



STAFF REPORT
DISCUSSION ITEM

Item # 6a

SUBJECT: OA15-03 – Zoning Ordinance Text Amendment to Increase the Maximum Enrollment of a Home Child Care from Six to Twelve

DATE OF MEETING: December 3, 2015

STAFF CONTACT: Daniel Galindo, AICP – Senior Planner

SUMMARY and RECOMMENDATIONS:

Ana Maria Uceda of Purcellville, Virginia has submitted an application, coded by the Town as OA15-03, to amend Article 6, Section 7.1 of the Zoning Ordinance for the Town of Purcellville, Virginia to increase the maximum enrollment of a residential day care or home child care from six to twelve in all zoning districts. A public hearing on OA15-03 was held before the Planning Commission on November 19, 2015; see the November 19 staff report for additional information. At the Commission's request, staff has developed alternative regulations that should fulfill the basic intent of OA15-03.

BACKGROUND:

After the Planning Commission's November 19 public hearing on OA15-03, the Commission discussed the possibility of alternative regulations which would fulfill the intent of Ms. Uceda's text amendment and requested that staff prepare draft regulations for the December 3 meeting. Based on the residential child care research that was presented to the Planning Commission at the November 19 meeting, staff has developed the following proposed regulations which borrow from the regulations of Leesburg, Culpeper, Loudoun County and Lovettsville. While the language of this proposal is generally written as it could appear in the zoning ordinance, it has not yet been fully formatted since the Town Council may take action on the Zoning District Use Changes amendment on December 8.

By comparison, staff's proposal differs significantly from Loudoun County and/or Leesburg in the following ways:

- Large Residential Child Cares (LRCC) would not be administratively approved in Purcellville and would always require a special exception.

- Purcellville would not limit the location of LRCCs by lot size but rather by the type of dwelling within which they could be located. This allows townhomes that can meet the necessary standards to house a LRCC but prevents LRCCs from being located in apartments and accessory dwellings which are typically significantly smaller.
- LRCCs could use community parking spaces for employees in Purcellville with the permission of a Homeowners Association.
- Purcellville would cap the maximum number of children in a LRCC at 12 including the provider’s children and/or any children living in the home. This matches Loudoun but differs from Leesburg which excludes the provider’s children or any that reside in the home.
- Purcellville would limit the location of LRCCs to the provider’s dwelling. This matches Loudoun but differs from Leesburg which has no such limitation.
- The hours of operation for LRCCs would be limited in Purcellville. This matches Loudoun but differs from Leesburg which has no such restriction.

Proposed Regulations	Staff Comments
<p>Definition <i>Child care, residential.</i> A program conducted within a residential dwelling which offers care, protection, supervision, and/or education to less than six <u>13</u> children under the age of 13, exclusive of the provider's own children and any children who reside in the home, at a time during any 24-hour period, and then only for part of any 24 hour day, for compensation or otherwise.</p>	<p>This redline shows how the definition proposed in the Zoning District Use Changes amendment would be changed. The original proposal was written specifically to coincide with § 15.2-2292 of the VA Code, but the new definition would be more general.</p>
<p>Applicability Pursuant to the Code of Virginia, a Residential Child Care serving one to five children, exclusive of the provider's own children and any children who reside in the home, is exempt from the following regulations and is a permitted use in a residential dwelling. Any other Residential Child Care requires a special exception.</p>	<p>The first sentence would now fulfill the objective of the original definition while larger facilities would require a special exception from the BZA. The established special exception process fulfills many of the discussed desires for a “minor” SUP, and using an established process avoids the need for staff to spend dozens hours on an entirely new process that would</p>

Proposed Regulations	Staff Comments
	only be utilized for a single use at this time.
<p>Proposed Public Notice Requirements Prior to the issuance of a special exception for a Residential Child Care, the applicant shall fulfill the notice requirements of <i>Article 9: Board of Zoning Appeals</i> and <i>Article 11, Section 16: Public Notices</i>. In addition, the applicant must send written notice of the application to the last known address of the owner of each adjacent property as shown on the current real estate tax assessment records of Loudoun County. If the proposed location of the Residential Child Care is a member of a Homeowners Association (HOA), the applicant must also send written notice to such HOA. Any written notice shall be sent by certified or registered mail and must include the following information:</p> <ul style="list-style-type: none"> (a) A statement that an application for a Residential Child Care has been submitted to the Town; (b) The address of the property subject to the application for the Residential Child Care; and (c) A statement informing the recipient that if they have any objection to the proposed Residential Child Care that they can send a written objection, which shall include the specific issues that are the basis for their objection, to the Zoning Administrator who will transmit the written objection to the Board of Zoning Appeals. The address of the Zoning Administrator shall also be included in the notice letter. 	<p>Since LRCCs would not be administratively approved, we are not required to meet § 15.2-2292's requirement to mail notice to all adjoining property owners. However, the Planning Commission expressed a desire for such notice, so it has been roughly preserved by this process.</p>
<p>Use Standards</p> <ol style="list-style-type: none"> 1. A sketch plan must be submitted at the time of application depicting: the entire lot to scale, required yards, pathway to door of facility, drop off and pick-up locations, location of any permanent in-ground play equipment, location and area of the required outdoor play area, and location and height of the required fence. 	<p>Ms. Uceda has repeatedly stated that the Town's regulations place her at a competitive disadvantage compared to other Residential Child Care in neighboring jurisdictions, so staff sought to achieve comparable standards by</p>

Proposed Regulations	Staff Comments
<ol style="list-style-type: none"> 2. If the proposed location of a Residential Child Care is subject to a Declaration of Covenants, Conditions, and Restrictions for a HOA, then the Residential Child Care provider shall provide the Town with documentation whether or not the use is allowable under applicable HOA Covenants, Conditions, and Restrictions at the time of application. 3. A Residential Child Care shall comply with any and all requirements of the Town and State Codes, including without limitation, obtaining a Certificate of Occupancy, maintenance of a Town Business License, and obtaining a State Family Day Home License in accordance with the State Code, as applicable. 4. A Residential Child Care shall comply with any and all requirements of the County and State Building Codes. 5. A Residential Child Care shall be the principal residence of the Residential Child Care provider. 6. A Residential Child Care shall only be located within a single-family detached, duplex, or single-family attached dwelling. 7. The hours of operation for a Residential Child Care shall be limited to five days a week between the hours of 6:00 AM and 7:00 PM. 8. There shall be no more than two employees for a Residential Child Care. 9. The applicant shall demonstrate availability of sufficient employee parking on-site or along the street. Alternatively, the applicant may utilize any available community parking spaces for employee parking if the HOA provides written documentation that the applicant is authorized to use such spaces. 10. Child drop off and pick up locations shall be designated to enhance the safety of children as they arrive and depart. A designated arrival and departure zone shall be located adjacent to the Residential Child Care in such a manner that children do not have to cross a street to enter or exit the facility. 	<p>building off of their regulations. The majority of these standards have been borrowed from Leesburg and Culpeper which have nearly identical regulations. Loudoun County was the specific source for #5 & 7, and Lovettsville was the source for #6 & 15. All 16 were then modified by staff as necessary.</p>

Proposed Regulations	Staff Comments
<p>11. A Residential Child Care shall stagger pick up and drop off times such that there are never more than two vehicles picking up or dropping off at one time.</p> <p>12. There must be a continuous hard-surface pathway/sidewalk connecting the drop-off and pick-up locations to the entrance of the Residential Child Care. The pathway shall be kept free of any snow or ice.</p> <p>13. Seventy-five (75) square feet of outdoor play area must be provided on-site per child except as follows: No outdoor play area shall be required on-site when the applicant can demonstrate the Residential Child Care is located within 1,000 feet of an existing park or play lot that is at least twice the area otherwise required for the Residential Child Care. The park or play lot must be public or owned by the HOA to which the residence belongs and must be accessed without crossing an arterial or collector road. The park or play lot must be shown to scale on a sketch plan submitted at the time of application.</p> <p>14. Any outdoor play area must be enclosed by a fence with a minimum height of four feet.</p> <p>15. No play equipment shall be located within any required front yard or within five feet of any side or rear lot line.</p> <p>16. There shall be no change in the outside appearance of the dwelling or lot housing the Residential Child Care nor other visible evidence of the conduct of a Residential Child Care other than what may be required by the State Family Day Home License or this Zoning Ordinance.</p>	

The Planning Commission should review this proposal and be prepared to discuss any ways in which it could be improved. Staff currently anticipates this to be a public hearing item at the January 7 meeting based on the Commission’s previous discussion of OA15-03.