



60 West Main Street
Hyrum, Utah 84319
Ph. (435) 245-6033
www.hyumcity.gov

City Council Agenda Information

To: Mayor Miller and City Council

From: Tony Ekins, City Planner

Date: January 27, 2026

Subject: Ordinance 26-06 – An ordinance amending Title 17 Zoning of the Hyrum City Municipal Code to create Chapter 17.63 Home-Based Microschool And Micro-Education Entity; amend 17.04.070 Definitions to define and include “Home-Based Microschool” and “Micro-Education Entity”; and amend Use Regulations in sections 17.22.030, 17.28.010, 17.30.010, 17.32.010, 17.36.010, 17.38.010, 17.44.020, 17.45.020, 17.48.020, 17.49.020, and 17.050.020 to include Home-Based Microschool And Micro-Education Entity as a permitted use in all zoning districts. Application #25-040.

Summary:

The proposed application is initiated by Hyrum City to create a Home-Based Microschool And Micro-Education Entity ordinance as allowed by Utah Code to address business license, parking, traffic, hours of operation and applicable zoning and land use regulations that do not conflict with Utah Code 10-20-304.

City Attorney Recommendation:

On November 11, 2025, the Hyrum City Attorney reviewed the draft ordinance and provided the following suggestions to the draft ordinance:

1. Clarify “Home-Based Microschool” definition to include education services to 16 or fewer students.
2. While parking requirements for micro-education or home-based microschoools cannot exceed the requirements of schools or other institutional public uses, we should pass a requirement for parking for schools. Example: 0.1 stall per student.
 - a. The current Hyrum City Code for similar use (places for public assembly) require one (1) space for each five (5) fixed seats and one (1) space for fifty (50) square feet of floor area for moveable seats under maximum seating arrangement. This occurs in commercial and residential zoning districts. Staff contacted the Cache County Development Department for information regarding parking counts for public and private schools and staff was advised they rely on the proposed parking counts provided by design engineers, and they only verify the number of ADA stalls per overall parking stall quantity. Comparably, staff reached out to Logan City to determine parking counts public and private schools, and staff was advised they allow an alternative approach whereas the applicant provides a parking plan with rational for meeting sufficient parking stalls. This option requires a parking study that includes estimates of parking demand.

Planning Commission Recommendation:

On November 13, 2025, the Planning Commission held the required public hearing and made a motion (4-0) recommending approval to the City Council with the following recommendations:

1. Clarify “Home-Based Microschool” definition to include education services to 16 or fewer students.
2. In the parking section, clarify parking requirements shall comply with Hyrum City off-street parking requirements.
3. In the traffic section, clarify the traffic plan shall address impacts on the site and surrounding community without obstructing traffic.

City Council Meeting Details: (Continued)

- Meeting Date: November 20, 2026
- The City Council continued the prepared ordinance for staff to complete the following:
 1. Verify if “Home-Based Microschool” can be regulated to only be homeowner occupied.
 - a. The State Bill treats all Home-Based Microschools as a permitted land use in any zone and removes occupancy restrictions beyond that applies to the primary home. This request is not an option.
 2. Staff review any unforeseen parking and traffic impacts.
 - a. State and city roads are public and for the use of public transportation. When an application is submitted to the city, the draft ordinance will require the applicant to provide a desired route for transportation and staff can include recommendations for routes that could better minimize traffic impacts on neighborhoods.
 - b. Staff contacted Cache County and Logan City who review school district site plans for parking quantities and staff provided parking language consistent with the intent of the draft ordinance to include a parking plan, review, and approval process in 17.63.C. Parking.

City Council Meeting Details:

- Meeting Date: February 5, 2026
- Council Role: Legislative with Roll Call Vote

Attachments:

1. Prepared Ordinance

ORDINANCE 26-06

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993; and

WHEREAS, Title 17 of the Hyrum City Municipal Code is known as the Zoning Ordinance of Hyrum City and sets forth regulations governing land use within the municipal limits; and

WHEREAS, Section 17.04.040 allows Title 17 of the Hyrum City Municipal Code, the Zoning Ordinance, to be amended by the City Council following fourteen days' notice and a public hearing; and

WHEREAS, the City Council has determined there is a need to amend Title 17 to further clarify those regulations governing zoning and other regulations controlling land use and development within Hyrum City.

NOW THEREFORE, upon recommendation of the Planning Commission and following a public hearing as required by Section 17.04.040, the Hyrum City Council hereby adopts, passes, and publishes the following:

An ordinance amending Title 17 Zoning of the Hyrum City Municipal Code to create Chapter 17.63 Home-Based Microschool And Micro-Education Entity; amend 17.04.070 Definitions to define and include "Home-Based Microschool" and "Micro-Education Entity"; and amend Use Regulations in sections 17.22.030, 17.28.010, 17.30.010, 17.32.010, 17.36.010, 17.38.010, 17.44.020, 17.45.020, 17.48.020, 17.49.020, and 17.50.20 to include Home-Based Microschool And Micro-Education Entity as a permitted use in all zoning districts.

1. Chapter 17.63 Home-Based Microschool And Micro-Education Entity shall be added to read as follows:

17.63 Home-Based Microschool And Micro-Education Entity.

A. Purpose and Intent. The purpose and intent of this section is to establish requirements, in addition to the requirements of Utah Code 10-20-304, for home-based microschools and micro-education entities regarding:

1. Business License.
2. Parking.
3. Traffic.
4. Hours of Operation.
5. Applicable Zoning and Land Use Regulations.

B. Business License.

1. No home-based microschool or micro-education entity shall be occupied without first obtaining a business license. The provisions set forth in the code shall be controlling as to all matters relating to the requirements for and issuance and renewal of a business license.
2. AThe home-based microschool or micro-education entity shall meet all applicable building, fire and life safety codes, and shall obtain a fire safety inspection.
3. A local health department permit will be required if a home-based microschool or micro-education entity prepares and serves food.

C. Parking.

1. The number of required off-street parking spaces for home-based microschool or micro-education entity shall be in accordance with the following:
 - a. Parking Plan. A parking plan shall be proposed depicting sufficient parking spaces and needed parking facilities for employees and customers, and the rationale for such a proposal.
 - b. Review. The review and approval of the parking plan will be determined by density, area, location, and parameters of the use that may be estimated to parking requirements. The City Council is authorized to require a parking study that shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) Parking Generation Manual. The Parking study shall be prepared by a professional licensed by the State of Utah.
 - c. Approval. The City Council is authorized to review and act upon the approval of the parking plan.
2. In addition to the number of required off-street parking spaces, the home-based microschool or micro-education entity is subject to standards within each zone pertaining to off-site parking requirements and driveway locations.
3. On sites where the home-based microschool or micro-education entity includes an other use or uses, the other use or uses are subject standards within each zone pertaining to off-site parking requirements and driveway locations.
- ~~1. The home-based microschool or micro-education entity shall provide a parking plan that is in compliance with Hyrum City code off-street parking requirements with the zone in which it exists.~~

~~2. In addition to the parking requirements listed in Hyrum City code, the dwelling unit or residential property used for a home-based microschool shall provide additional sufficient parking space and needed parking facilities for employees and customers completely and entirely on the homeowners land containing the primary dwelling or adjacent property parcel owned by the homeowner.~~

D. Traffic.

1. The home-based microschool or micro-education entity shall provide a traffic plan depicting the desired routes for all modes of transportation.
2. The traffic plan shall address picking up or dropping off locations in a manner that the vehicle will be legally parked and will not interfere with the flow of traffic on or off the site.
3. The traffic plan shall address impacts of attendance and activities on the surrounding community without obstructing traffic in a manner not consistent with the zone in which it exists.

E. Hours of Operation.

1. The hours of operation for all activities of a home-based microschool or micro-education entity shall be between seven (7:00) a.m. and ten (10:00) p.m.

F. Applicable Zoning and Land Use Regulations.

1. The home-based microschool is not subject to additional occupancy requirements beyond occupancy requirements that apply to a primary dwelling.
2. The home-based microschool or micro-education entity is subject to city ordinances and regulations that do not conflict with Utah Code 10-20-304.
3. The ~~home-based microschool and~~ micro-education entity is subject to standards within each zone pertaining to setback, height, bulk and massing regulations, ~~off-site parking, driveway access locations, and traffic circulations.~~
4. The home-based microschool or micro-education entity is subject to regulations on the location that are necessary to avoid risks to health or safety.

2. 17.04.070 Definitions shall be amended to include Home-Based Microschool And Micro-Education Entity and read as follows:

Home-Based Microschool - "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. Home-based microschool does not include a daycare.

Micro-Education Entity - "Micro-Education Entity" 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 100 students or fewer. A micro-education entity does not include: a daycare; a home-based microschool; a private school; or a school within the public education system.

3. 17.22.030 Use Regulations shall be read as follows:

A. Permitted uses:

9. Home-Based Microschool And Micro-Education Entity.

4. 17.28.010 Use Regulations shall be read as follows:

A. Permitted uses:

11. Home-Based Microschool And Micro-Education Entity.

5. 17.30.010 Use Regulations shall be read as follows:

A. Permitted uses:

12. Home-Based Microschool And Micro-Education Entity.

6. 17.32.010 Use Regulations shall be read as follows:

A. Permitted uses:

9. Home-Based Microschool And Micro-Education Entity.

7. 17.36.010 Use Regulations shall be read as follows:

A. Permitted uses:

9. Home-Based Microschool And Micro-Education Entity.

8. 17.38.010 Use Regulations shall be read as follows:

A. Permitted uses:

9. Home-Based Microschool And Micro-Education Entity.

9. 17.44.020 Use Regulations shall be read as follows:

A. Permitted uses:

18. Home-Based Microschool And Micro-Education Entity.

10. 17.45.020 Use Regulations shall be read as follows:

A. Permitted uses:

18. Home-Based Microschool And Micro-Education Entity.

11. 17.48.020 Use Regulations shall be read as follows:

A. Permitted uses:

13. Home-Based Microschool And Micro-Education Entity.

12. 17.49.020 Use Regulations shall be read as follows:

A. Permitted uses:

14. Home-Based Microschool And Micro-Education Entity.

13. 17.50.020 Use Regulations shall be read as follows:

A. Permitted uses:

5. Home-Based Microschool And Micro-Education Entity.

14. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

15. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

16. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

17. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 5th day of February, 2026.

HYRUM CITY

BY: _____
Steve J. Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: _____

Roll Call Vote -	Aye	Nay	Absent
Councilmember Steve Adams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Rebecca Foulger	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Michael Nelson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Nalyn Nelson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember Craig Rasmussen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>