



## Home Child Care

Dear Resident:

Thank you for your inquiry into establishing a Home Child Care in O'Fallon. I'm sure that providing high quality day care is one of your most important concerns, as it is for the City. The City amended the Code of Ordinances in 2005 to help ensure more uniformity of standards for Home Day Care facilities within the City. We realize the State of Illinois DCFS regulates these very closely. The City's regulations focus primarily on the suitability of the site and its relationship with the neighbors rather than on items already regulated by the State.

Enclosed is a packet of information for your consideration if you desire to proceed with a Home Child Care business. Home Child Care requirements are comprised of three parts:

- Home Occupation Requirements
- Home Child Care Requirements
- Business Registration Requirements

Attached to the forms and checklists you will find the appropriate sections of the City code relating to Home Child Care facilities.

Please do not forward the business registration fee or the zoning permit fee at this time. Once Home Child Care compliance is confirmed, you will then be given instructions to pay the annual \$25.00 business registration fee and a one time zoning permit fee of \$35.00.

Please call me or our Senior Planner at (618)624-4500, Ext. 4, if you need any assistance. Thank you.

Sincerely,  
CITY OF O'FALLON

Ted K. Shekell  
Community Development Director



COMMUNITY DEVELOPMENT DEPARTMENT

255 S. Lincoln Avenue, 2<sup>nd</sup> Floor

O'Fallon, IL 62269

Ph: (618) 624-4500 x4

Fax: (618) 624-4534

**APPLICATION FOR A HOME CHILD CARE**

(Do not write in this space – For office use only)

Date: \_\_\_\_\_

Permit Number: \_\_\_\_\_

**I. APPLICANT INFORMATION**

Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**II. BUSINESS INFORMATION**

Parcel ID: \_\_\_\_\_

Zoning District: \_\_\_\_\_



**Site Plan Submitted** (required for home day cares with four or more children)

Please provide the site plan drawing on a separate page. Drawn to approximate scale, please include the following:

- 1) Dimensions and use of all buildings (show overall dimensions of house including garage if applicable)
- 2) Location of driveways and off-street parking spaces (show distance from lot lines and overall dimensions)
- 3) Location and dimensions of fenced outdoor play areas
- 4) Any additional information as may be reasonably required by the Community Development Department and applicable requirements of Code of Ordinances Section 158.036.

Number of Employees (not including self): \_\_\_\_\_ (All employees must reside on the premises)

Employees' Relationship to Business Owner: \_\_\_\_\_

Will you have an identifying nameplate on the exterior of your home? Yes \_\_\_\_\_ No \_\_\_\_\_

Area of home dedicated to home occupation: \_\_\_\_\_ sq. ft. Total size of home: \_\_\_\_\_ sq. ft.

Will you have an identifying nameplate on the exterior of your home? Yes \_\_\_\_\_ No \_\_\_\_\_

Equipment/supplies used in the home occupation: \_\_\_\_\_

Where will the equipment/supplies be stored? \_\_\_\_\_

Will the home occupation require the use of a trailer? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, provide the size, type, and where parked: \_\_\_\_\_

Will the home occupation require the use of a commercial vehicle? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, provide the size, type, and where parked: \_\_\_\_\_

### III. STATEMENT OF COMPLIANCE

Please initial the boxes below

- ☐ a) Such use shall be conducted entirely within a dwelling and carried on by the inhabitants there and no others. Home occupations may not serve as a headquarters or dispatch center where employees come to the home and are dispatched to other locations.
- ☐ b) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof. Client visitations to the home shall be no more than the range of typical visitations for other residential uses in the area.
- ☐ c) No vehicular or pedestrian traffic generated by a home occupation shall be allowed to cause a nuisance to neighboring properties or block or interfere with the regular flow of traffic within the neighborhood.
- ☐ d) The total area used for such purposes shall not exceed the equivalent of one-half the floor area, in square feet, of the largest floor of the dwelling unit.
- ☐ e) There shall be no advertising, display or other indications of home occupation on the premises, except one unanimated, non-illuminated flat nameplate having an area of not more than one square foot may be permitted, as part of an otherwise authorized "address and Residential Occupant Sign," subject to other requirements of the Sign Code. Such nameplate must be on the building.
- ☐ f) No in-person sales transactions, such as selling stocks of merchandise, supplies, or products may be filled on the premises, provided that orders previously made by telephone or at a sales party may be delivered or received on site subject to limits on the level of activity set forth above.
- ☐ g) There shall be no exterior storage on the premises or public right-of-way of material or equipment used in the home occupation, nor of any highly explosive or combustible material.
- ☐ h) Not more than one (1) trailer associated with the home occupation may be allowed on the premises, subject to the following requirements:
  - 1) Such trailer may not exceed 8 feet wide or 25 feet long.
  - 2) If the trailer has no visible equipment, whether it is an enclosed trailer or an empty flat bed trailer, it may be parked in the driveway. If equipment is visible, the trailer must be parked inside a garage.
  - 3) Such trailer must be able to enter and exit the premises by way of an improved, dust-free surface.

- ☐ i) The home occupation shall allow no more than one (1) commercial vehicle parking on the premises, subject to the following additional requirements:
- 1) The commercial vehicle is limited to a passenger car, van, pickup truck or service vehicle with a License Category of B, C, or D and vehicle weight of up to 12,000 pounds.
  - 2) Parking or storage of any vehicles used as a tool in the business (tow trucks, tree removers, etc.) in connection with the home occupation is prohibited on premises, unless fully concealed in the dwelling or accessory residential building. Exception: parcels in the Agricultural zoning district will be permitted to store equipment and vehicles consistent with agricultural operations as outlined in the Zoning Code.
- ☐ j) Parking or storage of, or delivery by, heavy equipment including, but not limited to, back hoes, skid loaders, dump trucks, and other similar items on the premises, is prohibited. This shall include businesses where the home is the base of operations where heavy equipment would be dispatched from the home and would create noticeable traffic to and from the home. Exception: parcels in the Agricultural zoning district will be permitted to store equipment and vehicles consistent with agricultural operations as outlined in the Zoning Code.
- ☐ k) There shall be no noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line from any business activity and all activity shall comply with applicable building and fire codes.
- ☐ l) In addition to other restrictions, the following types of uses are also prohibited: service, repair, or painting of any motorized vehicle, including, but not limited to, motor vehicles, trailers, boats, personal watercraft, recreation vehicles, and snowmobiles where the work is done on the premises where the home occupation is located; headquarters or dispatch centers where employees or contractors arrive or depart; contracting, excavating, welding, or machine shops where the work is done on the premises where the home occupation is located; tow truck services where the tow truck is stored on site; the sale, lease, trade, or other transfer of firearms or ammunition; sale or use of hazardous materials in excess of consumer quantities packaged for consumption by individual households for personal care or household use; and any other use of residential property that is detrimental or inconsistent with the residential character of the neighborhood.
- ☐ m) Exemptions: The following home occupations shall be exempt from obtaining a Home Occupation Permit, provided that all other criteria and conditions established in this Section are complied with at all times of such accessory use:
- 1) Mere home offices used for telecommuting to a primary off-site business location;
  - 2) Home-based direct sale of products and distribution in which any corporate activity is registered at another address and provided that (1) any sales parties or demonstrations are conducted off-site, and (2) the home-based business activity is not registered or required to be registered under the provisions of the Retailers' Occupation Tax Act (35 ILCS 120/) or Chapter 805 of the Illinois Compiled Statutes.

#### IV. AUTHORIZATION TO APPLY

Application is hereby made for a Certificate of Zoning Compliance, as required under the Code of Ordinances of the City of O'Fallon, Illinois, for permission to operate a Home Child Care. In making this application, the applicant represents all of the information above and any attachments to be a true description of the proposed Home Occupation. The applicant agrees to abide by all requirements set forth in Section 158.038(B) "Home Occupations" and Section 158.038(V) "Home Child Care" of the Code of Ordinances of the City of O'Fallon. The applicant agrees that the permit applied for, if granted, is issued on the representations made herein and that any permit issued may be revoked without notice on any breach of representation or conditions. It is understood that any permit issued on this application will not grant right of privilege to operate a Home Occupation or to use any premises described for any purpose or in any manner prohibited by the Code of Ordinances, or by other ordinances, codes or regulations of O'Fallon, Illinois.

**Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

*(If applicant is not the property owner, please refer to the "Attachment to Home Occupation Permit" in this packet.)*

#### STAFF USE ONLY

##### Staff Planner Review:

Reviewed by: \_\_\_\_\_ **Date:** \_\_\_\_\_

##### Community Development Department Director Approval:

Approved by: \_\_\_\_\_ **Date:** \_\_\_\_\_

##### **Variance Approval (if necessary):**

On \_\_\_\_\_, 20\_\_\_\_\_, a public hearing was held on this application before the Zoning Hearing Officer. The application was ***approved / denied*** (CIRCLE ONE) on \_\_\_\_\_, 20\_\_\_\_\_.

**Remarks:** \_\_\_\_\_

\_\_\_\_\_

Community Development Department  
255 South Lincoln Avenue  
O'Fallon, IL 62269  
Phone: 618-624-4500 Ext. 4  
Fax: 618-624-4534



## ATTACHMENT TO HOME OCCUPATION PERMIT

This Attachment to Home Occupation Permit is to be used when the applicant or business owner is not the property owner of record. The attachment is completed by the owner of the property.

DATE: \_\_\_\_\_

TO: COMMUNITY DEVELOPMENT DEPARTMENT  
City of O'Fallon

Purpose: Authorization to Operate Home Occupation

I, \_\_\_\_\_, owner of the property located at  
\_\_\_\_\_,

have reviewed and authorized the operation of the home occupation at the listed location.

Sign: \_\_\_\_\_

Date: \_\_\_\_\_

Print name: \_\_\_\_\_



# CITY OF O'FALLON APPLICATION FOR BUSINESS REGISTRATION

\$25.00 Annual Fee

Business Start Date \_\_\_\_\_ New ☐ Renewal ☐

Please contact the City Clerk's Office at 618-624-4500 ext. 8724 with any questions.

Home-based businesses must also complete a Home Occupation Permit. Contact CDD at (618)-624-4500 EXT. 4.

1. BUSINESS NAME \_\_\_\_\_ TELEPHONE # \_\_\_\_\_

2. BUSINESS ADDRESS \_\_\_\_\_

3. MAILING ADDRESS \_\_\_\_\_

(IF DIFFERENT) ADDRESS CITY STATE ZIP CODE

4. BUSINESS OWNER \_\_\_\_\_

NAME TELEPHONE NUMBER EMAIL ADDRESS

ADDRESS CITY STATE ZIP CODE

5. CORPORATE NAME & CONTACT \_\_\_\_\_

NAME

CORPORATE ADDRESS

TELEPHONE NUMBER EMAIL ADDRESS

7. IL DEPARTMENT OF REVENUE SALES TAX # (IBT) \_\_\_\_\_

8. FEDERAL EMPLOYEE IDENTIFICATION # (FEIN) \_\_\_\_\_

9. PLEASE LIST AND ATTACH A COPY OF ANY FEDERAL, STATE, OR COUNTY  
LICENSES/CERTIFICATES \_\_\_\_\_

10. TYPE OF BUSINESS \_\_\_\_\_

11. NUMBER OF EMPLOYEES – PART-TIME \_\_\_\_\_ FULL-TIME \_\_\_\_\_

12. PLEASE LIST THE TYPE AND LOCATION OF ANY TOXIC, FLAMMABLE, OR HAZARDOUS  
MATERIALS STORED AT THE BUSINESS LOCATION. ATTACH ADDITIONAL SHEET IF NECESSARY.

13. DOES YOUR BUSINESS REQUIRE A CITY OF O'FALLON FOOD SERVICE LICENSE? ☐ YES

☐ NO

If yes, please attach a copy of the St. Clair County Health Certificate and an additional \$25.00 payment.

Applicant's Signature \_\_\_\_\_

Date of Submission \_\_\_\_\_

|                                                                                                                                                                                              |                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| INTERNAL USE ONLY                                                                                                                                                                            | ZONING CLASSIFICATION OF PROPERTY |
| DATE APPROVED FOR PURPOSE USE: _____ <input type="checkbox"/> COMMERCIAL OCC. REQUIRED DATE OF INSPECTION: _____                                                                             |                                   |
| <input type="checkbox"/> REQUIRED <input type="checkbox"/> SPECIAL USE <input type="checkbox"/> REZONING <input type="checkbox"/> SPEC. HOME OCC. <input type="checkbox"/> HOME SALES OFFICE |                                   |
| COMMUNITY DEVELOP DEPT. APPROVAL SIGNATURE _____ DATE _____                                                                                                                                  |                                   |

O'FALLON DEPARTMENT OF PUBLIC SAFETY  
EMERGENCY CONTACT FORM

O'Fallon Chief of Police  
Eric Van Hook

Date \_\_\_\_\_

The information on the form will be used for situations that may arise after business hours, such as an unsecured building, alarm activation, fire, or criminal activity.

Business Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

E-Mail \_\_\_\_\_  
Type of Business \_\_\_\_\_

Owner Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_

Emergency Contacts (please list in calling order, name, address, and phone)

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_

Does business have a commercial burglar/fire alarm?      Yes      No  
Alarm Company \_\_\_\_\_  
Address \_\_\_\_\_  
Phone Number \_\_\_\_\_

Please note: Ord. 3639, 96.03 states that any person, business or corporation residing or doing business in the city or, in the area served by the O'Fallon Fire Department, or having on the person's or its premises a burglar alarm or fire alarm which transmits two false alarms within a 30 day period shall upon the third transmission of a false alarm be charged a service fee of \$100.00 for each transmission of a false alarm thereafter for that 30 day period. The Director of Public Safety shall notify the person, business or corporation of the service fee in writing, setting forth the service fee owed for that 30-day period. The person, business or corporation receiving such notification shall within 15 days of receipt thereof pay to the city the service fee owed.

Does the business have a safe?      \_\_\_ Yes      \_\_\_ No  
Location \_\_\_\_\_

Do you offer a Wi-fi Connection? \_\_\_\_\_

Do you have surveillance cameras?      \_\_\_ Yes      \_\_\_ No      Retention Period: \_\_\_\_\_      Live view: \_\_\_\_\_  
Locations covered by cameras: \_\_\_\_\_

Please notify O'Fallon Public Safety, if any of the following information changes.

By mail:      285 N. Seven Hills  
By phone:      624-4545 Fax: 632-6370



## Home Child Care Application Checklist

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**Below is a checklist of requirements for the Home Child Care Application. Failure to meet any of the following requirements could lead to denial and/or delay in issuance of the permit.**

### **Logistical Requirements**

- ☐ If you rent your residence, written permission from owner approving the use is obtained and submitted together with application. If the owner is represented by a landlord/property manager, provide a statement from the landlord/property manager indicating that the landlord/property manager has the legal authority to act on the owner's behalf.
- ☐ State of Illinois Department of Children & Family Services licensure for the specified address has been obtained and submitted together with application
- ☐ If subject property's neighborhood has a Home Owners Association, the use application complies with its covenants and restrictions
- ☐ The use and site fully comply with all applicable federal, state and local laws.

### **Physical / Architectural Requirements (only required for home child care with four or more children)**

- ☐ A permanent, four foot (4 ft) fence around all designated outdoor play areas is provided
- ☐ Safe, efficient and neighborhood-compatible ingress and egress design and turn-around capacity are incorporated into the site plan
- ☐ A site plan reflecting compliance with all applicable site requirements is submitted

### **Zoning Ordinance Compliance**

- ☐ Zoning of property is SR-1, SR-1B, SR-2, SR-3, RR, MR-1, MR-2, MH-1, or MH-2 District or satisfies the general requirements for a Special Use Permit under Section 158.038(V) of the code
- ☐ Number of children is limited to eight (8), including the caregiver's own natural, adopted, or foster children, related children, and unrelated children under age 12 living in the home.
- ☐ Hours of operation do not exceed amounts permitted by the state license.
- ☐ Only inhabitants of the residence are/will be employees

\*\*\*Upon approval, a one-time zoning permit fee of \$ 35.00 and the Business Registration fee of \$ 25.00, payable to the City of O'Fallon.

***Note: The zoning authorization and site plan approval may be revoked by the Community Development Director if any of the requirements herein are at any time not satisfied during Home Child Care use. Petitions for application denial/revocation can be submitted to the Director, appealing to the City Council.***

**EXCERPT FROM THE CITY OF O'FALLON CODE OF ORDINANCES  
FOR REGULATING HOME OCCUPATION BUSINESS ACTIVITIES**

(For Informational Purposes Only)

**Section 158.016 DEFINITIONS.**

**HOME OCCUPATION, ACCESSORY USE.**

(1) Activity conducted in a dwelling unit as an economic enterprise or for compensation by members of the household residing therein that is clearly incidental and secondary to the use of the dwelling unit for residential purposes. For purposes of this definition, “activity” shall be presumed to include any activity occurring in whole or part from a residence in the city that is:

- (a) Required to be licensed by the state;
- (b) Operating under an incorporated entity under applicable law or required to be so incorporated; or
- (c) Otherwise determined to be a business activity operating out of the home by the Planning Director based on the character of the activity at the location such as:
  - 1. Use of residential location on marketing or other materials;
  - 2. Customer visits;
  - 3. Signage; and
  - 4. Deliveries or other activities of a degree or nature that are not typical of purely residential uses.

(2) *HOME OCCUPATIONS* shall include, but not be limited to:

- (a) Office uses, including web-based businesses;
- (b) Art studio or home crafts including, but not limited to, quilting, sewing, jewelry making, home cooking for sale off-site;
- (c) Teaching, with instruction limited to three pupils at a time; and
- (d) Home day care.

**Section 158.038(B) SUPPLEMENTARY USE AND BULK REGULATIONS.**

(B) *Home occupations.* Home occupations are required to obtain a home occupation permit, subject to compliance with all requirements herein and with such additional conditions, where applicable, as established by the Community Development Department. The permit shall be applied for on such form as established by the Director, and shall be approved, denied or conditioned by the Director as necessary to conform to the requirements herein. In any district where home occupations are permitted, the establishment and continuance of a home occupation shall be subject to the following requirements.

- (1) Such use shall be conducted entirely within a dwelling and carried on by the inhabitants there and no others. Home occupations may not serve as a headquarters or dispatch center where employees come to the home and are dispatched to other locations.

- (2) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof. Client visitations to the home shall no more than the range of typical visitations for other residential uses in the area.
- (3) No vehicular or pedestrian traffic generated by a home occupation shall be allowed to cause a nuisance to neighboring properties or block or interfere with the regular flow of traffic within the neighborhood.
- (4) The total area used for such purposes shall not exceed the equivalent of one-half the floor area, in square feet, of the largest floor of the dwelling unit.
- (5) There shall be no advertising, display or other indications of home occupation on the premises, except one unanimated, non-illuminated flat nameplate having an area of not more than one square foot may be permitted, as part of an otherwise authorized address and residential occupant sign, subject to other requirements of §§ [158.160](#) through [158.168](#). Such nameplate must be on the building.
- (6) No in-person sales transactions, such as selling stocks of merchandise, supplies or products may be filled on the premises; provided that, orders previously made by telephone or at a sales party may be delivered or received on site subject to limits on the level of activity set forth above.
- (7) There shall be no exterior storage on the premises or public right-of-way of material or equipment used in the home occupation, nor of any highly explosive or combustible material.
- (8) Not more than one trailer associated with the home occupation may be allowed on the premises, subject to the following requirements.
  - (a) Such trailer may not exceed eight feet wide or 25 feet long.
  - (b) If the trailer has no visible equipment, whether it is an enclosed trailer or an empty flat bed trailer, it may be parked in the driveway. If equipment is visible, the trailer must be parked inside a garage.
  - (c) Such trailer must be able to enter and exit the premises by way of an improved, dust-free surface.
- (9) The home occupation shall allow no more than one commercial vehicle parking on the premises, subject to the following additional requirements.
  - (a) The commercial vehicle is limited to a passenger car, van, pickup truck or service vehicle with a license category of B, C or D and vehicle weight of up to 12,000 pounds.
  - (b) Parking or storage of any vehicles used as a tool in the business (tow trucks, tree removers and the like) in connection with the home occupation is prohibited on premises, unless fully concealed in the dwelling or accessory residential building. Exception: parcels in the Agricultural Zoning District will be permitted to store equipment and vehicles consistent with agricultural operations as outlined in the Zoning Code.
- (10) Parking or storage of, or delivery by, heavy equipment including, but not limited to, back hoes, skid loaders, dump trucks and other similar items on the premises, is prohibited. This shall include businesses where the home is the base of operations where heavy equipment would be dispatched from the home and would create noticeable traffic to and from the home. Exception: parcels in the Agricultural zoning district will be permitted to store equipment and vehicles consistent with agricultural operations as outlined in the Zoning Code.

- (11) There shall be no noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line from any business activity and all activity shall comply with applicable building and fire codes.
- (12) In addition to other restrictions, the following types of uses are also prohibited: service, repair or painting of any motorized vehicle, including, but not limited to, motor vehicles, trailers, boats, personal watercraft, recreation vehicles and snowmobiles where the work is done on the premises where the home occupation is located; headquarters or dispatch centers where employees or contractors arrive or depart; contracting, excavating, welding or machine shops where the work is done on the premises where the home occupation is located; tow truck services where the tow truck is stored on site; the sale, lease, trade or other transfer of firearms or ammunition; sale or use of hazardous materials in excess of consumer quantities packaged for consumption by individual households for personal care or household use; and any other use of residential property that is detrimental or inconsistent with the residential character of the neighborhood.
- (13) Exemptions: The following home occupations shall be exempt from obtaining a home occupation permit; provided that, all other criteria and conditions established in this section are complied with at all times of such accessory use:
- (a) Mere home offices used for telecommuting to a primary off-site business location; and
  - (b) Home-based direct sale of products and distribution in which any corporate activity is registered at another address and provided that:
    - 1. Any sales parties or demonstrations are conducted off-site; and
    - 2. The home-based business activity is not registered or required to be registered under the provisions of the Retailers' Occupation Tax Act (ILCS Ch. 35, Act 120) or ILCS Ch. 805

\*For Home Daycare, also see **Section 158.038(V) Home child care** for additional regulations.

EXCERPT FROM THE CITY OF O'FALLON CODE OF ORDINANCES  
FOR REGULATING HOME CHILD CARE FACILITIES  
(For Informational Purposes Only)

Section 158.038(V): HOME CHILD CARE

1. Home child care shall be a permitted accessory use to a residential dwelling and subject to all home occupation requirements within an SR-1, SR-1B, SR-2, SR-3, RR, MR-1, MR-2, MH-1 or MH-2 District; provided that, for any home child care use for four or more children, the following site and use requirements shall be satisfied at all times:
  - (1) Any residence, which is renter-occupied, shall provide written permission from the property owner approving the use of the residence for home health care.
  - (2) Proof of licensure from the State Department of Children and Family Services for the specified address.
  - (3) Construction of a permanent, four-foot fence around all designated outdoor play areas located on the subject property. All play equipment shall be kept in good repair.
  - (4) Adequate street access, turn-around capacity and safe and efficient ingress and egress design so as to not interfere with neighboring properties or area traffic.
  - (5) Inspection by city staff when approved for use by state license to ensure adherence to current building codes and fire codes prior to issuance of permit.
  - (6) Number of children is limited to eight, including the caregiver's own natural, adopted or foster children, related children and unrelated children under age 12 living in the home. This does not include facilities which receive only children from a single household.
  - (7) Hours of operation shall not exceed amounts permitted by the state license, however children received by a home child care facility must be for less than 24 hours per day.
  - (8) When a home child care is in violation of certain covenants and restrictions adopted through a homeowner's association, Board of Trustees or other subdivision governing body, the city does not enforce or take into account private covenants when granting home child care permits.
  - (9) Employees are limited to only inhabitants of the residence in accordance with § [158.038](#)(B) of this chapter.

- (10) The use and site fully complies with all applicable federal, state and local laws.
- (11) An approved site plan reflecting compliance with all applicable site requirements.
- (12) The zoning authorization and site plan approval may be revoked by the Director if any of the requirements herein are at any time not satisfied during home child care use.
  - (a) Where the facility does not fully qualify as a permitted accessory use but satisfies the general requirements for a special use permit established by this code and otherwise meets the purposes of this section, and granting such permit is necessary to satisfy the public interest, then a home child care may be approved as an accessory use to a residential dwelling by special use permit in any SR-1, SR-1B, SR-2, SR-3, RR, MR-1, MR-2, MH-1 or MH-2 District.
  - (b) Any person aggrieved by a decision of the Director in approving or denying zoning authorization for a home day care and site plan as meeting the requirements set forth herein as a permitted use may be appealed to the City Council by filing a written appeal with the Director within ten days after the decision, which shall stay such decision until Council action. Council decision on the appeal shall occur at its next regular meeting after filing of such appeal, unless the Council extends such time for good cause.