

**TAYLORSVILLE CITY COUNCIL  
AGENDA ITEM SUMMARY**

**MEETING DATE:** October 16, 2013

**AGENDA ITEM:** Public Hearing - Ordinance #13-25 for a proposed amendment to Sections 13-11-04, 13-36-05, and 13-36-09 of the Taylorsville Land Development Code regarding the number of children allowed in a home daycare

**PRESENTER:** MARK MCGRATH

**AUTHOR:** MICHAEL MELDRUM

**ISSUE SUMMARY:**

The applicant is seeking a text amendment that would increase the number of children allowed in a home occupation child daycare from 12 to 16. Information provided on the application states: "The State of Utah licenses group family childcare providers to a ratio of 16 children to two providers if the space allows it. Here in Taylorsville, Utah the City limits us to a max of 12 children to two providers on our business license. We would like to change the code to 16."

The applicant has provided documentation to support her request to amend the zoning ordinance in regards to the number of children allowed in a home occupation child daycare. As stated above the request is to increase the number of children allowed in such a child daycare from 12 to 16. Please see the attached documents provided by the applicant that contain a series of questions and answers.

As proposed by the applicant, Section 13-11-04H. would state: "Home preschools shall allow no more than twelve (~~12~~16) children per preschool session. Home preschool sessions shall be limited to no more than four (4) hours and preschool sessions shall be limited to two (2) per weekday. Instructor licensing and curriculum requirements shall comply with the requirements of the state of Utah."

The applicant proposes that Section 13-36-05 be amended to read: **Day Care, Group** - An establishment for the care and/or instruction, whether or not for compensation, of more than ~~12~~16 children at any one time. Child nurseries and pre-school facilities are included in this definition.

The applicant proposes that Section 13-36-09 be amended to read: **Family Childcare Class D3** - A class D home occupation that provides caregiver services for nine (9) to twelve (~~12~~16) children with sufficient staffing required by the state of Utah health department. This number includes the caregiver's own children under the age of six (6) who are not yet in full day school.

While the State of Utah does currently allow for up to 16 children in a home child daycare it does not require that individual city ordinances contain the same provisions. In the applicant's documents there are only three cities that have increased capacity to 16 children. Information provided by the Utah Department of Health, Child Care Licensing clearly states:

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“City or County requirements may allow fewer children in care than Child Care Licensing rules. Providers are required to follow the most strict requirements.”

According to Section 13-11-04, the purpose of home occupations is to:

1. Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location.
2. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
3. Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.
4. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the business license regulations of the applicable ordinances, and if necessary, terminate home occupations if violations of the ordinances regulating home occupations occur.

The intent of a home occupation, then, is to have an accessory business so that there is a minimum of impact to a neighborhood.

The applicant indicates that if the number of children were allowed to increase from 12 to 16 that there would be an additional 4 vehicle trips. This is an average number and will vary from provider to provider. City Ordinances are established with a broad scope because of the varied number of situations and circumstances. Not all neighborhoods have the same demographics. What might work in one neighborhood may not work in another. For example, a few additional cars on Canal Road would be noticeable, but on Redwood Road it would not.

Staff concurs with the applicants' assessment of how to curtail noise and the potential impact it may cause on neighbors; however, the burden of monitoring this will fall on the providers.

In the supplementary letter provided by the applicant the amount of outdoor space required per child is stated as 40. Section 13-11-04 H. 2. a. states that “the outdoor play area shall consist of a minimum of eighty (80) square feet in area per child.” Therefore the additional square footage if the number of children is increased to 16 would be 320 square feet. The total outdoor square foot required for 12 children is 960 square feet and for 16 children the amount is 1,280 square feet. The indoor requirement per child continues to be 35 square feet. The amount of indoor space required for 12 children is 420 square feet and for 16 children the amount is 560 square feet.

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The applicant indicates in her response to question 12 that “most Family Group providers with a capacity of 12 rely on extended family members for help because they cannot afford to pay an employee.” The response continues “in our calculations, it costs the tuition of at least 5 children to pay an employee, as well as their taxes and insurances”. If that is the case then the provider should be able to pay an employee with a minimum of ten (10) children enrolled and therefore there is no need to increase the number of children allowed.

**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission voted 4-3 to forward a negative recommendation to the City Council to amend Sections 13-11-04, 13-36-05, 13-36-09 of the Taylorsville Land Development Code based on not being compliant with the intent of a home occupation to have as little impact as possible on neighboring properties.

**STAFF RECOMMENDATION:**

Staff concurs with the recommendation from the Planning Commission to deny the request due to the potential negative impact that granting the text amendment could have on neighboring properties.

Taylorsville City Hall  
2600 West Taylorsville Boulevard  
Taylorsville, UT 84118

Attn: Taylorsville City

We, as a collective group, hereby request that Taylorsville City change the maximum number of children attending a Family Group child care home from 12 to 16 in accordance to the allowed capacity by the State of Utah.

The effected Taylorsville Zoning Text Code is **13A-36-Definitions**.

**Daycare, Child** - *An establishment for the care and/or instruction, whether or not for compensation, of 12 or fewer children at any one time. Child nurseries and overnight child are included in this definition.*

**Family Childcare Class D3** - *A class D home occupation that provides caregiver services for nine (9) to twelve (12) children with sufficient staffing required by the state of Utah health department. This number includes the caregiver's own children under the age of six (6) who are not yet in full day school.*

Attached to this letter are Questions and Answers to possible concerns that this rule change could have or how it would impact our neighbors.

We want to add that significant research has provided evidence that warm, loving, home-like settings are natural environments for children during early childhood. We provide parents with the peace of mind that their child is safe, protected and well cared for. We offer affordable, child care with the comfort of home and provide a consistent caregiver throughout the years. Home childcare is the preferred choice for many parents.

***We care for multi-aged groups of children allowing siblings to stay together in a family group.*** This allows children to remain with one caregiver for many years, creating positive attachment, loving family trust, and security. This is something that a large, commercial, child care facility cannot duplicate. Children in a large facility are separated by age group. This does not allow siblings to be together, and **keeping families together is our forte.**

We abide by the high standard set forth by the State of Utah, and adhere to these standards with pride. As noted in the attachments the demand for affordable childcare has increased and we would like not only to employ qualified childcare professionals, but also help families by welcoming their children into our safe and friendly homes.

Kindest Regards,

Your Taylorsville City Family childcare providers.

### **1. Are there other cities that have the 16 children capacity?**

Yes, just recently Sandy City changed there capacity level to 16 in 2012. (*Ruling Ordinance included*)

Syracuse (*Ruling Ordinance Included*)

West Jordan changed to 16 (*Ruling Ordinance included*)

### **2. What effect would there be to increased traffic?**

Taylorsville City has already approved the Family group childcare capacity for 12 children. In Family Child Care, this averages to about 14 vehicle stops per day because multiple children arrive in one car with varied drop-off and pick up times. With the increase capacity for 16 this number would only increase by 4.

### **3. Is there increased noise level?**

The children enjoy outside play time and learning about nature. We take pleasure in the laughter and fun of children playing, but understand some neighbors may not. We teach our children to respect our neighbors. With 2 providers we can limit the noise level by splitting up the children into two groups, so all the children are not outside at once. Children are supervised (State of Utah Rule) outside for an hour in the morning, (*no earlier than 9:30 am*) and another hour in the afternoon (*weather permitting*) giving our neighbors the respect they deserve.

### **4. Is there really a need for more childcare?**

According to the Child Care Resource and Referral program of Utah, the referral request of families in need for childcare with in the Taylorsville area for the year 2012 totaled 63. We receive so many calls, but have to turn away prospective families at this time due to the restriction. Experienced, high demand, quality child care providers create a waiting list, but most families need immediate childcare and can't wait for an opening.

### **5. What is the cost to families?**

The cost of high overhead, commercial center based childcare, ranges between \$30 to \$40 a day!! (\$800 per month) Because we provide childcare in our homes, we are much more affordable. We want to stress that the need for more affordable childcare has increased immensely over the last few years, a need we can fill by increasing our capacity to the State of Utah's Standard.

## 6. How many home childcare businesses are there in the city of Taylorsville?

There are a total of 26 different home childcare providers licensed by the State of Utah in the City of Taylorsville, 11 of which are Family Group Providers with a license capacity of 12. Not all providers want to increase their limits, since they are happy with 8 children by themselves. Out of all 26 providers there are currently 9 who expressed their interest in increasing their capacity to more children.

## 7. Will the quality of child care go down with the increased capacity?

The existing standard set by both the City of Taylorsville and the State of Utah for one provider is 8 children to 1 provider. Increasing to 16 children with 2 providers would provide the same standard quality of care. We are more than capable of caring for 16 children with 2 caregivers.

## 8. What are the State Rules and Regulations?

We've attached the state Licensing Rule R 430-90-11, and highlighted the pertinent details regarding supervision and Ratio's. The rules stipulate the requirements to be followed in order to become and stay licensed as well as the outlined ratios. *A Child Care State representative - Donna Thomas can be contacted at (801) 237-6617, and will also be present at the Agenda to address any questions or concerns about Utah Child Care Licensing Rules and Regulations.*

## 9. What inspections and monitoring are there for Family childcare providers?

- The State of Utah performs a yearly announced, and two unannounced inspections.
- The Adult/Child Food program monitor comes for 3 yearly inspections. A mandatory 2 hour training class each year to stay current.
- The fire department inspects and approves our home for emergency evacuations on a yearly basis (including fire extinguishers). This inspection applies to both a license for 12 or 16 child care capacity.
- A fire drill has to be performed quarterly, and one disaster drill a year. The Utah state licenser checks for this. (The children love the fire drills!!)
- The Utah department of Health Inspects our *kitchens* for proper food handling and cleanliness every 2 years.
- **All household members over the age of 12, and employees (including substitutes or volunteers) have to pass a Criminal/FBI background check before being allowed to work with children.**
- Current *Food handlers permit* required to serve food to the children

- **CPR and First Aid** training is a yearly requirement for all Child Care Providers including special **CPR training for infants**.
- A minimum 20 hours of continued education and training in Child Care related areas for all providers has to be completed yearly.
- All children have to be current on their vaccinations, or have an exemption from the Department of Health.
- All child care records are audited by the Utah State Licensor during inspection.
- All animals have to be current on their vaccinations.
- TB testing is mandatory.

#### **10. How much space is needed for 16 children vs. 12?**

The state has mandated that there be a minimum 35 square feet available for each child. This does not include the bathroom, any storage areas or furniture space. Additionally the outdoors has to have 40 square feet available for each child. This space requirement is not usually an issue for 12 children in an average sized home and only increases by 140 square feet for 16. The Utah state licensor measures the space upon inspection and approves the license according to the area available to children.

#### **11. Does Family childcare in a neighborhood decrease the value of property?**

We've called several real estate agents and have learned that a family childcare does **NOT** decrease the value of homes in the surrounding neighborhood. Positive comments about close, convenient, childcare in the area have been a plus for prospective home buyers with children.

#### **12. What is the impact of hiring an employee?**

For Family Group childcare a second caregiver is required by state law if more than 8 children are in attendance (2 infants only). Once the 9th child arrives we are required to have a second caregiver. Most Family Group providers with a capacity of 12 rely on extended family members for help because they cannot afford to pay an employee. Our businesses are not financially capable to pay a good salary with the current city rule which limits us to 12 children a day. In our calculations, it costs the tuition of at least 5 children to pay an employee, as well as their taxes and insurances. The rule change to the state standard of 16 children a day would allow us to employ a qualified childcare professional and compensate them accordingly.

**In Conclusion:**

***We are by no means trying to become a commercial child care facility!*** We prefer the small scale, intimate, **Family Style**, child care we have with 2 caregivers to a small group of children in our homes. We love keeping siblings together as a family, and parents like it too. We simply would like the opportunity to change to the 2:16 adult to child ratio in order to become consistent with the State of Utah Licensing Requirements without becoming a big commercial day care center.

Thank you for your consideration,

Your Taylorsville City Family childcare providers.

Text is as follows:

13A-36-05 "D" Definitions  
Daycare, Child - propose to change 12 to 16 .

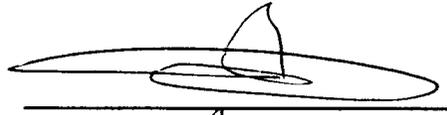
13A-36-09 "H" Definitions  
Family Child Care Class D3 - Propose to change 12 to 16 .

Date 7/30/13

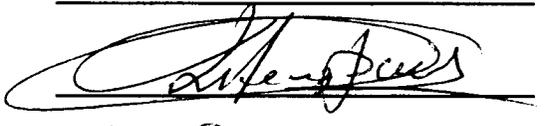
Name

Signature

Chantal Lourene



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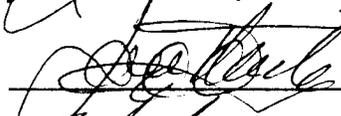
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Ana Ruiz



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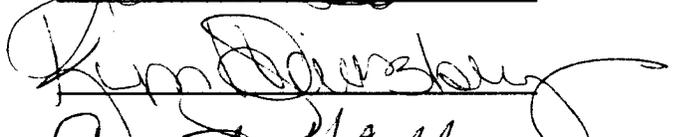
Stephanie Wyke



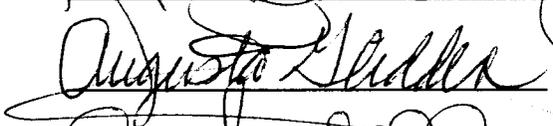
\* Joanna Turner



Kim H. Sainsbury



Augusta Glidden



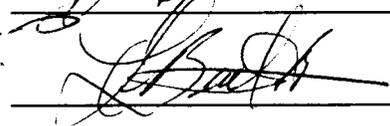
DANIEL W GLIDDEN



Cesar Lopez



LILIAN BARCAL/William Hunt.



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- a. All Category II home occupation uses shall only be conducted from property with a single family dwelling.
  - b. The Conditional Use Permit and the Home Occupation Business License shall be maintained in good standing for the entire period that business is being conducted.
2. **Compliance.** Uses are appropriate as licensable home occupations only if they are determined to be compatible with residential neighborhoods after full conditional use review by the Planning Commission, compliance with Title 5 Business Licensing, all of the standards and qualifications that have not been granted an exception through the conditional use process and additional regulations set forth hereafter.
3. **Child Day Care.** The following items indicate maximum limits that may be granted by the Planning Commission when a child day care is expected to exceed eight children at one time.
- a. A maximum of 16 children is permitted at any one time. (Ord 12-33, Amended 9-17-2012)
  - b. A maximum of 18 children is permitted per day.
  - c. These numbers shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.
  - d. A maximum of 24 vehicular stops per day for child drop off or pick up is permitted.
4. **Group Child Activities.** The following provisions indicate a maximum limit that may be granted by the Planning Commission for other group child activities which are expected to generate or exceed eight children/students (c.g. dance schools, preschools, music classes, other care or instruction for children) at any one time other than child day care.
- a. The following guidelines shall be used to determine the maximum number of students/children permitted:
    - (1) A traffic plan that has been reviewed and approved by the City Transportation Engineer which includes acceptable traffic flow, drop-off and turn-around areas.
    - (2) The existing residential street is of sufficient width to accommodate additional vehicular traffic.
  - b. A maximum of 12 students/children per session and a maximum of 24 students/children per day shall be permitted.
  - c. A maximum of four sessions per day may be permitted.
  - d. All sessions combined shall not generate more than 24 vehicular stops per day.
  - e. The total number of students/children shall include the licensee's and any employees' children if they are under six years of age and are under the care of the licensee at the time the home occupation is conducted.

# Syracuse, UT

- (c) Gift shops; (Ord. 10-02)
  - (d) Medical or dental clinic; (Ord. 10-02)
  - (e) Welding or machine shops; and (Ord. 10-02)
  - (f) Appliance repair (large). (Ord. 10-02)
- (E) Child Day Care Home Occupations: shall limit the number of children at the residence to eight (8) unless a second adult works for the home occupation, in which case the daycare shall limit the number of children at the residence to sixteen (16).
- 1. All daycare home occupations shall have a back yard fully enclosed with a secure fence.
  - 2. All daycare home occupations shall acquire a license from the Utah Department of Health Bureau of licensing requirements. (Ord. 06-27)
  - 3. Any person residing within the dwelling or employed from out of the dwelling shall not have a conviction of any crime, identified in Utah State Code 77-27-21.5(1)(e)(i), or any other sexual crime against another person. Employees and everyone eighteen (18) years of age or older in the household shall provide a criminal background clearance through the Utah Bureau of Criminal Investigation prior to any contact with the children attending such daycares. (Ord. 06-27) (Ord. 08-07)
- (F) Adult Day Care Home Occupations: shall limit the number of adults at the residence to six (6) at only one (1) time. The following standards shall apply: (Ord. 10-02)
- 1. The adult day care must be operated by a person who resides in the single family dwelling. (Ord. 10-02)
  - 2. An adult day care participant, who is not mentally or physically capable of negotiation a normal path to safety, shall count as three persons. The City may request a statement from a physician that a participant is mentally and physically capable of negotiation a normal path to safety. (Ord. 10-02)
  - 3. An off-street, unobstructed, paved parking area for the pickup and drop off of adults must be provided. (Ord. 10-02)
  - 4. When assistive devices or aids are necessary for an adult day care participant to negotiate a normal path to safety, the adult day care shall be handicap accessible. (Ord. 10-02)
  - 5. The rear yard shall be fully enclosed with a secure fence at least sixty (60) inches in height. (Ord. 10-02)
  - 6. The adult day care must be licensed by the State of Utah and continuously maintain a current license with the State as outlined in State Administrative Code R501-13. (Ord. 10-02)

West Jordan  
City Code

**13-11-3: PERMITTED HOME OCCUPATIONS.** 

Permitted home occupations include, but are not limited to, the following:

Accountants.

Artist and authors.

Barbershops, beauty shops and nail salons.

Bookkeeping.

Computer based business, including data processing, computer programming, and software design.

Construction office (no heavy equipment).

Consulting services.

Dance studio, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses, provided the number of clients is limited to not more than twelve (12) per day.

Daycare for not more than four (4) children during operational hours. In the case of a licensed or certified residential childcare facility, state code shall apply.

Direct sales distribution.

Garden produce.

Home crafts and arts.

Insurance sales or broker.

Janitorial service.

Landscape contractor (no heavy equipment).

Mail order or internet based sales.

Massage therapy.

Offices.

Professional services, including architectural services and interior design.

Real estate sales or broker.

Sales representative.

Sewing or embossing of clothing or fabrics. (2001 Code § 89-6-503; amd. Ord. 11-35, 11-22-2011)

Ordinance 11-35.

# State of Utah Regulation

- (2) The licensee and all substitutes who care for children an average of 10 hours per week or more shall maintain a current Red Cross, American Heart Association, or equivalent first aid and infant and child CPR certification. Equivalent CPR certification must include hands-on testing.
- (3) The licensee shall maintain first-aid supplies in the home, including at least antiseptic, band-aids, and tweezers.
- (4) The licensee shall have a written emergency and disaster plan which shall include at least the following:
  - (a) procedures for responding to medical emergencies and serious injuries that require treatment by a health care provider;
  - (b) procedures for responding to fire, earthquake, flood, power failure, and water failure;
  - (c) the location of and procedure for emergency shut off of gas, electricity, and water;
  - (d) procedures to be followed if a child is missing;
  - (e) the name and phone number of a substitute to be called in the event the licensee must leave the home for any reason;
  - (f) an emergency relocation site where children will be housed if the licensee's home is uninhabitable;
  - (g) provisions for emergency supplies, including at least food, water, a first aid kit, and diapers if the licensee accepts diapered children for care; and
  - (h) procedures for ensuring adequate supervision of children during emergency situations, including while at the emergency relocation site.
- (5) The licensee shall ensure that the emergency and disaster plan is followed in the event of an emergency.
- (6) The licensee shall review the emergency and disaster plan annually, and update it as needed. The licensee shall note the date of reviews and updates to the plan on the plan.
- (7) The emergency and disaster plan shall be available for immediate review by parents and the Department during business hours.
- (8) The licensee shall conduct fire evacuation drills quarterly. Drills shall include complete exit of all children and staff from the home.
- (9) A provider shall document all fire drills, including:
  - (a) the date and time of the drill;
  - (b) the number of children participating;
  - (c) the total time to complete the evacuation; and
  - (d) any problems encountered.
- (10) The licensee shall conduct drills for disasters other than fires at least once every 12 months.
- (11) A provider shall document all disaster drills, including:
  - (a) the type of disaster, such as earthquake, flood, prolonged power outage, or tornado;
  - (b) the date and time of the drill;
  - (c) the number of children participating;
  - (d) the total time to complete the evacuation; and
  - (e) any problems encountered.
- (12) The licensee shall vary the days and times on which fire and other disaster drills are held.

## **R430-90-11. Supervision and Ratios.**

- (1) The licensee or a substitute shall be physically present on-site and provide care and direct supervision of each child at all times, both indoors and outdoors. Direct care and supervision of each child includes:
  - (a) awareness of and responsibility for each child in care, including being near enough to intervene

(Hah State Regulation  
R430-90-11

- if needed;
- (b) ensuring that there is a provider present inside the home when a child in care is inside the home, and there is a provider present in the outdoor play area when a child in care is outdoors, except as allowed in subsection (2) below for school age children; and
  - (c) monitoring of each sleeping infant in one of the following ways:
    - (i) by placing each infant for sleep in a location where the infant is within sight and hearing of a provider;
    - (ii) by in person observation of each sleeping infant at least once every 15 minutes; or
    - (iii) by using a Department-approved infant sleep monitoring device.
- (2) A provider shall actively supervise each child during outdoor play to minimize the risk of injury to a child. A provider may allow only school age children to play outdoors while the provider is indoors, if:
    - (a) a provider can hear the children playing outdoors; and
    - (b) the children playing outdoors are in an area completely enclosed within a 4 foot high fence or wall, or a solid natural barrier that is at least 4 feet high.
  - (3) The licensee may permit a child to participate in supervised out of the home activities without the licensee if:
    - (a) the licensee has prior written permission from the child's parent for the child's participation; and
    - (b) the licensee has clearly assigned the responsibility for the child's whereabouts and supervision to a responsible adult who accepts responsibility for the care and supervision of the child throughout the period of the out of home activity.
  - (4) The maximum allowed capacity for a licensed family child care facility is 16 children, including providers' own children under age four.
  - (5) The licensee shall maintain a provider to child ratio of one provider for up to eight children in care, and two providers for nine to sixteen children in care.
    - (a) Children in care include the providers' own children under the age of four.
    - (b) Providers who are included in the provider to child ratio must meet all of the requirements of this rule.
  - (6) There shall be no more than four children under the age of two in care with two providers; and no more than two children under the age of two in care with one provider, except that if there are six or fewer children in care, there may be up to three children under the age of two in care.
  - (7) The total number of children in care may be further limited based on square footage, as found in Subsections R430-90-4(7) through (9).
  - (8) The licensee shall not exceed the maximum group sizes found in Table 1 and Table 2.

<b>TABLE 1</b>		
<b>MAXIMUM GROUP SIZE WITH 1 PROVIDER</b>		
<b># of Providers' Related Children Ages 4-12 Present in the Home During Child Care Hours</b>	<b>Maximum Allowed Number of Children in Care, Including the Providers' Children Under Age 4</b>	<b>Total # of All Children Through Age 12 Present in the Home During Child Care Hours</b>
0-4	8 children	12

<b>TABLE 1</b>		
<b>MAXIMUM GROUP SIZE WITH 1 PROVIDER</b>		
# of Providers' Related Children Ages 4-12 Present in the Home During Child Care Hours	Maximum Allowed Number of Children in Care, Including the Providers' Children Under Age 4	Total # of All Children Through Age 12 Present in the Home During Child Care Hours
5	7 children	12
6	6 children	12
7	5 children	12
8	4 children	12
9	3 children	12
10	2 children	12
11	1 child	12

<b>TABLE 2</b>		
<b>MAXIMUM GROUP SIZE WITH 2 PROVIDERS</b>		
# of Providers' Related Children Ages 4-12 Present in the Home During Child Care Hours	Maximum Allowed Number of Children in Care, Including the Providers' Children Under Age 4	Total # of All Children Through Age 12 Present in the Home During Child Care Hours
0-8	16 children	24
9	15 children	24
10	14 children	24
11	13 children	24
12	12 children	24
13	11 children	24
14	10 children	24
15	9 children	24
16	8 children	24
17	7 children	24
18	6 children	24

## COMPARISON IN REQUIREMENTS FOR LICENSED FAMILY CHILD CARE AND RESIDENTIAL CERTIFICATE

This chart compares **some** of the Licensed Family Child Care and Residential Certificate requirements. This comparison **does not** include all of the requirements for Licensed Family Child Care or Residential Certificate. If you would like further information about either option, please contact your regional licensing office.

LICENSED FAMILY CHILD CARE	RESIDENTIAL CERTIFICATE
<p><b>Ratios:</b></p> <ul style="list-style-type: none"> <li>1 caregiver for 8 children including no more than 2 children under age 2; OR</li> <li>1 caregiver for 6 children including no more than 3 children under age 2; OR,</li> <li>2 caregivers for 9-16 children including no more than 4 children under age 2.</li> <li>Providers' children age 3 and under count in the ratios.</li> <li>City or County requirements may allow fewer children in care than Child Care Licensing rules. Providers are required to follow the most strict requirements.</li> </ul>	<p><b>Ratios:</b></p> <ul style="list-style-type: none"> <li>1 caregiver to 8 children, including no more than 2 children under age 2. Utah State law only allows Residential Certificate providers to care for 8 children total, including no more than 2 children under age 2.</li> <li>Providers' children age 3 and under count in the ratios.</li> <li>City or County requirements may allow fewer children in care than Child Care Licensing rules. Providers are required to follow the most strict requirements.</li> </ul>
<p><b>Group Size with Providers' Related Children Ages 4-12:</b></p> <ul style="list-style-type: none"> <li>With 1 caregiver: maximum of 12 children through age 12 present in the home during care hours. (8 children in care, plus 4 providers' related children ages 4-12. Or fewer than 8 children in care, if the provider has more than 4 related children ages 4-12.)</li> <li>With 2 caregivers: maximum of 24 children through age 12 present in the home during care hours. (16 children in care, plus 8 providers' related children ages 4-12. Or fewer than 16 children in care, if the providers have more than 8 related children ages 4-12.)</li> </ul>	<p><b>Group Size with Providers' Related Children Ages 4-12:</b></p> <ul style="list-style-type: none"> <li>No group size limit for provider's related children ages 4-12.</li> </ul>
<p><b>Written Policy &amp; Plan Requirements:</b></p> <ul style="list-style-type: none"> <li>Written Policies &amp; Procedures</li> <li>Emergency &amp; Disaster Plan</li> <li>Templates for both are provided by Child Care Licensing</li> </ul>	<p><b>Written Policy &amp; Plan Requirements:</b></p> <ul style="list-style-type: none"> <li>None. An Emergency &amp; Disaster Plan is required, but it does not have to be written down. It can be explained to the Licensing Specialist verbally.</li> </ul>
<p><b>Training:</b></p> <ul style="list-style-type: none"> <li>20 hours of training is required annually, 10 of which must be face-to-face.</li> <li>Specific training topics are required.</li> </ul>	<p><b>Training:</b></p> <ul style="list-style-type: none"> <li>10 hours of training is required annually, 5 of which must be face-to-face.</li> <li>Specific training topics are required.</li> </ul>
<p><b>First Aid Supplies:</b></p> <ul style="list-style-type: none"> <li>Required in the home and in any vehicle used to transport children in care.</li> </ul>	<p><b>First Aid Supplies:</b></p> <ul style="list-style-type: none"> <li>Required in the home only.</li> </ul>
<p><b>Outdoor Play Equipment:</b></p> <ul style="list-style-type: none"> <li>May not be placed on a hard surface, such as cement, asphalt or concrete, and must have a 3 foot use zone.</li> </ul>	<p><b>Outdoor Play Equipment:</b></p> <ul style="list-style-type: none"> <li>May not be placed on a hard surface, such as cement, asphalt or concrete, but does not require a 3 foot use zone.</li> </ul>
<p><b>From the Department of Workforce Services:</b></p> <ul style="list-style-type: none"> <li>State funded child care reimbursements are paid to parents at a <b>higher rate</b>.</li> <li>Start up grants may be available through Child Care Resource &amp; Referral.</li> <li>Providers are eligible for the annual Training &amp; Longevity wage supplement through the Office of Child Care.</li> </ul>	<p><b>From the Department of Workforce Services:</b></p> <ul style="list-style-type: none"> <li>State funded child care reimbursements are paid to parents at a <b>lower rate</b>.</li> <li>Start up grants are <b>not</b> available through Child Care Resource &amp; Referral.</li> <li>Providers are <b>not</b> eligible for the annual Training &amp; Longevity wage supplement through the Office of Child Care.</li> </ul>

**TAYLORSVILLE, UTAH**  
**ORDINANCE NO. 13-25**

AN ORDINANCE OF THE CITY OF TAYLORSVILLE TO AMEND THE TEXT OF SECTIONS 13-11-04, 13-36-05, AND 13-36-09 OF THE TAYLORSVILLE LAND DEVELOPMENT CODE TO INCREASE THE NUMBER OF CHILDREN ALLOWED IN A HOME DAYCARE

The City Council of Taylorsville ordains as follows:

**WHEREAS**, on August 2, 2013 the Taylorsville Planning Commission properly noticed and held a public hearing and voted 4-3 to forward a negative recommendation to amend the text of Section 13-11-18 of the Taylorsville Land Development Code ; and

**WHEREAS**, on August 8, 2013 a notice of public hearing regarding the proposed Zoning map amendment was posted on the state public notice website; and

**WHEREAS**, on October 1, 2013 a notice of public hearing regarding the proposed text amendment was posted in 3 different places within the City of Taylorsville boundaries; and

**WHEREAS**, the Taylorsville City Council met in a regular session on October 16, 2013 to conduct and consider, among other things, a public hearing regarding the proposed text amendment; and

**WHEREAS**, after careful consideration and review, the City Council has determined that it is in the best interest, health, safety, and welfare of the citizens of Taylorsville to amend Sections 13-11-04, 13-36-05, and 13-36-09 of the Taylorsville Land Use Development Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Taylorsville, Utah City Council that this document be adopted to amend the text of Section 13-11-04, 13-36-05, 13-36-09 of the Taylorsville Land Development Code.

## **13-11-04 Home Occupations**

A. **Purpose.** This Section is established to:

1. Provide an opportunity for home occupations as an accessory use when they are compatible with the neighborhoods in which they are located. A home occupation shall not be construed to mean an employee working in his home in the service of an employer whose principal place of business is licensed at another location.
2. Provide an opportunity for a home occupation to engage in the business of child care and other group child activities and encourage this type of home occupation to draw clients/customers from their immediate neighborhood.
3. Guide business activities which are not compatible with neighborhoods to appropriate commercial zones.
4. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of business uses being conducted in residential areas from noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
5. Provide a means to enforce and regulate the businesses that are licensable through the authority of the business license regulations of the applicable ordinances, and if necessary, terminate home occupations if violations of the ordinances regulating home occupations occur.

B. **Administrative Conditional Use Permit and Home Occupation License.** Home occupations are allowed only with approval of an Administrative Conditional Use Permit and a home occupation business license from the City.

C. **Categories and Requirements of Home Occupation Licenses.** Home occupation businesses are licensable as Class A, Class B, Class C, Class D, and Family Children/Home Preschool Class D.

D. **General Requirements.** The following requirements must be met in order to have a home occupation:

1. Obtain a home occupation administrative conditional use permit and business license from the City.
2. Remain compliant with all applicable statutes, rules and regulations.
3. Activity shall be clearly incidental to the dwelling or residential use.
4. Storage of stock in trade, inventory or commodities shall not occupy more than five hundred (500) cubic feet of the area being used for the home occupation and shall not be visible outside the dwelling unit.

5. Signage shall be limited to one nonilluminated nameplate sign that does not exceed three (3) square feet in area, and vehicles or equipment may not be used for the primary purpose of advertising the home occupation at the site of the home occupation.
6. Employees shall be limited to bona fide resident(s) of the dwelling unit, except that an employee living outside the residence may work in the residence in a home occupation class D - family childcare/home preschool when required by state law.
7. Activities associated with the home occupation shall not produce traffic, light, glare, noise, fumes, odor or vibration that will diminish the residential character of the neighborhood.
8. Owners of the property or property manager where the home occupation is to be located must give written consent to the home occupation.
9. Home occupations are subject to review upon complaint. If a complaint is received by the city, the home occupation will be reviewed for compliance with applicable ordinances and conditions of approval.
10. Dwelling units and landscape areas shall be well maintained.
11. Alterations shall not be made to the dwelling or the yard area that will change its residential character.
12. Property address numbers need to be identified and maintained on the home. Address letters should be a minimum of four inches (4") in height and a contrasting color from the main building.
13. One vehicle only may be associated with the home occupation. Said vehicle must be parked on site in a garage or driveway and may not exceed a ten thousand (10,000) pound gross vehicle weight rating or have no more than two (2) axles.
14. No more than two home occupation businesses shall be allowed per dwelling unit.

**E. Additional Requirements for Class A. Conducted entirely within a dwelling unit in which no clients or customers visit the home.** Specific operational requirements for a home occupation Class A include the following:

1. No clients, customers, or patrons of the home occupation business are allowed to visit the home occupation location for business purposes.
2. The yard of the dwelling unit and any detached accessory building(s) shall not be used in conjunction with the home occupation activity.

**F. Additional Requirements for Class B. Conducted entirely within a dwelling unit in which no clients visit the home occupation but produces or assembles a product on a small scale.** Specific operational requirements for a home occupation Class B include the following:

1. No clients, customers, or patrons of the home occupation business are allowed to visit the home occupation location for business purposes.

2. The yard of the dwelling unit and any detached accessory building(s) shall not be used in conjunction with the home occupation activity.
3. Delivery of commodities used in connection with the home occupation shall be provided by parcel or letter carrier service only.

**G. Additional Requirements for Class C. Conducted entirely within a dwelling unit in which clients or customers visit the home.** Specific operational requirements for a home occupation Class C include the following:

1. The yard of the dwelling unit and any detached accessory building(s) shall not be used in conjunction with the home occupation activity.
2. Delivery of commodities used in connection with the home occupation shall be provided by parcel or letter carrier service only.
3. A minimum of two (2) parking spaces comprising at least three hundred sixty (360) square feet of paved hard surface area shall be provided for clients, customers, or patrons of the home occupation business in addition to required residential parking. The Director may waive the additional parking space requirement for home occupations located in planned unit developments, manufactured home parks, condominium developments, and apartment complexes. Required parking for a Class C home occupation shall be located in the dwelling's front and/or side yard.
4. Required parking for the home occupation shall not detract from the residential character of the property. An appropriate amount of landscaping shall be preserved and maintained.
5. Only one Class C home occupation shall be allowed per dwelling unit.
6. Hours of operation for Class C home occupations will be determined through the conditional use permit process. Hours exceeding six o'clock (6:00) A.M. to eight o'clock (8:00) P.M. will be considered with documented need or justification.

**H. Additional Requirements for Class D. Provides for care, supervision, and/or home preschool instruction of children less than fourteen (14) years of age within an occupied dwelling and a secure yard.** Specific operational requirements for a home occupation Class D include the following:

1. Applicants for a Class D home occupation shall obtain and remain compliant with all applicable licenses/approvals from all pertinent city, county, state, and federal agencies and comply and remain compliant with all statutes, rules and regulations including obtaining, if applicable, a certificate as a residential childcare provider from the Utah State Department of Health.
2. Secure outdoor play areas are required for all Class D home occupations.
  - a. The outdoor play area shall consist of a minimum of eighty (80) square feet in area per child.

- b. The play area shall be located in the rear and/or side yard of the dwelling.
    - c. The outdoor play area shall be secured by an appropriate, well maintained fence not less than six feet (6') in height. The Director may require a fence that exceeds six feet (6') in height as it determines necessary.
    - d. The hours of operation for the outdoor play area shall not exceed eight o'clock (8:00) A.M. to eight o'clock (8:00) P.M.
3. The dwelling unit should provide an indoor play area at a minimum of thirty-five (35) square feet in area per child.
4. A minimum of two (2) parking spaces comprising at least three hundred sixty (360) square feet of paved hard surface area shall be provided for clients, customers or patrons of the Class D home occupation business in addition to required residential parking. The Director may waive the additional parking space requirement in planned unit developments, manufactured home parks, condominium developments, and apartment complexes. Required parking for the home occupation shall be located in the dwelling's front and/or side yard.
5. The designated number of children includes the caregiver's own children under the age of six (6) who are not yet in full day school.
6. Required parking for the home occupation shall not detract from the residential character of the property. An appropriate amount of landscaping shall be preserved and maintained.
7. Only one Class D home occupation shall be allowed per dwelling.
8. Hours of operation for class D home occupations will be determined through the conditional use permit process. Hours exceeding six o'clock (6:00) A.M. to eight o'clock (8:00) P.M. will be considered with documented need or justification.
9. Home preschools shall allow no more than twelve (~~12~~16) children per preschool session. Home preschool sessions shall be limited to no more than four (4) hours and preschool sessions shall be limited to two (2) per weekday. Instructor licensing and curriculum requirements shall comply with the requirements of the state of Utah.
- I. **Conditional Use Permit Process.** A person seeking a home occupation conditional use permit shall file a written application with the Community Development Department of the City in a form prescribed by the City.
  1. Home occupation Classes A, B, C, and D1, D2, D3, and D4 conditional use permit may be approved and issued by the Director. Any person shall have the right to appeal the decision of the Director to the Planning Commission within ten (10) business days of the Director's decision, stating the reason for the appeal and requesting a hearing before the planning commission at the earliest possible regular meeting of the commission.
  2. All home occupation conditional use permits granted by the city are subject to review upon complaint. The City may revoke a permit issued for a home occupation upon

notice and hearing for violation of any governing ordinance or law of the City, state or federal government, or for any unresolved and substantiated reason.

3. A home occupation permit granted by the City shall not be assignable or transferable to another person or another location without first being reviewed and approved by the City.

**J. Home Occupations Not Allowed.** The following uses are not allowed as home occupations:

1. Any use that requires or utilizes chemicals or hazardous materials in excess of volumes allowed by the international fire code in a residential situation.
2. Auto body or fender work.
3. Auto, truck, diesel, boat, trailer, or motorcycle repair or services at the residence.
4. Furniture or cabinet making.
5. Junkyards, storage or recycling yards.
6. Lawn mower, small engine or motor repair or services.
7. Major appliance repair (washers, dryers, refrigerators, etc.).
8. Manufacture or sale of firearms, ammunition, explosives or similar products.
9. Medical clinics and laboratories.
10. Mortuaries or crematoriums.
11. Sexually oriented businesses.
12. Short term rental.
13. Vehicle sales or rental exceeding two (2) sales per year.
14. Vehicle towing operations.
15. Welding or ironworks.
16. Any other use that would produce traffic, light, glare, noise, fumes, odor or vibration that will diminish the residential character of the neighborhood.

**K. Exceptions.** Notwithstanding anything herein to the contrary, a home occupation conditional use permit is not required for the following activities:

1. Garage and yard sales. Refer to Chapter 13A-11-14.
2. Temporary social gathering sales that do not exceed one day, such as Tupperware parties, book parties, candle parties, etc., not to exceed four (4) occurrences per year.

## 13-36-05 “D” Definitions

**Dance Hall** - An establishment intended primarily for dancing and entertainment within an enclosed dance floor space, using either live or electronically produced music, either open to the public or operated as a private club open to members only.

**Dance School** - An establishment for the instruction of the art of dance including, but not limited to, ballet, ballroom, jazz, tap, and modern. The standards applicable to the operation of such a facility are dependent upon the physical location of the school. If within a home, they must comply with the provisions of the Home Occupation Ordinance requirements. If within a commercial location, they must comply with the requirements of the underlying zone.

**Day Care, Adult** - Continuous care and supervision for three or more adults 18 years of age and older for at least four but less than 24 hours a day, that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services on a protective setting.

**Day Care, Child** - An establishment for the care and/or instruction, whether or not for compensation, of 12 or fewer children at any one time. Child nurseries and overnight child care are included in this definition.

**Day Care, Elderly** - Arranging for or providing the necessities of life, for compensation, as a protective service to individuals who are at least 60 years old, and are disabled or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves.

**Day Care, Group** - An establishment for the care and/or instruction, whether or not for compensation, of more than ~~12~~<sup>16</sup> children at any one time. Child nurseries and pre-school facilities are included in this definition.

**Days** - In computing any time period of days prescribed or allowed by this Code, the day of the act or event which the designated period of time begins to run shall not be included. The last day of the period so computed shall include, unless it is a Saturday, a Sunday, or legal holiday, in which event the period runs until the next business day that is not a Saturday, a Sunday, or legal holiday. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

**Day Treatment** - See “Human Services Programs or Facilities.”

**Deck** - See “Balcony.”

**Department** - The public agency, division, or department designated by the City to enforce the provisions of this Title.

**Depository Institutions** - A bank, savings and loan association, savings bank, industrial bank, credit union, or other institution that:

1. holds or receives deposits, savings, or share accounts;
2. issues certificates of deposit; or
3. provides to its customers other depository accounts that are subject to withdrawal by checks, drafts, or other instruments or by electronic means to effect third party payments.

**Detention Center** - See “Correctional Facility.”

**Developer** - Any subdivider or any person or organization that develops, intends to develop, or sells property for the purpose of future development. Includes the legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

**Development** - Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**Development Review Meeting** - A meeting held by the Community Development Department for review of development projects.

**Development Site** - Includes the total perimeters of:

- A. A subdivision.
- B. A residential planned unit development.
- C. A tract, lot, or parcel of land intended to be used as a commercial, public, quasi-public, utility, or other building site.

**Dining Club** - A type of club that allows the sale, storage, service, and consumption of alcoholic beverages (liquor, wine, heavy beer, and beer) on the premises. This type of club maintains at least 50% of their club business from the sale of food, have a portion of the premises used for a dining area, and adequate culinary facilities to serve full meals.

See also “Alcoholic Beverage Establishments.”

**Director** - The individual who supervises and directs the Community Development Department, which includes responsibility for physical and economic developments of the City.

**Disabled/Disability** - (A physical or mental impairment that substantially limits one or more of a person’s major life activities, including a person having a record of such an impairment or being regarded as having an impairment. Disabled/disability does not include current illegal use of, or addiction to, any federally controlled substances, as defined in the Controlled Substances Act, 21 U.S.C. 802.

**Discharge** (Drinking Water Source Protection Ordinance) - Shall mean and include, but not be limited to spilling, leaking, seeping, pouring, injecting, emitting, emptying, disposing, releasing, or dumping regulated substances to the soils, air, groundwaters, or surface waters of the City. Discharge does not include the use of a regulated substance in accordance with the appropriate use intended or specified by the manufacturer of the substances provided that such use is not prohibited by federal, state, or local regulations. Discharge shall not include releases specifically authorized by Federal or State permits.

**Disco, Discotheque** - See “Dance Hall.”

**Distance Between Residential Structures** - The shortest distance between the vertical walls of two residential structures as herein defined.

**Distributor** - The person responsible for placing and maintaining a newsrack in a public right-of-way or private property.

**District** – Any district delineated on the official zoning district map under the terms and provisions of this code (or which may hereinafter be created subsequent to the enactment of this code) for which regulations are specified governing the area, height, use of buildings, or use of land, and other regulations relating to development or maintenance of existing uses or structures.

**Ditch** - A man-made channel other than a modified stream constructed for drainage purposes that is typically dug through interstream divide areas. A ditch, which is subservient to a canal, may have flows that are perennial, intermittent, or ephemeral and may exhibit hydrological or biological characteristics similar to perennial streams. For purposes of this Code, a ditch will typically have a width of five feet or less.

**Domestic Staff** - Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing daily life activities.

**Domestic Violence Treatment Program** - See “Human Services Programs or Facilities.”

**Double Frontage Lots** - See “Lot, Double Frontage.”

**Drinking Water Source Protection Zone** - An area within which certain practices are mandated to protect groundwater flowing to public drinking water wells.

**Drinking Water Supply Spring** - A drinking water spring to supply water which has been permitted or intended for consumptive use.

**Drinking Water Supply Well** - A drinking water well to supply water which has been permitted or intended for consumptive use.

**Drip Emitter** – A drip irrigation fitting that delivers water slowly at the root zone of the plant, usually measured in gallons per hour.

**Driveway** - A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

**Dwelling** - Any structure designed or used for residential purposes that has been constructed to comply with applicable building codes, such as the National Manufactured Housing Construction and Safety Standards Act (42 U.S.C. 5401 et. seq. (1976)), or the HUD Code. A dwelling does not include hotels, motels, bed and breakfast facilities, etc., or structures used for or under short term residential leases.

**Dwelling Unit** - One or more rooms in a building or portion thereof designed, occupied, or intended as a residence for a family with complete and independent facilities for living, sleeping, eating, cooking, and sanitation provided within the dwelling unit.

See also “Dwelling, Single Family.”

**Dwelling, Duplex** - A building designed or arranged to be occupied by two families living independently, the structure having only two dwelling units in one ownership.

**Dwelling, Earth-Sheltered** - A dwelling built underground and beneath a continuous exterior surface grade for the purpose of energy conservation, having a roof of earthen material, and having its floor at the approximate level of some other exterior grade on one or more sides. Dwellings may be detached, semidetached or attached.

**Dwelling, Multiple Family** - A building arranged or designed to include three or more dwelling units, each to be occupied by one family living independently in which they may or may not share common entrances and/or other spaces. Individual units may be owned as condominiums or offered for rent.

**Dwelling, Multiple-Unit** - A building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual units may be owned as condominiums or offered for rent.

**Dwelling, Planned Group** - Two or more detached buildings used as residences located on a lot that is in single ownership and having yards, courts, or facilities in common.

**Dwelling, Single Family** - A building arranged or designed to include only one dwelling unit occupied by one family (See “Family”), including extended living areas or an accessory apartment which may be approved as provided elsewhere in this Code.

**DWSP** - Drinking Water Source Protection.

## 13-36-09 “H” Definitions

**Half-pipe Ramp** - A smooth surfaced outdoor structure shaped like a trough and used in gravity extreme sports such as snowboarding, skateboarding, freestyle BMX, or inline skating. The structure is usually wood, although sometimes the surface is made of another material. Appearance wise, it resembles a cross-section of a swimming pool, and in its most basic form, it consists of two concave ramps (or quarter pipes), topped by copings and decks, facing each other across a transition.

**Handbill** - Any small printed sheet to be distributed (as for advertising) by hand.

**Handicapped Person** - See “Disability.”

**Handle** - To use, generate, process, produce, package, treat, store, or transport a regulated substance in any fashion.

**Hardscape** – Patios, decks, and paths; does not include driveways, parking lots, and sidewalks.

**Hazard Tree** - See "Tree, Hazard."

**Hazardous Waste** - A hazardous waste as defined by the Environmental Protection Agency (EPA).

### **Health Care Facilities:**

- **Ambulatory Surgical Facility** means a freestanding state-licensed facility, which provides surgical services to patients not requiring hospitalization.
- **Assisted Living Facility.** See “Assisted Living Facility.”
- **Birthing Center** means a freestanding state-licensed facility with five or fewer birth rooms, receiving maternal clients and providing care during pregnancy, delivery, and immediately after delivery.
- **End Stage Renal Disease Facility** means a state-licensed facility which furnishes staff-assisted kidney dialysis services, self-dialysis services, or home-dialysis services on an outpatient basis.
- **General Acute Hospital** means a state-licensed facility which provides diagnostic, therapeutic, and rehabilitative services to both inpatients and outpatients by or under the supervision of physicians.
- **Home Health Agency** means a state-licensed agency, organization, or facility or a subdivision of an agency, organization, or facility which employs two or more direct care staff persons who provide licensed nursing services, therapeutic services of physical therapy, speech therapy, occupational therapy, medical social services or home health aide services on a visiting basis. "Home Health Agency" does not mean an individual who provides services under the authority of a private license.

- **Hospice** means a program of care for the terminally ill and their families which occurs in a home or in a health care facility and which provides medical, palliative, psychological, spiritual, and supportive care and treatment.
- **Nursing Care Facility** means a state-licensed health care facility, other than a general acute or specialty hospital, constructed licensed, and operated to provide patient living accommodations, 24-hour staff availability, and at least two of the following patient services: (a) a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological, or other professional therapies to intermittent health-related or paraprofessional personal care services; (b) a structure, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or (c) a supervised living environment that provides support, training or assistance with individual activities of daily living. (Activities of daily living means essential activities including: (a) dressing; (b) eating; (c) grooming; (d) bathing; (e) toileting; (f) ambulation; (g) transferring; and (h) self-administration of medication).
- **Small Health Care Facility** means a four to sixteen bed state-licensed facility that provides licensed health care programs and services to residents who generally do not need continuous nursing care or supervision.
- **Specialty Hospital** means a state-licensed facility which provides specialized diagnostic, therapeutic, or rehabilitative services in the recognized specialty or specialties for which the hospital is licensed.

**Health Club** - See "Recreation, Indoor or Outdoor."

**Hillside Area** - Any property with a slope of thirty percent (30%) or greater.

**Home Health Agency** -See "Health Care Facilities."

**Home Occupation** - A home occupation is a business, occupation, profession, operation, managing or carrying on of a business for the purpose of economic gain, which activity that is clearly incidental, secondary, and subordinate to the residential use of the dwelling and property in a residential zone by a bona fide resident of the dwelling. A home occupation shall not be construed to mean an employee, working in their own home in the service of an employer whose principal place of business is licensed at another location within the City or elsewhere. A home occupation shall not be construed to mean an individual making deliveries of products which were ordered in advance.

- **Home Occupation Class A** - An office home occupation for phone, mail, and other general office activities conducted entirely within a dwelling unit in which no clients, customers, or patrons of the home occupation visit the home occupation location for business purposes.
- **Home Occupation Class B** - A home occupation conducted entirely within a dwelling unit in which no clients, customers, or patrons of the home occupation visit the home occupation location for business purposes, but produces or assembles a product on a small scale (other than food preparation) such as ceramic crafts, jewelry, computer assembly, etc.

- **Home Occupation Class C** - A home occupation conducted entirely within a dwelling unit in which clients, customers or patrons of the home occupation visit the home occupation location for business purposes, such as a photo studio, beauty salon, etc.
- **Home Occupation Class D Family Childcare/Home Preschool** - A home occupation that provides for care, supervision and/or home preschool instruction of children under fourteen (14) years of age including the caregiver's own children under the age of six (6) and not yet in full day school within an occupied dwelling and a secure yard for direct or indirect compensation. Class D home occupations are further defined as follows:
  - **Family Childcare Class D1** - A class D home occupation that provides caregiver services for less than five (5) children. This number includes the caregiver's own children under the age of six (6) who are not yet in full day school.
  - **Family Childcare Class D2** - A class D home occupation that provides caregiver services for five (5) to eight (8) children. This number includes the caregiver's own children under the age of six (6) who are not yet in full day school.
  - **Family Childcare Class D3** - A class D home occupation that provides caregiver services for nine (9) to twelve (12) children with sufficient staffing required by the state of Utah health department. This number includes the caregiver's own children under the age of six (6) who are not yet in full day school.
  - **Home Preschool Class D4** - A class D home occupation that provides instruction and care for twelve (12) or less preschool children ages six (6) or under or children not in full day school. This number includes the applicant's own children ages six (6) or under who are not yet in full day school.

**Homeless Shelter** - Charitable lodging or sleeping rooms provided on a daily or other temporary basis to persons lacking other safe, sanitary or affordable shelter. May also include a kitchen and cafeteria.

**Hospice** - See "Health Care Facilities."

**Hospital** - An institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. Any medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty four [24] hour basis shall be considered to be a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to the operation of the hospital. Includes both general acute and specialty hospitals and must be licensed by the Utah Department of Health pursuant to the Health Care Facility Licensing and Inspection Act.

**Hotel** - An establishment providing, for a fee, sleeping accommodations and customary lodging services including maid service, the furnishing and upkeep of furniture and bed linens, telephone and desk service.

Related ancillary uses may include but not be limited to conference and meeting rooms, restaurants, lounge, and recreational facilities.

**Household Pets** - No more than two adult dogs, cats, or ferrets of any one species and no more than a total of four dogs, cats, ferrets in any combination on a nonnuisance basis for family use only (noncommercial) are allowed except for Fancier's Permit, Hobby Permit, Foster Animals Permit, or Feral Cat Colony Permit as set forth in Title 8.

**Housekeeping Unit** shall mean a family or group of individuals who:

1. Share a strong bond or commitment to a single purpose (e.g. members of a religious order). The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit;
2. Are not legally dependent on others not living with them;
3. Share a single household budget;
4. Prepare food and eat together on a regular basis;
5. Share in the work of maintaining the premises;
6. Legally share in the ownership or possession of the premises, e.g. tenants in common on a deed or cosigners of a single lease; and
7. Does *not* include a common living arrangement whose basis for the establishment of the housekeeping unit is temporary or financial in nature.

**HUD Code** - The National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. Sec. 5401 et seq.

**Human Services Programs or Facilities:**

- **Adult Day Care** - Continuous care and supervision for three or more adults 18 years of age and older for at least four but less than 24 hours a day, that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services on a protective setting.
- **Child Placing** - An operation licensed by the State of Utah for receiving, accepting, or providing custody or care for any child under 18 years of age, temporarily or permanently, for the purpose of: (a) finding a person to adopt the child; (b) placing the child temporarily or permanently in a home for adoption; or (c) foster home placement.
- **Day Treatment** - An operation licensed by the State of Utah as "Day Treatment" for specialized treatment for less than 24 hours a day for four or more persons who are unrelated to the owner or provider and who have emotional, psychological, developmental, physical, or behavioral dysfunctions, impairments, or chemical dependencies. Day treatment is provided in lieu of, or in coordination with, a more restrictive residential or inpatient environment or service.
- **Domestic Violence Treatment Program** - An operation licensed by the State of Utah as a nonresidential program designed to provide psychological treatment and educational services to perpetrators and victims of domestic violence.

- **Outpatient Treatment** - An operation licensed by the State of Utah as "Outpatient Treatment" for individual, family or group therapy or counseling designed to improve and enhance social or psychological functioning for those whose physical and emotional status allows them to continue functioning in their usual living environment.
- **Residential Support - (1)** An operation licensed by the State of Utah as "Residential Support" to arrange for or provide the necessities of life as a protective service to individuals or families who are disabled or who are experiencing a dislocation or emergency which prevents them from providing these services for themselves or their families. Treatment is not a necessary component of residential support.
 

**(2)** Means arranging for or providing the necessities of life as a protective service to individuals or families who are disabled or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.
- **Residential Treatment** - An operation licensed by the State of Utah as "Residential Treatment" as a 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment, individuals are assisted in acquiring the social and behavioral skills necessary for living independently in the community.
- **Resource Family Home** - An operation licensed by the State of Utah as a "Resource Family Home" to provide services to a child in the custody of the state and includes a foster care home and a legal risk home.
- **Secure Treatment** - An operation licensed by the State of Utah as "Secure Treatment" as a 24hour specialized residential treatment or care for persons whose current functioning is such that they cannot live independently or in a less restrictive environment. Secure treatment differs from residential treatment to the extent that it requires intensive supervision, locked doors, and other security measures which are imposed on residents with neither their consent nor control.
- **Social Detoxification** - An operation licensed by the State of Utah as social detoxification for short-term residential services for persons who are intoxicated, that are provided outside of a health care facility licensed under title 26, chapter 21, Health Care Facility Licensure and Inspection Act, and that include: (a) room and board for persons who are unrelated to the owner or manager of the facility; (b) specialized rehabilitation to acquire sobriety; and (c) aftercare services.
- **Support Staff** - Persons employed or residing on the premises of a dwelling or other health care facility to assist residents in performing daily life activities or to provide on-site treatment, rehabilitation, or habilitation services.
- **Youth Program** - An operation licensed by the State of Utah as "Youth Program" as a nonresidential program designed to provide behavioral, substance abuse, or mental health services to minors that; (a) services either adjudicated or nonadjudicated youth; (b)

charges a fee for its services; (c) may or may not provide host homes or other arrangements for overnight accommodation of the youth; (d) may or may not provide all or part of its services in the outdoors; (e) may or may not limit or censor access to parents or guardians; (f) prohibits or restricts a minor's ability to leave the program at any time of his own free will; and (g) will not apply to recreational programs such as Boy Scouts, Girl Scouts, 4-H, and other such organizations.

This Ordinance, assigned Ordinance No. 13-21, shall take effect as soon as it shall be published or posted as required by law, deposited, and recorded in the office of the City Recorder, and accepted as required herein.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**TAYLORSVILLE CITY COUNCIL**

By: \_\_\_\_\_  
Dama Barbour, Chairman

**VOTING:**

Dama Barbour	Yea ___ Nay ___
Ernest Burgess	Yea ___ Nay ___
Bradley W. Christopherson	Yea ___ Nay ___
Larry Johnson	Yea ___ Nay ___
Kristie S. Overson	Yea ___ Nay ___

**PRESENTED** to Mayor of Taylorsville for his approval this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

By: \_\_\_\_\_  
Jerry Rechtenbach, Mayor

ATTEST:

\_\_\_\_\_  
**Cheryl Peacock Cottle, Recorder**

**DEPOSITED** in the Recorder's office this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**POSTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.