

§ 335-1.8 Definitions.

CHILD CARE CENTER

A building in which day-care ~~and~~ or educational programming **is provided** for **more than 12** children **under the age of 13 years old** ~~up to kindergarten age is provided~~. Such a facility shall be considered a commercial operation and shall not be located in a building containing one or more dwelling units. Such a facility may provide for the care of older children in after-school programs and shall be consistent with Maine licensing statutes.

~~DAY-CARE~~ **SMALL CHILD CARE CENTER**

A dwelling or facility, **not the residence of the operator**, in which day care is provided for between four and 12 children under the age of ~~16~~ **13 years old**, licensed in accordance with state statute.

~~HOME DAY-CARE~~ **FAMILY CHILD CARE PROVIDER**

A person who provides day care in that person's primary residence, on a regular basis, for ~~three~~ **4** to 12 children under 13 years of age who are not the children of the provider **or who are not residing in the provider's home**. Such a facility is allowed only in one- or two-family dwellings

§ 335-2.14. ~~Home day-care provider, day-care center and child-care center.~~ Child Care Facility

~~For zoning districts in which a conditional use review is not required, the Code Enforcement Officer must approve all applications for home day care providers and day care centers, as defined in this chapter. Code Enforcement Officer approval is also required whenever a home day-care provider, day-care center or child-care center expands its enrollment beyond the enrollment number for which it was approved. In addition to the zoning district, conditional use and/or site plan review criteria, the following additional criteria shall be used:~~

- A. **Applicability: This section applies to any Child Care Center, Small Child Care Center or Family Child Care Provider**
- B. **General Provisions**
 - 1. **The Code Enforcement Officer, City Planner, or their designee shall review and approve a Child Care Facility application prior to the use or operation of a facility in compliance with the standards of this section.**
 - 2. **Review and approval is required whenever a Child Care Facility expands its enrollment beyond the enrollment number for which it was approved.**
 - 3. **In addition to the zoning district, and/or site plan review criteria, the following additional criteria shall be used**
 - a. **A minimum of 50 square feet of dedicated outdoor play area shall be required for each child, ~~and~~**
 - i. **such ~~p~~Play area shall not be located in the a front yard facing a public right-of-way, unless no other reasonable alternative exists;**
 - ii. **A Child Care Center, Small Child Care Center or Family Child Care**

Provider may operate within an outdoor play area where outside recreational space is available within a quarter mile walking distance from the use.

- b. All play areas shall be enclosed by a minimum of four-foot fencing;
 - c. When a facility is located in a two-family dwelling, then at least an equal amount of outdoor play area shall be maintained for the second unit, also not located in the front yard facing a public right-of-way;
 - d. One off-street parking space shall be provided for each employee or volunteer, and one off-street parking space for every six children shall be provided; **Where a Child Care Facility is located in a building or on a parcel with another use, parking shall be provided that meets the standard for each use. A shared parking plan may be considered where the applicant can demonstrate that the use(s) do not conflict with one another.**
 - e. The parking area shall be in a safe location, shall include an area for snow storage, and shall permit the parent to move directly to the entrance for the loading and unloading of children without affecting the movement of other vehicles;
 - f. The proposed facility shall not burden on-site septic or off-site waste disposal;
4. ~~There shall be toilet facilities on every floor of the facility. Where the facility is a home day care provider separate toilet facilities shall be provided for the residential and facility uses;~~
- g. All facilities shall demonstrate that they meet the requirements for licensing by the state and shall provide proof of state licensure prior to issuance of a certificate of occupancy and shall meet all sanitary, plumbing code, fire code, and building code requirements, as identified by the Code Enforcement Officer;
 - h. Based on location, area traffic, and neighboring uses, the Code Enforcement Officer or Planning Board may set the hours of operation; and
 - i. If the operator of the facility is not the owner of the property on which the facility will be located, the operator shall provide evidence of the property owner's consent to the facility. The operator shall also provide proof of interest in the property, such as a deed or lease.

Article V Zoning Districts

§335-5.1 City Center District

A. Permitted Uses

~~Day Care Center~~
Family Child Care Center
Small Child Care Center

B. Conditional Uses

~~Home Day Care Provider~~

§335-5.2 Residential Growth Area 1

A. Permitted Uses

Child Care Center
Family Child Care Center
Small Child Care Center

B. Conditional Uses

~~Day Care Center~~
~~Home Day Care Provider~~

§335-5.3 Residential Growth Area 2

A. Permitted Uses

Child Care Center
Family Child Care Center
Small Child Care Center

B. Conditional Uses

~~Day Care Center~~
~~Home Day Care Provider~~

§335-5.4 Residential Growth Area 3

A. Permitted Uses

Child Care Center
Family Child Care Center
Small Child Care Center

B. Conditional Uses

~~Day Care Center~~
~~Home Day Care Provider~~

§335-5.5 Highway Commercial 1

A. Permitted Uses

Child Care Center
Family Child Care Center
Small Child Care Center

B. Conditional Uses

~~Child Care Center~~
~~Day Care Center~~
~~Home Day Care Provider~~

§335-5.6 Rural District

A. Permitted Uses

Child Care Center
~~Day Care Center~~
Family Child Care Center
Small Child Care Center

B. Conditional Uses

~~Home Day Care Provider~~

335 Attachment 1 City of Westbrook Table 1: Land Use Table

Land Uses	District									
	City Center District	RGA 1	RGA 2	RGA 3	Highway Commercial 1	Rural District	Highway Services District	Gateway Commercial District	Industrial Park District	Manufacturing District
Child Care Center	P	P	P	P	€ P	P	P	P	C	C
Day Care Center Small Child Care Center	P	€ P	€ P	€ P	€ P	P	P	P		
Home Day care provider Family Child Care Provider	€ P	€ P	€ P	€ P	€ P	€ P				