

1 **..Title**

2 **Expansion of Child Care Options in Annapolis** – For the purpose of allowing large family
3 child care homes pending zoning approval; removing City restrictions on hiring home-operated
4 child care service employees who live outside the home; combining sections dealing with child
5 care centers; updating the related City Code sections to align with state child care standards; and
6 address the requirements of Title 21 concerning child care in Annapolis.

7 **..Body**

8
9 **CITY COUNCIL OF THE**
10 **City of Annapolis**

11
12 **Ordinance 1-25**

13
14 **Introduced by: Alderman Schandelmeier**

15
16 **Referred to:**

17 Planning Commission
18 Rules & City Government Committee

19
20 **AN ORDINANCE** concerning

21
22 **Expansion of Child Care Options in Annapolis**

23
24 **FOR** the purpose of allowing large family child care homes pending zoning approval; removing
25 City restrictions on hiring home-operated child care service employees who live outside
26 the home; combining sections dealing with child care centers; updating the related City
27 Code sections to align with state child care standards; and address the requirements of Title
28 21 concerning child care in Annapolis.

29
30 **BY** repealing and reenacting with amendments the following portions of the Code of the City
31 of Annapolis, 2024 Edition:

32 **21.54.100**

33 **21.64.190**

34 **21.64.200**

35 **21.48.010**

36 **21.48.020**

37 **21.50.010**

38 **21.50.020**

39 **21.50.030**

40 **21.50.040**

41 **21.50.050**

42 **21.50.060**

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1 **21.50.070**
2 **21.50.080**
3 **21.50.090**
4 **21.50.100**
5 **21.50.110**
6 **21.50.120**
7 **21.50.240**
8 **21.50.250**
9 **21.66.130**
10 **21.72.010**

11
12 **BY** repealing the following portions of the Code of the City of Annapolis, 2024 Edition:
13 **21.64.210**

14
15 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
16 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

17
18 **Title 21 - PLANNING AND ZONING**
19 **Division V - Regulations of General Applicability**
20 **Chapter 21.64 - Standards for Uses Subject to Standards**
21

22 **~~21.64.190 Day care, family.~~**

- 23 A. ~~Operators of family day care homes must be residents of the principal building on the~~
24 ~~zoning lot, and not more than one nonresident of the zoning lot may be employed in~~
25 ~~the family day care home at any given time.~~
26 B. ~~No off street parking provided for a family day care shall be located in a required front~~
27 ~~yard. In the instance of a family day care home in the R1, R1-A, R1-B, R2, and R2-~~
28 ~~Neighborhood Conservation districts involving a nonresident employee, one additional~~
29 ~~off street parking place shall be provided.~~
30 C. ~~No family day care shall create noise, dust, vibrations, smells, smoke, glare, electrical~~
31 ~~interference, fire hazard, or other hazard or nuisance to any greater or more frequent~~
32 ~~extent than that usually experienced in the district on residentially used zoning lots~~
33 ~~where no family day care home exists.~~

34
35 **~~21.64.200 Day care centers, group.~~**

- 36 A. ~~There shall be provided thirty seven and one half square feet of usable outdoor~~
37 ~~recreation area for each child that may use the space at any one time. Such usable~~
38 ~~outdoor recreation area shall be identified on the site plan and shall be sufficiently~~
39 ~~buffered from adjacent residential areas. Usable outdoor recreation area shall be~~
40 ~~limited to:~~

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- 1 ~~1. Those areas that are not covered by buildings, structures or required off-street parking~~
- 2 ~~spaces,~~
- 3 ~~2. That area outside the limits of the required front yard and all transitional yards,~~
- 4 ~~3. Only that area which is developable for active outdoor recreation purposes, and~~
- 5 ~~4. An area which occupies no more than eighty percent of the combined total areas of the~~
- 6 ~~required rear and side yards.~~
- 7 ~~B. The use shall comply with Article 88A of the Annotated Code of Maryland and the~~
- 8 ~~State Department of Human Resources regulations regarding group day care centers.~~
- 9 ~~C. All such uses shall be located so as to permit the safe pick-up and delivery of all~~
- 10 ~~persons on the site.~~
- 11

12 **~~21.64.210 Day care centers, group, in conjunction with public school facilities or with a~~**

13 **~~principal religious institution.~~**

- 14 ~~A. The use is subject to review and approval by the Department of Planning and Zoning.~~
- 15 ~~B. A minimum usable outdoor recreation area of fifty square feet per child shall be~~
- 16 ~~provided. Such area shall be located to ensure a safe and secure play area and be~~
- 17 ~~sufficiently buffered from adjacent residential areas.~~
- 18 ~~C. A safe on-site drop-off and pick-up area shall be provided.~~
- 19 ~~D. Adequate on-site parking sufficient to accommodate the users of the facility shall be~~
- 20 ~~provided, with signage to reserve spaces for the day care center.~~
- 21 ~~E. The center shall comply with all the licensing requirements under Article 88A of the~~
- 22 ~~Annotated Code of Maryland.~~

23 **Section 21.64.190 - Family Child Care**

24 **A. Family Child Care Homes.**

- 25 1. Family Child Care Homes and Large Family Child Care Homes shall meet
- 26 requirements of Education Article § 9.5 of the Maryland Code and COMAR §
- 27 13A.15.
- 28 2. Family child care home providers shall be residents of the principal building on the
- 29 zoning lot.

30 **B. Zoning Requirements.**

- 31 1. No off-street parking provided for a family child care home shall be located in a
- 32 required front yard.
- 33 2. Family child care homes in the R1, R1-A, R1-B, R2, and R2-Neighborhood
- 34 Conservation districts involving a nonresident employee shall have off-street parking
- 35 for non-resident employees pursuant to §21.66.130.
- 36 3. No family child care home shall create noise, dust, vibrations, smells, smoke, glare,
- 37 electrical interference, fire hazard, or other hazard or nuisance to any greater or more

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1 frequent extent than that usually experienced in the district on residentially used
2 zoning lots where no family ~~child~~ care home exists.
3

4 **Section 21.64.200 - Child Care Center.**

5 **A. Child Care Centers.**

6 Child Care Centers shall meet requirements of Education Article §9.5 of the
7 Maryland Code and COMAR § 13A.15.

8 **B. Zoning Requirements -- Generally.**

9 **1. Outdoor Space. Except for Educational and Religious Affiliated Child Care**
10 **Center requirements in Subsection C, the following shall apply:**

- 11 a. There shall be provided 37 and one-half square feet of usable outdoor
12 recreation area for each child that may use the space at any one time.
13 b. Such usable outdoor recreation area shall be identified on the site plan and
14 shall be sufficiently buffered from adjacent residential areas.
15 c. Usable outdoor recreation area shall be limited to:
16 i. Those areas that are not covered by buildings, structures or
17 required off-street parking spaces,
18 ii. That area outside the limits of the required front yard and all
19 transitional yards,
20 iii. Only that area which is developable for active outdoor recreation
21 purposes, and
22 iv. An area which occupies no more than eighty percent of the
23 combined total areas of the required rear and side yards.

24 **2. Drop-off/Pick-up. All such uses shall be located so as to permit the safe pick-up**
25 **and delivery of all persons on the site.**

26
27 **C. Zoning Requirements - Educational and Religious Affiliated Child Care Centers.**

- 28 **1. The use is subject to review and approval by the Department of Planning and**
29 **Zoning.**
30 **2. A minimum usable outdoor recreation area of 50 square feet per child shall be**
31 **provided. Such area shall be located to ensure a safe and secure play area and be**
32 **sufficiently buffered from adjacent residential areas.**
33 **3. A safe on-site drop-off and pick-up area shall be provided.**

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- 1 4. Adequate on-site parking sufficient to accommodate the users of the facility shall
 2 be provided, with signage to reserve spaces for the day care center.

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 5
 6 **Title 21 - PLANNING AND ZONING**
 7 **Division V - Regulations of General Applicability**
 8 **Chapter 21.54 - Development Requirements--Resource conservation areas.**

9 **Section 21.54.100 - Development requirements—Resource conservation areas.**

10 C. New commercial, industrial and institutional development is not permitted except as
 11 provided for in the City's growth allocation provisions or as listed below. Additional land
 12 may not be zoned or used for industrial, commercial, or institutional development, except
 13 as provided for in the City's growth allocation provisions:

- 14 1. A home occupation as an accessory use on a residential property and as provided
 15 for in the City's zoning ordinance;
- 16 2. A cemetery; provided lot coverage is limited to fifteen percent of the site or
 17 twenty thousand square feet, whichever is less;
- 18 3. A bed and breakfast facility located in an existing residential structure;
- 19 4. ~~A day care facility in a dwelling where the operators live on the premises and~~
 20 ~~there are no more than eight children~~
 21 Child care facilities, including Child Care Centers and Family Child Care Homes
 22 pursuant to § 21.64.190 -- § 21.64.210;
- 23 5. A group home or assisted living facility with no more than eight residents.
- 24 6. Other similar uses determined by the Director of Planning and Zoning to be
 25 similar to those listed above and approved by the Critical Area Commission.

26
 27 **Title 21 - PLANNING AND ZONING**
 28 **Division III - Base District Regulations**
 29 **Chapter 21.48 - Use Tables**

30
 31 **Section 21.48.010 - Table of Uses—Residential Zoning Districts.**

Uses
Day care, family <u>Family Child Care Homes, Large Family Child Care Homes</u>
Daycare centers, group, <u>Child Care Centers</u> in conjunction with public school facilities
Daycenters, group, <u>Child Care Centers</u> , including day <u>child</u> care centers accessory to a principal religious institution

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1 **Section 21.48.020 – Table of Uses—Commercial and Industrial Zoning Districts; and**
 2 **Section 21.48.030 – Table of Uses—Office and Mixed Use Zoning Districts**

Uses
Daycare centers, group, <u>Child Care Centers</u>
Daycare centers, group, <u>Child Care Centers</u> in conjunction with a principal religious institution

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Title 21 - PLANNING AND ZONING
Division III - Base District Regulations
Chapter 21.50 – Bulk Regulations Tables

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Section 21.50.010 – Bulk Regulations Table R1 District;

9

Section 21.50.020 – Bulk Regulations Table R1-A District;

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Section 21.50.030 – Bulk Regulations Table R1-B District;

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Section 21.50.040 – Bulk Regulations Table R2 District;

12

Section 21.50.050 – Bulk Regulations Table R2-NC District;

13

Section 21.50.060 – Bulk Regulations Table R3 District;

14

Section 21.50.070 – Bulk Regulations Table R3-NC District;

15

Section 21.50.080 – Bulk Regulations Table R3-NC 2 District;

16

Section 21.50.090 – Bulk Regulations Table R3-R District;

17

Section 21.50.100 – Bulk Regulations Table R4 District;

18

Section 21.50.110 – Bulk Regulations Table R4-R District;

19

Section 21.50.120 – Bulk Regulations Table C1 District;

20

Section 21.50.240 – Bulk Regulations Table P District; and

21

Section 21.50.250 – Bulk Regulations Table PM District.

Permitted uses, special exception uses, and uses subject to specific standards
Daycare centers, group, <u>Child Care Centers</u>

22

23

24

Title 21 - PLANNING AND ZONING
Division V - Regulations of General Applicability
Chapter 21.64 - Standards for Uses Subject to Standards

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Section 21.66.130 - Table of off-street parking requirements.

Use	Standard	Additional Provisions
<u>Child Care</u>		

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<u>Child Care Center</u>	One space per five children.	
<u>Family Child Care Home</u>	One space per nonresidential employee.	
Clubs, lodges and meeting halls.	Spaces sufficient to serve 30 percent of the capacity in persons of the facility, plus one space per lodging room, if provided.	
Conference facilities	Spaces sufficient to serve 30 percent of the capacity in persons of the facility.	
Contractors', architects' and engineers' offices, shops and yards	I-1 district: one space per two employees. Other districts: one space per employee.	
Day care, family	One space per nonresidential employee.	
Day care centers, group	One space per five children.	

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Title 21 - PLANNING AND ZONING
Division V - Regulations of General Applicability
Chapter 21.72 - Terms and Definitions

Section 21.72.010 - Terms.

8 *Strike the definitions for "Day care, family" and "Day care center, group" and*
9 *after the "Charitable institution" definition insert the following:*

10 **Child Care.**

11 **A. Child Care Center** has the same meaning as defined in Education Article, §9.5-301 of
12 the Maryland Code:

- 13 1. "Child care center" means an agency, institution, or establishment that, for part or
14 all of a day, or on a 24-hour basis on a regular schedule, and at least twice a week,
15 offers or provides child care to children who do not have the same parentage
16 except as otherwise provided for in law or regulation.
- 17 2. "Child care center" shall include a nonpublic nursery school in which an
18 instructional program is offered or provided for children who are under the age of
19 5 years.
- 20 3. "Child care center" does not include:

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- 1 a. A nonpublic kindergarten in which an instructional program is offered or
2 provided for children who are at least 5 years old;
- 3 b. A nonpublic elementary school in which an instructional program is offered
4 or provided for children who are in grades 1 through 8;
- 5 c. A child care home, a child care institution, or other child care facility that
6 offers or provides a residential placement for a child and is established,
7 licensed, or registered under Title 9 of the Human Services Article, or Title
8 10 of the Health - General Article of the Maryland Code; or
- 9 d. A family child care home or large family child care home that is required to
10 be registered or is registered by the state.

11 **B. Family Child Care Home** has the same meanings as defined in Education Article, §9.5-
12 401 of the Maryland Code:

- 13 1. "Family Child Care" and means the care given to a child younger than 13 years
14 old or to a developmentally disabled person younger than 21 years old in place of
15 parental care for less than 24 hours a day, in a residence other than the child's
16 residence, for which the provider is paid in cash or in kind.
- 17 2. "Family child care home" means a residence in which family child care is
18 provided for up to eight children.
- 19 3. "Family child care provider" means an individual who cares for children in a
20 registered family child care home or a registered large family child care home.
- 21 4. "Large family child care home" means a residence in which family child care is
22 provided for at least nine children, but not more than 12 children.

23
24 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
25 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect upon passage.

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