



City of Laramie

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LARAMIE PLANNING COMMISSION February 28, 2022 STAFF REPORT

FILE: TA-22-01 Home Based Day Care Amendments

REQUEST: An amendment to LMC 15.10 sections to make Family Child Care Centers and Type 2 Child Care Homes permitted uses in all Residential zoning districts.

APPLICANT: City of Laramie

PURPOSE: To update Laramie Municipal Code to streamline the process of permitting Family Child Care Centers and Type 2 Child Care Homes in Residential zoning districts.

PREPARED BY: Philipp Gabathuler, Principal Planner

RECOMMENDED MOTION:

Move to recommend that the City Planning Commission **make recommendation to City Council** of amendments to LMC 15.10 for the purpose of updating Laramie Municipal Code related to permitting Type 2 Child Care Homes and Family Child Care Centers.

APPLICABLE CODE SECTION(S):

Text Amendments must be reviewed by the Planning Commission and City Council. Planning Commission action is forwarded to the City Council as a recommendation.

- Laramie Municipal Code Title 15, Unified Development Code

DEFINITIONS FROM LARAMIE MUNICIPAL CODE:

Type 2 Child Care Homes: means a private residence used for the care of ten or fewer children other than the occupant's own children for a period of less than 24 hours per day and requiring a license issued by the Wyoming Department of Family Services or applicable State Agency. Child care home, type 2 includes preschools and nursery schools.

Family Child Care Centers: a child care facility in which care is provided for a maximum of fifteen (15) children for less than 24 hours per day, which may be in a residential or commercial type structure. Child care center, family includes preschools and nursery schools.

BACKGROUND AND SUMMARY:

The present amendment is initiated by the City of Laramie as part of the continual effort to keep the Unified Development Code (UDC) accurate, remove potential avenues of confusion, and streamline processes for citizens. All prior revisions to LMC Chapter 15 (Unified Development Code) can be found online.

The proposed text updates are being proposed to:

1. Streamline the process for citizens to start a Type 2 Child Care Home or Family Child Care Center—essentially day cares that care for 15 or less children—in a residentially zoned area (RR, LR, R1, R2, R2M, R3). Currently, these uses require applicants to file a Conditional Use Permit.
2. Eliminate a costly and time-consuming public notification process that is rarely contentious that would result in more effective and efficient use of City resources.
3. Work in tandem with existing Wyoming Department of Family Services and Laramie Fire Marshall regulations and guidelines for Child Care facilities.

There have been a total of 46 CUPs for Type 2 and Family Day Care Centers in the past 10 years. Of those CUPs, 7 warranted unsupportive comments during the public input phase. In all 7 cases, the issues brought forward were addressed by staff and ultimately all 46 CUPs were approved. Table 1 shows the details associated with all 46 CUPs dating back to 2011.

Table 1. History of Day Care CUPs

Date	Number	Type	Public Comment?	Zone
1/24/2022	CUP-21-11	Family	None	R3
8/23/2021	CUP-21-08	2	Yes, 2 supportive, 2 unsupportive	R2
7/26/2021	CUP-21-06	Family	Yes, 1 supportive comment	R3
4/12/2021	CUP-21-02	2	None	R3
9/23/2019	CUP-21-01	2	None	R3
9/23/2019	CUP-19-07	Family	None	R3
8/12/2019	CUP-19-06	2	None	R2
3/11/2019	CUP-19-02	2	Yes, 1 supportive comment	R3
1/14/2019	CUP-18-08	2	None	R2
8/13/2018	CUP-17-06	2	Yes, 1 supportive comment	LR
10/23/2017	CUP-17-06	2	None	R1
11/14/2016	CUP-16-16	2	None	R2
10/24/2016	CUP-16-14	2	None	R2
10/24/2016	CUP-16-15	2	None	R1
9/26/2016	CUP-16-11	2	None	R3
9/12/2016	CUP-16-10	2	Yes, 1 comment (unopposed)	R2M

Date	Number	Type	Public Comment?	Zone
7/25/2016	CUP-16-08	Family	None	R2
5/23/2016	CUP-16-05	2	None	R3
5/23/2016	CUP-16-06	2	Yes, 1 unsupportive comment	R2
2/8/2016	CUP-16-01	2	None	R2
1/11/2016	CUP-15-09	2	None	LR
7/13/2015	CUP-15-07	2	Yes, 1 supportive comment	R3
6/8/2015	CUP-15-02	2	None	R1
6/8/2015	CUP-15-04	2	None	R3
6/8/2015	CUP-15-06	2	Yes, 1 comment about noise that was addressed by staff	R1
3/9/2015	CUP-15-01	2	None	R1
6/23/2014	CUP-14-05	Family	Yes, 1 unsupportive petition signed by 8 residents	R1
1/13/2014	CUP-13-14	Family	Yes, 1 neutral comment, 1 opposed	R2
1/13/2014	CUP-13-17	2	None	R3
12/9/2013	CUP-13-15	2	Yes, 1 opposed	R1
8/26/2013	CUP-13-11	2	None	R1
4/22/2013	CUP-13-03	Family	None	R3
4/22/2013	CUP-13-04	2	None	R3
4/22/2013	CUP-13-04	2	None	R3
12/10/2012	CUP-12-13	Family	None	R1
11/26/2012	CUP-12-12	2	None	R3
7/9/2012	CUP-12-04	Family	Yes, 1 neutral comment seeking info	R3
6/11/2012	CUP-12-01	2	None	R2
2/13/2012	CUP-11-12	2	None	R3
1/23/2012	CUP-11-11	2	None	R3
10/24/2011	CUP-11-09	Family	Yes, 2 supportive letters	R2M
9/26/2011	CUP-11-06	2	Yes, "several" concerned about traffic	R1
7/25/2011	CUP-11-05	2	None	R1
5/23/2011	CUP-11-02	2	None	R3
5/23/2011	CUP-11-03	2	None	R1
3/14/2011	CUP-11-01	Family	None	R1

- Planning staff believes that eliminating a costly and time-consuming public and departmental/outside agency notification process associated with obtaining a conditional use permit for a non-contentious use would result in more effective and efficient use of City resources.
- Fire inspections carried out by the Laramie Fire Department are required and will continue to be required for all Type 2 Child Care Homes or Family Child Care Centers
- Sanitation inspections carried out by the Wyoming Department of Family Services are required and will continue to be required for all Type 2 Child Care Homes or Family Child Care Centers.

- Home inspections carried out by the Wyoming Department of Family Services are required and will continue to be required for all Type 2 Child Care Homes or Family Child Care Centers. (Checklist of WDFS home inspection attached)

SUPPORTING CASE STUDIES:

- Sheridan, WY has adopted a similar policy which permits child care facilities up to 15 children by right in all zoning districts.
- Fort Collins, CO permits Child Care Centers in Low Density Residential (R-L), Low Density Mixed-Used Neighborhood District (L-M-N) and Neighborhood Conservation, Medium Density District based on administrative review.

PROPOSED CHANGES

Table 2. Proposed changes to Table 15.10-1

		TABLE 15.10-1: TABLE OF ALLOWED USES																			
		P = Permitted, C = Conditional Use Permit Required																			
Use Category	Use Type	Residential and Agriculture							Non-Residential										Use-Specific Regulations		
		AG	RR	LR	R1	R2	R2M	R3	NB	B1	B2	DC	C2	LM	IP	I1	I2	O		TO	
Community Services (cont.)	Community buildings	C	C	C	C	C	C	P	P	P	P	P	P								
	Community centers	C	C	C	C	C	C	P	C	P	P	C	P		P				P		
	Community Services					C	C	C		P	P	C								C	
	Homeless Shelters								C		C	C	C	C		C	C				
	Library	C	P	P	P	P	P	P	P	P	P	P	P		P				P	Subsection 15.10.010.A.2	
	Post office branches	C	C	C	C	C	C	C	P	P	P	P	P		P				P		
	Churches and places of worship	C	C	C	C	C	C	P	P	P	P	C	P		C				P		
Child Care	Child Care Center, Nursery or Preschool.					C	C	P	P	P	P	P						P			
	Child Care Center, Family	C	C	C	C	C	C		P*	P*	P	P						P	*Subsection 15.0B.040.E.4		
	Child care home (type 1)	P	P	P	P	P	P		P*	P*	P*	P*							*Subsection 15.0B.040.E.4		
	Child care home (type 2)	C	C	C	C	C	C		P*	P*	C	P*							*Subsection 15.0B.040.E.4		

In addition to the changes in Table 15.10-1, the following section of Laramie Municipal Code is also proposed to be amended:

15.10.020.D. Additional Standards for Specific Accessory Uses and Structures

Add Child Care Center, Family and Child Care Home (Type 2) under this section as the 5th specific accessory use/structure with the following conditions:

5. Family Child Care Center and Type 2 Child Care Home

- a. The use shall be conducted entirely within the confines of the property.
- b. For Type 2 Child Care Homes, the use shall be carried on by the inhabitants of the property living there and no others.
- c. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof. This requirement shall not apply to commercial properties.
- d. Family Child Care Center/Type 2 Child Care Home signage shall conform to sign standards of LMC Section 15.14.120.
- e. Family Child Care Center/Type 2 Child Care Home shall not create traffic or parking congestion.
- f. A minimum of two paved, off-street parking spaces are required for Family Child Care Centers or Type 2 Child Care Homes—one for staff and one for pick up/drop off.
- g. The care and supervision of children shall be conducted in a manner which does not create offensive noise to the neighborhood.
- h. Family Child Care Centers/Type 2 Child Care Homes shall be duly approved by the Laramie Fire Department and shall obtain state licensure from the Wyoming Department of Family Services.
- i. Type 2 Child Care Homes may only operate Monday-Friday during the hours of 5AM-8PM.
- j. Must be located at least 1,000 feet away from any adult oriented business and 1,000 feet from any extremely hazardous material users/businesses.
- k. Child Care Centers or Type 2 Child Care Homes that do not conform to the exact requirements of this section may be approved by conditional use permit, subject to the approval process and applicable criteria as specified in LMC Section 15.06.060.E.

PUBLIC COMMENTS:

This amendment was legally advertised in the Laramie Boomerang on 2/13/2022. Staff has received no comments regarding this proposed amendment to date.

FINDINGS OF FACT:

The amendment is found to be in accordance with substantive and procedural requirements and necessities in City of Laramie code, best planning practices, and The Laramie Comprehensive Plan.

CONCLUSIONS OF LAW:

The amendment is proceeding in accordance with applicable law, including LMC Title 15.

STAFF RECOMMENDATION:

- Move to recommend that the City Planning Commission **make recommendation to City Council** of amendments to LMC 15.10 for the purpose of updating Laramie Municipal Code related to permitting Type 2 Child Care Homes and Family Child Care Centers.

ATTACHMENTS:

1. Wyoming Department of Family Services Day Care Inspection Checklist

PROVIDER/DIRECTOR		DATE	TIME
FACILITY NAME		TELEPHONE NUMBER	HOURS OF OPERATION
STREET ADDRESS	CITY	ASST. DIRECTOR'S NAME	FACILITY TYPE
CODES C – Compliant D-Discussed R-Required for Licensure			
OVERVIEW OF CHILD CARE LICENSING RULES			
C D R	1.	Current licensing rules have been read / reviewed by applicant.	
C D R	2.	Chapter 1. General Provisions. Review and / or give applicable definition to look up.	
C D R	3.	Chapter 2. Certification Process. Review license posting, annual inspections, violation procedures and process.	
C D R	4.	Chapter 3. Denial, Non-renewal, Revocation or Suspension. Reviewed.	
C D R	5.	Contested Case Hearing. Inform applicant of right to hearing and the process.	
CHAPTER 4. General Requirements			
Section 2: Capacity/Supervision Requirements			
C D R	6.	Review ratio chart and group size.	
C D R	7.	Discuss minors as staff and youth trainees.	
C D R	8.	Discuss direct supervision, adjacent space, sight and sound, supervision of napping infants and children, etc.	
Section 3: Provider, Director and Staff Requirements			
C D R	9.	Review requirements for all staff, volunteers, and/or household members.	
C D R	10.	Staff and household members demonstrate appropriate behaviors in front of childcare children.	
Section 4: Parental Rights			
C D R	11.	Parents will have direct access to the facility and their child(ren) during operating hours.	
C D R	12.	Parents will be informed of known/treated injuries.	
C D R	13.	Parents will have access to all inspection reports for the facility, staff:child ratio requirements, menus, information on obtaining complaint/compliance history and training information.	
Section 5: Policies			
C D R	14.	Parents will be provided a copy of written program policies. Discuss process for changes to the policy if needed.	
C D R	15.	Emergency Preparedness Guidelines and procedures.	
C D R	16.	Authorizations and safety procedures specified to activities with parental permission.	
Section 6: Discipline and Guidance			
C D R	17.	Review written discipline policy with provider.	
C D R	18.	Discipline will not be in violation with child abuse or neglect statute.	
C D R	19.	Appropriate discipline including time out discussed and technical assistance provided if needed.	
C D R	20.	Only adult staff may discipline children.	
Section 7: Medications			
C D R	21.	Does the provider plan on administering medications other than over the counter topical? _____	
C D R	22.	Discuss procedures for the use of sunscreen, bug spray, essential oils, diaper ointments and other topical medicines.	
C D R	23.	Facility medication policy and procedures discussed and reviewed.	
C D R	24.	Medication consent forms and medication administration forms will be available.	
C D R	25.	Discuss medication storage. * Remind provider to check diaper bags for medications on daily basis or make them inaccessible.	
Section 8: Transportation/Field Trips			
C D R	26.	Discuss all types of transporting walking or by vehicle.	
C D R	27.	Does the provider plan on transporting and/or field trips? _____	
C D R	28.	Vehicle to be used is registered, insured, and receives regular maintenance.	
C D R	29.	Child Safety restraint use reviewed. Refer for technical assistance if necessary.	
C D R	30.	Vehicle has a first aid kit and emergency medical release forms.	
C D R	31.	Attendance will be updated at all times during transporting.	
C D R	32.	Children will be supervised at all times while in a vehicle.	
Section 9: Training			
C D R	33.	Training requirements for first year reviewed. Discuss required trainings, infant hours, pre-service and facility staff orientation, etc.	
C D R	34.	Explain required training must be done within the first 3 months of date of hire or before providing direct care.	
C D R	35.	Provider has STARS phone number and website	
Section 10: Records			
C D R	36.	Licensing records will be retained for 3 years.	
C D R	37.	Confidentiality of all personnel and children's records will be maintained.	
C D R	38.	Attendance records for each child and/or staff will include date and arrival/departure times.	
C D R	39.	Health and fire inspections, zoning, licensing records and applicable private water testing records will be maintained.	
C D R	40.	Staff records will include the requirements outlined in this section.	
C D R	41.	Child records will include the requirements outlined in this section.	
C D R	42.	All equipment and products used in child care facilities shall be used per manufacturer instructions. Manufacturer instructions/guidelines, including but not limited to Indoor/Outdoor equipment, Cribs, Sleepers/Sleep Sacks shall be on file.	
C D R	43.	Review the role of you board of directors if applicable. Ensure licensing has a copy of board of directors.	
Section 11: Reports			
C D R	44.	Child injury/illness/Incidents reporting procedure reviewed.	
C D R	45.	Child abuse and neglect reporting procedure reviewed. Provide DFS local intake telephone number.	
C D R	46.	Emergency response to the child care facility by law enforcement, fire or ambulance.	
Section 12: Confidentiality			
C D R	47.	Confidentiality of all personnel and children's records shall be maintained.	
C D R	48.	Names and personal information of children or their relatives, and names are confidential.	
C D R	49.	Children's names, pictures and any other information shall not be posted on social media sites without a parent or guardian's written permission.	

Section 13: Evening and Overnight Care and Chapters specific to Facility Types:		
C D R	50.	Will overnight care be provided? _____
C D R	51.	If appropriate, meals are served.
C D R	52.	Children will have separate cots or beds to sleep on.
C D R	53.	Sleep areas are in accordance with Chapter 8, Section 4 (xxiv) .
C D R	54.	Children over 6 years of age and of the opposite sex will have separate sleeping areas.
C D R	55.	In FCCH, and FCCC, a staff member must be awake and on duty to receive or release a child. In FCCCs and FCCCs, the children must sleep on the same level as the staff person. In CCC's a staff person must be awake at all times.
Section 14: Health and Safety Requirements		
C D R	56.	Facility is free from hazards. Porches, steps, stairs, walkways are in good condition and free of clutter. Stairs, decks elevated porches have railings, child safety gates or guardrails, to prevent falls, entrapment. Window wells are covered.
C D R	57.	Children shall be present only in areas inspected for child care use. Rooms not approved shall be made inaccessible to the children with the exception of rooms used as an evacuation route.
C D R	58.	Play areas, equipment, and toys shall be maintained in a clean, uncluttered, safe condition and free of hazards.
C D R	59.	Proper heating, ventilation, and lighting.
C D R	60.	Toys shall be suitable for age and development.
C D R	61.	Cords and ropes are inaccessible.
C D R	62.	Potential entrapment spaces are greater than 3.5" and less than 9". If present, entrapment hazards must be corrected or made inaccessible.
C D R	63.	Potentially dangerous or unsafe items shall be made inaccessible or have childproof locks.
C D R	64.	Unused electrical outlets are covered with safety caps or are tamper resistant.
C D R	65.	Hot appliances are inaccessible.
C D R	66.	Heating appliances and electric fans shall be screened or not used. Note here if there is a heating appliance and if it is used during operating hours. _____
C D R	67.	Chemicals are not used around children or in a manner that contaminates play surfaces such as tables, carpets, lawns, food, or food preparation areas.
C D R	68.	Storage of weapons, ammunition, archery equipment, gunpowder and no explosives. No weapons are allowed in facilities located outside the provider's home. Note location _____
C D R	69.	Any animal with a history of attacking even one (1) person or demonstrating aggressive behavior shall be made inaccessible to the children in care.
C D R	70.	Media, including but not limited to, movies and internet sites that are rated higher than PG shall not be accessible to children during child care hours.
C D R	71.	The use of tobacco products, e-cigarettes or the consumption of alcohol is prohibited in facilities during child care hours. Illegal drugs are not allowed on the premises at any time. Does anyone in the household smoke? _____
C D R	72.	Operable telephone is available. Policy Handbook shall list facility's phone number.
C D R	73.	A fire evacuation and emergency preparedness plans are posted, and monthly drills will be conducted and documented.
C D R	74.	Children's emergency contact phone numbers and attendance records shall be taken outside during all emergency evacuation and drills. Refer to Chapter 4, Section 14 (v)(iii); Chapter 9, Section 12; Chapter 10, Section 17.
C D R	75.	All equipment and products used in child care facilities shall be used per manufacturer instructions.
C D R	76.	Wet or soiled clothing, including disposable undergarments shall be changed promptly and clean clothing for emergencies available.
C D R	77.	Children shall be provided opportunity for, but shall not be required, to sleep.
C D R	78.	Children shall have their own separate cot, pad, or bedding and be spaced 2 feet apart on all sides.
C D R	79.	Bedding shall be washed once a week or more often as needed and stored separately after use.
C D R	80.	Floors, walls, and window coverings are kept clean.
C D R	81.	Staff shall wash their hands after using the toilet or helping a child toilet, handling bodily fluid, handling pets, cleaning, or handling the garbage, before and after diaper changing, handling food, eating, and giving medication.
C D R	82.	Hand washing after diaper changing may not be done in the kitchen sink or food prep area.
C D R	83.	Children shall wash their hands before and after eating, using the toilet, handling pets, playing in sand boxes.
C D R	84.	Toys, tabletops, phones, doorknobs, door casings, handles and railings must be cleaned and sanitized once a week or whenever visibly soiled. Food prep and serving surfaces shall be sanitized before and after each meal.
C D R	85.	Dirty laundry shall be inaccessible to children.
C D R	86.	A sturdy stool, soap, and single service hand towels are available to children at hand-washing sink.
C D R	87.	A basic first aid kit shall be available.
Section 15: Indoor Play Space		
C D R	88.	Measure for capacity. Note here _____. If no space available discuss options. Document on page 3.
C D R	89.	If the required outdoor space is not available.
C D R	90.	Commercial constant air inflatable devices shall be used indoors only if the manufacturer's guidelines permit.
Section 16: Outdoor Play Space Refer to Public Playground Safety Handbook, Current CPSC publication #325 www.cpsc.gov		
C D R	91.	Outdoor space to be used at least one time a day for 30 minutes.
C D R	92.	Outdoor play space enclosed with rule compliant fence. If not, discuss options and document on page 3.
C D R	93.	Play equipment is sturdy, stable, in good repair and free from visible hazards.
C D R	94.	Play areas are free from strangulation, entrapment hazards, debris, litter and animal waste.
C D R	95.	Is equipment present? _____ Fall height of more than 24 inches? _____ * If equipment is changed / added contact licensing.
C D R	96.	Is a resilient surface in place? _____ Type? _____ Is the resilient surface the appropriate depth?
C D R	97.	Are the use zones in accordance to the CPSC Playground Safety Handbook.
C D R	98.	Hot tubs, spas, and full sized trampolines are inaccessible.
C D R	99.	Commercial constant air inflatable devices shall only be used in accordance with the CPSC, manufacturer's guidelines, and other requirements are met. Discuss Chapter 4, Section 16 (n)(i-vi)
Section 17 Swimming Pools, Wading Pools, and Water Hazards		
C D R	100.	Swimming, wading pools, and water hazards: Discuss definitions, policy, parental consent, supervision, ratios, and accessibility.
C D R	101.	Swimming pools and water hazards shall be enclosed by a fence.
Section 18 Food Service		
C D R	102.	Provider will/will not use food program. Discuss nutritionally balanced snacks, meals and appropriate portions.
C D R	103.	Menus shall be provided for review.
C D R	104.	A child shall be encouraged, not forced, to eat.
C D R	105.	Fluids shall be readily available.
C D R	106.	Children's food shall be served on plates, other disinfected containers, or single service napkins.

Section 19: Infant Care		
C D R	107.	Crib, bassinets, or playpens used for sleeping are separated by 3 feet.
C D R	108.	Infants are placed on a firm flat surface on their back to sleep, without anything over their head or face, nothing placed in the crib, bassinet, or playpen, no swaddling without a written statement and instructions from physician, a sleeper or sack available with instructions. Infants are actively supervised every 5 minutes to see the infant's face.
C D R	109.	Infant face and head shall not be covered.
C D R	110.	The infant environment is designated to and provides a safe play area.
C D R	111.	No infant shall be confined to a crib, playpen, swing, high chair car seat, or carrier or in one position for excessive periods of time.
C D R	112.	Bottle propping shall not be allowed.
C D R	113.	Infant documentation for diapering and feeding is made available to parents daily.
C D R	114.	If 4 or more infants are present and Infant Toddler Director Credential is required.
C D R	115.	Required training for infant staff.
Chapter 10 & 11 Fire Standard		
C D R	116.	Fire inspection has been completed/requested on _____ Has inspection compliance been completed? _____
Chapter 8: HEALTH AND SANITATION		
C D R	117.	Health inspection has been completed/requested on _____ Has inspection compliance been completed? _____
C D R	118.	Review Exclusion From Care for children and staff.
C D R	119.	Diaper changing area is maintained in a sanitary condition and is close to a hand-washing sink.
C D R	120.	Hand washing after diaper changing shall not be performed in the kitchen and / or food prep area.
C D R	121.	Animals and animal equipment shall not be in food prep or dining areas.
Section 1: Facility Type Specific Certification Standards Review: Ch. 5 FCCH, Ch. 6 FCCC, or Ch. 7 CCC		
C D R	122.	Facility Type Certified for _____
C D R	123.	Measure for facility and document on page 3. Note capacity here _____. Discuss and note individual room capacity on page 3 if applicable.
C D R	124.	Discuss infant toddler space.

FACILITY MEASUREMENTS, TOTAL CAPACITY AND ROOM CAPACITY:

OUTDOOR PLAY SPACE MEASUREMENTS, CAPACITY AND/OR USE PLAN:

COMMENTS

CORRECTIONS NECESSARY PRIOR TO ISSUANCE OF A PROVISIONAL/FULL CERTIFICATE:

DATE CORRECTIONS NEED TO BE SUBMITTED TO LICENSER: _____

This checklist does not contain all of the Wyoming Child Care Licensing Rules. However, you are responsible for reviewing and following all of the rules

PROVIDER'S SIGNATURE	DATE	LICENSER'S SIGNATURE	DATE