

ORDINANCE 2018-29

AN ORDINANCE OF NORTH OGDEN CITY AMENDING THE ZONING ORDINANCE OF NORTH OGDEN CITY TO ADJUST THE DAYCARE STANDARDS IN RESIDENTIAL ZONES

WHEREAS; Daycare is an allowed in some residential zones; and

WHEREAS; Daycare standards are inconsistent between zones with varying standards; and

WHEREAS; The City Council has requested that day care and preschool standards be reviewed; and

WHEREAS; The North Ogden City Planning Commission has reviewed these standards and conducted a public hearing on the amendment and recommends adoption of this amendment.

NOW THEREFORE, BE IT ORDAINED by the North Ogden City Council that the North Ogden City zoning ordinance 11-2-1; amending section 11-10-10 Day Care and amending the following chapters to move daycare from conditional uses to permitted uses under the R-1-8, R-1-8 A, R-1-8 AG, R-1-10, R-1-12.5, R-2, R-3, R-4, and RCC zones and eliminating the standards in the individual zones for a universal set of standards for all residential zones.

SECTION 1: Text to be amended:

11-7A-2 Permitted Uses

~~Home daycare center in the operator's residence for nine (9) or less people. An annual review by the planning commission is required.~~

Daycare

11-7A-3 Conditional Uses

~~Home daycare center in the operator's residence for more than nine (9) people, but not more than twelve (12) people, plus supervisory personnel. An annual review by the planning commission is required. The home daycare area shall not be greater than three hundred (300) square feet or twenty five percent (25%) of the house, whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2.~~

11-7B-2 Permitted Uses

~~Home daycare center for up to nine (9) people. The operator must be a resident of the home. The home daycare area shall not be greater than three hundred (300) square feet or twenty five percent (25%) of the house, whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2.~~

Daycare

11-7B-3 Conditional Uses

~~Home daycare center in the operator's residence for more than nine (9) people, but not more than twelve (12) people, plus supervisory personnel. An annual review by the planning commission is required. The home daycare area shall not be greater than three hundred (300) square feet or twenty five percent (25%) of the house, whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2.~~

11-7F-2 Permitted Uses

~~Home daycare center for up to nine (9) people. The operator must be a resident of the home. The home daycare area shall not be greater than three hundred (300) square feet or twenty five percent (25%) of the house, whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2.~~

Daycare

11-7F-3 Conditional Uses

~~Home daycare center in the operator's residence for more than nine (9) people, but not more than twelve (12) people, plus supervisory personnel. An annual review by the planning commission is required. The home daycare area shall not be greater than three hundred (300) square feet or twenty five percent (25%) of the house, whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2.~~

11-7G-2 Permitted Uses

~~Home daycare center for up to nine (9) people. The operator must be a resident of the home. The home daycare area shall not be greater than three hundred (300) square feet or twenty five percent (25%) of the house, whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2.~~

Daycare

11-7G-3 Conditional Uses

~~Home daycare center in the operator's residence for more than nine (9) people, but not more than twelve (12) people, plus supervisory personnel. An annual review by the planning commission is required. The home daycare area shall not be greater than three hundred (300) square feet or twenty five percent (25%) of the house, whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2.~~

11-7H-2 Permitted Uses

~~Home daycare center for up to nine (9) people. The operator must be a resident of the home. The home daycare area shall not be greater than three hundred (300) square feet or twenty five percent (25%) of the house, whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2.~~

~~Daycare~~

11-7H-3 Conditional Uses

~~Home daycare center in the operator's residence for more than nine (9) people, but not more than twelve (12) people, plus supervisory personnel. An annual review by the planning commission is required. The home daycare area shall not be greater than three hundred (300) square feet or twenty five percent (25%) of the house, whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2.~~

11-7J-2 Permitted Uses

~~Home daycare center for up to nine (9) people. The operator must be a resident of the home. The home daycare area shall not be greater than three hundred (300) square feet or twenty five percent (25%) of the house, whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2.~~

~~Daycare~~

11-7J-3 Conditional Uses

~~Home daycare center in the operator's residence for more than nine (9) people, but not more than twelve (12) people, plus supervisory personnel. An annual review by the planning commission is required. The home daycare area shall not be greater than three hundred (300) square feet or twenty five percent (25%) of the house, whichever is less. The daycare area of the home shall conform to the standards of IBC table 1003.2.2.2.~~

SECTION 2: Text to be added:

11-1-5. ADMINISTRATION AND ENFORCEMENT

A. Purpose and Intent.

The purpose of this section is to establish regulations and procedures for the processing and consideration of applications allowed by this Land Use Code as identified in CCNO Title 11 and designating the land use authority for the interpretation of this Code.

B. Administrative Authority.

1. The planning director is charged with the administration of the provisions of this title. The planning director, or his designee, is designated as the land use authority to deny, approve, or approve with conditions an application for the following administrative applications:

- a. home occupations
- b. land use permits
- c. daycares - Applications for daycares shall be processed as a site plan review as identified in 11-10-27.
- d. preschools - Applications for preschools shall be processed as a site plan review as identified in 11-10-27.

The planning director may deny an application for an administrative approval if the use fails to comply with specific standards set forth in the city code or if any of the required findings are not supported by evidence in the record as determined by the director. At the discretion of the planning director, the Planning Commission can hear the request for an administrative approval. Further, the planning director is designated as the land use authority to interpret CCNO Title 11.

11-10-10 Daycare

- ~~A. State Law Applicable: The regulations and licensing of daycare centers shall be in accordance with Utah Code 26-39, as amended, or as hereafter amended.~~
- ~~B. Outdoor Play Areas; Fencing: All outdoor play areas shall be within a fenced area and shall be limited to use by the children in the daycare between the hours of eight o'clock (8:00) A.M. to eight o'clock (8:00) P.M. Fence height shall be in accordance with CCNO 11-10-11.~~
- ~~C. Off Street Parking: Sufficient off street parking shall be provided to satisfy the requirements of CCNO 11-17-4.~~

A. Purpose Statement

The purpose and intent of this section is to permit residents in specific residential zones to conduct daycares in a manner that will retain the character of the home in a residential setting while not significantly impacting the residential character of the neighborhood.

B. Daycare Use

Daycares are allowed in specific residential zones as permitted uses.

C. Development Standards of all Daycares

It shall be unlawful to conduct or pursue a daycare within the corporate limits of the city, unless each of the following conditions are observed:

1. Home daycare center in the operator's residence for up to sixteen (16) people.
2. Residents Of Premises: Only persons who are bona fide residents of the premises shall operate the daycare; if the daycare has more than 8 people or children then one additional person not residing in the dwelling may be employed in the daycare if they have been certified by the state and not a minor.
3. Total Floor Area: The daycare shall not occupy more than 50% of the ground floor area of the residence.
4. Minimum Interior Floor Area: A minimum floor area of thirty-five (35) square feet per child shall be provided.
5. Signs and Advertising: No sign or advertising shall be displayed on the premises.
6. Parking and Drop Off: Off street parking shall be provided to satisfy the requirements of CCNO 11-17-3 and 4. The addition of off street parking facilities on the premises of the daycare beyond that normally required for residential uses is not required. The safe drop off of children is the responsibility of the daycare operator.
7. Play Areas; Fencing: A minimum outdoor play area of forty (40) square feet per child shall be provided. All outdoor play areas shall be within a fenced area and shall be limited to use by the children in the daycare in normal operating hours. Fence height shall be in accordance with CCNO 11-10-11.
8. Conformance With Laws: There shall be complete conformity with fire, building, plumbing, electrical and health codes; and to all state and city ordinances and other laws, covenants, restrictions or regulations pertaining to the premises upon which the daycare is conducted. State Law Applicable: The regulations and licensing of daycare centers shall be in accordance with Utah Code 26-39, as amended, or as hereafter amended
9. Licensing and Regulation. Appropriate city and state licenses shall be acquired.
10. An annual inspection for continued compliance will be required for license renewal of all daycare facilities.
11. A criminal background check is required for any adult who resides at a dwelling used for a daycare business.
12. No person who has been convicted of a sexually oriented crime may operate, be employed by, or reside at a dwelling that is used for a daycare business.

SECTION 3: This ordinance shall take effect upon adoption.

PASSED and ADOPTED this 27th day of November, 2018.

North Ogden City:

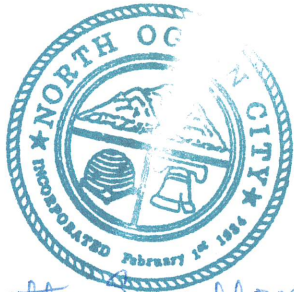
Cheryl Stoker

Cheryl Stoker
Mayor Pro Temp

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay	
Council Member Barker:	<u>X</u>	___	
Council Member Covering:	___	___	(excused)
Council Member Stoker:	<u>X</u>	___	
Council Member Swanson:	<u>X</u>	___	
Council Member Turner:	<u>X</u>	___	
(In event of a tie vote of the Council):			
Mayor Chugg	___	___	

ATTEST:



S. Annette Spendlove

S. Annette Spendlove, MMC
City Recorder