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January 18, 2017

Mr. Johnathan D. Fairbanks, P.E.
Fairbanks & Franklin
1005 Mahone Street
Fredericksburg, VA 22401

SUBJECT: *Application ZON16151512; Tax Map Parcel No. 44Y-15C; Zoning Administrator Determination*

Dear Mr. Fairbanks:

This letter is in response to your request for a Zoning Administrator Determination to confirm whether the use of a free standing emergency department (FSED) proposed for Tax Map Parcel No. 44Y-15C is a by-right use in the B-2, Urban Commercial Zoning District.

The information included in the request states the facility will provide emergency services to patients 24 hours a day/7 days a week which includes a full array of diagnostic services including Computed Tomography (CT) services, but would not include "admitted" stays. I also understand that the proposed FSED would be licensed by the Virginia Department of Health (VDH), through the Spotsylvania Regional Medical Center's license.

You have requested that the proposed FSED be considered a medical clinic, which is defined in the Stafford County Zoning Ordinance as follows:

A room or group of rooms used for a medical, dental or psychiatric practice offering medical services on an outpatient basis, including in-house diagnostic testing facilities, medical counseling services, internal surgery, general anesthetics, and similar services, but not including overnight stay or treatment

The proposed FSED does not meet this definition, which is for a facility that is not licensed through the VDH as a hospital but still provides medical, dental or psychiatric services on an outpatient basis.

The Stafford County Zoning Ordinance defines a hospital the same as the Commonwealth does, as follows:



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A facility licensed in accordance with the Code of Virginia in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two (2) or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as children's hospitals, sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals

Consequently, if the proposed FSED is required to be, and will be, licensed as a hospital with VDH, it is considered a hospital under the Stafford County Zoning Ordinance, which requires approval of a conditional use permit to be allowed in the B-2, Urban Commercial Zoning District.

This determination may be appealed to the Board of Zoning Appeals within thirty (30) days from receipt of this letter, in accordance with 15.2-2311 of the Code of Virginia, or this decision shall be final and un-appealable.

If you have any questions or comments, I can be reached by email at sblackbum@staffordcountyva.gov or by phone at 540-658-8668.

Sincerely,



Susan W. Blackburn
Zoning Administrator

SWB:dk