

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-2292 of the Code of Virginia, relating to family day homes; zoning*
3 *permits.*

4 [S 1094]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 15.2-2292 of the Code of Virginia is amended and reenacted as follows:**8 **§ 15.2-2292. Zoning provisions for family day homes.**

9 A. Zoning ordinances for all purposes shall consider a family day home as defined in § 63.2-100
10 serving one through four children, exclusive of the provider's own children and any children who reside
11 in the home as residential occupancy by a single family. No conditions more restrictive than those
12 imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed
13 upon such a home. Nothing in this section shall apply to any county or city which is subject to
14 § 15.2-741 or 15.2-914.

15 B. A local governing body may by ordinance allow a zoning administrator to use an administrative
16 process to issue zoning permits for a family day home as defined in § 63.2-100 serving five through 12
17 children, exclusive of the provider's own children and any children who reside in the home. The
18 ordinance may contain such standards as the local governing body deems appropriate and shall include a
19 requirement that notification be sent by registered or certified letter to the last known address of each
20 adjacent property owner. If the zoning administrator receives no written objection from a person so
21 notified within 30 days of the date of sending the letter and determines that the family day home
22 otherwise complies with the provisions of the ordinance *and all other applicable local ordinances*, the
23 zoning administrator ~~may~~ *shall* issue the permit sought. *If the zoning administrator receives a written*
24 *objection from a person so notified within 30 days of the date of sending the letter and determines that*
25 *the family day home otherwise complies with the provisions of the ordinance, the zoning administrator*
26 *shall consider such objection and may (i) issue or deny the permit sought or (ii) if required by the*
27 *ordinance, refer the permit to the local governing body for consideration.* The ordinance shall provide a
28 process whereby an applicant for a family day home that is denied a permit through the administrative
29 process may request that its application be considered after a hearing following public notice as provided
30 in § 15.2-2204. Upon such hearing, the local governing body may, in its discretion, approve the permit,
31 subject to such conditions as agreed upon by the applicant and the locality, or deny the permit. The
32 provisions of this subsection shall not prohibit a local governing body from exercising its authority, if at
33 all, under subdivision A 3 of § 15.2-2286.