



Permit & Development Center

809 N. Broadway, Milwaukee, WI 53202 | (414) 286-8211 | milwaukee.gov/permits | DevelopmentCenterInfo@milwaukee.gov

Milwaukee’s zoning ordinance classifies day care centers as “family day care homes” and “day care centers.” To be classified as a **family day care home**:

1. The operation must be State-licensed and serve 8 or fewer children.
2. The operation must be operated out of a one- or two-family home occupied by a family.
3. A member of the family living in the home must be the operator of the family day care home.
4. The family day care home must be secondary to the use of the property as a dwelling unit.
5. The family day care home may operate only between 6 a.m. and 10 p.m.

A family day care home does not require a certificate of occupancy. If an existing or proposed family day care home does not meet these requirements it must alter its operations to comply, or receive approval from the Board of Zoning Appeals of the City of Milwaukee. No signs are allowed if the family day care is in a residential zoning district.

Commercial day care centers

To protect the safety of children, the International Building Code has special provisions that apply to **day care centers**. Any commercial building used as a day care center for **four or more children** must comply with these rules. (The term “commercial building” includes apartment buildings with three or more units.) The City of Milwaukee cannot grant an occupancy certificate for the day care center until the building meets these requirements. You must have an occupancy certificate to use a building for a day care center.

Here are some of the most common building code requirements that must be satisfied in order to use a building for a day care center. For more information about the building code requirements that apply to day care centers, call the Milwaukee Development Center at (414) 286-8210.

We suggest that you meet with an architect before you sign a lease or an offer to purchase. The architect will help you identify any improvements that must be made to the property before you may use it for day care. The required improvements can be quite costly.

Sprinkling requirements

You must sprinkle your building UNLESS your childcare facility meets all of the following criteria:

- operates less than 24 hours a day
- provides care for no more than 5 children under the age of 2-1/2
- has all care rooms located on the first floor ground level, and
- where each of the child care rooms has an exit door directly to the exterior.

If your child care center meets all these criteria, it is considered an “E”, or Educational occupancy, and does not need to be sprinkled. If it doesn’t, it is considered an “I-4” or Institutional occupancy and you must sprinkle all areas used for the child care center.

Exit requirements

Exit doors must have openings that measure at least 2'-8" x 6'-4".

When a day care serves 50 or more children, room exit doors must swing out.

Each floor in the building that is used by the day care center must have at least two exits. Open stairs, exterior stairs, and fire escapes may not be counted as exits. When a space serves 10 or less children only one exit is required.

Illuminated exit signs are required at each exit door, unless there is only one door required for a room, or where the exit is obvious.

Stairways must have a one-hour fire rating, and be at least 44" wide, unless they serve less than 50 people (then 36").

Fire safety requirements

All laundry rooms and storage rooms over 100 square feet in area must be isolated from the rest of the day care by one hour fire-resistive construction.

Day care centers that serve more than 20 children must have a hard-wired smoke and fire detection system.

Day care centers must be equipped with working fire extinguishers.

Sanitary facilities

One toilet and one sink are required for every 15 children. All installations must comply with the International Plumbing Code.

Emergency power requirements

Standby emergency power is required and must serve as a source of electrical power for required exit lights or emergency lighting for exit passageways.

Window requirements

Operable windows or mechanical ventilation must be provided in all occupied rooms or spaces. The open portion of the window must be at least 4 percent of the floor area of the room.

Windows and glass next to doors, in doors, or close to the floor needs safety glazing or a barrier.

Building location

If the building used for a day care was built with wood frame construction, it is limited to one-story in height and any walls less than 10 feet from another building or property line must be 1-hour rated. If the entire building is sprinklered, you may go to two stories.

If the day care center is located within a larger building, or shares a common wall with some other commercial use such as a store, factory or office, fire separation rules apply. For example, if the center is located within a building with a large assembly hall, such as a church, the center must be separated from the assembly hall by a firewall. The rating for the wall depends on the size of the hall.

Accessible access

The building may have to be made accessible if you are remodeling it.