

THE SECRETARY SHALL ADOPT APPROPRIATE RULES AND REGULATIONS FOR ESTABLISHING, LICENSING, AND OPERATING PUBLIC GROUP HOMES.

(B) CONTENTS.

THESE RULES AND REGULATIONS SHALL PROVIDE FOR CONSIDERATION OF:

(1) THE NUMBER OF INDIVIDUALS WHO INAPPROPRIATELY LIVE IN LARGE STATE FACILITIES BUT COULD BE SERVED BEST IN THE COMMUNITY;

(2) HISTORIC INFORMATION;

(3) REASONABLE PROJECTIONS;

(4) AVAILABILITY OF PRIVATE GROUP HOMES TO MEET THE PROJECTED NEED; AND

(5) ZONING CLASSIFICATIONS.

(C) ZONING CLASSIFICATIONS.

(1) A PUBLIC GROUP HOME MAY NOT BE LOCATED IN ANY AREA WHERE A LOCAL ZONING LAW SPECIFICALLY PROHIBITS A PUBLIC GROUP HOME.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION AND FOR THESE PURPOSES, A PUBLIC GROUP HOME:

(I) IS DEEMED CONCLUSIVELY TO BE A SINGLE-FAMILY DWELLING;

(II) IS PERMITTED IN ALL RESIDENTIAL ZONES; AND

(III) MAY NOT BE SUBJECT TO ANY SPECIAL EXCEPTION, CONDITIONAL USE PERMIT, OR PROCEDURE THAT DIFFERS FROM THAT REQUIRED FOR A SINGLE-FAMILY DWELLING OF SIMILAR DENSITY IN THE SAME ZONE.

REVISOR'S NOTE: This section is new language that combines, without substantive change, former Article 59A, §§ 19B(b) and 19C.

Although former Article 59A, § 19B(b) listed factors that the Director must consider in studying the need for public group homes, former Article 59A, § 19C incorporated these factors, by reference. Therefore, these factors are set out in subsection (b) of this section, to emphasize that the factors apply to establishing any public group home -- i.e., whether or not the public group home is established because this State