

Ordinance #21-0027
2021 Ordinance Book, Page 27
UDO-CC9

ORDINANCE AMENDING SECTIONS 5.2.30, 5.2.31, AND 11.2 OF THE *UNIFIED DEVELOPMENT ORDINANCES* (UDO), PERTAINING TO THE USE-SPECIFIC STANDARDS AND DEFINITIONS OF THE FAMILY GROUP HOME A, FAMILY GROUP HOME B, AND FAMILY GROUP HOME C USES

Be it ordained by the _____, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Section 5.2.30: Family Group Home A, Family Group Home B is amended to read as follows:

5.2.30 FAMILY GROUP HOME A, FAMILY GROUP HOME B

A. MANAGEMENT ~~RESERVED~~

~~If not State licensed, the family group home A or B shall have written operating procedures or manuals, established goals and objectives for persons receiving therapy or treatment, a structured system of management with a Board of Directors, and on-premises management/supervisory personnel.~~

B. MINIMUM LOT AREA

In RM Districts, the minimum lot area of a ~~family group home~~ **Family Group Home** B shall be determined based on the minimum lot area required for a two unit dwelling in the district, as shown in **Table 4.5.18**.

C. SPACING REQUIREMENT (W)

1. ~~A family group home~~ **Family Group Home** A may not be located within a distance of one thousand two hundred (1,200) feet from another ~~family group home~~ **Family Group Home** A; provided, that this restriction shall be waived by the Director of Inspections when the homes would be separated by a limited access thoroughfare or a natural barrier such as an unbridged stream which serves an equivalent function of avoiding concentration of these uses in close proximity within a contiguous area otherwise restricted to low-density residential use.
2. All measurements of the one thousand two hundred (1,200) foot distance shall be made by drawing a straight line from the nearest point of the lot line where the proposed ~~family group home~~ **Family Group Home** A is located to the nearest point of the lot line of another ~~family group home~~ **Family Group Home** A.

Section 2. Section 5.2.31: Family Group Home C is amended to read as follows:

5.2.31 FAMILY GROUP HOME C

A. MANAGEMENT ~~RESERVED~~

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underline are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

If not State licensed, the family group home C shall have written operating procedures or manuals, established goals and objectives for persons receiving treatment or therapy, a structured system of management with a board of directors, and on-premises management/supervisory personnel.

B. MINIMUM LOT AREA

1. In RM-12, RM-18, and RM-U Districts, the minimum lot area shall be based on **Table 4.5.18** with four (4) residents equal to one dwelling unit.
2. In the IP District, the minimum lot area shall be calculated in the same manner based on the requirements of the RM-8 District.

C. HEATED BUILDING AREA

One hundred (100) square feet of heated building shall be provided per resident.

D. SPACING REQUIREMENT

1. A family group home **Family Group Home** C may not be located within a distance of two thousand five hundred (2,500) feet from any other family group home **Family Group Home** C.
2. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed family group home **Family Group Home** is to be located to the nearest point of the lot line of another family group home **Family Group Home**.

Section 3. Table 11.2.2: Definitions is amended to read as follows:

<p>FAMILY GROUP HOME A</p>	<p>(1) A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than six (6) residents, exclusive of supervisory personnel, including but not limited to, handicapped persons, older adults, foster children, abused individuals, homeless persons, and those recovering from drug or alcohol abuse; or</p> <p>(2) A home in which no more than six (6) disabled persons live together as a self-supporting and self-sufficient household unit, without any in-home services, supervisory personnel, or outside assistance. "Disabled persons" means individuals with disabilities, including individuals recovering from alcoholism and/or drug addiction, who are protected by either the provisions of the Americans with Disabilities Act of 1990, 42 USC 12101, The Fair Housing Act, 42 USC 3601 et. seq., or G.S. Chapter 168, Article 3, as each may be amended.</p> <p>"Supervisory personnel" shall mean a person with any adequate licensing, such as a CNA, LPN, RN, MD or similar medical/healthcare certification, who is employed by the transitional housing facility to provide for or supervise the needs of the residents and receives compensation for said care and supervision. In no case shall a resident of the facility undergoing treatment or receiving care be classified as supervisory personnel. Residents include but are not limited to, handicapped persons, older adults, foster children, abused individuals, homeless persons, and those recovering from drug or alcohol abuse.</p> <p>This use shall include Family Care Homes, as defined in G.S. 168-21. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in G.S. 122C3-(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.</p>
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<p>FAMILY GROUP HOME B</p>	<p>(1) A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than twelve (12) residents, exclusive of supervisory personnel, including but not limited to, handicapped persons, older adults, foster children, abused individuals, homeless persons, and those recovering from drug or alcohol abuse; or</p> <p>(2) A home in which no more than twelve (12) disabled persons live together as a self-supporting and self-sufficient household unit, without any in-home services, supervisory personnel, or outside assistance. "Disabled persons" means individuals with disabilities, including individuals recovering from alcoholism and/or drug addiction, who are protected by either the provisions of the Americans with Disabilities Act of 1990, 42 USC 12101, The Fair Housing Act, 42 USC 3601 et. seq., or G.S. Chapter 168, Article 3, as each may be amended.</p> <p>"Supervisory personnel" shall mean a person with any adequate licensing, such as a CNA, LPN, RN, MD or similar medical/healthcare certification, who is employed by the transitional housing facility to provide for or supervise the needs of the residents and receives compensation for said care and supervision. In no case shall a resident of the facility undergoing treatment or receiving care be classified as supervisory personnel. Residents include but are not limited to, handicapped persons, older adults, foster children, abused individuals, homeless persons, and those recovering from drug or alcohol abuse.</p> <p>This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in G.S. 122C3-(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.</p>
<p>FAMILY GROUP HOME C</p>	<p>(1) A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina or operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than twenty (20) residents, exclusive of supervisory personnel, including but not limited to, handicapped persons, older adults, foster children, abused individuals, homeless persons, and those recovering from drug or alcohol abuse; or</p> <p>(2) A home in which no more than twenty (20) disabled persons live together as a self-supporting and self-sufficient household unit, without any in-home services, supervisory personnel, or outside assistance. "Disabled persons" means individuals with disabilities, including individuals recovering from alcoholism and/or drug addiction, who are protected by either the provisions of the Americans with Disabilities Act of 1990, 42 USC 12101, The Fair Housing Act, 42 USC 3601 et. seq., or G.S. Chapter 168, Article 3, as each may be amended.</p> <p>"Supervisory personnel" shall mean a person with any adequate licensing, such as a CNA, LPN, RN, MD or similar medical/healthcare certification, who is employed by the transitional housing facility to provide for or supervise the needs of the residents and receives compensation for said care and supervision. In no case shall a resident of the facility undergoing treatment or receiving care be classified as supervisory personnel. Residents include but are not limited to, handicapped persons, older adults, foster children, abused individuals, homeless persons, and those recovering from drug or alcohol abuse.</p>

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Section 4. This ordinance shall be effective upon adoption.

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