



Permit & Development Center

809 N. Broadway, Milwaukee, WI 53202 | (414) 286-8211 | milwaukee.gov/permits | DevelopmentCenterInfo@milwaukee.gov

Milwaukee’s zoning ordinance classifies day care centers as “family day care homes” and “day care centers.” To be a permitted use as a family day care home **the following conditions must be met:**

1. The family day care home must operate within a dwelling unit. The dwelling unit must be the primary residence of the family day care home license holder as the operator.
2. At any given time, the family day care home is limited to:
 - Eight (8) children if located in a single-family dwelling
 - Eight (8) children if located in a living unit of a two-family dwelling
 - Five (5) children if located in a living unit of a multi-family dwelling
3. The family day care home may operate between the hours of 6:00 a.m. and 12:00 midnight. Operating between the hours of 12:00 midnight and 6:00 a.m. requires a Special Use approval from the Board of Zoning Appeals.
4. Only one family day care home may operate in a building.
5. The main function of the dwelling unit must be as a home. The family day care operation must be only a secondary use of the dwelling unit.
6. No signs are permitted for family day care homes located in a residential zoning district. Signs may be permitted for family day care homes located in a commercial zoning district.
7. A basement of a single-family dwelling only may be used as an area of a family day care home for the care of children. Such basements are required to be finished spaces and comply with all applicable requirements for habitable spaces in accordance with the provisions of the Uniform Dwelling Code. If a basement is being used, additional information may be requested along with the application to ensure compliance.

A family day care home does not require a certificate of occupancy. *However, the [Family Day Care Analysis](#) sheet must be completed and submitted to the Development Center.* If a proposed family day care home does not meet these requirements, or if an existing licensed family day care wishes to amend its license in a way that does not meet these requirements, it must alter its operations to comply, or it must receive approval from the Board of Zoning Appeals of the City of Milwaukee.



Family Day Care Homes Analysis Form

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Milwaukee's zoning ordinance classifies day care centers as "family day care homes" and "day care centers." To be a permitted use as a family day care home:

- 1) The operation must serve eight (8) or fewer children.
2) The family day care home typically operate out of a single-family or two-family (duplex) dwelling unit.
3) The license holder must live in the dwelling unit in which the day care is located and perform the "hands-on" care of the children.
4) The main function of the dwelling unit must be as a home. The family day care operation must only be a secondary use of the dwelling unit. Please note, if the building is not used as a dwelling by the individual providing the day

care services, the building is subject to the Wisconsin Commercial Building Code. A building designed as a dwelling is difficult to bring into compliance.

- 5) The family day care home can operate only between the hours of 6:00 a.m. and 12:00 a.m.
6) No signs are allowed if the family day care is in a residential zoning district.
7) Only one family day care may operate in a building.

If a proposed family day care home does not meet these requirements, if an existing licensed family day care wishes to amend its license in ay that does not meet these requirements, it must alter its operations to comply, or it must receive approval from the Board of Zoning (BOZA).

Please fill out this form and return it to the Milwaukee Development Center. Mail to: Milwaukee Development Center/809 N. Broadway, 1st Floor, Milwaukee, WI 53202 - OR - Fax to: (414) 286-0232. You will be notified if the day care requires Board of Zoning Appeals approval.

Name of License Holder: _____

Phone: _____ Email: _____

Address of Day Care (include zip code): _____

Does the license holder providing the "hands-on" care of the children live at this address? [] Yes [] No

If no, please provide the name of the individual who does live at this location _____

Is this a 2-unit (duplex) building? [] Yes [] No

If yes, in which unit of the duplex does the day care operate? [] Upper [] Lower

If yes, which unit of the duplex does the provider live in? [] Upper [] Lower

Is this a multi-family dwelling (3 or more units), or a mixed commercial/residential use building? [] Yes [] No

If yes, in which unit does the day care operate? Unit # _____

If yes, does the number of children served at any one time exceed five (5)? [] Yes [] No

Date the license was issued _____

(If the license is dated prior to April 6, 2001, or is a 2-unit building and the license is dated prior to December 23, 2004, attach a copy.)

How many children will the day care serve? _____

At what time of the day will the day care open and close? _____

List all parts of the building in which the day care will operate (For example, first floor, basement, etc.): _____

- [] This day care qualifies as a family day care under the Milwaukee zoning ordinance; It does not require approval by the Board of Zoning Appeals.
[] This day care requires approval by the Board of Zoning Appeals.
[] This day care requires a Certificate of Occupancy with associated Building Inspections.
[] This day care was licensed before April 6, 2001 and may operate as a continuous use.
[] This day care was licensed before December 23, 2004, and may operate as a continuous use (2-unit building only).

Checked by: _____ Date: _____