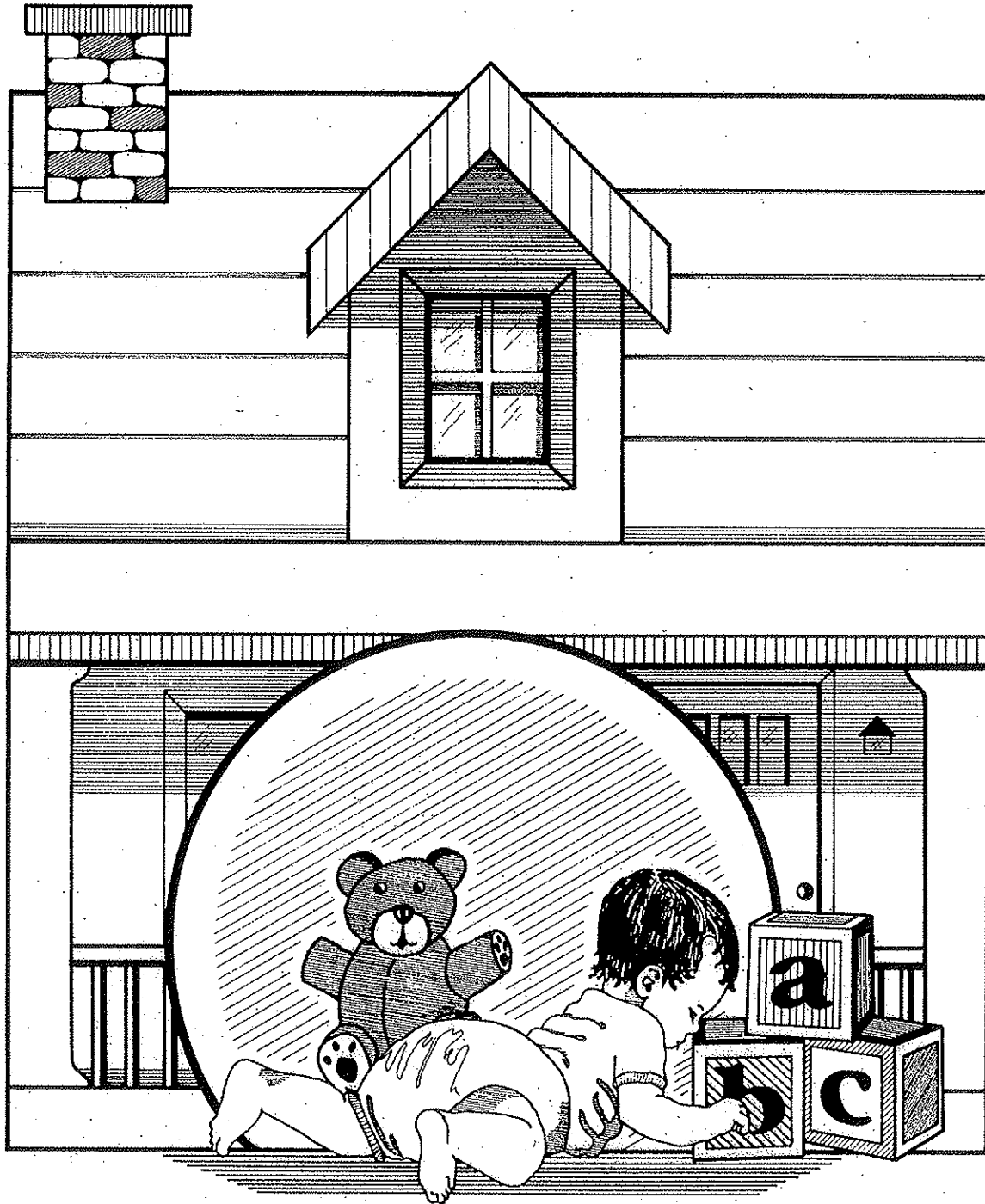


Child Day Care

MODEL ZONING PROVISIONS



Montgomery County, Pennsylvania

MONTGOMERY COUNTY, PENNSYLVANIA

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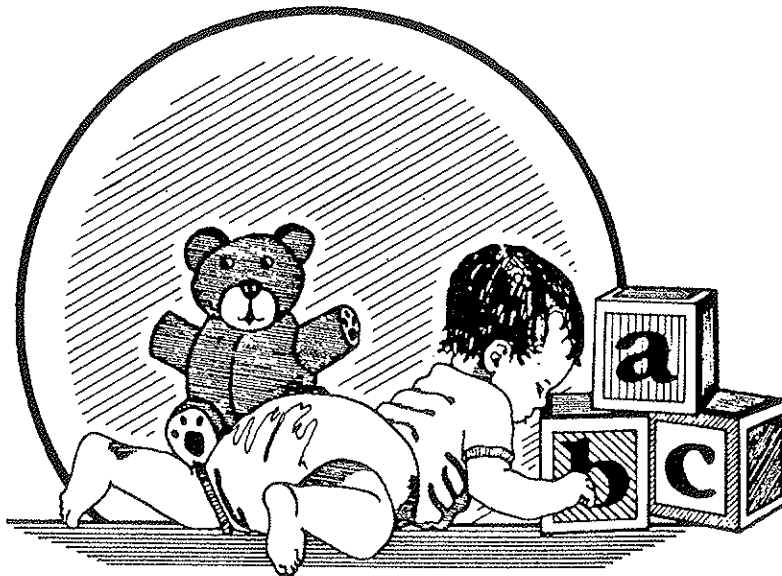
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Child Day Care

MODEL ZONING PROVISIONS

JANUARY 1991



MONTGOMERY COUNTY PLANNING COMMISSION

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ACKNOWLEDGMENTS

Special thanks are extended to Connie Whitson, the executive director of the Montgomery County Comprehensive Day Care Program, who met regularly with the Montgomery County Planning Commission staff in developing the model zoning provisions.

The Montgomery County Advisory Committee on Women's Issues, a group of Montgomery County child day care providers and selected Montgomery County municipal officials also played instrumental roles by offering review comments on draft versions of the model child day care provisions.

These model child day care provisions were prepared by Scott R. Pickett, county planner, and A. Jon Hallas, former Montgomery County Planning Commission senior county planner. This report was produced by the staff of the Montgomery County Planning Commission.

INTRODUCTION

The 1980s brought to light a significant issue affecting the welfare of the American family: child day care. Due to overall societal changes and individual work related decisions often brought on by economic necessity, mothers of young children are increasingly found in the workplace rather than staying at home with the children. Research findings from several sources clearly show the dramatic increase in the number of working mothers.

In 1940, only 8.6 percent of mothers with children under the age of 18 were in the national labor force. By 1985, 62.1 percent of such mothers were employed. Examining the family profile in more detail, the percentage of working mothers with children under the age of three increased from 35 percent in 1976 to 50 percent in 1985. Labor force participation among mothers with infants also increased dramatically. The number of such mothers found in the workplace increased by 95 percent between 1970 and 1984, resulting in a 1984 participation rate of 51 percent among these working mothers.^a

The findings of a 1982 survey suggest that an increase in the availability of child day care services would result in even more mothers joining the labor force. Specifically, 26 percent of all nonworking mothers with preschool children who were surveyed said they would look for work if "reasonably priced child care were available." Among single, divorced, widowed and separated mothers not in the labor force, 45 percent said they would seek work if reasonably priced child care were available.^b

The above findings clearly demonstrate a strong and increasing overall demand for child day care. According to the Montgomery County Comprehensive Day Care Program, the market response in Montgomery County to this increased demand for child day care has been mixed. Generally, the market has performed fairly well in terms of the number of facilities found in the county. However, the market has failed to provide needed child day care throughout the entire county, resulting in a shortage of this service in many areas.

This mixed performance by the private market can be explained, in part, by local land use regulations. The market can not adequately respond to the demand for child day care if municipal zoning regulations artificially place stringent restrictions on such uses. A Montgomery County Planning Commission survey of municipal zoning ordinances found that 23 of the 62 municipalities in the county did not specifically provide for child day care. Another 19 municipal zoning ordinances contained only limited provisions for child day care.

In order to allow the market to satisfy the demand for child day care, municipal officials should examine their zoning ordinances and observe how child day care facilities are regulated. The Montgomery County Planning Commission has developed this model child

^a Diane Hughes and Ellen Galinsky, *Balancing Work and Family Life: Research and Corporate Application*, Research Division, Bank Street College, Plenum Publishing, 1988, p. 2.

^b David Bloom and Todd Steen, *Why Child Care Is Good For Business*, *American Demographics*, August 1988, pp. 22-27.

day care provisions to assist local officials who wish to revise current regulations on child day care. The model zoning provisions contained herein provide a comprehensive set of regulations which are intended to serve as a guide for the establishment or update of municipal child day care regulations.

The development of the model child day care regulations was directed by two overall goals. The first goal was to ensure that the model provisions were consistent with current Pennsylvania Department of Public Welfare regulations on child day care. The model regulations provide for the three types of child day care facilities (family day care homes, group day care homes, and day care centers) that are recognized by the state. The two home-based child day care facilities (family and group day care homes) are not recognized by most Montgomery County municipal zoning ordinances, even though these types of facilities are quite popular due to the quality service which is offered in a home setting.

The second goal in developing the model regulations was to strike a balance between two separate objectives, that is, to balance the objective of promoting the development of needed child day care facilities in the county's townships and boroughs with the objective of addressing municipal or neighborhood concerns related to property values and land use impacts. These model regulations succeed in striking that balance; the provisions reasonably permit child day care through a fair and efficient planning process while also protecting residential neighborhoods and municipalities from potential or perceived negative impacts generated from child day care. The provision of appropriate child day care regulations will, in addition, help promote a community's economic development by ensuring that such services are more readily available to working parents.

The Montgomery County Planning Commission staff is available to assist any municipality which may wish to apply the model zoning provisions for child day care.

Organization Of Model Zoning Provisions

As indicated in the table of contents, the model zoning provisions consists of several sections. The model zoning provisions begin with Legislative Intent and Definitions sections. The definitions of the three types of child day care facilities have, with minor changes, been taken from Pennsylvania Department of Public Welfare regulations. We strongly recommend that these definitions be used for municipal child day care regulations. The next section, General Provision, lays out the regulatory standards that apply to each of the three types of facilities.

The following three sections provide regulations for each of the three individual types of child day care facilities. The report closes with a list of bibliographic sources which were used to assist the MCPC staff in establishing the model zoning provisions. Key references include the three Department of Public Welfare's Social Services Manuals which contain the state regulations for each of the three types of facilities.

Finally, footnotes have been included with the text of model zoning provisions to clarify or expand upon regulations contained in the text.

CHILD DAY CARE MODEL ZONING PROVISIONS

Section _____. LEGISLATIVE INTENT.

It is the intent of this section of the municipal zoning ordinance to promote the following goals:

- A. To encourage the establishment of a sufficient number and a variety of child day care arrangements in safe and convenient locations throughout the municipality in order to accommodate the growing demand of residents and workers for such services, while meeting the operational and physical standards of the Pennsylvania Department of Public Welfare (DPW).
- B. To permit family and group day care homes to be located in residential surroundings so as to offer children a home environment conducive to healthy and safe development, while adhering to standards designed to preserve the residential character of neighborhoods in which such child day care home may be situated.

Section _____. DEFINITIONS.

The following definitions should be added to the definitions section of the municipal zoning ordinance.

- A. **Child Day Care Facility.** Any dwelling, building, or portion thereof which child day care services are provided, including any on-site outdoor play area. Child day care facilities shall be further differentiated by the following three classifications.¹
 1. *Family Day Care Home.* Any premises or dwelling unit other than the child's own home where the child care areas are being used as a family residence, operated for profit or not for profit, in which child day care is provided at any one time on a regular basis to four, five, or six children, who are not relatives of the caregiver. Day care service for children in this type of facility is different from "babysitting."
 2. *Group Day Care Home.* A facility in which care is provided for more than six but less than twelve children, at any one time, where the child care areas are being used as a family residence.²

¹ The intent of this ordinance is to regulate the three defined types of child day care facilities as recognized by DPW. It is not the intent of this ordinance to regulate the following types of child care activities, which are considered to be "babysitting":

- a. The temporary or occasional care of any number of children not related to the caregiver which takes place at the home of the caregiver, or
- b. The temporary or occasional care of any number of children at a dwelling unit customarily and regularly occupied by the children as their residence, or
- c. The regular care of one, two, or three children not related to the caregiver which takes place at the home of the caregiver.

² DPW regulations require that group day care homes provide two caregivers. Group day care homes typically include one resident caregiver plus one non-resident employee caregiver. Recognizing that group day care homes typically employ a non-resident caregiver to meet state regulations, we recommend that municipal child day care regulations permit the operators of group day care homes to employ the equivalent of one full-time non-resident caregiver. Also, under DPW regulations, group day care homes are permitted, by special exception, to have an operational capacity of 12 children, one above the normal capacity of 11. This special exception procedure allows a child day care provider to maximize the number of clients at a facility, in accordance with state regulations which permit a maximum of six children per one child caregiver. In order to qualify for the additional capacity, the operator must demonstrate to DPW that the home has sufficient indoor square footage to accommodate the additional child.

3. *Day Care Center.* A facility which is licensed to provide care for seven or more children at any one time, where the child care areas are not being used as a family residence.³

Section ____. GENERAL PROVISIONS.

The following general provisions apply to each of the three defined types of child day care facilities. In addition, each type of child day care facility shall comply with the specific individual regulations for each type of facility.

- A. *Categories Included.*⁴ The provisions of this section pertain to day care service for children by caregivers in family day care homes, group day care homes, and day care centers, subject to Chapter II, Sections 8A, 8B, and 8C of DPW Social Services Manual Regulations.⁵ Day care service for children shall include out-of-home child day care service for part of a 24-hour day for children under 16 years of age by caregivers, excluding care provided by relatives. Day care service for children shall not include babysitting or day care furnished in places of worship during religious services.
- B. *Registration and Licensing.* Family day care homes, as defined in this ordinance, must hold an approved and currently valid DPW registration certificate. Group day care homes and day care centers, as defined in this ordinance, must hold an approved and currently valid DPW license. In addition, all child day care facilities shall comply with all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes.
- C. *Municipal Notification.* Each operator of a newly established child day care facility shall notify the municipality in writing at least ____ days prior to the initiation of such use, for the purpose of allowing the municipality to establish a record of the new land

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- ^{3.} *The State Department of Public Welfare will not license day care centers which have a capacity for less than seven children. Due to economies of scale it is very uncommon for day care centers to have a licensed capacity near the seven child minimum. However, there may be instances where a day care center may periodically or temporarily care for fewer than seven children.*
 - ^{4.} *This ordinance recognizes that family and group day care homes are logical extensions of residential uses. The character and land use impacts associated with home child day care facilities are virtually no different than that of a family with the same number of children occupying a house; thus, they are compatible with neighboring residential uses. Home child day care facilities generate far less impacts on a residential area than do commercial uses, or even many home businesses. As such, home child day care facilities should not be considered businesses for building code purposes. DPW regulations contain building standards which adequately address building code concerns (e.g. safety requirements for physical condition of walls, floors, ceilings, fire extinguishers, smoke detectors, electrical outlets, stairways, sanitary facilities, ventilation, etc.).*
 - ^{5.} *The definitions of the three types of child day care facilities in this model ordinance are recognized and used by DPW. In order to avoid potential problems with regard to the legal interpretation of child day care facilities, it is important that the definitions used in municipal child day care regulations be consistent with the definitions used in DPW's registration and licensing regulations. For this reason, we recommend that the definitions contained in this model ordinance be used in municipal child day care regulations. The state regulatory standards for the three types of child day care facilities are contained in separate sections of Chapter II of DPW's Social Services Manual. Section 8A regulations are for day care centers; Section 8B regulations are for group day care homes; and Section 8C are for family day care homes. Each of these sets of state regulations define the type of service offered and the specific components of the service, specify the registration or licensing requirements for each type of child day care facility, and provide a comprehensive list of operational standards (eg. caregiver-child ratio, building and physical site standards, program for children, food and nutrition, transportation, etc.).*

use. Already existing licensed or registered facilities shall be required to notify the municipality of its operation in writing at least 60 days after the enactment of this ordinance. In addition, the operator of any facility must certify compliance with all aspects of this ordinance and all other applicable municipal requirements.⁶

1. Family day care homes must provide proof of an approved DPW registration certificate at the time of initial notification to the municipality, and must show proof of the registration renewal every two years.

At such time that a family day care home wishes to expand its operation to the level of a group day care home, the operator of the facility shall notify the municipality in writing at least ___ days prior to the expansion of the use and provide proof that all requirements for licensure by DPW have been met. The operator must also satisfactorily demonstrate that the facility meets the standards for group day care homes established in Section ____.

2. Group day care homes and day care centers must provide proof of an approved and currently valid DPW license at the time of initial notification to the municipality, and must provide proof of annual license renewal.
- D. Inspection. The operator of a family day care home, group day care home, or day care center will allow appropriate representatives of the municipality to enter the property at reasonable times to inspect such use for compliance with the requirements of this section and all other applicable municipal and state ordinances.⁷
- E. General Safety. No portion of a child care facility shall be located within a 300 foot distance from any potentially hazardous land use or activity which could pose a threat to the safety and welfare of the children, staff, and other occupants at the facility. Hazardous land uses or activities include, but shall not be limited to gasoline service stations, heavy industrial operations, storage of flammable or high pressure underground pipelines, truck or rail loading areas, etc.⁸

⁶ Due to the negligible impacts of a family day care home on a residential neighborhood, we feel that it is reasonable to consider a family day care home an extension of an existing permitted residential use. As such, we recommend that family day care homes not be required to obtain a separate or special municipal use and occupancy permits. The state license or registration procedure provides adequate safeguards with regard to the use and operation of a family day care home. The notification of certification requirement and the right granted to the municipality to inspect such facilities provide municipal involvement in the oversight and enforcement of local and state regulations.

⁷ Municipal inspectors of child day care facilities should be sensitive to the potential disruption to the operations of a facility that may be caused by an inspection. During the normal operation of a child day care facility, an operator must devote complete attention to the children. In order to minimize the potential disruption that may result from an inspection we recommend that inspections be scheduled at pre-arranged times or if an unannounced visit is needed to follow-up on a complaint, it not occur during nap or meal times or when only one caregiver is present.

⁸ This provision is not intended to require child day care facilities to be located at least 300 feet from all industrial activities. A child day care facility may be located near to or as part of an industry without posing a threat to the safety and welfare of the children in the facility. This provision allows the municipality to assess the general safety of a proposed child day care facility on a case-by-case basis.

- F. Hours of Outside Play. Outside play shall be limited to the hours between 8:00 a.m. and sunset, as defined by the National Weather Service.⁹
- G. Outdoor Play Area. An outdoor play area, as required by DPW regulations, shall be provided for any proposed child day care facility.
1. On-Site Outdoor Play Area. An on-site outdoor structured play area or areas of high outdoor activity shall be located in yard areas which provide adequate separation, safety, and protection from adjoining uses, properties, and roadways. Whenever possible, the on-site outdoor play area shall not be located in the front yard.¹⁰ The outdoor play area should be located immediately adjacent to the child care facility.
 2. Off-Site Outdoor Play Area. In accordance with DPW standards, a child day care facility may utilize off-site play areas in lieu of or as a supplement to an on-site play area. These standards permit the use of off-site play areas which are located within a one-half mile distance of the facility, measured from the property line of the facility. When the use of an off-site play area is proposed, the applicant shall inform the municipality about the means of transportation that will be used to access the off-site play area. For reasons of safety, when children will be walked to an off-site play area the route to the off-site play area shall not involve the crossing of arterial or major collector streets. Pedestrian access on sidewalks or improved walkways shall be required.
- H. Altering Exterior of Residential Structures. Any addition or improvement to an existing residential structure or property for purposes of child day care shall preserve its residential character. The scale, bulk, height, and roof pitch of any addition and the building materials used shall be compatible with the existing structure. Any improvements to the structure shall be in compliance with all other applicable municipal regulations relating to building and/or zoning permits.¹¹

⁹. *There is debate in the planning field concerning the legality of limiting the hours of operation for specific land uses. The hours of outside play regulation does not regulate the hours which a child day care facility may operate. We feel, from a planning perspective, that this regulation sets a reasonable standard for activities which may be disruptive to a residential neighborhood. If there are any concerns regarding the legality of this regulation, we recommend that local officials seek the legal opinion of their municipal solicitor.*

¹⁰. *The intent of the outdoor play area regulations is, whenever possible, to discourage the location of the formal and structured outdoor play area in a front yard. However, at times, supervised play does occur outside the formal play area, such as on a driveway or front yard. This regulation is not intended to prohibit this occasional front yard play. Restrictions on front yard play may be warranted in cases where a property fronts an arterial roadway.*

¹¹. *Exterior alterations or additions to existing residential structures are typically not needed for a child day care operation. This regulation has been provided for the untypical cases where exterior alterations or additions are proposed so that the physical changes to a residential structure will be compatible to the existing character of the surrounding residential neighborhood.*

- I. Traffic Impact Study. Any proposed child day care facility which will generate 100 or more new trips during the morning or evening peak hour shall be required to conduct a traffic impact study. The traffic impact study shall be prepared in compliance with Section ____.¹²
1. Objective. The purpose of the traffic impact study is to provide the local planning commission and governing body with adequate information and data to properly assess:
 - a. The impact of the proposed facility on the surrounding road and street network as well as on streets and roads providing immediate access to the proposed development.
 - b. The need for capital improvements to the existing transportation network which will be needed to accommodate the additional traffic generated by the proposed facility.
 - c. Traffic and/or pedestrian safety issues which may arise from the proposed facility.
- J. On-Lot Sewage Disposal. For properties utilizing an on-lot sewage disposal system, the applicant shall demonstrate that the system is properly sized to accommodate sewage flows from the registered or licensed capacity of the child day care facility.¹³
- K. Minimum Lot Area. The minimum lot area for any proposed child day care facility shall comply with the minimum lot area requirements of the zoning district in which the proposed facility is located.¹⁴

Section ____ FAMILY DAY CARE HOMES.

Any proposed family day care home shall comply with the following standards in addition to the general provisions for all types of child day care facilities in Section ____.

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- ^{12.} *Municipal regulations can require detailed specifications for a traffic impact study. With required specifications the municipality has more control over the scope and content of a study. Examples of traffic impact study specifications are available at the Montgomery County Planning Commission.*
 - ^{13.} *In addition to ensuring that an on-site sewage disposal system is properly sized for the proposed use, the municipality may also require that the applicant obtain an on-lot sewer certification. In certifying an on-lot sewage disposal system, the municipal Sewage Enforcement Officer conducts an on-site test of the system to determine if it is properly functioning. The sewer certification requirement may be waived in situations where a new sewage system has been recently installed.*
 - ^{14.} *Minimum lot area requirements have not been set for each of the three types of child day care facilities. DPW sets minimum standards for indoor and outdoor area which are based on the number of children using a proposed facility. These indoor and outdoor area standards must be met before a proposed facility will be registered or licensed by the state. With both the state standards and municipal minimum lot area requirements, the intensity of a proposed use on a given parcel will be adequately controlled.*

A. Where Allowed.

1. Permitted By-Right. Family day care homes may be located by right in any zoning district that allows the following types of dwelling units, subject to the standards of the zoning district in which the unit is located and the following development standards in this section, whichever are more restrictive.¹⁵
 - a. Single-family detached dwelling units,
 - b. Two-family dwelling units (twin, duplex),
 - c. Townhouse or rowhouse dwelling units.
2. Conditional Uses. Family day care homes may be located as a conditional use in an apartment dwelling unit of a multi-family structure, subject to the standards of the zoning district in which the unit is located and both the development standards and the conditional use standards in this section, whichever are more restrictive.¹⁶

B. Development Standards. The following standards shall apply to all proposed family day care homes.

1. Drop-Off Area. One on-site drop-off space for clients shall be provided. An existing driveway or common parking lot space may be used as the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate a parked vehicle. If a driveway is used for the drop-off area and the proposed use fronts an arterial or major collector street, an on-site turn around area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway can not function as a drop-off area, an on-site drop-off space shall be provided. The drop-off area shall conform to the municipal dimensional standards for residential parking spaces.
 - a. In cases where the drop-off area cannot be accommodated on the site, the applicant shall demonstrate that there is on-street parking or some other available parking area located within 250 feet of the property line of the proposed facility.

^{15.} A family day care home should be virtually indistinguishable from other homes on a residential street. In addition, a family day care home introduces negligible impacts on a residential neighborhood. Because family day care homes blend in well with the character of residential neighborhoods, we recommend that such facilities be permitted by-right in zoning districts that permit the types of dwelling units outlined in Section ____A.1. Some municipal zoning ordinances that regulate home child day care facilities (family and group day care homes) define such facilities as accessory uses or home occupations. Again, the intent of this model ordinance is to designate home day care facilities permitted by-right uses, subject to the provisions of this ordinance and other applicable municipal regulations.

^{16.} As mentioned in the above Note #15, in most situations the land use intensity of family day care homes is virtually identical to neighboring residences. However, the operation of a family day care home in an apartment of a multi-family structure may exceed a level of land use intensity desired in an apartment setting. For this reason, this model ordinance provides an additional level of municipal review through the requirement of a conditional approval. The conditional use standards in this ordinance allow municipal elected officials to base the conditional use approval on a set of reasonable criteria.

- b. The required drop-off area may be waived by the municipality if the applicant can demonstrate that the clients of the family day care home will walk to the facility, thereby eliminating the need for the additional parking space.
2. Fencing. If there are unsafe areas, such as open drainage ditches, wells, holes, heavy street traffic, etc., in or near to an outdoor play area, there shall be fencing to restrict children from these areas. Natural or physical barriers, such as hedge rows, walls, or dense vegetation may be used in place of fencing so long as such barriers functionally restrict children from unsafe areas.
- C. Conditional Use Standards. The following conditional use standards shall apply only to family day care homes which are permitted in Section ____A.2 of this ordinance as conditional uses.
1. The applicant shall demonstrate that the children in the family day care home can safely, quickly, and easily vacate the premise in case of emergency.
 2. The hours of operation shall be limited to the hours between 6:30 a.m. and 8:00 p.m.
 3. The applicant shall demonstrate that the current lease or homeowners' covenants for the apartment contains no clause which prohibits the proposed use.
 4. The applicant shall provide the name and address of adjacent apartment dwellers to allow the municipality to notify such individuals of the proposed use. Adjacent apartments shall be considered all apartments located within ten feet from any wall, floor, or ceiling of the proposed use.

Section ____ GROUP DAY CARE HOMES.

Any proposed group day care home shall comply with the following standards in addition to the general provisions for all types of child day care facilities in Section ____.

- A. Where Allowed. Group day care homes may be located as a conditional use in any zoning district that allows the following types of dwelling units, subject to the standards of the zoning district in which the unit is located and the following additional conditional use standards in this section, whichever are more restrictive.¹⁷
1. Single-family detached dwelling units,
 2. Two-family dwelling units (twin, duplex),
 3. Townhouse or rowhouse dwelling units.

^{17.} *The licensed capacity of a group day care home may be twice as greater as the capacity of a family day care home. Unlike the family day care home, we feel that the land use intensity of a group day care home in residential settings warrants additional municipal review through a conditional use procedure.*

B. Conditional Use Standards. The municipal governing body shall consider the following when reviewing a conditional use application for a proposed group day care home. The municipality may impose any other conditions necessary to mitigate any potential adverse impact on users of the site and/or the surrounding area.

1. Minimum Distance Between Facilities.¹⁸

a. Residential Zoning Districts. In order to avoid a concentration of individual group day care homes in residential neighborhoods, group day care homes shall be located a minimum of 300 feet from each other as measured from the respective property lines. This dispersion requirement shall not apply in cases where a proposed group day care home is located within 300 feet of a school facility or church which provides child care services.

The above requirement may be waived if the applicant provides a petition signed by two-thirds of the residents within 300 feet of the proposed facility, stating that the residents do not object to the proposed use.

b. Non-Residential Zoning Districts. No minimum distance requirement applies.

2. On-Site Parking. There shall be one additional on-site parking space provided for a non-resident employee above that required for the residential use. The parking space shall conform to the municipal dimensional standards for residential parking spaces.

3. Drop-Off Area: A drop-off area shall be provided with sufficient area to allow the temporary parking of two vehicles. An existing driveway or common parking lot spaces may be used for the drop-off area if it can be demonstrated that there is sufficient space available in the driveway that is not otherwise occupied or committed to safely accommodate two parked vehicles. If a driveway is used for the drop-off area and the proposed use fronts an arterial or major collector street, an on-site turn around area shall be provided so that vehicles can exit the site driving forward. In cases where the existing driveway can not function as a drop-off area, two new on-site drop-off spaces shall be provided. The drop-off area shall conform to the municipal dimensional standards for residential parking spaces.

a. In cases where the on-site drop-off area cannot be accommodated, the applicant shall demonstrate that there is on-street parking or some other available parking area located within 250 feet of the property line of the proposed facility.

¹⁸ Similar to the issue of regulating hours of operation, there is debate in the planning field concerning dispersion requirements for specific types of land uses. From a planning perspective, we feel it is reasonable to safeguard against the potentially negative impact of a concentration of group day care homes or day care centers in a residential neighborhood. For this reason, the model ordinance provides an additional municipal review through a conditional use procedure.

4. Fencing of Outdoor Play Area. In order to physically contain the activity of children in the outdoor play area, a minimum four (4) feet high fence shall be erected along the perimeter of the outdoor play area. When applicable, the fence shall be located along property lines. Fencing may be substituted by natural barriers such as hedge rows, walls, dense vegetation, etc. if it can be demonstrated that such barriers can effectively contain the activity of the children.
5. Signs.
 - a. Residential Zoning Districts. Signs shall comply with standards governing signs for home occupations. (See Section ____.)¹⁹
 - b. Non-Residential Zoning Districts. Signs shall comply with the standards governing signs for the zoning district in which the proposed use is located. (See Section ____.)
6. Group Day Care Homes in Attached Structures. Group day care homes located in attached structures (i.e. twin, duplex, townhouse, rowhouse) shall additionally comply with the conditional use standards for family day care homes in an apartment dwelling unit of a multi-family structure in Section ____C of this ordinance.

Section ____ . DAY CARE CENTERS.

Any proposed day care center shall comply with the following standards in addition to the general provisions for all types of child day care facilities in Section ____.

A. Where Allowed.²⁰

1. Permitted By-Right. Child day care centers are permitted by right in any zoning district which permit by right commercial, office or institutional land uses, subject to the regulations of the zoning district in which the proposed use is located and the development standards in this section, whichever are more restrictive.
2. Conditional Uses. Child day care centers are permitted as a conditional use in any industrial zoning district and in any residential zoning district, subject to the regulations of the zoning district in which the proposed use is located and both the development standards and the conditional use standards in this section, whichever are more restrictive.

^{19.} Where municipal sign regulations do not specify standards for home occupations, the following standards should be inserted to provide adequate sign control for group day care homes:

- a. The area of the sign shall not exceed one square foot,
- b. Only one sign is permitted,
- c. The sign shall be attached to the building, or may be a free-standing sign located at least ten feet behind the street right-of-way line, and
- d. The sign shall be non-illuminated.

^{20.} As a commercial use, day care centers would be compatible to land uses typically permitted in commercial, office, and institutional zoning districts. As such, we recommend that day care centers be permitted by-right in these types of districts. Day care centers are permitted as a conditional use in residential and industrial districts to allow an additional level of municipal review. Day care center proposals in residential districts require special review to ensure that a residential neighborhood is not negatively impacted; while issues related to safety justify additional review in industrial districts.

B. Development Standards. The following standards shall apply to all proposed day care centers.

1. Minimum Distance Between Facilities.²¹

- a. Residential Zoning Districts. In order to avoid a concentration of individual day care centers in residential neighborhoods, child day care centers shall be located a minimum of 300 feet from each other as measured from respective property lines. This dispersion requirement shall not apply in cases where a proposed day care center is located within 300 feet of a school facility or church which provides child care services.

The above requirement may be waived if the applicant provides a petition signed by two-thirds of the residents within 300 feet of the proposed facility, stating that the residents do not object to the proposed use.

- b. Non-Residential Zoning Districts. No minimum distance requirement applies.

2. On-Site Parking for Employees and Clients. A minimum of one on-site parking space shall be provided for each 300 square feet of floor area dedicated to child care.

3. Drop-Off Area.²²

- a. Number of Drop-Off Spaces. A minimum of one safe drop-off space shall be provided for each 20 children that the facility is licensed to accommodate.
- b. Drop-Off Area Location and Design. Whenever possible, the drop-off area shall be located immediately adjacent to the facility. The drop-off area should be designed in such a way that pedestrians do not cross vehicular traffic lanes in any parking area or driveway. The drop-off area may be designed either as a part of the on-site parking area or the required drop-off spaces may be designed as a part of driveway providing direct access to the day care facility.

When the drop-off area is incorporated into the on-site parking area, the parking spaces nearest to the facility shall be designated as drop-off spaces. When the drop-off area is incorporated into a driveway, the drop-off spaces shall be located within a vehicle turnout area 12 feet in width exclusive of the driveway through traffic lane(s).

²¹. See Note #18.

²². Today's day care centers are typically designed to accommodate up to one hundred children. Most of these children are dropped off and picked up at the day care center within a relatively concentrated time period. To accommodate this high volume of on-site vehicular traffic, a well designed and properly located drop-off and receiving area is a key design element for a successfully functioning day care center.

4. Landscaping. Landscaping shall be provided in order to create a vegetative buffer from adjacent uses as well as to create an aesthetically pleasing environment.
 - a. Buffer standards for lots on which a proposed day care center is located.
 - 1) Vegetative Buffers. A vegetative screen buffer may be required when deemed necessary by the municipal governing body to meet the intent and goals of this ordinance. Criteria to be considered will include but not be limited to the nature and type of adjacent uses, lot size of the subject property as well as the adjacent properties, and the distance to adjacent buildings. The following standards shall apply to buffers when required by the municipality.
 - a) Buffers shall contain combinations of evergreen and deciduous vegetation. The planted buffer shall be a minimum of ten feet in width and six feet in height at the time of installation. Earthen berms may be provided in combination with vegetative material. Earthen berms shall not exceed four feet in height nor exceed a maximum slope of three to one (3:1).
 - b) Continued maintenance of vegetative buffers shall be the responsibility of the operator of the facility.
 - c) Opaque fences or walls used to meet the following requirement for fencing of outdoor play areas, may be used in place of part of the required vegetative buffer material.
 - b. Landscaping in outdoor activity areas. Existing or proposed planting material shall be suitable in and around areas used by children. No thorny, poisonous, or other hazardous plants shall be allowed in areas used by children.
5. Fencing of Outdoor Play Area. In order to physically contain the activity of children in the outside play area, a minimum four feet high fence shall be erected along the perimeter of the outside play area. When applicable, the fence may be located along property lines. Natural barriers such as hedge rows, walls, dense vegetation, etc. may be substituted for fencing if it can be demonstrated that such barriers can effectively contain the activity of the children.
6. Play Equipment Setback. Play equipment in designated on-site play areas shall be located at least ten feet from an abutting property line.
7. Signs.
 - a. Residential Zoning Districts. Day care center signs shall comply with standards governing signs for schools, churches or similar institutional uses. (See Section ____.)

- b. **Non-Residential Zoning Districts.** Day care center signs shall comply with standards governing signs for the zoning district in which the proposed use is located. (See Section ____.)
8. **Lighting.** All pedestrian pathways shall be adequately lit for safety and security if utilized during non-daylight hours. Specific areas for lighting are entrance ways, pedestrian access to the outdoor play areas, sidewalks used in non-daylight hours, drop-off areas, merchandise delivery areas, and all parking lots.
 9. **Entrance/Exit Accessibility.** When located in a multi-use building complex, day care center entrances/exits shall provide direct access to the child care center so that walking through other significant portions of the building is avoided.
 10. **Soundproofing.** When co-located in any building employing noisy operations, the municipal governing body may require soundproofing of the child care center to protect the children.
- C. **Conditional Use Standards.** The municipal elected officials shall consider the following when reviewing a conditional use application for a proposed day care center in residential and industrial zoning districts. The municipality may impose any other conditions necessary to mitigate any potential adverse impact on users of the site and/or the surrounding area.
1. **Day Care Centers in Residential Zoning Districts.**
 - a. The proposed day care center shall not be detrimental to the use, development, peaceful enjoyment, and economic value of the surrounding properties or the neighborhood.
 - b. The proposed day care center shall be compatible with the existing character of the neighborhood with consideration to population density, scale, bulk, design, and external appearance of new structures; intensity and character of activity; traffic and parking.
 2. **Day Care Centers in Industrial Zoning Districts.**
 - a. **Safety.** There shall be no land use or activity within the vicinity of the proposed day care center which would pose a threat to the health, safety and welfare of the users of the facility. Specifically, there shall be no objectionable or unsafe levels of noise, vibration, fumes, odors, dust, glare, heat, toxic gases, electric or electronic interference, liquid wastes or sewage, vehicular loading and unloading activities and any other physical activity on sites within the vicinity of the proposed day care center.
 - b. **Choice of Access Streets.** When streets of different classifications are involved, the driveway shall provide access to the street of lesser functional classification.

BIBLIOGRAPHY

American Planning Association, Zoning for Child Care, Planning Advisory Service, Report Number 422, December 1989.

Commonwealth of Pennsylvania, Department of Public Welfare, Bureau of Child Development Programs, Chapter II, Section 8A of the Department of Public Welfare's Social Services Manual, "Regulations for Child Day Care Centers," effective April 2, 1978, reprinted June 1981.

Commonwealth of Pennsylvania, Department of Public Welfare, Bureau of Child Development Programs, Social Services Manual, Chapter II, Section 8B, effective April 2, 1978.

Commonwealth of Pennsylvania, Department of Public Welfare, Bureau of Child Development Programs, Social Services Manual, Chapter II, Section 8C effective June 13, 1981.

National League of Cities, Local Officials Guide to Family Day Care Zoning, Washington, DC, 2004, 1989.

Pennsylvania Department of Transportation Design Criteria Charts of the Functional Classification System Service Characteristics.

