

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 99

Short Title: Winston-Salem Family Care Home Zoning.

(Local)

Sponsors: Senators Ward and Kaplan.

Referred to: Local Government.

February 2, 1989

1 A BILL TO BE ENTITLED
2 AN ACT REGULATING THE ZONING OF FAMILY CARE HOMES IN WINSTON-
3 SALEM.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 168-22 reads as rewritten:

6 "§ 168-22. Zoning; family care home.

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

14 A political subdivision which desires to implement or continue the one-half mile
15 spacing requirement for family care homes may reduce or waive the requirement in
16 specific cases by special use permit where the use meets all required conditions and
17 specifications of the zoning ordinance, where the use will not injure the value of
18 adjoining or abutting property or the use is a public necessity, and where the use will be
19 in harmony with the area in which it is to be located and in general conformity with the
20 comprehensive plan. The political subdivision may reduce or waive the requirement for
21 one or more of the following reasons:

22 (1) Because of the size of the parcel of land to be used for the family care
23 home, residential concerns are appropriately addressed; or

- 1 (2) Because of the existing land use pattern, the establishment of the
2 family care home would be appropriate; or
3 (3) Because of the proximity of the parcel to other facilities and services,
4 including transportation facilities, location of family care home on the
5 parcel appears particularly appropriate.

6 Additionally, in issuing a special use permit reducing or waiving the one-half mile
7 spacing requirement, the political subdivision may require that other reasonable
8 conditions be met. This paragraph is subject to the definitions of 'family care home'
9 and 'handicapped person' set forth in G.S. 168-21 which make it clear that family care
10 homes do not include homes for mentally ill persons who are dangerous to others."

11 Sec. 2. This act applies to the City of Winston-Salem only.

12 Sec. 3. This act is effective upon ratification.