



# CITY OF PORTSMOUTH

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Municipal Complex  
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Portsmouth, New Hampshire 03801  
(603) 431-2000

## **CITY COUNCIL JOINT WORK SESSION WITH PLANNING BOARD**

**DATE:** MONDAY, JANUARY 25, 2010  
**LOCATION:** CITY HALL – EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
**TIME:** 6:30PM  
**SUBJECT:** CONTINUING CARE RETIREMENT COMMUNITY (CCRC)

## **A G E N D A**

- I. Call to Order – Mayor Ferrini
- II. Presentation by City Staff Re: Background on Continuing Care Retirement Community (CCRC) and Proposed Ordinance (*See Attached*)
- III. Planning Board Deliberations – John Ricci, Planning Board Chair
- IV. Discussion/Questions
- V. Adjournment

KELLI L. BARNABY, CMC/CNHMC  
CITY CLERK

**NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED:** If you require assistance, contact Dianna Fogarty, Human Resources Director, at 603-610-7270, one week before the meeting to make arrangements.

# CONTINUING CARE RETIREMENT COMMUNITY

## Draft Zoning Ordinance – January 20, 2010

### Section 10.740 Continuing Care Retirement Community

#### 10.741 Purpose

The purpose of this Section 10.740 is to further the goals of the Master Plan by providing for specialized housing options for senior residents in sustainable developments.

#### 10.742 General Provision

In the Office Research District, the Planning Board may grant a conditional use permit to authorize a **Continuing Care Retirement Community (CCRC)**, provided that such facility shall comply with the criteria and standards set forth in this Section 10.740, and with all other applicable provisions of this Ordinance, the Planning Board's subdivision and site plan regulations, and state and federal laws and regulations.

#### 10.743 Site Requirements

10.743.10 The site shall contain at least 5 acres, which may consist of one or more **lots** provided that such **lots** shall be separated by no more than 100 feet.

10.743.20 The site shall have either at least 100 feet of continuous **street frontage** on an existing public **street**, or two separate segments of **street frontage** on existing public **street(s)** each providing a continuous 50-foot right-of-way between the public **street** and the **dwelling units**. Said rights-of-way shall provide adequate access to the site taking into consideration location, access width and site layout.

#### 10.744 Development Standards

##### 10.744.10 Buildings

10.744.11 Minimum **side yards and rear yards**: 50 feet

10.744.12 Minimum **building** setback from a Residential district: 100 feet

10.744.13 Maximum **building height**:

Less than 150 feet from a Residential district:  
40 feet or 3 stories, whichever is less

150 feet or more from a Residential district:  
50 feet or 4 stories, whichever is less

10.744.14 Distances between **buildings** shall comply with applicable building and fire codes. Increased distance between **buildings** may be required to insure proper site design. The minimum distance between **buildings** shall be based upon a

review by the Planning Board, taking into consideration overall site layout, architectural design, **building** massing, **building** height and **open space**.

- 10.744.15 At least 50 percent of the frontage of each **building** that has **dwelling units** shall consist of habitable area, with direct access to the outside at grade.

#### **10.744.20 Dwelling Unit Mix and Density**

- 10.744.21 The development shall include **independent living units**, **assisted living units** and **skilled nursing care units**.

- 10.744.22 The **developable area** of the site shall be at least equal to the sum of the following:

3,000 square feet per **independent living unit**, plus  
1,500 square feet per **assisted living unit**, plus  
1,500 square feet per **skilled nursing care unit**

- 10.744.23 **Independent living units** shall include studio, one-bedroom and two-bedroom units, which shall be varied in location throughout the project. No unit type shall comprise more than 40% of the total number of units in the project.

#### **10.744.30 Open Space**

- 10.744.31 Portions of the site within 100 feet from a Residential district shall consist of vegetated buffer area that provides effective visual screening of parking and service areas and exterior lighting fixtures. Within the required vegetated buffer area, existing high-quality natural vegetation shall be preserved where possible.

- 10.744.32 At least 40% of the **developable area** shall be reserved for usable **open space** or recreation. Such recreational amenities may include, but shall not be limited to, playgrounds, walking trails, picnic areas and sitting areas. Up to 10% of the usable **open space** may be occupied by accessory structures (such as gazebos), pathways, and other impervious surfaces.

#### **10.744.40 Off-Street Parking**

- 10.744.41 The CCRC shall provide off-street parking at least equal to the sum of the following:

1.0 space per **independent living unit**, plus  
0.5 space per **assisted living unit**, plus  
0.5 space per **skilled nursing care bed**

- 10.744.42 At least 40 percent of the required **off-street parking** spaces shall be provided in garages below the **buildings**.

**10.744.50 Streets and Access Criteria**

- 10.744.51 **Streets** shall comply with the requirements of the City’s Subdivision Rules and Regulations and Site Review Regulations for residential **streets**.
- 10.744.52 The Planning Board may, at its sole discretion, grant waivers to **street** design standards or utility standards according to procedures established in the City’s Subdivision Rules and Regulations. If such a waiver is granted, the conditional use permit shall include a condition prohibiting a future petition for acceptance as a public street.
- 10.744.53 Vehicular and pedestrian infrastructure shall be designed to provide meaningful connections between the **CCRC** and the adjacent community.

**10.744.60 Infrastructure**

- 10.744.61 Utilities (other than facilities for generating solar or wind power) shall be placed underground and shall comply with the requirements of the City’s Subdivision Rules and Regulations and Site Review Regulations. Facilities shall be designed to meet City standards and specifications as indicated by the Department of Public Works.
- 10.744.62 The development shall provide pedestrian-scale lighting fixtures in areas designed for walking, biking or use of personal transportation such as Segway or golf carts. Lighting fixtures shall complement the general architecture style of the development.

**10.744.70 Amenities and Services**

- 10.744.71 The development shall include community spaces, common dining areas, and health and fitness facilities. Professional staff shall be provided to assist in the provision of age-supportive services.
- 10.744.72 Private bus transportation services, provided by either an on-site vehicle owned and operated by the project or by a contract service provider, shall be made available to all residents.
- 10.744.73 The development may include non-residential **accessory uses** that primarily serve the residents of the development. Such **accessory uses** may include, but are not limited to, barber shop, beauty salon, bank, office, lecture hall, recreational facilities, community buildings and maintenance **buildings**.

## 10.745 Conditional Use Permit Criteria

The Planning Board may grant a conditional use permit upon reaching a finding that each of the following criteria will be fulfilled under a specific application:

- 10.745.10 The site shall be an appropriate location for the proposed **use**, taking into consideration location, access and layout.
- 10.745.20 The development shall be constructed in a manner that is harmonious with the natural surroundings, minimizing impacts to **wetlands**, forested lands and other sensitive features.
- 10.745.30 The property shall be capable of accommodating the **building** density without creating a detrimental impact on the surrounding area.
- 10.745.40 When the total area of the development site is greater than 30 acres, a portion of the site shall be set aside for community purposes which may include a senior center, public recreation facility or passenger rail station, including land area for building and parking.
- 10.745.50 The development shall comply with all provisions of the Zoning Ordinance except those specifically modified in this Section 10.740.

## 10.746 Phasing

- 10.746.10 Development of the **CCRC** may be phased over a period of years, as determined by the Planning Board.
- 10.746.20 Certificates of occupancy for **assisted living units** and **skilled nursing care units** shall be issued in proportion to the total number of units such that the proportions of **assisted living units** and **skilled nursing care units** available for occupancy shall at no time be less than the proportions of such units approved in the conditional use permit.

## 10.747 Review and Approval Procedures

- 10.747.10 The Applicant is encouraged to request a work session with the Planning Board prior to submitting an application under this Section.
- 10.747.20 An application under this Section shall be reviewed according to the procedures, required exhibits and standards applicable to a subdivision as contained in the City's Site Review Regulations.
- 10.747.30 In addition to the information required under the Site Review Regulations, an application under this Section shall contain information sufficient to document compliance with the specific standards of this Section, including:
  - number, type and location of **dwelling units**;

- height and design of **buildings**;
- locations and size of **yards** and landscaped buffers;
- location and area of usable **open space**;
- provisions for vehicular circulation, including the location and design of **streets**;
- location and design of **off-street parking** facilities;
- pedestrian circulation systems; and
- **outdoor lighting**.

10.747.40 The Planning Board may, at its discretion, afford the Conservation Commission an opportunity to offer comment to the Planning Board on the particulars of a project; including but not limited to the natural features of the parcel and how these may be impacted by the proposed project.

10.747.50 Approval of a conditional use permit by the Planning Board shall be subject to Site Plan Review under the City's Site Plan Review Regulations.

10.747.60 In conjunction with its review of a proposed **CCRC**, the Planning Board shall take into consideration potential impacts on local or regional senior related services providers, including both public and private agencies and facilities.

10.747.70 Nothing contained herein shall compel the Planning Board to approve a conditional use permit for a **CCRC**. While the intent of this Section is to provide flexibility both to the Board in considering an application and to the Applicant in designing a project, not all parcels are suitable for a **CCRC**.

## 10.748 Conditions of Approval

10.748.10 The Planning Board may attach such conditions as it finds necessary to further the purposes of this Ordinance, in addition to those conditions required elsewhere in this Ordinance. Such conditions may include form and recording of covenants or deed restrictions, as applicable to the particular development.

10.748.20 Representations made at public hearings or in materials submitted to the Planning Board by an applicant for a conditional use permit for a **CCRC** (including specifications for exterior **building** design and features; **dwelling** types, e.g., garden style, townhouse, free standing; **dwelling unit** sizes; number of **buildings** on **lot**; mix of market rate and affordable units; and parking) shall be deemed conditions and shall be documented in a development agreement entered into between the applicant and the City.

10.748.30 Any development agreement, restrictive covenant, cooperative agreement or similar instrument requiring the participation of the City shall be reviewed and approved as to content and form by the City Attorney prior to Planning Board approval of a conditional use permit.



## DEFINITIONS

### **Assisted living unit**

A unit in an **assisted living facility** or **continuing care retirement community (CCRC)** that provides housing and support services for one or more persons who may require assistance with daily living activities but do not require 24-hour skilled nursing and medical care. Such supportive services may include the provision of meals, housekeeping, laundry, transportation, daily personal care, programmed social activities, dispensing of medications and around the clock staffing. (See also: **independent living unit**.)

### **Continuing care retirement community (CCRC)**

A residential development that provides multiple elements of senior adult living including **independent living units**, **assisted living units** and skilled nursing care, enabling residents to live at a single location as their medical needs change over time. A **CCRC** includes common dining, recreation and health facilities and other common areas; provides services such as medical, programmed social activities; and may include limited accessory retail and personal services. A **CCRC** is intended for and solely occupied by persons 62 years of age or older and thereby qualifies as “housing for older persons” under state law. (See also: **assisted living facility**, **congregate care facility**, **age-restricted housing**.)

### **Developable area**

The total area of a single development site, which may include one or more **lots**, excluding all open water bodies, **wetlands** subject to this Ordinance, **100-year flood plains**, slopes exceeding 15 percent, and areas subject to existing valid open space restrictions.

### **Independent living unit**

A dwelling unit in a **continuing care retirement community (CCRC)**, in which residents live independently while having access to all common facilities and services of the CCRC, but without the inclusive supportive services typically associated with Assisted Living or Skilled Nursing units. (See also: **assisted living unit**, **continuing care retirement community**.)

### **Open space**

Land area vertically open to the sky, free of all **structures**, parking area/lots, driveways and other **uses** which preclude attractive **landscaping** in such area. **Open space** shall be predominantly pervious, may be landscaped with lawn, trees, shrubs, or other planting, and may include walks and terraces. For the purposes of this definition, water areas are considered to constitute **open space**.

### **Skilled nursing care unit**

A nursing bed or individual room in a **continuing care retirement community (CCRC)** or **residential care facility** which provides board, shelter and 24-hour skilled nursing and medical care to a single chronic or convalescent patient.