

Zoning Ordinance Amendment – “Family” and “Recovery Residences”



- Amend the existing definition of “Family.”
- Create and define a use identified as “Recovery Residence.”
- Amend multiple zoning districts to allow a Recovery Residence of more than 8 individuals.

Background/History

- Three known properties associated with Oxford House. Another organization is planning to establish a similar operation.
- July 2022 – Stephen G. Polin/Oxford House Inc. submitted a request for reasonable accommodation pursuant to the Federal Fair Housing Act.
- Sept. 2022 – City Council directed staff to create a group home use permitted by SUP.
- Dec. 2022 – Staff presented to PC “Cooperative Sober Living Residence” by SUP. PC recommended denial (7-0).
- Jan. 2023 – Staff withdrew the request to further evaluate.

Family:

~~One (1) or more persons occupying a dwelling and living as a single housekeeping unit, all of whom are related to each other by birth, adoption or marriage as distinguished from a group occupying a boardinghouse, roominghouse or hotel as herein defined.~~

Family:

Includes:

- (a) An individual, or two or more persons related by blood, marriage, adoption, foster care, or guardianship; or
- (b) A group of up to eight persons with mental illness, intellectual disability or developmental disability who are residing with one or more resident counselor(s) or other staff person(s) in a facility which is licensed by the Department of Behavioral Health and Developmental Services of the Commonwealth of Virginia. For the purposes of the Zoning Ordinance, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia or its successor; or
- (c) A group of up to eight aged, infirm, or disabled persons who are residing with one or more resident counselor(s) or other staff person(s) in a facility licensed by the Virginia Department of Social Services of the Commonwealth of Virginia; or
- (d) A recovery residence, as defined, provided it has no more than eight (8) adult residents and any number of minor dependents of those residents.

A family is distinguished from a group occupying a boardinghouse, rooming house, or hotel as herein defined.

Recovery Residence:

A dwelling unit occupied by multiple unrelated residents in recovery from chemical dependency and considered disabled under the Federal Fair Housing Act Amendments of 1988 that provides a non-institutional residential environment in which the residents willingly subject themselves to rules and conditions intended to encourage and sustain their recovery. Residents of a recovery residence share kitchen facilities and other common areas of the unit. A recovery residence is not required to provide on-site supportive services to residents, but is, or intends to become, certified by a credentialing entity approved by the Virginia Department of Behavioral Health and Developmental Services.

Allow by Special Use Permit the following use:

- Recovery residence of more than eight (8) adults and any number of minor dependents of those residents.

Within the following zoning districts:

- R-1, R-2, R-3 (Multiple Dwelling and Medium Density), R-4, R-5, R-6, R-7, MX-U, R-8, MH-1, MH-2, B-1, B-2, M-1, and UR.

Recommendation

Staff and Planning Commission (7-0) recommends approval of the Zoning Ordinance amendments.