

## STATE REQUIREMENTS CONTINUED

- thereafter, regarding criminal record clearances on all employees, a list of staff qualifications, and health and fire inspection reports.

Religious exempt child day centers and certified preschool programs are not inspected by VDSS unless there is a complaint.

### APPROVED

(THIS OPTION IS NOT AVAILABLE IN THE CITY OF CHESAPEAKE) Approved child day care programs are regulated by an entity other than VDSS. These programs include certain northern Virginia localities - Arlington, Alexandria and Fairfax who have the authority to approve by local ordinance certain family day homes and child day centers.

### UNLICENSED AND UNREGISTERED

Unlicensed and unregistered child day care programs **do not** have any of the following requirements: background checks, training/orientation, or health and safety requirements; and only minimal Code of Virginia requirements. Unlicensed centers must meet an exemption in the Code of Virginia in § [63.2-1715](#). Unlicensed family day homes must follow requirements in §§ [63.2-1727](#) and [63.2-1704.1](#) of the Code. **VDSS does not inspect these programs.**

## IN HOME DAYCARE OVERVIEW

Child care for four (4) or less children in a residence may not be regulated by state licensing requirements. Per the Chesapeake Zoning Ordinance, the care of four (4) or less children would be considered a Level I Home Occupation and is permitted only in single family dwellings. Daycare is not permitted in multi-family dwellings, including but not limited to, apartments & condos.

Approval for 5-12 children may be permitted as a Level II Home Occupation by obtaining a Conditional Use Permit.

For questions regarding the Conditional Use Permit process please contact the Planning Department at 757-382-6176

For state requirements contact Virginia Department of Social Services at 804-726-7000

For Zoning or Building Department questions contact Development & Permits at 757-382-6018



## Family Day- Home, Child Care & Daycare Facilities



Department of Development  
and Permits  
P.O. Box 152255  
Chesapeake, VA 23328-5225

Phone: 757-382-6018  
Fax: 757-382-8448  
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## CITY OF CHESAPEAKE ZONING ORDINANCE

13-501. - Compliance with state requirements.

- A. Licensing and building code requirements. All child care facilities and adult day care centers must comply with the licensing requirements of the Virginia department of social services and the structural requirements of the Virginia Uniform Statewide Building Code applicable to the facility in order to comply with this zoning ordinance.
- B. Use permit required for child care operations which are not home occupations.
1. Any child care facility operated other than as a home occupation meeting the requirements of this ordinance and located outside of the O & I (office and institutional) district shall require a conditional use permit. In certain circumstances, a child care facility operated as a home occupation may require a conditional use permit], as provided for in section 14-300 et seq.
  2. Any use permit application submitted for a child care facility shall include all information required to demonstrate that the proposed facility will meet all applicable licensure and building code requirements. The site plan for such application shall delineate play areas, fencing and other structures or features required for licensure.

## STATE REQUIREMENTS

**The following information was obtained from the Virginia Department of Social Services website and should only be used as a reference. All state requirements should be confirmed with the state.**

**Additional information for state requirements can be found at:**

<https://www.dss.virginia.gov/family/cc/>

### Overview

Not all child day care programs in Virginia are required to be licensed. A child day care program in Virginia refers to a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a twenty-four-hour period.

There are two types of child day care programs: Out-of-home care (Center-Based) and in-home care (Family-Based) in a private home.

These two types of care can be further broken down into:

- Licensed
- Unlicensed (but regulated)
- Approved; and
- Unlicensed and Unregistered

## LICENSED CHILD DAY CARE PROGRAMS

Licensed child day care programs are inspected at least twice per year. They have requirements for background checks, training/orientation, and health and safety.

Note: Some programs offering child day care obtain a general business license to operate from the county within which they do business; however, that license is not the same as a child day care license obtained from the Virginia Department of Social Services (VDSS), which holds the child day care provider accountable to the health and safety standards set forth by the Commonwealth of Virginia.

## UNLICENSED BUT REGULATED

Unlicensed but Regulated child day care programs vary in their requirements.

- *Voluntarily registered family day homes* are required to be inspected prior to certification, and every two years thereafter, to complete background checks and meet certain health and safety standards.
- *Religiously exempt child day centers* are required to complete background checks and must self-certify annually that the program is in compliance with background checks and health and safety requirements.
- *Certified preschools* are operated by an accredited private school and are required to complete background checks and must self-certify prior to certification, and annually