

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 5-207 AND 6-102 TO BRING FAMILY DAY HOME PROVISIONS INTO COMPLIANCE WITH THE *CODE OF VIRGINIA*

WHEREAS, Family Day Homes are authorized by the *Code of Virginia* and the Fauquier County Zoning Ordinance; and

WHEREAS, a *Code of Virginia* revision effective July 1, 2016, changed the number of children that must be allowed by-right with no County approval from five to four; and

WHEREAS, a prior *Code of Virginia* change established specific procedures for the approval of a Family Day Home by Administrative Permit; and

WHEREAS, Fauquier County seeks to bring its Family Day Home provisions into full compliance with the *Code of Virginia*; and

WHEREAS, consideration of amendments to Sections 5-207 and 6-102 supports good zoning practice, convenience and the general welfare; and

WHEREAS, on July 21, 2016, the Fauquier County Planning Commission initiated this proposed amendment, and on August 18, 2016, held a public hearing on this proposed amendment and recommended approval; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 8th day of September, 2016, That amendments to Sections 5-207 and 6-102 related to Family Day Homes, as set forth below, be, and are hereby approved:

5-207 Additional Standards for Family Day Homes

1. A Family Day Home for ~~5~~ **four** or fewer children shall be allowed with no zoning approval pursuant to Section 6-102(30).
2. Family Day Homes for **five** ~~6 to~~ **through** 12 children meeting standards A through E below may be approved by the Zoning Administrator pursuant to an Administrative Permit as set forth in Section 5-009 of this Ordinance. Prior to approval by the Zoning Administrator, notification shall be sent by certified mail to the last known address of each adjacent property owner. **If the Zoning Administrator receives no written objection from a person so notified within 30 days of the date of sending the letter and determines that the Family Day Home otherwise complies with the standards below, the Zoning Administrator may issue the permit.** ~~The Zoning Administrator shall consider: A) any written objection from a person so notified within 30 days of sending the letter as well as B) the standards below in determining whether or not to approve the permit. An applicant who is denied a permit or an adjoining property owner aggrieved by the issuance of the permit may appeal the decision to the Board of Zoning Appeals pursuant to Section 13-300 of this Ordinance and further provided that a public hearing be advertised and~~

~~held in conjunction with the appeal pursuant to Sections 13-110 and 13-111 of this Ordinance.~~

- A. The Family Day Home shall be located within a single-family detached dwelling located on a lot at least 5,000 sq. ft. in size.
 - B. Drop-Offs and Pick-Ups of children shall occur between the hours of 6:00 a.m. and 9:00 p.m. except in an emergency situation.
 - C. Adequate space shall be provided for drop-off and pick-up of children in a manner that does not interfere with traffic circulation in the neighborhood, and drop-offs and pick-ups shall be staggered as necessary to address potential traffic issues on the neighborhood streets.
 - D. Dwelling units in which a Family Day Home is operated shall not be altered structurally or with respect to external decoration so as to be incompatible with surrounding dwellings, nor shall driveway and/or parking paving be expanded beyond that which is typical for the neighborhood. No outdoor lighting shall be added in conjunction with the Family Day Home operation, nor shall any signage be allowed.
 - E. Fencing and/or landscaping may be required to provide buffering between any outdoor recreation facility located within 25 feet of an adjoining residential property.
3. Family Day Homes where the Zoning Administrator has received a written objection from an adjoining neighbor notified pursuant to Section 2 above and Family Day Homes not meeting the requirements of A through E above shall require approval of a special permit by the Board of Zoning Appeals pursuant to the general provisions set forth in Section 5-000 of this Ordinance. Standards A through E shall apply, except that the BZA may waive or modify such standards in conjunction with the Special Permit approval upon a finding that the waiver will not unduly impact the surrounding neighborhood.

6-102 Permitted Accessory Uses

30. A Family Day Home for ~~four~~ five (5) or fewer children.