



ORDINANCE NO. 2018- 23

**AN ORDINANCE AMENDING SECTIONS 2-2, 5-2, 5-3, 5-4, 5-6, 5-7, AND 5-18 OF THE UTAH COUNTY LAND USE ORDINANCE TO CHANGE “FAMILY DAY-CARE” TO “HOME CHILD CARE”, TO AMEND THE DEFINITION OF “HOME CHILD CARE”, AND TO DELETE “FAMILY DAY-CARE” FROM THE AREA AND WIDTH REQUIREMENTS**

**WHEREAS**, the Planning Commission initiated a review of Sections 2-2, 5-2, 5-3, 5-4, 5-6, 5-7, and 5-18 of the Utah County Land Use Ordinance to change “family day-care” to “home child care”, to amend the definition of “home child care”, and to delete “family day-care” from the area and width requirements

**WHEREAS**, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission on September 18, 2018, held a public hearing regarding the proposed amendments, and made a recommendation to the Board of County Commissioners regarding the proposed amendments; and

**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes of the Planning Commission meeting and the public hearing regarding the proposed amendments to the Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, 2014, and is consistent with the other provisions of the Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

**Part I:**

Section 2-2-A of the Utah County Land Use Ordinance is hereby amended, including the re-numbering of applicable subsections, to read as follows:

2-2: DEFINITIONS

ENT 103193:2018 PG 1 of 6  
JEFFERY SMITH  
UTAH COUNTY RECORDER  
2018 Oct 26 2:31 pm FEE 0.00 BY MA  
RECORDED FOR UTAH COUNTY COMMISSIONERS

- A. For purposes of this land use ordinance, definitions are provided for the following terms. Not all of the terms are used in this land use ordinance. The inclusion of any term defining a land use does not imply that the term is a permitted or conditionally permitted use in any zone, unless specifically stated as such in the applicable zone. Any term which is defined, but not used in this land use ordinance, is included to differentiate the term from other terms which are used in this land use ordinance:

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49. Home Child Care: Care and supervision of children within a dwelling by a licensed provider who resides within the dwelling. The licensed provider must hold a current Residential Child Care certificate or a current Family Child Care license which has been issued by the State of Utah Child Care Licensing. The total number of children cared for and the total number of caregivers within the dwelling must comply with state regulations.

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## **Part II:**

Section 5-2 of the Utah County Land Use Ordinance is hereby amended to read as follows:

### 5-2: RA-5 RESIDENTIAL AGRICULTURAL ZONE

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#### B. PERMITTED USES

The following shall be permitted in the RA-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

15. Home child care and/or private preschools.

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#### D. AREA REQUIREMENTS

The minimum area of a zoning lot within the RA-5 zone shall be as follows:

1. Each one-family dwelling, manufactured home, nursing home, planned subdivision, preschool, primary school, secondary school, landscape park, livestock auction yard, roping and riding arenas, or veterinary facility, shall be on a lot containing at least five (5) acres of land.

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#### E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the RA-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, nursing home, preschool, primary school, secondary school, landscape park, roping and riding arena, livestock auction yard, or veterinary facility, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

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## **Part III:**

Section 5-3 of the Utah County Land Use Ordinance is hereby amended to read as follows:

5-3: RR-5 RURAL RESIDENTIAL ZONE

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## B. PERMITTED USES

The following shall be permitted in the RR-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

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2. Home child care and/or private preschools.

\*\*\*

## D. AREA REQUIREMENTS

The minimum area of a zoning lot within the RR-5 zone shall be as follows:

1. Each one-family dwelling, manufactured home, nursing home, preschool, primary school or secondary school, shall be on a lot containing at least five (5) acres of land; however, the minimum area required for a lot within an approved, recorded, platted development, including a large scale development, for a one-family dwelling or manufactured home, shall be as set forth on the approved, recorded, development plat, and the minimum area required for a nonconforming lot of record, for a one-family dwelling or manufactured home, shall be as set forth in Chapters 1 and 2 of this ordinance.

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## E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the RR-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, home occupation, nursing home, church or church with a parsonage, preschool, primary school or secondary school, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

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**Part IV:**

Section 5-4 of the Utah County Land Use Ordinance is hereby amended to read as follows:

5-4: TR-5 TRANSITIONAL RESIDENTIAL ZONE

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## B. PERMITTED USES

The following shall be permitted in the TR-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

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2. Home child care and/or private preschools.

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## D. AREA REQUIREMENTS

The minimum area of a zoning lot within the TR-5 zone shall be as follows:

1. Each one family dwelling, manufactured home, nursing home, planned subdivision, preschool, primary school, secondary school, and produce stand, shall be on a lot containing at least five (5) acres of land.



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E. **WIDTH REQUIREMENTS**

The minimum width of a zoning lot within the TR-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, nursing home, preschool, primary school or secondary school, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

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**Part V:**

Section 5-6 of the Utah County Land Use Ordinance is hereby amended to read as follows:

5-6: **CE-2 CRITICAL ENVIRONMENTAL ZONE**

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B. **PERMITTED USES**

The following shall be permitted in the CE-2 Zone upon compliance with the standards and requirements as set forth in this ordinance:

9. Home child care.

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D. **AREA REQUIREMENTS**

The minimum area of a zoning lot within the CE-2 zone shall be as follows:

1. Each one-family dwelling, planned subdivision, mountain home development, reception center, or major campground, shall be located on a lot containing at least twenty (20) acres of land.

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E. **WIDTH REQUIREMENTS**

The minimum width of a zoning lot within the CE-2 zone shall be as follows:

1. For each one-family dwelling, church or other structure for religious worship, reception center, dude ranch, or church with parsonage, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

**Part VI:**

Section 5-7 of the Utah County Land Use Ordinance is hereby amended to read as follows:

5-7: **M&G-1 MINING AND GRAZING ZONE**

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B. **PERMITTED USES**

The following shall be permitted in the M&G-1 zone upon compliance with the standards and requirements as set forth in this ordinance:

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19. Home child care and/or private preschools.

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D. **AREA REQUIREMENTS**

The minimum area of a zoning lot within the M&G-1 zone shall be as follows:

1. Each one-family dwelling, manufactured home, private or commercial dog kennel on the same parcel as the dwelling to which it is accessory, planned subdivision, roping and riding arenas, and major campground, shall be located on a lot containing at least fifty (50) acres of land.

\*\*\*

E. **WIDTH REQUIREMENTS**

The minimum width of a zoning lot within the M&G-1 Zone shall be as follows:

1. For each one-family dwelling, manufactured home, church or other structure for religious worship, or church with a parsonage, preschool, primary school or secondary school, and roping and riding arena, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

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**Part VII:**

Section 5-18 of the Utah County Land Use Ordinance is hereby amended to read as follows:

5-18: **G-1 GRAZING ZONE**

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B. **PERMITTED USES**

The following shall be permitted in the G-1 Zone upon compliance with the standards and requirements as set forth in this ordinance:

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16. Home child care and private preschools.

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D. **AREA REQUIREMENTS**

The minimum area of a zoning lot within the G-1 Zone shall be as follows:

1. Each one-family dwelling, manufactured home, private or commercial dog kennel on the same parcel as the dwelling to which it is accessory, planned subdivision, roping and riding arenas with or without a one-family dwelling, and major campground, shall be located on a lot containing at least fifty (50) acres of land.

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E. **WIDTH REQUIREMENTS**

The minimum width of a zoning lot within the G-1 Zone shall be as follows:

1. For each one-family dwelling, manufactured home, church or other structure for religious worship, or church with a parsonage, preschool, primary school or secondary school, and roping and riding arena with or without a one-family dwelling, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

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**Part VII:**

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

**Part VII:**

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

**Part VIII:**

This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 9th day of October 2018.

**UTAH COUNTY COMMISSION**

  
NATHAN IVIE, CHAIR

  
WILLIAM C. LEE, VICE-CHAIR

  
GREG GRAVES, COMMISSIONER

**VOTE**

aye

aye

aye

**ATTEST:**  
**BRYAN E. THOMPSON**  
County Clerk/Auditor

By:   
Deputy



**APPROVED AS TO FORM:**  
**JEFFREY R. BUHMAN**  
County Attorney

☒ Approved

☐ Disapproved

By:   
Deputy

Date of Publication: Once only, as soon as possible



September 18, 2018

## UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION:** (Public Hearing)
- A. APPLICANT** - **Laura Turner**
- B. REQUEST** - **Proposed Utah County Land Use Ordinance text amendment to Section 2-2 to change “Family Day Care” to “Home Child Care” and to amend the definition; and amend Sections 5-2 Residential Agriculture (RA-5) Zone, 5-3 Rural Residential (RR-5) Zone, 5-4 Transitional Residential (TR-5) Zone, 5-6 Critical Environmental (CE-2) Zone, 5-7 Mining and Grazing (M&G-1) Zone, and 5-18 Grazing (G-1) Zone to change “family day-care” to “home child care” in the Permitted Uses sections and to delete “family day-care” from the Area and Width Requirements sections**
- C. LOCATION** - **Unincorporated Utah County**

## II. ZONING ADMINISTRATOR’S REVIEW:

### Applicant’s Request

The applicant is requesting to amend the Utah County Land Use Ordinance’s definition of “Family Day Care” to allow an increase in the number of children cared for in the home from 6 to 16 and to allow for an additional qualified caregiver, two qualified caregivers in total. The applicant indicates that this proposed amendment would align the Utah County Land Use Ordinance with Utah Administrative Code R430, Health, Family Health and Preparedness, Child Care Licensing. The applicant states that significant research has provided evidence that warm loving, home like settings are the most beneficial environments for children during early childhood providing parents with peace of mind that comes from knowing their children are under the supervision of licensed professionals.

The application proposes to amend the following sections of the Utah County Land Use Ordinance (additions are indicated in **red bold italic type**, deletions are ~~crossed out~~):

### 2-2: DEFINITIONS

- A. For purposes of this land use ordinance, definitions are provided for the following terms. Not all of the terms are used in this land use ordinance. The inclusion of any term defining a land use does not imply that the term is a

permitted or conditionally permitted use in any zone, unless specifically stated as such in the applicable zone. Any term which is defined, but not used in this land use ordinance, is included to differentiate the term from other terms which are used in this land use ordinance:

49. **Family Day Care:** ~~A dwelling wherein care and supervision are provided between the hours of 7:00 a.m. to 7:00 p.m. only, by the resident family to four, five, or six, but not more than six (6) people who are not related to such family. To qualify, approval must be obtained for such use by the State Department of Social Services.~~ *Continuous care and supervision of five or more qualifying children in lieu of parental care for less than 24 hours a day, and for direct or indirect compensation. Licensed family childcare is provided in a private home for up to 16 children, including the providers own children under the age of four. Providers must be at least 18 years old. Two qualifying caregivers are required when there are more than eight children in care and when there are more than two children under the age of two. With two caregivers, providers can care for up to (but not more than) four children under the age of two. A compliant outdoor play area is required.*

\*Staff Modifications\*

2-2: DEFINITIONS

- A. For purposes of this land use ordinance, definitions are provided for the following terms. Not all of the terms are used in this land use ordinance. The inclusion of any term defining a land use does not imply that the term is a permitted or conditionally permitted use in any zone, unless specifically stated as such in the applicable zone. Any term which is defined, but not used in this land use ordinance, is included to differentiate the term from other terms which are used in this land use ordinance:

49. **Family Day Care:** ~~A dwelling wherein care and supervision are provided between the hours of 7:00 a.m. to 7:00 p.m. only, by the resident family to four, five, or six, but not more than six (6) people who are not related to such family. To qualify, approval must be obtained for such use by the State Department of Social Services.~~ *Home Child Care: Care and supervision of children within a dwelling by a licensed provider who resides within the dwelling. The licensed provider must hold a current Residential Child Care certificate or a current Family Child Care license which has been issued by the State of Utah Child Care Licensing. The total number of children cared for and the total number of caregivers within the dwelling must comply with state regulations.*

Staff also suggests modifying the applicant's proposed amendment to include Sections 5-2 Residential Agriculture (RA-5) Zone, 5-3 Rural Residential (RR-5) Zone, 5-4 Transitional Residential (TR-5) Zone, 5-6 Critical Environmental (CE-2) Zone, 5-7 Mining and Grazing



(M&G-1) Zone, and 5-18 Grazing (G-1) Zone of the Utah County Land Use Ordinance. The suggested modifications are to change “family day-care” to “home child care” in the **Permitted Uses** of each section and to delete “family day-care” from the **Area Requirements** and **Width Requirements** of each section. All dwellings are required to comply with the area and width requirements listed in the land use ordinance. (Additions are indicated in *red bold italic type*, deletions are ~~crossed-out~~):

5-2: RA-5 RESIDENTIAL AGRICULTURAL ZONE

B. PERMITTED USES

The following shall be permitted in the RA-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

15. ~~Family day-care~~ *Home child care* and/or private preschools.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the RA-5 zone shall be as follows:

1. Each one-family dwelling, manufactured home, ~~family day-care~~, nursing home, planned subdivision, preschool, primary school, secondary school, landscape park, livestock auction yard, roping and riding arenas, or veterinary facility, shall be on a lot containing at least five (5) acres of land.

E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the RA-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, ~~family day-care~~, nursing home, preschool, primary school, secondary school, landscape park, roping and riding arena, livestock auction yard, or veterinary facility, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

5-3: RR-5 RURAL RESIDENTIAL ZONE

B. PERMITTED USES

The following shall be permitted in the RR-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

3. ~~Family day-care~~ *Home child care* and/or private preschools.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the RR-5 zone shall be as follows:

1. Each one-family dwelling, manufactured home, ~~family day-care~~, nursing home, preschool, primary school or secondary school, shall be on a lot containing at least five (5) acres of land; however, the minimum area required for a lot within an approved, recorded, platted development, including a large scale development, for a one-family dwelling or manufactured home, shall be as set forth on the approved, recorded, development plat, and the minimum area required for a nonconforming lot of record, for a one-family dwelling or manufactured home, shall be as set forth in Chapters 1 and 2 of this ordinance.

E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the RR-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, ~~family day-care~~, home occupation, nursing home, church or church with a parsonage, preschool,

primary school or secondary school, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

5-4: TR-5 TRANSITIONAL RESIDENTIAL ZONE

B. PERMITTED USES

The following shall be permitted in the TR-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

3. ~~Family day care~~ **Home child care** and/or private preschools.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the TR-5 zone shall be as follows:

1. Each one family dwelling, manufactured home, ~~family day care~~, nursing home, planned subdivision, preschool, primary school, secondary school, and produce stand, shall be on a lot containing at least five (5) acres of land.

E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the TR-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, ~~family day care~~, nursing home, preschool, primary school or secondary school, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

5-6: CE-2 CRITICAL ENVIRONMENTAL ZONE

B. PERMITTED USES

The following shall be permitted in the CE-2 Zone upon compliance with the standards and requirements as set forth in this ordinance:

9. ~~Family day care~~ **Home child care**.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the CE-2 zone shall be as follows:

1. Each one-family dwelling, ~~family day care~~, planned subdivision, mountain home development, reception center, or major campground, shall be located on a lot containing at least twenty (20) acres of land.

E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the CE-2 zone shall be as follows:

1. For each one-family dwelling, ~~family day care~~, church or other structure for religious worship, reception center, dude ranch, or church with parsonage, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

5-7: M&G-1 MINING AND GRAZING ZONE

B. PERMITTED USES

The following shall be permitted in the M&G-1 zone upon compliance with the standards and requirements as set forth in this ordinance:

19. ~~Family day care~~ **Home child care** and/or private preschools.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the M&G-1 zone shall be as follows:



1. Each one-family dwelling, manufactured home, ~~family day-care~~, private or commercial dog kennel on the same parcel as the dwelling to which it is accessory, planned subdivision, roping and riding arenas, and major campground, shall be located on a lot containing at least fifty (50) acres of land.

E. **WIDTH REQUIREMENTS**

The minimum width of a zoning lot within the M&G-1 Zone shall be as follows:

1. For each one-family dwelling, manufactured home, ~~family day-care~~, church or other structure for religious worship, or church with a parsonage, preschool, primary school or secondary school, and roping and riding arena, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

5-18: **G-1 GRAZING ZONE**

B. **PERMITTED USES**

The following shall be permitted in the G-1 Zone upon compliance with the standards and requirements as set forth in this ordinance:

16. ~~Family day-care~~ **Home child care** and private preschools.

D. **AREA REQUIREMENTS**

The minimum area of a zoning lot within the G-1 Zone shall be as follows:

1. Each one-family dwelling, manufactured home, ~~family day-care~~, private or commercial dog kennel on the same parcel as the dwelling to which it is accessory, planned subdivision, roping and riding arenas with or without a one-family dwelling, and major campground, shall be located on a lot containing at least fifty (50) acres of land.

E. **WIDTH REQUIREMENTS**

The minimum width of a zoning lot within the G-1 Zone shall be as follows:

1. For each one-family dwelling, manufactured home, ~~family day-care~~, church or other structure for religious worship, or church with a parsonage, preschool, primary school or secondary school, and roping and riding arena with or without a one-family dwelling, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

**Applicable Ordinances and Laws**

The following are ordinances and laws pertaining to this request:

1. **Section 1-2** of the Utah County Land Use Ordinance identifies the intent and purposes of the Ordinance.
2. **Section 2-2** lists the definitions of various terms and uses associated with the ordinance.
3. **Section 5** establishes regulations governing the use of land to carry out the purposes of the ordinance.
4. **Sections 7-23-C and 7-25** establishes the criteria for Planning Commission recommendation of approval to the County Commission for any land use ordinance or zone map amendment.



### III. STAFF FINDINGS:

1. The application for the land use ordinance amendment can be shown to meet the requirements of **Section 7-23-C-1** of the Utah County Land Use Ordinance, which requires the Planning Commission to find that the amendment conforms to the land use element and other provisions of the general plan, including:
  - It is the desire of Utah County citizens, the Utah County Legislative Body, and the Utah County Planning Commission to have a pleasant and progressive county in which people can live and work. (Goal, Utah County General Plan)
2. The application needs to show it meets the requirements of **Section 7-23-C-2**, which requires the Planning Commission to find the amendment to be in the best interest of the health, safety, and welfare of the public. The application can be shown to meet this requirement with the intent of providing home child care options to the local residents by insuring the facility is licensed by the State of Utah, Child Care Licensing meeting all applicable building, health, and fire-safety requirements.
3. The application needs to show it meets the requirements of **Section 7-23-C-3**, which requires the Planning Commission to find the amendment will more fully carry out the general purposes and intent of the ordinance.
  - Section 1-2-I lists to promote a more attractive and wholesome environment as one of the intents and purposes of the ordinance. The application would appear to be consistent with this stated intent and purpose for reasons stated above.
  - Section 1-2-J lists the creating of conditions favorable to prosperity as one of the intents and purposes of the ordinance. The application would appear to be consistent with this stated intent and purpose for reasons stated above.

### IV. ZONING ADMINISTRATOR'S POSITION:

That if the Utah County Planning Commission feels the proposal; 1) meets the intent of the Utah County Land Use Ordinance; 2) is consistent with the Utah County General Plan, 2014, and; 3) is in the best interest of the health, safety, and welfare of the public, then it considers:

Recommendation of approval to the Utah County Commission of the proposed Utah County Land Use Ordinance text amendment, as suggested by staff, to Section 2-2 to change "Family Day Care" to "Home Child Care" and to amend the definition; and amend Sections 5-2 Residential Agriculture (RA-5) Zone, 5-3 Rural Residential (RR-5) Zone, 5-4 Transitional Residential (TR-5) Zone, 5-6 Critical Environmental (CE-2) Zone, 5-7 Mining and Grazing (M&G-1) Zone, and 5-18 Grazing (G-1) Zone to change "family day-care" to "home child care" in the Permitted Uses sections and to delete "family day-care" from the Area and Width Requirements sections, based on the minimum findings addressed above.

The application proposes to amend the following sections of the Utah County Land Use Ordinance (additions are indicated in **red bold italic type**, deletions are crossed out):

2-2: DEFINITIONS

A. For purposes of this land use ordinance, definitions are provided for the following terms. Not all of the terms are used in this land use ordinance. The inclusion of any term defining a land use does not imply that the term is a permitted or conditionally permitted use in any zone, unless specifically stated as such in the applicable zone. Any term which is defined, but not used in this land use ordinance, is included to differentiate the term from other terms which are used in this land use ordinance:

49. **Family Day Care:** ~~A dwelling wherein care and supervision are provided between the hours of 7:00 a.m. to 7:00 p.m. only, by the resident family to four, five, or six, but not more than six (6) people who are not related to such family. To qualify, approval must be obtained for such use by the State Department of Social Services.~~ ***Continuous care and supervision of five or more qualifying children in lieu of parental care for less than 24 hours a day, and for direct or indirect compensation. Licensed family childcare is provided in a private home for up to 16 children, including the providers own children under the age of four. Providers must be at least 18 years old. Two qualifying caregivers are required when there are more than eight children in care and when there are more than two children under the age of two. With two caregivers, providers can care for up to (but not more than) four children under the age of two. A compliant outdoor play area is required.***

\*Staff Modifications\*

2-2: DEFINITIONS

A. For purposes of this land use ordinance, definitions are provided for the following terms. Not all of the terms are used in this land use ordinance. The inclusion of any term defining a land use does not imply that the term is a permitted or conditionally permitted use in any zone, unless specifically stated as such in the applicable zone. Any term which is defined, but not used in this land use ordinance, is included to differentiate the term from other terms which are used in this land use ordinance:

49. **Family Day Care:** ~~A dwelling wherein care and supervision are provided between the hours of 7:00 a.m. to 7:00 p.m. only, by the resident family to four, five, or six, but not more than six (6) people who are not related to such family. To qualify, approval must be obtained for such use by the State Department of Social Services.~~ ***Home Child Care: Care and supervision of children within a dwelling by a licensed provider who resides within the dwelling. The licensed provider must hold a current Residential Child Care***



*certificate or a current Family Child Care license which has been issued by the State of Utah Child Care Licensing. The total number of children cared for and the total number of caregivers within the dwelling must comply with state regulations.*

Staff also suggests modifying the applicant's proposed amendment to include Sections 5-2 Residential Agriculture (RA-5) Zone, 5-3 Rural Residential (RR-5) Zone, 5-4 Transitional Residential (TR-5) Zone, 5-6 Critical Environmental (CE-2) Zone, 5-7 Mining and Grazing (M&G-1) Zone, and 5-18 Grazing (G-1) Zone of the Utah County Land Use Ordinance. The suggested modifications are to change "family day-care" to "home child care" in the **Permitted Uses** of each section and to delete "family day-care" from the **Area Requirements** and **Width Requirements** of each section. All dwellings are required to comply with the area and width requirements listed in the land use ordinance. (Additions are indicated in **red bold italic type**, deletions are ~~crossed-out~~):

5-2: RA-5 RESIDENTIAL AGRICULTURAL ZONE

B. PERMITTED USES

The following shall be permitted in the RA-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

15. ~~Family day-care~~ **Home child care** and/or private preschools.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the RA-5 zone shall be as follows:

1. Each one-family dwelling, manufactured home, ~~family day-care~~, nursing home, planned subdivision, preschool, primary school, secondary school, landscape park, livestock auction yard, roping and riding arenas, or veterinary facility, shall be on a lot containing at least five (5) acres of land.

E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the RA-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, ~~family day-care~~, nursing home, preschool, primary school, secondary school, landscape park, roping and riding arena, livestock auction yard, or veterinary facility, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

5-3: RR-5 RURAL RESIDENTIAL ZONE

B. PERMITTED USES

The following shall be permitted in the RR-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

3. ~~Family day-care~~ **Home child care** and/or private preschools.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the RR-5 zone shall be as follows:

1. Each one-family dwelling, manufactured home, ~~family day-care~~, nursing home, preschool, primary school or secondary school, shall be on a lot containing at least five (5) acres of land; however, the minimum area required for a lot within an approved, recorded, platted development,



including a large scale development, for a one-family dwelling or manufactured home, shall be as set forth on the approved, recorded, development plat, and the minimum area required for a nonconforming lot of record, for a one-family dwelling or manufactured home, shall be as set forth in Chapters 1 and 2 of this ordinance.

E. **WIDTH REQUIREMENTS**

The minimum width of a zoning lot within the RR-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, ~~family day care~~, home occupation, nursing home, church or church with a parsonage, preschool, primary school or secondary school, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

5-4: **TR-5 TRANSITIONAL RESIDENTIAL ZONE**

B. **PERMITTED USES**

The following shall be permitted in the TR-5 zone upon compliance with the standards and requirements as set forth in this ordinance:

3. ~~Family day care~~ **Home child care** and/or private preschools.

D. **AREA REQUIREMENTS**

The minimum area of a zoning lot within the TR-5 zone shall be as follows:

1. Each one family dwelling, manufactured home, ~~family day care~~, nursing home, planned subdivision, preschool, primary school, secondary school, and produce stand, shall be on a lot containing at least five (5) acres of land.

E. **WIDTH REQUIREMENTS**

The minimum width of a zoning lot within the TR-5 zone shall be as follows:

1. For each one-family dwelling, manufactured home, ~~family day care~~, nursing home, preschool, primary school or secondary school, the minimum width of the lot at any point between the frontage and the structure shall be two hundred fifty (250) feet.

5-6: **CE-2 CRITICAL ENVIRONMENTAL ZONE**

B. **PERMITTED USES**

The following shall be permitted in the CE-2 Zone upon compliance with the standards and requirements as set forth in this ordinance:

9. ~~Family day care~~ **Home child care.**

D. **AREA REQUIREMENTS**

The minimum area of a zoning lot within the CE-2 zone shall be as follows:

1. Each one-family dwelling, ~~family day care~~, planned subdivision, mountain home development, reception center, or major campground, shall be located on a lot containing at least twenty (20) acres of land.

E. **WIDTH REQUIREMENTS**

The minimum width of a zoning lot within the CE-2 zone shall be as follows:

1. For each one-family dwelling, ~~family day care~~, church or other structure for religious worship, reception center, dude ranch, or church with

parsonage, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

5-7: M&G-1 MINING AND GRAZING ZONE

B. PERMITTED USES

The following shall be permitted in the M&G-1 zone upon compliance with the standards and requirements as set forth in this ordinance:

19. ~~Family day care~~ **Home child care** and/or private preschools.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the M&G-1 zone shall be as follows:

1. Each one-family dwelling, manufactured home, ~~family day care~~, private or commercial dog kennel on the same parcel as the dwelling to which it is accessory, planned subdivision, roping and riding arenas, and major campground, shall be located on a lot containing at least fifty (50) acres of land.

E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the M&G-1 Zone shall be as follows:

1. For each one-family dwelling, manufactured home, ~~family day care~~, church or other structure for religious worship, or church with a parsonage, preschool, primary school or secondary school, and roping and riding arena, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.

5-18: G-1 GRAZING ZONE

B. PERMITTED USES

The following shall be permitted in the G-1 Zone upon compliance with the standards and requirements as set forth in this ordinance:

16. ~~Family day care~~ **Home child care** and private preschools.

D. AREA REQUIREMENTS

The minimum area of a zoning lot within the G-1 Zone shall be as follows:

1. Each one-family dwelling, manufactured home, ~~family day care~~, private or commercial dog kennel on the same parcel as the dwelling to which it is accessory, planned subdivision, roping and riding arenas with or without a one-family dwelling, and major campground, shall be located on a lot containing at least fifty (50) acres of land.

E. WIDTH REQUIREMENTS

The minimum width of a zoning lot within the G-1 Zone shall be as follows:

1. For each one-family dwelling, manufactured home, ~~family day care~~, church or other structure for religious worship, or church with a parsonage, preschool, primary school or secondary school, and roping and riding arena with or without a one-family dwelling, the minimum width of the lot at any point between the frontage and the structure shall be three hundred thirty (330) feet.