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ACCESSORY USE PERMIT APPLICATION

Small Home Day Care

(Please print clearly)

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

Property Address: \_\_\_\_\_ Zip \_\_\_\_\_

Contact Numbers: Home \_\_\_\_\_ Work \_\_\_\_\_ Mobile \_\_\_\_\_

E-mail address: \_\_\_\_\_

**(All correspondence will be e-mailed to this address unless otherwise requested.)**

Residence Type:  Single-family detached home  Multi-family Townhouse  
 Manufactured home  Single-family attached (duplex)  Multi-family Apartment

Name of Home Day Care: \_\_\_\_\_

Total square feet of the residence: \_\_\_\_\_ square feet

Total square feet of the **indoor area** that will be used for the home day care: \_\_\_\_\_ square feet  
(not to exceed 500 square feet)

Total square feet of the **outdoor area** that will be used for the home day care: \_\_\_\_\_ square feet  
(not required for small home day cares; however if provided, a minimum of 75 square feet per child is required)

1. Total number of persons employed at the residence (including owner): \_\_\_\_\_
2. Total number of persons in question #1 who are **NOT** full-time residents in the dwelling: \_\_\_\_\_
3. Number of children (not related to the owner) being cared for at this for residence: \_\_\_\_\_
4. Estimated number of children that will come to the residence per day: \_\_\_\_\_  
a) how often? \_\_\_\_\_ b) how many at one time? \_\_\_\_\_ c) at what time of day? \_\_\_\_\_
5. Number of available parking spaces for the residence: \_\_\_\_\_  
(Do **NOT** include on-street parking and/or adjacent lots. A minimum of 3 off-street parking spaces are required).
6. Will the activity:  
- be visible from any adjacent street or property line of the address specified above? Yes No  
- use any form of on-site advertising on your vehicle? Yes No  
- use any form of on-site advertising on the premises? Yes No

7. Please explain or describe any activity that was answered yes in item #6:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Requirements:**

- \* There shall be no devices on the property, or other signs of the home occupation, which are visible from outside the residence.
- \* All vehicles used in connection with a home occupation shall be of a size, and located on the premises in such a manner so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are no more than two vehicles per home occupation.
- \* A privilege license is required (Contact Finance Department, 919-460-4952).
- \* A Building Inspection is required prior to the issuance of this permit (Contact Inspections and Permits Department, 919-469-4043).
- \* If an outdoor play area is provided, it must have an opaque fence at least four feet tall around the play area (The entire yard does not need to be fenced).
- \* Proof of property owner’s approval is required if the daycare provider is not the owner of the property.
- \* Please note some Homeowners Associations (HOA) may prohibit home based businesses and home day cares. It is your responsibility to check with your HOA to ensure home day cares are permitted. HOA covenants and restrictions may override zoning permits.
- \* A License from NC Department of Health and Human Services may be required (Contact HDDS, 919-362-9675).
- \* No on-street or tandem parking is permitted for employees or customers dropping off or picking up children.

I hereby certify that I am making application for myself and that the statements given are true to the best of my knowledge.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of property owner, if different from above

\_\_\_\_\_  
Date

*Please read the above application carefully and ensure all sections are completed. Incomplete applications will be returned within **3 days** from receipt. Non-response from applicant after **15 days** will cause the application to be considered **denied** and a new application fee shall be required for future re-submittals.*

*This permit is valid only as long as the use meets the provisions for home occupations specified in the Zoning Ordinance and may be revoked any time the use does not meet the provisions of the Zoning Ordinance or other applicable ordinances. The permit is not transferable.*

- Attachments: Cary Land Development Ordinance ([http://www.amlegal.com/library/nc/cary\\_ldopdf.shtml](http://www.amlegal.com/library/nc/cary_ldopdf.shtml))  
 Chapter 5:  
 - Table 5.1-1 Table of Permitted Uses  
 - 5.3.2 General Standards and Limitations  
 - 5.3.4(C) Home Occupations

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***Please deliver a copy of this completed application to Inspections and Permits Department (Attn: Jeph Allen; 919-469-4336) prior to operating your small home day care.***  
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### 5.3.2 General Standards and Limitations

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(A) **Compliance with Ordinance Requirements**

All accessory uses and accessory structures shall conform to the applicable requirements of this Ordinance, including the use regulations of Chapter 5 and the dimensional standards of Chapter 6. The provisions of this section establish additional requirements and restrictions for particular accessory uses and structures.

(B) **Approval of Accessory Uses and Structures**

Unless otherwise specified in this Section, any accessory use or accessory structure shall be treated as a permitted use in the zoning district in which it is located. An accessory use or structure may be approved in conjunction with approval of the principal use or structure.

(C) **Accessory Use Permit**

Some accessory uses in this Section require the issuance of an Accessory Use Permit consistent with the requirements set forth in Section 3.5 of this Ordinance.

- (4) Storage or parking of all boats, recreational vehicles, and utility or travel trailers allowed by this Section shall be located within side or rear yards.

### 5.3.4(C) Home Occupations

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A home occupation shall be permitted as accessory to any principal dwelling unit, provided that:

- (1) **Accessory Use Permit Required** - Prior to establishing the home occupation, the operator shall obtain an Accessory Use Permit pursuant to the procedures set forth in Section 3.5, upon a finding that the proposed use meets all of the standards set forth below.
- (2) **Size/Area** - The business or service is located within the dwelling or an associated accessory building, and does not exceed 20 percent of the combined floor area of the structures or 500 square feet, whichever is less.
- (3) **Employees and Residency** - The principal person or persons providing the business or service resides in the dwelling on the premises and employs no more than one person who does not reside on the premises.
- (4) **Neighborhood Compatibility**
- (a) The home occupation causes no change in the external appearance of the existing buildings and structures on the property.
  - (b) All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are no more than two vehicles per home occupation.
  - (c) There is sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself pursuant to Section 7.8 of this Ordinance.
  - (d) No additional parking areas other than driveways shall be located in the required front setback.
  - (e) There are no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building. However, home occupation signs are allowed in the Town Center.
  - (f) The property contains no outdoor display or storage of goods or services that are associated with the home occupation.
  - (g) Wholesale or retail sales of goods do not occur on the premises.
  - (h) The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.