

Presented by: The Manager  
 Introduced:  
 Drafted by: A. G. Mead

**ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Serial No. 2015-32**

**An Ordinance Amending the Land Use Code Relating to Child and Day Care Facilities.**

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment of Table.** Category 1.500 of CBJ 49.25.300 Table of Permissible Uses, is amended to read as follows:

	<b>Use Description</b>	RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
1.500	<u>Child and Day care homes</u>															
1.510	Child; <del>12</del> 8 or fewer-under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1			
<del>1.520</del>	<del>Child; 9 to 12 children under the age of 12</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>			
1.530	Adult; <del>12</del> 8 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1			
<del>1.540</del>	<del>Adult; 9 to 12 people, 12 years and older</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>			

**Section 3. Amendment of Table.** Category 7.000 of CBJ 49.25.300 Table of Permissible Uses, is amended to read as follows:

	<b>Use Description</b>	RR	D1	D3	D5	D10SF	D10	D15	D18	LC	GC	MU	MU2	WC	WI	I
...																
7.300	<del>Day care centers for children and adults</del>						3	3	3	1,3	1,3	1,3	1,3			
<u>7.310</u>	<u>Child care centers</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>	<u>1,3</u>	<u>1,3</u>	<u>1,3</u>	<u>1,3</u>			
...																

**Section 4. Amendment of Section.** CBJ 49.80.120 Definitions, is amended to read:

**49.80.120 Definitions.**

...

*Child care center* means a building or portion thereof, used for the purpose of providing for the paid care and supervision of 13 or more children under the age of 12 at any one time, any of whom are nonresident. Child care centers include pre-schools and nursery schools not associated or co-located with an elementary, middle, or high school.

*Child care home* means a building or portion thereof, used for the purpose of providing for the paid care and supervision of no more than 12 caring for nonresident children under the age of 12 years of age at any one time. , such use being incidental and subordinate to the occupants' residential use of the building. At no time shall there be present a total of more than 12 resident and nonresident children under the age of 12.

...

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2           **Section 5. Amendment of Chapter.**   CBJ 49.65 Specified Use Provisions, is  
3 amended by adding a new Article to read:

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5   **Article X.    Child Care Homes and Centers**

6           **49.65.1100 Purpose.**

7 Affordable, reliable and quality, childcare is critical to the well-being of parents and children in  
8 the community and is a needed community service. The intent of this article is to promote the  
9 public health, safety, and welfare by simplifying the approval process and prescribing identified  
10 standards for child care homes and centers. The standards facilitate the siting of child care  
11 facilities while ensuring conformance with surrounding land uses. The standards identified in  
12 this article do not apply to any preexisting legal child care home or center so long as the  
13 preexisting use does not change.  
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16           **49.65.1110 Child care home standards.**

17 (a) A child care home shall comply with the following minimum standards for initial permit  
18 approval and during the use of the child care home:

- 19
- 20           (1) Any fencing required or used to delineate an outdoor play space shall be constructed
  - 21                 of materials of a permanent nature, as determined by the Director, and shall be
  - 22                 constructed to safely confine and protect children and be in visual harmony with
  - 23                 the neighborhood.
  - 24           (2) A minimum of two parking spaces as required for the dwelling unit and one parking
  - 25                 space for each on-shift employee.

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2 (b) The department shall issue a permit for a child care home that complies with this section  
3 and the requirements of this title.

4 (c) The department may initiate enforcement action consistent with 49.10 Article VI for any  
5 violations of this section.  
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7  
8 **49.65.1120 Child care center standards.**

9 (a) In addition to other conditions imposed by the commission, a child care center shall comply  
10 with the following minimum standards for initial permit approval and during the use of the  
11 child care center:

12 (1) Any fencing required or used to delineate an outdoor play space shall be constructed  
13 of materials of a permanent nature, as determined by the Director, and shall be  
14 constructed to safely confine and protect children and be in visual harmony with  
15 the neighborhood.

16 (2) In residential zoning districts, no parking or loading areas shall be located in any  
17 setback, except in an approved driveway.

18 (3) A minimum of one off-street parking space shall be provided for each on-shift  
19 employee of the child care center, plus one space per ten children served.  
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21 (b) The commission may issue a permit for a child care center that complies with this section  
22 and the requirements of this title.

23 (c) The department may initiate enforcement action consistent with 49.10 Article VI for any  
24 violations of this section.  
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2 **Section 5. Amendment of Section.** CBJ 49.40.230(b), is amended to read:

3 ...

4 (6) Stacked parking. Stacked parking spaces may only be counted as required parking  
5 spaces for single-family residences, duplexes, and as otherwise specified for specific  
6 uses. In the case of single-family residences and duplexes with or without accessory  
7 uses and child care homes in a residential district, only a single parking space per  
8 dwelling unit may be a stacked parking space.

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10 (7) [~~Space requirements—Back-out Parking.~~] Parking areas must provide adequate  
11 space for turning and maneuvering on-site to prevent back-out parking onto a right-  
12 of-way, ~~except:~~ If the director or the commission, when the commission has  
13 authority, determines back-out parking would not unreasonably interfere with the  
14 public health and safety of the area and adjacent right-of-way traffic, back-out  
15 parking is allowed in the following circumstance:

- 16 (A) In the case of single-family dwellings and duplexes with or without accessory  
17 uses ~~apartments~~ located in residential and rural reserve zoning districts; or  
18 (B) Where the right-of-way is an alley; or  
19 (C) In the case of a child care home in a residential district.

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**Section 6. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Merrill Sanford, Mayor

Attest:

\_\_\_\_\_  
Laurie J. Sica, Municipal Clerk