

CHAPTER 19.83

CHILD CARE FACILITIES

Sections:

- 19.83.010 PURPOSE
- 19.83.020 REGULATIONS
- 19.83.030 TERM OF PERMIT

19.83.010 PURPOSE

The State of California has enacted laws and regulations with the intent to provide for the care of children in an appropriate environment. The purpose of this Chapter is to implement said laws and regulations and provide facilities for the care of children.

19.83.020 REGULATIONS

A. *Small Family Day Care*

1. Requirements. Small family day care homes as defined in Chapter 19.08, DEFINITIONS, shall be a permitted use in all residential zones, provided said uses are housed within buildings and structures which comply with the development standards required of all structures within the zoning district. Notwithstanding any other provisions of this Chapter, and pursuant to Section 1597.45 of the *Health and Safety Code*, small family day care homes which are properly licensed pursuant to the provision of the Child Day Care Act shall be considered a residential use of property and shall be allowed as a matter of right in all residential zones. Small family day care homes shall also be allowed as a matter of right in single-family dwellings and multiple-family dwelling units in nonresidential zones, so long as they are a legal nonconforming use.
2. Agency Clearances. Proper state licensing shall be obtained prior to operation.

B. *Large Family Day Care Home*

1. Requirements. Operation of a large family day care home shall be subject to the review and approval of a large family day care permit by the Director of Planning and Community Development in accordance with the following:
 - a. Not less than 10 days prior to the decision date by the Director of Planning and Community Development, the City shall mail notices of the proposed use to all property owners

as shown on the latest equalized assessment rolls within a 100-foot radius of the property boundaries of the proposed large family day care home site.

- b. A decision on the permit shall be made by the Director of Planning and Community Development within a 28 day period, without a formal hearing, unless one is requested by either the applicant, any member of the City Council, or other affected persons. For the purpose of this chapter, an affected person shall mean a person who owns or who lives or works within a 100-foot radius of the proposed facility. The written appeal must be filed with the Planning and Community Development Department. If so requested, the hearing shall be scheduled for the next available City Council hearing and the City council shall hear the request. Unless otherwise appealed, the decision of the Director of Planning and Community Development shall be final.

2. Agency Clearances. Proper state licensing shall be obtained prior to operation, including provisions for Fire Department clearance.

3. Large Family Day Care Home Permit Requirements.

- a. Development Standards.

In accordance with the purpose of this Chapter, all large family day care homes shall comply with the development standards for the zoning district in which they are located, including but not limited to the following:

- 1) A 6-foot high fence and/or wall shall be erected around the side and rear property lines, behind the front yard setback.
- 2) Adequate parking and driveway, as required by the zoning district in which the facility is located shall be provided and maintained.
- 3) One off-street parking space for each outside employee shall be provided. Said parking space(s) may be provided on the driveway.
- 4) Outdoor play areas shall be located in the rear yard or side yard of the property and not permitted within the front yard setback.

- b. Findings for Granting Permit

- 1) Site complies with all zoning criteria and development standards for the zoning district in which the family day care is located.
- 2) Use is incidental and subordinate of its use for residential purpose.
- 3) Facility is located more than 500 feet from any other large family day care home or child care center, or the Director determines that over concentration of

facilities within the area will not result from the facility.

- 4) Facility has adequate off-street parking for the primary residential use and each employee.
- 5) Access and drop-off facilities will not interfere with traffic and circulation of the neighborhood, and can be facilitated in a safe and effective manner.
- 6) Design will minimize to the degree possible, excessive noise impacts to adjoining properties.

c. Conditions of Approval.

The applicant shall be required to:

- 1) Comply with the applicable provisions of the Uniform Building Code, as adopted by the City.
- 2) Comply with any standards promulgated by the State Fire Marshal and the Riverside County Fire Department relating to the subject of fire and life safety in large family day care homes, and the applicable provisions of the Uniform fire Code.
- 3) Be licensed or deemed exempt from licensure by the State of California as a large family day care home.
- 4) Operator(s) reside at the residence. Additional care givers, required under State of California Health and Safety Code, need not live in the home.
- 5) No signs advertising the use of the property as a family day care home shall be permitted.
- 6) Comply with any conditions imposed by the Director of Planning and Community Development, deemed necessary to satisfy the requirements of Subsection b (Findings) of this Section.

C. Child Care Center

1. Requirements. Operation of a child care center shall be subject to the review and approval of either a development plan review or public use permit, in accordance with the following:

a. Commercial Zoning Districts.

Child care centers as defined in this Title shall be a permitted use in all commercial zones. A development plan review in accordance with the provisions of Chapter 19.50 of this Code shall be obtained prior to operation of said facility.

b. Noncommercial Zoning Districts.

Child care centers as defined in this Title shall be a conditionally permitted use in all noncommercial zones. A conditional use permit in accordance with the provisions of Chapter 19.62 of this Code shall be obtained prior to operation of said facility.

- c. Development Standards.
 - 1) Play area shall have a minimum fence height of 5 feet. Wall and/or fencing shall be either block wall or wrought iron.
 - 2) Play areas shall be located as to not be subjected to noise levels greater than 60 db, including roadway noise levels stipulated in the General Plan as well as other sources identified.
 - 3) Play areas shall be located at a minimum of 10 feet from any public right-of-way.
 - 4) One off-street parking stall shall be provided for every four children and one for every employee on the largest shift.
 - 5) Loading and unloading area for children shall be provided to accommodate no less than two vehicles and shall be located within proximity to the main entrance. Location of loading areas across major drive aisles is prohibited.
- d. Findings for Granting Permit.
 - 1) Adjacent development will not constitute a hazard to children.
 - 2) Site complies with all zoning criteria and development standards for the zoning district.
 - 3) Facility has outdoor activity space of 75 square feet for each child who is not an infant. The outdoor area must be either owned or leased by the applicant and cannot be shared with other property owners.
 - 4) Facility is located more than 500 feet from any other facility, or the Director determines that over concentration of facilities within the area will not result from the facility.
 - 5) Facility has adequate off-street parking for the number of children and each employee.
 - 6) Access and drop-off facilities will not interfere with traffic and circulation of the area and on-site.
 - 7) Facility will not materially reduce the privacy or use otherwise enjoyed by adjoining properties.
 - 8) Design will minimize, to the degree possible, excessive noise impacts to adjoining properties.
- e. Conditions of Approval.

The applicant shall be required to:

 - 1) Comply with the applicable provisions of the Uniform Building Code, as adopted by the City.
 - 2) Comply with any standards promulgated by the State Fire Marshal and the Riverside County Fire Department relating to the subject of fire and life

safety in child care centers, and the applicable provisions of the Uniform Fire code.

- 3) Operator/applicant shall be licensed or deemed exempt from licensure by the State of California as a child care center.
 - 4) Comply with any conditions imposed by the Director of Planning and Community Development, deemed necessary to satisfy the requirements of Subsection d (Findings) of this Section.
2. Agency Clearances. Proper state licensing shall be obtained prior to operation, including provisions for Fire Department clearance.

19.83.030 TERM OF PERMIT

The family day care permit shall be valid only at the approved location. Permit expires of use ceases for a period of one year.