

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: August 18, 2009

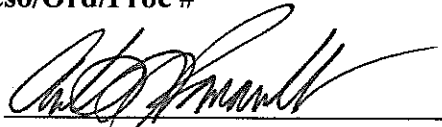
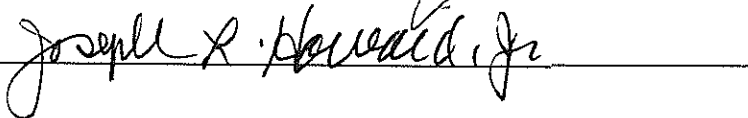
TO: Board of Supervisors
FROM: Jeffrey A. Harvey
Director of Planning and Zoning
ISSUE: Refer to the Planning Commission an Amendment to the Zoning Ordinance
Regarding Medical Clinics

STAFF RECOMMENDATION: Approval

BUDGET IMPACT: N/A

ATTACHMENTS: (3)

- | | |
|-------------------------------|------------------------------------|
| [1] Background Report | [3] <u>Reso/Ord/Proc</u> # R09-293 |
| [2] Proposed Ordinance O09-50 | [] <u>Reso/Ord/Proc</u> # |
| [] | [] <u>Reso/Ord/Proc</u> # |

REVIEW: [X] County Administrator's Office 
[X] Legal 

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

PRESENTATION BY: Jeffrey A. Harvey
Director of Planning and Zoning

ELECTION DISTRICT: N/A

BACKGROUND REPORT

For three (3) or more doctors or dentists to occupy a building or a group of rooms as one medical practice, the use will be considered a medical or dental clinic and require the issuance of a Conditional Use Permit. A medical or dental clinic is defined as a building or group of rooms used by more than two (2) licensed professionals practicing as a group, to conduct the normal operations associated with health care providers. Those professionals include: physician, dentist, orthodontist, optometrist, ophthalmologist, chiropractor, psychologist, psychiatrist, physical therapist, and any similar profession. Patients shall be treated on an out-patient basis only. There shall be no overnight stay or treatment.

The following nearby jurisdictions permit medical office/clinic as a by-right use in their commercial zoning districts; Albemarle, Fauquier, Hanover, King George, Spotsylvania, Prince William and the City of Fredericksburg.

Under the Stafford County Code, medical or dental clinics require the issuance of a Conditional Use Permit in the B-1, B-2 and PD-1 Zoning Districts, and a medical clinic requires the issuance of a Conditional Use Permit in the RC Zoning District. A medical or dental clinic is not permitted in the B-3 zoning district.

The Board has a concern that Stafford County may discourage the opportunity to have medical and dental clinics since they could locate in nearby jurisdictions as a by-right use instead of going through the public hearing process in Stafford County for the issuance of a Conditional Use Permit. An application for a CUP requires a public hearing with the Planning Commission and Board, takes an average of 6 to 12 months for a decision from the Board, and the applicant endures added expense for the submission of the application.

The Board desires to permit medical or dental clinics as a by-right use in the B-1, B-2, B-3, RC, SC, and PD-1 Zoning Districts.

The proposed ordinance shall permit medical or dental clinics as a by-right use in the B-1, B-2, B-3, RC, SC, and PD-1 Zoning Districts. Staff supports the proposed ordinance. An objective of the Comprehensive Plan is to facilitate the location of social services and human aid facilities as demand and population expansion warrant, in locations which are geographically dispersed throughout the County and in order to support the health and well-being of County residents. With the growth of the County and the opening of Stafford Hospital, encouraging medical or dental clinics and providing quality health care in the community is consistent with the Comprehensive Plan.

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 , 2009:

MEMBERS:

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

VOTE:

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

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY
CODE, SECTION 28-35, TABLE OF USES AND STANDARDS, TABLE
3.1, DISTRICT USES AND STANDARDS, OF THE ZONING ORDINANCE

WHEREAS, a medical or dental clinic is defined as a building or group of rooms used by more than two (2) licensed professionals listed below practicing as a group, to conduct the normal operations associated with health care providers. Those professionals include: physician, dentist, orthodontist, optometrist, ophthalmologist, chiropractor, psychologist, psychiatrist, physical therapist, and any similar profession. Patients shall be treated on an out-patient basis only. There shall be no overnight stay or treatment; and

WHEREAS, under the current ordinance; medical or dental clinics require the issuance of a Conditional Use Permit in the B-1, B-2 and PD-1 Zoning Districts, and a medical clinic requires the issuance of a Conditional Use Permit in the RC Zoning District; and

WHEREAS, the Board desires to permit medical and dental clinics as a by-right use in the B-1, B-2, B-3, RC, SC, and PD-1 Zoning Districts; and

WHEREAS, the Board has carefully considered the recommendation of the Planning Commission and staff and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practice require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the day of , 2009, that the Stafford County Code be and it hereby is amended and reordained by amending Section 28-35, Table of Uses and Standards, Table 3.1, District Uses and Standards, of the Zoning Ordinance as follows, with all other portions remaining unchanged:

BE IT FURTHER ORDAINED that this ordinance shall become effective on _____.

Sec. 28-35. Table of uses and standards.

Table 3.1. District Uses and Standards

B-1 Convenience Commercial:

(a) Uses permitted by right:

Clinic, medical and dental

(b) Conditional use permit:

~~Clinic, medical and dental~~

B-2 Urban Commercial:

(a) Uses permitted by right:

Clinic, medical and dental

(b) Conditional use permit:

~~Clinic, medical/dental~~

B-3 Office:

(a) Uses permitted by right:

Clinic, medical and dental

RC Rural Commercial:

(a) Uses permitted by right:

Clinic, medical and dental

(b) Conditional use permit:

~~Clinic, medical~~

SC Suburban Commercial:

(a) Uses permitted by right:

Clinic, medical and dental

PD-1 Planned Development - 1:

(a) Uses permitted by right:

Clinic, medical and dental

(b) Conditional use permit:

~~Clinic, medical/dental~~

AJR:JAH:jjs

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 18th day of August, 2009:

MEMBERS:

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

VOTE:

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 REGARDING
MEDICAL/DENTAL CLINICS

WHEREAS, a medical or dental clinic is defined as a building or group of rooms used by more than two (2) licensed professionals listed below practicing as a group, to conduct the normal operations associated with health care providers. Those professionals include: physician, dentist, orthodontist, optometrist, ophthalmologist, chiropractor, psychologist, psychiatrist, physical therapist, and any similar profession. Patients shall be treated on an out-patient basis only. There shall be no overnight stay or treatment; and

WHEREAS, under Stafford County Code, medical or dental clinics require the issuance of a Conditional Use Permit in the B-1, B-2 and PD-1 Zoning Districts, and a medical clinic requires the issuance of a Conditional Use Permit in the RC Zoning District; and

WHEREAS, the Board desires to permit medical and dental clinics as a by-right use in the B-1, B-2, B-3, RC, SC, and PD-1 Zoning Districts; and

WHEREAS, the Board believes that public necessity, convenience, general welfare and good zoning practices require adoption of the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of August, 2009, that the amendment to the Zoning Ordinance by proposed ordinance O09-50 be and it hereby is referred to the Planning Commission for a public hearing and recommendation.

AJR:JLH;jjs