

## **TC-3-11 Supportive Housing Residences**

Amends the Zoning Code to increase the minimum distance separation requirement between supportive housing residences from 375 yards to ½-mile (880 yards).

**Supportive Housing Residences.** A *dwelling unit* in which more than four (4) unrelated *persons may* reside who are battered individuals, abused children, pregnant women and their children, runaway children, temporarily or permanently disabled mentally, emotionally or physically, individuals recovering from drug or alcohol abuse, and all other *persons* who possess a disability which is protected by the provisions of either the **Americans with Disabilities Act of 1990**, 42 USC 12101 or G.S. Article 3, Chapter 168, as they *may* be amended, along with family members and support and supervisory personnel.



# Certified Recommendation

Raleigh Planning Commission

CR# 11415

## Case Information: TC-3-11/Supportive Housing Residences

### Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	<i>Not applicable</i>
<i>Action Items</i>	<p><b>Action H 3.4</b>  <b>Eliminating Barriers to Supportive Housing</b>            Review zoning regulations controlling location of housing serving persons with disabilities and rooming houses to eliminate any undue barriers and facilitate development of additional units.</p>

### Summary of Text Change

<i>Summary</i>	<p>Amends the Zoning Code to increase the minimum distance separation requirement between <b>supportive housing residences</b> from 375 yards to ½-mile (880 yards).</p> <p><b>Supportive Housing Residences</b> are defined as a dwelling unit in which more than four (4) unrelated persons may reside who are battered individuals, abused children, pregnant women and their children, runaway children, temporarily or permanently disabled mentally, emotionally or physically, individuals recovering from drug or alcohol abuse, and all other persons who possess a disability which is protected by the provisions of the <b>Americans with Disabilities Act of 1990</b>.</p>
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### Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-3-11:</u></p> <ul style="list-style-type: none"> <li>• Reduces the number of available sites which may accommodate supportive housing residences.</li> <li>• Renders numerous existing facilities as nonconforming.</li> </ul> <p><u>No Action:</u></p> <ul style="list-style-type: none"> <li>• Could eventually result in older, affordable areas of the City housing the majority of these uses, especially if there are fewer centralized government social service facilities in the future and more of a demand is put on older neighborhoods to accommodate these uses.</li> </ul>
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## Public Meetings

<i>Public Hearing</i>	<i>Committee</i>		<i>Planning Commission</i>	
4-19-11	5-17-11	Text Change Committee	5-24-11	Action

### Attachments

1. Staff report
2. Summary
3. Ordinance

## Planning Commission Recommendation

<i>Recommendation</i>	That this text change be denied.
<i>Findings &amp; Reasons</i>	<ol style="list-style-type: none"> <li>1. The current regulation complies with the Americans with Disabilities Act, as determined by the Justice Department.</li> <li>2. That any overconcentration is not a result of the current 375-yard spacing minimum but results from pre-1994 when there was no minimum spacing requirement.</li> <li>3. That the proposed 880-yard spacing requirement unnecessarily over-regulates these uses, conflicts with the recommendations of the Comprehensive Plan and may violate the Americans with Disabilities Act.</li> <li>4. That adoption of TC-3-11 would render numerous existing facilities as nonconforming.</li> </ol>
<i>Motion and Vote</i>	Motion: Haq Second: Mattox  In Favor: Anderson, Bartholomew, Batchelor, Butler, Haq, Harris Edmisten, Mattox, Schuster, Smith, Sterling Lewis

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

\_\_\_\_\_ Date 5/24/11  
 Planning Director Planning Commission Chairperson

Staff Coordinator: Greg Hallam: [greg.hallam@raleighnc.gov](mailto:greg.hallam@raleighnc.gov)



## Zoning Staff Report – TC-3-11

### Supportive Housing Residences Text Change

#### Request

<i>Section Reference</i>	<b>§10-2072(b) Conditional Uses</b>
<i>Basic Information</i>	Amends the Zoning Code to increase the minimum distance separation requirement between <b>supportive housing residences</b> from 375 yards to ½-mile (880 yards).
<i>PC Recommendation Deadline</i>	August 2, 2011

#### Comprehensive Plan Guidance

<i>Applicable Policies</i>	Not applicable
<i>Action Items</i>	<p><b>Action H 3.4</b>  <b>Eliminating Barriers to Supportive Housing</b>          Review zoning regulations controlling location of housing serving persons with disabilities and rooming houses to eliminate any undue barriers and facilitate development of additional units.</p>

#### Contact Information

<i>Staff Coordinator</i>	Greg Hallam: <a href="mailto:greg.hallam@raleighnc.gov">greg.hallam@raleighnc.gov</a> ; 516.2636
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#### History/Overview

This text change was initiated by the City Council following a Request and Petition by Citizens. The Council authorized this text change for public hearing following a review of the proposal by their Law and Public Safety Committee.

A Supportive Housing Residence is defined as follows:

**Supportive Housing Residences** are defined as a dwelling unit in which more than four (4) unrelated persons may reside who are battered individuals, abused children, pregnant women and their children, runaway children, temporarily or permanently disabled mentally, emotionally or physically, individuals recovering from drug or alcohol abuse, and all other persons who possess a disability which is protected by the provisions of the **Americans with Disabilities Act of 1990**.

The City incorporated this land use into its Zoning Code to address Federal Fair Housing laws. The minimum 375-yard spacing requirement was added, as allowed by federal law, to require that these uses be scattered throughout the City and not overconcentrated within individual neighborhoods. Prior to the adoption of the new regulations, 1994, there was no minimum spacing requirement for these uses (known as 'group homes'). Due to this, some areas of the City do contain a closer concentration of these uses than what the Code currently allows.

## Purpose and Need

As stated by the applicant at the Council's Law and Public Safety Committee meeting, he feels this is an unfair standard because of the financial restraints for initial investment and older neighborhoods take the burden for these kinds of housing units. The applicant believes that increasing the separation requirement will not be a hardship on locating a supportive housing residence and will continue to have an adequate number of sites to serve the needed population. As an example, he sited his neighborhood where the lots have 75-foot street frontage and could accommodate a group home residence every 15 lots under the current regulation; stating that this would be quite a bit.

He feels it does materially affect neighborhoods in terms of economic liability and property value and this is their biggest investment. This is the biggest concern throughout the neighborhood. He concluded they are happy to have a well functioning group home or supportive housing in the neighborhood, but there should be some controls in place that minimize the concentration of these facilities in affordable areas.

## Alternatives Considered

No alternative other than the No Action approach was considered.

## Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

- Reduces the number of available sites which may accommodate supportive housing residences.
- Renders numerous existing facilities as nonconforming.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

- Although Supportive Housing Residences and the associated 375-yard minimum spacing requirement has been in place since June 1, 1994, there appears to be no evidence that the current regulation has resulted in an overconcentration of these uses and detrimental effects to specific neighborhoods. However, as noted in the **History/Overview** section of this report, pre-1994 regulations contained no minimum spacing requirement and some areas of the City contain a closer concentration of these uses than what the Code currently allows.
- Retaining the current regulation could eventually result in older, affordable areas of the City housing the majority of these uses, especially if there are fewer centralized government social service facilities in the future and more of a demand is put on older neighborhoods to accommodate these uses.

## Impacts Summary

### Adoption of Proposed Text Change

Adoption of TC-3-11 amends the Zoning Code to increase the minimum distance separation requirement between **supportive housing residences** from 375 yards to ½-mile (880 yards). This would result in a reduction in the number of available sites which may accommodate supportive housing residences and renders numerous existing facilities as nonconforming.

### No action

Under the “no action” alternative, the 375-yard minimum spacing requirement would be retained. Experience with the current regulation for the past 17 years suggests that the 375-yard minimum spacing requirement appears adequate to protect individual neighborhoods from an overconcentration of these uses. However, retaining the current regulation could eventually result in older, affordable areas of the City housing the majority of these uses, especially if there are fewer centralized government social service facilities in the future and more of a demand is put on older neighborhoods to accommodate these uses.

3/1/11

ORDINANCE NO. (2011)

TC-3-11

**AN ORDINANCE TO AMEND THE SEPARATION RADIUS FOR SUPPORTIVE HOUSING RESIDENCES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:** that

**Section 1.** That subsection (5) of conditional use *Supportive Housing Residence* contained in Raleigh City Code Section 10-2072(b) be amended to increase the radius from “three hundred seventy-five 375 yards” to “one-half (1/2) mile”.

**Section 2.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 3.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

**Section 4.** This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

**Section 5.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 6.** This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

**Section 7.** This ordinance shall become effective five days following its adoption.

**ADOPTED:**

**EFFECTIVE:**

**DISTRIBUTION:**

*This ordinance prepared by the Raleigh City Attorney's Office*