

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE PROVISIONS
DEALING WITH GROUP HOMES

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-15 of the Carrboro Land Use Ordinance is amended by deleting the following definitions: Child Care Home; Halfway House; Handicapped, Aged or Infirm Home; Intermediate Care Home; Nursing Care Home.

Section 2. Section 15-15 of the Carrboro Land Use Ordinance is amended by adding the following definitions in appropriate alphabetical order:

Adult Care Home, Class A: A group home for adults who are in need of such a residential arrangement because they are aged or infirm, or have a "handicap" as defined in the Fair Housing Act (42 U.S.C. § 3602), or a "developmental disability" as defined in N.C.G.S. § 122C-3(12a).

Adult Care Home, Class B: A group home for adults who are in need of such a residential arrangement because they suffer from a "mental illness" and are "dangerous to themselves or others" as those terms are defined in N.C.G.S. § 122C-3(11) and (21), or are "mentally retarded with accompanying behavior disorder" as defined in N.C.G.S. § 122C-3(23), or are involved with the current illegal use of or addiction to a controlled substance, or have been assigned or directed to such residence by the criminal justice system as a result of criminal or antisocial behavior, or otherwise would constitute a direct threat to the health and safety of others.

Child Care Home, Class A: A group home for minor children who are in need of such a residential arrangement because they are orphaned, abused, neglected, or dependent, or who have a "handicap" as defined in the Fair Housing Act (42 U.S.C. § 3602), or a "developmental disability" as defined in N.C.G.S. § 122C-3(12a).

Child Care Home, Class B: A group home for minor children who are in need of such a residential arrangement because they suffer from a "mental illness" and are "dangerous to themselves or others" as those terms are defined in N.C.G.S. § 122C-3(11) and (21), or are "mentally retarded with accompanying behavior disorder" as defined in N.C.G.S. § 122C-3(23), or are involved with the current illegal use of or addiction to alcohol or controlled substances, or have been assigned or directed to such residence by the criminal justice system as a result of criminal or antisocial behavior, or otherwise would constitute a direct threat to the health and safety of others.

Group Home: A housing arrangement in which up to nine individuals, typically unrelated, live together as a single housekeeping unit in a single, detached dwelling unit, under circumstances where such residents are under the care, control, and supervision of one or more other persons who are trained to provide such care, control, and supervision.

Maternity Home. A group home licensed as a maternity home by the N.C. Department of Health and Human Services pursuant to N.C.G.S. § 131D-1.

Nursing Care Home: A group home licensed as a nursing home under the Nursing Home Licensure Act, N.C.G.S. § 131E-100 et seq.

Section 3. Use classifications 1.400 and 1.600 of the Table of Permissible Uses within the Carrboro Land Use Ordinance are revised as follows:

Use Classification 1.420, Homes for Handicapped, Aged or Infirm, has been deleted. Use Classification 1.430, Boarding Houses, Rooming Houses, has been re-numbered 1.420. The new group home uses defined in Section 2 of this ordinance, with the exception of "Group Home," have been assigned use classifications and permit requirements as shown in the following table:

Description	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	R-R	B-1 (G)	B-2	B-3	B-3-T	C-T	W-R	O	O/A
1.410 Fraternities, Sororities, Dormitories and Similar Housing	C	C	C	C	C	C	C	C	C			C			
1.420 Homes for Handicapped, Aged or Infirm	- Z	- Z	- Z	- Z	- Z	- Z	- Z	- Z	- Z	- -	- -	- Z	- C	- -	- -
1.430 Boarding Houses, Rooming Houses	S	S	S	S	S	S	S	C	S			C	C		
1.420 Adult Care Home, Class A	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
1.430 Adult Care Home, Class B	S	S	S	S	S	S	S	C	S			C	C		
1.440 Child Care Home, Class A	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
1.450 Child Care Home, Class B	S	S	S	S	S	S	S	C	S			C	C		
1.460 Maternity Home	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z

1.600 Use Classifications have been deleted or re-numbered as noted below. The permit requirements for the remaining uses are unchanged.

1.610 Nursing Care Homes, Intermediate Care Homes
1.620 Halfway Houses
1.630 Child Care Homes
1.640
1.610 Temporary Homes for the Homeless
1.650
1.620 Overnight Shelters for Homeless
1.660
1.630 Senior Citizen Residential Complex

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.

PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT RELATED TO GROUP HOMES

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 recommended that the Board of Aldermen adopt the draft ordinance.

Trish McGuire, the town's Planning Administrator, made the presentation.

Ellen Perry, a Carrboro resident with a developmental disability, stated that she feels that applications for group homes should be reviewed by the Board of Aldermen or Board of Adjustment. She also requested that the front door of Town Hall be made automatic to assist handicapped individuals.

Alderman Gist requested that this public hearing be continued until Residential Services, the ARC, OPC Foundation, Club Nova, Freedom House, and Orange County Department of Social Services are made aware of the proposed amendment.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO CONTINUE THIS PUBLIC HEARING UNTIL JUNE 22, 2004. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, MCDUFFEE)

EXCERPT OF SECTION 15-15**DEFINITIONS**

CHILD CARE HOME. A home for not more than nine orphaned, abandoned, dependent, abused, or neglected children, together with not more than two adults who supervise such children, all of whom live together as a single housekeeping unit.

HALFWAY HOUSE. A home for not more than nine persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness [as defined in G.S. 35-17(30)], or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of whom live together as a single housekeeping unit. **(AMENDED 4/27/82)**

HANDICAPPED, AGED OR INFIRM HOME. A residence within a single dwelling unit for at least six but not more than nine persons who are physically or mentally handicapped, aged or infirm, together with not more than two persons providing care or assistance to such persons, all living together as a single housekeeping unit. **(AMENDED 5/10/83)**

INTERMEDIATE CARE HOME. A facility maintained for the purpose of providing accommodations for not more than seven occupants needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

NURSING CARE HOME. A facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to not more than nine persons.



PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

MAY 20, 2004

LAND USE ORDINANCE TEXT AMENDMENT TO PROVISIONS DEALING WITH GROUP HOMES

Motion was made by John Marshall and seconded by James Carnahan that the Board of Aldermen adopt the draft ordinance as provided, with a request that the Town Attorney provide clarification that the changes included do not restrict foster homes.

VOTE: AYES (7) (Babiss, Carnahan, Haven-O'Donnell, Marshall, Hammill, Paulsen, West); NOES (0); ABSENT/EXCUSED (3) (Hogan, Ludwig, Poulton).

John Marshall / *5/28/04*
John Marshall, Chair (date)