By-Right Microschools, Family Childcare & Honest Cottage-Food Ordinance

Opens residential homes, churches, libraries, and storefronts to small family schools and honest cottage bakers while drawing a clear line against unlicensed commercial kitchens and EBT fraud.

WHAT IT DOES

Permits home microschools (5 to 16 students) and church co-ops by right, opens weekday library rooms, drops duplicate local trade licenses, and draws a crisp cottage-food vs. commercial TCS boundary.

PREEMPTION STATUS

Cities control zoning and redundant local licenses directly. State law governs curriculum and health codes; federal law governs FLSA and SNAP.

WHO CAN ADOPT IT

City councils, planning commissions, library boards, and code-enforcement offices looking to support parents and family trades without exceeding local statutory authority.

30-SECOND COUNCIL PITCH

Zoning codes should not force a 12-child classical co-op or a mom selling homemade sourdough through $15,000 commercial permits, nor look away from unlicensed commercial hot-food kitchens and EBT fraud. This draft draws clean, honest lines.

1. WHY ORDINARY FAMILIES NEED THIS REFORM

City councils often burn meetings debating state school curriculum they cannot change while ignoring local zoning codes that crush parent-led education right at home. Legacy zoning classifies a 10-child learning pod or church-basement microschool as a commercial institution, triggering $10,000 to $25,000 conditional-use hearings, commercial parking minimums, and sprinkler retrofits. Meanwhile, outdated 50-acre 'fortress school' site minimums banish new schools out to highway edges where no child can walk.

The same principle of clear boundaries applies to family enterprise. Honest parents baking shelf-stable sourdough or teaching piano from home should never pay redundant city trade licenses on top of state credentials. At the same time, deregulating low-risk family cottage food works only when cities keep a bright, honest line against unlicensed commercial hot-meal kitchens (Time/Temperature Control for Safety, or TCS foods) and establish swift county/state referrals for illegal SNAP/EBT benefit trafficking.

2. JURISDICTION & PREEMPTION BOUNDARIES

CITY UNILATERAL

By-right zoning for home microschools (up to 16 students) and church/storefront micro-education hubs, repealing local school minimum-acreage zoning, equal daytime access to municipal libraries and parks, repealing redundant city trade/vendor licenses, and local-to-county TCS/SNAP referral rules.

STATE ENABLING / CHECK

Compulsory attendance, curriculum, state teacher rules, ESAs/vouchers, state professional licensing (universal recognition like AZ HB 2569), and state cottage-food vs. TCS health codes are state law. Enacted benchmarks: Utah SB 13 / HB 126 (2024) and Florida HB 1285 (2024).

FEDERAL FLOOR

FLSA (29 U.S.C. 203(l); 29 C.F.R. 570.126) allows children of any age in solely parent-owned businesses (not corporations with outside partners) EXCEPT manufacturing, mining (<16), and Hazardous Occupations (<18). Federal SNAP law (7 U.S.C. 2024; 7 C.F.R. 278) bars buying ingredients with EBT for commercial resale or exchanging benefits for cash.

3. PRE-RESOLVED LOCAL PARAMETER PRESETS

Bracketed Parameter	Small Town (<15k)	Mid-Size (15k-100k)	Metro (>100k)
`[Home Microschool Cap]`	Up to 12 students	Up to 16 students (UT SB 13)	Up to 16 students
`[Church / Storefront Microschool]`	Up to 50 students	Up to 100 students	Up to 100 students
`[Local Trade License Fee]`	$0 if state-licensed	$0 if state-licensed	$0 if state-licensed
`[Cottage Food Local Fee]`	$0 (non-TCS shelf-stable)	$0 (non-TCS shelf-stable)	$0 (non-TCS shelf-stable)
`[Library / Park Co-Op Booking]`	Equal daytime resident rate	Equal daytime resident rate	Equal daytime resident rate
`[Minor Business Permit Waiver]`	Up to 84 days/yr (<18)	Up to 84 days/yr (<18)	Up to 84 days/yr (<18)

4. OPERATIVE ORDINANCE SUMMARY (SEVERABILITY INCLUDED)

Article 1. By-Right Microschools, Classical Co-Ops & Compact Neighborhood Schools CITY UNILATERAL

Section 1.1 Home-based microschools. A home-based microschool or classical learning co-op serving `[5]` to `[16]` students is a permitted residential use by right in every residential zone. `[City]` shall not require a conditional-use permit, commercial parking lot, local teacher credential, or commercial fire-sprinkler retrofit beyond standard residential smoke/egress safety.

Article 2. Equal Access to Municipal Libraries, Parks & Youth Trade Programs CITY UNILATERAL

Section 2.1 Daytime civic commons access. `[City]` public libraries, park shelters, athletic fields, and recreation centers shall make unused weekday daytime rooms and fields available to local homeschool co-ops, microschools, and family study groups on equal resident terms.

Article 3. Abolishing Redundant Local Trade Licenses & Protecting Youth Enterprise CITY UNILATERAL

Section 3.1 Zero duplicate local trade licenses. Whenever a contractor, tradesperson, tutor, barber, or caregiver holds a valid license issued by `[State]`, `[City]` shall not require a duplicate municipal trade license, exam, or local registration fee.

Article 4. Honest Cottage Food vs. Unlicensed Commercial TCS & SNAP/EBT Enforcement STATE/FED REFERRAL

Section 4.1 Protected non-TCS cottage foods. Residents preparing and selling low-risk, shelf-stable cottage foods permitted by `[State]` cottage-food or Food Freedom law (baked goods, jams, dry mixes, roasted coffee, honey) operate by right from home with `[$0]` city permit or zoning fee.

Article 5. Private Covenants & Severability CITY UNILATERAL

Section 5.1 State law and private covenants. Nothing in this ordinance alters state compulsory-attendance, state health-inspection, or federal FLSA/SNAP statutes, nor voids private HOA covenants unless preempted by state law. `[City]` does not enforce private covenants through zoning.

5. FISCAL & STAFFING CAPACITY NOTE

Net fiscal impact is near zero or mildly positive. Repealing redundant local trade and home-business fees forfeits minimal clerical revenue while freeing planning and licensing staff hours previously spent processing low-risk home permits. Weekday library and park co-op access uses already-heated and staffed public buildings during off-peak hours. TCS and SNAP referrals use existing code-enforcement intake channels.

6. FORWARD / ADAPT THIS BRIEF

Email Subject: 2-page brief: By-right microschools, zero duplicate licenses & honest cottage-food rules

AI Code Adaptation: Paste `https://familyflourishing.org/ordinance/md/microschools-and-family-enterprise.md` into Claude, Gemini, or ChatGPT and ask it to map brackets to your municipal code and state preemption rules.

7. PRIMARY-SOURCE STATUTORY & EMPIRICAL CITATIONS

- **Utah Code Secs. 10-9a-305 & 17-79-305 (SB 13 / HB 126, 2024):** By-right home microschools up to 16 students and streamlined micro-education up to 100 students.
- **Florida HB 1285 (2024) & U.S. EPA School Siting Guidelines:** Microschools in churches/storefronts/libraries and repeal of giant legacy minimum-acreage school siting rules.
- **Utah Code 10-1-203; SB 81 (2017) & SB 47 (2024); Texas HB 234 (2019); Colorado SB 19-103:** Zero-fee no-impact home businesses and minor-run enterprise exemptions.
- **Fair Labor Standards Act, 29 U.S.C. 203(l) & 29 C.F.R. 570.126 (DOL Fact Sheet #43):** Federal parental employment exemption and Hazardous Occupations limits.
- **7 U.S.C. Sec. 2024 & 7 C.F.R. Part 278 (USDA FNS):** Federal prohibition on SNAP/EBT benefit trafficking and commercial resale redemption.