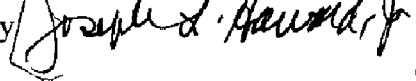


**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: April 1, 2008

TO Board of Supervisors

FROM Joseph L. Howard, Jr, County Attorney 

ISSUE Refer to the Planning Commission a Zoning Ordinance Amendment Limiting the Number of Unrelated Individuals Living in Residences

RECOMMENDATION Approval


BUDGET IMPACT N/A

ATTACHMENTS: (3)

[1] Background Report [3] Reso/Ord/Proc # R08-216

[2] Proposed Ordinance O08-42 [] Reso/Ord/Proc #

[] [] Reso/Ord/Proc #

REVIEW [X] County Administrator's Office 
[X] Planning Kelly C. Bah
[] _____

[X] **Consent Agenda** [] **Other Business** [] **Public Hearing**
[] **Discussion Item** [] **Presentation** [] **Unfinished Business**
[] **New Business**

PRESENTATION BY N/A

ELECTION DISTRICT N/A

BACKGROUND REPORT

The issue of overcrowding in single family residences has been raised by Stafford citizens in public presentations and in letters to the editor in local newspapers. A number of other localities in Virginia have included a definition of "family" within their Zoning Ordinances to address overcrowding.

These ordinances have limited the number of persons who are not related by blood, marriage, adoption, or guardianship that can live in a dwelling. This has been done through the definition of "family". Currently, the County does not have such a definition or any restriction on the number of unrelated individuals that can occupy a residential dwelling in its Code.

If the Board desires to consider such an amendment to the Zoning Ordinance, proposed Ordinance O08-42 would need to be forwarded to the Planning Commission for its recommendation to the Board for inclusion in the Zoning Ordinance.

Staff recommends consideration of proposed Ordinance O08-42 which allows no more than three (3) unrelated individuals to occupy a dwelling, thus staff recommends approval to refer this item to the Planning Commission for a recommendation.

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the _____ day of _____, 2008

MEMBERS

VOTE

George H Schwartz, Chairman
M S "Joe" Brito, Vice Chairman
Harry E Crisp II
Mark Dudenhefer
Paul V Milde III
Cord A Sterling
Robert "Bob" Woodson

On motion of _____, seconded by _____, which carried by a vote of _____, the following was adopted

AN ORDINANCE TO AMEND AND REORDAIN THE STAFFORD
COUNTY CODE BY AMENDING SECTION 28-25, DEFINITIONS

WHEREAS, the Board recognizes that the issue of overcrowding has been raised by Stafford citizens in public presentations and in letters to the editor in local newspapers, and

WHEREAS, adjacent localities have ordinances limiting the number of persons not related by blood, marriage, adoption, or guardianship that can live in a dwelling by including a definition of "family" within their Zoning Ordinance, and

WHEREAS, Stafford County Code has no definition of "family" nor any restriction on the number of unrelated individuals occupying a residential dwelling, and

WHEREAS, the Board desired to consider an amendment to the Zoning Ordinance to include a definition of "family", and

WHEREAS, the Board has conducted a public hearing and carefully considered the recommendations of the Planning Commission, staff, and the testimony at the public hearing, and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice requires such an amendment to the Zoning Ordinance,

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the ____ day of _____, 2008, that the Stafford County Code, Section 28-25, be amended and reordained to read as follows, all other portions remaining unchanged

Sec 28-25 Definitions of specific terms

When used in this chapter, the following terms shall have the meanings herein ascribed to them

Family Family shall mean a group of people living together as a single housekeeping unit and consisting of

- (1) One (1) person, or
- (2) Two (2) or more persons related by blood, adoption, or marriage, together with any number of offspring, foster, step or adopted children, or
- (3) A group of three (3) unrelated persons living and cooking together as a single housekeeping unit though not related by blood, marriage, adoption or guardianship, provided that the limitation on the number of unrelated persons shall not apply to residents in a housekeeping unit by persons having handicaps within the meaning of section 3602(f) of the Fair Housing Act (42 USC 3601, et seq , as amended), or
- (4) Those groups identified in Code of Virginia, § 15 2-2291, or like groups licensed by the Virginia Department of Social Services which otherwise meet the criteria of Code of Virginia, § 15 2-2291

AR JLHjr ce

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 1st day of April, 2008

MEMBERS

VOTE

George H Schwartz, Chairman
M S "Joe" Brito, Vice Chairman
Harry E Crisp II
Mark Dudenhefer
Paul V Milde III
Cord A Sterling
Robert "Bob" Woodson

On motion of , seconded by , which carried by a vote of , the following was adopted

A RESOLUTION TO REFER AN AMENDMENT TO THE ZONING
ORDINANCE TO THE PLANNING COMMISSION THAT
ESTABLISHES A DEFINITION FOR "FAMILY"

WHEREAS, the Board recognizes that the issue of overcrowding has been raised by Stafford citizens in public presentations and in letters to the editor in local newspapers, and

WHEREAS, adjacent localities have ordinances limiting the number of persons not related by blood, marriage, adoption or guardianship that can live in a dwelling by including a definition of "family" within their Zoning Ordinance, and

WHEREAS, Stafford County Code has no definition of "family" nor any restriction on the number of unrelated individuals occupying a residential dwelling, and

WHEREAS, the Board desires to consider an amendment to the Zoning Ordinance to include a definition of "family", and

WHEREAS, the Board desires to have the Planning Commission consider including a definition of "family" by amending Stafford County Code, Section 28-25, and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice requires such an amendment to the Zoning Ordinance,

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 1st day of April, 2008, that the Board be and it hereby does refer proposed Ordinance O08-42 to the Planning Commission for its consideration and recommendations regarding an amendment to Stafford County Code, Section 28-25, and

BE IT FURTHER RESOLVED that the Planning Commission be authorized to make recommended changes as needed

AJR JLHjr egl ce