

ORDINANCE NO. 927

CITY OF LACEY

AN ORDINANCE RELATING TO CHILD DAY CARE FACILITIES, ENACTING A NEW CHAPTER, 16.65 TO THE LACEY MUNICIPAL CODE AND AMENDING SECTIONS 16.10.020, 16.11.020, 16.12.020, 16.13.020, 16.15.020, 16.16.020, 16.18.020, 16.21.020, 16.27.020, 16.30.020, 16.33.020, 16.34.020, 16.36.020, 16.66.020 AND 16.69.020 OF SAID CODE.

WHEREAS, the Zoning Code of the City currently requires a Special Use or Conditional Use Permit in any zone within the City for the establishment of a child day care center and further classifies family day care homes as Home Occupations, and

WHEREAS, after Public Hearing, the Planning Commission has recommended that child day care centers be allowed in certain zones as an allowed use and that family day care homes in residential districts not be required to comply with Home Occupation restrictions, and

WHEREAS, the Council finds that the existence of affordable, good quality and licensed child care facilities within the City of Lacey is critical to the wellbeing of parents and children in the community and is a needed community service and that the procedures for the establishment of such facilities should be less burdensome, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1: There is hereby added to the Lacey Municipal Code a new chapter, 16.65 to read as follows:

SECTION 16.65.010 - For purposes of this title, the following terms shall be defined as follows:

(a) "Child Day Care" means the providing of supplemental parental care and supervision for a child or children who are not related to the provider, on a regular basis for less than 24 hours a day and under license by the Washington State Department of Social and Health Services. The term does not include babysitting services of a casual, non-recurring nature or in the child's own home. The term is further not intended to include cooperative, reciprocative childcare by a group of parents in their respective homes.

(b) "Child Care Facility" means a building or structure in which an agency, person or persons regularly provide care for a group of children for periods of less than 24 hours a day. Child day care facilities include family day care homes, and child day care centers regulated by the Washington State Department of Social and Health Services, as presently defined in RCW 74.15 and WAC 388-73-422 as such statute or regulations may hereafter be amended.

(c) "Family Day Care Home" means a facility in the family

residence of the licensee who regularly provides direct care for twelve or fewer children, within an age range of birth through eleven years for periods of less than 24 hours.

(d) "Child Day Care Center" means a facility providing regularly scheduled care for a group of 13 or more children within an age range of one month through twelve years, for periods of less than 24 hours.

SECTION 16.65.020 - A Family Day Care Home shall be permitted in all zoning districts of the City wherein residential structures are permitted, subject to the following conditions:

(a) Such homes shall comply with all building, fire safety and health codes and obtain a business license from the City for such a business;

(b) The lot size, building size, setback and lot coverage shall conform to the standards of the zoning district in which it is located unless such structure is a legal non-conforming structure;

(c) Such use shall meet the parking requirements of Chapter 16.72 relating to off-street parking and loading;

(d) Each family day care home shall be limited to one flush-wall sign having a maximum area of two square feet;

(e) No structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure or be incompatible with surrounding residences will be allowed.

SECTION 16.65.030 - A Child Day Care Center, licensed by the State of Washington as provided for herein, shall be permitted under the conditions set forth in this Section after registration with the City as provided in this chapter, subject to the following conditions:

(a) A child day care center, proposed to be established in any residentially zoned district, light industrial district, light industrial/commercial district, industrial district, highway commercial district, mineral extraction district or in central business district, subarea 9 shall only be allowed after the issuance of a conditional use permit pursuant to Chapter 16.66 relating to special uses and Chapter 16.87 relating to conditional use and special use permits. A child day care center proposed for any other district of the City shall be allowed in the manner specified for such district and subject to the terms of this section.

(b) All child day care centers whether required to have a conditional use permit or not, shall comply with all building, fire safety, traffic safety, health code, business licensing, setback, screening, landscaping, parking, signage, lot size, building size and lot coverage requirements of this code including any requirements specific to the district in which said center is located.

(c) No child day care center shall be located in a private family residence unless the portion of the residence to which the children have access is separate from the usual

living quarters of the family or is used exclusively for the children during the hours the center is in operation.

Section 2: Section 16.10.020 of the Lacey Municipal Code relating to permitted uses within the rural residential district (RR1/1) is hereby amended by adding a new subsection B.7 to read as follows:

"Family day care homes as provided in chapter 16.65."

Section 3: Section 16.11.020 of the Lacey Municipal Code relating to permitted uses within the Rural Residential district (RR2/1) is hereby amended by adding a new subsection B.7 to read as follows:

"Family day care homes as provided in chapter 16.65."

Section 4: Section 16.12.020 of the Lacey Municipal Code relating to permitted uses within the Low-Density Residential district is hereby amended by adding a new subsection B.7 to read as follows:

"Family day care homes as provided in chapter 16.65."

Section 5: Section 16.13.020 of the Lacey Municipal Code relating to permitted uses within the Low-Density Residential

district (2-4/1) is hereby amended by adding a new subsection B.6 to read as follows:

"Family day care homes as provided in chapter 16.65."

Section 6: Section 16.15.020 of the Lacey Municipal Code relating to permitted uses within the Moderate-Density Residential district is hereby amended by adding a new subsection B.6 to read as follows:

"Family day care homes as provided in chapter 16.65."

Section 7: Section 16.16.020 of the Lacey Municipal Code relating to permitted uses within the Medium-Density Residential district (2-8/1) is hereby amended by adding a new subsection B.6 to read as follows:

"Family day care homes as provided in chapter 16.65."

Section 8: Section 16.18.020 of the Lacey Municipal Code relating to permitted uses within the High-Density Residential district is hereby amended by adding a new subsection B.6 to read as follows:

"Family day care homes as provided in chapter 16.65."

Section 9: Section 16.21.020 of the Lacey Municipal Code relating to permitted uses within the Agricultural district is hereby amended by adding a new subsection B.6 to read as follows:

"Child day care centers as provided in chapter 16.65."

Section 10: Section 16.24.020 of the Lacey Municipal Code relating to permitted uses within the Central Business district is amended by amending subsection A thereof to read as follows:

"Specific categories of uses are listed, by land use district, in Chart 16.24.020(1) of subsection C of this section. In addition to such listing, child day care centers will be allowed subject to the provisions of chapter 16.65 of this Code as a permitted use in subareas 1 through 8 and as a special or conditional use in subarea 9."

Section 11: Section 16.27.020 of the Lacey Municipal Code relating to permitted uses within the General Commercial district is hereby amended by adding a new subsection A.6 to read as follows:

"Child day care centers as provided in chapter 16.65."

Section 12: Section 16.30.020 of the Lacey Municipal Code relating to permitted uses within the Office Commercial district is hereby amended by adding a new subsection A.3 to read as follows:

"Child day care centers as provided in chapter 16.65."

Section 13: Section 16.33.020 of the Lacey Municipal Code relating to permitted uses within the Limited Business district is hereby amended by adding a new subsection A.3 to read as follows:

"Child day care centers as provided in chapter 16.65."

Section 14: Section 16.34.020 of the Lacey Municipal Code relating to permitted uses within the Community Commercial district is hereby amended by adding a new subsection A.2 to read as follows:

"Child day care centers as provided in chapter 16.65."

Section 15: Section 16.36.020 of the Lacey Municipal Code relating to permitted uses within the Neighborhood Commercial district is hereby amended to read as follows:

"A. Convenience stores that sell food or drugs are permitted. Gasoline may be sold in conjunction with a convenience store, provided there is no more than one gas pump island containing not more than four dispensing nozzles.

B. Child day care centers as provided in chapter 16.65."

Section 16: Section 16.48.020 of the Lacey Municipal Code relating to permitted uses within the Open Space/Institutional district is hereby amended by adding a new subsection D to read as follows:

"Child day care centers shall be allowed as an accessory use to those uses permitted by this section."

Section 17: Section 16.66.020 of the Lacey Municipal Code is hereby amended to read as follows:

"Specific types permitted in accordance with the intent of this chapter, and subject to reasonable conditions imposed by the city are categorized and identified as follows:

A. Personal or community service facilities such as:

1. ~~Child-care, including~~ Nursery Schools and
~~pre-schools and day-care centers,~~

2. Child day care centers when proposed in those districts specified in Chapter 16.65,

~~2-3.~~ Funeral parlors, mortuaries and crematoria,

~~3-4.~~ Senior citizen centers,

~~4-5.~~ Residential care facilities (group homes for physically or mentally disabled persons) as provided in Section 16.66.060,

~~5-6.~~ Nursing homes; convalescent care facilities,
and

~~6-7.~~ Cemeteries;

B. Places of public assembly, including:

1. Churches (or other places of worship),
2. Sports arenas or stadia,
3. Fraternal organizations and lodges, and
4. Private clubs;

C. Public utilities and their appurtenances, such as:

1. Electrical substations,
2. Pumping, lift stations or similar regulatory appurtenances for the transmission or distribution of electricity, natural gas, water and sewage, oil or steam, and storage tanks for any of the above, including water towers,

3. Solid waste disposal facilities, including transfer stations, incinerators and sanitary landfills, and

4. Radio, television or telephone stations, exchanges, transmitting, receiving or relay structures;

D. Public safety and emergency response facilities, including:

1. Police stations,
2. Fire stations,
3. Emergency medical centers, and
4. Hospitals;

E. Public and private transport/maintenance facilities, including:

1. Airports, landing strips, heliports or helipads, including waterborne craft,

2. Marinas, docks, piers, or breakwater devices,

regardless of size or purpose,

3. Railroad terminals, switching facilities, maintenance or repair shops, and spurs,

4. Bus terminals, storage or maintenance facilities,

5. Automobile parking facilities or structures other than those specifically required in Chapter 16.72 in connection with permitted uses,

6. Corporation yards;

F. Uses which are similar or related to those uses described in subsections A through E of this section."

Section 18: Section 16.69.020 of the Lacey Municipal Code is hereby amended to read as follows:

"Home occupation means any activity conducted for financial gain or profit in dwelling unit, and which activity is not generally or customarily characteristic of activities for which dwelling units are intended or designed; such activity is clearly incidental or secondary to the residential use of a dwelling unit; and is conducted only by persons residing in the dwelling unit. Provided, however, that neither the conduct of a garage sale nor the operation of a family day care home as defined in Chapter 16.65 is not defined as a home occupation."

Section 19: The summary of this ordinance, which is attached hereto, is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,
this 9th day of January, 1992.
CITY COUNCIL

BY: Gene Canque Fiddell
MAYOR

Attest:

Charlotte M. Taylor
City Clerk

Approved as to form:

[Signature]
City Attorney

Published January 12, 1992

Sections 2 through 8 amend the sections of the Lacey Municipal Code in residential districts which list the permitted uses in order to add family day care homes to the list of such permitted uses. The specific sections amended are as follows:

Section 16.10.020	Section 16.15.020
Section 16.11.020	Section 16.16.020
Section 16.12.020	Section 16.18.020
Section 16.13.020	

Sections 9 through 15 amend the sections of the Lacey Municipal Code which list the permitted uses in order to add child day care centers to the list of such permitted uses. The specific sections amended are as follows:

Section 16.21.020	Section 16.33.020
Section 16.24.020	Section 16.34.020
Section 16.27.020	Section 16.36.020
Section 16.30.020	

Section 16 amends Section 16.48.020 of the Lacey Municipal Code to allow child day care centers as an accessory use to those uses permitted within the Open Space/Institutional District.

Section 17 amends Section 16.66.020, which section is a part of the chapter relating to special uses. The reason for the amendment is to eliminate the requirement for special use or conditional use permits for child day care centers when proposed in the specific districts mentioned in the new chapter.

Section 18 amends Section 16.69.020 of the Lacey Municipal Code to eliminate the operation of a family day care home from the definition of a home occupation for purposes of the Lacey code.

Section 19 approves this summary.

A copy of the full text of this ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: January 12, 1992.

SUMMARY FOR PUBLICATION
ORDINANCE 927

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on JANUARY 9, 1992, Ordinance No. 927 entitled "AN ORDINANCE RELATING TO CHILD DAY CARE FACILITIES, ENACTING A NEW CHAPTER, 16.65 TO THE LACEY MUNICIPAL CODE AND AMENDING SECTIONS 16.10.020, 16.11.020, 16.12.020, 16.13.020, 16.15.020, 16.16.020, 16.18.020, 16.21.020, 16.27.020, 16.30.020, 16.33.020, 16.34.020, 16.36.020, 16.66.020 AND 16.69.020 OF SAID CODE."

A section by section summary of this ordinance is as follows:

Section 1 adopts a new chapter, 16.65 of the Lacey Municipal Code relating to the location and requirements for child care facilities. The sections of the new chapter are summarized as follows:

Section 16.65.010 defines the terms "child day care", "child care facility", "family day care home" and "child day care center." Each of the terms relates only to those facilities licensed by the Washington State Department of Social and Health Services. Family day care homes are those facilities for 12 or fewer children and child day care centers are for those facilities with 13 or more children.

Section 16.65.020 provides that family day care homes may be located within any zoning district of the city which allows residential structures while requiring such homes to comply with all other zoning and construction requirements of the city.

Section 16.65.030 allows child day care centers to be located in certain districts without a special or conditional use permit as is now required. However, in districts other than those named, such a special permit will be required. Child day care centers will also be required to comply with all city requirements. The section also provides that child day care centers will not be allowed in private family residences unless conducted in a portion of the residence separate from the living quarters of the family.