

**BOARD OF ALDERMEN**  
**AGENDA ITEM ABSTRACT**

ITEM NO. B(3)

**MEETING DATE: May 25, 2004**

**TITLE: Public Hearing to consider LUO Text Amendments related to group homes**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES <u>X</u> NO <u>  </u></b>
<b>ATTACHMENTS:</b> <b>A. Draft Ordinance</b> <b>B. Relevant Land Use Ordinance provisions</b> <b>C. Draft- Revised Table of Permissible Uses, 1.000 – 1.600 Uses</b> <b>D. Planning Board Recommendation</b>	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – <b>918-7327</b> Mike Brough – <b>929-3905</b>

**PURPOSE**

A draft ordinance that makes the Town's definitions and permit requirements associated with group homes consistent with state and federal provisions has been prepared. Following the receipt of public comments, the Administration recommends that the Board of Aldermen adopt the draft ordinance.

**INFORMATION**

The Town processed an application for a group home in 2003. Based on the existing ordinance provisions, such a use was required to obtain a special use permit. The Board of Adjustment approved the special use permit on September 17, 2003. In reviewing the application, staff noted that the town's requirements did not correspond as closely as possible to state and federal provisions related to group homes.

A draft ordinance has been prepared that will modify the town's requirements associated with group homes in a manner that is consistent and appropriate with those of other government entities (*Attachment A*). Copies of the relevant Land Use Ordinance provisions are attached (*Attachment B*). A portion of the Table of Permissible Uses showing the proposed revisions is provided (*Attachment C*). The changes included in the draft ordinance and recommended actions are noted in the following table:

<b>Section #</b>	<b>Definitions Deleted</b>	<b>Definitions Added</b>	<b>Permit Requirements Added</b>	<b>Recommended Action</b>
1	Child Care Home, Halfway House, Handicapped, Aged, or Infirm Home, Intermediate Care Home, Nursing Care Home			<i>Adopt</i>
2		Adult Care Home, Class A and B, Child Care Home Class A and B, Group		<i>Adopt</i>

Section #	Definitions Deleted	Definitions Added	Permit Requirements Added	Recommended Action
3		Home, Maternity Home, Nursing Care Home	Class A homes and maternity homes are proposed as permitted uses in 15 zoning districts, subject to a zoning permit. Class B homes are proposed as permitted uses in 11 zones, subject to either a special use or conditional use permit	<i>Adopt</i>

The extensions “A” and “B” are used in the new definitions of Adult Care Homes and Child Care Homes to make the following distinction between residential arrangements for adults and children.

Class A. Those who have, in the case of adults, either a handicap or a disability under federal and state law. In the case of children, this class includes those who are orphaned, abused, neglected, or dependent or who have a handicap or disability under federal or state law.

Class B. Those who suffer from mental illness or other conditions , use or are addicted to alcohol or controlled substances and present a danger either to themselves or to others as defined in state laws.

Per the requirements of the Joint Planning Agreement and the Land Use Ordinance, the draft ordinance was referred to Orange County and the Planning Board, respectively. A copy of the Planning Board recommendation is attached (*Attachment D*).

### **FISCAL IMPACT**

No fiscal impacts are expected in association with the adoption of the draft ordinance

### **ADMINISTRATION’S RECOMMENDATION**

The Administration recommends that the Board of Aldermen adopt the draft ordinance (*Attachment A*).