

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 17-14

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, AMENDING CHAPTER 19.12, DEFINITIONS; REPEALING SECTION 19.32.020 BMC; ADDING CHAPTER 19.31 TO ALLOW CHILD AND ADULT DAY CARE SERVICES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is in the city's interest to promote safe care for elders and children; and

WHEREAS, state laws provide requirements for the city to follow; and

WHEREAS, BMC 19.12.245 and 19.32.020 provide definitions for "Home occupation";
and

WHEREAS, BMC 19.12.130 requires family day care homes to receive conditional use permits; and

WHEREAS, BMC 19.08.060 requires the most restrictive provision to control the use;
and

WHEREAS, Chapter 19.12 BMC is designed to contain all definitions for the zoning code; and

WHEREAS, POLICY 3.1.5 of the city's comprehensive plan states, "HOME-BASED BUSINESSES ARE ENCOURAGED WHEN THEY ARE COMPATIBLE WITH RESIDENTIAL NEIGHBORHOOD CHARACTER"; and

WHEREAS, the request for expedited review was received September 17, 2014, by the Washington State Department of Commerce under material number 20623 informing it of the proposed change in development regulations; and

WHEREAS, the expedited review was granted October 1, 2014; and

WHEREAS, the planning commission conducted a public hearing on this proposal on October 20, 2014; and

WHEREAS, the planning commission reviewed comments received at the hearing, modified the hearing draft, and forwarded a recommendation to approve the ordinance;

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON, DO ORDAIN
AS FOLLOWS:

Section 1. BMC 19.12.035, is amended as follows:

19.12.035 Adult day care.

“**Adult day care**” is a supervised daytime provider giving core services as defined in WAC 388-106-0800. Core services are appropriate for adults with medical or disabling conditions that do not require the intervention or services of a registered nurse or licensed rehabilitative therapist acting under the supervision of the client's physician. The adult day care center must offer and provide on-site core services as required by DSHS. These core services must meet the level of care needed by the client as assessed by DSHS and do not exceed the scope of services that the adult day care center is able to provide.

Section 2. BMC 19.12.040, is amended as follows:

19.12.040 Adult family home.

“**Adult family home**” means a residence in which a person or persons provide personal care, special care, room, and board to a maximum number as specified in the state code under a license issued by the Washington State Department of Social and Health Services pursuant to Chapter 70.128 RCW.

Section 3. A new definition is added to the Buckley Municipal Code:

19.12.xxx Day care, child day care center.

“**Child day care center**” means a child care provider that regularly provides early childhood education, and/or early learning services for a group of children for periods of less than twenty-four hours.

Section 4. A new definition is added to the Buckley Municipal Code:

19.12.xxx Day care, family day care home.

“**Family day care home**” means a child care provider who regularly provides early childhood education and early learning services for not more than twelve children in the provider's home.

Section 5. A new definition is added to the Buckley Municipal Code:

19.12.xxx Day care, child day care provider.

“**Child Day Care**” or “**child day care provider**” means provision of supplemental parental care and supervision:

- a. For a non-related child or children,
- b. On a regular basis,
- c. For less than 24 hours a day, and
- d. Under license by the Washington State Department of Social and Health Services.

- e. As used in this title, the term is not intended to include babysitting services of a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative child care by a group of parents in their respective homes.

Section 6. BMC 19.12.245 is amended as follows:

19.12.245 Home occupation.

“Home occupation” means an accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services.

(1) Home Occupation, Type A. “Type A” or “minor” home occupations are compatible with the neighborhoods in which they are located and cause no impact greater than that generally associated with a single family residence. Bed and breakfast establishments that contain no more than two rooms for rent and family day care homes shall be considered minor home occupations.

(2) Home Occupation, Type B. “Type B” or “major” home occupations cause some effect greater than that generally associated with a single residence and require some action or conditions to reduce those effects.

Section 7. Definitions currently located in BMC 19.32.020 shall be moved to Chapter 19.12, BMC:

19.12.xxx “Employee” means a full- or part-time participant, resident or nonresident, in a business activity.

19.12.xxx “Headquarters” means a business operation where employees come to the site at any time.

19.12.xxx “Normal deliveries” means the home occupation shall not involve the use, parking, or storage of any vehicle exceeding a gross vehicle weight of 11,000 pounds except deliveries by parcel post, United Parcel Service, or similar commercial in-town delivery service trucks. These deliveries or pick-ups of supplies or products associated with business activities are allowed at the home only between 7:00 a.m. and 6:00 p.m. and are limited to no more than two trips per day.

19.12.xxx “Vehicles” or “motors” means vehicles or equipment with engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawnmowers, chainsaws, and other engines).

Section 8. BMC 19.20.130, in part, is hereby amended in part as follows:

DISTRICT:	LI	GC	CC	HC	P	NMU	HDR	R-6,000	R-8,000	R-20,000	S ²
...PERSONAL SERVICE USES...											
...Adult family home...	X	X	P	X	P ¹	P	P	P	P	P	X
...Day care, adult...	C	C	P	X	P ¹	P	C	C	X	X	X
...Day care, child day care center...	P	P	P	P	P ¹	P	C	C	X	X	X
...Day care, family home....	X	P	P	P	X	P	P	P	P	P	X

Section 9. A new chapter is added to the Buckley Municipal Code:

19.31.010 Purpose.

Affordable, good quality, and licensed day care services for children and adults is critical to the well-being of parents and children in the community and is a needed community service. Further, it is the purpose of this chapter to facilitate locating licensed day care facilities in the city in a manner that simplifies the review and approval process while ensuring conformance with surrounding land uses. In reading the requirements of this chapter, the city should defer to the state licensing body.

19.31.020 Family day care homes, children.

Family day care homes shall be permitted by right in all zoning districts permitting residences and shall be subject to the following requirements:

1. Meet Washington State child day care licensing requirements including providing the state licensing agency documentation that immediately adjacent property owners were informed of the intent to locate and maintain the proposed day care family home;
2. Obtain a city business license;
3. Comply with all building, fire safety, health code, and business licensing requirements;
4. Provide a home occupation checklist;
5. Lot size, building size, setbacks, and lot coverage conform to the standards of the zoning district except if the structure is a legal nonconforming structure;
6. A safe passenger loading area must be provided;
7. Signs, if any, will conform to Chapter 19.30 BMC;
8. No structural or decorative alteration shall be created that alters the single-family character of an existing or proposed residential structure or that makes the structure incompatible with its surrounding residences.

19.31.030 Child Day Care Center.

Child day care centers may be allowed in the designated zoning districts as shown in the table at BMC 19.20.130.

1. If a conditional use permit is required, it must meet the following requirements in addition to applicable conditional use permit requirements of BMC 19.40.
 - a. Meet Washington State child day care licensing requirements;

- b. Comply with all building, fire safety, health code, and business licensing requirements;
 - c. Lot size, building size, setbacks and lot coverage conform to those applicable to the zoning district;
 - d. Signs, if any, will conform to the requirements for the applicable zoning district;
 - f. Parking requirements shall conform to Chapter 19.29 BMC;
 - g. A fence at least (4) feet high must be installed around the play yard;
 - h. The site must be landscaped in a manner compatible with adjacent residences;
 - i. No structural or decorative alteration which will alter the residential character of an existing residential structure used for a child day -are center is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood.
2. If a child day care center is permitted by right, it is must meet the following requirements:
 - a. Meet Washington State child day care licensing requirements;
 - b. Obtain a city business license;
 - c. Comply with all building, fire safety, traffic safety, health code, and business licensing requirements;
 - d. Setbacks, screening, landscaping, lot size, building size, and lot coverage shall conform to the pertinent portions of the zoning code;
 - e. Parking requirements shall conform to Chapter 19.29 BMC;
 - f. Sign requirements shall conform to Chapter 19.30 BMC;
 - g. If a new structure is proposed, it must meet the requirements of Chapter 19.33 BMC.
 3. No child day care center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation, or is separate from the usual living quarters of the family.
 4. A child day care center if sited on the premises of an operating community service facility shall be considered accessory to the principal use of the property concerned.

19.31.040 Adult family homes and day cares.

Adult family homes may be allowed in all zones of the city that allow single family residences; adult day cares may be allowed in the designated zoning districts as shown in the table at BMC 19.20.130. Unless exempted by state law, adult family homes and adult day cares shall:

1. Meet Washington State adult family home or day care licensing requirements;
2. Obtain a city business license.
3. Comply with all building, fire safety, health code, and business licensing requirements;
4. Meet lot size, building size, setbacks, and lot coverage conform to the standards of the zoning district except if the structure is a legal nonconforming structure;
5. Provide a safe passenger loading area for day cares;
6. Signs, if any, will conform to Chapter 19.30 BMC;
7. No structural or decorative alteration shall be created that alters the single-family character of an existing or proposed residential structure or that makes the structure incompatible with its surrounding residences.

Section 10. Copy to the Department of Commerce. Pursuant to RCW 36.70A.106, the City Administrator is hereby authorized and directed to provide a copy of this ordinance to the State Department of Commerce within 10 days of adoption.

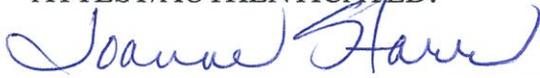
Section 11. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section. Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 25th day of November, 2014.

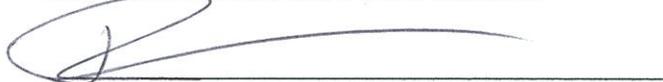

MAYOR, PAT JOHNSON

ATTEST/AUTHENTICATED:


JOANNE STARR, CITY CLERK

APPROVED AS TO FORM

OFFICE OF THE CITY ATTORNEY:


PHIL OLBRECHTS

PUBLISHED: DECEMBER 3, 2014

EFFECTIVE: DECEMBER 8, 2014