

DEPARTMENT OF SAFETY AND PERMITS
CITY OF NEW ORLEANS

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DIRECTOR

ZONING INTERPRETATION MEMORANDUM

Memorandum Z-17-06

DATE: April 3, 2017

FROM: Jared E. Munster, Ph.D., Director

RE: Classification of 'Residential Care Facility' for purposes of applying Bulk and Yard Regulations of the underlying zoning district.

The Comprehensive Zoning Ordinance provides a broad-brush definition of 'Residential Care Facility' which encompasses multiple types of services and living arrangements. These living arrangements include: independent living, assisted living, hospice facilities, nursing homes, residential abuse addiction treatment facilities, and continuum of care facilities. (Sec. 26.6). These various types of facilities operating under a single definition are clearly anticipated to have varying degrees of impact based on intensity, as evidenced by a delineation of uses within Table 22-1: *Off-Street Vehicle and Bicycle Parking Requirements*, it is necessary to assess the density of such a facility in a similar tiered manner.

The CZO contemplates the division of a 'Residential Care Center' into three (3) categories: Assisted Living Facility, Independent Living Facility, and Nursing Home. These individual terms are not defined within the CZO, therefore interpretation in line with normal dictionary usage is required (Sec. 26.2).

The Director views these uses as separable into discrete classifications, where the intensity of the use on the surrounding community can be reflected in the approval process. An Independent Living Facility is determined to be equivalent to a Multi-Family Dwelling, as these facilities would include amenities, including individual culinary facilities, which allow each unit to operate independently from other units. A cohesive management structure would be required to provide the care anticipated by the definitional language, but this type of facility is clearly intended for an ambulatory population that is capable of self-care and transportation. This is evidenced by the parking standards provided in Table 22-1, where a Multi-Family Dwelling and an Independent Living Facility share a parking requirement of "1 per dwelling unit."

Consequently, in moving further along the continuum of care, an Assisted Living Facility requires .5 parking spaces per dwelling unit, reflecting that these units are less intense and moving toward the institutional side of the specific uses contemplated within the definition of 'Residential Care Facility.' These facilities may or may not have such culinary facilities and amenities which allow for a unit to operate independently of other units, but if such amenities are provided, this use would be equivalent in anticipated impact to an Independent Living Facility.

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Lastly, Table 22.1 provides Nursing Home as a use within the umbrella of ‘Residential Care Facility.’ A Nursing Home generally would not have independent living spaces with amenities or culinary facilities and are a fully institutional use within the anticipated use spectrum in this definition. Such a use, with its minimal parking requirement of .25 spaces per bed, clearly envisions a low intensity development.

Therefore, it is the Determination of the Director that Residential Care Facilities are regulated by the Bulk and Yard Regulations of the underlying zoning district in the following manner:

- 1) All Independent Living Facilities and those Assisted Living Facilities which provide culinary facilities within the living unit, are evaluated as Multi-Family Dwellings, and subject to the lot area per dwelling unit standards provided within the underlying zoning district in addition to all setback, height, open space, or other regulations which may be imposed.
- 2) All Nursing Homes and those Assisted Living Facilities which do not provide culinary facilities within the living unit are evaluated as an institutional use, where lot area per dwelling unit standards are not applicable, but the facility is subject to all other bulk and yard regulations of the underlying district.

In keeping with the expressed gradation of uses outlined by Table 22-1 of the CZO, if a proposed facility consists of a combination of these uses, the facility will be evaluated in accordance with the standards applicable for each type of use outlined above.

