

**ORDINANCE NO. 2018 – 831 TC 404
TC-11-17 – SENIOR HOUSING**

**AN ORDINANCE TO MODIFY SECTIONS 6.1.4 AND 6.2.2. OF THE
CITY OF RALEIGH UNIFIED DEVELOPMENT ORDINANCE TO
MODIFY SPECIAL USE PERMIT, MINIMUM SITE, AND OPEN
SPACE REQUIREMENTS IN LIFE CARE COMMUNITIES**

WHEREAS, the City of Raleigh Unified Development Ordinance ("UDO") provides, as senior citizen oriented residential uses, the following types of Group Living categories: congregate care, life care communities and rest homes;

WHEREAS, although UDO Section 6.1.4 designates congregate care and rest home uses as Limited or Permitted uses in the R-10 district and RX zoning districts, it provides that a life care community (which is a combination of multi-unit living, congregate care and rest home and is herein proposed to be renamed a continuing care retirement community to be consistent with the industry and state regulatory terminology) requires a Special Use Permit be obtained from the Board of Adjustment for the combination of such uses and the City has hereby determined that they should also be treated as a Limited Use in the R-10 and RX- districts;

WHEREAS, UDO Section 6.2.2.E.2.c imposes on life care communities in R-6 and R-10 Districts, via incorporation of UDO Section 2.3.1, a five-acre minimum site size;

WHEREAS, although UDO Section 6.2.2.C.2.g. requires a minimum open space percentage of ten percent (10%) of the total site area for a congregate care facility, UDO Section 6.2.2.E.2.h requires minimum open space percentage of at least thirty percent (30%) of the total site area for a life care community;

WHEREAS, in consideration of the relative impacts of similar uses, the City Council has determined it is appropriate to similarly characterize life care community (renamed herein as continuing care retirement community) and congregate care as limited uses in R-10 and RX zoning districts;

WHEREAS, the City Council has also determined it is appropriate to have the same open space percentage requirement for both Congregate care facilities and Life care communities.

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

Section 1. Section 5.3.1.I. of the Raleigh Unified Development Ordinance, Lighting, is hereby amended by deleting the term "life care community" and replacing it with the term "continuing care retirement community."

Section 2. Section 6.1.4. of the Raleigh Unified Development Ordinance, the Allowed Principal Use Table, is hereby amended by deleting the "S" designations on the "life care

community" line under the "R-10" and "RX-" columns and replacing such deletions with an "L" in both the "R-10" and "RX-" columns as well as deleting the term "life care community" and replacing it with the term "continuing care retirement community."

Section 3. Section 6.2.2.A. of the Raleigh Unified Development Ordinance, Group Living Use Category, is hereby amended by deleting the term "life care community" and replacing it with the term "continuing care retirement community."

Section 4. Section 6.2.2.C.2.b of the Raleigh Unified Development Ordinance, Use Standards for Congregate Care, is hereby amended by inserting the following underlined text shown below:

- b. In the R-6 and R-10 districts, a congregate care facility is allowed a number of rooming units and dwelling units equal to 2 times the density of the applicable district.

Section 5. Section 6.2.2.E. of the Raleigh Unified Development Ordinance, Life Care Community, is hereby amended by deleting the text shown with a strikethrough and inserting the following underlined text shown below:

E. ~~Life Care Community~~ Continuing Care Retirement Community

1. Defined

Facility providing a continuum of residential and health care services to persons aged 62 years or older. Allows residents to continue living in the same complex as their housing and health care needs change. ~~Life care communities~~ Continuing care retirement communities may offer a variety of services such as congregate care, skilled nursing, rest home, health and wellness, recreational facilities, support services and entertainment and social uses, as well as offering a range of residential opportunities (apartments, townhouses, cottages). A rest home must be provided as a component of a continuing care retirement community.

2. Use Standards

- a. The ~~life care community~~ continuing care retirement community and accessory facilities must be designed and used to serve its residents and their guests only.
- b. The ~~life care community~~ continuing care retirement community must be planned, developed and operated according to a unified plan under the direction of a single owner or agent for the owner.

- c. The minimum site size and density limits must be in accordance with *Sec. 2.3.1* for a Residential District. There is no minimum size or density limitation in any other district.
- d. The ~~life care~~ community continuing care retirement community may provide individual dwelling units in any combination of residential building types or housing options as allowed in the respective zoning district under *Article 2.3. Compact Development* and *Article 2.4 Conservation Development Option*.
- e. If provided, a congregate care facility must meet the requirements under *Sec. 6.2.2.C*.
- f. If provided, a rest home must meet the requirements under *Sec. 6.2.2.F*.
- g. Additional facilities designed only to serve members of the ~~life care~~ community continuing care retirement community may include but not be limited to, health and wellness, medical, recreation and support services such as a private chapel, bank, hairdressers, pharmacy library and convenience shopping.
- h. A minimum of ~~30%~~ 10% of the total site are must be designated and maintained as common open space under *Sec. 2.5*. The required protective yard described in subsection E.2.i below shall not be included in this minimum common open space standard.
- i. ~~In a Residential District,~~ A Type B1 ~~A1 or A2~~ transitional protective yard (see *Sec. 7.2.4.A*) must be established along any side of the property abutting a residential use.
- j. If provided, the density of a congregate care is calculated in keeping with *Sec. 6.2.2.C.2.b*.
- k. The density of a rest home is calculated in keeping with *Sec. 6.2.2.F.2*.

Section 6. Article 12.2 of the Raleigh Unified Development Ordinance, Defined Terms, is hereby amended by the insertion of the following underlined terms and definitions to be organized in the appropriate alphabetical order:

Hospice

Any coordinated program of care provided by a medically directed interdisciplinary team designed to provide palliative care and emotional support to the terminally ill in a home

or homelike setting so that quality of life is maintained and family members may be active participants in care of the terminally ill family member.

Monastery, Convent

A place of residence for bona fide members of a religious order where members are housed in one or more buildings and carry on religious, medical, educational or charitable work in the community.

Orphanage

A public or private institution providing for the care and protection of children without parents. The care includes physical, medical, psychological, social and educational needs of children often licensed by the state. Orphanage includes children's home and foster care.

Section 7. Section 7.1.2.C. of the Raleigh Unified Development Ordinance, Parking Requirements by Use, is hereby amended by deleting the term "life care community" and replacing it with the term "continuing care retirement community."

Section 8. This text change has been reviewed by the Raleigh City Planning Commission.

Section 9. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 10. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 11. 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 12. This ordinance is effective 5 days after adoption.

ADOPTED: May 15, 2018

EFFECTIVE: May 20, 2018

DISTRIBUTION: Development Services – Hosey, Bailey-Taylor, Rametta, Lobo
Planning – Bowers, Crane

Prepared by the Department of City Planning