

Day Care Center

Attachment to Administrative Review Application Form



**City of Boulder
Planning and Development
Services Center**

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DAY CARE CENTER CRITERIA ADMINISTRATIVE REVIEW APPLICATION ATTACHMENT

A "day care center", as defined in Section 9-16-1(c), B.R.C. 1981 and listed below, is allowed as a conditional use in certain residential zoning districts: all high density residential zoning districts and RM-1 and RM-3 zones. day care centers are allowed with use review approval in all other residential zoning districts and in industrial, public, and agricultural zones. The use is allowed as a by-right use in the business zoning districts. **For those zoning districts in which a day care center is allowed as a conditional use, approval of an administrative review application is required.** Please note that a "day care home" (located in a dwelling unit, providing care for twelve or fewer children) is also defined in the city code in the section cited above. Review requirements for this use differ from those for a day care center.

In order for an administrative review application to be approved for a day care center as a conditional use, Planning and Development Services must find that the application meets the relevant day care center criteria. These criteria are found in Section 9-6-6(a), B.R.C. 1981 of the city's land use regulations and are attached. An application for approval of a day care 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, number of employees, hours of operation, and calculations of the square footage of indoor floor area and outdoor play area for each child. 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 DEFINITION OF DAY CARE CENTER:

"Day care 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; and
- (3) Which may include some instruction.
- (4) Which is not located within a dwelling unit.

"Day care-home" means a facility:

- (1) Licensed by the state, if applicable;
- (2) Which is located within a dwelling unit
- (3) 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.

CRITERIA (CITY CODE EXCERPT OF SECTION 9-6-6(a), B.R.C. 1981):

9-6-6 Public and Institutional Uses

(a) DAY CARE CENTERS

The following criteria apply to any day care center except home day cares:

- (1) Fencing is provided around outdoor play areas.
- (2) If the use is adjacent to an arterial, collector, or minor arterial as shown in Appendix "A" of this title, "Major Streets Map," off-street loading and unloading areas are provided.
- (3) Adequate off-street parking is provided for employees, volunteers, and visitors.
- (4) Child day care facilities are properly licensed by the State Department of Social Services.
- (5) For nursery care (any child under the age of eighteen months), the facility provides 50 square feet of useable indoor floor area per child or a total of 600 square feet of useable floor area, whichever is greater.
- (6) For child care other than nursery care, the facility provides 30 square feet of useable indoor floor area per child or a total of 600 square feet of useable floor area, whichever is greater.
- (7) All child day care facilities shall provide a minimum of 75 square feet of usable outdoor play area per child or a total of 2,400 square feet of useable outdoor play area, whichever is greater.

Ordinance Nos. 5679 (1994); 7364 (2004).