

Sec. 42-2. Definitions and rules of construction.

(b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Child care home means a single-family detached, duplex or townhouse dwelling which offers care, protection and supervision for compensation to more than four (4), but not more than twelve (12), children at a time during any 24-hour period, and then only for part of any 24-hour day.

Sec. 42-197. Child care home and child care centers.

Child care homes and centers (collectively, facilities are permitted, provided they comply with the following standards):

- (1) Child care facilities shall be registered with the county pursuant to the county code. Child care homes shall close to the public not later than 7:00 p.m. each day and shall not reopen to the public earlier than 6:00 a.m. the following day.
- (2) When calculating the total number of children cared for, resident children under the age of 14 shall be included.
- (3) The home shall be the principal residence of the operator of the child care home.
- (4) The facility shall comply with any and all requirements of the county and state codes.
- (5) Unless exempted by subsection (6) of this section, a minimum of 75 square feet per child of outdoor play space shall be provided on the lot the child care facility is located on and shall be shown on a schematic plan of the lot at the time of issuance of a zoning permit. A fence at least 3½ feet in height shall completely enclose the play area so that children are safely contained inside, and that all persons entering the play area are within direct line of sight from the child care center classroom areas.
- (6) No play area shall be required on site when it is demonstrated that the child care home or center is located with 1,000 feet of an existing park or play space of at least two times the size required for the child care home, providing that such park or play space may be accessed without crossing an arterial or collector road. Such park or play space shall either be a public park or play space or shall be dedicated to such uses as part of a local community association.
- (7) No play equipment at child care facilities shall be located within any required front yard setback or within five feet of any side or rear lot line. All play areas at child care facilities shall be safely segregated from parking, loading or service areas.
- (8) Parking areas at child care facilities shall be designed to enhance the safety of children as they arrive at and leave the facility.
- (9) Child care facilities shall have a designated pickup and delivery zone located on the property of or adjacent to the child care facility structure in such a way that children do not have to enter or cross vehicular travel ways in order to enter or exit the facility. Such areas, parking spaces or zones designated for pickup and delivery of children shall not be located within vehicular travel ways, but may be located within on-street parking areas provided the requirements of this subsection and subsection (8) above are met.

- (10) Persons operating child care facilities shall obtain a business license and pay the business license tax as described in article IV of chapter 18, business license taxes. Child care homes operated as home occupations shall be subject to section 42-199.

(Ord. of 9-21-2006, § 3-1(b)(iii))

Sec. 42-199. Home occupations.

Home occupations may be conducted in a residence provided:

- (1) Residents of the dwelling and one nonresident employee shall be permitted to be engaged in a home occupation business, provided that for child care homes, not more than two (2) staff caregivers, as required by and subject to the regulations of 22 VAC 40-180-110 of the Virginia Administrative Code, who are not residents of the dwelling shall be engaged or employed in the home occupation business.
- (2) The use of a dwelling for home occupations shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area may 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. Internal alterations or construction modifications not customary on dwellings shall be prohibited.
- (4) No outside storage shall be used in conjunction with the home occupation.
- (5) Signs shall not be permitted.
- (6) The preparation of food or the hand manufacture of other products is permitted if it complies with other standards in this section.
- (7) No goods, products or commodities made on the premises or bought or secured for the express purpose of resale shall be sold on the premises directly to customers who come to the premises. This prohibition does not apply to the sale of goods, products or commodities over the internet from the premises by residents of the premises in which case customers do not come to the premises.
- (8) No traffic shall be generated by such home occupation in greater volume than would normally be anticipated in a residential neighborhood. No expansion of parking areas on the site shall be permitted for home occupation activity.
- (9) Deliveries or pickups shall be allowed only between the hours between 9:00 a.m. and 6:00 p.m. Not more than two trips per day shall be permitted for such purposes. Regular pickups and deliveries shall not be made by tractor-trailer trucks.
- (10) 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 beyond limits of the parcel of property. 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.
- (11) No hazardous materials may be manufactured, stored, processed or disposed of on the premises.
- (12) Persons conducting a home occupation shall obtain a business license and pay the business license tax as described in article IV of chapter 18, business license taxes.

(13) An application for home occupation shall be completed by the applicant and approved by the zoning administrator prior to the commencement of the home occupation.

(Ord. of 9-21-2006, § 3-1(b)(v))