

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE  
OF THE TOWN OF HILLSBOROUGH

THE BOARD OF COMMISSIONERS OF THE TOWN OF HILLSBOROUGH ORDAINS:

- Section 1. The Permitted Use Table for Residential Districts, Table 5.1.5, is amended to show “Temporary Family Health Care Structure” as a “P” in the Agricultural-Residential, Residential-40, Residential-20, Residential-15, and Residential-10 districts.
- Section 2. Section 5.2.9, Accessory Dwelling is amended by adding subsection 3, Temporary Family Health Care Structure as follows:

5.2.9.3 Temporary Family Health Care Structure

A structure meeting the definition of “temporary family health care structure,” as defined in Section 9.2, Definitions, of this Ordinance, may be used as a dwelling unit in addition to a principal dwelling, subject to the following conditions:

- (a) The Permit applicant, in addition to other items required for the issuance of a Zoning Compliance Permit for any other structure or building, shall provide the following information as part of their application:
  - (1) written certification from a physician licensed to practice in the State of North Carolina that the person being cared for is mentally or physically impaired, and
  - (2) a floor plan of the proposed temporary family health care structure.
- (b) Only one temporary family health care structure will be permitted per lot.
- (c) The temporary family health care structure may, or may not, be placed on a permanent foundation.
- (d) The temporary family health care structure must be occupied by a caregiver in providing care for a mentally or physically impaired person as defined in Section 9.2, Definitions, of this Ordinance.
- (e) The temporary family health care structure must be located on property owned or occupied by either:
  - (1) the caregiver (see Section 9.2, Definitions) as the caregiver's residence, or
  - (2) the named legal guardian of the mentally or physically impaired person being cared for.
- (f) The temporary family health care structure must meet the building setbacks required for the principal dwelling unit.
- (g) The temporary family health care structure must be connected to any water, sewer and electric utilities serving the property. In areas not served by water and sewer, it must be connected to a private well and septic tank.
- (h) The temporary family health care structure must comply with all applicable State laws, local ordinances and other requirements as if the temporary family health care structure were permanent real property, including all applicable provisions of the State Building Code and NCGS 143-139.1(b).
- (i) No signage advertising or otherwise promoting the existence of the temporary family health care structure will be permitted either on the exterior of the

temporary family health care structure or elsewhere on the property where it is located.

- (j) The applicant for a Zoning Compliance Permit for a temporary family health care structure must provide evidence of continued compliance with this Section on an annual basis for as long as the temporary family health care structure remains on the property. The required evidence will consist of:
  - (1) a confirmation statement from the Permit holder verifying that there is still need for the temporary family health care structure, and
  - (2) an inspection of the temporary family health care facility by the Town at a reasonable time that is convenient to the caregiver, and
  - (3) a doctor's certification that the person being cared for still has need for a caregiver.
- (k) The temporary family health care structure must be removed from the lot within 60 days of the date the mentally or physically impaired person is no longer receiving, or is no longer in need of the assistance as provided for in this Section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used, or may be reinstated on the property within 60 days of its removal, as applicable.
- (l) The Permit for a temporary family health care structure may be revoked if the Permit holder violates any provision of this Section or NCGS 160A-202.

Section 3. Section 9.2, Definitions, is amended by adding the following terms and definitions:

Activities of Daily Living	Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting and eating.
Caregiver	An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person, and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
First or Second Degree Relative	A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew or niece and includes half, step and in-law relationships.
Mentally or Physically Impaired Person	A person who is a resident of the State of North Carolina and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in the State of North Carolina.
Temporary Family Health Care Structure	A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or

physically impaired person that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b).

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

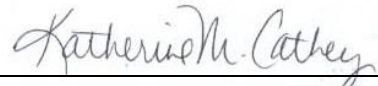
Section 5. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 14<sup>th</sup> day of September, 2015.

Ayes: 4

Noes: 0

Absent or Excused: 1



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Katherine M. Cathey, Town Clerk