

# BOARD OF ALDERMEN

ITEM NO. D(6)

## AGENDA ITEM ABSTRACT

**MEETING DATE: Tuesday, January 18, 2005**

**TITLE: Report/Request-to-set a Public Hearing to consider additional Land Use Ordinance Text Amendments related to group homes**

DEPARTMENT: <b>PLANNING</b>	PUBLIC HEARING: <b>YES</b> __ <b>NO</b> <u><b>X</b></u>
ATTACHMENTS: <b>A. Resolution</b> <b>B. Memo from Mike Brough</b> <b>C. Draft Ordinance</b>	FOR INFORMATION CONTACT: Patricia McGuire – <b>918-7327</b> Mike Brough – <b>929-3905</b>

### PURPOSE

On June 22, 2004, the Board of Aldermen adopted several amendments to the Land Use Ordinance related to group homes but requested additional revisions to ensure that the changes lifted restrictions for homes not protected by federal and state law. A draft ordinance that responds to that request has been prepared. It is necessary for the Board of Aldermen to receive public comment before taking action on these changes. A resolution that sets a public hearing for February 22, 2004 and refers the ordinance to Orange County and the Planning Board is provided.

### INFORMATION

Mike Brough, Town Attorney, has prepared a memo that summarizes additional revisions that are needed to the group homes provisions (*Attachment B*). Mr. Brough's memo notes that the additional work also provides an opportunity for the Board of Aldermen to consider whether certain types of the Class B group homes should require a conditional or special use permit. The draft ordinance (*Attachment C*), if adopted as prepared, would require a special use permit for the Class B Adult and Child care homes when located within residential zoning districts.

A special use permit for these uses is consistent with the permitting requirements applied to other land uses when they are located in residential zoning districts. For example, a child day care facility is required to obtain a special use permit when located in residential zoning districts. Child day care facilities are state regulated and involve the care of more than two children on a regular basis for more than four hours at least once a week. Similarly, a senior day care facility, defined as the daily care of more than five senior citizens at a time, is also required to obtain a special use permit in residential zones.

Other uses, in anticipation that their impacts will be greater than those typically associated with the residential activities, or the nature of which may alarm neighboring residents, are also required to obtain a special use permit. Among these uses are homes which are being torn down and replaced by considerably larger structures, boarding houses, and bed and breakfasts.

## **FISCAL IMPACT**

A public hearing is required, with associated advertising costs. Should the Board wish to bundle this change with other amendments (resulting from the comprehensive review of the Land Use Ordinance to be reported on February 22<sup>nd</sup>), these costs would not be duplicated.

## **STAFF RECOMMENDATION**

The staff recommends that the Board of Aldermen set the public hearing for February 22<sup>nd</sup> and proceed with consideration of the additional amendments related to group homes (*Attachment A*).