

15-4 -9. CHILD CARE AND CHILD CARE FACILITIES.

(A) **POLICY AND PURPOSE.** It is the intent of Park City to encourage the provision of Child Care which meets the fluctuating needs and demands of the City's residents, employees, and employers. Health and safety, convenience, compatibility, afford ability, and adaptability are of primary importance in the regulation of Child Care facilities. Accordingly, the City has adopted the following definitions and regulations that reflect state and national demographic and social trends while also reflecting the unique characteristics of Park City's population and economy.

(B) **IN-HOME BABYSITTING.** In-home babysitting includes the provision of Child Care for four (4) or fewer children within a dwelling, and within commercial Buildings outside of residential zones. In-home babysitting shall be permitted in all Zoning Districts. In-home babysitting shall not be regulated by any other Child Care provisions contained herein and shall be considered a permitted Accessory Use. Standard Building and zoning regulations shall be complied with.

(C) **FAMILY CHILD CARE.** Family Child Care is a small scale Child Care home which includes the provision of Child Care for up to eight (8) children within the provider's primary residence and shall include in the total the provider's own children under the age of eighteen (18) if they are cared for in the same Area of the Structure as that designated for Family Child Care.

Family Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play Area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

(1) **PERMITS REQUIRED.** Family Child Care homes shall be permitted in all Zoning Districts subject to issuance by the Chief Building Official, of a Certificate of Occupancy for the home, by the Chief Building Official, and either an Administrative Permit issued by the City Planning Director or a Conditional Use permit issued by the Planning Commission. Family Child Care in single family homes and duplexes is an Allowed Use requiring an Administrative Permit issued by the Planning Department. Family Child Care in Multi-Unit Dwellings, such as Apartments, Condominiums, and townhouses, requires a Conditional Use permit issued by the Planning Commission. Family Child Care requires a Conditional Use permit in the ROS and POS Zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

(2) **REVIEW CRITERIA.** Prior to the issuance of either an Administrative Permit or a Conditional Use permit, all Family Child Care homes are subject to the following requirements:

(a) **Parking.** One Off-Street Parking Space is required for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose provided that parking is

not within the side Setbacks established for that azone and the driveway is not required for a drop-off/pick-up Area as required herein.

(b) Drop-off/Pick-up Area. Two drop-off/pick-up Parking Spaces must be provided. These spaces can be Street Parking Spaces provided that they are located within fifty feet (50') of the Property and can be reached without crossing the Street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking as required herein.

(c) Arterial Street. If located on an arterial Street or State Highway, an Off-Street drop-off/pick-up Area is required.

(d) Play Area Size and Location. Minimum indoor and outdoor play areas are regulated by the State, but in no case shall there be a structured play area measuring less than 240 square feet. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) Signs. All signs must conform to the park City Sign Code requirements of the specific Zoning District. In single family zones, no signs will be permitted for a Family Child Care home.

(f) Primary Residence. If Child Care is provided in a residential Structure, the Structure must be the primary residence of the primary care provider and the residential character of the house and its Lot shall be maintained. If required by the State, a second care provider, who is not a resident of the home, may be employed at the residence.

(g) Multi-Unit Dwellings. Family Child Care in Multi-Unit Dwellings is a Conditional Use, subject to the review criteria for Conditional Use permits stated in LMC Chapter 15-1-10 with review and approval by the Planning Commission. Family Child Care will not be approved for Multi-Unit Dwellings unless it can be shown that playground Areas are on private Property and not within Common Areas, or unless the Applicant receives approval from 100% of the Owners for Use of the Common Area, or unless the project was designed to accommodate a Child Care facility.

(D) **FAMILY GROUP CHILD CARE**. Family Group Child Care is a medium scale Child Care home which includes the provision of Child Care for nine (9) to sixteen (16), inclusive. Family Group Child Care must be provided within the provider's primary residence and shall include the provider's own children under the age of 18 if they are cared for in the same Area of the Structure as that designated for Family Group Child Care.

Family Group Child Care is regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play Area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

All Child Care that does not take place in the primary residence of the primary care

provider is considered by the State to be a Child Care Center or an hourly Child Care Center. Therefore, all Family Child Care and Family Group Child Care by the definitions herein, shall occur within the primary residence of the primary care provider. All other Child Care is regulated as a Child Care Center, including all Child Care in commercial Businesses, etc.

(1) **PERMITS REQUIRED.** Family Group Child Care homes require a Conditional Use permit in all residential Districts and require an Administrative Permit issued by the Planning Department in all other Zoning Districts. Family Group Child Care within Multi-Unit Dwellings, that are not within residential Zoning Districts, also require a Conditional Use permit. Family Group Child Care homes are subject to issuance of a Certificate of Occupancy for the home by the Chief Building Official, of a Certificate of Occupancy for the home.

Family Group Child Care requires a Conditional Use permit in the ROS and POS Zoning Districts and is restricted to existing Structures and Buildings that are the primary residence of the care provider.

(2) **REVIEW CRITERIA.** Prior to the issuance of either an Administrative Permit or a Conditional Use permit, all Family Group Child Care homes are subject to the following requirements:

(a) Parking. One Off-Street Parking Space is required for each non-resident or non-family member employee in addition to the underlying parking requirements for residential dwellings. The residential driveway may be used for this purpose provided that parking is not within the side Setbacks established for that zone and the driveway is not required for a drop-off/pick-up Area as required herein.

(b) Drop-off/Pick-up Area. Four (4) drop-off/pick-up spaces must be provided. For Family Group Child Care homes with ten (10) or fewer children, not including the care providers own children, three (3) drop-off/pick-up spaces may be provided. These spaces can be Street Parking Spaces provided that they are located within fifty feet (50') of the Property and can be reached without crossing the Street. The driveway may be used for drop-off/pick-up if it is not required for employee or resident parking as required herein.

(c) Arterial Street. If located on an arterial Street or State Highway, an Off-Street drop-off/pick-up Area is required.

(d) Density. No more than one (1) Family Group Child Care home may be permitted on any one (1) Street or within any 300 foot radius, whichever Area is less, and no more than two (2) Family Group Child Care homes may be located in any one (1) 500 foot radius Area. Family Child Care homes and other Child Care operations which are not regulated shall not be included in these Density calculations. Also, Family Group Child Care homes in commercial zones, such as the RCO, GC, LI, HRC, HCB shall not be subject to these Density restrictions.

(e) Play Area Size and Location. An outdoor play area of at least 360 square feet shall be

provided on-Site, with an additional 40 square feet for each additional child over a minimum of nine (9). Additional indoor play areas are regulated by the State. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(f) Screening. Screening for all play areas in residential zones is required. Screening may consist of an opaque Fence, berm, dense shrubbery, or similar, subject to Community Development Department approval.

(g) Structure Inspection Required. The Structure shall conform to IBC requirements and shall be inspected and approved by the Park City Building Department. Prior to inspection, the Applicant must notify the Building Department of the number of children that will be cared for in the facility. Additional requirements may be required before a Family Group Child Care permit can be issued.

(h) Neighborhood Meeting. Prior to permit issuance for a Family Group Child Care home in a residential zone, a neighborhood meeting, under the direction of the Planning Department, shall be held to discuss the proposed facility with Property Owners within three hundred feet (300') of the subject Parcel, subject to standard notification requirements. The hearing gives the Child Care provider an opportunity to understand neighborhood concerns and to consider operational policies or make reasonable modifications to the Site plan to mitigate impacts of the Use.

(i) One Year Review. All Conditional Use permits for Family Group Child Care homes may receive a one (1) time review by the Planning Commission one (1) year following permit issuance. The review request shall be placed on the Consent Agenda of the Planning Commission. However, the staff may determine to place the item under New Business if it is determined that there have been excessive problems related to this Use which justify further discussion by the Planning Commission. Such decision shall be based on staff observation and/or public input received during the past year of operation alleging the following:

(i) The Use consistently generates more parking demand than can be handled within fifty feet (50') of the Property on the same side of the Street.

(ii) The Use has generated noise levels exceeding that allowed by the City's noise and nuisance ordinance.

(iii) Patrons of the Family Group Care home have consistently violated traffic laws.

(iv) The Family Group Child Care home does not conform to Code defined standards.

If the Planning Commission finds that the Family Group Child Care home meets all Code defined standards and that there have been no excessive problems related to its Use, the Use shall receive final approval with no further review required. Otherwise, the Planning Commission may either deny continued operation or advise the Applicant of specific concerns and require a second review in one (1) year.

(j) **Multi-Unit Dwelling.** Family Group Child Care in a Multi- Unit Dwelling is a Conditional Use and must receive Planning Commission approval. Family Group Child Care will not be approved for Multi-Unit Dwellings unless it can be shown that playground areas are on private Property and not within Common Areas, or unless the Applicant receives approval from 100% of the Owners for Use of the Common Area, or unless the project was designed to accommodate a Child Care facility.

(D) **CHILD CARE CENTER.** A Child Care Center is a Child Care facility in which the provision of Child Care for five (5) or more children occurs in a place other than the care providers primary residence and for less than twenty-four (24) hours per day. Child Care may be provided on a regularly scheduled, on-going enrollment basis or on an hourly, drop-in basis. See previous sections for regulation of Child Care provided within a care providers primary residence, such as Family Child Care and Family Group Child Care.

Child Care Centers, including hourly Child Care Centers, are regulated by the State of Utah. All required licenses, certificates, child to caretaker ratios, play area requirements, health and safety regulations, and other regulations as required by the State shall be the responsibility of the Owner. These regulations can be found in the Utah Administrative Code.

A Child Care Center is an Allowed Use in all non-residential Districts except the Recreation Open Space (ROS), Protected Open Space (POS), Estate (E), Estate-40 (E-40), and the Regional Commercial Overlay (RCO) Districts. In these Districts a Conditional Use permit is required. A Child Care Center may be located within a residential District with a Conditional Use permit, pursuant to LMC Chapter 15-1-10.

A Site designated and planned for a Child Care Center may be required for all new single and multi-family housing projects if the Planning Commission determines that the project will create additional demands for Child Care.

The Planning Commission shall consider, as part of the Conditional Use permit review, in addition to the criteria stated in LMC Chapter 15-1-10, the architectural Compatibility of the proposed Child Care Center and shall also consider the following location criteria and Site requirements during the review process.

(1) **LOCATION CRITERIA.** For projects within a residential neighborhood, the Planning Commission shall consider the following guidelines for locating Child Care Centers.

(a) Traffic onto local roads within a Subdivision is discouraged. Location of Child Care Centers is encouraged such that the Center can be conveniently Accessed from existing Collector or arterial roads.

(b) Location on the periphery of the Subdivision or neighborhood is preferable to location within the center of the Subdivision.

(c) The Child Care Center is adjacent to a school, library, house of worship, or other

traditional neighborhood facility with large landscaped Areas or playing fields.

(d) The Child Care Center is conveniently accessed by public transportation.

(e) The Subdivision or multi-family project was designed to accommodate a Child Care Center.

(2) SITE REQUIREMENTS.

(a) Parking. At least one (1) Parking Space shall be provided for each on-duty staff person per shift and one (1) space for every six (6) children cared for.

(b) Circulation. An on-Site vehicle turnaround, or separate entrance and exit points, and passenger loading Area must be provided.

(c) Fencing. An opaque Fence six feet (6') in height must be installed around all designated play areas. Dense shrubbery may compensate for Fencing requirements provided that the Lot is secured according to State regulations. If the Lot is adjacent to open fields or playgrounds, a less opaque Fencing material may be used with Planning Commission approval, but chain link Fencing shall not be used.

(d) Play Areas. No structured area for active play or play Structures may be located in a Front Yard. Play Structures and equipment shall meet Consumer Product Safety Commission guidelines.

(e) Density. No more than one (1) Child Care Center shall be permitted in any one (1) residential Subdivision or multi-family project. If the Center is in a residential zone, it shall be no closer than three hundred feet (300') to a Family Group Child Care home within the same neighborhood. Family Child Care homes and other child care operations which are not regulated shall not be included in Density calculations.

(f) Lot Size and Configuration. The minimum Lot Area for a Child Care center with more than sixteen (16) children shall be 12,000 square feet. The Lot shall be reasonably standard in its configuration so that all portions are easily developed for Child Care Use. The Planning Commission may, at its discretion, deny a Child Care Center on a Lot which is usually narrow or which does not allow for usable play areas which are contiguous to the Structure.

(g) Setbacks. Standard Setbacks shall be observed except that Child Care Centers located in residential Districts shall provide at least eighteen foot (18') Side Yards and twenty five foot (25') rear yards.

(h) Play Area Within Setbacks. No more than fifty percent (50%) of the State Code required play Area may be within the standard Setback Area of the Lot as defined in the underlying zone unless the Setback Area is adjacent to perpetual open space or playing fields.

(i) Signs. One (1) small sign, either free-standing or wall mounted, may be permitted for a Child Care Center. The sign must be no larger than six square feet (6 sq. ft.) Setback at least ten feet (10') from the Property Line and must conform to all other criteria of the Park City Sign Code, Municipal Code Title 12.

(j) Exceptions. The Planning Commission may grant an exception to these Site requirements if it can be shown that the impact of the Child Care Center on traffic circulation or on adjacent Properties will not be increased if the exception is granted.

(Amended by Ord. No. 06-22)