

Planning Code Interpretations Update – April, 2015

NOTE: Additions are *single-underline italics Times New Roman*;
Deletions are *~~strike-through italics Times New Roman~~*.

Code Section: 311/312

Subject: Notice for Day Care and Residential Care Facilities

Effective Date: 02/06 (Revised 4/17/2015)

Interpretation:

State Law requires that both family daycare up to ~~12~~ 14 children and residential care for up to six people are nondiscretionary. The state requires that family day care and residential care be treated as permitted uses that do not fundamentally alter the nature of the underlying residential uses. Since 311 and 312 notices could potentially lead to Discretionary Review requests that cannot be acted upon, as the permits are nondiscretionary, such day care uses up to ~~12~~ 14 children and residential care uses up to 6 people are exempt from such notices. However, if there is an expansion of the site that would require Section 311/312 notice, then the project is still subject to notice.