

Section 3: EDUCATION INSTITUTIONS

Appendix A X=permitted 0=not permitted

6800	Education Institutions	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 Child Care/Preschool Operations	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:

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)

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.

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, reciprocal child-care by a group of parents in their respective domiciles.

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 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.

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.

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.

"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.

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.

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.

Public School: A school open to the public, recognized by a school district or other public education agency in the State of Utah.

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. (26B-2-401(10))

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 three in care. Providers must be at least eighteen years old. An outdoor play area is not required. (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.

APPLICATION PROCESS

3.1 LICENSE REQUIRED:

It is unlawful for any person to operate an Education Institution within the city without first obtaining a city business license to engage in such business. No business license shall be issued unless the facility is in full compliance with all applicable state and local laws.

The proper business license applications and supporting documents shall be submitted to the City Clerk as required in the Bear River City Business License ordinance unless specifically exempt by state law.

3.1.1 State License required if: (26B-2-403)

Commercial child care is provided for five or more qualifying children,
Residential child care is provided for nine or more qualifying children, or
The applicant requests a state license, but may not provide child care in the person's home for more than two children under three years old. (26B-2-405(b)(ii))

A state "certified provider" may exceed the capacity limit to provide after school child care without obtaining a state license.

Contact the Utah Department of Health and Human Services to apply for a License or Residential Child Care Certificate.

Provide copies of state license application and all required documentation submitted with the state application.

3.1.2 Educational Institutions shall complete the regular Business License Application and the Educational Institution Application.

The Initial application shall be referred to the following.

1. Fire Marshall for compliance with all fire codes;
2. Building Inspection to determine compliance with all building codes, determine if utility services are adequate, and receive an Occupancy Permit for the appropriate Class;
3. Zoning Administrator to determine compliance with all zoning ordinances.

3.2 SITE PLAN REQUIRED: A detailed site plan of the proposed new building or change of use of an existing building shall be required with the application.

The property must contain at least 1 ace for every 100 students

Not cover more than 30 percent of the site with buildings

Provide landscaped outdoor common area for use by students covering a minimum of 20 per cent of the site

Provide unobtrusive exterior lighting

Provide sufficient drainage

3.3 TRAFFIC AND PARKING: A traffic and parking plan shall be submitted with the application.

The plan shall be reviewed and approved by the City and City Engineer and must include:

3.3.1 Evidence the street is of sufficient width to accommodate additional vehicular traffic without proposing the need for dedicated turn lanes; pedestrian access and increased capacity of the existing streets.

3.3.2 Allows for sufficient emergency vehicle access;

3.3.3 Plans for off-street parking for all employees, students and visitors as required in the Supplementary Regulations of the Bear River City Land Management and Development Code;

3.3.4 An acceptable traffic flow, on-site drop off area, and turn-around areas without hindering or disrupting vehicular traffic

3.4 INSPECTIONS REQUIRED: A qualified inspector or inspectors of the City's choosing shall determine if the proposed facility:

3.4.1 Complies with all applicable health, building, and fire codes and State and Federal Laws

3.4.2 Meets Occupancy Requirements

3.4.3 Is ADA compliant when required

3.4.4 Has Adequate Utility Services Availability

A fire safety inspection shall be required with the initial business license application and annually, prior to the business license being renewed.

The applicant shall reimburse the City for the cost of all inspections.

3.5 BUILDING SETBACKS: All Education Institutions shall comply with the underlying zoning and land use regulations pertaining to setback, height, bulk and massing regulations, off-street parking, curb cut, traffic circulation, and construction staging. The City may impose regulations on the location of a project that are necessary to avoid risks to health or safety.

Building height shall not exceed 35' above grade.

3.6 ADDITIONAL REGULATIONS FOR THE FOLLOWING:

3.6.1 HOME-BASED MICROSCHOOL

A home-based microschool may operate in a facility that meets requirements for a primary dwelling. If a floor that is below grade is used for a home-based microschool it shall have at least one emergency escape or rescue window that complies with the requirements for emergency escape and rescue windows as defined by the International Residential Code.

In addition to the dwelling unit parking requirements listed in the Bear River City Land Management and Development Code, a home-based microschool shall provide sufficient parking and needed facilities for employees, students, and visitors completely and entirely on homeowner's land containing the primary dwelling as outlined in the Supplementary Regulations of the Bear River City Land Management and Development Code.

3.6.2 MICRO-EDUCATION ENTITY

A micro-education entity may operate in a facility that is subject to and complies with the same occupancy requirements as a Class A-1, A-3, B or M Occupancy as defined by the International Building Code if:

The facility has a code compliant fire alarm system and carbon monoxide detection system; and

Each classroom in the facility has an exit directly to the outside at the level of exit or discharge; **or**

The structure has a code compliant fire sprinkler system; and

The facility has an automatic fire sprinkler system in fire areas of the facility that are greater than 12,000 square feet.

A micro-education entity may operate in a facility that meets Group E Occupancy requirements as defined by the International Building Code and may have up to 100 students in the facility.
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