

Day Cares

Definitions

Chapter 2.3

Day Care Center (Use Table Definition): A business licensed with the State of North Dakota located within a at a fixed non-residential building location dedicated to the care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours per day. ~~Location includes a public or private building, but not a residence. Per State of North Dakota rules, more than 19 children can be permitted in a facility. More than 9 adults can be permitted in a facility.~~

Day Care-Center, Home-based (Use Table Definition) A business licensed with the State of North Dakota ~~and~~ located within a residence dedicated to the care, protection, and supervision of children or adults on a regular basis away from their primary residence for less than 24 hours per day. ~~Per State of North Dakota rules, allows up to 18 children in a home. Up to 9 adults are allowed in a home.~~

Applicable Use Standards – Section 4.1-8 (D)

D. Day Care, Home-based-Center (Home-based)

1. All Districts Where Permitted:

a. Day care providers must be licensed and adhere to all applicable federal, state, and local regulations.

~~b.~~ Home-based day care ~~centers~~ are permitted only within owner-occupied single-family detached homes.

~~c.~~ ~~Home-based day care centers shall comply with all regulations for day cares and home based businesses.~~

c. Outdoor activities ~~Home-based day care centers~~ shall be restricted to hours of operation between 6 AM and 9 PM.

d. Excluding the property owner(s), no more than two (2) additional employees are permitted to work simultaneously at any given time.

e. Home-based day care~~centers~~ shall provide one~~two~~ (2) off-street parking spaces for each employees and property owner.

f. Home-based day cares shall provide one (1) off-street parking space dedicated to and an off-street child pick-up and drop-off loading and unloading zone for a minimum of one (1) vehicle.

~~g.~~ No more than eighteen (18) children or nine (adults) are allowed in a home at any given time.

Applicable Use Standards – Section 4.1-6 (J)

J. Day Care Centers

1. All Districts Where Permitted:
 - a. Day care providers must be licensed and adhere to all applicable federal, state, and local regulations. all appropriate federal and state regulations must be fulfilled.
 - b. Outdoor activities shall be restricted to hours of operation between 8 AM and 9 PM.

2. All Residential Districts Where Permitted: RR, R1, R1S, R2, RM, R3C, and RH Districts:
Day Care Centers shall be restricted to hours of operation between 6 AM and 9 PM.
 - a. Day Care Centers shall be located in a non-residential building (e.g. church, indoor recreation facility, or educational facility (primary or secondary)).
 - b.

B. Home Occupation or Home-based Business

The following regulations do not apply to Home-based Day Cares. See Chapter 4.1 for applicable use standards.

1. All Districts Where Permitted:
 - a. The home business shall be managed and owned by a person residing on the premises.
 - b. Not more than one additional person is employed by the owner or manager on the premises. An exception may allow for additional employees if they live on the premises.
 - c. The business may not occupy more than 25 percent of the floor area of the principal structure or up to 100 percent of an accessory structure.
 - d. The principal structure may not be altered in a manner which eliminates its residential character. The exterior of the premises uses for the home occupation is indistinguishable from any other dwelling of like design and character, in that no commercial displays, show windows, exterior storage areas, parking, or the conduct of the business itself may be viewed from outside the premises, except that a non-illuminated name plate or non-illuminated business sign may be exhibited. This sign shall occupy no more than four feet (4') in area and shall be attached flush to the side of the building.
 - e. No more than two (2) on-street parking spaces shall be used by the home occupation at any one time. Up to one (1) commercial vehicle relating to the in-home business may be parked outside the place of business (off-street or on-street) at any time.
 - f. The home occupation is no more dangerous to life, personal safety, or property than any other activity ordinarily carried on with respect to premises uses solely for residential purposes. No

- loud or unpleasant noises, bright or glaring lights, offensive or noxious fumes or odors, or perceptible vibrations attributable to the home occupation are emitted from the premises.
- g. The home occupation does not require as an incident thereto that a permit for the storage of flammable liquids or flammable gases be issued pursuant to the [Fire Code, Chapter 13 of the Code of Ordinances](#).
 - h. Prohibited Home-Based Businesses/Home Occupations. The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:
 - i. Animal hospitals
 - ii. General retail sales
 - iii. Mortuaries
 - iv. Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, and related uses
 - v. Stables or kennels
 - vi. Welding, vehicle body repair, or rebuilding or dismantling of vehicles

Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts
Specialty Businesses	Funeral Homes	C									C	C	C	P						C	
	Crematories	C									C	C		P	P		C	P			
	Day Care Centers		C	C	C	C	C	C	C		P	P	P	CP ¹							4.1-6(J)
	Day Care Center (Home-based)	P	P	P	P	P	P	P	P	P										P	4.1-8(D)

¹ Compatible “C2” General Commercial District uses are permitted in industrial zones fronting on major arterials, minor arterials, and collector level streets. For the purpose of this chapter, “compatible” shall mean capable of coexisting in harmony.

Use Category	Example Use Types	AG	RR	R1	R1S	R2	RM	R3C	RH	MH	C1	C2	CBD	M1	M2	OP	I1	I2	P	GMU	Standards Specific to Uses and Districts	
Accessory Uses	Accessory Barns or Stables	P	P																C		4.1-8(A)	
	Accessory Storage or Garage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.1-8(A)
	Home Occupation/Home Based Business	P	P	P	P	P	P	P	P	P		P	P							P		4.1-8(B)
	Residential Association Management Building		P	P	P	P	P	P	P	P	P	P	P									
	Bed and Breakfast	C	C	C	C	C	C															4.1-8(C)
	Day Care Center (Home based)	P	P	P	P	P	P	P	P	P	P										P	4.1-8(D)
	Outdoor Seating (Restaurant)	C	C									P	P	P							P	
	Rooftop Solar Installation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	4.1-8(J)