

Proposed Amendment to Appendix A and Definitions  
 October 15, 2025 Public Hearing Copy  
 Red text are new additions to the Code  
 Line through text will be deleted

Appendix A X=permitted 0=not permitted

6800	<del>Education Services</del> <b>Institutions</b>	RR-.5	C-1	LMI-1	SLOZ	Gov. Services
6807	Home-based Micro School (16 or less K-12 students) - allowed in all zones SB13	X	X	X	X	X
6808	Micro Education Entity (up to 100 K-12 students) - allowed in all zones SB13	X	X	X	X	X
6809	Charter School - allowed in all zones SB 13	X	X	X	X	X
6810	Private School - Commercial Zone	0	X	0	0	0
6811	Commercial Day Child Care/Preschool Operations <del>12 children or less</del> allowed in Commercial Zone	0	X	0	0	0
6812	Primary Schools	0	X	0	0	X
6813	Secondary Schools	0	X	0	0	X
6821	Universities and Colleges	0	X	0	0	X
6822	Junior Colleges	0	X	0	0	X
6823	Professional schools	0	X	0	0	X
6831	Vocational or trade schools	0	X	0	0	X
6832	Business or stenographic schools	0	X	0	0	X
6833	Barber and beauty schools	0	X	0	0	X
6834	Art and music schools	0	X	0	0	X
6835	Dancing schools	0	X	0	0	X
6836	Driving schools	0	X	0	0	X
6837	Correspondence schools	0	X	0	0	X
6839	Other special training and schooling, NEC	0	X	0	0	X

Definitions Chapter 2

The following definitions will be found in Chapter 2 of the Land Management and Development Code which are arranged in alphabetical order. Numbering will change as some are new definitions, some are combined, and some will be deleted.

**Certified Provider** means a person who holds a Residential Child Care Certificate from the Utah Department of Health and Human Services if the person provides residential child care for eight or fewer qualifying children. (26B-2-404)

**2.39 Charter School:**

- (a) an operating charter school;
- (b) a charter school applicant that a charter school authorizer approves in accordance with Utah State Code Title 53G, Chapter 5, Part 3, Charter School Authorization; or

(c) an entity that is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

(d) "Charter school" does not include a therapeutic school. (Bear River City LMDC)

#### **2.40 Child Care**

Continuous care and supervision (day or night) of five or more qualifying children in lieu of parental care, for less than 24 hours a day, and for direct or indirect compensation. (Utah State Code 26-39)

As used in this Ordinance, the term Child Care is not intended to include baby-sitting services of a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocative child-care by a group of parents in their respective domiciles. (BRC LMDC)

#### **~~2.41 Child Care Center/Hourly Child Care Center~~**

~~Child Care Center/Hourly Child Care Center means child care is provided in a non-residential setting and children have regular or hourly schedules of care in the center. (BRC LMDC)~~

**2.41 Commercial Child Care Center/Hourly Child Care Center/Pre-school** means child care **or educational instruction** is provided in a nonresidential setting and children have regular or hourly schedules of care in the center. The number of children allowed and providers required will be determined by the facility's total net square footage. There must be a director who is at least twenty-one years old and meets educational requirements. A child care center must have a safely accessible fenced outdoor play area, but an hourly center **or preschool** does not. (Business License Section 3)

#### **~~2.42 Child Day Care~~ [combine 2.40 and 2.42]**

~~The provision (day or night) of supplemental parental care instruction and supervision~~

- ~~(a) For a non-related child or children;~~
- ~~(b) On a regular basis; and~~
- ~~(c) For less than 24 hours a day.~~

**Education Institution:** An Education Institution is a place or organization that provides learning and instruction. These institutions come in various forms, ranging from preschools and primary schools to universities and vocational training centers, all of which aim to impart knowledge and skills.

#### **2.66 Family Child Care**

- ~~(a) Family Child Care means care is provided in a private home for up to sixteen qualifying children, including the provider's own children under the age of four. (Bear River City LMDC)~~

**2.66 Family Child Care** means care is provided in a private home for up to sixteen qualifying children, including the provider's own children under the age of four. **Providers must be at least**

eighteen years old. Two qualified 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 in care. 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. (Business license Ord Section 3)

~~3.22 (a) Family Day Care services as defined in chapter 2 of this code, require a business license. The provider is limited to six children. The provider must reside in the residence where services are provided. The provider must receive a license from the State of Utah within sixty (60) days after approval by the Town.~~

~~3.22 (b) Family Group Day Care services as defined in chapter 2 of this code requires a Conditional Use Permit. The provider is limited to 12 children. The provider must reside in the residence where services are provided. The subject residence must conform to the Uniform Building Code prior to operating the facility. The provider must receive a license from the State of Utah within sixty (60) days after approval by the Town.~~

**“Home-based microschool”** means an individual or association of individuals that; registers as a business entity in accordance with state and local laws; and for compensation, provides kindergarten through grade 12 education services to 16 or fewer students from an individual’s residential dwelling, accessory dwelling unit, or residential property. 53G-6-201 (3)(a)

**Licensed Provider** means a person who holds a license from the Utah Department of Health and Human Services who provides child care for five or more qualifying children in a commercial child care center or provides residential child care for nine or more qualifying children or requests to be licensed. (26B-2-403)

**“Micro-education entity”** means a person or association of persons that: registers as a business entity in accordance with state and local laws; and for compensation, provides kindergarten through grade 12 education services to 100 students or fewer. A micro-education entity does not include a daycare, home-based microschool, private school or a school within the public education system. 53G-6-201 (5)(a)

**Off-Street Parking:** Off-Street Parking means parking spaces that are not located on a public street, roadway or street right-of-way, but rather on private property.

**2.191 Pre-School.** A home occupation in a residential zone which is essentially: 1) an educational function, 2) teaching socialization and preparation for kindergarten, 3) involving 3-5 year old children for 2 to 2 ½ hours per session, 4) with no more than two sessions per day. Each session is to include no more than 6 children inclusive of the resident’s own **qualifying** children. (BRC LMDC)

~~3.22 Preschools as defined in chapter 2 of this code do not require a Conditional Use Permit, unless signed written complaints are received by the Town Council from adjoining residents. If~~

~~complaints are received, the Town Council will, within 45 days, determine if the complaint is significant or not. If significant, the Town may then require a Conditional Use Permit. All Preschools must comply with the Uniform Building Code, state statutes and receive a license if required by the Town.~~

**Primary School**, also known as an elementary school, is a school for young children, typically ages 5 to 11.

**Private School.** A school which is operated by a quasi-public or private group, individual or organization, and which has a curriculum similar to that provided in any public school in the state of Utah. Private Schools may be non-profit or profit-making establishments. (Brigham)

**Public School.** A school open to the public, recognized by a school district or other public education agency in the State of Utah. (Commissioner Ormond)

**2.201 QUALIFYING CHILD** means an individual who is:

- a. under the age of 13; or under the age of 18, if the person has a disability; and
- b. a child of:
  - i. a person other than the person providing care to the child;
  - ii. a licensed or certified residential child care provider, if the child is under the age of four; or
  - iii. an employee or owner of a licensed child care center, if the child is under the age of four. (BRC Business License Ord) (26B-2-401(10))

**2.210 Residential Child Care** means care is provided in a private home for up to eight **qualifying** children, including the provider's own children under the age of four. There can be up to (but not more than) two children under the age of two **three** in care. Providers must be at least eighteen years old. **An outdoor play area is not required.** (BRC LMDC) (26B.2.401(12) (26B-2-405)

**Secondary School**, can include high school, junior high school and middle school. It is an education institution that provides instruction for students in grades that follow elementary school and precede college or university.

**Trade or Vocational School.** A post-high school educational or vocational training facility. (Brigham)