

A G E N D A
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
March 9, 2017
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. February 9, 2017 Meeting Minutes
2. February 23, 2017 Meeting Minutes

D. OLD BUSINESS

E. NEW BUSINESS

1. ZO-0015-2016, Updates to Definition of Group Home

F. ADJOURNMENT

ITEM SUMMARY

DATE: 3/9/2017
TO: The Policy Committee
FROM: Paul D. Holt, III, Secretary
SUBJECT: February 9, 2017 Meeting Minutes

ATTACHMENTS:

	Description	Type
▣	February 9, 2017 Meeting Minutes	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	3/2/2017 - 2:38 PM
Policy	Holt, Paul	Approved	3/2/2017 - 3:36 PM
Publication Management	Burcham, Nan	Approved	3/3/2017 - 10:06 AM
Policy Secretary	Secretary, Policy	Approved	3/3/2017 - 11:00 AM

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
February 9, 2017
4:00 PM

A. CALL TO ORDER

Mr. John Wright called the meeting to order at approximately 4 p.m.

B. ROLL CALL

Present:

Mr. John Wright, Vice Chair
Mr. Heath Richardson
Mr. Danny Schmidt

Absent:

Mr. Rich Krapf, Chair

Staff:

Mr. Paul Holt, Director of Community Development and Planning
Ms. Sue Mellen, Director of Financial & Management Services
Ms. Tammy Rosario, Principal Planner
Mr. José Ribeiro, Senior Planner II
Ms. Savannah Pietrowski, Senior Planner
Ms. Tori Haynes, Community Development Assistant
Mr. Tom Leininger, Community Development Assistant

C. MINUTES

There were no minutes to approve.

D. OLD BUSINESS

There was no old business.

E. NEW BUSINESS

1. FY 2018-2022 Capital Improvements Program (CIP) Review

Mr. Jose Ribeiro stated that the purpose of the meeting is to review, discuss and evaluate the Fiscal Year 2018-2022 CIP. Mr. Ribeiro stated that there have been 18 applications. Mr. Ribeiro mentioned that the County has received an application from General Services, two applications from Parks & Recreation, one application from Planning, and 14 applications from the Williamsburg-James City County schools. Mr. Ribeiro noted that if the Policy Committee has any specific questions regarding the individual projects the Planning Department can help and get the answers from the department head or schedule them to come in at the next meeting. Mr. Ribeiro opened the floor for discussion.

Mr. John Wright asked if the Policy Committee would go through the applications one at a time and discuss the general application and the expectations.

Ms. Tammy Rosario stated that it was the Policy Committee decision if they wanted each department division representative prepared to walk through each application or if they wanted it on a Q and A basis.

Mr. Heath Richardson responded that he had some questions regarding the overall process. Mr. Richardson asked if the two return items were the transportation match and the Stormwater.

Mr. Ribeiro stated that it was correct.

Mr. Richardson stated that the Jamestown Event Park improvements and the marina were discussed last year, but did not know if they were different this year than last.

Ms. Rosario stated that the Policy Committee heard about them last year, but were not part of the adopted CIP.

Mr. Danny Schmidt asked if the Stormwater project is exactly the same or not.

Mr. Richardson responded that this is the new CIP entry for this year that they were considering the end of last year's approvals.

Mr. Schmidt mentioned that the Stormwater report was very thorough and that he did not have any questions.

Mr. Richardson stated that he looked at the rest of the committee's numbers and mentioned that all members' results are consistent.

Mr. Wright mentioned that Stormwater is a mature program and there was not enough money to do it all at once. Mr. Wright did not have any concerns at the moment. Mr. Wright stated that he found it hard to put another project above Stormwater.

Mr. Richardson stated that he felt the same about the Transportation Matching request as we had the opportunity to get matching funds. Mr. Richardson stated that he felt the operational budget influenced him rank the projects. He stated he ranked the Jamestown and Warhill High School expansions higher due to the overall cost.

Mr. Wright agreed with Mr. Richardson and added that the Grove Area had always had congestion and safety issues. Mr. Wright stated that the project would make the area more livable and increase the economic opportunity in the community. He stated one of the biggest issues in the Grove Area is the number of children along the road and saw this primarily as a safety improvement.

Mr. Paul Holt stated that the project had a number of safety improvements to get the busses out of the travel lanes and to decrease the number of kids walking or biking in the street.

Mr. Wright stated that the school expansion is a large task for the County to take on.

Mr. Richardson ranked the schools' entrances higher this year because it seems to be a repeat need.

Ms. Mellen stated that the schools have expanded their CIP process.

Mr. Richardson stated that the school expansions are other needs.

Ms. Rosario stated that the schools are phasing the projects over the five-year CIP timeframe so the requests largely mirror last year's.

Mr. Holt mentioned that the safety need is important to look at as repeat applications are submitted.

Mr. Richardson stated that it will be valuable to have someone from the schools to come in to a future meeting.

Mr. Wright asked if anyone needed to hear more on the transportation projects.

Mr. Richardson, Mr. Wright and Mr. Schmidt all felt comfortable on the transportation projects.

Mr. Wright asked if anyone would like to hear more on the Jamestown Marina.

Mr. Schmidt asked if attendance had changed since the parking change in 2016. Mr. Schmidt felt that an email could be easier than having them come in to answer the question. Mr. Schmidt asked that if the County is going to make the improvements, is the visitation trending upward.

Mr. Holt stated that the Planning staff will send out an email for more information.

Mr. Wright asked if Stormwater needed any more detail discussion.

Mr. Richardson stated that the Stormwater project is a clear number one from all four committee members.

Mr. Schmidt asked if the Stormwater project is broken down into individual projects.

Ms. Mellen stated that they have a large list and they prioritize internally.

Mr. Wright stated that the committee felt good about the Stormwater project.

Mr. Richardson asked if the Schools gave the projects in their priority order.

Mr. Ribeiro confirmed that they did.

Mr. Wright asked that he would like more details on the Montague Elementary parking lot improvements.

Mr. Wright had concern about spending money on the Jamestown High School cafeteria expansion when there is the possibility of a new expansion in the future. Mr. Wright asked where the student growth is going.

Mr. Richardson agreed with Mr. Wright and asked if the vision to move forward was to expand the current campuses or to completely build a new school.

Mr. Wright asked for more information so he could make the right decision.

Mr. Schmidt stated that the overflow parking lot at Matthew Whaley Elementary School is gravel with erosion issues. Mr. Schmidt stated that the parking lot cannot be plowed in the winter. Mr. Schmidt stated that it was more of a convenience issue rather than a safety issue.

Mr. Ribeiro asked if there were any specific questions on the application.

Mr. Wright asked where the Best Management Practice (BMP) would be located to ensure there would be no safety concerns.

Mr. Wright noted that the baseball field refurbishment was low on his priority list. Mr. Wright asked if anyone wanted to hear additional details on the baseball field refurbishment.

Mr. Richardson and Mr. Schmidt both felt they did not want additional details on the project.

Mr. Wright felt that the cost of the refurbishment was too high to be ranked above the safety projects and stated he had safety questions regarding the well removal.

Mr. Richardson also asked for details for the Berkeley Middle School well removal.

Mr. Wright felt that if there were safety issues then he would move the project up higher up his priority list.

Mr. Richardson asked if there were any emergency funds for the schools.

Ms. Mellen stated that she did not believe they had a contingency fund. Ms. Mellen stated that the schools had a half-million dollar budget. Ms. Mellen stated that if there was an emergency they would remove a project.

Mr. Richardson asked if the Committee would like more information on the school expansion.

Mr. Wright and Mr. Schmidt both replied yes.

Mr. Schmidt stated that the well report mentioned that this would prevent any safety accidents from the well site.

Ms. Rosario stated that we would bring this concern to the school when they are here.

Mr. Wright stated that the CIP item for Jamestown and Warhill High Schools expansions were \$17 million. Mr. Wright ranked the project higher because of the amount of money.

Mr. Holt stated that this can be added to the conversation when the school is here to answer questions.

Mr. Wright had concerns with over capacity of the school. Mr. Wright stated that with the pressure from new families moving in over the next year, he wanted more details on the project and growth trends.

Mr. Richardson felt the schools are still trying to figure out the expansion and that is why it was ranked lower.

Mr. Wright asked for more information on the expansion plan. Mr. Wright asked if Mr. Schmidt would like the schools to come in and talk about the overall program.

Mr. Schmidt confirmed he would like them to come in.

Mr. Ribeiro asked if there was a specific school.

Mr. Wright felt that Montague Elementary School stood out because the schools ranked it highest. Mr. Wright felt that it might be time to begin picking a couple of schools at a time.

Mr. Holt stated that each project is depended on the architectural costs.

Mr. Wright stated that if we cannot afford the project that is \$140,000, we would implement a couple of cheaper projects.

Ms. Mellen stated that after the rankings, a conversation would take place with the school regarding what could be funded. Ms. Mellen stated that a five-year schedule can help get all of the school projects completed.

Mr. Wright stated that if the schools keep bringing back the redesigns that it was time to start picking some to get completed.

Mr. Richardson asked Ms. Mellen what is being provided to the Board of Supervisors in regards to the budget.

Ms. Mellen stated that they bring a County Administrator proposed budget balanced over a five-year project as well as the rankings of all the projects.

Mr. Wright asked what dates are critical for Ms. Mellen to complete her tasks.

Ms. Mellen stated that March 20 is when the rankings will come in and she can put together the budget. Ms. Mellen stated the budget is to be released by the end of March.

Ms. Rosario stated there are a couple of meetings planned, two with discussions department agencies and one meeting to finalize the rankings. Ms. Rosario stated with only the schools coming a meeting could likely be canceled.

Mr. Ribeiro confirmed that only schools will need an in-person follow up.

Mr. Wright confirmed. Mr. Wright asked Ms. Mellen how much money could be available for capital budget.

Ms. Mellen stated that it was a matter of prioritizing and that there was not any more money to be added to the CIP. Ms. Mellen stated that the approximate amount is over \$10 million.

Mr. Holt stated that there were other programs competing for that same money.

Mr. Wright asked where the cutoff line for their priorities was.

Ms. Mellen stated that emergency issues can jump to the top of the list.

Mr. Holt stated that some of the details will be in the County Administrator's proposed budget.

Mr. Wright asked if there was any additional information needed from the committee.

F. ADJOURNMENT

Mr. Schmidt made a motion to adjourn. Mr. Wright adjourned the meeting at approximately 5:05 p.m.

Mr. John Wright, Acting Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 3/9/2017
TO: The Policy Committee
FROM: Paul D. Holt, III, Secretary
SUBJECT: February 23, 2017 Meeting Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Secretary, Policy	Approved	3/2/2017 - 4:14 PM

ITEM SUMMARY

DATE: 3/9/2017
TO: The Policy Committee
FROM: Terry Costello, Deputy Zoning Administrator
SUBJECT: ZO-0015-2016, Updates to Definition of Group Home

ATTACHMENTS:

	Description	Type
▣	Staff Report	Cover Memo
▣	Definitions from various other jurisdictions	Backup Material
▣	State Code reference for Group Homes	Backup Material
▣	Map showing areas zoned R-8	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	3/2/2017 - 2:23 PM
Policy	Holt, Paul	Approved	3/2/2017 - 3:39 PM
Publication Management	Burcham, Nan	Approved	3/3/2017 - 10:05 AM
Policy Secretary	Secretary, Policy	Approved	3/3/2017 - 11:00 AM

MEMORANDUM

DATE: March 9, 2017

TO: The Policy Committee

FROM: Terry Costello, Deputy Zoning Administrator

SUBJECT: Zoning Ordinance Amendments to Address Group Homes

Overview

At its November 8, 2016 meeting, the Board of Supervisors adopted an initiating resolution to address group home uses in all zoning districts. This resolution allows staff to investigate whether all of the County's current code sections are in accordance with the Code of Virginia and federal regulations.

Upon consultation with the County Attorney's office, staff has determined that changes are necessary to comply with the Code of Virginia and Federal Fair Housing Act (FHA). The FHA prohibits discrimination in housing based on a person's disability and localities must ensure reasonable accommodations for such individuals and groups.

Staff has identified the following definitions as needing revisions to ensure compliance with the FHA. Changes to these definitions will provide clarity and promote non-discriminatory avenues for all groups. Currently, Section 24-2, Definitions, of the Zoning Ordinance states the following:

Family. One or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a family.

A family is, exclusive of household servants:

1. An individual;
2. Two or more persons related by blood, marriage, adoption or guardianship;
3. A number of persons, not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, marriage, adoption or guardianship; or
4. Not, more than two unrelated persons living and cooking together along with two or more persons related by blood, marriage, adoption or guardianship, as a single housekeeping unit.

Group home. A residential facility in which individuals with mental illness, mental retardation or developmental disabilities reside with one or more resident counselors or other staff persons, and which is licensed by the Department of Behavioral Health and Development Services. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as provided for in the Code of Virginia.

Discussion Items

Staff researched and reviewed the definitions of family and group homes in the Zoning Ordinances of other localities, including the City of Virginia Beach, York County and Albemarle County. These definitions are listed in Attachment No. 1.

Staff also attached Section 15-2-2291, Assisted living facilities and group homes of eight or fewer; single family residence, of the Code of Virginia which states what localities shall consider as a single family residence.

Proposed Revisions

After reviewing the applicable state and federal regulations as well as peer localities' ordinances, staff developed proposed language for the definition of family, two options for the definition of group homes and amendments to the use lists of various districts.

1. Definition of Family - Incorporate the current definition of group home into the definition of family. The proposed language is show below:

Family. One or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a family.

A family is, exclusive of household servants:

1. An individual;
2. Two or more persons related by blood, marriage, adoption, *approved foster care* or guardianship;
3. A number of persons, not exceeding three, living and cooking together as a single housekeeping unit though not related by blood, marriage, adoption, approved foster care or guardianship;
4. Not, more than two unrelated persons living and cooking together along with two or more persons related by blood, marriage, adoption, *approved foster care* or guardianship, as a single housekeeping unit;
5. *A residential facility in which individuals with mental illness, mental retardation or developmental disabilities reside with one or more resident counselors or other staff persons, and which is licensed by the Department of Behavioral Health and Development Services. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as provided for in the Code of Virginia;*
6. *A residential facility in which no more than eight aged, infirm or disabled persons residing, with one or more resident counselors or other staff persons, and which is licensed by the Department of Social Services.*

These additions to the definition of family will bring the Ordinance into compliance with the Code of Virginia and the FHA.

2. Definition of Group Homes: Redefine group home (two suggestions):

Group home is:

Option 1. A residential facility housing the aged, infirm, disabled, or individuals with handicaps, mental illness, intellectual disabilities, or developmental disabilities, not meeting the definition of "family" in this Chapter. This shall be in accordance with requirements of the Fair Housing Act.

OR

Option 2. A residential facility shared by more than three unrelated individuals who live together as a single housekeeping unit which does not qualify as a "family" as defined in this chapter.

The first option would limit the definition to types of homes similar to the State required exemptions, but exceed the maximum number of occupants. The second option would expand it to all living situations that do not qualify as part of the family definition.

3. Use lists - Amend individual zoning districts to reflect changes:

Group homes or residential facilities, for eight or fewer adults are currently a permitted use in the following districts:

A-1, General Agricultural
R-1, Limited Residential
R-2, General Residential
R-3, Residential Redevelopment
R-4, Residential Planned Community
R-5, Multi-Family Residential
PUD-R, Planned Unit Development, Residential
MU, Mixed Use

Group homes or residential facilities, for nine or more adults is currently a specially permitted use in the following districts:

A-1, General Agricultural
R-3, Residential Redevelopment
R-4, Residential Planned Community
R-5, Multi-Family Residential
PUD-R, Planned Unit Development, Residential
MU, Mixed Use

Family care homes, foster homes or group homes serving physically handicapped, mentally ill, intellectually disabled or other developmentally disabled persons for more than five such persons is a specially permitted use in the following district in the R-8, Rural Residential District.

Group homes are not listed as either a permitted use or a specially permitted use in the R-6, Low Density District.

Should the Policy Committee recommend changes to the family and group home definitions, it will be necessary to amend Section 24-212, Use list in A-1, Section 24-232, Use list in R-1, Section 24-252, Use list in R-2, Section 24-273.2, Use list in R-3, Section 24-281, Use list in R-4, Section 24-305, Use list in R-5, Section 24-493, Use list in PUD, Section 24-518, Use list in MU, Section 24-329, Uses permitted by Special Use Permit only in R-6, Section 24-348 Permitted uses in R-8.

It is recommend by the County Attorney that if Group Home Definition Option 1 is selected, that the zoning districts be evaluated to determine where such use might be permitted as a matter of right. After reviewing the intent of each zoning district, staff proposes that the R-8 Zoning District be considered as a by right option for group homes. Furthermore, a Special Use Permit is recommended for the other residential zoning districts.

If the Policy Committee agrees with this recommendation of group homes as a permitted use in the R-8 Zoning District, staff could develop performance standards if the Policy Committee feels it is warranted. These could include, but are not limited to, Fire Department review, lot area requirement, distances between group homes, etc. There is an existing requirement from Building Safety & Permits to complete a change of use form and obtain a new Certificate of Occupancy.

Recommendation

Staff looks forward to the Committee's input on these discussion items and recommendations prior to moving forward with a draft ordinance to the Planning Commission.

TC/nb

ZOGrpHmsAmend-mem

Attachments:

1. Definitions of Family and Group Home in various jurisdictions
2. State Code on Group Homes
3. R8 Zoned Areas

Definitions of Family and Group Home in various jurisdictions:

Albemarle

- Family definition includes: a group of not more than six (6) persons not related by blood, marriage, adoption or guardianship living together as a single housekeeping unit in a dwelling (not allowed in R-1, R-2, or R-4 residential districts)
- Group home definition states that a “single-family dwelling having 8 or less mentally ill, mentally retarded or developmentally disabled is a single family residential use.” Group home is also more than 8 with a licensed counselor and licensed by the State. Allowed by-right in all districts. (Amended in 2001)

Charlottesville

- Family definition is listed under residential occupancy limits. The number of persons who may reside together within one dwelling unit, as a single housekeeping unit includes:
 1. group homes, residential facilities and assisted living facilities, as defined in the Code of Virginia, § 15.2-2291, which are licensed by the department of social services or the department of behavioral health and developmental services and which are occupied by no more than eight (8) mentally ill, mentally retarded, developmentally disabled, aged, infirm, or disabled persons together with one (1) or more resident counselors; or (vii) a group of persons required by law to be treated as a single housekeeping unit, in accordance with the Federal Fair Housing Act, or a similar state law.

Chesterfield County

- Family defined to include a “residential care home,” which is 8 or fewer and licensed
- Group care facility is defined an adult or child care facility, other than a residential care home, designed to provide resident services but not limited in number or required to be licensed, and is a SUP in all residential districts.

Fairfax County

- Sec. 2-502 dwelling unit may be occupied by:
 1. A group residential facility – a group home or other residential facility, with one or more resident or nonresident staff persons, in which no more than (a) 8 mentally ill, intellectually disabled or developmentally disabled persons reside and such home is licensed by the Virginia Department of Behavioral Health and Developmental Services; or (b) 8 intellectually disabled persons or 8 aged, infirm or disabled persons reside and such home is licensed by the Virginia Department of Social Service; or (c) 8 handicapped persons reside, with handicapped defined in accordance with the Federal Fair Housing Amendments Act of 1988. The terms handicapped, mental illness and developmental disability shall not include current illegal use or addiction to a controlled substance as defined in Sect 54.1-3401 of the Code of Virginia or as defined in Sect. 102 of the Controlled

Substance Act (21 U.S.C. 802). For the purpose of this Ordinance, a group residential facility shall not be deemed a group housekeeping unit, or ASSISTED LIVING FACILITY and a dwelling unit or facility for more than 4 persons who do not meet the criteria set forth above or for more than 8 handicapped, mentally ill, intellectually disabled or developmentally disabled persons shall be deemed a CONGREGATE LIVING FACILITY.

2. Any group housekeeping unit up to 10 people approved by the BZA.(Art. 8, Pt. 3) SUP in all R Districts except for R-1, R-P, and R-C.
- Congregate Living Facility – A facility which provides housing and general care on a permanent or temporary basis including the provision of supportive services, such as special care, treatment and training, in a supervised setting with on-site counselors and/or other staff.

Henrico

- Family is defined as “a person living alone or any number of persons living together as a single housekeeping unit including domestic servants, caregivers, foster children, and adults, and supervisory personnel in a group care facility.
- Group home is defined as a “residential facility in which no more than 8 individuals with mental illness, intellectual disability, or developmental disabilities reside with one or more resident or nonresident staff persons and is licensed by the Virginia Department of Behavioral Health and Developmental Services or other licensing authority.

Virginia Beach

- Defines “Family” to include 8 or fewer residents with a counselor and licensed by the State
- Has Group Home as a SUP in all residential districts; group home is not defined. Does not violate the FHA. See Oxford House v. City of Va Beach., 825 F. Supp. 1251, 1261-62 (E.D. Va 1993)

Williamsburg

- Family definition –
 1. Two or more persons related by blood, adoption, marriage or guardianship, limited to the following: husband, wife, child, stepchild, foster child, brother, sister, stepbrother, stepsister, parent, stepparent, grandchild, grandparent, mother-in-law, father-in-law; or
 2. Two unrelated persons along with one or more dependents related to either of them by blood, marriage, adoption or guardianship, limited to the following: child, stepchild, foster child, brother, sister, stepbrother, stepsister, parent, stepparent, grandchild, grandparent, mother-in-law, father-in-law.

- Group Home -
 1. Not more than eight individuals with mental illness, intellectual disability, or developmental disabilities with one or more resident or nonresident staff persons. Mental illness and developmental disability do not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401. In order to qualify as a group home, such facility must be licensed as a "residential facility" by the Virginia Department of Behavioral Health and Developmental Services; or by
 2. Not more than eight aged, infirm or disabled persons together with one or more resident counselors or other staff persons licensed as an assisted living facility or residential facility in which aged, infirm or disabled persons reside by the Virginia Department of Social Services.

For purposes of single-family residential occupancy, a group home shall be deemed to be a family and except for the limitations set forth hereinabove, no conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility.

York County

- Family definition - An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) unrelated persons, occupying a single dwelling unit. For purposes of single-family residential occupancy, and in accordance with Section 15.2-2291.A. of the Code of Virginia, the term also shall be deemed to include no more than eight (8) individuals with mental illness, intellectual disability, or developmental disabilities, together with one (1) or more resident or nonresident staff persons, living in a residential facility for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to the Code of Virginia.. Mental illness and developmental disability does not include current illegal use of or addiction to a controlled substance as defined in section 54.1-3401, Code of Virginia. In addition, in accordance with Section 15.2-2291.B. of the Code of Virginia.
- Group home - A dwelling unit shared by more than four (4) unrelated disabled persons who live together as a single housekeeping unit which does not qualify as a "family" as defined in this chapter, and in which resident or non-resident staff persons provide or facilitate care, education, and participation in community activities for the residents with the primary goal of enabling persons who are intellectually, developmentally or physically disabled, or who because of age or physical infirmity, require the protection or assistance of a group setting, to live as independently as possible in order to reach their maximum potential, and for which the Virginia Department of Behavioral Health and Development Services or the Virginia Department of Social Services is the licensing authority.

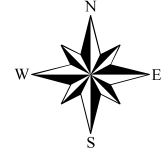
§ 15.2-2291. Assisted living facilities and group homes of eight or fewer; single-family residence

A. Zoning ordinances for all purposes shall consider a residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, as residential occupancy by a single family. For the purposes of this subsection, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in § 54.1-3401. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this subsection, "residential facility" means any group home or other residential facility for which the Department of Behavioral Health and Developmental Services is the licensing authority pursuant to this Code.

B. Zoning ordinances for all purposes shall consider a residential facility in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons, as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this subsection, "residential facility" means any assisted living facility or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the Department of Social Services is the licensing authority pursuant to this Code.

1990, c. 814, § 15.1-486.3; 1993, c. 373; 1997, c. 587; 1998, c. 585; 2007, c. 813; 2008, c. 601; 2009, cc. 813, 840; 2010, cc. 796, 847; 2012, cc. 476, 507; 2014, c. 238.

James City County R8 Zoned Areas



9,400 4,700 0 Feet

This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and James City County is not responsible for its accuracy or how current it may be.
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Gloucester
County

York
County

City of
Williamsburg

Legend

