

Chapter 16.60 – Child Day Care Facilities

- 16.60.010 Development Standards and Use Conditions
- 16.60.020 Child Day Care Centers
- 16.60.030 Small Family Day Care Homes
- 16.60.040 Large Family Day Care Homes

16.60.010 Development Standards and Use Conditions

- A. All child day care facilities must comply with all applicable state licensing laws at all times.
- B. Required parking spaces must be provided for all child day care facilities in accordance with Chapter 16.46 (Off-street Parking and Loading) of this Title 16.
- C. Outdoor play areas must be provided consistent with state requirements, based on maximum capacity. Outdoor play areas must not be located within required front yards or street facing side yards of residential properties, or within 20 feet of the ultimate public right-of-way for commercial or industrial properties.
- D. All child day care facilities must comply with noise standards for the underlying zone, as outlined in Chapter 93 of the Santa Paula Municipal Code and the Noise Element of the City of Santa Paula General Plan.

16.60.020 Child Day Care Centers

Child Day Care Centers as defined in Section of 1596.76 of the California Health and Safety Code are permitted in the C-G General Commercial zones, subject to design review as outlined in Chapter 16.226 of this Title 16, and conditionally in all residential, commercial and light industrial zones, pursuant to Chapter 16.218 (Conditional Use Permits).

A. Operating Standards

The following operating standards apply for day care centers.

1. The hours of operation for any child day care center must be compatible with the permitted uses in the surrounding area.
2. Outdoor activities may only be conducted between the hours of 8:00 a.m. and 6:00 p.m. in residential zones and 6:00 a.m. and 7:00 p.m. in all other zones.
3. No outdoor play area may be located within 10 feet of a residentially zoned property.
4. Where a child day care center abuts a property in a residential zone, a masonry wall of minimum height 6 feet, with screen landscaping, must be erected and maintained between the two uses.

5. In addition to the parking requirements outlined in Chapter 16.46 (Off-street Parking), three (3) parking spaces must be provided for the loading and unloading of children. Where on-street parking is available along the street frontage of the day care center, only two (2) of these spaces are required on site.
6. Loading and unloading areas must be located so that children do not cross traffic to reach the facility. The Loading and unloading areas must be designed to minimize interference with traffic and promote safety of the children.
7. The provider must secure the appropriate child day care license, as required by the State of California Department of Social Services. Proof of such license must be submitted to the Planning Director prior to a certificate of occupancy being issued to the day care center.

16.60.030 Small Family Day Care Homes

Small family day care homes as defined in Section of 1597.44 of the California Health and Safety Code are permitted by right in all residential zones in the City, pursuant to California Health and Safety Code Section 1597.45. The provider must secure a small family day care home license from the State of California Department of Social Services. In accordance with Section 1597.45 of the California Health and Safety Code, small family daycares homes are not required to obtain a City of Santa Paula business license or home occupation permit.

16.60.040 Large Family Day Care Homes

The purpose of this Section is to set forth the standards, restrictions, and requirements for the operation of large family day care homes, as defined in California Health and Safety Code Section 1597.465, on properties zoned for single-family dwellings. Large family day care homes are permitted as an accessory use for a dwelling located in a residential zone, subject to design review as outlined in Chapter 16.226 of this Title 16, and pursuant to the California Health and Safety Code Section 1597.46(a)(2).

A. Operating Standards

The following operating standards apply for large family day care homes.

1. Parking

- a. One (1) parking space for each employee not residing in the Large Family Day Care Home dwelling, plus the two (2) parking spaces required for the occupants of the single family residence as required in Chapter 16.46 (Off-Street Parking).
- b. Three (3) parking spaces for the loading and unloading of children. Where on-street parking is available along the street frontage of the Large Family Day Care Home site, only one (1) of these spaces are required on site.
- c. Not more than three (3) of the parking spaces required herein, located side by side, will be permitted within the required front yard setback area, provided that such parking space does not block a public sidewalk or right-of-way.
- d. Up to two (2) of the required on-site parking spaces may be located in tandem behind the required parking spaces for the occupants of the dwelling or for employees. However, in no instance will such tandem parking result in more than one (1) parking space behind each required occupant or employee parking space.

2. Traffic Control

- a. Residences located on major arterial streets must provide a child drop-off/pick-up area designed to prevent vehicles from backing onto the major arterial roadway.
- b. The width of the street fronting the Large Family Day Care may not be less than the State of California standard minimum street width, which is 40 feet.

3. Noise

Noise from outdoor play areas must be kept to a level consistent with residential neighborhoods. To reduce possible noise impacts, outdoor play/activity areas must only be used between the hours of 8:00 a.m. to 6:00 p.m. The operation of the facility must comply with residential noise standards contained in Section 16.42.070 (Performance Standards, Noise) and the Noise Element of the City of Santa Paula general plan.

4. Separation

As a means to maintain the integrity of residential neighborhoods, new large family day care homes must not be located within 300 feet of an existing state licensed large family day care home or within 300 feet of any other child day care center licensed to care for thirteen (13) or more children.

5. Residential Use

In accordance with Section 1597.43(a) of the California Health and Safety Code, the Large Family Day Care Home must not fundamentally alter the nature of the underlying residential use. Accordingly, the following standards apply to large family day care homes:

- a. The residence must be in compliance with the development standards for the zone, including, but not limited to, minimum lot size, lot coverage, parking, fencing, and screening of trash receptacles.
- b. The proposed use must comply with all State Fire Marshal requirements for building and safety that apply to large family daycare homes, and with all local building and fire codes which apply to single-family residences.
- c. The day care home must be the principal residence of the provider, and its use as a daycare home must be clearly incidental and secondary to the use of the property for residential purposes.
- d. The facility must be operated in a manner so as not to appear as a commercial operation, and the property must be maintained to preserve the general appearance and character of the residential neighborhood. Play equipment must not be located within the required front yard setback of the property so as to appear as a commercial child-care center.
- e. No structural changes may be proposed that will alter the character of the building as a residence.
- f. The facility will be operated in a manner that will not adversely affect adjoining residences nor be detrimental to the character of the residential neighborhood.
- g. Signs for the day care home must comply with the Chapter 16.48 for signs in residential zones.
- h. The provider must secure a large family day care home license, as required by the State of California Department of Social Services.

B. Application Procedures

An application for Design Review must be filed with the Planning Department pursuant to Chapter 16.226. Operation of a large family

daycare is not subject to a home occupation permit; however, such facilities must secure a business license with the City of Santa Paula.

C. Pre-existing Large Family Day Care Homes

1. Those Large Family Day Care Homes that exist on the effective date of this Title, and on that date have a valid Large Family Day Care Home license issued by the State of California, are considered legal non-conforming uses. Such non-conforming use may continue until the renewal date required for State of California licensing of the provider's large family day care home. If the provider does not apply for approval of his/her large family day care home pursuant to this chapter by the date required for state licensing renewal, then the legal non-conforming use will be deemed to terminate.
2. In those instances where an application has been filed in a timely manner, and the Director finds that numerous conditions must be applied to make the non-conforming large family day care home consistent with this chapter, the Director may extend the valid non-conforming use status up to five (5) years. This extension by the Director would be granted only as a means to give the applicant adequate time to satisfy the operating standards provided in this section. If the operating standards are not satisfied within the extension period granted by the Director, the legal non-conforming use will terminate.