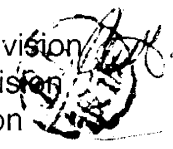


**MEMORANDUM: SPECIAL EXCEPTION**

DATE: May 14, 2004
TO: Montgomery County Planning Board
VIA: Carlton W. Gilbert, Zoning Supervisor, Development Review Division
 William Barron, Team Leader, Community-Based Planning Division
FROM: Calvin Nelson, Jr., Planner, Community-Based Planning Division
SUBJECT: Board of Appeals Petition No. S.E.03-4, Child Day Care Facility



This item was heard at the May 6, 2004 Planning Board meeting. The applicant requested deferral of this item so that questions at the meeting by the Planning Board could be addressed.

Regarding the question of interior square footage requirements per child -

- There has never been an interior square footage requirement in the Zoning Ordinance.
- The Code of Maryland Regulations (COMAR), which controls licensing in the State of Maryland, has the following indoor space requirements for a child care center: "a minimum of 35 square feet of floor space shall be provided for each child. In calculating the square footage provided for each child, the following may not be included:"

"Any floor space, rooms, or areas that are not available for the daily program activities of the children, such as columns, vestibules and corridors, food preparation areas, kitchens, bathrooms, adult work areas, permanently equipped isolation areas or sleeping rooms, storage units, and storage space;"

- There is no minimum State outdoor play area requirement for a child day care center. COMAR has the following requirement for outdoor play:

"A center shall have an outdoor playground adjacent to or safely accessible to the center providing ample play space that is free from hazards to children such as a fence in disrepair, broken equipment, unfenced bodies of water, holes in the ground, glass, or poison ivy."

- Sec.59-G-2.13.1(b)(2) refers to the minimum square footage lot size per child, in a one-family residential zone (S.E.03-4 is in the R-20, multi-family zone).

The Zoning Ordinance requires facilities providing care for more than 30 children (the subject application is for 20 children) must be located on a lot containing 500 square feet per child. The Board of Appeals (B.O.A.) may reduce the area requirement to less than 500 square feet, but not less than 250 square feet per child, under certain conditions. This application is not in a one- family zone (R-20 Zone) and is for less than 30 children, therefore there is no minimum lot size requirement.