



Legislation Text

File #: 15-0087, **Version:** 1

TITLE:

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 potential text amendments to the Land Use Ordinance to allow temporary family health care structures as provided for in S.L. 2014-94. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

DEPARTMENT: Planning

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

INFORMATION: During its 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 Blog (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 Table of Permissible Uses.

The draft ordinance was referred to Orange County and presented to the Planning Board at its March 19, 2015 meeting. Comments are provided (Attachment E).

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with

advisory board and Board of Aldermen review. Minimal staff impacts are anticipated in relation to incorporating the proposed amendment.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the resolution finding consistency (Attachment A-1), and the draft ordinance provided in the attachments (Attachment B). .