

## CHAPTER 25

### DAY CARE FACILITIES

#### SECTION:

- 01-25-1: Purpose
- 01-25-2: Procedure
- 01-25-3: Special Requirements

**01-25-1: PURPOSE:** The regulation of daycare facilities in this Article is to establish standards and procedures by which daycare facilities can be conducted within the City without jeopardizing the health, safety, and general welfare of the daycare participants and/or the surrounding neighborhood. This Chapter establishes the City's minimum requirements for the establishment of a daycare facility not allowed as permitted uses.

**01-25-2: PROCEDURE:** Daycare facilities, except as otherwise provided for, shall be allowed as a conditional use within the zoning districts established by Chapter 50 of this Article, subject to the regulations and requirements of Chapter 5 of this Article. In addition to the City regulation, all daycare facility operations shall comply with the minimum requirements of the applicable Minnesota Department of Human Services regulations.

**01-23-3: SPECIAL REQUIREMENTS:** Daycare facilities shall meet all the applicable provisions of this Chapter.

- A. **Lot Requirements And Setbacks:** The proposed site for a daycare facility shall have a minimum lot area as determined by the Minnesota Department of Human Services and the base zoning district in which it is located. The daycare facility must meet the minimum setback requirements of the respective zoning districts.
- B. **Sewer And Water:** All daycare facilities shall have access to Municipal sewer and water or have adequate private sewer and water to protect the health and safety of all persons who occupy the facility.
- C. **Screening:** Where the daycare facility is in or abuts any commercial or industrial use or zoned property, the daycare facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in Sections 01-20-2 and 01-20-5 of this Article.

D. **Parking:**

1. There shall be adequate off-street parking which shall be located separately from any outdoor play area and shall be in compliance with Chapter 19 of this Article.
2. There shall be adequate short-term parking or drop off area provided within close proximity to the main entrance. Short-term or drop off parking shall accommodate three (3) car spaces and shall be designated as temporary in nature. The short-term parking or drop off area shall not conflict with off-street parking access and shall not conflict with pedestrian movement. The short term parking or drop off area is in addition to offstreet parking and loading spaces required by Chapter 19 of this Article.
3. Except as may be approved as part of a joint parking arrangement, as regulated by Section a 1-19-7 of this Article, when a daycare facility is an accessory use within a structure containing another principal use, each use shall be calculated separately for determining the total off-street parking spaces required.

E. **Signage:** All signing and informational or visual communication devices shall be in compliance with Chapter 24 of this Article.

F. **Day Care Facility:** The building plans for the construction or alteration of a structure that is to be used as a daycare facility shall be submitted to the City for review by the City Building Official to ensure that the structure is in compliance with the State Building Code. The facility shall meet the following conditions:

1. **Architectural Appearance:** The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause incompatibility with neighboring properties or constitute a blighting influence within a reasonable distance of the lot.
2. **Land Use Compatibility:** Internal and external site land use compatibility and sufficient peripheral area protections shall be provided by the daycare facility.
3. **Play Space:** Play space must be adequately enclosed where necessary to prevent children from leaving the premises unattended.
4. **Outdoor Areas:** Outdoor play areas shall not be provided within the required front yard setbacks.

G. **Declaration of Conditions:** The Planning Commission and City Council may impose such conditions on the granting of a daycare facility conditional use

permit as may be necessary to carry out the purpose and provisions of this Article.

- H. **State Licenses:** Proof of approved applicable State licenses shall be provided to the Zoning Administrator prior to the Building Official granting a certificate of occupancy.

- I. **Non-Conforming Use:** Existing day care facilities lawfully existing on February 10, 2003 may continue as nonconforming uses. They shall, however, be required to obtain applicable State and City permits for their continued operation. Any existing daycare facility that is discontinued for a period of more than thirty (30) days, or is in violation of the Article provisions under which it was initially established, shall be brought into conformity with the provisions of this Chapter.

- J. **Inspection:** The City hereby reserves the right upon issuing any daycare facility conditional use permit to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this Chapter or any conditions additionally imposed.