

City Council

Day Care Regulation
Zoning Ordinance Amendments
190-2016 & 191-2016

June 8, 2016






HAMPTON VA

REASON FOR CHANGE




- State code changes effective July 1, 2016
- Align City ordinance with state day care classifications
- Reduce use permit requests and streamline processes

CURRENT ORDINANCE

day care 1	day care 2	day care 3
		
In (any) home No DSS licensure req'd No legislative review	In (SFR/duplex) home DSS licensure req'd Special Exception req'd	Any location DSS licensure req'd Use Permit




**exclusive of own children*

ITEMS ADDRESSED

day care 1	day care 2	day care 3
 <p data-bbox="295 733 610 801">In (any) home</p> <p data-bbox="233 818 672 858">No DSS licensure req'd</p> <p data-bbox="253 889 653 929">No legislative review</p>	 <p data-bbox="765 746 1180 786">In (SFR/duplex) home</p> <p data-bbox="788 818 1161 858">DSS licensure req'd</p> <p data-bbox="726 882 1222 936">Special Exception req'd</p>	 <p data-bbox="1367 746 1619 786">Any location</p> <p data-bbox="1306 818 1682 858">DSS licensure req'd</p> <p data-bbox="1367 875 1619 946">Use Permit</p>

**exclusive of own children*

PROPOSED ORDINANCE

family day care 1	family day care 2	commercial day care 1&2
 <p data-bbox="233 733 548 798">In (any) home</p> <p data-bbox="166 818 604 858">No DSS licensure req'd</p> <p data-bbox="187 889 583 929">No legislative review</p>	 <p data-bbox="722 746 1137 786">In (SFR/duplex) home</p> <p data-bbox="745 818 1114 858">DSS licensure req'd</p> <p data-bbox="674 868 1172 968">No legislative review (additional standards apply)</p>	 <p data-bbox="1412 746 1653 786">Not in home</p> <p data-bbox="1348 818 1721 858">DSS licensure req'd</p> <p data-bbox="1253 868 1823 968">Zoning Admin. Permit – or – Use Permit</p>

**exclusive of own children*

FAMILY DAY CARE 1

Up to *

**exclusive of own children*

- Up to 4 clients*
- Permitted in any residence

FAMILY DAY CARE 2



**exclusive of own children*

- 5 to 12 clients*
- Permitted in detached, one or two-family residence or duplex dwelling
- Additional standards include:
 - Shall have proper permits & licenses
 - Limited to *1/2 employee(s)* who reside(s) outside home
 - Parking must be accommodated in driveway or on-street parking
 - Play area shall be surrounded by 6' opaque fence
 - Outdoor play activity shall be between 8:00am and 6:00pm

COMMERCIAL DAY CARE 1



- Any number of clients (*most often 13+*)
- Permitted in any facility other than residence (*i.e. commercial, religious*)
- Zoning Administrator Permit with attached conditions:
 - Hours from 7:00am to 10:00pm Monday - Sunday
 - All loading and unloading conducted on site
 - Maintain a daily ledger
 - Obtain a new capacity certificate

COMMERCIAL DAY CARE 2



- Any number of clients (*most often 13+*)
- Permitted in facility other than residence (*i.e. commercial, religious*)
- Use Permit for any day care than cannot or does not wish to comply with standards attached to Commercial Day Care 1

PROPOSED ORDINANCE

Align City ordinance with state day care regulations

- Definitions change to align with state requirements
- Changes made to regulation of Family Day Care 2 in accordance with state change

Reduce use permit requests and streamline processes

- Create Commercial Day Care 1 and Commercial Day Care 2
- Commercial Day Care 1 allows for Zoning Administrator approval process - speeds up approval process and reduces number of repetitive applications before Planning Commission and City Council

RECOMMENDATION

STAFF: Recommend **Approval** of
ZOA 190-2016 & ZOA 191-2016

PLANNING COMMISSION:
Recommend **Approval** of ZOA 190-2016
& ZOA 191-2016, *as amended*