



**COUNTY OF ALBEMARLE  
EXECUTIVE SUMMARY**

**AGENDA TITLE:**

ZTA 2016-05 Family Day Home amendment

**SUBJECT/PROPOSAL/REQUEST:**

Public Hearing to recommend adoption of an ordinance amending Sec. 18-5.1.56 Family Day Home regulations

**STAFF CONTACT(S):** McCulley, Higgins, Ragsdale, Kamptner

**AGENDA DATE:** May 3, 2016

**ACTION:** X **INFORMATION:**

**CONSENT AGENDA:**

**ACTION:** **INFORMATION:**

**ATTACHMENTS:** Yes

**BACKGROUND:** Family day home care is the most common form of child care in this country, especially for younger children. The Code of Virginia currently mandates the licensure of family day homes that provide care for six to twelve children (exclusive of the provider's own children and any children who reside in the home). The care may be offered in the home of the provider or in the home of any of the children in care for children under 13 years of age. Licensing standards, which are proposed by the State Board of Social Services and enforced by the Division of Licensing Programs, ensure that the activities, services, and facilities of the family day home are conducive to the welfare of the children in care.

As part of the licensing process to care for six to twelve children in a family day home, zoning approval is required. Albemarle County requires a zoning clearance for family day homes that includes review of parking, entrance and access to the site, building official and fire marshal approvals. As part of the review process, neighbors are also notified of a family day home application. If an objection is received, applicants must obtain a special exceptions from the Board of Supervisors. These types of applications are not typically heard by the Planning Commission. This process for family day homes has been in effect since September 11, 2013. Since that time, 12 family day homes have been approved with the current process.

**DISCUSSION:**

As a result of oversight of home day care businesses in the aftermath of child fatalities in the homes of unlicensed providers, [Virginia Code § 15.2-2292](#) was amended last year with House Bill 1570. While HB 1570 is primarily a Department of Social Services bill, it also contains changes to *Virginia Code* § 15.2-2292, regarding zoning provisions for home-based child care businesses (aka "family day homes.") Effective July 1, 2016, the maximum number of children receiving child care services in a dwelling unit that would be considered and regulated as a single family use under *Virginia Code* § 15.2-2292 will be reduced from 5 to 4 children. This is a "housekeeping" amendment to bring Section 51.1.56 (Attachment B) zoning ordinance to compliance with the Code of Virginia and no other changes are proposed to family day home regulations.

**Origin of this Amendment:** This amendment was initiated by the staff with the Planning Commission on April 26, 2016 and is in response to changes to [Virginia Code § 15.2-2292](#).

**Public Purposes to be served:** The Albemarle County Department of Social Services has stressed the importance of high quality childcare availability and the growing need for it in the community. Some of the benefits of family day home opportunities in the County include:

- Providing additional high-quality childcare options to families, which may be more affordable. Funding sources to assist families with childcare costs is steadily decreasing.
- Offering greater flexibility as to part-time care or the hours they are available to provide care. This allows them to serve parents who work evening, 24-hour, or weekend shifts. We understand this is currently a gap for some families needing day care.
- Providing increased opportunities for pre-kindergarten learning.
- Potential to locate these services closer to where people live.

**STRATEGIC PLAN:**

Goal 5: Educational Opportunities: Provide lifelong learning opportunities for all our citizens.

**BUDGET IMPACT:**

There is no increased budget impact expected as a result. As noted under "Implications to Staffing," we expect a limited staff time saving that will result from this amendment.

**STAFF RECOMMENDATION:** Staff recommends adoption of the draft ordinance found in Attachment B.

**PLANNING COMMISSION MOTION**

A. Should a Planning Commissioner **choose to recommend approval of** this Zoning Text Amendment: **Move to recommend approval of the draft ordinance in Attachment B.**

B. Should a Planning Commissioner **choose to recommend denial of** this Zoning Text Amendment:

**Move to recommend denial of the draft ordinance in Attachment B.** *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

**ATTACHMENTS:**

- [Resolution of Intent dated April 26, 2016](#)
- [Draft Zoning Ordinance Amendment for Family Day Homes dated April 11, 2016](#)