

BOARD OF ALDERMEN

ITEM NO. B(2)

AGENDA ITEM ABSTRACT

MEETING DATE: June 22, 2004

TITLE: Continuation of a Public Hearing to consider LUO Text Amendments related to group homes

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: A. Draft Ordinance B. Excerpt of Minutes, Board of Aldermen, May 25, 2004 C. Relevant Land Use Ordinance provisions D. Draft- Revised Table of Permissible Uses, 1.000 – 1.600 Uses E. Planning Board Recommendation	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

A public hearing on text amendments related to parking was held on May 25. The Board of Aldermen continued discussion of this matter until operators of local group homes had received copies of the draft ordinance.

INFORMATION

A draft ordinance has been prepared to modify the town's requirements associated with group homes in a manner that is consistent and appropriate with those of other governmental entities (*Attachment A*).

The Board of Aldermen opened a public hearing on the draft ordinance on May 25, 2004 (see minutes, *Attachment B*). The Board of Aldermen directed staff to notify several agencies of the draft ordinance, including Residential Services, Inc., ARC of Orange, OPC Foundation, Club Nova, Freedom House, and Orange County Department of Social Services. Copies of the draft ordinance were distributed to these agencies and to several other groups licensed by the State Department of Health and Human Services, Division of Facilities Services or identified as interested parties. These additional contacts include Tarheel House, Orange County Disability Awareness Council, AIDS Service Agency of Orange County, Caramore Community, Inc., and Orange Community Residence.

Copies of the relevant Land Use Ordinance provisions are attached (*Attachment C*). A portion of the Table of Permissible Uses showing the proposed revisions is provided (*Attachment D*). The changes included in the draft ordinance and recommended actions are noted in the following table:

Section #	Definitions Deleted	Definitions Added	Permit Requirements Added	Recommended Action
1	Child Care Home, Halfway			<i>Adopt</i>

Section #	Definitions Deleted	Definitions Added	Permit Requirements Added	Recommended Action
	House, Handicapped, Aged, or Infirm Home, Intermediate Care Home, Nursing Care Home			
2		Adult Care Home, Class A and B, Child Care Home Class A and B, Group Home, Maternity Home, Nursing Care Home		<i>Adopt</i>
3			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 E*).

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*).