

## SECTION .1400 - SPACE REQUIREMENTS

### 10A NCAC 09 .1401 INDOOR SPACE

- (a) As used in this Rule, the term "Primary Space" means the indoor space designated by the operator that will be used by children who attend the center. It shall be used to calculate a center's licensed capacity.
- (b) The Division shall calculate the total area of the Primary Space by measuring the Primary Space or by reviewing current drawings of the space that have been signed and sealed by an architect or engineer licensed to practice in the State of North Carolina.
- (c) All measurements of the Primary Space shall be rounded to the nearest inch.
- (d) For child care centers in an occupied residence that are licensed for 3 to 12 children when any preschool-age children are in care, or for 3 to 15 children when only school-age children are in care the dining area of a kitchen may be counted as Primary Space if it is used for children's activities in addition to eating.
- (e) The following spaces shall not be included in the designation or measurement of Primary Space:
- (1) closets;
  - (2) hallways;
  - (3) storage areas;
  - (4) kitchens;
  - (5) bathrooms;
  - (6) utility areas;
  - (7) thresholds;
  - (8) foyers;
  - (9) space used for administrative activities;
  - (10) space occupied by adult-sized desks, cabinets, file cabinets, and other office equipment;
  - (11) any floor space occupied by or located under structures, equipment, and furniture not used by children; and
  - (12) any floor space occupied by or located under built-in equipment or furniture.
- (f) No room may be occupied by more than one child per 25 square feet of floor space, provided that a room may be occupied by a larger group of children for special activities so long as such occupancy does not violate the State fire code.
- (g) During rest periods any room used by children shall have no less than 200 cubic feet of air space per child.
- (h) Paragraphs (a) through (c) and (e) through (g) of this Rule shall only apply to centers initially licensed on or after February 1, 1985.

*History Note: Authority G.S. 110-91(6); 143B-168.3;  
Eff. January 1, 1986;  
Amended Eff. July 1, 1998; November 1, 1989;  
Readopted Eff. October 1, 2017.*