

TC-11-17 SENIOR HOUSING / ORDINANCE NO. (xxx-2017)

AN ORDINANCE TO MODIFY SECTIONS 6.1.4 and 6.2.2. OF CHAPTER 6 IN 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 Multi-unit living, Congregate care and Rest home uses as Limited or General Uses in the R-6, R-10 and RX zoning districts, it provides that a Life care community (which is a combination of multi-unit living, congregated 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) is a Special Use in such districts and requires that a Special Use Permit be obtained from the Board of Adjustment for such uses;

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 hereing as Continuing care retirement community) and Congregate care as limited uses in R-10 and RX zoning districts;

WHEREAS, to better serve its aging population and the City’s need to increase density, the City Council has determined that it is in the best interest of the City to reduce the minimum site size for a Life care Facility in R-6 and R-10 Districts and allow similar density bonuses for both dwelling units and rooming units;

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. 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-6”, R-10” and “RX” columns and replacing such deletions with an “L” in both the “R-6”, “R-10” and “RX” columns as well as deleting the term “Life care community” and replacing it with the term “Continuing care retirement community” This section is also amended by deleting the “S” designation on the “Congregate Care” line under the “R-6” column and replacing such deletion with an “L” .

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 is hereby amended by deleting the text shown with a strike-through 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).

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.c.~~ 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.d.~~ If provided, a congregate care facility must meet the requirements under *Sec. 6.2.2.C*.

~~f.e.~~ If provided, a rest home must meet the requirements under *Sec. 6.2.2.F*.

~~g.f.~~ 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.g.~~ A minimum of ~~30%~~ 10% of the total site area must be designated and maintained as common open space under *Sec. 2.5*.

~~i.h.~~ In a Residential District, A Type 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.~~ If provided, 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:

EFFECTIVE:

DISTRIBUTION:

Prepared by the Department of City Planning



Certified Recommendation

City of Raleigh Planning Commission

Case Information: Text Change TC-11-17 – Senior Housing

Comprehensive Plan Guidance

<p><i>Applicable Policy Statements</i></p>	<p>H1.1, Mixed Income Neighborhoods, Promote mixed income neighborhoods throughout the city, particularly within high density development at employment centers downtown and along transit corridors. H1.8, Zoning for Housing; Ensure Zoning polices continue to provide ample opportunity for developers to build a variety of housing types ranging from single family to dense multi-family. Keeping the market well supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing. H4.2, Aging in Place; Promote universal design and lifecycle housing to facilitate the ability of homeowners and neighborhood residents to age in place in their homes and neighborhoods. H4.4, Housing for Seniors, Provide and fund housing rehabilitation programs that assist elderly homeowners to repair, modernize and improve the energy efficiency of their homes, and remove barriers to aging in place.</p>
<p><i>Action Items</i></p>	<p>H1.2, Zoning for Mixed Income, As part of the update of the City’s development ordinances including zoning provisions such as the creation of an inclusionary housing program that encourages mixed income developments throughout the City. H1.3 Zoning for Housing Diversity, ...develop zoning provisions for transit oriented development that promotes housing diversity and affordable housing choices for all households...Eliminate barriers to supportive housing, review regulations controlling location of housing serving persons with disabilities ...to eliminate any undue barriers and facilitate development of additional units. ED21 Neighborhood Reinvestment, Encourage reinvestment to improve existing neighborhoods....</p>

Summary of Text Change

<p><i>Summary</i></p>	<p><u>Introduction:</u> To permit a Life Care Community with lower maximum site area requirements and to remove the requirement of a special use permit when a Life Care Community is located in R-10 and RX.</p> <p><u>Analysis:</u> Currently, a Life Care Community must have 5-acres per the UDO (Section 2.3.1). The applicant is requesting to reduce the site area to 2-acres. There are very limited opportunities to find a tract of land or to assemble several tracts of land within the City to accommodate this</p>
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	<p>site size requirement.</p> <p>Traditionally, staff had envisioned that a Life Care Community would be developed in a campus like setting. However, to foster infill development within the City a 2-acre parcel that still offers outdoor recreational activity as well as ample parking and utility service areas is acceptable.</p> <p>Another aspect of this request is that a Life Care Community requires 30% open space while a Congregate Care and/or a Rest Home only require 10% open space. Setting the same standard for open space for all 3 types of senior housing makes the UDO more efficient.</p> <p>Additionally, having a relatively large open space ratio on smaller infill lots may effectively limit the amount of mixed neighborhoods that the Comprehensive Plan states that we should promote by modifying the zoning ordinance.</p> <p>The last part of the request is to remove the special use permit requirement for a Life Care community when located in an R-10 and RX zoning district.</p> <p><u>Conclusion:</u></p> <p>Staff believes that the reduction in site size and adjustment in open space requirements is supported by the comprehensive plan while the elimination of the special use provision does not allow the City or its citizens to contemplate the impacts of such a facility within a neighborhood. Staff has serious concerns relative to this aspect of the request.</p>
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Summary of Impacts

<i>Impacts Identified</i>	<p>By allowing a Life Care Community in an R-10 and RX district as a by right use instead of by a special use permit (SUP) poses several issues to consider. Location of this type of facility in one of these districts warrants consideration of the concerns of the surrounding neighbors. Community meetings and discussions should be an issue the Commission considers when evaluating this request. Issues that may arise in these community meetings may include the following; emergency services, traffic, delivery trucks, adequate parking, and recreational opportunities for the residents of such a facility. Currently, the UDO offers the City (Board of Adjustment) an opportunity to hear these concerns and possibly impose conditions upon the applicant to mitigate these impacts on the community.</p>
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Public Meetings

<i>Submitted</i>	<i>Committee</i>	<i>Planning Commission</i>	
5-1-2017			



Zoning Staff Report

Request Text Change TC-11-17 – Senior Housing

<i>Section Reference</i>	6.2.2. Group Living Specifically Sections C, E, and F
<i>Basic Information</i>	To modify site size requirements for Senior Living facilities and to remove the Special Use Permit requirement when in R-10 and RX districts
<i>Planning Commission Recommendation Deadline</i>	August 1, 2017

Comprehensive Plan Guidance

<i>Applicable Policies</i>	H1.1, Mixed Income Neighborhoods, Promote mixed income neighborhoods throughout the city, particularly within high density development at employment centers downtown and along transit corridors. H1.8, Zoning for Housing; Ensure Zoning polices continue to provide ample opportunity for developers to build a variety of housing types ranging from single family to dense multi-family. Keeping the market well supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing. H4.2, Aging in Place; Promote universal design and lifecycle housing to facilitate the ability of homeowners and neighborhood residents to age in place in their homes and neighborhoods. H4.4, Housing for Seniors, Provide and fund housing rehabilitation programs that assist elderly homeowners to repair, modernize and improve the energy efficiency of their homes, and remove barriers to aging in place.
<i>Action Items</i>	H1.2, Zoning for Mixed Income, As part of the update of the City's development ordinances including zoning provisions such as the creation of an inclusionary housing program that encourages mixed income developments throughout the City. H1.3 Zoning for Housing Diversity, ...develop zoning provisions for transit oriented development that promotes housing diversity and affordable housing choices for all households....Eliminate barriers to supportive housing, review regulations controlling location of housing serving persons with disabilities ...to eliminate any undue barriers and facilitate development of additional units. ED21 Neighborhood Reinvestment, Encourage reinvestment to improve existing neighborhoods....

Contact Information

Staff Coordinator	Gary Mitchell gary.mitchell@raleighnc.gov
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History/Overview

Grubb Ventures (applicant) submitted a request on February 28, 2017, for a revision to the UDO as it relates to the minimum site size and minimum open space requirements for Life Care Community, Congregate Care and Rest Home; and to remove the special use permit requirement for a Life Care Community when located in an R-10 or RX district. City Council asked staff to review the matter and report back at the next regularly scheduled Council meeting. Staff responded to the City Council request on this matter on April 3, 2017. City Council subsequently authorized staff to precede working with the applicant in regard to their petition. On July 5th Joe Whitehouse presented a Petition of Citizens request to the City Council to make some additional changes to the ordinance under consideration.

Purpose and Need

Background

The UDO addresses senior housing in Section 6.2.2 Group Living. Within this section the UDO allows several group living arrangements each with specific requirements and standards. In particular congregate care, life care and rest home offer varied housing options for seniors. The specific standards for these housing types were developed to integrate these uses within existing residential communities and to offer mitigation in terms of impacts that these types of uses may have on existing residential communities. Some examples of these impacts may include traffic, delivery trucks, and emergency services. Additionally, the design of the buildings would be subject to review to ensure that building location, massing, and lighting/signage would not detract from the harmony of the existing built environment. One example of the varying requirements is open space. Each of these housing types are essentially serving the same demographic and congregate care has an open space requirement of 10% whereas a life care community has an open space requirement of 30%.

Request

In reviewing the UDO sections related to Group Housing, the applicant has provided the following issues in the UDO relative to life care communities that they believe are problematic:

6.2.2.E.2.c: Minimum site acreage for Life Care Community in R-6 or R-10 (5 acres). Minimum acreage makes development of life care communities in in-town locations extremely challenging, which we suggest is counter to the Comprehensive Plan goals of creating walkable mixed-use communities and encouraging aging in place. The applicant will be requesting this minimum to be reduced or eliminated.

6.2.2.E.2.h: Open space requirements for Life Care Community at 30%. 10% is consistent with the open space requirements for apartment buildings in residential districts and general development in mixed use districts. The applicant will be requesting 10%, again in the interest of having this development type in urbanizing areas, allowing for aging in place.

6.1.4 (Principal Use Table): Life Care Community is currently a Special Use in R-10 and RX, therefore requiring a hearing before the Board of Adjustment and, if successful, a one-year deadline before starting the project. Life Care Communities are comprised of independent living, congregate care, and rest homes, all of which, if developed individually, are allowed as general or limited uses in R-10 and RX without a BOA hearing. The time limits attached to BOA approval expose seniors' developers to unnecessary risk when undertaking a phased development or a development with a long sell cycle such as Life Care. The applicant will be requesting that Life Care Community be a Limited Use, which is the more restrictive of the designations of the component parts.

Alternatives Considered

Staff also suggests that 3 definitions be considered to include in this text change process. There are 3 other types of Group Living that are listed in the UDO and each of these uses is not currently defined. The 3 types and definitions are:

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.

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.

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.

Scoping of Impacts

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

Elimination of the special use permit may pose serious issues when a Life Care Community is located within a residential community.

Impacts Summary

By allowing a Life Care Community in an R-10 and RX district as a by right use instead of by a special use permit (SUP) poses several issues to consider. Location of this type of facility in one of these districts warrants consideration of the concerns of the surrounding neighbors. Community meetings and discussions should be an issue the Commission considers when evaluating this request.

Forward the Proposed Text Change to the Text Change Committee for further study