

TA26-01 – Congregate Living

Purpose.

Amend the City of Tupelo Development Code to establish Definitions, Classifications, and Regulations for Congregate Living Uses; to amend Chapter 2 (Definitions), Chapter 4 (Zoning Districts and Use Table), and Chapter 11 (Supplemental Use and Site Standards); and for related purposes.

Chapter 2 (Definitions).

BOLD = Proposed Addition

~~STRIKE = Proposed Deletion~~

~~*FAMILY:* Up to five adult persons, who occupy a dwelling and live as a single housekeeping unit.~~

***FAMILY:* An individual, or two (2) or more persons related by blood, marriage, legal guardianship, or adoption, living together as a single housekeeping unit; or a group of not more than five (5) unrelated persons living together as a single housekeeping unit within a dwelling unit. A family shall not include any arrangement meeting the definition of Congregate Living.**

~~*CONGREGATE LIVING:* any structure occupied for residential use by a group of six or more adult residents; and/or any structure occupied by a group for residential use where any care or group support services are provided by others, either paid for in whole, in part or in-kind by an agency, business, non-profit corporation, church or organization with rules and regulations as to governing the household, including the household itself serving on a voluntary basis; and/or any "Residential Group" as defined by the International Fire Code (IFC) of 2012 requiring life safety measures of the IFC. Congregate living can be identified as residency 'plus' those services or support defined above, and traditional examples of congregate living include, but are not limited to, transient or non-transient boarding houses, alcohol and drug centers, assisted living facilities, convalescent facilities, group homes, halfway houses, residential board and custodial care facilities, sober living houses, and social rehabilitation facilities.~~

***CONGREGATE LIVING FACILITIES (GENERAL):* A residential occupancy where persons reside in a building or portion thereof, other than as a *Family*, and where occupants may share living, sleeping, cooking, or sanitation facilities and may involve varying degrees of organization, supervision, or services. Classification shall be based on the actual use and operation, regardless of how the use is titled or advertised.**

~~CONGREGATE LIVING 1: any structure or facility used for congregate living, where services are limited to the provision of shared meals and/or housekeeping, but no medical or personal care services or assistance with activities of daily living, as defined by the State of Mississippi Department of Health, are provided.~~

CONGREGATE LIVING 1 (CL-1): A Congregate Living arrangement with:

- Not more than five (5) residents;
- No on-site staff or structured services;
- Functionally equivalent to a single housekeeping unit but not meeting the definition of family.

~~CONGREGATE LIVING 2: any structure or facility used for congregate living where services may include medical or personal care services or assistance with activities of daily living as defined by the State of Mississippi Department of Health, or which are required to be licensed by the State of Mississippi for such services.~~

CONGREGATE LIVING 2 (CL-2): A Congregate Living arrangement that:

- Contains six (6) to sixteen (16) residents; or
- Provides on-site supervision or staffing; or
- Provides supportive services such as counseling or personal care.

~~CONGREGATE LIVING 3: any structure or facility used for congregate living, where residents are placed on release from more restrictive custodial confinement or in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling is provided to assist residents transitioning back into society; or where residents are treated for substance abuse problems, or placed after such treatment for a period of supervision, rehabilitation, and counseling to assist with transitioning back into society.~~

CONGREGATE LIVING 3 (CL-3): A congregate living arrangement characterized by:

- More than sixteen (16) residents; or
 - Continuous or scheduled staff supervision; or
 - Medical care, custodial care, or structured treatment; or
 - High turnover or transient occupancy.
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Chapter 4 (Use Table).

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Table 4.3 — Allowed Residential Use Classifications by Zone

Allowed Use	AO	LDR	MDR	MUR	MUD 5.3.4	MUCC- 1 (Walk.)	MUCC-2, (Conv.)	MUE-1 (Walk.)	MUE-2 (Conv.)	MUAC-1 (Walk.)	MUAC-2 (Conv.)	RC	I
R = Use by Right C = Use by Compatibility F = Use by Flexibility * Location restrictions apply; see text of chapters 4 and 7													
Single Family Residential Unit	R	R	R	R**				R**	R**				
Dwelling, Multifamily 9-99 unit *				F*		C+	F+	C	C	C+	F+	R+	F
Congregate Living 1	R	R	R	R**				R**	R**				
Congregate Living 2	F	F	F	C		R	R	R	R				
Congregate Living 3	F			F		R	R	R	R	R	R		C

11.8. - Congregate Living Facilities.

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(1) **Applicability.** This section applies to all Congregate Living uses (CL-1, CL-2, CL-3).

(2) **Separation Requirement.** Congregate Living Facilities in Mixed Use zoning districts may not be located within 1,500 feet of any other Congregate Living Facility. Congregate Living Facilities in other zoning districts may not be located within 2,500 feet of any other Congregate Living Facility.

(3) **Occupancy Classifications.** Occupancy classification shall be determined by the Building Official based on:

- Occupant load
- Level of supervision
- Services provided
- Evacuation capability

(4) Code Classification Comparison.

Tupelo Development Code	IBC	NFPA 101
CL-1	R-3	One-and-Two-Family/Lodging
CL-2	R-2 / R-4 / I-1	Residential Board and Care
CL-3	I-1 / I-2	Health Care / Custodial

(5) Change of Occupancy. Any change between classifications shall constitute a *Change of Occupancy* and shall comply with:

- IEBC
- IBC
- NFPA 101

(6) Fire and Life Safety. No use shall operate in a manner that avoids required fire protection systems. All uses shall comply with:

- IBC Chapter 9 and 10
- IFC
- NFPA 101

(7) Site Development Standards.

(A) Parking Requirements:

- CL-1: 1 space per resident
- CL-2: 1 space per resident + 1 per employee
- CL-3: 1 space per resident + 1 per employee

(B) Landscaping:

- Must comply with Development Code landscaping requirements.
- CL-2 & CL-3: Minimum 15% open space.

(C) Buffering. Where adjacent to Single Family Residential Unit:

- 6-ft privacy fence or wall.
- Vegetative buffer.

(8) Compatible Use Application. Applications shall include:

- Site plan
- Operational plan
- Occupant load
- Staffing plan
- Parking analysis
- Fire safety plan
- Accessibility plan

(9) Registration Requirement. All Congregate Living uses shall:

- **Be registered as rental properties.**
- **Maintain current contact and operational information.**
- **Be subject to inspection as required by Tupelo Rental Inspection Program and by Tupelo Fire Department Annual Inspection Program.**

(10) Reasonable Accommodation. The City shall provide Reasonable Accommodation in accordance with federal and state law.
