as a ballpark figure for those found within the City. She stated that daycare professions are paid very low, but remain in high demand. She stated concern that an annual City license could cause a burden on the cost of the daycare facility. She mentioned that a family group home is considered, because it would provide one employee to be hired in the facility to better provide for the children. Ms. Bray noted that a national study concluded that the ratio of illegal to legal daycare facilities is three to one.

Commissioner Diamond requested information about the transportation safety of the home.

Ms. Bray responded that generally more than one child arrives at a time in one vehicle. The hours of the provider vary and transportation is not considered heavily with relation to the change in maximum capacity.

At 6:51 p.m., Chairperson Noda closed the Public Hearing and the Planning Commission entered Executive Session.

Based upon the comments and findings in the Staff Report, Commissioner De Lay made a motion that the Planning Commission recommend approval to the City Council to adopt the proposed text amendments. The motion was seconded by Commissioner Scott. All voted "Aye". The motion passed.

Exhibit 6
ORIGINAL PETITION

MEMORANDUM

To: City Council Members
From: Council Members Carlton Christensen and Jill Remington Love
Re: Legislative Action to amend the City's regulations on home day care businesses
Date: December 9, 2005
CC: Rocky Fluhart, Louis Zunguze, Alex Ikefuna, Janice Lew, Kevin LoPiccolo, Orion Goff, Larry Butcher, Diana Karrenberg, Barry Esham, Annette Daley, Gwen Springmeyer

We would appreciate the Council's support in adopting a Legislative Action to ask the Administration to amend sections of the City's Code that pertain to home day care operations.

SUMMARY

This request came about due to requests by various day care providers and representatives of day care support organizations. The requested amendments would make the City Code consistent with the current State certification and laws. While the City is allowed to have different regulations than the State, these changes would make it easier for the day care providers and the state inspectors. (The State regulations changed several years ago, before which the City and State were the same. When the State's rules changed, the City's did not.)

This Legislative Action would also include an amendment to require an annual business license for a home day care business, so that it is consistent with City regulations of other home occupations.

KEY ELEMENTS

- Numbers of children
 - The State currently allows one caregiver to care for up to eight children.
 - Under the State limits, the caregiver must include their own children under the age of 12.
 - Under the State limits, if there are more than two children under the age of two, then an additional caregiver is required.
 - The City limits the number of children to six.
 - Under the City Code, if there are more than six children, then the City code would require an additional caregiver.
This Legislative Action would request that these limits be amended to be consistent with State limits.
 - Under the City Code, employees not lawfully living at the home are not permitted. (Section 21A.36.030 (H)(4) "The home occupation work

1 Kern:

FII

At

1/9/06

ROCKY J. FLUHART
CHIEF ADMINISTRATIVE OFFICER

SALT LAKE CITY CORPORATION

DEPARTMENT OF MANAGEMENT SERVICES
CITY RECORDER

ROSS C. "ROCKY" ANDERSON
MAYOR

Date: January 9, 2006

To: Louis Zunguze, Community Development Director
Alex Ikefuna, Planning Director

From:  Chris Meeker, Deputy City Recorder

RE: FYI, Legislative Action

On January 3, 2006 the City Council voted to adopt a Legislative Action requesting amendment to sections of the Salt Lake City Code, Section 21A.36.130 pertaining to home day care operations.

Petition No. 400-06-03

By City Council

Is requesting a Legislative Action to
amend a section of the Salt Lake City
Code, Section 21A.36.130 pertaining
to home day care operations.

Date Filed _____

Address _____