

# Memorandum



**To:** Planning Commission Members  
**CC:** City Council Members and applicable City Staff  
**From:** Christopher Solberg, AICP - City Planner  
**Date:** 2/12/2010  
**Re:** Amendments to Definitions related Senior Living uses

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**Agenda Item 4A: Public Hearing regarding amendments to Section 2.02, Zoning Regulations, regarding definitions for types of senior uses.**

A public hearing has been scheduled and ordinances have been prepared for the Planning Commission to consider amendments to the Zoning Regulations.

City Council has requested additional definitions provided within the Zoning Regulations for the following uses:

- Assisted Living Facilities
- Nursing Care and Rehabilitation Facilities
- Continuing Care Retirement Community

These definitions will be incorporated with the existing changes proposed to the Zoning Regulations in relation to senior living uses.

**Staff Recommendation Item 4B:** Recommend approval of the amendments to Section 2.02 of the Zoning Regulations regarding definitions for types of senior uses.

## **Draft definitions for senior living:**

### **Assisted Living Facilities definition**

- A type of long-term care facility for elderly or disabled people needing assistance with daily activities such as eating, bathing, dressing, laundry, housekeeping, and medicating. These facilities typically have a central cafeteria and nursing staff on call.

### **Nursing Care and Rehabilitation Facilities definition**

- A type of long-term care facility for persons with chronic illness or disability, particularly older people who have mobility and eating problems. These facilities are licensed by the State of Nebraska and offer 24-hour room and board and health care services, including basic and skilled nursing care, rehabilitation, and a full range of other therapies, treatments, and programs.

### **Continuing Care Retirement Community**

- Continuing Care Retirement Communities offer service and housing packages that allow access to senior independent living, assisted living, and nursing care facilities. Seniors who are independent may live in a single-family home, apartment or condominium within the Continuing Care Retirement Community. When members of the community begin to need help with activities of daily living (e.g., bathing, dressing, eating, etc.), they may be transferred to an assisted living or nursing care facility on the same site.

## **Section 5.06 R-1 Single-Family Residential.**

**5.06.01 Intent:** The Single-Family Residential District is intended to permit low to medium-density residential developments to accommodate residential and compatible uses.

### **5.06.02 Permitted Uses:**

- 5.06.02.01 Single family dwellings.
- 5.06.02.02 Public and private schools.
- 5.06.02.03 Public Services.
- 5.06.02.04 Publicly owned and operated facilities.
- 5.06.02.05 Child Care Home, as per Section 7.10. (*Ordinance No. 880, 11-19-02*)
- 5.06.02.06 Group Care Home**

### **5.06.03 Permitted Conditional Uses:**

- 5.06.03.01 Public and private recreation areas as, country clubs, golf courses, lakes, common areas and swimming pools.
- 5.06.03.02 ~~Hospitals, sanitariums, rest homes,~~ nursing *care and rehabilitation facilities, or assisted living facilities* homes, ~~elderly or retirement housing, convalescent homes, or other similar institutions, philanthropic institutions.~~
- 5.06.03.03 Churches, temples, seminaries, convents, including residences for teachers and pastors.
- 5.06.03.04 Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, ~~treatment facilities,~~ storage, equipment buildings, garages, towers, or similar public service uses.
- 5.06.03.05 Home Occupations, as per Section 7.10.
- 5.06.03.06 Child Care Center.

### **5.06.04 Permitted Accessory Uses:**

~~The following accessory uses are permitted in the R-1 Single-Family Residential District:~~

- 5.06.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.06.04.02 Decks, elevated patios either attached or detached.
- 5.06.04.03 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.06.04.04 Parking for permitted uses as per Section 7.05 through 7.09.
- 5.06.04.05 Signs allowed in Section 7.01 through 7.04.
- 5.06.04.06 Temporary buildings incidental to construction work where such building or structures are removed upon completion of work.
- 5.06.04.07 Landscaping as required by Section 7.17.

### **5.06.05 Height and Lot Requirements:**

5.06.05.01 The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. <del>Lot</del> Building Coverage
Single-family Dwelling (existing development <sup>1,2</sup> )	5,000	60'	30'	5'	30'	35'	35%
Single-family Dwelling (future development <sup>3</sup> )	7,000	70'	30'	10'	30'	35'	40%
<b>Other Permitted Uses</b>	<b>8,000</b>	<b>75'</b>	<b>25'</b>	<b>25'</b>	<b>25'</b>	<b>35'</b>	25%
Other <del>Permitted and</del> Conditional Uses	8,000	75'	25'	25'	25'	45'	25%
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>1</sup>

<sup>1</sup> Provide ~~d~~ total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and ~~attached accessory~~ structure does not exceed ~~45~~ 50%.

<sup>2</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

<sup>3</sup> Future development shall be defined as all new subdivisions created after ~~the date of passage of this Ordinance the adoption of Ordinance No. 848 on November 20, 2001.~~

<sup>4</sup> Existing development shall be defined as existing prior to the adoption of this regulation and shall not include any replating or lot splits done after the date of original adoption.

### **Section 5.07 R-2 Two-Family Residential**

**5.07.01 Intent:** The purpose of this district is to permit single-family density residential with an increase of density to include duplexes and similar residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

#### **5.07.02 Permitted Uses:**

- 5.07.02.01 Single family detached dwellings.
- 5.07.02.02 Single family attached.
- 5.07.02.03 Two-family, duplex, dwellings.
- 5.07.02.04 Public and private schools.
- 5.07.02.05 Publicly owned and operated facilities.
- 5.07.02.06 Public Services.
- 5.07.02.07 *Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)*
- 5.08.02.01 Group Care Home**

#### **5.07.03 Permitted Conditional Uses:**

- 5.07.03.01 Bed and Breakfasts.
  1. Guest rooms shall be within the principal residential building only and not within an accessory building.
  2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.07.03.02 Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 5.07.03.03 ~~Hospitals, sanitariums, rest homes,~~ nursing *care and rehabilitation facilities, or assisted living facilities* homes, ~~elderly or retirement housing, convalescent homes, or other similar institutions, philanthropic institutions.~~
- 5.07.03.04 Public utility substations, distribution centers, regulator stations, pumping ~~stations, treatment facilities,~~ storage, equipment buildings, garages, towers, or similar uses.
- 5.07.03.05 Home Occupations as per Section 7.10.
- 5.07.03.06 Child Care Center.

#### **5.07.04 Permitted Accessory Uses:**

- 5.07.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.07.04.02 Decks, elevated patios either attached or detached.
- 5.07.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.07.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.07.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.07.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.07.04.07 Landscaping as required by Section 7.17.

#### **5.07.05 Height and Lot Requirements:**

5.07.05.01		The height and minimum lot requirements shall be follows:						
		Lot Area (SF)	Lot Width	Front Yard	Side Yard <sup>3</sup>	Rear Yard	Max. Height	Max. <del>Lot</del> Building Coverage
Single-family Dwelling (existing development <sup>5</sup> ) <sup>2</sup>		5,000	50'	30'	5'	30'	35'	35%
Single-family Dwelling (future development <sup>6</sup> ) <sup>2</sup>		7,000	70'	30'	10'	30'	35'	40%
Two-family Dwelling <sup>2</sup>		10,000	100'	30'	10'	30'	35'	40%
Single-family attached		4,500 per unit	50' per unit	30'	10'	30'	35'	40%



<b>Other Permitted Uses</b>	<b>8,000</b>	<b>75'</b>	<b>30'</b>	<b>10'</b>	<b>30'</b>	<b>35'</b>	<b>30%</b>
Other <del>Permitted and</del> Conditional Uses	8,000	75'	30'	10'	30'	45'	30%
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>1</sup>

<sup>1</sup> Provided total area of accessory structures for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and accessory structure does not exceed 50%

<sup>2</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.

<sup>3</sup> The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

<sup>4</sup> Future development shall be defined as all new subdivisions created after the adoption of Ordinance No. 848 on November 20, 2001.

<sup>5</sup> Existing development shall be defined as existing prior to the adoption of Ordinance No. 848 and shall not include any replatting or lot splits done after the adoption of Ordinance No. 848 on November 20, 2001.

**(Ordinance No. 895, 2-04-03) (Ordinance No. 968, 11-15-05)**

## **Section 5.08 R-3 High Density Residential**

**5.08.01 Intent:** The purpose of this district is to permit high density residential, ~~including single family dwellings, two family dwellings, and multi family dwelling development~~ in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

### **5.08.02 Permitted Uses:**

- ~~5.08.02.02 Single family detached dwellings.~~
- ~~5.08.02.03 Two family duplex dwellings.~~
- ~~5.08.02.04 Single family attached dwellings.~~
- 5.08.02.05 Townhouses and Condominiums.
- 5.08.02.06 Public and private schools.
- 5.08.02.07 Publicly owned and operated facilities.
- 5.08.02.08 Public Services.
- 5.08.02.09 Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)
- 5.08.02.10 Group Care Home**

### **5.08.03 Permitted Conditional Uses:**

- 5.08.03.01 Multiple family dwellings.
- 5.08.03.02 Bed and Breakfast.
  - 1. Guest rooms shall be within the principal residential building only and not within an accessory building.
  - 2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.08.03.03 Public utility substations, distribution centers, regulator stations, pumping ~~stations, treatment facilities,~~ storage, equipment buildings, garages, towers, or similar uses.
- 5.08.03.04 Home Occupations, as per Section 7.10.
- 5.08.03.05 Child Care Center.
- 5.08.03.06 Charitable clubs and organizations.
- 5.08.03.07 ~~Hospitals, sanitariums, rest homes, nursing care and rehabilitation facilities, and assisted living facilities homes, convalescent homes, or other similar institutions, philanthropic institutions.~~
- 5.08.03.08 Congregate housing, senior apartments (age restricted to 55+ years old), or continuing care retirement community.**

### **5.08.04 Permitted Accessory Uses:**

- 5.08.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.08.04.02 Decks, elevated patios either attached or detached.
- 5.08.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.

- 5.08.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.08.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.08.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.08.04.07 Landscaping as required by Section 7.17.

#### 5.08.05 Height and Lot Requirements:

5.08.05.01 The height and minimum lot requirements shall be follows:							
Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. <del>Lot</del> Building Coverage
Townhouses/Condominiums <sup>1</sup>	2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>3</sup>	2,250 per unit	100'	30'	( <sup>1</sup> )	30'	45' <sup>1</sup>	40%
<del>Other Permitted Uses</del>	<del>8,500</del>	<del>75'</del>	<del>30'</del>	<del>10'</del>	<del>30'</del>	<del>35'</del>	<del>30%</del>
Other <del>Permitted and</del> Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Accessory Buildings	-	-	50'	5'	5'	17'	10% <sup>2</sup>

- <sup>1</sup> For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.
- <sup>2</sup> Provided ~~total area of accessory structures~~ for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and ~~accessory~~ structure does not exceed 50%
- <sup>3</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- <sup>4</sup> This applies to Condominiums and Townhouses where there are three (3) more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- <sup>5</sup> Where there are three (3) or more units connected the side yard at the ends shall meet this criteria otherwise the side yard setback shall zero (0) at common walls.

#### Section 5.09 R-4 Condominium Residential

**5.09.01 Intent:** The purpose of this district is to permit high density residential, including condominium dwellings, ~~single-family dwellings, two-family dwellings, and multi-family dwelling development~~ in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

#### 5.09.02 Permitted Uses:

- 5.09.02.01 Townhouses and Condominium dwellings.
- ~~5.09.02.02 Single family attached and detached dwellings.~~
- ~~5.09.02.03 Two family duplex dwellings.~~
- 5.09.02.04 Public and private schools.
- 5.09.02.05 Publicly owned and operated facilities.
- 5.09.02.06 Child Care Home, as per Section 7.10. (Ordinance No. 880, 11-19-02)

#### 5.09.03 Permitted Conditional Uses:

- 5.09.03.01 Multiple family dwellings.
- 5.09.03.02 Bed and Breakfast.
  1. Guest rooms shall be within the principal residential building only and not within an accessory building.
  2. Each room that is designated for guest occupancy must be provided with a smoke detector which is kept in good working order.
- 5.09.03.03 Churches, temples, seminaries, and convents including residences for teachers and pastors.

- 5.09.03.04 Public utility substations, distribution centers, regulator stations, pumping ~~stations, treatment facilities~~, storage, equipment buildings, garages, towers, or similar uses.
- 5.09.03.05 Home Occupations, as per Section 7.10.
- 5.09.03.06 Child Care Center.
- 5.09.03.07 Charitable clubs and organizations.
- 5.09.03.08 ~~Hospitals, sanitariums, rest homes,~~ nursing *care and rehabilitation facilities, and assisted living facilities* homes, ~~convalescent homes, or other similar institutions, philanthropic institutions.~~

#### 5.09.04 Permitted Accessory Uses:

- 5.09.04.01 Buildings and uses customarily incidental to the permitted uses.
- 5.09.04.02 Decks, elevated patios either attached or detached.
- 5.09.04.03 Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- 5.09.04.04 Signs as provided for in Section 7.01 through 7.04.
- 5.09.04.05 Parking as provided for in Section 7.05 through 7.09.
- 5.09.04.06 Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
- 5.09.04.07 Landscaping as required by Section 7.17.

#### 5.09.05 Height and Lot Requirements:

5.09.05.01 The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard	Side Yard	Rear Yard	Max. Height	Max. <del>Lot</del> Building Coverage
Townhouses/Condominiums <sup>4</sup>	2,500 per unit	25' per unit	30'	10' <sup>5</sup>	30'	35'	40%
Multi-family Dwelling <sup>3</sup>	2,250 per unit	100'	30'	(1)	30'	45' <sup>1</sup>	40%
<del>Other Permitted Uses</del>	<del>8,500</del>	<del>75'</del>	<del>30'</del>	<del>10'</del>	<del>30'</del>	<del>35'</del>	<del>30%</del>
Other <del>Permitted and</del> Conditional Uses	8,500	75'	30'	10'	30'	45'	30%
Accessory Buildings	-	-	50'	8'	10'	17'	10% <sup>2</sup>

- <sup>1</sup> For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.
- <sup>2</sup> Provided ~~total area of accessory structures~~ for single family does not exceed 700 sq. ft. and the total lot coverage of all buildings and ~~accessory~~ structure does not exceed 50%.
- <sup>3</sup> On Corner Lots the following criteria apply to setbacks. In existing developed areas, the Street Side Yard setback may conform to existing setbacks of existing structures along that street. In new developments, the Street Side Yard setback shall be equal to the Front Yard setback.
- <sup>4</sup> This applies to Condominiums and Townhouses where there are three (3) or more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- <sup>5</sup> Where there are three (3) or more units connected the side yard at the ends shall meet these criteria otherwise the side yard setback shall zero (0) at common walls.

(Ordinance No. 881, 11-19-02)