



CITY COUNCIL ACTION FORM

Department	Presented by	Date
Community Development	Kathryn Dunleavy - Planner	September 7, 2021

ITEM

Ordinance 2021-13 – Second Reading and Public Hearing – An Ordinance of the City Council to amend Chapter 16 of the City of Salida Municipal Code, regarding land use and development, to address changes to the family child care homes required by recent State legislation.

BACKGROUND

HB21-1222 regarding the regulation of family child care homes will take effect on September 8, 2021. This act requires local governments to treat family child care homes as residential property when it comes to zoning, land use, fire and life safety, sanitation, and building code regulations. Local governments cannot impose regulations on family childcare homes unless the regulations apply to all residential properties. Under this bill, a family child care home is a type of state-licensed child care facility serving up to 12 children and operated by a person who resides in the same dwelling where the care is provided. A local government retains the ability to prohibit, on a case-by-case basis, the operation of childcare homes in immediately adjacent residences of two or more large family child care homes to manage the flow of traffic and parking.

The proposed ordinance is to amend Chapter 16 of the City of Salida Municipal Code to comply with HB21-1222.

RESPONSE FROM REFERRAL DEPARTMENTS AND AGENCIES:

Not applicable.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed the proposed Ordinance and held a public hearing on August 23, 2021 meeting. The Commission recommended City Council approve the request to amend Chapter 16 of the City of Salida Municipal Code, regarding land use and development, to address changes to the family child care homes required by recent State legislation.

STAFF RECOMMENDATION

Staff recommends the City Council approve Ordinance 2021-13.



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SUGGESTED MOTION

"I move that the City Council approve Ordinance 2021-13 on second reading."

Attachments:

Ordinance 2021-13

CITY OF SALIDA, COLORADO
ORDINANCE NO. 13
(Series of 2021)

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF SALIDA,
COLORADO AMENDING CHAPTER 16 OF THE SALIDA MUNICIPAL CODE,
REGARDING LAND USE AND DEVELOPMENT, TO ADDRESS CHANGES TO
FAMILY CHILD CARE HOMES REQUIRED BY RECENT STATE LEGISLATION**

WHEREAS, the City of Salida, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 31-23-301 *et seq.*, the Salida City Council (“Council”) ALSO possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, under such authority, the Council previously adopted land use and zoning regulations, codified as Chapter 16 of the Salida Municipal Code (“Code”); and

WHEREAS, pursuant to this authority, the City Council desires to amend and adopt certain regulations related to family child care homes, required by Colorado House Bill 21-1222; and

WHEREAS, current state law defines a “family child care home” as a type of state-licensed child care facility serving up to 12 children and operated by a person who resides in the same dwelling where the care is provided; and

WHEREAS, this new state legislature requires local governments to treat family child care homes as residential property use in the application of zoning, land use development, fire and life safety, sanitation and building code regulations; and

WHEREAS, the City of Salida City Council finds it desirable and appropriate, and in the best interest of the general health, safety and welfare of its citizens to amend Chapter 16 of the Code, as it relates to family child care homes, and to ensure compliance with new State law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE
CITY OF SALIDA, COLORADO as follows:**

Section 1. The City Council incorporates the foregoing recitals as conclusions, facts, determinations and findings by the City Council.

Section 2. Section 16-1-80 of the Salida Municipal Code, concerning Definitions, is hereby amended, in part, as it relates to the definitions regarding day care, to read as follows:

Sec. 16-1-80. – Definitions.

...

~~Day care, large means a residence, facility or preschool which provides regular care and supervision for more than eight (8) children at any one (1) time during the day for compensation.~~

~~Day care, small means a residence, facility or preschool which provides regular care and supervision for eight (8) or less children at any one time during the day for compensation.~~

Day Care Home means state-licensed child care facility serving up to twelve (12) children and operated by a person who resides in the same dwelling where the care is provided.

Day Care Center means a non-residential facility or preschool which provides regular care and supervision for any number of children during the day for compensation.

Section 3. Section 16-4-190(f) of the Salida Municipal Code, regarding Review standards applicable to particular uses, Day Care, is hereby amended, to read as follows:

Sec. 16-4-190. – Review standards applicable to particular uses.

...

(f) Day Care, ~~Small, Large~~ **Home, Center,** and Adult.

(1) Day Care Home. Day care homes shall meet all certification and licensing requirements of the State of Colorado, shall be operated by a person who resides in the same dwelling where the care is provided, and shall not serve more than twelve (12) children.

(2) Day Care Center and Adult Day Care.

(1) **a.** Parking. A day care facility, ~~small, large or adult~~ **center or adult day care**, shall provide one (1) off-street parking space per nonresident employee. This space shall be provided in addition to any parking required for other uses of the property.

(2) **b.** Drop-off/Pickup Area. One (1) designated off-street drop-off/pick-up space shall be provided per each four (4) children at a ~~large~~ day care facility **center** and for every four (4) clients at an adult day care. The space shall be available during operating hours for loading and unloading of children or clients.

(3) ~~Outside Area Fence. The required play or recreation area shall not be located in the property's front yard.~~

(4) **c.** State Codes. The day care facility shall comply with all applicable state codes.

(5) **d.** Hours of Operation. The hours of operation for the day care may be restricted in residential neighborhoods to limit adverse impacts of noise and traffic on neighboring properties.

Section 4. Table 16-D of the Salida Municipal Code, regarding Schedule of Uses, is hereby amended, in part, as it relates to day care homes and day care centers to read as follows:

TABLE 16-D
Schedule of Uses

N = Not Permitted P = Permitted AC = Administrative Conditional Use C = Conditional Use AR = Administrative Review LR = Limited Impact Review MR = Major Impact Review									
Residential Business Uses	R-1	R-2	R-3	R-4	RMU	C-2	C-1	I	Standards
...									
Day care, adult	C	C	C	C	LR	AR	AR	LR	Sec. 16-4-190(f)
Day care, small	AC	AC	AC	AC	AC	AC	AC	AC	Sec. 16-4-190(f)
<u>Day care home</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Sec. 16-4-190(f)
Day care, large <u>Day care center</u>	C	C	C	C	C	AC	AC	C	Sec. 16-4-190(f)

Section 4. Severability. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

INTRODUCED ON FIRST READING, on August 17, 2021, ADOPTED and ORDERED PUBLISHED IN FULL in a newspaper of general circulation by the City Council on this ____ day of _____, 2021 and set for second reading and public hearing on the 7th day of September, 2021.

INTRODUCED ON SECOND READING FINALLY ADOPTED and ORDERED PUBLISHED BY TITLE ONLY, by the City Council on this 7th day of September, 2021.

City of Salida

Mayor P.T. Wood

ATTEST:

City Clerk/Deputy City Clerk