

BRIEFING
DRAFT

September 20, 2018

Item # 3 **A+B**

ZONING TEXT AMENDMENT

UDO-287

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: SEPTEMBER 20, 2018

AGENDA ITEM NUMBER: _____

SUBJECT:

- A. **PUBLIC HEARING ON ZONING TEXT AMENDMENT PROPOSED BY CITY-COUNTY PLANNING AND DEVELOPMENT SERVICES STAFF TO REVISE CHAPTERS A AND B OF THE *UNIFIED DEVELOPMENT ORDINANCES* TO ADD A NEW USE TITLED, GROUP CARE FACILITY C (THERAPEUTIC COMMUNITY) (UDO-287)**

- B. **ORDINANCE REVISING CHAPTER A AND CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES* TO ADD REGULATIONS FOR GROUP CARE FACILITY USE**

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:

See attached staff report.

After consideration, the Planning Board recommended approval of the zoning text amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ DATE: _____

UDO-287
ORDINANCE REVISING
CHAPTER A AND CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ADD REGULATIONS FOR GROUP CARE FACILITY USE

Be it ordained by the Forsyth County Board of Commissioners that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter A, Article II of the *UDO* is amended as follows:

Chapter A – Definitions Ordinance
Article II – Definitions

GROUP CARE FACILITY C (Therapeutic Community). A transitional housing facility for two hundred and fifty (250) or fewer residents, licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services while persons receive therapy and/or counseling primarily to assist them to recuperate from the effects of or refrain from the use of drugs or alcohol and/or to assist them to adjust to society as an alternative to incarceration but not including "Emergency Shelters, Shelters for the Homeless or Temporary Shelters" as defined in Section A.2. Such facilities may have accessory uses conducted on the premises, including but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off-premises.

Section 2. Chapter B, Article II of the *UDO* is amended as follows:

Chapter B – Zoning Ordinance
Article II - Zoning Districts, *Official Zoning Maps*, and Uses

2-4 PERMITTED USES

2-4.1 TABLE B.2.6

Table 2.6 displays the principal uses allowed in each zoning district and references uses conditions. Table B.2.6 should be read in conjunction with the definitions of principal uses and other terms in Section A.2. Land, buildings, and structures shall only be used in accordance with the districts shown on the *Official Zoning Maps*, and subject to all requirements and conditions specified in this Ordinance.

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
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2-4.5 APPLICATION OF TABLE B.2.6

(F) Special Use District Zoning Approval by Elected Body...Uses identified in a particular district column with an S shall be permitted in zoning districts designated with a -S suffix after the zoning designations, with such conditions as referenced in the *Conditions* column, subject to all other applicable requirements as identified in Section B.2-4.6

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
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**Table B.2.6
PERMITTED USES**

Use Type	Y R	AG	RS 40	RS 30	RS 20	RS 15	RS 12	RS 9	RS 7	RS Q	R M5	R M8	R M1 2	R M1 8	R M U	M H	NO	LO	CP O	G O	NB	PB	LB	NS B	HB	GB	CB	M RB -S' (W)	E	LI	GI	CI	IP	C	M U- S	CON DS	
INSTITUTIONAL AND PUBLIC USES																																					
<u>Group Care Facility C (Hi)</u>																																					<u>34.1</u>

NOTE: Items to be deleted are indicated with a strikethrough; items to be added are indicated with an underscore.
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Section 3. Chapter B, Article II of the *UDO* is amended as follows:

Chapter B – Zoning Ordinance

Article II - Zoning Districts, *Official Zoning Maps*, and Uses

2-5 USE CONDITIONS

2-5.34.1 Group Care Facility C

- (A) Management..... The Group Care Facility C shall be licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes.
- (B) Heated Building Area..... One hundred (100) square feet of heated building shall be provided per resident.
- (C) Limits on Accessory Production Activities..... Accessory production of goods for production activities shall not exceed twenty-five percent (25%) of the gross floor area.
- (D) Spacing Requirement..... A Group Care Facility C may not be located within a distance of two thousand five hundred (2,500) feet from any other Group Care Facility. All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed Group Care Facility is to be located to the nearest point of the lot line of another Group Care Facility.
- (E) Display of Goods..... No outside or inside display of any goods or products is allowed on the property.
- (F) Prohibition on Retail Sales..... No retail sales shall take place in the facility or on-site.
- (G) Signage..... Only one freestanding sign with a maximum of thirty six (36) square feet of copy area and a maximum height of 6' from the ground per frontage may be erected on the property.
- (H) Special Uses Zoning Required..... This use is only allowed in a Special Use Zoning District.
- (I) Storage.....All materials and/or equipment associated with this use and any accessory uses must be stored inside except for licensed motor vehicles.

Section 4. Chapter B, Article III of the *UDO* is amended as follows:

Chapter B – Zoning Ordinance

Article III – Other Development Standards

3-3 PARKING, STACKING AND LOADING AREAS

NOTE: Items to be deleted are indicated with a strikeout; items to be added are indicated with an underscore.
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3-3.2 OFF-STREET PARKING REQUIREMENTS

Table B.3.8 MOTOR VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS		
PRINCIPAL USES (Legend at end of table)	MOTOR VEHICLE PARKING SPACES	BICYCLE PARKING SPACES— Applicable to Growth Management Areas (GMAs) 1, 2, and 3 only.
	MINIMUM REQUIREMENTS NOTES: (Supplemental landscaping required if parking exceeds 175% of minimum requirements.)	REQUIREMENTS If not exempt: (Minimum—2 spaces, Maximum—20 spaces No supplemental landscaping required.)
INSTITUTIONAL AND PUBLIC USES		
<u>Group Care Facility C</u>	<u>0.25 spaces per resident +1 space per employee on largest shift</u>	<u>1 space per 20,000 SF GFA, 2 space minimum, 20 space maximum</u>

Section 5. This ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a knockout; items to be added are indicated with an underscore.
UDO-287 July 2018

STAFF REPORT

DOCKET # UDO-287

STAFF: [Bryan D. Wilson](#)

REQUEST

This text amendment is proposed by Triangle Residential Options for Substance Abusers, Inc. (TROSA) to revise Chapters A and B of the *Unified Development Ordinances* (UDO) to add a new use titled “Group Care Facility C (Therapeutic Community)”.

BACKGROUND

TROSA is a non-profit organization based in Durham, NC which operates a “multi-year residential program that enables substance abusers to be productive, recovering individuals by providing comprehensive treatment, work-based vocational training, education, and continuing care.” TROSA approached staff about the possibility of operating a transitional housing facility in Winston-Salem that would provide room and board, personal care, and rehabilitation services for up to two-hundred and fifty (250) people receiving therapy and/or counseling for drug or alcohol abuse.

Staff believes the proposed use is most similar to the Group Care Facility A & B uses currently in the UDO. However, these uses only allow up to forty (40) residents. The UDO currently allows “Group Care Facility A” subject to a Planning Board review in the LO, PB, GB, and CB districts, or through a Board of Adjustment Special Use Permit review in the RM12, RM18, and RMU districts. “Group Care Facility B”, which is differentiated by its ability to serve as an alternative to incarceration, is only allowed in the GB District with a Planning Board review.

TROSA is proposing a new use classification of “Group Care Facility C” to accommodate its proposed facility. The use would only be permitted in in the GB district with Special Use District Zoning. The Special Use District rezoning process would allow any concerned citizen to comment on a proposed “Group Care Facility C” at public hearings before the Planning Board and Elected Body.

This new use would allow for accessory uses on the premises of the group care facility including the schooling of residents, occupational training programs, and the production of goods and crafts to be sold off-premises. These uses correspond to the accessory uses currently allowed in Group Care Facilities A & B. Additionally, TROSA has proposed the same two-thousand five-hundred (2,500) foot spacing requirements from existing group care facilities, a limitation on accessory production activities, and prohibition on retail sales which are currently use conditions for Group Care Facilities A & B.

ANALYSIS

Staff believes that the proposed addition of “Group Care Facility C” to the UDO will allow for larger facilities which provide integrated holistic services for those recovering from substance addiction. Currently, only four (4) Group Care Facilities are permitted in Forsyth County, all of which are classified as “Group Care Facility A”. To date, there are no submitted or active

permits for “Group Care Facility B” in Forsyth County. Staff is unaware of any complaints received due to the presence of these facilities.

TROSA staff is currently undertaking community outreach with stakeholders including The Department of Social Services, The Forsyth County Court System, and the Winston-Salem Neighborhood Alliance.

Legacy 2030 recommends that we “strengthen the community’s capacity to support and implement health-related policies and programs” and also recommends that we “improve the community’s infrastructure and resources to maximize opportunities for all residents to make healthful choices and positively affect community equity.” TROSA’s proposal should help to further these goals.

Overall, staff is supportive of the addition of this use to the UDO. Given that the new use will require Special Use District Rezoning in addition to meeting all other State licensing requirements, staff feels that any future “Group Care Facility C” will meet a high standard of site development and operation while providing a needed community service.

RECOMMENDATION

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-287
JULY 12, 2018**

Bryan Wilson presented the staff report.

PUBLIC HEARING

FOR:

Dan Jewel, Coulter Jewell Thames, PA, 111 West Main Street, Durham, NC 27701

- We have been working with TROSA in Durham for over 20 years now.
- I am here at the request of TROSA to say a few words about our text amendment request. With me are Kevin McDonald, founder and CEO and president of TROSA, and Brian Buland, the project manager, here to answer any questions about the program.
- There is a critical need for a licensed program, transitional housing facility which provides room and board, personal care, and rehabilitation services while persons receive therapy and/or counseling, primarily to assist them in recuperating from the effects of and refraining from the use of drugs and alcohol.
- Currently over 100 of TROSA's residents in Durham are from the Triad area. Thirty (30) of them are from Forsyth County. There is a need to get them back here locally and get them re-engaged in their community.
- We are asking you to allow us to create a new category in the UDO that will allow this facility to be located somewhere in the county.
- TROSA has successfully served this need in North Carolina for many years. The graduates of the program have re-entered society with skills that have allowed them to be productive and contributing members of society. The James Street neighborhood in Durham that TROSA is in now had concerns initially, but we were able to work with the neighborhood and convince the city council to approve a special-use permit for their campus. Since then TROSA has become an exemplary, contributing member to that James Street neighborhood, including serving on the neighborhood association board. Crime in that neighborhood has gone down by 50 percent, since TROSA expanded their facility some 10 or 15 years ago.

Brian Buland, 712 Lanham Place, Raleigh, NC 27615

- To address why the definition goes up to 250 residents, TROSA is a therapeutic community and it sees itself as a healing and transitional process. Currently in Durham we have about 500 residents we serve on a daily basis, and that was one of the reasons we

looked to come to the Triad, because it's really growing too big to remain an effective therapeutic community.

- From a programmatic standpoint, from a therapeutic standpoint, that number traditionally is 150 to 250 residents. That's an ideal size for a satellite location. Not to exceed that, but to remain within that 150 to 250 resident number. From an operational-financial standpoint, a facility of 50 to 100 residents does not make sense. We would be operating at a significant loss.
- It is a two-year program with an option to stay on if they would like to remain a part of the program, if they need more time. Residents are not required to stay, they can leave at any time during the program.

AGAINST: None

WORK SESSION

Mr. Buland answered questions from the Board in regards to size of the location and parking.

Paul Norby discussed the way the proposed use and regulations are carved out in the text amendment actually is beneficial, as it wouldn't put staff in a dilemma of how such a use would be classified using the currently defined uses. What is being proposed is only allowable in the GB-S zoning district. Special Use Zoning provides the ultimate legislative control for what the Planning Board would review and what the elected body would consider before deciding whether to approve it.

MOTION: Clarence Lambe moved approval of the ordinance amendment.

SECOND: Tommy Hicks

VOTE:

FOR: Melynda Dunigan, Jason Grubbs, Tommy Hicks, Arnold King, Clarence Lambe, Chris Leak

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services