

VIRGINIA ACTS OF ASSEMBLY -- 1994 SESSION

CHAPTER 798

An Act to amend the Code of Virginia by adding a section numbered 15.1-486.5, relating to zoning procedures for family day homes.

[H 1083]

Approved April 11, 1994

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.1-486.5 as follows:

§ 15.1-486.5. Zoning provisions for family day homes.

A. For the purposes of locally adopted zoning ordinances, a family day home as defined in § 63.1-195 serving one through five children, exclusive of the provider's own children and any children who reside in the home, shall be considered to be, for all purposes, residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed upon such a home. Nothing in this section shall apply to any county or city which is subject to § 15.1-37.3:12 or § 15.1-687.19.

B. A local governing body may by ordinance allow a zoning administrator to use an administrative process to issue zoning permits for a family day home as defined in § 63.1-195 serving six through twelve children, exclusive of the provider's own children and any children who reside in the home. The ordinance may contain such standards as the local governing body deems appropriate and shall include a requirement that notification be sent by registered or certified letter to the last known address of each adjacent property owner. If the zoning administrator receives no written objection from a person so notified within thirty days of the date of sending the letter and determines that the family day home otherwise complies with the provisions of the ordinance, the zoning administrator may issue the permit sought. The ordinance shall provide a process whereby an applicant for a family day home that is denied a permit through the administrative process may request that its application be considered after a hearing following public notice as provided in § 15.1-431. The provisions of this subsection shall not prohibit a local governing body from exercising its authority, if at all, under subsection (c) of § 15.1-491.

2. That the provisions of this act shall become effective on January 1, 1995.