

TOWN OF PURCELLVILLE

IN

LOUDOUN COUNTY, VIRGINIA

ORDINANCE NO. 16-02-01

PRESENTED: February 23, 2016

ADOPTED: _____

AN ORDINANCE: AMENDING ZONING ORDINANCE ARTICLE 4, SECTION 1 AND ARTICLE 15, SECTION 2 TO INCREASE THE MAXIMUM ENROLLMENT OF A RESIDENTIAL CHILD CARE AND ADD STANDARDS FOR THE USE.

WHEREAS, the Town Council of the Town of Purcellville, Virginia states the following as its recitals and findings:

- R1. On September 30, 2015, the Town of Purcellville received an ordinance amendment application, coded as OA15-03, requesting a text amendment to 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.
- R2. The Planning Commission held a duly-advertised public hearing concerning OA15-03 on November 19, 2015 and then requested that Town staff prepare alternative regulations fulfilling the intent of OA15-03 while including additional standards.
- R3. The Planning Commission reviewed the alternative regulations at its December 3, 2015 meeting and directed staff to incorporate specific changes.
- R4. The Planning Commission held a duly-advertised public hearing concerning the alternative regulations on January 7, 2016.
- R5. The Planning Commission voted at its regular meeting on January 7, 2016 to recommend approval of the alternative regulations.

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- R6. The Town Council conducted a duly-advertised public hearing concerning the alternative regulations on February 9, 2016.
- R7. The Purcellville Town Council finds that the Zoning Ordinance text amendments set forth in this Ordinance are required to serve the public necessity, convenience, and general welfare, and constitute good zoning practice because the amendments:
 - a. Fulfill the basic intent of OA15-03 while ensuring any future Residential Child Care is harmonious with its surroundings;
 - b. Are partially to generally supported by the *Financial Planning for the Future, 2025 Economic Development Guiding Principles* and *2025 Land Use Policies* sections of the Purcellville, Virginia 2025 Comprehensive Plan; and
 - c. Are generally supported by the purpose statements of the R-2, R-3, R-8 and R-15 Zoning Districts where a Residential Child Care is most likely to be located.

NOW THEREFORE, the Council of the Town of Purcellville, Virginia hereby ordains:

SECTION I. That the following Articles and Sections of the Zoning Ordinance for the Town of Purcellville, Virginia are hereby amended to add all underlined text and to remove all strikethrough text as follows:

ARTICLE 4. - DISTRICT REGULATIONS

Section 1. - Use Regulations.

1.1 Use table.

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Use	R2	R3	R3A	R8	R15	C1	MC	C4	CM1	M1	PDH	X	IP	AC	RT	Use Standard
.....																
Child care, residential	<u>P/SE</u>	<u>P/SE</u>	<u>P/SE</u>	<u>P/SE</u>	<u>P/SE</u>		<u>P/SE</u>	<u>P/SE</u>			<u>PPU/SE</u>	<u>P/SE</u>		<u>P/SE</u>	<u>P/SE</u>	Art. 4, Sec. 1.2.27
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1.2 Use standards.

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27. Child care, residential

a. General standards.

- i. Applicability. Pursuant to the Code of Virginia, a residential child care serving one through 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 to be granted by the Board of Zoning Appeals in accordance with *Article 9: Board of Zoning Appeals*. All such uses shall be subject to applicable state regulations specifically Code of Virginia, § 63.2-1701 *et seq.*
- ii. Application Submission Requirements. In addition to any application requirements for a special exception set forth in *Article 9: Board of Zoning Appeals*, a complete application for approval of a residential child care shall include the following: All applications to establish a residential child care use shall be accompanied by two (2) copies of a plan drawn to scale containing the following information:
 1. A completed special exception application form. The dimensions, boundary lines and area of the lot or parcel.
 2. A diagram drawn to a legible scale depicting: the boundary lines and dimensions of the lot, area of the lot, required yards, location and dimensions of any existing or proposed building or addition, the distance from all boundary lines to any existing or proposed building or addition, pathway to door of facility, child drop off and pick up locations, location of any permanent in-ground play equipment, location and area of any required on-site outdoor play area, location and area of any off-site park or playground, and location and height of any required fence. This diagram is not required to be certified by a registered engineer or surveyor. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 3. If the proposed location of a residential child care is subject to a declaration of covenants, conditions, and restrictions for a homeowners association (HOA), then the residential child care provider shall provide the Town with certified documentation from the HOA stating whether or not the use is allowable under applicable HOA covenants, conditions, and restrictions. HOA documentation shall only be considered certified if printed on HOA letterhead or signed by an officer or employee of the HOA and notarized. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.

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4. If a residential child care proposes to utilize a parking space, park, playground, or any other facility owned by a HOA to meet any requirement of this ordinance, the applicant shall provide the Town with certified documentation from the HOA stating that the residential child care is authorized to use such facility. HOA documentation shall only be considered certified if printed on HOA letterhead or signed by an officer or employee of the HOA and notarized. ~~The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.~~
- iii. Public Notice Requirements. Prior to the issuance of a special exception for a residential child care, the applicant shall fulfill the notice requirements of *Article 9: Board of Zoning Appeals* and *Article 11, Section 16: Public Notices*. 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 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:
 1. A statement that an application for a residential child care has been submitted to the Town;
 2. The address of the property subject to the application for the residential child care; and
 3. 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.
- iv. A residential child care shall comply with any and all applicable requirements of the Code of Virginia including, but not limited to, obtaining a State Family Day Home License.
- v. A residential child care shall comply with any and all Town regulations, including, but not limited to, obtaining a Certificate of Occupancy and maintenance of a Town Business License.
- vi. A residential child care shall comply with any and all requirements of the County and State Building Codes.
- vii. A residential child care location shall be the principal residence of the residential child care provider.
- viii. A residential child care shall only be located within a single-family detached, duplex, or single-family attached dwelling.

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- ix. 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.
- x. Two non-resident assistants/employees shall be permitted.
- xi. The applicant shall demonstrate availability of sufficient employee parking on-site or along the street. Alternatively, the applicant may utilize any available HOA community parking spaces for employee parking if the HOA provides certified documentation that the applicant is authorized to use such spaces.
- xii. 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.
- xiii. 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.
- xiv. 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.
- xv. 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 playground that is at least twice the area otherwise required for the residential child care. The park or playground 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 applicant may only utilize a park or playground owned by the HOA if the HOA provides certified documentation that the applicant is authorized to use such space. The park or playground must be shown to scale on the diagram submitted at the time of application.
- xvi. Any outdoor play area must be enclosed by a fence with a minimum height of four feet.
- xvii. No play equipment shall be located within any required front yard or within five feet of any side or rear lot line.
- xviii. 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.

b. Reserved.

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ARTICLE 15. - DEFINITIONS

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Section 2. - Definitions.

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Child care, residential. A program conducted within a residential dwelling which offers care, protection, supervision, and/or education to less than ~~six~~ 13 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.

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SECTION II. That all prior ordinances in conflict herewith are hereby repealed.

SECTION III. That if a court of competent jurisdiction declares any provision of this Ordinance invalid, the decision shall not affect the validity of the Ordinance as a whole or any remaining provisions of the Purcellville Zoning Ordinance.

SECTION IV. That this ordinance shall be effective upon its adoption.

PASSED THIS ___ DAY OF _____, 2016.

**Kwasi A. Fraser, Mayor
Town of Purcellville**

ATTEST:

Diana Hays, Town Clerk