

PL 20150859

TEXT AMENDMENT REQUEST APPLICATION

(1) Applicant Information:

Name: Hope Derby Carmichael, on behalf of
Governors Club Property Owners Association, Inc.

Address: 1951 Clark Avenue
Raleigh, NC 27605

Phone No: (H) N/A
(W) 919-828-2501
(M) 919-604-3162

(2) Name of Ordinance for Text Amendment: Chatham County Zoning Ordinance

(3) Text of Ordinance to be varied:

Section 7.2 Page 17

Existing Language:

Family Care Home – A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment.

Request Language Change: Revise definition of Family Care Home and insert definition of Group Care Home as set forth below.

Family Care Home – A home as defined by N.C. Gen. Stat. § 168-21 with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities.

Group Care Home – A facility licensed by the State of North Carolina, other than a Family Care Home, with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for more than six resident persons with disabilities.

Existing Language:

Table 1 currently lists “Family care home with six persons or less” as a permitted use in zones R5, R2, R1, and O&I. Table 1 then lists “Family care home with more than six persons” as a permitted use in zone O&I.

Proposed Language: Amend Table 1 as set forth below.

Delete the two existing categories “Family care home with six persons or less” and “Family care homes for more than six persons”.

Add the category “Family Care Home” as a permitted use in zones R5, R2, R1, and O&I, with the explanatory note “Except that a Family Care Home may not be located within a one-half mile radius of an existing Family Care Home.”

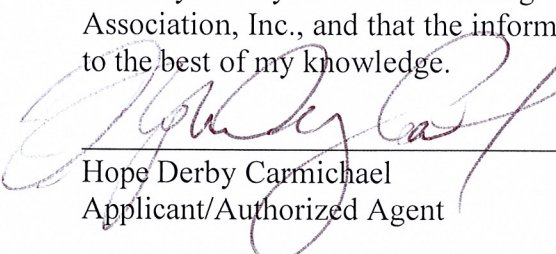
Add the category “Group Care Home” as a permitted use in zone O&I.

(4) Reasons for the requested text amendment:

The term “Family Care Home” has a specific legal definition under N.C. Gen. Stat. § 168-21(1) (see attached). The proposed amendment to Section 7.2 adopts the state law definition for the sake of consistency and to avoid confusion regarding what constitutes a Family Care Home. The term “Group Care Home” would be used to distinguish a Family Care Home, which by statute has six or fewer residents, from a larger type of care facility.

Further, in accordance with N.C. Gen. Stat. § 168-22(a) (see attached), a political subdivision of the state is allowed to restrict the density of Family Care Homes by prohibiting a home from operating within a one-half mile radius of an existing home. This particular amendment is requested to address concerns regarding the establishment of a commercial enterprise within a residential community. Without the one-half mile radius density restriction, theoretically numerous homes within a subdivision could be purchased for for-profit use as a cluster grouping of Family Care Homes, thus changing the basic residential character of the neighborhood.

I hereby certify that I am making application on behalf of Governors Club Property Owners Association, Inc., and that the information provided is complete and the statements given are true to the best of my knowledge.



Hope Derby Carmichael
Applicant/Authorized Agent

5/12/15

Date

pd. ck# 75340

§ 168-22. Family care home; zoning and other purposes.

(a) A family care home shall be deemed a residential use of property for zoning purposes and shall be a permissible use in all residential districts of all political subdivisions. No political subdivision may require that a family care home, its owner, or operator obtain, because of the use, a conditional use permit, special use permit, special exception or variance from any such zoning ordinance or plan; provided, however, that a political subdivision may prohibit a family care home from being located within a one-half mile radius of an existing family care home.

(b) A family care home shall be deemed a residential use of property for the purposes of determining charges or assessments imposed by political subdivisions or businesses for water, sewer, power, telephone service, cable television, garbage and trash collection, repairs or improvements to roads, streets, and sidewalks, and other services, utilities, and improvements. (1981, c. 565, s. 1; 1993 (Reg. Sess., 1994), c. 619, s. 1; 1999-219, s. 3.2.)

LAW OFFICES
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May 12, 2015

Angela Birchett, CZO
Zoning Administrator
Chatham County Planning Dept.
80-A East Street
Pittsboro, NC 27312
VIA HAND DELIVERY

RE: Text Amendment Request Application

Dear Ms. Birchett:

This will follow my email communication of April 10, 2015 and your kind reply directing me to submit the enclosed application. As you know, I am general counsel for the Governors Club Property Owners Association. I enclose herewith the Text Amendment Request Application and \$250 fee on behalf of my client.

As previously indicated in my email and through conversations you have had with Joe Glasson, the residents in the Governors Club would very much like to see Chatham County adopt an ordinance which would restrict the density of Family Care Homes by prohibiting a Family Care Home from operating within a one-half mile radius of an existing Family Care Home. As you know, Section 168-22 of the NC General Statutes allows the County to adopt this density restriction, and we have modeled a proposed amendment to Chatham County's existing zoning ordinance and table of permitted uses after the current density ordinance for Family Care Homes within the Town of Pittsboro. Of course, we would defer to you as to the best wording and appropriate text changes within the Chatham County ordinances.

The proposed density change would provide a positive development standard to aid in preserving the residential character of developments throughout Chatham County and not just the Governors Club in particular. It is significant that residents in Pittsboro already have the benefit of this development standard by adoption of the town ordinance. My client also want to emphasize that there is no desire to prohibit the location of family care homes within any residential community. Rather, this text change would further the purposes of the state statute – that is, to provide the opportunity for family care homes to blend into residential settings, rather than allow a



*Used sales office
parcel to input into
CityView. AKPAR 72799
10100 Gov. Club
Dr.*

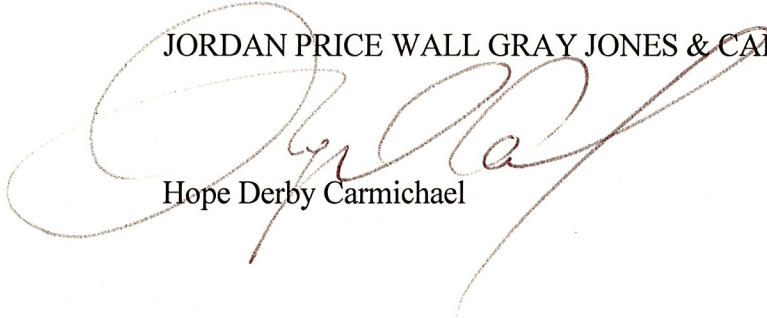
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disproportionate concentration of such facilities which could undermine the residential character of a given neighborhood.

I would be happy to discuss this with you further or to help with any additional drafting or research which might support your review of the proposal. Please advise and notify me of the next steps with regard to consideration of the text change amendment.

Sincerely yours,

JORDAN PRICE WALL GRAY JONES & CARLTON, PLLC

A large, stylized handwritten signature in dark ink, appearing to read 'Hope Derby Carmichael', is written over the typed name and extends upwards into the 'Sincerely yours,' line.

Hope Derby Carmichael

HDC/ds
Enclosures