



Zoning Terms Relevant to Child Care

Allowed Use:

A use which is allowed or permitted by the local jurisdiction in a particular zoning district without obtaining an administrative or conditional use permit.

Child Care Facility:

There are three main types of state licensed child care establishments.

- **Small Family Child Care Home**

A private residence where care, protection, and supervision are provided, for a fee, at least twice a week, to no more than 8 children at one time, including the children of the provider. Care must be for less than 24 hours per day. Small family child care is an allowed use throughout the State of California. State law exempts small family child care homes from local zoning regulations.

- **Large Family Child Care Home**

A private residence where care, protection, and supervision are provided, for a fee, at least twice a week, to no more than 14 children at one time, including the children of the provider. Care must be for less than 24 hours per day. (Note: State law was amended in January 1997 to allow for 8 rather than 6 children for small family child care homes, and 14 rather than 12 children in large family child care homes, provided that two of the eight and fourteen children are school-age).

- **Child Care Center**

(formerly known as Day Care Centers and Nursery Schools, but generally accepted in the professional child care community as Child Care Centers):

A building or structure in a non-residential building where care, protection, and supervision are provided to children for less than 24 hours. Centers are most often permitted in commercial zones, and less frequently in all districts, in residential districts, or in light industrial districts.

Community Center:

A place, structure, area, or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Conditional Use:

A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke or noise) is permitted in a district subject to discretionary approval by the jurisdictions, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.

or

A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

General Plan:

A compendium of city or county policies regarding long-term development, in the form of maps and accompanying text. The General Plan is a legal document required by the State.

Home Occupation:

A commercial activity conducted solely by the occupants of a particular dwelling unit in a manner incidental to residential occupancy.

Multifamily Dwelling:

A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units. Includes apartment buildings, but not group, row, or townhouses or condominiums.

**Nonconforming Use:**

A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Ordinance:

A law or regulation set forth and adopted by a government authority, usually a city or county.

Parcel:

A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

Planned Development (or Planned Unit Development):

Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations phases.

Setback:

The required minimum horizontal distance between the building line and the related front, side, or rear property line.

Single Family Dwelling:

A residential building containing not more than one dwelling unit, or one or two or more residential buildings, containing dwelling units (which may be attached), each of which houses a single family, and which has access to the outside (as in the case of townhouses or duplexes).

Site (“Lot”):

A parcel of land used or intended for one use or a group of uses and having frontage on a public or an approved private street.

Use Permit:

The discretionary and conditional review of an activity or function or operation on a site or in a building or facility. Administrative Use Permit is approved in-house rather than by a judicial or executive body (Planning Commission, Zoning Board of Adjustments, or City Council). Conditional Use Permit may impose extra conditions that accompany the application and may require approval by a judicial or executive body.

Variance:

A variation in requirements permitted on individual parcels of property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure or property, which, because of unusual or unique circumstances, is denied by the terms of the zoning code. Usually applicable to deviations from the dimensional requirements of the ordinance (i.e. height, yard), not to establish a use of land that is otherwise prohibited in that zoning district.

Zoning:

The division of a city or county by legislative regulation into areas, or zones, that specify allowable uses for real property and size restrictions for building within these areas; a program that implements policies of the General Plan.

Zoning District:

A designated section of a city or county for which prescribed land use requirements and building and development standards are uniform, such as “R-1” Single Family Residential, or “C” Commercial.

(Sources: A Survey of Zoning Definitions, American Planning Association, Planning Advisory Service Report Number 421, The California General Plan Glossary, California Planning Roundtable, 1990. As cited in the Alameda County Child Care Land Use and Zoning Report, December, 1999)