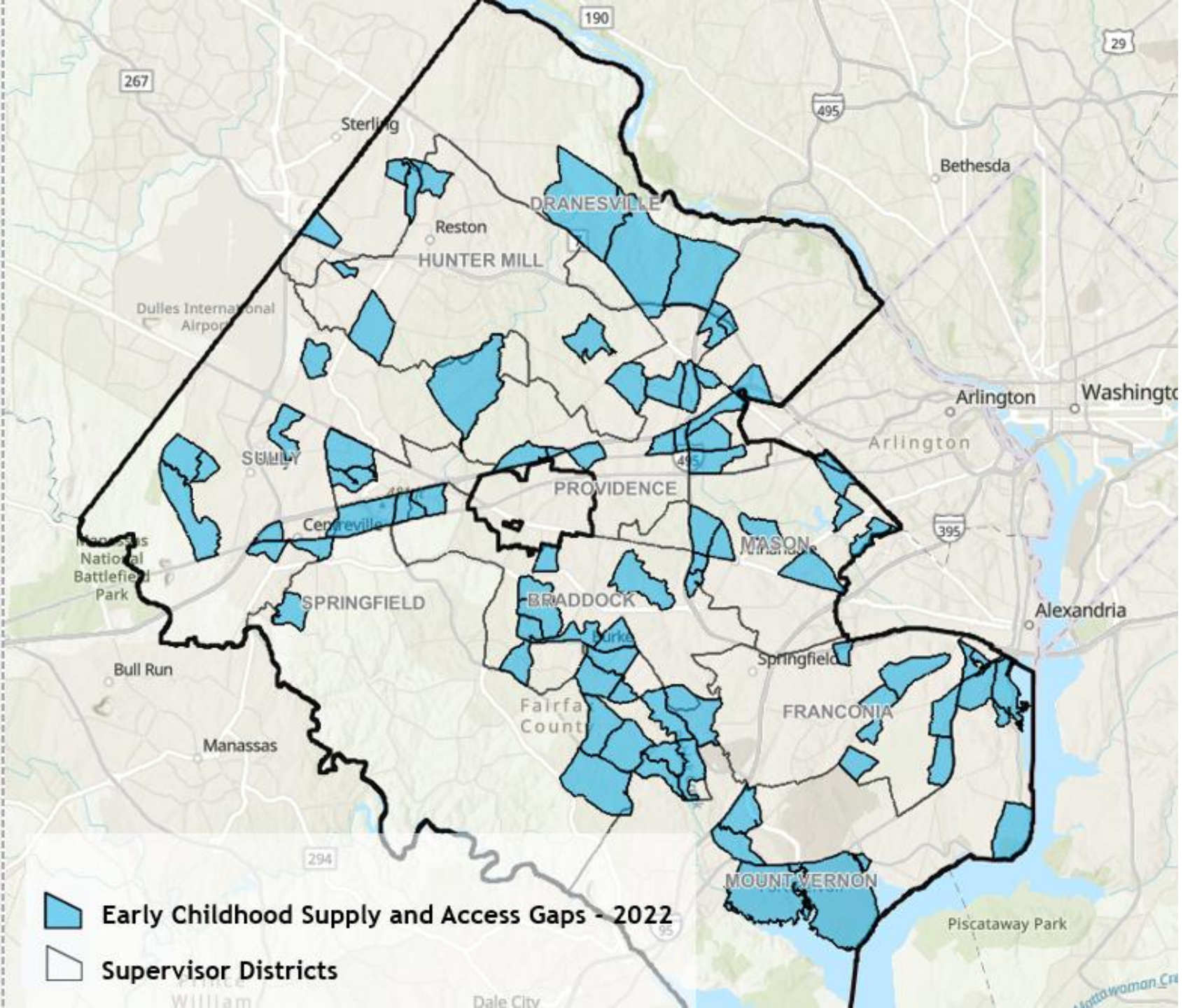
Home Day Care Zoning Ordinance Amendment

Presented by Jacqui Kamp, Principal Planner

Fairfax County Department of Planning & Development

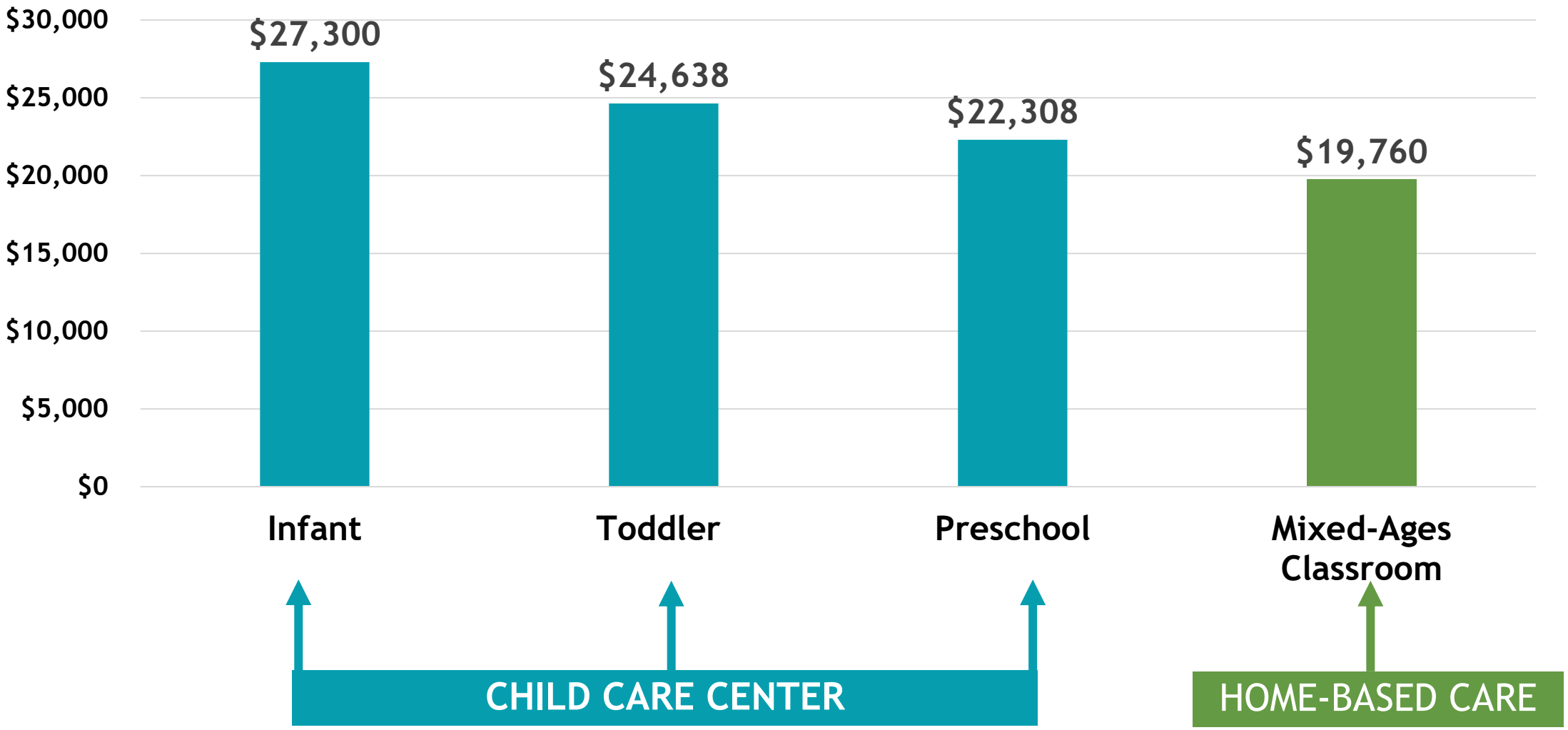
PLANNING & DEVELOPMENT



Supply and demand for early childhood care

Areas in blue indicate gaps in access to child care for children under five.

Median Annual Price for Early Childhood Care and Education Services in Fairfax County, 2025



Beyond zoning: County and State requirements for home day care providers

Neighborhood and Community Services County Permit

- County Code Chapter 30
- Annual permit required up to four children
- Health and safety inspection by County Child Care Specialist
- Fire safety inspection by Office of Fire Marshal

Virginia Department of Education State License

- Code of Virginia
- Annual license for five to 12 children
- Zoning confirmation
- Home inspection by State
- Maximum number of children allowed based on inspection

Current zoning requirements - by right

- Maximum number of children permitted by right (excluding provider's own children):
  - 7 in single-family detached dwelling
  - 5 in all other dwelling types
- Must be provider's primary residence
- Maximum of one nonresident person (paid or not) between 7:00 AM to 6:00 PM, Monday-Friday
- No exterior evidence of HDC, except play equipment

Current zoning requirements if requesting a Special Permit or Special Exception

- Maximum of 12 children, excluding provider's own children
- Can request more than one nonresident person to be involved and expansion of hours and days
- Review of site access and parking for drop off/pick up
- May require the provision of landscaping and screening

Special Permit and Special Exception process

- One hearing (Special Permit-Board of Zoning Appeals) or two hearings (Special Exception-Planning Commission & Board of Supervisors)
- Special permits/special exceptions require submission of property plat
- All were approved
- Many development conditions were standard (designated parking spot)

Approaches and staff recommendations

Option 1: Allow all HDCs with an administrative permit (AP)

- Allow HDCs between five to 12 children with Administrative Permit
- Increase number of nonresident employees to two with option to modify with SP
- Require an off-street parking space for facilities with more than five children
- Require a safety evaluation

Option 2: If public hearing process retained, modify permissions and submission/process requirements

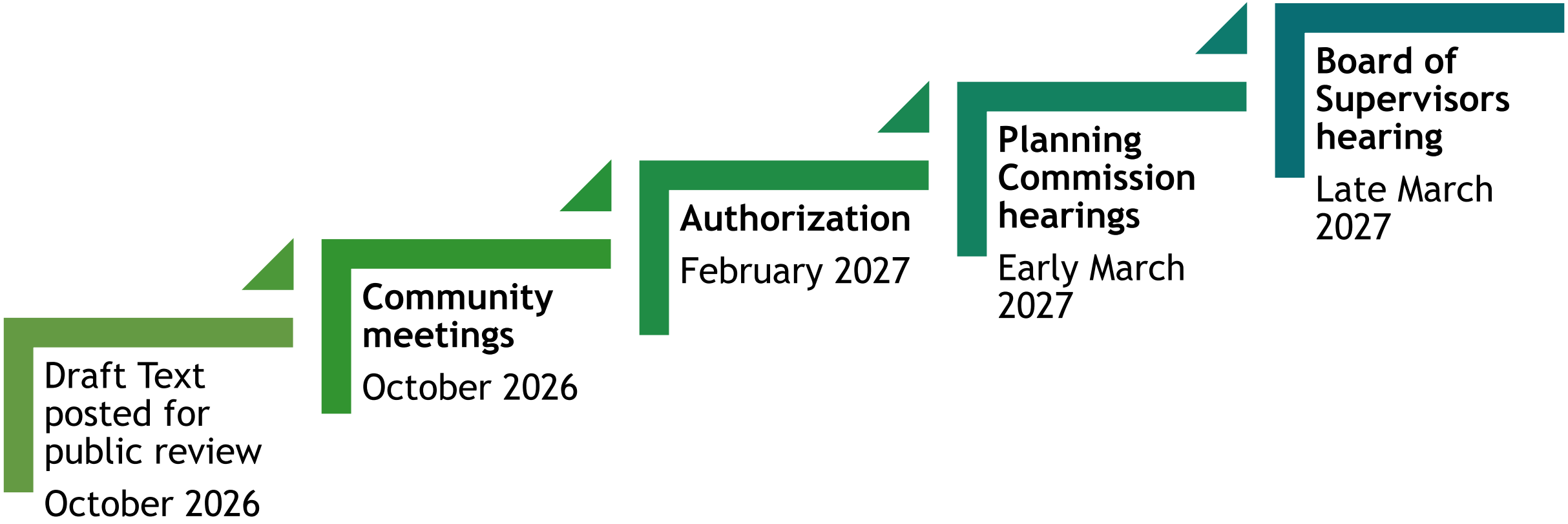
- Modify the permissions:
  - Increase to 12 ***[range of seven to 12]*** for single-family detached and manufactured and 8 ***[range of five to ten]*** for other dwelling types with administrative permit
  - Increase number of children with special permit
  - Increase number of nonresident employees to two
  - Parking and safety evaluation requirement
- Modify process by allowing home day cares in planned districts to utilize special permit process
- Modify submission requirements by allowing house location survey

Options 1&2: Streamline public hearing process

- Allow all providers regardless of zoning district to use the **special permit process** (one public hearing)

- **Revise submission requirements dependent on requested modified standard(s):**
  - Additional employees or an alternative to the parking requirement:
    - Require supporting documentation (graphics/photos) instead of property plat
  - Increase in number of children:
    - Require up-to date house location survey, instead of property plat
    - Continue to require a floor plan and photographs
  - Documents can be prepared by applicant

Next steps


Draft Text posted for public review
October 2026
Community meetings
October 2026
Authorization
February 2027
Planning Commission hearings
Early March 2027
Board of Supervisors hearing
Late March 2027

PLANNING & DEVELOPMENT

Email:
Jacqui.Kamp@fairfaxcounty.gov

Webpage: https://www.fairfaxcounty.gov/planning-development/zoning-ordinance/amendments/home-day-care