



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County

Home Child Care Facilities in Fairfax County (Current Regulations and Proposed Changes)

Current Zoning Ordinance Regulations

“Home child care” is permitted as an **accessory use** in a residence:

- Care for up to **7 children** is permitted in a single family home;
Care for up to **5 children** is permitted in a townhome, apartment, or mobile home
(*Providers’ own children do not count*)
- One non-resident assistant is permitted
- Additional children up to a maximum of **10** and/or additional non-resident assistants *may* be allowed with special permit approval from the Board of Zoning Appeals (BZA)

Current State Regulations

The State allows care for up to 12 children pursuant to a State license; however, local jurisdictions may be more limiting as is the case in Fairfax County.

What Change Has Happened at the State Level?

The Virginia Department of Social Services has established an administrative change effective July 1, 2012, requiring providers renewing their State license or seeking their first State license for a Family Day Home (home child care facility) to have the local Zoning Administrator sign a form acknowledging the provider’s plan to seek a child care license.

The change has highlighted the inconsistency between the County and State regulations given that existing providers may currently have a state license to care for 12 children. The Fairfax County Board of Supervisors (Board) will be considering a possible amendment to the Zoning Ordinance to allow for up to 12 children with a special permit, which may take several months. In the meantime, the following procedures will temporarily be in place:

- The State will continue to issue renewal licenses for the existing number of children

- Any “Contact with Local Zoning Administrator” forms submitted to the zoning office for signature will note the County limitations/requirements on the form
- There will be no enforcement of County limits unless it is determined that there are health and safety risks present
- Zoning staff will work with providers who may have more children in care than allowed by the Zoning Ordinance to help bring them into compliance or providing them with guidance and assistance regarding how to navigate the special permit process
- Applicants for new licenses are expected to comply with County regulations

Amendment to the Zoning Ordinance Being Considered

The Board of Supervisors has requested that staff prepare an amendment to *consider*:

- Increasing the maximum number of children with approval of a special permit from 10 to 12
- Reducing the special permit application filing fee (which is currently \$1,100)
- Reviewing the standards by which special permit requests are considered
- Staff is expected to present an amendment to the Board for authorization to advertise and schedule public hearings sometime in November, 2012
- The Planning Commission (PC) public hearing is expected to be held sometime in December, 2012, and the PC will make a recommendation to the Board
- The Board public hearing will be scheduled sometime in January or February, 2013

Special Permit Process

Staff is in the process of creating a more simplified specific special permit application package for home child care applications.

- Submission requirements include:
 - ✓ Application Form
 - ✓ House Location Plat (with all current structures and their heights and distances from property lines)
 - ✓ Zoning Map (available online or in our office)
 - ✓ Photos of the property
 - ✓ Written Statement of Justification (explain what you are requesting and why)
 - ✓ Affidavit Form
 - ✓ Ownership Statement (who owns the property and permission to file if provider is renting)
 - ✓ Filing Fee (currently \$1,100)

- Optional Pre-Application Meeting available -you may request to discuss your specific property with staff and ask questions about the application before filing
- Application Acceptance -you will be notified if materials need to be corrected or if anything is missing from your application
- Staff Review (you will have a staff person assigned to your application)
- Notification (includes letters to adjacent properties, newspaper ad, sign on property)
- Public Hearing will be scheduled within 90 days of the date of acceptance of your application

Special Permit Criteria

“Additional Standards” for Special Permits for Home Child Care Facilities:

- The BZA may allow applicant to exceed the number of children permitted by right, but may not allow more than **10** (*currently*), and/or increase the number of assistants
- Existing/proposed parking will be reviewed
- The BZA may require landscaping to screen adjacent properties if appropriate
- Plats must include location/size of outdoor recreation space available
- The BZA may impose other conditions based on the specific issues identified with each property and request
- Must also meet applicable County and State licensing requirements for home child care

Contact Information

For Questions About Submitting “Contact With Local Zoning Administrator” Forms;
Information on Proposed Changes to the Zoning Ordinance:

Zoning Administration Division

703-324-1314

For Questions About Special Permit Applications (Filing Requirements, Process, etc.):

Zoning Evaluation Division

703-324-1290