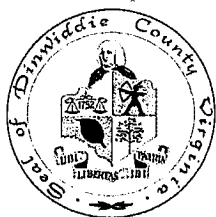


Dinwiddie County Planning Office

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MEMORANDUM

To: Board of Supervisors
From: Mark Bassett, Planning Director
Date: December 14, 2010
Subject: Group Home, Ordinance Amendments

Background:

This year the General Assembly passed legislation requiring that facilities, licensed by the Virginia State Department of Social Services and which provide housing for up to eight (8) aged, infirm or disabled persons, be allowed in those zoning districts in which single-family residential dwellings are permitted by right. This law is the same that requires localities to allow group homes, licensed by the Virginia State Department of Behavioral Health and Development Services, in all zoning districts in which single-family residences are permitted. Given this legislative action, staff has proposed amendments to the group home definition to include the residential facilities for which both the Department of Behavioral Health and Developmental Services and the Department of Social Services are the licensing authorities. Accordingly, based on the number of persons residing in the home staff is proposing to have two types of group homes: group home, small and group home, large. The group home, small, allows for eight or fewer persons and the group home, large is a similar facility in which nine (9) or more persons reside. The group home, large use may be permitted by conditional use permit in all zoning districts in which single-family residences are permitted. Staff is also proposing changes to the Zoning Ordinance definition for "hospital" to provide for clarity and compliance with the Virginia Code.

Staff Recommendation:

Staff recommends approval of the Zoning Ordinance amendments as submitted to re-define group home and hospital. It is also staff's recommendation to allow group home, small as a use by right in all zoning districts in which single-family residences are permitted as required by Virginia Code, and to allow group home, large as a use that may be permitted by conditional use permit in all zoning districts in which single-family residences are permitted.

Planning Commission Recommendation:

At their November 10, 2010 Planning Commission meeting, the Planning Commission did discuss the reasoning behind proposing the group home, large use. Mr. Blair indicated to the Commission that the Federal Fair Housing Act does have strict guidelines concerning the placement of individuals with disabilities, and that this use would allow for these individuals to occupy a residential home in the appropriate areas of the county with reasonable conditions placed on the group home. Additionally, there have been other Virginia localities that have been penalized for not providing some sort of accommodation for these individuals. Currently, in the County there is a nonconforming group home housing over eight individuals. Staff indicated to the Planning Commission that with this proposed

Ordinance, the County is proactively addressing the issue while still providing for a means to evaluate siting and manner of operation of these homes through the conditional use review process. After this discussion, the Planning Commission recommended approval of the Zoning Ordinance amendments to the Board of Supervisors by a vote of 6-1 with Mr. McCray dissenting and recommending disapproval of the group home, large.

Board of Supervisors' Action:

Since this is a zoning matter, the standard statement regarding Board action on this zoning matter must be read. In order to assist, staff prepared the following statement:

WHEREAS, in accordance with Va. Code §§ 15.2-2285 and 15.2-2286, the Dinwiddie County Board of Supervisors is of the opinion that the public necessity, convenience, general welfare, or good zoning practice warrant the consideration of the following amendments:

NOW, THEREFORE, BE IT RESOLVED that the Dinwiddie County Board of Supervisors does hereby approve the Zoning Ordinance amendments as presented.