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SUMMARY NOTES
ORANGE COUNTY PLANNING BOARD
FEBRUARY 6, 2019
ORDINANCE REVIEW COMMITTEE

NOTE: A QUORUM IS NOT REQUIRED FOR ORDINANCE REVIEW COMMITTEE MEETINGS.

MEMBERS PRESENT: Lydia Wegman (Chair), At-Large Chapel Hill Township Representative; Kim Piracci, At-Large; Adam Beeman, Cedar Grove Township Representative; Hunter Spitzer, At-Large; David Blankfard, Hillsborough Township Representative; Carrie Fletcher, Bingham Township Representative; Laura Nicholson, Eno Township Representative;

STAFF PRESENT: Craig Benedict, Planning & Inspections Director; Michael Harvey, Current Planning Supervisor; Tina Love, Administrative Assistant III

AGENDA ITEM 1: Call to Order and Roll Call
Planning Board Chair Lydia Wegman called the meeting to order

AGENDA ITEM 2: UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENTS –REORGANIZATION OF TABLES OF PERMITTED USES- To continue a review and discussion of proposed amendments to the UDO that would reorganize the Tables of Permitted Uses in response to *Byrd v. Franklin County* judicial decision and modify other sections to ensure consistency within the ordinance. These amendments are scheduled for Planning Board recommendation on March 6, 2019 and for BOCC public hearing on April 2, 2019.

PRESENTER: Michael Harvey, Current Planning Supervisor

Michael Harvey reviewed the proposed amendments to the UDO and provided background information.

Hunter Spitzer inquired as to the definition of a wedding venue.

Michael Harvey explained that there is a land use category called Camp/Retreat Center which is defined as a social gathering spot for social activities to occur.

Lydia Wegman asked whether it was the Board of Adjustment who acts on the requests.

Michael Harvey replied, yes, and informed her that it is essentially a variance request.

Lydia Wegman asked for assurance that it was not a Special Use Permit.

Michael Harvey replied, no, and added that the BOA had the sole discretion and authority over variances.

David Blankfard asked whether this made it easier to get a variance.

Michael Harvey said only if it's for a reasonable accommodation.

Hunter Spitzer referenced the phrase "providers of housing" for handicapped and disabled people in Section B. He found the phrase vague and mentioned that it was not continued throughout the rest of the requirements. He found the wording to sound as though anyone could claim to be provider in order push through a variance.

Michael Harvey acknowledged that a person could request a variance if they are providing housing for somebody that meets the federal definition of being disabled. Mr. Harvey replied that he would bring Mr. Spitzer's concern to

52 the attorney's attention, and further explained that the goal of a variance is to address the needs of people with
53 recognized disabilities.
54
55 Hunter Spitzer questioned whether it was for a person involved in the immediate need for the variance.
56
57 Michael Harvey replied, yes.
58
59 Hunter Spitzer asked whether that was spelled out.
60
61 Michael Harvey referred to the section which provided the procedures for making requests.
62
63 Lydia Wegman questioned whether there was an actual definition under federal law for disabled or handicap.
64
65 Michael Harvey replied, yes, and stated it could be found in the Americans with Disabilities Act.
66
67 Kim Piracci asked whether it included temporary handicaps.
68
69 Michael Harvey explained that it was for people with permanent disabilities requiring alterations ensuring that they
70 are not denied fair reasonable and equitable access.
71
72 Lydia Wegman asked for clarification regarding the language and location of Section B's request for reasonable
73 accommodations.
74
75 Michael Harvey advised that he would consult James, the County Attorney, regarding the language.
76
77 Lydia Wegman sought clarification on the term group home and asked if it was perfectly healthy people, going out ,
78 working, living together, with up to 15 in a home.
79
80 Michael Harvey responded, yes, and clarified that it needed a Special Use Permit.
81
82 Craig Benedict asked if Mr. Harvey was using the criteria for Class B standards.
83
84 Michael Harvey stated, yes. He mentioned that a notable exception with a group care facility is the requirement of a
85 state license. He explained that both health and personal care facilities, formerly known as rehabilitative care
86 facilities, required 16 or more people but had no state licensing requirement. They are allowed in commercial
87 districts not residential districts.
88
89 Lydia Wegman inquired whether there was a need for a state license.
90
91 Michael Harvey stated, no. He urged the committee to remember that health and personal care facilities include
92 what we classify as assisted living facilities, nursing facilities, and congregate care which must house the required 16
93 or more people.
94
95 Lydia Wegman questioned the possible need for state licensing for other possible reasons.
96
97 Michael Harvey stated she was correct but noted that zoning decisions are not based on the presence, existence, or
98 issuance of that license.
99
100 Hunter Spitzer asked whether a group home was defined as up to 15 people.
101
102 Michael Harvey replied 7-15 people.

103
104 Carrie Fletcher questioned whether the County regulated how many people can live in a single-family home.
105
106 Michael Harvey remarked that they technically could through the definition of family and contributed that foster
107 children are also counted as family members with no heightened level of permit review.
108
109 Hunter Spitzer asked if a rooming house was the equivalent of a group home with 15 or more people.
110
111 Michael Harvey explained that rooming houses are effectively defined as just rooms for rent without kitchen and
112 cleaning facilities in the rooms.
113
114 Lydia Wegman questioned whether there was anything other than group homes for fewer than 15 people.
115
116 Michael Harvey mentioned that both group home and group care are addressed and explained the need for a license
117 with group care and not a group home.
118
119 Lydia Wegman inquired into the inconsistency of licensing and occupancy standards.
120
121 Michael Harvey informed the committee that to be considered a group care facility by the state, a state license is
122 required because care is being provided.
123
124 Lydia Wegman stated she was confused with health and personal care facilities because they sounded like group
125 care facility, but bigger.
126
127 Michael Harvey conveyed that both health and personal care can house 16 or more without state licensing
128 requirements.
129
130 Lydia Wegman questioned if that was by the state.
131
132 Michael Harvey clarified that zoning would not require a person to demonstrate a license.
133
134 Lydia Wegman questioned the need for licensing from group care and not for health and personal care.
135
136 Michael Harvey mentioned that there are state provisions dealing with what a group care facility is and who can be
137 taken care of in it.
138
139 Craig Benedict mentioned the reasoning behind the specific standards required for applicants under Special Use
140 Permits and explained how the standards assist in monitoring the use of permits.
141
142 Hunter Spitzer wondered if any covered Airbnb.
143
144 Michael Harvey stated that according to the county attorney, yes, and proceeded to guide Mr. Spitzer to the location
145 of both host occupied and weekly house rentals.
146
147 Lydia Wegman questioned if it was only allowed in this category.
148
149 Michael Harvey stated, yes, and commented they were allowed in non-residential zoning districts. He informed the
150 committee that there was nothing in the ordinance preventing someone from renting out their house to college
151 students, but that the ordinance did prevent someone from renting out their house on a weekly basis, as a hotel, due
152 to it being in a residential zoning district.
153

154 Lydia Wegman asked whether that was what an Airbnb was.
155
156 Michael Harvey responded, yes. He reiterated that airports, general aviation, heliports, and short-take-off landing
157 fields are currently permitted only through Class A SUPs in the rural buffer, the AR, the R1 zoning districts as well as
158 the industrial districts, but noted it was being eliminated from the residential districts.
159
160 Hunter Spitzer asked whether it was being removed.
161
162 Michael Harvey replied, yes.
163
164 Lydia Wegman questioned whether the permitted uses were listed anywhere.
165
166 Michael Harvey replied, no. He mentioned that the permitted uses listed were a matter of right and stated that their
167 absence from the table was due to them being acceptable everywhere.
168
169 Lydia Wegman asked whether they would remain in 5.1 and 5.2.
170
171 Michael Harvey responded, yes.
172
173 Craig Benedict explained that anything not listed in the table of permitted uses is permitted by right.
174
175 Michael Harvey advised the Board that they would receive a packet at the next regular meeting explaining everything
176 up for decision.
177
178 The ORC concluded its meeting
179