

ORDINANCE NO: O-2022-23

AN ORDINANCE OF THE HIGHLAND CITY COUNCIL AMENDING SEVERAL SECTIONS OF THE HIGHLAND CITY DEVELOPMENT CODE AND THE HIGHLAND CITY MUNICIPAL CODE RELATING TO DAYCARES, PRESCHOOLS, AND IN-HOME INSTRUCTION AS SHOWN IN FILENAME TA- 22-15.

WHEREAS, all due and proper notices of public hearings and public meetings on this Ordinance held before the Highland City Planning Commission (the "Commission") and the Highland City Council (the "City Council") were given in the time, form, substance and manner provided by Utah Code Section 10-9a-205; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance on October 25, 2022 and

WHEREAS, the City Council held a public hearing on this Ordinance on November 1, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE Highland City Council as follows:

SECTION 1: **ADOPTION** Several sections of the Development Code are hereby amended as shown on "Exhibit A" attached hereto and incorporated herein.

SECTION 2: **ADOPTION** Section 5.08.050 in the Municipal Code is hereby amended as shown on "Exhibit B" attached hereto and incorporated herein.

SECTION 3: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.


SECTION 4: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 5: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from December 6, 2022 and after the required approval and publication according to law.

PASSED AND ADOPTED by the Highland City Council, December 6, 2022

HIGHLAND CITY, UTAH




Kurt Ostler
Highland City Mayor

ATTEST:



Stephannie Cottle
Highland City Recorder

COUNCIL MEMBER	YES	NO
Timothy A. Ball	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brittney P. Bills	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sarah D. Petersen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kim Rodela	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott L. Smith	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXHIBIT A
Development Code

R-1-40

3-4102 Permitted Uses

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16. Home Occupations please refer to Article 6, Section 3-614, Supplementary Regulations.

17. Daycares accessory to a single-family dwelling.

- a. All Home Occupation regulations found in Article 6 Supplementary Regulations are required, except that employed caregivers associated with the Daycare are not required to be bona fide residents of the home.
 - i. One (1) off street parking space is required for each employed caregiver that does not live in the home.
- b. All daycares must receive applicable licensing from the Utah Department of Health and Human Services. A copy of this license must be submitted to the City.
- c. All daycares must provide a traffic flow and parking plan to be approved by City staff.

18. In-home instruction (includes preschools) accessory to a single-family dwelling.

- a. All Home Occupation regulations in Article 6 Supplementary Regulations are required, except that employed teachers or instructors associated with the in-home instruction are not required to be bona fide residents of the home.
 - i. One (1) off street parking space is required for each employed teacher or instructor that does not live in the home.
- b. All in-home instruction must provide a traffic flow and parking plan to be approved by City Staff.
- c. A background check is required for teachers or instructors of preschools.

R-1-20

3-4202 Permitted Uses

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14. Home Occupations please refer to Article 6, Section 3-614, Supplementary Regulations.

15. Daycares, preschools, or in-home instruction; please refer to Section 3-4102(17) and Section 3-4102(18) in this Code.

R-1-30

3-4252 Permitted Uses

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15. Daycares, preschools, or in-home instruction; please refer to Section 3-4102(17) and Section 3-4102(18) in this Code.

R-P Zone (Residential Professional)

Preschools and Daycares are already permitted conditional uses in this zone

Professional Office (“P.O.”)

3-4902 Conditional Uses

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4. Other types of Professional Services including but not limited to: information technology services, marketing, travel and employment agencies, journalists, collection agencies, educational services, daycares, music studios, photography studios, churches, colleges & schools (academic, pre-schools, special education, indoor instruction only).

Supplementary Regulations

3-614 Home Occupations

Any person desiring a home-occupation permit, as provided in this Section, shall file an application with the City Treasurer. For preschools, daycares, or in-home instruction requirements, refer to permitted uses and associated regulations in the applicable residential zone.

Definitions

10-102 Definitions

16. Daycare. The care and supervision of children, other than children related to the adult resident(s) of a residential property, which care and supervision is in place of care ordinarily provided by a parent in the parent's home, for less than 24 hours a day, and for direct or indirect compensation.

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34. Home Occupation. Any occupation conducted within a dwelling and carried on by persons residing in the dwelling. Any use conducted entirely within a building and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A business license does not automatically grant the privilege of conducting a business in a residential dwelling unit.

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36. In-home instruction. The provision of classes, lessons, training, practice, and other organized instruction in fields such as, but not limited to, dance, music, art, swimming, fitness, health, school

subjects, or other similar subjects, offered within a residence to people, including children, who do not live at the residence. Includes in-home preschools.

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55. Preschool. An early childhood program that provides education and care to pre-elementary school aged children that emphasizes learning and development rather than daycare services.

*Numbering in 10-102 Definitions will be adjusted accordingly.

EXHIBIT B

Municipal Code

Chapter 5.08 Home Occupation Licenses

5.08.050 Conditions

As a prerequisite to the issuance of a home occupation license, conditions must be observed at all times by the licensee and the licensee shall comply with the following:

1. Only bona fide residents of the premises, as defined by the city zoning ordinance, shall be employed by the licensee.
2. The home occupation shall not physically change the dwelling to the extent that it would alter the residential character or appearance of the dwelling or neighborhood.
3. The home occupation shall be conducted wholly within a structure on the premises and shall not exceed twenty-five percent of the total main floor area of the residential structure; nor in the alternative, more than fifty percent of the total floor area of any attached garage wherein the license activity is conducted. The home occupation shall not involve the use of any accessory building or yard space for storage, nor shall any activities be conducted outside the building.
4. The home occupation shall not display nor create outside the building any external evidence of the operation of the home occupation.
5. No display of any kind shall be visible from the exterior of the premises.
6. All maintenance or service vehicles and equipment, or any vehicle bearing any advertising related to the home occupation or any other similar vehicle shall be garaged or stored entirely within a building or structure, or entirely behind the dwelling, out of view of the street.
7. The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.
8. There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all state and city laws and ordinances.
9. The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.
10. The home occupation shall not be associated with, or produce odor, fumes, light, glare, color, design, materials, construction, lighting, sounds, noises, or vibrations or other nuisances including radio and television reception that may be discernable beyond the premises or unreasonably disturb the peace and quiet of the neighborhood.
11. Any special condition established by the city council and made of record in the home occupation license, as they deem necessary to carry out the intent of this section shall be met.
12. All home occupation licenses shall expire annually on June 30th, and may be renewed annually provided there have been no reported violations, complaints, or detrimental characteristics which may, in the opinion of the city council or city zoning administrator, require termination of such occupation.
- ~~12.~~13. Daycares, preschools, and in-home instruction are subject to additional regulations under the Highland City Development Code.