



Certified Recommendation

Raleigh Planning Commission

CR# 11728

Case Information: TC-16-16 / Dwelling Units in Congregate Care

Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	Relevant Plan Themes and Policies: Theme: Expanding Housing Choices Raleigh will have an expanded supply of affordable and workforce housing options that provide housing opportunities for all segments of our population. (p. 17) Policy H 4.3 Housing for the Disabled Support development of accessible housing for residents with disabilities, particularly near transit stations and corridors. Relevant Plan Statements: There is an insufficient supply of housing for residents with special needs. (p. 165). With the rapidly growing number of aging households, Raleigh will face increasing needs for housing suited to the needs of the elderly and other persons with disabilities and housing that can evolve to meet the residents' changing needs over their lifetime. (p. 178) There is a need for Raleigh to increase housing opportunities for existing and future residents and to create diverse neighborhoods of choice that attract new investment without excluding residents due to housing costs or discriminatory practices. (p. 12-13).
	<i>Action Items</i> Not applicable

Summary of Text Change

<i>Summary</i>	Amends Section 6.2.2.C. of the Raleigh Unified Development Ordinance, Congregate Care, to expressly allow Dwelling Units to be one of the continuum of care housing options provided within a Congregate Care facility.
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Summary of Impacts

<i>Impacts Identified</i>	<u>Adoption of TC-16-16:</u>
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	<ol style="list-style-type: none"> 1. The adoption of the text change would clarify that individual independent dwelling units can be included within the continuum of care housing options within a Congregate Care Facility. 2. The adoption of the text change would allow a Congregate Care Facility to provide a broader spectrum of housing options to persons 62 years or older. <p><u>No Action:</u></p> <ol style="list-style-type: none"> 1. The Use Standards for Congregate Care do not specifically note that independent dwelling units to be provided within the housing options for these types of facilities.
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Public Meetings

<i>Submitted</i>	<i>Committee</i>		<i>Planning Commission</i>	
10-25-16			10-25-16	Approval

Attachments

1. Draft Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	Approval
<i>Findings & Reasons</i>	That as the "independent living" noted within the definition was intended to allow for individual dwelling units to be included within the continuum of care spectrum of housing choices.
<i>Motion and Vote</i>	Motion: Alcine Second: Tomasulo In Favor: Alcine, Braun, Fluhrer, Hicks, Jeffreys, Lyle, Schuster, Terando and Tomasulo

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.

_____ Planning Director	_____ Date	_____ Planning Commission Chairperson	<u>10/25/16</u> Date
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Staff Coordinator: Eric Hodge: eric.hodge@raleighnc.gov



Zoning Staff Report / TC-16-16

Dwelling Units in Congregate Care

Request

<i>Section Reference</i>	Part 10 §6.2.2.C. Congregate Care
<i>Basic Information</i>	Amends Section 6.2.2.C. of the Raleigh Unified Development Ordinance, Congregate Care, to expressly allow Dwelling Units to be one of the continuum of care housing options provided within a Congregate Care facility.
<i>PC Recommendation Deadline</i>	

Comprehensive Plan Guidance

<i>Applicable Policies</i>	<p>Relevant Plan Themes and Policies:</p> <p>Theme: Expanding Housing Choices Raleigh will have an expanded supply of affordable and workforce housing options that provide housing opportunities for all segments of our population. (p. 17)</p> <p>Policy H 4.3 Housing for the Disabled Support development of accessible housing for residents with disabilities, particularly near transit stations and corridors.</p> <p>Relevant Plan Statements:</p> <p>There is an insufficient supply of housing for residents with special needs. (p. 165).</p> <p>With the rapidly growing number of aging households, Raleigh will face increasing needs for housing suited to the needs of the elderly and other persons with disabilities and housing that can evolve to meet the residents' changing needs over their lifetime. (p. 178)</p> <p>There is a need for Raleigh to increase housing opportunities for existing and future residents and to create diverse neighborhoods of choice that attract new investment without excluding residents due to housing costs or discriminatory practices. (p. 12-13).</p>
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<i>Action Items</i>	Not applicable
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Contact Information

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History/Overview

This text change was initiated as a result of a recent Zoning Map Amendment where the intended use of the property was going to be a Congregate Care facility. Staff was authorized to clarify the Use Standards such that independent dwelling units could be provided as part of the continuum of care housing options provided in these types of facilities.

Purpose and Need

This text change would align the Use Standards for Congregate Care facilities with the defined term "Congregate Care" in the Unified Development Ordinance such that independent living dwelling units could be provided therein.

Alternatives Considered

None

Scoping of Impacts

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

None.

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

It is unclear as to whether or not independent living dwelling units could be provided as part of Congregate Care facilities.

Impacts Summary

Adoption of Proposed Text Change

The adoption of this text change will clarify that the UDO allows a broader range of housing options for independent senior living and accommodate a full breadth of continuum of care choices to be provided within a Congregate Care facility.

No action

Independent dwelling units are not expressly allowed as part of a Congregate Care facility section of the UDO.

ORDINANCE NO. 2016 – 653 TC 387
TC-16-16

**AN ORDINANCE TO AMEND SECTION 6.2.2.C.2. IN THE
CITY OF RALEIGH UNIFIED DEVELOPMENT ORDINANCE
TO CLARIFY THE USE OF BOTH ROOMING UNITS AND
DWELLING UNITS WITHIN CONGREGATE CARE FACILITIES.**

WHEREAS, the City of Raleigh Unified Development Ordinance provides, as a residential use, Congregate Care facilities for the elderly who need long-term care;

WHEREAS, under the ordinance, Congregate Care residential use expressly includes both assisted and independent living;

WHEREAS, independent living suggests that residents could live in a congregate care facility but could handle many functions, including cooking, independently;

WHEREAS, the Congregate Care facility use standards refer only to "rooming units" in several subsections on UDO Section 6.2.2.C.2.;

WHEREAS, "rooming units" are defined as "any room or group of rooms forming a single habitable unit used for living and sleeping, but not for cooking or eating purposes;"

WHEREAS, the Congregate Care facility standards do not expressly allow or prohibit "dwelling units";

WHEREAS, "dwelling units" are defined as "a building or portion of a building providing complete relief and permanent living facilities, including cooking and bathing facilities";

WHEREAS, the former City of Raleigh Development Ordinance expressly provided for both "rooming units" and "dwelling units" and incorporated their functions into the Congregate Care facilities use standards; and

WHEREAS, the City Council has determined that the UDO intended to allow both "rooming units" and "dwelling units" in a Congregate Care facility.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Sec. 6.2.2.C.2.a of the Part 10 Raleigh Unified Development Ordinance is hereby amended by deleting the text shown with a strike-through and inserting the following underlined text shown:

- a. The facility is limited in occupancy to persons 62 years or older, their spouses and their surviving spouses, except for ~~rooms~~ rooming units or dwelling units

occupied by resident staff personnel performing duties directly related to the operation of the facility.

Section 2. Sec. 6.2.2.C.2.c of the Part 10 Raleigh Unified Development Ordinance is hereby amended by inserting the following underlined text:

- c. Each rooming unit or dwelling unit may be occupied by no more than 2 persons not related by blood, marriage or adoption.

Section 3. Sec. 6.2.2.C.2.e of the Part 10 Raleigh Unified Development Ordinance is hereby amended by inserting the following underlined text:

- e. The facility must contain indoor shared food preparation service, common dining halls and common recreation rooms, for the exclusive use of all residents and their guests, and these facilities together shall total a minimum of 30 square feet per constructed rooming unit or dwelling unit, as applicable, exclusive of circulation space. Common indoor social and related service facilities may also be part of the facility.

Section 4. Sec. 6.2.2.C.2.g of the Part 10 Raleigh Unified Development Ordinance is hereby amended by inserting the following underlined text:

- g. Outdoor open space or park area must be provided at a minimum rate of the greater of either 10% of the land area of the facility or 218 square feet per rooming unit or dwelling unit, as applicable, excluding private drives and off-street parking areas. A majority of the open space area must be located no further than 300 feet from the controlled entranceway of the facility.

Section 5. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 6. 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 7. This text change has been reviewed by the Raleigh City Planning Commission.

Section 8. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 9. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 10. 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 N.C.G.S. §14-4(a) or similar limitations.

Section 11. This ordinance is effective 5 days after adoption.

ADOPTED: December 6, 2016
EFFECTIVE: December 11, 2016

DISTRIBUTION: Planning – Bowers, Crane, Hodge
City Attorney – Seymour, Hargrove-Bailey
Department Heads
Transcription Services – Taylor