

**ORDINANCE 2020 – 144 TC 437**

**TC-6-20 Neighborhood Transition Requirements and Senior Housing**

**AN ORDINANCE TO MODIFY NEIGHBORHOOD TRANSITION REQUIREMENTS AND REGULATIONS FOR CONGREGATE CARE AND CONTINUING CARE RETIREMENT COMMUNITIES**

**WHEREAS**, the Unified Development Ordinance requires neighborhood transitions between low- and moderate-density residential districts and mixed-use districts; and

**WHEREAS**, appropriate exemptions to the neighborhood transition requirements should be allowed for compatible land uses and building types within these mixed-use districts; and

**WHEREAS**, the Unified Development Ordinance contains explicit regulations and use standards for congregate care and continuing care retirement communities; and

**WHEREAS**, these regulations should be reasonable and aligned with state and federal law;

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

**Section 1.** Section 3.5.1. of the Part 10 Raleigh Unified Development Ordinance, Neighborhood Transitions - Applicability, is hereby amended by inserting the following underlined text and deleting the text shown in strikethrough and re-lettering the section accordingly:

~~C. Zones B and C do not apply to detached house, attached house, townhouse or apartment building types in RX where 3 stories is the maximum height.~~

C. Neighborhood transitions do not apply to single-unit living, two-unit living or cottage court uses within detached house, attached house or townhouse building types where the proposed or existing building height is 50 feet or less.

D. Zones B and C do not apply to detached house, attached house, townhouse or apartment building types in a mixed-use district where the proposed or existing building height is 50 feet or less, provided the proposed use is also permitted in RX- and adheres to any applicable RX- and underlying zoning district use standards.

**Section 2.** Section 6.2.2.C.2.a. of the Part 10 Raleigh Unified Development Ordinance, Congregate Care – Use Standards, is hereby amended by inserting the following underlined text and deleting the text shown in strike through:

- a. The facility must comply with the Housing for Older Persons Exemptions of the Fair Housing Act (24 C.F.R. Sections 100.300 through 100.308). ~~is limited in occupancy to persons 62 or older, their spouses and their surviving spouses, except for rooming units or dwelling units occupied by resident staff personnel performing duties directly related to the operation of the facility.~~

**Section 3.** Section 6.2.2.E.1. of the Part 10 Raleigh Unified Development Ordinance, Continuing Care Retirement Community – Defined, is hereby amended by deleting the text shown in strike through:

### **1. Defined**

Facility providing a continuum of residential and health care services to persons meeting the Housing for Older Persons Exemptions of the Fair Housing Act (24 C.F.R. Sections 100.300 through 100.308) ~~aged 62 years or older.~~ Allows residents to continue living in the same complex as their housing and health care needs change. 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.

**Section 4.** Section 6.2.2.E.2. of the Part 10 Raleigh Unified Development Ordinance, Continuing Care Retirement Community – Use Standards, is hereby amended by inserting the following underlined text and deleting the text shown in strike through:

### **2. Use Standards**

- a. The continuing care retirement community and accessory facilities must be designed and used to serve its residents and their guests only.
- b. The 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.~~ Density limitations apply in accordance with the underlying zoning district unless otherwise noted herein.
- d. The 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. ~~xv~~
- g. Additional facilities designed only to serve members of the 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 10% of the total site area 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. ~~A Type B1 transitional protective yard (see Sec. 7.2.4.A.) must be established along any side of the property abutting a residential use. The Continuing Care Retirement Community must provide skilled nursing.~~
- 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 5.** This text change has been reviewed by the Raleigh Planning Commission.

**Section 6.** This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

**Section 7.** This ordinance has been provided to the North Carolina Capital Planning Commission as required by law.

**Section 8.** 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 9.** This ordinance is effective 5 days after adoption.

**ADOPTED: October 6, 2020**

**EFFECTIVE: October 11, 2020**

**DISTRIBUTION: Planning and Development - Young, Bowers, Crane, Waddell, Rametta, Holland, Bailey-Taylor; Attorney DL; Holmes; Puccini; Taylor**  
*Prepared by the Department of Planning and Development*