

Home Occupation, Customary Child Care

The Dunn City Code, in the chapter on zoning, includes definitions of child care, family child care, and home occupation. Definitions are important because each zoning district permits only some types of uses each of which is defined. A “child care center,” for example, is a type of use; the definitions are listed below. “Child care” is not a primary permitted use in any district. To open a child care center, the Code requires a Conditional Use rezoning. However, the Code also defines “home occupation, customary.” This type of activity is defined as “an occupation conducted in a dwelling unit or a residential accessory building” subject to various conditions. Child care may be considered a customary home occupation provided certain requirements, listed below, are strictly followed.

City of Dunn UDO Article 5 – Section 5.07 (F) Article 11 – Section 11.03

Child care means a program or arrangement where three **(3)** or more children less than thirteen **(13)** years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four **(4)** hours, but less than twenty-four **(24)** hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage or adoption.

Child care, before/after school means a program or arrangement where three **(3)** or more school aged children less than thirteen **(13)** years old, who do not reside where the care is provided, receive care on a regular basis before school hours and/or after school hours from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage or adoption. Before/after school child care shall be considered an allowed accessory use to child care. Before/after school child care shall be considered an allowed accessory use to all public and private schools.

Child care center means an arrangement where at any one time, there are three **(3)** or more pre-school age children or nine **(9)** or more school-age children receiving child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

Family child care home means a child care arrangement located in a residence where, at any one time, more than two **(2)** children, but less than nine **(9)** children receive child care. (Of the children present at one time in a family child care home, no more than five **(5)** children shall be pre-school aged, including the operator’s own pre-school age children.)

Home occupation, customary means an occupation conducted in a dwelling unit or a residential accessory building and subject to the following conditions:

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation.
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five **(25)** percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
- (4) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off-street and other than in a required front yard.

- (5) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- (6) No wholesale or retail establishment shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, sale, shipment, delivery, or storage of merchandise on or from the premises, provided, however, that articles produced by members of the immediate family residing on the premises may be stored upon the premises.
- (7) There shall be no storage outside a principle building or accessory structure of equipment or materials used in the home occupation.
- (8) The home occupation shall be conducted entirely within the principle residential building or in a private garage accessory thereto.
- (9) There shall be no group instruction in connection with the home occupation.
- (10) Child care, family home may be considered a home occupation in single-family residential districts provided:
 - a. No such use shall be allowed within one thousand **(1,000)** feet of an existing child care family home.
 - b. Such use shall meet or exceed all minimum building requirements, state fire code regulations, all public health regulations, and all state licensing requirements.
 - c. Shall be confined to the hours of **7:00 a.m. to 7:00 p.m.**
 - d. All outdoor play areas shall be located in the rear yard of the property, shall be fenced including the exit from the home to the play area, and any gates shall be self-closing and self-latching.

I have read, understand, and agree to abide by the above requirements of the Dunn City Code Zoning Ordinance. I will limit the number of children receiving care at my home as stated above in the definition of "Family child care home."

Signature: _____ **Date:** _____

Print Name: _____

Home Address: _____

Phone: _____

E-mail: _____

Planning & Inspections Department staff only:

Planning/Zoning reviewer: _____ Approved ____ Denied ____ Date: _____

Fire Inspector: _____ Approved ____ Denied ____ Date: _____

Comments: _____