

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 887

Short Title: Zoning/Temp. Family Health Care Structures. (Public)

Sponsors: Representatives Moffitt, Howard, and Setzer (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government, if favorable, Finance.

May 4, 2011

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO ZONING PROVISIONS FOR TEMPORARY HEALTH CARE
3 STRUCTURES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Part 3 of Article 18 of Chapter 153A of the General Statutes is
6 amended by adding a new section to read:

7 **"§ 153A-341.1. Zoning of temporary health care structures.**

8 (a) The following definitions apply in this section:

9 (1) Activities of daily living. – Personal functions essential for one's health and
10 well-being.

11 (2) Caregiver. – An individual 18 years of age or older who (i) provides care for
12 a mentally or physically impaired person and (ii) is related by blood,
13 marriage, or adoption to, or is the legally appointed guardian of, the mentally
14 or physically impaired person for whom the individual is caring.

15 (3) Mentally or physically impaired person. – A person who is a resident of this
16 State and who requires assistance with two or more activities of daily living.

17 (4) Temporary family health care structure. – A transportable residential
18 structure, providing an environment facilitating a caregiver's provision of
19 care for a mentally or physically impaired person, that (i) is primarily
20 assembled at a location other than its site of installation, (ii) is limited to one
21 occupant who shall be the mentally or physically impaired person, (iii) has
22 no more than 300 gross square feet, and (iv) complies with applicable
23 provisions of the State Building Code. Placing the temporary family health
24 care structure on a permanent foundation shall not be required or permitted.

25 (b) A county zoning ordinance for all purposes shall consider a temporary family health
26 care structure (i) for use by a caregiver in providing care for a mentally or physically impaired
27 person and (ii) on property owned or occupied by the caregiver as that individual's residence as
28 a permitted accessory use in any single-family residential zoning district on lots zoned for
29 single-family detached dwellings. These structures shall not require a special use permit or be
30 subjected to any other local requirements beyond those imposed upon other authorized
31 accessory structures, except as otherwise provided in this section. Such structures shall comply
32 with all setback requirements that apply to the primary structure and with any maximum floor
33 area ratio limitations that may apply to the primary structure. Only one family health care
34 structure shall be allowed on a lot or parcel of land.



1 (c) Any person proposing to install a temporary family health care structure shall first
2 obtain a permit from the county. The county may charge a fee of up to one hundred dollars
3 (\$100.00). The county may not withhold a permit if the applicant provides sufficient proof of
4 compliance with this section. The county may require that the applicant provide evidence of
5 compliance with this section on an annual basis as long as the temporary family health care
6 structure remains on the property. The evidence may involve the inspection by the county of
7 the temporary family health care structure at reasonable times convenient to the caregiver, not
8 limited to any annual compliance confirmation.

9 (d) Any temporary family health care structure installed pursuant to this section may be
10 required to connect to any water, sewer, and electric utilities that are serving the primary
11 residence on the property and shall comply with all applicable requirements.

12 (e) No signage advertising or otherwise promoting the existence of the structure shall
13 be permitted either on the exterior of the temporary family health care structure or elsewhere on
14 the property.

15 (f) Any temporary family health care structure installed pursuant to this section shall be
16 removed within 30 days in which the mentally or physically impaired person is no longer
17 receiving or is no longer in need of the assistance provided for in this section.

18 (g) The county may revoke the permit granted pursuant to subsection (c) of this section
19 if the permit holder violates any provision of this section. Additionally, the county may seek
20 injunctive relief or other appropriate actions or proceedings to ensure compliance with this
21 section."

22 **SECTION 2.** Part 3 of Article 19 of Chapter 160A of the General Statutes is
23 amended by adding a new section to read:

24 **"§ 160A-383.5. Zoning of temporary health care structures.**

25 (a) The following definitions apply in this section:

26 (1) Activities of daily living. – Personal functions essential for one's health and
27 well-being.

28 (2) Caregiver. – An individual 18 years of age or older who (i) provides care for
29 a mentally or physically impaired person and (ii) is related by blood,
30 marriage, or adoption to, or is the legally appointed guardian of, the mentally
31 or physically impaired person for whom the individual is caring.

32 (3) Mentally or physically impaired person. – A person who is a resident of this
33 State and who requires assistance with two or more activities of daily living.

34 (4) Temporary family health care structure. – A transportable residential
35 structure, providing an environment facilitating a caregiver's provision of
36 care for a mentally or physically impaired person, that (i) is primarily
37 assembled at a location other than its site of installation, (ii) is limited to one
38 occupant who shall be the mentally or physically impaired person, (iii) has
39 no more than 300 gross square feet, and (iv) complies with applicable
40 provisions of the State Building Code. Placing the temporary family health
41 care structure on a permanent foundation shall not be required or permitted.

42 (b) A city zoning ordinance for all purposes shall consider a temporary family health
43 care structure (i) for use by a caregiver in providing care for a mentally or physically impaired
44 person and (ii) on property owned or occupied by the caregiver as that individual's residence as
45 a permitted accessory use in any single-family residential zoning district on lots zoned for
46 single-family detached dwellings. These structures shall not require a special use permit or be
47 subjected to any other local requirements beyond those imposed upon other authorized
48 accessory structures, except as otherwise provided in this section. Such structures shall comply
49 with all setback requirements that apply to the primary structure and with any maximum floor
50 area ratio limitations that may apply to the primary structure. Only one family health care
51 structure shall be allowed on a lot or parcel of land.

1 (c) Any person proposing to install a temporary family health care structure shall first
2 obtain a permit from the city. The city may charge a fee of up to one hundred dollars (\$100.00).
3 The city may not withhold a permit if the applicant provides sufficient proof of compliance
4 with this section. The city may require that the applicant provide evidence of compliance with
5 this section on an annual basis as long as the temporary family health care structure remains on
6 the property. The evidence may involve the inspection by the city of the temporary family
7 health care structure at reasonable times convenient to the caregiver, not limited to any annual
8 compliance confirmation.

9 (d) Any temporary family health care structure installed pursuant to this section may be
10 required to connect to any water, sewer, and electric utilities that are serving the primary
11 residence on the property and shall comply with all applicable requirements.

12 (e) No signage advertising or otherwise promoting the existence of the structure shall
13 be permitted either on the exterior of the temporary family health care structure or elsewhere on
14 the property.

15 (f) Any temporary family health care structure installed pursuant to this section shall be
16 removed within 30 days in which the mentally or physically impaired person is no longer
17 receiving or is no longer in need of the assistance provided for in this section.

18 (g) The city may revoke the permit granted pursuant to subsection (c) of this section if
19 the permit holder violates any provision of this section. Additionally, the city may seek
20 injunctive relief or other appropriate actions or proceedings to ensure compliance with this
21 section."

22 **SECTION 3.** This act becomes effective July 1, 2011, and applies as to temporary
23 family health care structures existing on or after that date.