

BOARD OF ALDERMEN

ITEM NO. (3)

AGENDA ITEM ABSTRACT

MEETING DATE: February 22, 2005

**TITLE: Public Hearing to consider additional Land Use Ordinance Text
Amendments related to group homes**

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| DEPARTMENT: PLANNING | PUBLIC HEARING: YES <u>X</u> NO <u> </u> |
| ATTACHMENTS: A. Draft Ordinance B. Memo from Mike Brough C. Planning Board Recommendation and Orange County Comment D. Other Comments | FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905 |

PURPOSE

The Board of Aldermen must receive public comment on the proposed amendments to the group home provisions in the Land Use Ordinance. The staff recommends adoption of the draft ordinance.

INFORMATION

On June 22, 2004, the Board of Aldermen adopted several amendments to the Land Use Ordinance related to group homes. These amendments were designed so that the ordinance did not impose on group homes restrictions (in terms of the types of permits required and locational requirements) that are inconsistent with federal and state law. The amendments adopted by the Board at that time created two classes of group homes (Class A and B), one that includes homes protected by federal and state law, and one that includes homes not covered by federal and state law. Both types of homes were made permissible with a zoning permit in all districts where other types of residences are permitted.

However, the Board expressed its intent to revisit the question of what types of homes should be included in each classification of group homes and whether some types of homes not protected by federal or state law should be made permissible only upon the issuance of a special use permit. The town attorney has prepared an ordinance that responds to the Board's request (*Attachment A*) as well as a memo that summarizes the draft ordinance provisions (*Attachment B*). The draft ordinance, if adopted as prepared, would make it necessary for Class B Adult and Child care homes to obtain special use permits 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.

The draft ordinance was referred to Orange County staff and the Carrboro Planning Board for review. Copies of the Planning Board recommendation and comments from the Orange County staff are attached (*Attachment C*). Other comments that have been received related to this matter are also attached (*Attachment D*).

FISCAL IMPACT

None have been noted.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the draft ordinance that amends the definition of group homes, the definition and permit requirements for Class B Child Care and Adult Care Homes and the permit requirements for Nursing Care Homes (*Attachment A*).