



# City of Virginia Beach

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PLANNING/PERMITS & INSPECTIONS  
(757)-385-4211  
FAX (757) 385-5777  
TDD (757) 385-4305

2875 SABRE STREET  
SUITE 500  
VIRGINIA BEACH, VA 23452

## Guide for Opening Child Care and Day Care Facilities

Providing care for children is serious business. Because of this several local and state agencies are involved in enforcing regulations established to ensure basic safety, health, and general welfare for children. Quality child care providers are in great demand especially those who offer infant care. This information is provided to those who are considering establishing a child care or day care facility.

The Virginia Uniform Statewide Building Code (USBC) regulates the construction of buildings which house facilities for the care of children. This is the minimum building construction code mandated by the Commonwealth of Virginia and enforced by the Division of Permits & Inspections.

Here are the definitions for each type of care facility as defined by the *International Building Code* and the *Virginia Uniform Statewide Building Code*:

**Family Day Home:** Family day homes licensed by the Virginia Department of Social Services shall be permitted to accommodate the numbers of children permitted under licensing restrictions and shall be classified as a residential use group. The building code use group is R-3 (Residential). Family day homes caring for less than 6 children are not required to be licensed by the Virginia Department of Social Services, but may be voluntarily regulated.

**Day Care Facility:** The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than 2 ½ years of age, shall be classified as Group E (Educational) occupancy.

**Child Care Facility:** A facility, that provides supervision and personal care on less than a 24 hour basis for more than five children 2 ½ years of age or less shall be classified as Group I-4 (Institutional).

If care is provided on a 24 hour basis the use group shall be I-2.

This is the starting point for becoming a licensed care provider. Compliance with all related agencies is required when opening a child care facility.

## **Licensing-Virginia Department of Social Services**

Child care, day care, family day homes, preschools, before and after school care, and other forms of care must be licensed by the Commonwealth of Virginia.

In accordance to Code of Virginia licensing standards:

*A child day center* is defined as a program offered to (i) 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 (ii) 13 or more children at any location.

*A child day program* includes both child day centers and family day homes and is defined as 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 24-hour period.

Religious entities which will provide child care and which desire religious exemption from State licensure must still meet the requirements of the Virginia Uniform Statewide Building Code, must meet minimum health and fire safety requirements, and must comply with the requirements of the Code of Virginia.

Information about qualifications, licensure, and specific procedures for religious exempt entities should be obtained from:

Virginia Department of Social Services  
Eastern Licensing Office  
Pembroke Four, Suite 300  
Virginia Beach, VA 23462  
(757) 491-3950

A license, granted by the Virginia Department of Social Services, does not constitute complete approval to operate a care facility.

## **Site Selection and Zoning**

After determining the ages of children and the number of children for whom care will be provided, a location and building should be selected. Once an area of the city has been selected, a site plan of the property showing the building, parking lot, and other physical features must be taken to the city zoning division located at 2875 Sabre Street, Suite 500 at the municipal center on Princess Anne Road. The zoning division will review the plan to ensure that the proposed use is allowed in the zoning district in which the proposed facility is planned. In some cases, there may be a requirement to apply for a Conditional Use Permit to allow the facility to operate within a certain zoning district. The City of Virginia Beach Zoning Ordinance limits

family day homes to 2 related and 5 unrelated children (7 children maximum) within a residential home with no helpers. A Conditional Use Permit would be required to employ helpers or to provide care for more than the allowable number of children.

Before applying for a Conditional Use Permit it is recommended that you contact the Permits & Inspections Division, located in the same office as the Zoning Division, to discuss the building chosen for the proposed child care or day care facility. In some cases the building may not meet the minimum construction requirements for the proposed use.

The zoning division's stamp of approval must appear on the site plan for the proposed building before any building permit will be issued. For more information about Zoning ordinances and requirements please contact:

City of Virginia Beach  
Planning – Zoning Division  
2875 Sabre Street  
Suite 500  
Virginia Beach, VA 23452  
(757) 385-8074

A Conditional Use Permit, granted by City Council, or site selection approval alone does not constitute complete approval to operate a care facility.

### **Health Department Approval**

The Health Department is interested in child care and day care facilities for three specific reasons. If you proposed facility is located in an area of the city not served by the municipal water system and/or waste water system, the Health Department must approve any well or septic service for the proposed center. Also, the Health Department must approve the kitchen or food preparation area. The Health Department's written approval must be received in the Permits & Inspection office before any building permit can be issued for the proposed facility. For more information, please contact:

Virginia Department of Health  
Environmental Health  
Pembroke Corporate Center III  
4452 Corporation Lane  
Virginia Beach VA 23462  
(757) 518-2646

A Plan Review Approval, granted by the Virginia Department of Health, does not constitute complete approval to operate a care facility.

## **Building Code Compliance and Certificates of Occupancy**

If the proposed use is approved by the zoning division, architectural plans must be prepared. The Virginia Uniform Statewide Building Code requires a registered professional architect to prepare and sign the construction plans for both care facilities and day care facilities.

Your architect will design the facility to meet the requirements of the Uniform Statewide Building Code. If you plan to convert a building currently or last operated as a different use an architect must still sign the building design drawings. These drawings will indicate that the building into which the proposed child care or day care facility will be located will be modified to meet the requirements of the building code. A Family Day Home which will be licensed by the Department of Social Services does not require architectural plans to be submitted. If you are simply purchasing an existing approved day care or child care facility and you are making no architectural changes, no architectural plans are required.

If the proposed facility will be located in a building constructed prior to 1985 and if the building will be undergoing physical changes and construction work an asbestos inspection must be completed. The owner of the building must have the building inspected by a licensed and approved asbestos contractor or inspector to identify any asbestos that may be present and disturbed by alterations or additions to the building. The asbestos inspection report must be submitted to the Permits & Inspections office before any building permit can be issued.

Once the Health Department, Zoning Division, asbestos, and building code compliance issues have been resolved, permits may be issued. A building permit will be required to relocate walls, doors, make desired physical changes, change the occupancy classification of an existing space, and/or to obtain a Certificate of Occupancy. Plumbing, mechanical, electrical, and fire protection permits will also be required when altering or adding this equipment. If additional plumbing fixtures will be added, any associated fees required by the Department of Public Utilities must be paid before any permits will be issued. At the time of issuance of the building permit a charge will be paid for the Certificate of Occupancy. Once all of the inspections have been completed and the building is placed into compliance, the Certificate of Occupancy will be issued.

If you have additional questions concerning building code requirements or the permit process, the following individuals may be reached at:

City of Virginia Beach  
Planning – Permits and Inspections Division  
2875 Sabre Street, Suite 500  
Virginia Beach, VA 23452  
(757) 385-4211 x 4

Curtis Muller or Scott Steen – Facilities in Commercial Buildings

Irving Henderson or Syris Spinks – Facilities in Residential Homes

A Certificate of Occupancy, granted by the Permits and Inspections Division, does not constitute complete approval to operate a care facility.

## **Business License – Commissioner of the Revenue**

All businesses located within the City of Virginia Beach are required to have a city business license. For more information please contact:

Commissioner of the Revenue  
Business License Division  
2401 Courthouse Drive  
Municipal Center Building 1  
Virginia Beach, VA 23456  
Phone: (757) 385-4515

A City of Virginia Beach Business License, granted by the Commissioner of the Revenue, does not constitute complete approval to operate a care facility.

## **Fire Prevention**

An inspection, conducted by the Fire Department, is required for licensure and is required prior to occupancy for businesses located within the City of Virginia Beach. This inspection is usually the last step in the process to obtain licensure and should not be scheduled until compliance is met with all other city and state agencies involved in the process. To make arrangements for the required inspection please contact:

Gina Filomarino  
Fire Administration  
Municipal Center - Building # 21  
2408 Courthouse Drive  
Virginia Beach, VA 23456-9065  
Phone: (757) 385-4228