

## SECTION 26. DAY CARE NURSERY FACILITIES

### Subdivision

- 26.01 Purpose
- 26.02 Application
- 26.03 Declaration of Conditions
- 26.04 General Provisions
- 26.05 Inspection

**26.01 PURPOSE:** The purpose of the regulation of day care nursery facilities in this section is to establish standards and procedures by which day care facilities can be conducted within the City without jeopardizing the health, safety and general welfare of the day care participants and/or the surrounding neighborhood. This section establishes the City's minimum requirements for the establishment and operation of day care facilities which are not defined as permitted uses by State Statute or which are not located in single family homes. Day care facilities other than those defined as permitted uses by State Statutes which operate in a single family dwelling as an accessory use shall be subject to Section 25 of this Ordinance and processed as a home occupation.

**26.02 APPLICATION:** Day care nursery facilities shall be considered a permitted conditional use within all residential, commercial and industrial zoning districts of the City and shall be subject to the regulations and requirements of Section 4 of this Ordinance. In addition to the City regulation, all day care facility operations shall comply with the minimum requirements of the Minnesota Department of Human Services, as may be amended.

**26.03 DECLARATION OF CONDITIONS:** The Planning Commission and City Council may impose such conditions on the granting of a day care facility conditional use permit as may be necessary to carry out the purpose and provisions of this section.

**26.04 GENERAL PROVISIONS:** Day care facilities shall be allowed as a principal use or as an accessory use, provided that the day care facilities meet all the applicable provisions of this section.

- A. Lot Requirements and Setbacks: The proposed site for a day care facility as a principal use shall have a minimum lot area as set forth in the respective zoning district. The City Council may increase the required lot area in those cases where such an increase is considered necessary to ensure compatibility of activities and

maintain the public health, safety and general welfare. The day care facility shall meet the setback requirements of the respective zoning district.

- B. Sewer and Water: All day care 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. Buffering: Unless exempted by the Zoning Administrator, where an outdoor play area of a day care facility which abuts any commercial or industrial use or zone, or public right-of-way, the day care facility shall provide screening along the shared boundary of such uses, zones, or public rights-of-way. All of the required fencing and screening shall comply with the fencing and screening requirements of Section 15.07 of this Ordinance.
- 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 Section 20 of this Ordinance. Parking areas shall be screened from view of surrounding and abutting residential uses in compliance with Section 15.07 of this Ordinance.
  - 2. When a day care facility is an accessory use within a structure containing another principal use, parking for each use shall be calculated separately for determining the total off-street parking spaces required. An exception to this requirement may be granted by the Zoning Administrator in instances where no increase in off-street parking demand will result.
- E. Off-Street Loading: Off-street loading space in compliance with Section 21 of this Ordinance shall be provided.
- F. Signage: All signing and informational or visual communication devices shall be in compliance with Section 31 of this Ordinance.
- G. Compliance with State Requirements: The structure and operation shall be in compliance with State of Minnesota Department of Human Services regulations and shall be licensed accordingly.

**26.05 INSPECTION:** The City hereby reserves the right upon issuing any day care facility conditional use permit to inspect the premises in which the occupation is being conducted to insure compliance with the provisions of this section or any conditions additionally imposed.