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ADMINISTRATION

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**TECHNICAL
POLICY AND PROCEDURE NOTICE #12/93**

TO: Distribution
FROM: David Sobel, P.E.
Executive Engineer
DATE: September 24, 1993
SUBJECT: Accessory Day Care Centers and Day Nurseries

PURPOSE:

To provide Accessory Day Care for the occupants of residential, community facilities, commercial and manufacturing uses in all zoning districts. It is more desirable for children and their parents to have day care as close as feasible to the parents' location during working hours. This arrangement is cost effective for parents and industry.

REFERENCE:

Definition of "Accessory" and "School", Section 12-10 Zoning Resolution and Directive # 2 of 1976.

EFFECTIVE:

Immediately

SPECIFICS:

A Day Care Center or a Day Nursery shall not be considered an independent use with a separate zoning Use Group when it is an Accessory Use to any permitted zoning use in a building and when

used by the occupants of that building for their children. Appropriate affidavits from the Day Care Center or Day Nursery and the building tenant, which attests to the fact that the Day Care Center or Day Nursery is for the use of the occupants of the building, shall be filed with the application and noted on the application. The excess capacity of any Day Care Center or Day Nursery may be utilized by the children of the surrounding community. However, the occupants of the building which contains a Day Care Center or Day Nursery shall receive preference over children from the surrounding community. The children of the occupants of the building always have preference over children outside of the building to obtain excess spaces.

In the event that an occupant of the building wishes to place his or her child in the accessory Day Care Center or Day Nursery and all spaces are filled with the children of occupants as well as with children from the community, the building occupant must communicate his or her desire for child care in writing to the operator of the Day Care Center or Nursery. The operator must provide a space for that child/children within the building Day Care Center or Nursery no later than ninety (90) days after the building occupant's written request.

A Day Care Center or Day Nursery cannot be considered an accessory use to a one or two family dwelling or any apartment in a multiple dwelling or any residence in a loft. However, a Day Care Center or Day Nursery is considered a school Use Group 3 under the Zoning Resolution and maybe in the same building as a Multiple Dwelling as a primary use, where permitted by the Zoning Resolution.

All Day Care Centers or Day Nurseries shall also comply with all appropriate Building Code, Health Code, Fire Department requirements and Directive 2 of 1976 adopted July 6, 1976, except as modified herein.

These Accessory Day Care Centers and/or Day Nurseries, which are operated with no profit, shall be terminated when the primary use or uses cease to exist.

For Example:

A public library may operate an accessory Day Care Center or Day Nursery for its employees and also accept children from the surrounding community for its underutilized capacity, and all Day Care Centers or Day Nurseries shall also comply with all appropriate Building Code, Health Code, Fire Department requirements and Directive 2 of 1976 adopted July 6, 1976, except as modified herein.

A structural steel plant may operate an accessory Day Care Center or Day Nursery for its employees and also accept children from the surrounding community for its underutilized capacity, and all Day Care Centers or Day Nurseries shall also comply with all appropriate Building Code, Health Code, Fire Department requirements and Directive 2 of 1976 adopted July 6, 1976, except as modified herein.

DS:ap

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