



Daycare Center

Attachment to Administrative Review Form

A "daycare center", as defined in Section 9-16-1, B.R.C. 1981 and listed below, is allowed as a conditional use or by use review in all zoning districts. For districts where it is allowed as a conditional use, approval of an administrative review application is required. Please note that a "daycare, home" (located in a dwelling unit, providing care for twelve or fewer people) is also defined in the city code in the section cited above. Review requirements for this use differ from those for a daycare center.

In order for an administrative review application to be approved for a daycare center, Planning and Development Services must find that the application meets the relevant daycare center standards. These standards are found in [Section 9-6-4\(d\)](#), B.R.C. 1981 of the city's land use regulations and are attached. An application for approval of a daycare center as a conditional use must include a written statement that addresses how the proposal meets the applicable criteria. The written statement should discuss the proposed age and number of children or adults, number of employees, hours of operation, and calculations of the square footage of indoor floor area and outdoor play area for child care. Required floor and site plans must show play areas, off-street parking areas, loading areas, and fencing. Proof of state licensing must also be included with the application. The criteria cannot be met by using the variance process. In addition, a day care center must meet other city code requirements that may apply, such as building code or landscape design standards.

City Code Definitions

Daycare center means a facility:

- (1) Licensed by the state, if applicable;
- (2) Providing care for children or adults who do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight;
- (3) Which may include some instruction; and
- (4) Which is not located within a dwelling unit.

Daycare, home means a facility:

- (5) Licensed by the state, if applicable;
- (6) Which is located within a dwelling unit; and
- (7) Providing care for twelve or fewer children or adults who (except for family members) do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight. Family members who receive care in the facility are included in the total.

Specific Use Standards

9-6-4. - *Specific Use Standards - Public and Institutional Uses.*

(d) Daycare Center:

- (1) The following standards apply to any daycare center, except home daycares, that may be approved as a conditional use or pursuant to a use review:
 - (A) Fencing is provided around outdoor play areas.
 - (B) If the use is adjacent to an arterial, collector, or minor arterial as shown in Appendix A, "Major Streets," of this title, off-street loading and unloading areas are provided.
 - (C) Adequate off-street parking is provided for employees, volunteers, and visitors.
 - (D) Child daycare facilities are properly licensed by the State Department of Social Services.
 - (E) For nursery care (any child under the age of eighteen months), the facility provides fifty square feet of useable indoor floor area per child or a total of six hundred square feet of useable floor area, whichever is greater.
 - (F) For child care other than nursery care, the facility provides thirty square feet of useable indoor floor area per child or a total of six hundred square feet of useable floor area, whichever is greater.
 - (G) All child day care facilities shall provide a minimum of seventy-five square feet of usable outdoor play area per child or a total of two thousand four hundred square feet of useable outdoor play area, whichever is greater.
 - (H) In the MH and RH-6 zoning districts, the use shall not provide care to more than fifty persons, not including employees.