10-11D-1: ~~FINDINGS:~~PURPOSE:

The purpose of the senior housing overlay zone is to promote the public health, safety and welfare by allowing increased land use flexibility through specialized zoning techniques to assure that senior citizens can continue to contribute to the community without having heavy yard care maintenance and without ignoring legitimate concerns regarding impacts on surrounding residential areas. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)
~~The city council of Elk Ridge hereby finds that senior housing is a necessary component of a well-rounded and sustainable community. Further, the council hereby finds that current demographic trends indicate a substantial increase in the aging population and the city deems it necessary and desirable to address such trends by providing proper housing to give seniors the opportunity to socialize with one another and engage in minimal or no individual yard care by providing for development of planned units with professional maintenance of common areas in a park like setting. Carefully planned developments shall enhance the beauty of Elk Ridge. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)~~

10-11D-2: ELDERLY/SENIOR DEFINITION:

Housing that meets the fair housing act definition of housing for older persons including housing specifically designed for and occupied by elderly persons under a federal, state, or local government program; or housing that is occupied solely by persons who are ~~sixty-two (62)~~fifty-five (55) or older; or housing that has at least one person who is fifty~~-~~-five (55) or older in at least eighty percent (80%) of the occupied units and adheres to a policy that demonstrates intent to house persons who are fifty~~-~~-five (55) or older. For compliance with this zone, the fifty-five (55) ~~sixty-two (62)~~ or older rule shall be used. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-3: ~~PURPOSE:~~DELETED

~~The purpose of the senior housing overlay zone is to promote the public health, safety and welfare by allowing increased land use flexibility through specialized zoning techniques to assure that senior citizens can continue to contribute to the community without having heavy yard care maintenance and without ignoring legitimate concerns regarding impacts on surrounding residential areas. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)~~

10-11D-4: OVERLAY ZONE CREATED:

~~To further the purposes stated herein, there is hereby established a~~A -senior housing overlay zone can be established within ~~the city of Elk Ridge in the R-1-12,000 and~~ R-1-15,000 zones. In considering a request to rezone a parcel as a senior housing overlay zone, the planning commission and city council shall consider the following:

A. The harmony and compliance of the proposed location of the overlay zone with the objectives and requirements of the city general plan and zoning ordinances;

B. Whether or not the application of the overlay zone may be injurious to potential or existing development within the vicinity;

C. The current development or lack of development adjacent to the proposed location and the harmony of the proposed location with the existing uses in the neighborhood;

D. The proposed location is in proximity to the arterial or major collector streets;

E. The senior housing overlay zone can only be applied within the ~~R-1-12,000,~~ R-1-15,000 zones;

F. The compatibility of the proposed location of the overlay zone with the density analysis of the underlying zone and neighboring development;

G. The economic impact of the proposed facility or use on the surrounding area;

H. A demonstrable need for senior housing in the area of the proposed location.

It shall be the city council's sole discretion to decide if a project should be allowed to use the senior housing overlay within the intent of this article as noted above. (Ord. 08-8, 5-27-2008, eff. 6-17-2008; amd. Ord. 10-1, 1-26-2010, eff. 2-11-2010)

10-11D-5: USES:

The following ~~uses~~ shall be permitted in the senior housing overlay zone ~~zone containing one or a combination of both~~:

~~Accessory apartments are not permitted in the senior housing overlay zone.~~

~~Home occupations shall be permitted.~~

Single or attached dwellings (not more than two attached) intended to be used as senior housing as defined herein by older or elderly persons using the allowed definition of fifty-five (55) ~~sixty-two (62)~~ years old or older.

~~Also, c~~Caregivers eighteen (18) years old and older can reside with the ~~elderly person.~~homeowner who is fifty-five (55) years old or older. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

Persons who are under eighteen (18) years old and are children or grandchildren of the homeowner who is fifty-five (55) years old or older can reside with the homeowner.

Common household pets as defined in section 10-18-4 of this title are permitted; no additional or other animals are permitted.

Home occupations shall be permitted.

Accessory apartments are not permitted.

10-11D-6: UNDERLYING ZONE DEVELOPMENT STANDARDS AND REGULATIONS:

All developments utilizing the senior housing overlay zone must adhere to the requirements of the underlying zone and other applicable city codes except as noted in the senior housing overlay zone code. All uses within the senior housing overlay zone shall be conducted within buildings that conform to the requirements of the underlying zone unless specifically specified within the senior housing overlay zone code. ~~All uses within the senior housing overlay zone shall be conducted within buildings that conform to the requirements of the underlying zone unless specifically specified within the senior housing overlay zone code.~~ (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-7: OVERLAY ZONE DEVELOPMENT STANDARDS AND REGULATIONS:

The following development standards and regulations shall apply to all developments within the senior housing overlay zone:

A. Parking: Parking for the senior housing overlay zone will be a minimum of two (2) parking spaces per dwelling; additional parking will be determined by specific review by the planning commission.

B. Private Building Lots To Conform To Building Footprint: Developments shall have the private building lots conform to the building footprint of each unit. An area behind each unit can be included within the private lot area to allow for a private patio area, garden plot, etc. The planning commission must approve the size of this area. Their finding shall recognize the intent of the zone, being for senior housing, and keep the patio/garden area size to a minimum.

C. Setback: Setback from main private building lot:

Front setback	=	25 feet to road right of way
Side setback	=	20 feet to neighboring building lot
		30 feet to a neighboring development
		25 feet to road right of way (corner lot)
Rear setback	=	30 feet

D. Minimum Acreage: Minimum acreage for a senior housing project shall be two (2) acres.~~one acre and the maximum project area is six (6) acres.~~

E. Density: The maximum dwelling units per acre shall be four (4)~~ with the total units allowed in a development being twenty four (24)~~.

F. Maintenance: Professional maintenance must be provided.

G. Restrictive Covenants: The developer of a development within the senior housing overlay zone shall be required to establish restrictive covenants to limit occupancy to elderly persons, and their caregivers eighteen (18) years old and older, and to carry out the conditions of the permitted uses and to assure that the uses approved for the development will be maintained. In addition, the covenants must also include professional maintenance for the development. Such covenants shall be recorded to run with the land to ensure against conversion to less desirable land uses.

H. Architectural Character: The planning commission may request the use of an architectural style, exterior color, or material that would be most compatible with the purpose of the underlying zone district, assure greater compatibility with surrounding development, or create an aesthetically pleasing visual theme for the project.

I. Landscaping:

The applicable sections of 10-12-36 of the landscaping code of this title shall apply to the senior housing overlay zone.

~~Adequate landscaping shall be designed.~~ Landscaping shall be of the same general character or better as yards in the neighborhood. Not less than thirty percent (30%) of the

project shall be landscaped for the use and benefit of the residents. Land proposed to be used for parking, pedestrian walkways, and driveways shall not be included in meeting this landscaping requirement. A complete landscaping plan shall be provided at the time of preliminary review of the project showing a minimum of two (2) trees with a caliper of two inches (2") and ten (10) 1-gallon shrubs per dwelling unit.

Areas of the development that have ~~steeper~~ slopes ~~(~~over 10 percent (10%) with native hardwood trees shall be included within the overall landscaping plan to preserve this natural feature and to continue to stabilize the slope. The planning commission can require additional plantings of native hardwood trees to aid in stabilization.

J. Fencing: Fencing can be included surrounding the development, but the planning commission must approve the type and location. Fencing on steeper slopes should be avoided.

K. Street and Sidewalk Requirements: Requirements for streets and sidewalks shall have the same requirements as those found in the underlying zone. All streets shall meet city standards and be dedicated to the city.

~~Development Grades: Since the development is for senior living, road, driveway, and usable open space areas shall be designed with gradual slope. No road, driveway, sidewalk, or trail shall have a grade over six percent (6%).~~

L. Development Amenities: Senior housing overlay zone developments shall include enhancement amenities that can include pocket park, trail or walking path, finish garden area, benches, picnic or pavilion area, central barbecue, upgraded signage and street furniture, ornamental yard pole lighting, entrance monuments and gates. ~~(~~ ~~g~~Gates cannot be closed across a public street, but can be permanently secured open as an entrance feature~~)~~. The decision of what amenities to include shall be negotiated between the developer, the planning commission, and the city council. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-8: COMPLIANCE WITH SUBDIVISION PROCEDURE:

All proposed development within the senior housing overlay zone shall be reviewed and approved in accordance with the city of Elk Ridge subdivision ordinance and with the following additions for concept approval:

A. Once the planning commission has given a recommendation of the applicant's concept plan and the proposed zone change, the concept plan and zone change will be forwarded to the city council for review. After the city council reviews the concept plan, if the applicant chooses to continue the project the applicant will continue the planning process in accordance with the city of Elk Ridge subdivision ordinance. The planning commission shall continue to move forward with the applicable general plan and zone change. The actual general plan and zone change will coincide with city council's approval of the final plat. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-9: COMPLIANCE WITH OVERLAY ZONE:

All proposed development within the senior housing overlay zone shall go through the general plan and zone change process to have the property zoned for the senior housing overlay zone. The planning commission will review the proposed zone change along with the concept plan and send a recommendation to the city council. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-10: DEVELOPER'S AGREEMENT:

All developments in senior housing overlay zone shall have a developer's agreement outlining the terms and conditions of approval. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-1: PURPOSE:

The purpose of the senior housing overlay zone is to promote the public health, safety and welfare by allowing increased land use flexibility through specialized zoning techniques to assure that senior citizens can continue to contribute to the community without having heavy yard care maintenance and without ignoring legitimate concerns regarding impacts on surrounding residential areas. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-2: ELDERLY/SENIOR DEFINITION:

Housing that meets the fair housing act definition of housing for older persons including housing specifically designed for and occupied by elderly persons under a federal, state, or local government program; or housing that is occupied solely by persons who are fifty-five (55) or older; or housing that has at least one person who is fifty-five (55) or older in at least eighty percent (80%) of the occupied units and adheres to a policy that demonstrates intent to house persons who are fifty-five (55) or older. For compliance with this zone, the fifty-five (55) or older rule shall be used. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-3: DELETED

10-11D-4: OVERLAY ZONE CREATED:

A senior housing overlay zone can be established within R-1-15,000 zones. In considering a request to rezone a parcel as a senior housing overlay zone, the planning commission and city council shall consider the following:

A. The harmony and compliance of the proposed location of the overlay zone with the objectives and requirements of the city general plan and zoning ordinances;

B. Whether or not the application of the overlay zone may be injurious to potential or existing development within the vicinity;

C. The current development or lack of development adjacent to the proposed location and the harmony of the proposed location with the existing uses in the neighborhood;

D. The proposed location is in proximity to the arterial or major collector streets;

E. The senior housing overlay zone can only be applied within the R-1-15,000 zone;

F. The compatibility of the proposed location of the overlay zone with the density analysis of the underlying zone and neighboring development;

G. The economic impact of the proposed facility or use on the surrounding area;

H. A demonstrable need for senior housing in the area of the proposed location.

It shall be the city council's sole discretion to decide if a project should be allowed to use the senior housing overlay within the intent of this article as noted above. (Ord. 08-8, 5-27-2008, eff. 6-17-2008; amd. Ord. 10-1, 1-26-2010, eff. 2-11-2010)

10-11D-5: USES:

The following shall be permitted in the senior housing overlay zone:

DRAFT

Single or attached dwellings (not more than two attached) intended to be used as senior housing as defined herein by older or elderly persons using the allowed definition of fifty-five (55) years old or older.

Caregivers eighteen (18) years old and older can reside with the homeowner who is fifty-five (55) years old or older. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

Persons who are under eighteen (18) years old and are children or grandchildren of the homeowner who is fifty-five (55) years old or older can reside with the homeowner.

Common household pets as defined in section 10-18-4 of this title are permitted; no additional or other animals are permitted.

Home occupations shall be permitted.

Accessory apartments are not permitted.

10-11D-6: UNDERLYING ZONE DEVELOPMENT STANDARDS AND REGULATIONS:

All developments utilizing the senior housing overlay zone must adhere to the requirements of the underlying zone and other applicable city codes except as noted in the senior housing overlay zone code. All uses within the senior housing overlay zone shall be conducted within buildings that conform to the requirements of the underlying zone unless specifically specified within the senior housing overlay zone code. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-7: OVERLAY ZONE DEVELOPMENT STANDARDS AND REGULATIONS:

The following development standards and regulations shall apply to all developments within the senior housing overlay zone:

A. Parking: Parking for the senior housing overlay zone will be a minimum of two (2) parking spaces per dwelling; additional parking will be determined by specific review by the planning commission.

B. Private Building Lots To Conform To Building Footprint: Developments shall have the private building lots conform to the building footprint of each unit. An area behind each unit can be included within the private lot area to allow for a private patio area, garden plot, etc. The planning commission must approve the size of this area. Their finding shall recognize the intent of the zone, being for senior housing, and keep the patio/garden area size to a minimum.

C. Setback: Setback from main private building lot:

Front setback	=	25 feet to road right of way
Side setback	=	20 feet to neighboring building lot
		30 feet to a neighboring development
		25 feet to road right of way (corner lot)
Rear setback	=	30 feet

D. Minimum Acreage: Minimum acreage for a senior housing project shall be two (2) acres.

E. Density: The maximum dwelling units per acre shall be four (4).

DRAFT

F. Maintenance: Professional maintenance must be provided.

G. Restrictive Covenants: The developer of a development within the senior housing overlay zone shall be required to establish restrictive covenants to limit occupancy to elderly persons, and their caregivers eighteen (18) years old and older, and to carry out the conditions of the permitted uses and to assure that the uses approved for the development will be maintained. In addition, the covenants must also include professional maintenance for the development. Such covenants shall be recorded to run with the land to ensure against conversion to less desirable land uses.

H. Architectural Character: The planning commission may request the use of an architectural style, exterior color, or material that would be most compatible with the purpose of the underlying zone district, assure greater compatibility with surrounding development, or create an aesthetically pleasing visual theme for the project.

I. Landscaping:

The applicable sections of 10-12-36 of the landscaping code of this title shall apply to the senior housing overlay zone.

Landscaping shall be of the same general character or better as yards in the neighborhood. Not less than thirty percent (30%) of the project shall be landscaped for the use and benefit of the residents. Land proposed to be used for parking, pedestrian walkways, and driveways shall not be included in meeting this landscaping requirement. A complete landscaping plan shall be provided at the time of preliminary review of the project showing a minimum of two (2) trees with a caliper of two inches (2") and ten (10) 1-gallon shrubs per dwelling unit.

Areas of the development that have slopes over 10 percent (10%) with native hardwood trees shall be included within the overall landscaping plan to preserve this natural feature and to continue to stabilize the slope. The planning commission can require additional plantings of native hardwood trees to aid in stabilization.

J. Fencing: Fencing can be included surrounding the development, but the planning commission must approve the type and location. Fencing on steeper slopes should be avoided.

K. Street and Sidewalk Requirements: Requirements for streets and sidewalks shall have the same requirements as those found in the underlying zone. All streets shall meet city standards and be dedicated to the city.

L. Development Amenities: Senior housing overlay zone developments shall include enhancement amenities that can include pocket park, trail or walking path, finish garden area, benches, picnic or pavilion area, central barbecue, upgraded signage and street furniture, ornamental yard pole lighting, entrance monuments and gates. Gates cannot be closed across a public street, but can be permanently secured open as an entrance feature. The decision of what amenities to include shall be negotiated between the developer, the planning commission, and the city council. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-8: COMPLIANCE WITH SUBDIVISION PROCEDURE:

All proposed development within the senior housing overlay zone shall be reviewed and approved in accordance with the city of Elk Ridge subdivision ordinance and with the following additions for concept approval:

DRAFT

A. Once the planning commission has given a recommendation of the applicant's concept plan and the proposed zone change, the concept plan and zone change will be forwarded to the city council for review. After the city council reviews the concept plan, if the applicant chooses to continue the project the applicant will continue the planning process in accordance with the city of Elk Ridge subdivision ordinance. The planning commission shall continue to move forward with the applicable general plan and zone change. The actual general plan and zone change will coincide with city council's approval of the final plat. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-9: COMPLIANCE WITH OVERLAY ZONE:

All proposed development within the senior housing overlay zone shall go through the general plan and zone change process to have the property zoned for the senior housing overlay zone. The planning commission will review the proposed zone change along with the concept plan and send a recommendation to the city council. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

10-11D-10: DEVELOPER'S AGREEMENT:

All developments in senior housing overlay zone shall have a developer's agreement outlining the terms and conditions of approval. (Ord. 08-8, 5-27-2008, eff. 6-17-2008)

DRAFT