

Article 3 – Use Definitions

"Child Caring Institution means a child-welfare facility licensed by the State which either primarily or incidentally provides full-time room, board and watchful oversight to six or more children in State Custody through 18 years of age outside of their own homes. It does not include: (1) facilities exempted by state law; (2) facilities providing care and oversight to children in custody of DHS who have been adjudicated unruly or awaiting adjudication on charges of being unruly or other offense; (3) a qualified residential treatment program; or (4) a commercial sexual exploitation recovery center."

Article 4 Specific Use Provisions

Division 1 - Uses

"Sec. 4-67 Child Caring Institutions

A Child Caring Institution shall comply with all State rules and regulations, and the following requirements:

- 1. The facility shall be located on a minimum 1.5-acre lot.
- 2. There shall be a minimum of 70 square feet of sleeping space per child and appropriate indoor (separate from the designated sleeping space) and outdoor usable space for play and exercise.
- 3. The use is limited to the principal structure. No accessory structure may be used.
- 4. The facility shall maintain a current state license and comply with all applicable state regulations and local building and fire code regulations, including but not limited to the designated number and ages of approved children for the facility and required licensed/unlicensed adult staff members.
- 5. The number and ages of children shall be provided to the city's licensing division as part of the annual renewal of the occupational tax certificate and regulatory license. The owner shall provide proof of compliance and access to facility for verification purposes as deemed necessary by the city's licensing division.
- ~~• 6. The owner shall provide proof of school enrollment for each school age child.~~
- ~~• 7. Each caregiver shall obtain an annual work permit from the Chief of Police.~~
- 8. The Special Use Approval is valid for one year only, and a renewal application shall be submitted to the city by November 1 of each year. The application shall include an inspection report from the office of the fire marshal and building official certifying compliance with governing codes.
- 9. If the facility is in an HOA community, then a letter of compliance/authorization must be provided by the HOA as a part of the Special Use application.
- 10. The owner shall provide a detailed care plan, including but not limited to the number and ages of anticipated children, number and licensing of staff, and designated public schools for attendance, as a part of the Special Use application. The plan shall also designate a primary managing caregiver that is available by telephone on a 24-hour basis to respond to complaints or other issues.
- 11. The owner shall notify the City within three business days of any complaint or finding of violation by the State.
- ~~• 12. The owner shall permit random inspection(s) of the facility and documentation of the number and care of the children at the facility by the city if requested and submit to the city every six months a report about the facility's operations. The report shall include, but is not limited to, information on the number, ages~~

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and dates of stay for each child, list of services provided to the children during the reporting period, and the names of the service providers and caregivers.

- 13. No facility may locate within 1000 feet from another facility or package stores or halfway houses.
- 14. The facility shall include fencing, screening, and lighting controls for privacy and aesthetics.
- 15. All outdoor play areas shall be appropriately buffered from adjacent homes and outdoor activities shall comply with the city's noise ordinance.
- 16. The owner shall employ and maintain supervision of the resident children at all times.
- 17. Each application shall be accompanied by a plan managing the parking, ingress and egress to and from the property that provides sufficient parking for staff, visitors and owners and appropriate circulation to avoid impact to neighboring properties. On street parking is prohibited.
- 18. To the extent of any conflict between these requirements and state law, state law controls.
- 19. If the facility is in an HOA community, then documentation must be provided showing that no active restrictive covenants prohibit the use, or an acknowledgment letter from the HOA.
- 20. Upon notice of any substantiated state or city violation affecting health, safety, or welfare, the Special Use may be immediately suspended pending Council hearing. Written notice of such suspension shall be delivered to any caregiver at the premises.
- 21. The care plan shall include an emergency evacuation and first responder coordination protocols in addition to staffing, enrollment, and management requirements.
- 22. Each caregiver's annual work permit shall be denied if the applicant has felony conviction(s), substantiated child abuse/neglect, or other disqualifying conduct.
- 23. Failure to submit the required semiannual report may trigger immediate suspension of operations pending Council hearing.
- 24. Notwithstanding state license allowances, no Child Caring Institution shall house more than ten (10) children per acre, and in no case more than ten (10) total residents, unless a greater number is expressly approved in writing by counsel. Any such approval shall specify the maximum number permitted, shall be limited in duration not to exceed twelve (12) months, and shall be subject to periodic review and renewal at least annually at counsel's discretion.
- 25. The applicant is not eligible to receive or renew special use approval if they have had any license issued under the police powers of any city or other governmental subdivision previously suspended or revoked.
- 26. The applicant is not eligible to receive or renew special use approval if, within a three-year period preceding the date of application, the applicant shall have been convicted for any felony charged under any of the laws of the several states or of the United States. The term "conviction" shall include an adjudication of guilt, a plea of guilty or nolo contendere or the forfeiture of bond when charged with a crime. If there is an arrest and charges are still pending, then action shall be postponed until the charges are adjudicated.
- 27. No code violations may exist at the proposed location and all property taxes shall be current.

x Christina Thomas
x Howe J. Hunt
x Douglas Dauter

x Robert Lee
x Debra McMurtry
x Patricia Allwood

(Supp. No. 4)

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Acknowledge of Amendment ↑ Howe 10/6/25

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