

Item No. 7

Date: May 19, 2005

To: City Plan Board

From: Planning Division Staff

Subject: Petition 66TCH-05 PB. City of Gainesville. Amend the City of Gainesville Land Development Code by amending the definition of Family Day Care Home, changing the term "Family Day Care" to "Family Child Care", adopting a definition for Large Family Child Care Home, adding special regulations for Large Family Child Care Homes, and amending several residential zoning districts to allow Large Family Child Care Homes.

Recommendation

Planning Division staff recommends approval of Petition 66TCH-05 PB.

Explanation

This Petition is related to changes to state and county rules involving child care operations conducted from residences. Generally, the purpose of the petition is to be consistent with state and county rules, simplify existing definitions and regulations, and allow Large Family Child Care Homes when certain conditions are met.

In Florida, child care operations conducted from residences may be regulated by the State, County, and Municipal (city) governments. Reviewing the role of each level of government is helpful.

State of Florida

The State of Florida regulates child care operations conducted from residences. State law provides for two types of such operations. Those operations are Family Child Care Homes (FCCHs) and Large Family Child Care Homes (LFCCHs).

FCCHs have been permitted for many years. The maximum number of children allowed at an FCCH is ten (See Attachment 1). State law requires local governments to allow FCCHs in all residential zoning districts.

More recently, the state developed the LFCCH, which allows a maximum of twelve children (See Attachment 1). In contrast to State Law regarding FCCHs, State Law contains no zoning or locational requirements for LFCCHs. In other words, the State has left those decisions to local governments. State Law, however, does limit LFCCHs to FCCHs that have operated for two years without certain violations.

State law also sets minimum licensing standards for local governments. Those are the standards that local governments require of the child care providers. There are State standards for both

FCCHs and LFCCHs. Counties and cities may set additional or higher standards, but they cannot issue licenses to child care providers that do not meet the minimum set by the state.

Alachua County

Attachment 1 contains Alachua County's definitions for FCCHs and LFCCHs. Alachua County regulates these uses in two ways, through licenses and through zoning.

Licenses are issued by the Alachua County Health Department and are required of all FCCHs and LFCCHs, regardless of jurisdiction. Licenses are to protect the clients, and therefore, focus on operations and impacts on the children. For that reason, licensing regulates training, sanitation, personnel, meals, transportation, inspections and similar activities. For some regulations, Alachua County standards exceed state standards. Attachment 2 gives more details regarding how Alachua County standards differ from State standards.

Alachua County also uses zoning to regulate FCCHs and LFCCHs. Zoning protects the areas surrounding the child care home; therefore zoning regulates location and compatibility. Alachua County zoning regulations only apply in the unincorporated portions of the County. As noted earlier, the State requires that local government permit FCCHs in all residential zoning districts. To simplify zoning administration and enforcement, Alachua County has chosen to also allow LFCCHs in all residential zoning districts.

In Alachua County, 31 of the County's 112 child care homes are located in the unincorporated part of the county, and the remaining 81 are located in the City of Gainesville. For that reason, compatibility with surrounding areas is less of an issue for Alachua County than for the City of Gainesville.

City of Gainesville

The City of Gainesville regulates these uses through zoning only. The City is not involved in child care licensing. As required by the State, the City allows FCCHs in all residential districts.

Analysis

The first part of the proposal deals with the definitions of FCCH and LFCCH. The intent is to shorten and clarify the definition of FCCH, and create a definition for LFCCH. To reduce confusion, the proposed definitions for FCCH and LFCCH are consistent with state and county definitions, and with each other.

Potential negative impacts of LFCCHs on surrounding neighborhoods include additional noise and traffic, insufficient or disorganized parking, child drop-off/pick-up safety, and aesthetics. Those issues must be balanced with the positive affects of providing a needed service and the City's desire to support small businesses.

The proposal is to allow LFCCHs as a specially regulated use (with eight conditions for approval) in the same residential zoning districts as FCCHs. The conditions for approval are

intended to prevent a concentration of LFCCHs, and to maintain the clean, residential setting of the area.

The proposed conditions are listed below:

- (a) *Separation distance.* The shortest distance between parcels on which Large Family Child Care Homes are located is not less than one thousand (1,000) feet.
- (b) *Licensure.* The operation has been licensed as a Family Child Care Home by the Alachua County Health Department.
- (c) *Primary residence on site.* The structure containing the Large Family Child Care Home is the primary residence of the operator.
- (d) *Absence of code violations.* There are no active code violations associated with the site or any structures on the site.
- (e) *Location of outdoor play areas.* All outdoor play areas are located between the primary structure and the rear property line.
- (f) *Paved driveways.* All driveways are paved.
- (g) *Staff approval of a plot plan.* The operator has submitted, and planning staff has approved, a plot plan showing all structures, dimensions, distances, driveways, play areas, parking areas, and similar relevant information. The plan shows that the existing paved driveway is used, not a new or altered driveway.
- (h) *Sign prohibition.* There are no signs on the site.


Staff can easily check most of the conditions for approval. The others, such as "Primary residence on site" could be certified by the applicant, or site-verified by staff. In all, the approval process should take less than a week from the time staff receives a complete application. An important point is that, as drafted, not all existing FCCHs will be able to meet the requirements for approval as a LFCCH.

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Impact on Affordable Housing

This petition will have no impact on affordable housing.

Respectfully Submitted,



Ralph Hilliard
Planning Manager

RH:JW

- Attachments:
1. Definitions
 2. Differences in State of Florida and Alachua County Regulations regarding Family and Large Family Child Care Homes
 3. Proposed Revisions

ATTACHMENT 1

Definitions of Family Child Care Home

Florida Statutes: *Family day care home* means an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

- (a) A maximum of four children from birth to 12 months of age.
- (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
- (c) A maximum of six preschool children if all are older than 12 months of age.
- (d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

Alachua County: *Family child care home* means a residence licensed by the local licensing agency in which child care is regularly provided for children from at least two unrelated families, but excludes large family child care homes.

City of Gainesville: *Family day care home* means an occupied residence in which child care is regularly provided for no more than five preschool children from more than one unrelated family and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. The maximum number of five preschool children includes preschool children living in the home and preschool children received for day care who are not related to the resident caregiver. Elementary school siblings of the preschool children received for day care may also be cared for outside of school hours provided the total number of children, including the caregiver's own and those related to the caregiver, does not exceed ten. Such uses shall not include nursing and personal care facilities, schools, rehabilitation centers, social services homes or halfway houses, or other similar activities or facilities which are not customarily incidental to residential use.

ATTACHMENT 1

Definitions of Large Family Child Care Home

Florida Statutes: *Large family child care home* means an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for 2 years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

- (a) A maximum of 8 children from birth to 24 months of age.
- (b) A maximum of 12 children, with no more than 4 children under 24 months of age.

Alachua County: *Large family child care home* means a residence licensed by the local licensing agency in which child care is regularly provided for children from at least two unrelated families which is licensed to care for a greater number of children than allowed for a family child care home.

ATTACHMENT 2

Differences in State and County rules regarding FCCH's and LFCCH's

County Rule (Chapter 67 of the County Code)	State Rule (Florida Administrative Code)
TB assessment upon hire, and every 2 years, thereafter	No requirements regarding TB
The licensee and substitute of a family child care home must be at least 21 years of age. There must be one staff member, 21 years of age or older in charge at all times.	The State requires the substitute of a large family child care to be at least 18 years of age.
<p>A Family Child Care Home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the care giver:</p> <ul style="list-style-type: none"> (a) A maximum of 4 children from birth to 24 months; (b) A maximum of 6 children when at least 3 of the children are over 24 months; (c) A maximum of 6 children over 24 months; (d) A maximum of 8 children if no more than 5 are pre-school age, and of those 5, no more than 3 are under 24 months, and of those 3 no more than 2 are under 12 months; (e) A maximum of 10 children over 24 months of age, if no more than 5 are preschool age. 	<p>A Family Child Care Home is an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:</p> <ul style="list-style-type: none"> (a) A maximum of four children from birth to 12 months of age. (b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children. (c) A maximum of six preschool children if all are older than 12 months of age. (d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

ATTACHMENT 3

PROPOSED REVISIONS

30-23(c) Definitions

Family child day care home means an enterprise primarily operated from an occupied residence, and licensed by the Alachua County Health Department as a *Family child care home*, in which child care is regularly provided for ~~no more than five~~ preschool children from at least two ~~more than one~~ unrelated families family and which receives a payment, fee or grant for any of the children receiving care, whether or not operated for profit. The maximum number of five preschool children receiving care shall be consistent with state and county regulations, and shall not exceed ten. ~~includes preschool children living in the home and preschool children received for day care who are not related to the resident caregiver. Elementary school siblings of the preschool children received for day care may also be cared for outside of school hours provided the total number of children, including the caregiver's own and those related to the caregiver, does not exceed ten. Such uses shall not include nursing and personal care facilities, schools, rehabilitation centers, social services homes or halfway houses, or other similar activities or facilities which are not customarily incidental to residential use.~~

Large family child care home means an enterprise primarily operated from an occupied residence, and licensed by the Alachua County Health Department as a *Large Family child care home*, in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. The number of children receiving care shall be consistent with state and county regulations, and shall not exceed twelve.

30-117. Large family child care homes

Large Family Child Care Homes, as defined in section 30-23, shall meet all of the following conditions.

- (a) *Separation distance.* The shortest distance between parcels on which Large Family Child Care Homes are located is not less than one thousand (1,000) feet.
- (b) *Licensure.* The operation has been licensed as a Family Child Care Home by the Alachua County Health Department.
- (c) *Primary residence on site.* The structure containing the Large Family Child Care Home is the primary residence of the operator.

- (d) Absence of code violations. There are no active code violations associated with the site or any structures on the site.
- (e) Location of outdoor play areas. All outdoor play areas are located between the primary structure and the rear property line.
- (f) Paved driveways. All driveways are paved.
- (g) Staff approval of a plot plan. The operator has submitted, and planning staff has approved, a plot plan showing all structures, dimensions, distances, driveways, play areas, parking areas, and similar relevant information. The plan shows that the existing paved driveway is used, not a new or altered driveway.
- (h) Sign prohibition. There are no signs on the site.

30-51. Single-family residential districts

- (c) *Permitted uses.*
 - (1) *Uses by right*
 - d. Family child day care homes, in accordance with the conditions and requirements of state law.
 - h. Large family child care homes, in accordance with the conditions and requirements of Article VI, Section 30-117.

30-52. Residential low density districts

- (c) *Permitted uses.*
 - (1) *Uses by right.*
 - a. *Uses by right for RMF-5 and RC districts.*

<i>Uses</i>	<i>Conditions</i>
Single-family dwellings	
Two family dwellings ¹	
Three family dwellings ¹	Excluding RC district.
Four family dwellings ¹	Excluding RC district
Townhouses or rowhouses of up to 6 attached dwellings	Except in RC district. No more than four-family dwellings are allowed in RMF-5 unless the dwellings are town-houses or rowhouses. Each dwelling has a maximum width of 40

	feet. More than 6 attached units are allowed if the property is not adjacent to property zoned RSF-1, RSF-2, RSF-3 and RSF-4. Each townhouse unit shall have a separate front entrance to the streetside sidewalk from the outside at ground level. Stoops are permitted and may occur up to five feet forward of the required setback line as provided in the Land Development Code. Stoops may be covered or un-covered and shall be constructed according to the dimensions described in the "Building Elements" section of the University Heights Special Area Plan.
Housing for the elderly	In accordance with the conditions and requirements of Article VI.
Community residential homes	In accordance with the conditions and requirements of Article VI.
Family child day care homes	In accordance with state law.
<u>Large family child care homes</u>	<u>In accordance with the conditions and requirements of Article VI, Section 30-117.</u>
Adult day care homes	
Home occupations	In accordance with Article VI, Sec. 30-58.
Places of religious assembly	In accordance with the conditions and requirements of Article VI, Sec. 30-91, on unified and contiguous sites of 20 acres or more, except in the RC district as provided in subsection (c)(2) of this section.
Public schools other than institutions of higher learning	In accordance with the provisions of Article VI, sec. 30-77, educational services district (ED).
Day Care Centers	In accordance with the conditions and requirements of Article VI, sec. 30-82, day care centers.
Accessory buildings	Incidental to permitted uses, not including management offices.
¹ Units shall be erected on separate lots if the intent is to sell the individual units separately.	

b. *Uses by right for MH districts.*

<i>Uses</i>	<i>Conditions</i>
Mobile homes and mobile home parks	
Community residential homes	In accordance with the conditions and requirements of Article VI, Sec. 30-83 and state law.
Family <u>child</u> day care homes	In accordance with state law.
<u>Large family child care homes</u>	<u>In accordance with the conditions and requirements of Article VI, Section 30-117.</u>
Housing for the elderly	In accordance with the conditions and requirements of Article VI, Sec. 30-84.
Day care centers	In accordance with the conditions and requirements of Article VI, Sec. 30-82.
Adult day care homes	
Public schools other than institutions of higher learning	In accordance with the provisions of Article IV, sec. 30-77, educational services district (ED).

30-53. Multiple-family medium density residential districts

(c) *Permitted uses.*

(1) *Uses by right.*

- a. Single-family dwellings.
- b. Multiple-family dwellings.
- c. Accessory uses incidental to such uses, including storage rooms, management offices, club or game rooms, and recreational and laundry facilities intended for use solely by the residents of the development and their guests.
- d. Roominghouses in accordance with the conditions and requirements of Article VI.
- e. Family child day care homes, in accordance with the conditions and requirements of state law.
- f. Housing for the elderly, in accordance with the conditions and requirements of Article VI.
- g. Emergency shelters.
- h. Day care centers.
- i. Adult day care homes.

- j. Community residential homes in accordance with the conditions and requirements of Article VI.
- k. Home occupations in accordance with the conditions and requirements of Article IV, section 30-58.
- l. Places of religious assembly in accordance with the conditions and requirements of Article VI, on unified and contiguous sites of 20 acres or more.
- m. Public schools other than institutions of higher learning, in accordance with the provisions of section 30-77, educational services district (ED).
- n. Large family child care homes, in accordance with the conditions and requirements of Article VI, Section 30-117.

30-54. Residential mixed use district

- (c) *Permitted uses when developed in accordance with a special area plan (Article V).* Uses by right are as follows:
- (1) Single-family dwellings.
 - (2) Row houses.
 - (3) Multifamily dwellings.
 - (4) Accessory uses incidental to such uses, including storage rooms, management offices, club or game rooms, and recreational and laundry facilities intended for use solely by the residents of the developments and their guests.
 - (5) Office uses as a home occupation, limited to ten percent of the office owner's residential unit (first floor only).
 - (6) Civic buildings.
 - (7) Community residential homes in accordance with the requirements of Article VI.
 - (8) Family child day care homes in accordance with state law.
 - (9) Consolidated apartment management offices.
 - (10) Large family child care homes, in accordance with the conditions and requirements of Article VI, Section 30-117.

30-55. Residential high density districts

(c) *Permitted uses.*

(1) *Uses by right, for RH-1 and RH-2 districts*

Use	Conditions
Single-family dwellings	
Multiple-family dwellings	
Dormitories	In accordance with the conditions and requirements of Article VI.
Community residential homes	In accordance with the conditions and requirements of Article VI.
Family <u>child</u> day care homes	In accordance with the conditions and requirements of state law.
<u>Large family child care homes</u>	<u>In accordance with the conditions and requirements of Article VI, Section 30-117.</u>
Housing for the elderly	In accordance with the conditions and requirements of Article VI.
Accessory uses	Incidental to permitted uses, including storage rooms, management offices, club or game rooms, recreational and laundry facilities intended for use solely by the residents of the development and their guests, and other activities and uses customarily incidental to an otherwise permitted use.
Day care centers	
Adult day care homes	
Home occupations	In accordance with Article IV section 30-58.
Places of religious assembly	In accordance with the conditions and requirements of Article VI on unified and contiguous sites of 20 acres or more.
Public schools other than institutions of higher learning	In accordance with the provisions of section 30-77 educational services district (ED).

30-59. Office districts

(c) Permitted uses, OR district (office residential district).

SIC	Use	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted use	
	Community residential homes	In accordance with article VI
	Compound uses	
	Correspondence schools	
	Day care centers	In accordance with article VI
	Emergency shelters	
	Family <u>child</u> day care home	In accordance with state law
	<u>Large family child care homes</u>	<u>In accordance with the conditions and requirements of Article VI, Section 30-117.</u>
	Newspaper establishments excluding on-site printing or warehouse facilities	
	Personal fitting and sale of prosthetic or orthopedic appliances	
	Places of religious assembly	In accordance with article VI
	Professional schools	Cannot be located adjacent to property designated for single family on the future land use map of the comprehensive plan
	Public services vehicles	In accordance with article VI
	Roominghouse	
	Residential uses up to 20 units per acre	Residential density cannot exceed more than two times the average permitted density of adjacent residential districts
	Sales offices without warehousing, showrooms or retail space	
GN-074	Veterinary services	In accordance with article VI
GN-078	Landscape and horticultural	Offices only, outdoor storage

	services	prohibited
MG-15	Building construction -- General contractors and operative builders	Offices only
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	Offices only, with no operation of passenger tours from the site
GN-481 and 482	Telephone communications, and telegraph and other message services	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI
GN-591	Drug stores and proprietary stores	Only when accessory to and in the same building as health services or offices of physicians, dentists and other health practitioners
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)
MG-72	Personal services	Funeral services and crematories (GN-726) in accordance with article VI
GN-731	Advertising	
GN-732	Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies	
GN-733	Mailing, reproduction, commercial art and photography and stenographic services	
GN-736	Personnel supply services	
GN-737	Computer programming, data processing and other computer-related services	
IN-7381	Detective, guard and armored car services	
GN-801 through 804	Health services	
GN-807 through 809	Medical and dental laboratories, home health care services and miscellaneous health and allied services not elsewhere	Excluding blood banks

	classified	
MG-81	Legal services	
GN-839	Social services not elsewhere classified	
MG-86	Membership organizations	Excluding GN-864, civic, social and fraternal associations
MG-87	Engineering, accounting, research, management and related services	Excluding IN-8734, testing laboratories, and IN-8744, facility support management services
MG-94, 95 and 96	Public administration	

30-64. Mixed use low intensity district

(g) *Permitted uses.*

SIC	Uses	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted principal use	
	Bed and breakfast establishments	In accordance with article VI
	Community residential homes with 14 or fewer residents	When part of a permitted single-family or multifamily residential component and in accordance with article VI
	Community residential homes with more than 14 residents	In accordance with article VI
	Compound uses	
	Eating places	
	Family <u>child</u> day care homes	When part of a permitted single-family or multifamily residential component and in accordance with state law
	<u>Large family child care homes</u>	<u>In accordance with the conditions and requirements of Article VI, Section 30-117.</u>
	Itinerant food vendor	In accordance with Chapter 19, Article IV
	Outdoor cafes	As defined in article II and in

		accordance with article VI
	Personal fitting and sales of prosthetic or orthopedic appliances	
	Places of religious assembly	In accordance with article VI
	Public service vehicles	As defined and in accordance with article VI
	Repair services for household needs	As defined in article II
	Residential (8 to 30 dwelling units per acre)	In accordance with the requirements of the RMF-6, RMF-7 or RMF-8 zoning districts and the additional requirements of this section, and the requirements of Sec. 30-56.
	Residential use buffer	
	Neighborhood convenience center	
	Neighborhood shopping center	
	Specialty T-Shirt Production	
GN-074	Veterinary services	Only within enclosed buildings and in accordance with article VI
IN-0752	Animal specialty services, except veterinary	Only within enclosed buildings
GN-078	Landscape and horticultural services	
MG-15	Building construction - General contractors and operative builders	
GN-171	Plumbing, heating and air conditioning	
GN-172	Painting and paper hangers	
GN-173	Electrical work	
MG-27	Printing, publishing and allied industries	
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	Offices only, with no operation of passenger tours from the site
GN-481	Telephone communications	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI, excluding cellular telephone services
GN-482	Telegraph and other message communications	Accessory transmission, retransmission and microwave

		towers up to and including 100 feet in height in accordance with article VI
GN-483	Radio and television broadcasting stations	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI
GN-523	Paint, glass and wallpaper stores	
GN-525	Hardware stores	
GN-526	Retail nurseries, lawn and garden supply stores	
MG-53	General merchandise stores	
MG-54	Food stores	Accessory gasoline and alternative fuel pumps in accordance with article VI, and by special use permit in neighborhood convenience and shopping centers
GN-553	Auto and home supply stores	Excluding garage and installation facilities
GN-554	Gasoline service stations including the sale of alternative fuels for automobiles	In accordance with article VI and by special use permit in neighborhood convenience and shopping centers
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishings and equipment stores	
MG-59	Miscellaneous retail	Excluding direct selling establishments (IN-5963); fuel dealers (IN-5983); including liquor stores (IN-5921) limited to 2,000 square feet and excluding on-site consumption when located in neighborhood convenience and shopping centers, inside storage, display and sales only for all uses
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)
MG-72	Personal services	Including funeral services and crematories in accordance with article VI and excluding linen supply (IN-7213), industrial laundries (IN-7218), and diaper services in neighborhood convenience and shopping centers

MG-73	Business services	Excluding outdoor advertising services (IN-7312), disinfecting and pest control services (IN-7342), heavy construction equipment rental and leasing (IN-7353), and equipment rental and leasing, not elsewhere classified (IN-7359)
GN-752	Automobile parking	
MG-76	Miscellaneous repair services	Excluding miscellaneous repair shops and related services (GN-769) and including repair services for household needs as defined in this chapter
MG-78	Motion pictures	Excluding drive-in theaters (IN-7833) and outdoor filming facilities
MG-79	Amusement and recreation services	Only within enclosed structures, and excluding go-cart rental and raceway operations and also raceway operations and also excluding commercial sports (GN-794)
MG-80	Health services	Including nursing and intermediate care facilities in accordance with article VI when applicable, and excluding rehabilitation centers and hospitals (GN-806)
MG-81	Legal services	
MG-82	Educational services	Including private schools, in accordance with article VI
MG-83	Social services	Including day care centers as defined in this chapter and in accordance with article VI, excluding residential care (GN-836), rehabilitation centers, halfway houses, social service homes, and residences for destitute people as defined in this chapter
GN-841	Museums and art galleries	
MG-86	Membership organizations	See also definition of place of religious assembly and in accordance with article VI
MG-87	Engineering, accounting, research management and related services	Excluding testing laboratories (IN-8734) and facilities support management services (IN-8744)
MG-89	Services, not elsewhere classified	
Div. J	Public administration	

	USES BY SPECIAL USE PERMIT	
	Accessory gasoline and alternative fuel pumps	In accordance with article VI in neighborhood convenience and shopping centers
	Accessory transmission, retransmission and microwave towers over 100 feet in height	In accordance with article VI
	Alcoholic beverage establishments	In accordance with article VI
	Limited automotive services	In accordance with article VI
	Other uses (including light assembly or packaging)	Within completely enclosed structures; no outdoor storage, truck traffic limited to that normal to commercial activities such as grocery stores, loading docks and mechanical equipment must be screened, and sound attenuation shall be provided to any adjacent residential area or area in actual residential use; no access to any residential street; must meet industrial buffers. Storage of hazardous materials in accordance with the county hazardous materials management code
	Rehabilitation centers	In accordance with article VI
	Residences for destitute people	In accordance with article VI
	Social service homes	In accordance with article VI
GN-598	Fuel dealers	
GN-701	Hotels and motels	Except in neighborhood convenience and shopping centers
GN-702	Roominghouses and boardinghouses	In accordance with article VI

Article VII.

Division 6. Traditional Neighborhood Development (TND) District

30-242. Land use categories

(d) *Rowhouse use.*

(1) *Land use.*

a. Land designated for rowhouse use shall be on lots containing buildings for residential uses including townhouse, family child day care home, large family child care home (in accordance with the conditions and requirements of Article VI, Section 30-117), and limited office, limited lodging, and artisanal use. Where non-residential uses are proposed, at least 50 percent of the gross square footage shall be restricted to residential use for each rowhouse land use district.

(e) *House use.*

(1) *Land use.*

a. Land designated for house use shall be on lots containing buildings for residential uses, including single-family houses, guest houses as outbuildings, home occupations pursuant to Article IV of the Gainesville Land Development Code, family child care homes, and large family child day care homes pursuant to Article VI of the Gainesville Land Development Code.

30-332. Required number of parking spaces

<i>Use</i>	<i>Motor Vehicle Spaces</i>	<i>Bicycle Spaces</i>
(b) <i>Residential uses:</i>		
Single-family dwellings, mobile homes, family <u>child day care homes</u> , foster family homes for children and for adults and personal care group homes (Class I)	1 per dwelling unit, mobile home, foster family home for children or for adults or personal care group home (Class I)	0

Petition 66TCH-05 PB

City of Gainesville. Amend the definition of Family Day Care Home; Adopt a definition for Large Family Child Care Home; Add special regulations for Large Family Child Care Homes; and Amend several zoning districts to allow Large Family Child Care Homes.

Mr. John Wachtel was recognized. Mr. Wachtel explained that the petition involved regulations on child care services out of residences. He indicated that, in the State of Florida, all the uses were divided into either family child care homes or large family child care homes. He explained that family child care homes allowed up to 10 children under certain conditions and the State of Florida required that they be allowed in all residential zoning districts. He noted that there were also large family child care homes, which was a newer definition and allowed a maximum of 12 children under certain conditions. Mr. Wachtel explained that one of the requirements of a large family child care home was that it must first be a family child care home for at least 2 years without certain violations. He noted that the local government could determine whether to allow it or allow it with special conditions. He indicated that there were two types of regulations in Alachua County, the Health Department licensing and zoning. He explained that the state set the minimum standards, but the counties could set more stringent standards. Mr. Wachtel indicated that staff and the Community Development Committee had discussion and citizen input and formulated the recommendation before the board to amend the definition to be more consistent with the state definition, and provide specific regulations. He offered to answer any questions from the board.

Mr. Reiskind asked if fences were required around backyards.

Mr. Wachtel explained that the City of Gainesville did not require fences around backyards for the uses, however, it might be required by some of the other levels of regulation.

Chair Cole opened the floor to public comment.

Ms. Tanya Walker, family child care provider, was recognized. Ms. Walker spoke in favor of the petition. She indicated that she was also a representative of the Alachua County Family Child Care Association and would answer any questions.

Mr. Reiskind asked how many family child care providers were in Gainesville.

Ms. Walker indicated that there were at least 180 family child care homes in Alachua County.

<u>Motion By:</u> Mr. Reiskind	<u>Seconded By:</u> Mr. Cohen
<u>Moved to:</u> Approve Petition 66TCH-05 PB.	<u>Upon Vote:</u> Motion Carried 6 – 0 Ayes: Cohen, Gold, Rwebyogo, Reiskind, Tecler, Cole