

**Minutes
Newton Planning Commission
June 25, 2013**

The regular meeting of the Newton Planning Commission was held at 7:00 p.m. on June 25, 2013 in the Council Chambers at City Hall.

Members

Present: Ken Simmons, Chairman
Stan Gabriel
Jim Granny
Donny Setzer
Melinda Travis
Mark Stalnaker

Members

Absent: Jim Smith

Staff Present:

Alex Fulbright, Assistant Planning Director
Max Sigler, Planner

Item 1: Call to Order

Chairman Simmons called the meeting to order at 7:00 pm.

Item 2: Consideration of Minutes of the May 28, 2013 Meeting

Chairman Simmons asked for consideration of the minutes of the May 28, 2013 meeting. **Chairman Simmons** ruled that the minutes were approved as presented.

Item 3: Old Business

Continued discussion - Text Amendment #2013-01 as filed by **William Hodge**; the Applicant is seeking to amend the zoning ordinance by changing the definition of Professional Residential Facility to exclude maternity homes. In addition, the applicant proposes that the use “maternity homes” be added to the table of uses as a permitted use in P-1, B-1, B-2, B-3, B-4, and M-1 zoning districts.

Chairman Simmons recognized Assistant Planning Director Alex Fulbright who reviewed his memo dated June 25, 2013 highlighting the following:

That the issue was tabled at the prior month meeting so that it could be discussed further at this meeting.

Maternity homes in and of themselves are not exempt from zoning regulation; nor are they required to be treated the same as single-family residential homes. There was some confusion

about this at the last meeting, as Marty Steele, the attorney for Catawba County Hope House said that maternity homes were exempt.

A state licensed maternity home is allowed in residential districts as a permitted use under the classification of Professional Residential Facility. The City's Zoning Ordinance defines professional Residential Facility as follows:

Professional residential facility means any residential establishment, other than a hospital or nursing home, providing to persons in need of a structured environment board, lodging, supervision, medication, counseling, or other diagnostic or therapeutic services and licensed by the state department of social services.

Maternity Homes are not considered a "family care home" which is permitted in all zoning districts allowing single family homes as per the North Carolina State Statutes defined in G.S. 168-21(1). Therefore the use is not required to be treated the same as single-family residential dwelling unit.

Mr. Fulbright also stated that there were letters from Mr. William Hodges and Mr. Marty Steele included in the agenda packets, as well as an article and email from staff at the University of North Carolina School of government.

Mr. Fulbright then stated that the proposed request would define maternity homes and allow them exclusively in non-residential zoning districts. If the Planning Commission feels that the exclusion of maternity homes is appropriate within a single-family neighborhood then they may recommend to Council the following changes:

(1) Amend Table 4-1. Schedule of Permitted and Permissible Special Uses by District to exclude Professional Residential Facilities from all residential districts.

(2) Amending the definition of Professional residential facility so that maternity homes are specifically included.

These changes would not permit maternity homes or any professional residential facility to be located within residential districts. Professional residential facilities are included in the recommendation to avoid singling out maternity homes. Maternity is not considered a disability for family care homes; however, it could be an issue under the Fair Housing Act and the exclusion of just maternity homes could be viewed as discrimination.

Chairman Simmons closed the Public Hearing and asked Planning Commission to consider the item.

Donny Setzer asked how many homes were in Nottingham. Someone in the audience responded that there were 112 homes.

Melinda Travis asked about the intake process, specifically who becomes a resident.

Mr. Steel responded that the board would determine who would reside at the home.

Ken Simmons asked if pregnancy was or was not a disability.

Mr. Fulbright responded that it was the opinion of the City Attorney that pregnancy was not a disability and was not protected as a family care home.

Ken Simmons asked **Mr. Steele** about his thoughts on the matter as an attorney.

Mr. Steele responded that it was his option that maternity homes would be treated the same as family care homes. He stated that maternity homes are exempt from zoning regulation under North Carolina General Statute 121.

Donny Setzer made a motion to table the request to the next meeting. **Jim Granny** seconded the motion; the vote on the motion was unanimous.

Chairman Simmons recessed the meeting for 5 minutes in order for the room to clear.

East 19th Street Corrective Rezoning – Continued discussion.

Chairman Simmons recognized Alex Fulbright who explained that as result of the public input meeting that original area was reduced to just four (4) parcels being 1901 E 20th St, 804 E 19th St, 634 E 19th St, and 708 E 19th St.

It was the consensus of the Planning Commission that the revised area was acceptable and that a public hearing would be held at the next meeting.

Item 4: New Business

There was no new business

Item 5: Monthly Reports

Chairman Simmons recognized **Mr. Fulbright**, who reviewed the monthly reports

Item 6: Adjournment

With no further business, the meeting was adjourned.

Respectfully submitted,

Alex Fulbright, AICP
Recording Secretary