

ORDINANCE NUMBER 994

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, AMENDING TITLE 19 OF THE PERRIS MUNICIPAL CODE BY ADDING CHAPTER 19.19 REGARDING PROVISIONS FOR FAMILY CHILD CARE HOMES AND CHILD CARE CENTERS

WHEREAS, the City of Perris has adopted a general plan which includes a land use text; and

WHEREAS, the City of Perris had adopted Title 19 of the Municipal Code which is the official zoning text; and

WHEREAS, California Government Code Section 65850, et seq., authorizes the City Council to amend the zoning ordinance; and

WHEREAS, the State of California Health and Safety Code Section 1597.46 addresses the provisions for family day care homes; and

WHEREAS, the City of Perris recognizes the need to provide appropriate locations and regulations for the establishment and operation of family day care homes and child care centers; and

WHEREAS, the proposed change is consistent with the policies of the General Plan of the City of Perris.

NOW, THEREFORE, the City Council of the City of Perris hereby ordains as follows:

SECTION 1. Chapter 19.19 is hereby added to the Perris Municipal Code to read as follows:

*CHAPTER 19.19
CHILD CARE FACILITIES*

Sections:

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| <i>19.19.010</i> | <i>Purpose</i> |
| <i>19.19.020</i> | <i>Definitions</i> |
| <i>19.19.040</i> | <i>Regulations</i> |
| <i>19.19.050</i> | <i>Term of Permit</i> |

Section 19.19.010 Purpose.

- A. 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.

Section 19.19.020 Definitions.

- A. Family day care home. Means a home which regularly provides care, protection, and supervision of twelve (12) or fewer children, in the providers' own home, for periods of less than 24-hours per day, while the parents or guardians are away, and includes the following:
1. Small family day care home. Means a home which provides family child care to six (6) or fewer children including children under the age of 10 (who are not in school during the hours which care is provided) years who reside at the home. The use of small family child care homes shall be considered a residential use of property for all residential zone districts.
 2. Large family day care home. Means a home which provides family child care to seven (7) to twelve (12) children under the age of ten (10) years who reside at the home. The use of large family child care homes shall be considered a residential use of property for all residential zone districts.
- B. Child care center. Means any child care facility of 13 or more children (other than a family child care home), and includes infant centers, preschool, and extended child care facilities. Such a facility shall provide non-medical services to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

Section 19.19.040 Regulations.

- A. Small family day care home
1. Requirements. Small family day care homes as defined herein shall be a permitted use in all residential zones, provided said uses are housed within 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 dwelling and multiple family dwellings units in non-residential

zones, so long as they are a legal non-conforming 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 ten (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 last equalized assessment rolls within a one hundred (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 twenty eight (28) day period, without a formal hearing, unless one is requested by either the applicant 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 Department of Planning and Community Development. If so requested, the hearing shall be scheduled for the next available Planning Commission hearing and the Planning Commission shall hear the request. Unless otherwise appealed, the decision of the Director of Planning and Community Development shall be final.
 - c. Appeal to the City Council
 - (1) Within ten (10) days after the Planning Commission hearing, the applicant, any interested person or any member of the City Council may appeal the decision to the City Council by filing a written appeal with the City Clerk with the appropriate filing fee.
 - (2) The written appeal shall specify the person making the appeal, the decision appealed from, and set forth the reason for the appeal.

- (3) After the filing of an appeal, the City Clerk shall transmit one (1) copy to the appealing party, and one (1) copy to the Director of Planning and Community Development. The Director of Planning and Community Development shall cause a filing of a report detailing the specifics of the appeal within thirty (30) days for review by the City Council. After reviewing the facts, the City Council may decide to hear the appeal, in whole or in part, or not hear the appeal by minute action.
 - (4) The hearing shall be held within thirty (30) days after the City Council's decision to hear the appeal, unless the thirty (30) day time limit is waived by the appealing party. Not less than ten (10) days before the date of the hearing notice of the hearing shall be mailed to the appealing party, and to any person who has made a written request to the City Clerk for such notice.
 - (5) After the hearing and before making a final decision, the City Council may refer the matter back to the Planning Commission for further consideration. The City Council may affirm in whole or part, modify or reverse the decision of the Planning Commission.
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 six (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 (1) 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 of Perris.
- (2) Comply with any standards promulgated by the State Fire Marshall 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).

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 herein shall be a permitted use in all commercial zones. A development plan review in accordance with the provisions of Chapter 19.12 of the Perris Municipal Code shall be obtained prior to operation of said facility.
 - b. Non-commercial zoning districts. Child care centers as defined herein shall be a conditionally permitted use in all non-commercial zones. A conditional use permit in accordance with the provisions of Chapter 19.62 of the Perris Municipal Code shall be obtained prior to operation of said facility.
 - c. Development standards.
 - (1) Play area shall have a minimum fence height of five (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 ten (10) feet from any public right-of-way.

- (4) One (1) off-street parking stall shall be provided for every four (4) children, and one (1) for every employee on the largest shift.
 - (5) Loading and unloading area for children shall be provided to accommodate no less than two (2) vehicles, and shall be located within proximity to the main entrance. Location of loading area across major drive aisles is not acceptable.
- 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 of Perris.

- (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).

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

Section 19.19.050 Term of Permit

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

SECTION 2. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect thirty (30) days after its passage.

ADOPTED, SIGNED and APPROVED this 14th day of November, 1994.

MAYOR OF THE CITY OF PERRIS

Attest:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF PERRIS)

I, Beti An Hynes, duly elected City Clerk of the City of Perris, California, do hereby certify that the foregoing Ordinance Number 994 was introduced at a regular meeting held the 31st day of October, 1994, and adopted by the City Council at a regular meeting held the 14th day of November, 1994, by the following called vote:

Ayes: Torres, Fletcher, Baitinger, Long and Denney
Noes: None
Absent: None

City Clerk