



June 30, 2025

Lori Roling, Zoning Administrator
Jackson County Zoning Department
201 West Platt Street
Maquoketa, IA 52060

RE: Zoning Ordinance Update – Recommended Adult and Child Care provisions (06-30-25)

Dear Lori,

This letter provides the recommended Adult and Child Care provisions (06-30-25) for the Zoning Ordinance Update for review and approval by the Zoning Commission at their July 21, 2025 meeting.

Discussion

The current Zoning Ordinance has no provisions for child care facilities or preschools, or for adult day care centers, family homes, elder group homes, and homes for persons with disabilities.

Family Home

Iowa Code mandates that counties treat “family homes” as a residential use of property and a permitted use in all residential zones, including single-family zones. Counties cannot regulate the siting of family homes in residential areas with a conditional or special use permit, special exception, or variance.

Iowa Code 335.25 defines “*Family home*” as a community-based residential home licensed as a residential care facility or child foster care facility, providing room and board, personal care, habilitation services, and supervision for not more than eight (8) persons and any necessary support personnel.

New family homes owned or operated by public or private agencies must be dispersed throughout residential zones and not located within contiguous city block areas. With respect to county zoning, Iowa Code defines Homes for persons with disabilities and Elder group homes as “family homes.”

Adult Day Care

Iowa Administrative Code (IAC) Chapter 70 defines “Adult day services” or “adult day services program” as an organized program providing a variety of health-related care, social services, and other related support services for 16 hours or less in a 24-hour period to two or more persons with a functional impairment on a regularly scheduled, contractual basis.

In Iowa, zoning regulations for adult day care facilities often allowed these uses in any zone that allows residential dwellings without needing a discretionary permit.

Since Iowa law protects the siting of family homes (including those providing adult day care) in residential areas, staff recommends that an adult day care center be regulated as a “family home.”

Child Care

In Iowa, zoning regulations for child care facilities vary by location and the type of facility. Generally, child care facilities can be permitted in commercial, mixed-use, residential, and manufacturing zoning districts. They may also be allowed as accessory uses to established schools or places of assembly, such as community centers or churches. Specific requirements, such as lot size, building setbacks, and parking, can vary by city and county.

Iowa Chapter 237A requires child care centers to be licensed by the Iowa Department of Health and Human Services (HHS) child development homes to meet specific requirements and be registered with the Iowa HHS. Child care homes also are addressed in Iowa Code Chapter 237A a category, but are not required to be registered with the Iowa HHS. Additional regulations are found in IAC 441-109 and 441-110.

Child care facilities must comply with building, fire safety, and health codes, in addition to state licensing requirements. Indoor and outdoor space requirements are stipulated by the state, with minimum square footage per child. Emergency exits, smoke detectors, and fire extinguishers are also regulated. Water supply and safety barriers around heating elements may also be required.

Staff recommends that child care facilities be as defined and regulated in Iowa Code 237A and IAC 441-109 and 441-110. Attached is a chart of state requirements for child care facilities.

Preschool

In Iowa, preschools, similar to child care centers, are subject to zoning regulations, particularly regarding their location and physical space and issues like building size, lot size, and proximity to residential areas. They also may be allowed as accessory uses to established schools or places of assembly. Iowa Code Section 256.2, the Statewide Voluntary Preschool Program outlines the requirements for preschools.

Recommendation

The proposed definitions for care facilities refer to their definitions in Iowa Code and Iowa Administrative Code (IAC). The table shows the proposed use categories in the A-1 Agricultural, R-1 Residential, and C-1 Highway Commercial zoning districts, with P = Principal use, A = Accessory use, and C = Conditional use.

Comparison of Care Facilities				
Type of Care Facility	Chapter 6. Definitions	A-1 use	R-1 use	C-1 use
Adult Day Care Center	As defined and regulated in IAC 481-70 Adult Day Services	C	P	P
Child Care Center	As defined and regulated in Iowa Chapter 237A and IAC 441-109	C	C	P
Child Care Home	As defined and regulated in Iowa Chapter 237A and IAC 441-110	A	A	A
Child Development Home	As defined and regulated in Iowa Chapter 237A and IAC 441-110	C	C	P
Family Home	As defined and regulated in Iowa Code Section 335.25	C	P	P
Preschool	As defined and regulated in Iowa Code Section 256.2	C	C	P

The Commission is asked to review and approve the recommended Adult and Child Day Care provisions (06-30-25), and then to provide direction to staff for moving forward with the proposal. Please let me know if you have any questions. Thank you.

Sincerely,



Laura Carstens, Senior Planner

Attachments

Child Care Provider Portal

[Home](#)

Requirements for the Different Types of Child Care Providers in Iowa

	Non-Registered Home	Child Development Home A	Child Development Home B	Child Development Home C (2 Providers)	Child Development Home C (1 Provider)	Licensed Center
State Regulated						
Maximum Capacity	6*	8*	12*	16*	8*	* Varies by licensing
Inspection visit prior to registration/licensing						
Annual monitoring - facility & records inspection						
Minimum age of caregiver	18 years	18 years	20 years	21 years	21 years	Director - 21 years
Iowa child abuse registry check						
Iowa criminal records check						
National (FBI) fingerprint-based record check						
Experience required			2 years or 1 year with a child related degree	5 years or 4 years with a child related degree	5 years or 4 years with a child related degree	A combination of experience & education
Minimum Education required			High school diploma or GED	High school diploma or GED	High school diploma or GED	Director/On-site supervisor - High school diploma or GED
Minimum pre-service & orientation trainings						
Professional development training (each 2 year period)	6 hours	24 hours	24 hours	24 hours	24 hours	
CPR and First Aid certification						
Mandatory reporter training						
Emergency preparedness & response planning						
Non-smoking environment						
Fire extinguisher & smoke detectors						
Two (2) direct exits						
Space requirements						
Quiet area for sick children						
Reference Letters		Three (3) reference letters from non-relatives				
	Apply	Apply	Apply	Apply	Apply	

- ◆ A home provider's own preschool age children and younger ARE included in their legal capacity. Their school-age children are not unless they are being home-schooled.
- ◆ Non-Registered Homes may have up to 6 children, as long as at least one child is school-aged.
- ◆ Child Development Home A: Limit of 6 preschool children with a maximum of 4 aged 24 months or younger. Of these no more than 3 can be 12 months of age or younger. They can also care for 2 school-aged children for a **total maximum of 8 children** in care at any one time.
- ◆ Child Development Home B: Limit of 8 preschool children with a maximum of 4 children aged 24 months or younger. Of these no more than 3 can be 12 months of age or younger. They can also care for 4 school-aged children for a **total maximum of 12 children** in care at any one time. When there are more than 8 children present for more than 2 hours, an assistant 14 years or older needs to be present.
- ◆ Child Development Home C (2 providers): Limit of 14 preschool children with a maximum of 6 aged 24 months or younger. 2 additional school-age children can also be in care for a **total maximum of 16 children** in care at any one time. Whenever there are more than 8 children present, the business co-provider needs to be present.
- ◆ Child Development Home C (1 provider): Limit of 8 children with a maximum of 4 aged 24 months or younger.
- ◆ Center and preschool staff to children ratios: babies up to 23 months 1:4; 2 year olds 1:6; 3 year olds 1:8; 4 year olds 1:12; 5 year olds and older 1:15.
- ◆ Record checks are required for household members age 14 and older.
- ◆ Child abuse registry checks are required for household members age 14 and older.

If you have concerns about any child caregiver, contact your county Department of Human Services.

Version: 02.22.00 Build: 1 Deployment Date: 9/14/2012 7:16:38 AM

Copyright 2011, Iowa Department of Human Services