

**CITY OF NORWALK  
REPORT TO THE NORWALK PLANNING COMMISSION**

**ITEM:** Discussion and recommendation regarding Home Occupation section of the Zoning Ordinance in relation to in-home daycares

**MEETING DATE:** November 23, 2015

**STAFF CONTACT:** Luke Parris, AICP  
City Planner

**GENERAL DESCRIPTION:** At meetings on July 27<sup>th</sup>, August 10<sup>th</sup>, and August 24<sup>th</sup>, the Planning and Zoning Commission held public hearings, discussed, and recommended to City Council various amendments to the City of Norwalk Zoning Ordinance. Part of these amendments dealt with the topic of in-home child care. The original Planning and Zoning Commission recommendation, included as Attachment A, allowed for in-home child care providers registered with the Iowa Department of Human Services as Category A, B or C-1 and allowed for Category C-2 providers through the issuance of a special use permit, to be review by the City of Norwalk Board of Adjustment.

Concerns were raised regarding the special use permits for C-2 providers during subsequent public hearings and deliberation at the City Council. The City Council directed staff to collect more research on the topic and requirements of the Iowa Department of Human Services. Staff presented these findings at a City Council work session. The City Council directed staff to make changes to the Home Occupation section to remove the requirement for a C-2 provider to obtain a special use permit.

Staff amended the Home Occupation section, included as Attachment B, to allow C-2 providers as a home occupation without the need to obtain a special use permit. City Council directed staff to take the revised Home Occupation section back to the Planning and Zoning Commission for additional review and recommendation.

**STAFF RECOMMENDATION:** Staff recommends approval of the amended section, as shown in Attachment B.

**PLANNING AND  
ZONING ACTION:**

The Planning and Zoning Commission can consider several courses of action:

1. Recommend approval of the amended Home Occupation section as presented in Attachment B.
2. Recommend approval of the amended Home Occupation section as presented in Attachment B with additional changes as discussed and agreed upon by the Commission.
3. Recommend no changes to the Home Occupation section.

**Attachment "A"****HOME OCCUPATIONS**

17.04.300 Home Occupations. This section is intended to protect residential areas from potential adverse impacts of activities defined as home occupations without eliminating certain businesses and occupations that may be compatible with residential areas. These regulations establish criteria to permit residents of the community a broad choice in the use of their homes as a place of livelihood in the production or supplementation of personal/family income. Home occupations apply only to the residents that are living in the home where the occupation is taking place.

17.04.301 Permitted Home Occupations. The following operations and/or uses are considered permitted in any district that allows household living:

- A. Home sewing or tailoring.
- B. Studios for painting, sculpting, ceramics or other similar arts.
- C. Writing or editing.
- D. Office activities (scheduling, telephone answering, etc.) requiring a limited number of trips to the home.
- E. Production of crafts such as handiwork, model-making, weaving, lapidary, and wood working for the purpose of selling a product off-premise.
- F. Tutoring to no more than four (4) students at any one time.
- G. Home-cooking, preserving and baking for the purpose of selling a product off-premise.
- H. Computer programming, repair, internet services and similar occupations.
- I. Mail order business where products are shipped directly from an off-site supplier to the customer.
- J. Office for architects, engineers, realtors, accountants, or similar occupations.
- K. In-home child care home or child development home, provided the following requirements are met:
  1. All child care homes and child development homes shall be registered, as required, with the Iowa Department of Human Services (DHS) and shall be in current, good standing.
  2. Only a child development home registered as either a Category A, Category B, or Category C with one provider (C-1), as defined by DHS on July 1, 2015, shall be permitted. In no case shall an in-home child care service exceed twelve (12) children, with no more than eight (8) being considered full time, except as may be specially permitted in item 3 below.
  3. A child development home registered as a Category C with 2 two providers (C-2), as defined by the DHS on July 1, 2015, may be permitted subject to approval of a Special Use Permit in accordance with Chapter 17.90 of this ordinance and the following:
    - i. The Special Use Permit shall be valid for a period of time no greater than two (2) years.
    - ii. The in-home child care service shall not exceed sixteen (16) children.

- iii. If during the term of the Special Use Permit, the City receives written complaints from two or more property owners **that are within 200 feet of the subject property**, the Special Use Permit may, at the discretion of the City Zoning Administrator, be reviewed by the Board of Adjustment at a public hearing. At the hearing, the Board may revoke the Special Use Permit or place additional restrictions on the operation of the child development home to address the complaints.
  4. All Category B and Category C child development homes shall have all outdoor play areas fully enclosed with a minimum six (6) foot tall privacy fence or wall and hours of operation shall be limited to between 6:00 a.m. and 7:00 p.m., Monday through Friday.
  5. All child care homes and child development homes shall register with the City prior to the start of operation and thereafter on an annual basis.
  6. All child care homes and child development homes shall follow all other requirements of this chapter, applicable zoning codes, and applicable building codes.
  7. No in-home child care service shall be allowed that does not meet items 1 through 6 above.
- L. Barber shops and beauty parlors.
  - M. Small repair shops, including engines, small appliances, mower repair, blade sharpening and similar uses.
  - N. Catering businesses.
  - O. Private construction contractors provided there shall be no storage of machinery, construction equipment, and similar products except in an enclosed private garage.
  - P. Bed and breakfast establishments.
  - Q. State licensed massage therapists having no age requirement for admittance.
  - R. Other uses and/or activities that are similar to the uses stated above or that conform to the intent of this chapter, as determined by the Community Development Department.

17.04.302 Restrictions for All Home Occupations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

- A. Not more than one (1) person who is not a resident on the premises shall be employed.
- B. No alteration of the principal residential building shall be made which changes the character and appearance thereof as a dwelling.
- C. There shall be no outdoor storage of equipment or materials used in the home occupation. Not more than one (1) vehicle and one fully enclosed cargo trailer, which is less than 17 feet in length, used in commerce in connection with any home occupation shall be parked on either the property or on public streets.
- D. Off-street parking space shall be adequate to accommodate the parking demand generated by the home occupation.

- E. No sign, other than one (1) unlighted sign not over one (1) square foot in area attached flat against the dwelling and displaying only the occupant's name and occupation, shall advertise the presence or conduct of the home occupation.
- F. Shall not cause an adverse impact on the neighborhood, as determined by the Zoning Administrator.

17.04.303 Guidelines for Determining the Appropriateness of All Home Occupations. The following shall be used by the Zoning Administrator to determine if a Home Occupation is appropriate and/or having an adverse impact on the neighborhood:

- A. An average of no more than twenty-five (25) percent of the floor area of the dwelling unit shall be devoted to the home occupation.
- B. No stock of goods shall be displayed or sold on the premises in excess of thirty (30) cubic feet in volume.
- C. The home occupation shall be conducted entirely within the principal dwelling unit or an average of six hundred (600) square feet of floor area in a permitted building accessory.
- D. No home occupation shall be apparent to adjoining residences and from any public street.
- E. No mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisance outside the residential or accessory structure.
- F. No home occupation shall be noxious, offensive, or hazardous by reason of vehicular traffic generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emissions.
- G. Employment for home occupations shall be limited to family members residing in the principal structure and one additional employee that is not a family member residing in the principal structure.
- H. Home occupations are limited to one operation per lot, and rental property must have landlord approval prior to operation.
- I. Except for an in-home a child care home or a child development home (daycare), home-based businesses may generate no more than 25 vehicle trips per day.
- J. Delivery or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.

17.04.304 Violations. Any violation of this section shall be grounds for a cease and desist order and punishable as a municipal infraction.

Attachment "B"

**HOME OCCUPATIONS**

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  - 3. ~~A child development home registered as a Category C with 2 two providers (C-2), as defined by the DHS on July 1, 2015, may be permitted subject to approval of a Special Use Permit in accordance with Chapter 17.90 of this ordinance and the following:~~
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~~4.3.~~ All Category B and Category C child development homes shall have all outdoor play areas fully enclosed with a minimum six (6) foot tall privacy fence or wall. ~~and h~~ Hours of operation shall be limited to between 6:00 a.m. and 7:00 p.m., Monday through Friday.

~~5.4.~~ All child care homes and child development homes shall register with the City prior to the start of operation and thereafter on an annual basis.

~~6.5.~~ All child care homes and child development homes shall follow all other requirements of this chapter, applicable zoning codes, and applicable building codes.

~~7.6.~~ No in-home child care service shall be allowed that does not meet items 1 through ~~6-5~~ above.

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