



**CHESTERFIELD COUNTY
DEPARTMENT OF PLANNING
ADMINISTRATIVE POLICIES AND PROCEDURES**

**Subject: Standard Conditions For Family Day Care
Homes- November 15, 2012, December 10,
2012 And February 19, 2013 Work
Sessions (Combined)**

Policy Number:

Authorization: Kirkland A. Turner, Director

**Supersedes:
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THE FOLLOWING ARE INFORMATION FROM MEMORANDUMS PRESENTED TO, AND ACCEPTED BY, THE PLANNING COMMISSION. THESE MEMORANDUMS PROVIDE GUIDELINES AND RECOMMENDED STANDARD CONDITIONS RELATED TO THE USE, FAMILY DARE CARE HOMES, FOR APPLICANTS SEEKING CONDITIONAL USE APPROVAL

PURPOSE

At the December 10, 2012 work session, the Commission requested staff to provide additional information concerning the state's Department of Social Services regulations for family day-care homes. Specifically, staff has compiled additional information relative to an existing best practices manual and guidelines for the interior/exterior space needs per child in a family day home. Staff has also invited Karen Cullen from the Department of Social Services to the Commission's February work session to help answer questions related to the state's current regulations of family day-care homes.

POLICY

Best Practices Manual for Family Day Homes:

Family day homes are regulated by a document titled "Standards for Licensed Family Day Homes." The regulations in this document are adopted by the State Board of Social Services and enforced by DSS. Regulations within the manual include topics on caregiver training, facility (home) management, health of the caregiver and the caregiver's family, care given to children, preventing the spread of disease, nutrition, emergencies and transportation. In addition, DSS may also reference a best practices manual titled "Caring for Our Children: National Health and Safety Performance Standards." This best practices manual provides recommendations on how to operate family day-care homes and commercial child care facilities. These practices are based upon the most current and relevant studies and research in the child care field. The guidelines presented in this manual are advisory in nature and are not adopted as regulations enforced by DSS.

Interior & Exterior Space Per Child:

At the request of the Commission, staff reviewed DSS's regulations as well as the Caring for Our Children best practice manual to determine if there were any recommended figures for interior & exterior space per child. DSS outlines on their web site that "There's no specific square footage requirement, but a reasonable amount of both indoor and outdoor space must be available for children's activities. A good "rule of thumb" is to plan on at least 25 square feet of indoor activity space for each child in care."

Caring for Our Children also outlines the following recommendation: "The designated area for children's activities should contain a minimum of forty-two (42) square feet of usable floor space per child. A usable floor space of fifty (50) square feet per child is preferred. This excludes floor area that is used for:

circulation (e.g., walkways around the activity area), classroom support (e.g., staff work areas and activity equipment storage that may be adjacent to the activity area), furniture (e.g., bookcases, sofas, lofts, block corners, tables and chairs), and center support (e.g., administrative office, washrooms, etc.). Usable, indoor floor space for the children's activity area depends on the design and layout of the child care facility, and whether there is an opportunity and space for outdoor activities.”

Outdoor play area, while not required by DSS, is discussed within the Caring for Our Children best practices manual. The manual states that “The facility or home should be equipped with an outdoor play area that directly adjoins the indoor facilities or that can be reached by a route that is free of hazards and is no farther than one-eighth mile from the facility. The playground should comprise a minimum of seventy-five (75) square feet for each child using the playground at any one time. The following exceptions to the space requirements should apply: 1) a minimum of thirty-three (33) square feet of accessible outdoor play space is required for each infant and 2) a minimum of fifty (50) square feet of accessible outdoor play space is required for each child from eighteen (18) to twenty-four (24) months of age.”

RECOMMENDATION

Staff continues to recommend that we revise and update our existing catalogue of recommended standard conditions for family day-care homes. Staff's previous memorandum to the Planning Commission for the December 10, 2012 work session is attached for your reference.

If you have questions regarding this information, please contact Ryan Ramsey, Senior Planner, at 768-7592.

CONTINUED

**Subject: Standard Conditions For Family Day-Care
Homes – November 15, 2012 And
December 10, 2012 Work Sessions**

PURPOSE

At the request of the Commission, staff is providing information related to the standard conditions that are typically proffered or imposed on applicants who seek conditional use approval to permit a family day-care home. Staff has also consulted with the state's Department of Social Services to acquire additional information about the rules and regulations they oversee for family day-care homes. Finally, staff provides a revised set of staff recommended conditions for family day-care homes that require conditional use approval.

At the November 15, 2012 work session, the Commission requested staff to provide more information concerning the state's Department of Social Services regulations for family day-care homes. Staff has compiled additional information pertaining to licensing documentation, outdoor play areas, required number of caretakers and the capacity of family day-care homes. One new condition (Condition 8) is also included in the "Catalogue of Possible Conditions for Family Day-Care Homes." (Attachment 1)

POLICY

EXISTING STANDARD CONDITIONS FOR FAMILY DAY-CARE HOMES:

Staff reviewed the conditions that were proffered or imposed on seven (7) approved zoning cases since 2007. These conditions regulated the following elements of a family day-care home:

1. Non-Transferable Ownership: Conditional use is limited to the applicant exclusively and not transferrable with the property.
2. Expansion of Use: No alterations or expansion of property to accommodate use.
3. Signage: Limited or prohibited signage for the use.
4. Size of Family Day-Care Home: Limitation on the number of children being taken care of on the property (a maximum of 12).
5. Hours of Operation: Limitation on the hours of operation for the use.
6. Time Limitation: Limitation on the approval term.

The most common conditions imposed on family day-care homes were conditions that mandated non-transferrable ownership, prohibit expansion of use or limit signage for the property. These conditions were used in all seven (7) cases in our analysis. Conditions pertaining to the size of the family day-care home, hours of operation and/or time limitation on the conditional use were used less frequently. Conditions relating to the size of the family day-care home and the hours of operation were each approved twice out of the seven (7) zoning cases in our analysis. One (1) case included a three (3) year time limitation provision as a condition of approval. Each of the aforementioned conditions strives to limit the impact of the commercial nature of the use on adjoining residential property owners.

REGULATIONS FROM THE DEPARTMENT OF SOCIAL SERVICES:

At the state level, the Department of Social Services (DSS) administers the review, inspection and licensing of family day-care homes, otherwise known as family day homes. Family day homes are defined as private child care facilities where the caretaker provides care to no more than twelve (12) children at a time, exclusive of the provider's own children. The vast majority of regulations that are enforced by the DSS relate to the operation and internal configuration of space within an operator's home.

Licensing for Family Day Homes:

Family day homes are required to obtain a license from DSS. The status of the license, capacity of the facility and the age range of the children within the family day home are made available to the public from DSS's web site. A history of DSS violations related to a specific caretaker's license is also available for public review.

Fencing for Yards & Outdoor Play Areas:

Staff contacted DSS to discuss existing regulations for the fencing of yards as well as play areas for children. We were able to confirm that fencing of a caretaker's rear or side yard is generally not required. In certain circumstances, DSS can require fencing on an operator's property when an in ground pool (or other open water area) is present. In addition, fencing may be required when the operator's property is adjacent to a railroad, collector or arterial roadway. Outdoor play and recreation areas for children are not currently required by DSS for family day homes. The requirement for outdoor play and recreation areas is only required for commercial child care centers. Commercial child care centers entail the care of thirteen (13) or more children, as defined by DSS.

Outdoor Play Areas:

Caretakers are required to provide outdoor play time on a daily basis when weather permits. This requirement can be achieved by having on-site or off-site outdoor play time. For on-site play time, the caretaker may have children use the yard on the premises for outdoor recreation. If outdoor recreational equipment is provided on-site, DSS regulations state that recreational equipment cannot be placed on a hard surface (such as asphalt) and must contain a barrier if the play area is within thirty (30) feet of a hazardous condition. A hazardous condition would be a street with a speed limit greater than twenty-five miles per hour, a water body (pool, pond or river for example) or railroad track. The caretaker also has the option to transport the children to off-site locations such as a park or recreational facility to achieve outdoor play time.

The size of outdoor play areas is not regulated by current state code. However, DSS uses the guideline for outdoor play area/playground size that is outlined in the following manual, Caring for Our Children: National Health and Safety Performance Standards. The manual recommends seventy-five (75) square feet of outdoor play area should be allocated to each child using the playground at any one time. For a family day home with twelve (12) children, this would equate to a maximum of 900 square feet (an area measuring thirty (30) by thirty (30) feet).

Required Number of Caretakers:

The number of employees that are permitted at a family day home is based on the age of the children being taken care of on-site. DSS has implemented a points system to determine the total number of children that can be provided care with a single caretaker. Point values vary on the child’s age. A single caretaker may not exceed sixteen (16) points. The table below summarizes the point values for children based on their respective age:

<u>DSS Points System for Caregivers (16 Point Maximum)</u>	
<u>Age of Child</u>	<u>Points for Each Child</u>
Birth – 15 Months Old	4
16 Months – 23 Months Old	3
2 – 4 Years Old	2
5 – 9 Years Old	1
10 Years Old or Older	0

If a caregiver were to exceed sixteen (16) points, DSS would require an additional caretaker to provide additional help and supervision for the children within the family day home. At a maximum, three (3) caretakers would be needed to take care of twelve (12) children who range between the ages of being a newborn to fifteen (15) months old.

Capacity for Family Day Homes:

Family day homes are limited to a maximum of twelve (12) children, exclusive of the provider’s own children. The point system for caretakers also limits the capacity for the family day home. In certain circumstances, the care of a special needs child or elderly adult may further reduce potential capacity for a family day home. DSS does not restrict the number of children permitted in a family day home based on the size of the house or property. Therefore, the age of the children within the family day home serves as the primary factor to restrict the number of children within a caregiver’s possession.

RECOMMENDATION:

Staff recommends that we revise and update our existing catalogue of recommended standard conditions for family day-care homes. Staff’s recommended conditions could be used in part or in whole, based upon the unique circumstances of a given case. In each case, staff would recommend conditions that enforce non-transferable ownership, limitations on the expansion of use and limitations on signage. In cases where explicit concerns are expressed by the community or a Planning Commissioner, additional conditions could be recommended by staff, proffered by the applicant or imposed by the Planning Commission. These conditions would include a limit on the number of children to be taken care of on the premises, prohibiting off-site employees from working on the premises, additional limits on the hours of operation, a time limitation on the conditional use approval and fencing and placement requirements for outdoor play and recreation areas. Attachment 1 outlines a list of conditions that are typically recommended by staff or proffered by the applicant for a family day-care home. Depending on the nature of the request, staff may use a mix or all of the conditions for the Planning Commission’s consideration. This flexibility allows staff to review family day-care homes on a case-by-case basis to ensure that the needs of the community, the applicant and all other stakeholders are addressed through the zoning process.

If you have questions regarding this information, please contact Ryan Ramsey, Senior Planner, at 768-7592.

ATTACHMENT 1

Catalogue of Possible Conditions for Family Day-Care Homes

1. Non-Transferable Ownership: This conditional use approval shall be granted to and for *John and Jane Doe*, exclusively, and shall not be transferable nor run with the land. (P)
2. Expansion of Use: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. Signage: There shall be no signs permitted to identify this use. (P)
4. Number of Children: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)
5. Hours of Operation: Hours and days of operation shall be limited to Monday through Friday from 6 a.m. to 6 p.m.¹. There shall be no Saturday or Sunday operations of this use. (P)
6. Time Limitation: This conditional use approval shall be granted for a period not to exceed *five (5)*² years from the date of approval. (P)
7. Fenced Outdoor Play Areas: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Outdoor play and/or recreational equipment areas shall have perimeter fencing of at least four feet in height, installed around the equipment or play area. Equipment for outdoor play areas shall be located no closer than fifteen (15) feet to the side or rear property lines. (P)
8. Employees: No employees shall be permitted to work on the premises other than family member employees that live on the premises. (P)³

¹ Hours of operation in the staff report should coincide with hours of operation approved in the applicant's license for the family day-care home by DDS.

² The time limitation may vary from five (5) years depending on circumstances of the zoning application.

³ The number of employees permitted on the premises can be evaluated on a case-by-case basis. Not all cases will require off-site employees for a family day-care home. Some circumstances may warrant an outside employee to work on site due to DSS licensing requirements.