

**TO:** Mayor Shepherd, City Council, and Executive Staff

**FROM:** Stacy Millgate  
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**MEETING DATE:** October 14, 2014

**SUBJECT:** Public Hearing, Discussion and Possible Action on **ZTA 1409-0006** Zoning Text Amendment to Title 11 Chapter 13 Supplementary Regulations, to establish standards for home daycares and preschools as permitted uses within residential zones. This zoning text amendment would be effective across all Residential Zones in Clearfield City.

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## RECOMMENDATION

1. Hold Public Hearing as noticed.
2. Consider amended language provided by staff.
3. Move to Approve Ordinance No. **XXXXXXX** approving **ZTA 1409-0006**, an amendment to Title 11, Chapter 8, Chapter 9, and Chapter 13 to establish standards for home daycares and preschools as permitted uses within residential zones based on the findings and discussion in the Staff Report.

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## ANALYSIS

Clearfield City Planning Commission discussed the Zoning Text Amendment on August 6, 2014 and September 10, 2014. A public hearing was held on October 1, 2014, where the Planning Commission took action making a **recommendation for approval of ZTA 1409-0006 based on discussion and findings in the staff report.**

### Background

Currently, the review body for all Conditional Use Permits is the Planning Commission. While the requirement to bring all Conditional Use Permits to the Planning Commission has helped drive quality standards, it can become a time burden on the Planning Commission to review very minor items that are required based on the current procedures. Also, from the applicant's perspective waiting for the Planning Commission to review what seems to be a very minor or insignificant project can be frustrating. During a discussion, held by the Planning Commission, on August 6, 2014 and September 10, 2014, language was to be created and brought before the commissioner's for their review and recommendations. A public hearing was held on October 1, 2014, where the drafted language was presented to and approved by the Planning Commission.

### Proposed Changes

Staff is proposing a change to the Agriculture and Residential sections of the City Code, which would change the classification of home daycares and preschools from a conditional use to a permitted use within Title 11, Chapter 8 and Chapter 9 Residential Zones. As part of this

change, language would be adopted and codified in Title 11, Chapter 13 Supplementary Regulations, to require additional documents be submitted for obtaining approval for this particular type of business.

**Proposed Ordinance Changes/Additions**

Staff would propose the following additions and amendments to Title 11, Chapter 8 & Chapter 9 Residential Zones and Chapter 13 Supplementary Regulations

**Title 11, Chapter 8 and Chapter 9**  
RESIDENTIAL ZONES **(AMENDED LANGUAGE)**

The amendments include reclassifying “Daycares, residential” and “Preschools, residential” from a Conditional Use to a Permitted Use within the A-1, A-2, R-1-9, R-1-8, R-1-6, R-2, R-3 and R-1-Open zones. (Currently these types of businesses are not allowed in the R-M zone and amendments to this zone are not being requested at this time.)

**Title 11, Chapter 13**  
SUPPLEMENTARY REGULATIONS **(NEW LANGUAGE TO BE ADDED)**

11-13-32: RESIDENTIAL DAYCARES AND PRESCHOOLS:

- A. *Drop-off/Pick-up Plans: Applicant shall submit a drop-off and pick-up schedule, subject to the approval by the City Zoning Administrator, with staggered times proposed in order to mitigate traffic impacts. If applicant is requesting approval for a home preschool, that holds more than one class per day, the ending time of the first class to the beginning time of the second class shall be scheduled at least one hour apart, to prevent overlapping times of pick-up and drop-off of students.*
- B. *Traffic Flow: Applicant shall submit a copy of the traffic flow plan, subject to approval by the City Zoning Administrator.*
- C. *Outdoor Environment: There shall be an outdoor play area for children that is safely accessible to children. Enclosed and installed to the satisfaction of State of Utah Licensing Division.*
- D. *If the Zoning Administrator determines that an application needs further interpretation, he may request planning commission review of the approval.*

**Public Comment**

No public comment has been received to date.

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**FINDINGS**

**Zoning Ordinance Text Amendment**

Clearfield Land Use Ordinance Section §11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. The findings and staff’s evaluation are outlined below:

<b>Review Consideration</b>	<b>Staff Analysis</b>
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1)	The proposed amendment is in accordance with the General Plan and Map; or	The proposed text amendment is consistent with the goals and policies of the Land Use Element of the City's General Plan. It will assist in streamlining the review and approval process for these types of businesses, while maintain necessary standards.
2)	Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	Staff requests these changes to help streamline the review and approval process for these types of businesses.