



MOTION: GRAHAM

December 9, 2025
Regular Meeting
Ordinance No. 25-21

SECOND: GERLACH

RE: Amending City Unified Development Ordinance Sections 72-40.2 (Use Table), 72-41.2 (Institutional Uses), and 72-84 (Definitions) to Update Day Care Use Regulations

ACTION: APPROVED: Ayes: 7; Nays: 0

FIRST READ: November 18, 2025

SECOND READ: December 09, 2025

Sec. I. Introduction

Day Care uses, particularly child care centers, are highly regulated by state agencies. Local zoning regulations may be duplicative or prohibitive. Recent literature and lived experiences reflect that current zoning provisions may be a barrier to greater Day Care availability in the City.

On June 10, 2025, the City Council inquired into the City's regulations on home day care establishments. Following a City Council work session on the topic on September 9, 2025, the City Council directed City staff to pursue a Unified Development Ordinance (UDO) text amendment to broaden the use permissions and update the requirements for Day Care facilities (both child and adult).

The City Council adopted a resolution to initiate this text amendment at its meeting on September 23, 2025. The Planning Commission held its public hearing on the amendment on October 15, 2025, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on November 18, 2025.

In initiating these amendments, the City Council has considered the factors listed in Code of Virginia § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare, and good zoning practice favor the amendments.

Sec. II. City Code amendment.

It is hereby ordained by the Fredericksburg City Council that City Code Chapter 72, "Unified Development Ordinance," is amended as follows.

- 1. Section 72-40.2, "Use Table," is amended to add the underlined language and delete the language shown in strikethrough as follows:**

Section 72-40.2 Use Table

Use Category	Use Type	Base Zoning District [Overlay Districts May Further Limit Allowable Uses]																Additional Requirements		
		Residential Districts								Nonresidential and Mixed-Use Districts						Planned Development Districts				
		R-2	R-4	R-8	R-12	R-16	R-30	R-MH	C-T	C-D	C-SC	C-H	CM	I-1	I-2	PD-R	PD-C		PD-MU	PD-MC
Day Care	Adult Day-Care Center	▲ <u>P/S</u>	▲ <u>P/S</u>	▲ <u>P/S</u>	▲ <u>P</u>	▲ <u>P</u>	▲ <u>P</u>	S	S -P	S -P	▲ <u>P</u>	P	P	•	S <u>I</u>	P	P	P	P	<u>§72-41.2A</u>
	Child-Care Center	S	S	S	P	P	P	S	S -P	P	P	P	P	•	•	P	P	P	P	§72-41.2BC
	Family Day Home (1-5 12 Children)	P	P	P	P	P	P	•	P	P	•	•	▲ <u>P</u>	•	•	P	▲ <u>P</u>	▲ <u>P</u>	▲ <u>P</u>	<u>§72-41.2F</u>
	Family Day Home (6-12 Children)	S	S	S	S	S	S	▲	S	S	▲	▲	▲	▲	▲	S	▲	▲	▲	
Health Care Facilities	Hospital	•	•	•	•	•	•	S	S	•	S	S	S	•	•	•	P	•	P	<u>§72-41.2D</u> <u>G</u>
Institutions	Convention Center	•	•	•	•	•	S	•	S	S	S	P	P	P	•	•	P	P	P	§72-41.2AB
Educational Facilities	School, Elementary	S	S	S	S	S	S	S	P	P	P	S	S	•	•	P	P	P	S	<u>§72-41.2E</u> <u>H</u>
	School, Middle	S	S	S	S	S	S	S	P	P	P	S	S	•	•	P	S	P	S	<u>§72-41.2E</u> <u>H</u>
	School, High	S	S	S	S	S	S	S	P	P	S	S	S	•	•	S	S	S	•	<u>§72-41.2E</u> <u>H</u>
Transportation	Heliport	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	P	•	P	§72-41.2CD
Utilities	Data Center	•	•	•	•	•	•	•	S	S	S	S	S	S	P/S	•	S	S	S	§72-41.2DE
	Solar Array	•	•	•	•	•	S	•	S	S	P	P	P	P	P	S	P	P	P	<u>§72-41.2F</u>

2. Section 72-41.2, "Institutional Uses," is amended to add the underlined language and delete the language shown in strikethrough as follows:

A. Adult Day-Care Center.

- 1) Adult Day-Care Centers for more than 12 adults require a special use permit within the R-2, R-4, and R-8 Zoning Districts.
- 2) Adult Day-Care Centers shall be licensed as applicable by the State Board of Health or the Department of Behavioral Health and Developmental Services in accordance with Virginia Code.

AB. Convention center (new). Convention centers shall comply with the following standards:

- (1) The parcel or site shall have an area of at least five acres.
- (2) The building shall be located at least 500 feet from any R-2, R-4, or R-8 Residential Zoning District.
- (3) Dining and banquet facilities may be provided for employees, trainees, and conferees, provided the gross floor area devoted to such facilities does not exceed 50% of the total floor area of the principal building.
- (4) On-site recreational facilities may be provided for use by employees, trainees, or conferees.

BC. Child-care center. ~~The Code of Virginia, § 15.2-2292, allows single-family residential occupants to care for 1 to 5 children, by right, as a family day home. Family day homes for 6 to 12 children require a special use permit. Child-care centers, including preschools, required to be licensed as a child-care center by the state, shall comply with all applicable state regulations for child-care centers, including state license requirements, as well as the following standards:~~

- 1) Location. If not located in a stand-alone building, a child day-care center shall be ~~located on the first floor of a principal structure and be segregated (including the restrooms) from the remaining portion of the building in which it is located.~~
- 2) Outdoor play areas. Outdoor play areas shall be provided and shall:
 - a) ~~Be completely enclosed by a fence with a minimum height meeting the standards in the Uniform Statewide Building Code;~~
 - b) ~~Be safely segregated from parking, loading, or service areas; and~~
 - c) ~~Not be operated for outdoor play activities after 6:00 8:00 p.m.~~
- 3) ~~Parking area, vehicular circulation, and dropoff and pickup.~~ The parking areas and vehicular circulation for the child day-care center shall be designed to:
 - a) ~~Enhance the safety of children as they arrive at and leave the facility. A description or illustration detailing the plan for drop-off and pick-up safety shall be provided.; and~~
 - b) ~~Provide a designated pickup and delivery area that includes at least one parking/stacking space per 10 children configured so that children do not have to cross vehicular travelways to enter or exit the center.~~
- 4) Accessory uses. If operated as an accessory use to a retail sales and service or office use, the ~~heated~~ gross floor area of a child-care center shall not exceed 205% of the ~~heated~~ gross floor area of the principal use.

CD. Heliport.

DE. Data Center.

F. Family Day Homes.

- 1) Family Day Homes shall comply with all applicable state regulations for Family Day Homes, including state license requirements.
- 2) Family Day Homes with 6-12 Children shall require written notice under § 72-21.9.

EG. Hospital.

FH. Schools, elementary/middle/high.

GJ. Solar array.

3. **Section 72-84, "Definitions," is amended to add the underlined language and delete the language shown in strikethrough as follows:**

CHILD-DAY-CARE CENTER 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 18 for less than a twenty-four-hour period, when offered to:

- (1) Two or more children under the age of 18 in a facility that is not the residence of the provider or of any of the children in care; or
- (2) Thirteen or more children at any location.

~~Includes the following facilities, as defined in Code of Virginia § 63.2-100: "child day center," and "child day program," and a "family day home" serving six or more children, where such facilities offer care and services for 18 or fewer hours per day.~~

~~**A. CHILD DAY CENTER** A child day program offered to:~~

- ~~(1) Two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care; or~~
- ~~(2) Thirteen or more children at any location.~~

~~**B. CHILD DAY PROGRAM** 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.~~

~~**C. FAMILY DAY HOME** A child day program offered in the residence of the provider or the~~

~~home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.~~

FAMILY DAY HOME

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 18 for less than a twenty-four-hour period. ~~A child day program, as defined in Code of Virginia § 63.2-100, offered in the residence of the provider or the home of any of the children in care, for one through five 12 children under the age of 1318, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation.~~

Sec. III. Effective date.

This ordinance shall be effective immediately upon adoption.

Votes:

Ayes: Devine, Frye, Finn, Gerlach, Graham, Holmes, Mackintosh

Nays: None

Absent from Vote: None

Absent from Meeting: None

Approved as to form:


Kelly J. Lackey, City Attorney

Clerk's Certificate

*I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of **Ordinance No. 25-21** adopted at a meeting of the City Council held **December 9, 2025**, at which a quorum was present and voted.*



Molly Henderson
Clerk of Council