

ORDINANCE NO. 89-10

AN ORDINANCE AMENDING TITLE 18 OF THE HEBER CITY
MUNICIPAL CODE PERTAINING TO ZONING AND DAY CARE TYPE FACILITIES

BE IT ORDAINED BY THE HEBER CITY COUNCIL OF HEBER CITY, UTAH, THAT
TITLE 18 OF THE HEBER CITY MUNICIPAL CODE BE AND IS HEREBY AMENDED
AS FOLLOWS:

Section 18.08.440 of Chapter 18.08, Definitions is amended to
read as follows:

18.08.440 NURSERY SCHOOL. An agency, organization or individual, person or persons, corporation, association, or entity, engaged primarily in educational work with preschool children not related by blood or marriage to, or not the legal wards or foster children of, the attendant adult, and in which no child is enrolled on a regular basis for more than four hours per day. Such a school when enrolling a child for more than four hours per day shall be deemed a day care facility.

Sections 18.08.153, 18.08.155, 18.08.205 and 18.08.386 are hereby added to Chapter 18.08, Definitions, as follows:

18.08.153 DAY CARE CENTER. See Section 18.08.155.

18.08.155 DAY CARE FACILITY. An agency, organization or individual, person or persons, corporation, association or entity, primarily engaged in the provision of care during the day for a group of children not related by blood or marriage to, or not the legal wards or foster children of, the attendant adult, with or without compensation, specifically:

- a. FAMILY DAY CARE - an agency, organization or individual, person or persons, corporation, association or entity, providing care during the day for not more than six persons (including children under the age of 12 who are members of the family housed at the family day care facilities) at one time.
- b. MINI-DAY CARE - An agency, organization or individual, person or persons, corporation, association or entity, providing care during the day for not more than twelve persons (including children under the age of 12 who are members of the family housed at the mini-day care facilities) at one time.
- c. DAY CARE CENTER - An agency, organization or individual, person or persons, corporation, association or entity, providing care during the day for thirteen or more people.

18.08.205 FAMILY DAY CARE. See Section 18.08.155.

18.08.386 MINI-DAY CARE. See Section 18.08.155.

Chapter 18.86 is hereby added to the Heber City Municipal Code as follows:

CHAPTER 18.86
DAY CARE FACILITIES AND NURSERY SCHOOLS

Sections:

- 18.86.010 Requirements
- 18.86.020 Parking
- 18.86.030 Zones wherein permitted

18.86.010 REQUIREMENTS. Chapter 18.86 is hereby added to the Heber City Municipal Code as follows:

Before approval of an application for a Day Care Facility or a Nursery School by the Zoning Administrator, the following requirements must be met:

1. All outdoor play areas must be enclosed by a fence of at least 5 feet if there are more than 6 children enrolled.
2. The facilities must be located on a thru street at least as wide as secondary street as designated in the Heber City specifications, which is 60 feet.
3. Nursery Schools in residential zones must meet all home occupation requirements except the following:

18.108.020 M.3. which is: To involve no more than three people being at the home at any one time due to the home occupation, except those members of the family living in the home, or as regulated by the State Department of Social Services, Division of Family Services, Family Day Care Standards, November 1987. (Ord. 87-02 part), 1987; Ord. 830998 SS1, 2, 1983.)

4. Nursery Schools in residential zones must meet the following requirements:
 - a. No more than ten (10) children (including children under the age of eight (8) who are members of the family housed at the Nursery School permanently).
 - b. Minimum requirements are based on the following formula:
 - Outside - minimum of 40 square feet of free space per child;
 - Inside - a minimum of 30 square feet of free space per child.

5. None of the pla within the defi ment space.

6. R-1 Zone - Day comply with the

*Per Jan Eggleston -
Day Care Center - not
permitted in R1, R2, R3,
RA2 zone.*

zone can be
mk require-

it must

18.86.020 PARKING.
one (1) parking space for
unloading space for every
Loading space requirement
driveway.

shall have
loading,
of enrolled.
s a circular

18.86.030 ZONES WHERE NURSERY SCHOOLS AND DAY CARE FACILITIES
ARE NOT PERMITTED.

P = permitted
Blank = not allowed

	A2	C2	C3	C4	I1	R&D1	R1	R2	R3	RA2
Nursery School	P	P	P	P			P	P	P	P
Family Day Care	P	P	P	P			P	P	P	P
Mini-Day care	P	P	P	P			P	P	P	P
Day Care Center	P	P	P	P	P	P	P	P	P	P

Subsection T is hereby added to Section 18.24.020 as follows:

T. Nursery schools, family day care, mini-day care, and day care centers if they meet the conditions set forth in Chapter 18.86.

Subsection 31 is hereby added to Section 18.28.030 as follows:

31. Nursery Schools, family day care, day care centers, mini-day care if they meet the conditions set forth in Chapter 18.86.

Subsection K is hereby added to Section 18.44.020 as follows:

K. Day care centers if they meet the conditions set forth in Chapter 18.86.

Subsection L is hereby added to Section 18.48.020 as follows:

L. Day care centers if they meet the conditions set forth in Chapter 18.86.

Subsection I is hereby added to Section 18.52.020 as follows:

I. Nursery schools, family day care, mini-day care if they meet the conditions set forth in Chapter 18.86.

Subsection C of Section 18.56.020 is hereby repealed.

Subsection I of Section 18.64.020 is amended to read as follows:

I. Home occupation and premises occupations, subject to conditions set forth in Chapter 18.108 of this title and nursery schools, family day care, mini-day care, if they meet the conditions set forth in Chapter 18.86.

Subsection S is hereby added to Section 18.72.030 as follows:

S. Day Care facilities shall have one (1) parking space for each employee plus one (1) loading/unloading space for every 20 people, or portion thereof enrolled. Loading space requirement may be eliminated if there is a circular drive-way.

This ordinance will take effect upon passage and publication.

Adopted and passed by the City Council of Heber City, Utah, this 7th day of December, 1989.

ATTEST:

Mark K. Anderson
Recorder
(Seal)

APPROVED:

Gordon Mendenhall
MAYOR GORDON MENDENHALL

Passed by the following vote:

	<u>AYE</u>	<u>NAY</u>
Councilman Keith D. Jacobson	<u> x </u>	<u> </u>
Councilman Scott W. Wright	<u> x </u>	<u> </u>
Councilman Wayne L. Clegg	<u> x </u>	<u> </u>
Councilman Lincoln Rasband	<u> x </u>	<u> </u>
Councilman Bob Morris	<u> x </u>	<u> </u>

Date of First Publishing _____