



Legislation Text

File #: 15-0037, **Version:** 1

TITLE:

Request-to-set a public hearing on Land Use Ordinance Text Amendments Relating to Temporary Family Health Care Structures

PURPOSE: The purpose of this item is for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to allow temporary family health care structures as provided for in S.L. 2014-94.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325; Nick Herman - 919-929-3905; Mike Borough - 919-929-3905

INFORMATION: During the 2014 session, the North Carolina General Assembly adopted S.L. 2014-94 which created G.S. 160A-383.5, a new section of the General Statutes under Chapter 160A: Cities and Towns entitled “Zoning of temporary family health care structures.” This new legislation requires municipalities to allow temporary family health care structures “granny pods” to be permitted as an accessory use in residential zoning districts so long as certain criteria are met. The criteria speak to the caretaking relationship between the resident of the primary dwelling on the property and the resident of the health care structure, as well as requirements for the health care structure to be removable, of limited size and in compliance with standard zoning requirements such as setbacks. A copy of the Session Law 2014-94 is provided (Attachment C) along with background information from the UNC-School of Government Coates’ Canons (Attachment D).

As a point of reference, the Town currently allows the owners of single family residences, on lots of at least 150 percent of the minimum square footage required per dwelling unit, to have an accessory apartment. The apartment or second dwelling unit may not be larger than twenty-five percent of the gross floor area of the primary residence, nor more than a total of 750 square feet. The temporary family health care structures described in S.L. 2014-94 may be no larger than 300 square feet.

The Town Attorney has prepared a draft ordinance (Attachment B), which, if adopted, would amend Article X of the Land Use Ordinance (LUO), Permissible Uses, in accordance with the state legislation. Temporary family health care structures would be described in a new subsection 15-150 (f), located after the Permissible Use Table.

The Board of Aldermen must receive public comment before adopting amendments to the LUO. Orange County and Planning Board review are also needed.

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

RECOMMENDATION: Staff recommends that the Board of Aldermen set a public hearing for March 24, 2015 and refer the proposed amendment to Orange County, the Planning Board and other advisory boards as appropriate.