

19.6. __ Senior Housing Facility Overlay

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19.6. __.1 Purpose and Objectives

The Senior Housing Facility Overlay provides standards for development that recognizes and accommodates varied housing and lifestyle needs and desires of persons fifty-five (55) years of age or older (55+). It promotes independence and a high quality of life to meet the physical and social needs of aging adults by encouraging specialized design features, and convenient access to community and civic centers, support services, mass transit stations and stops, recreational facilities, and shopping centers. Projects applying this overlay are to be used to establish and enhance walkable communities as a measure to increase health and reduce reliance on the automobile. The overlay is not for non-age restricted residential housing of any type.

19.6. __.2 Definitions

“Senior housing facility” as used in this chapter shall mean residential housing for persons fifty-five (55) years of age or older (55+) in a multi-unit development under a single ownership that consists of age restricted apartment or independent living facilities.

“Independent living facility” as used in this chapter shall mean residential housing for individuals who live in their own private units and have access to common areas where they can gather with other members of the community. This definition does not include assisted living facilities for persons who need around-the-clock supervision.

19.6. __.3 Permitted Uses

The following land use types are permitted uses in the overlay. Unless specifically listed, any other use is not a permitted use.

1. Any use permitted in the underlying zone
2. Senior housing facility as defined herein

19.6. __.4 Location and Zoning

1. The Senior Housing Facility Overlay may be utilized in the PO and GC zones. The overlay is site specific and does not apply to the entire underlying zone.
2. The request for use of the overlay shall be processed in the same manner as a zone change in accordance with Section 19.2.8 herein, with the exception that approval of the overlay need not be shown on the Zoning Map.
3. Use of the overlay is a request for increased intensity in the permitted uses of the underlying zone. Applicants for use of the overlay are hereby notified that the development rights on the subject property are those found in the underlying zone until, and unless, approval to use the overlay is granted by the city council. Denial of a request will not constitute a takings claim because the applicant will not be denied the ability to use the property in accordance with the underlying zone.
4. Use of the overlay is a legislative decision of the city council. The city council is under no obligation to approve the use of the overlay and may deny the request for any debatable reason. Furthermore, there is no precedent established by any decision of the city council in relation to use of the overlay.

19.6. __.5 Specific Requirements

Requests for use of the overlay must include, at a minimum, the following:

1. *Compliance with city ordinances and policies.* Except as otherwise listed in this chapter, a Senior Housing Facility shall comply with all applicable ordinances and policies required in the Payson City Municipal Code for development in the underlying zone, as well as other state and federal laws, including laws related to access.
2. *Conformity.* The facility shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type.
3. *Project acreage requirement.* Project acreage shall be a minimum of 2.5 acres but not larger than 5 acres.
4. *Density.* The Senior Housing Facility Overlay may have up to a maximum density of thirty (30) dwelling units per acre if full-time onsite management is present and one (1) indoor and one (1) outdoor common area/recreation space is provided within the facility. If full-time onsite management is not present or the two common area/recreation spaces are not provided, the maximum density shall be twelve (12) dwelling units per acre. The location, size, and type of

common area/recreation spaces may vary from project to project and will be determined through the approval process.

5. *Concept plan and building elevations.* A concept plan and building elevations/renderings showing the project proposal for the site. The overlay is tied to the concept plan and building elevations, and any conditions imposed by the planning commission and city council. Any significant changes to the concept plan and/or building elevations requires additional approvals by the city. Significant changes include, but are not limited to, changes in density, parking ratios, landscaped open space, building height, mass, and location.
6. *Setbacks.* The following minimum setback requirements shall apply. Each setback is measured from the property line of the lot or parcel.

Front setback	25 feet
Side or rear yard setback when adjacent to a non-residential zone	20 feet
Side or rear yard setback when adjacent to a residential use or a residential zone	25 feet 40 feet—if building is taller than 35 feet
Street-side yard setback (corner lot) determined by type of adjacent street	Local street = 25 feet Collector street = 40 feet Arterial street = 40 feet

7. *Landscaping and open space.*
 - a. Except as otherwise listed in this chapter, and regardless of the underlying zone, landscaping requirements shall be the same as those found in Chapter 19.8, Commercial and Industrial Development herein.
 - b. A minimum of twenty percent (20%) of each project shall be maintained in permanent landscaped open space.
8. *Fencing.* Six (6) foot high, site-obscuring fencing may be installed along the perimeter of the property, regardless of whether it abuts existing residential or commercial properties or uses. The fence shall be constructed and maintained by the owner of the senior housing facility. Installation of fencing should not limit pedestrian access to vehicular access points and natural pedestrian access points. Such fencing will be constructed in a manner consistent with the residential character of the senior housing structure.
9. *Parking.*
 - a. The facility shall provide off street parking at a ratio of 1.40 parking stalls per dwelling unit or greater.

- b. No portion of the senior housing facility's open space shall be used to provide parking spaces as required by this section.
 - c. Projects are encouraged to provide covered parking and shall provide adequate ADA stalls to accommodate the residents and guests of the facility.
10. *Maximum building height.* The maximum primary building height shall be the same as found within the underlying zone. Accessory buildings shall not exceed twenty (20) feet in height.
11. *Occupancy restrictions.* The units are restricted to three (3) persons, regardless of familial relationship, as the maximum number of occupants with a maximum unit size of three (3) bedrooms, with the following restrictions:
 - a. In one (1) bedroom units, the maximum number of occupants shall be two (2) persons;
 - b. Minimum dwelling unit size shall be six hundred (600) square feet.
 - c. The units are intended for, and to be occupied by, at least one person fifty-five (55) years of age or older per unit with all occupants being at least 18 years of age;
 - d. A unit may be occupied by the surviving spouse of a household, regardless of age, if the fifty-five (55) years of age or older qualifying person has passed away, provided the surviving spouse was a resident of the unit at the time of that qualifying person's death;
 - e. Dependents of the deceased qualifying person may continue to reside in the unit if a surviving spouse of the qualifying person is remaining in the unit under the circumstances outlined in (10)(b)(i). Otherwise, dependents shall have a ninety (90) day transition period during which they are able to remain in the unit following the qualifying person's death.
 - f. A deed restriction shall be recorded on the property indicating the occupancy restrictions listed above.
12. *Lighting.* All outside lighting shall be arranged and shielded as to prevent glare, nuisance, inconvenience or hazardous interference on adjoining streets or property. Streetlights shall be installed on all public roads according to standards established in the Payson City Municipal Code and Development Guidelines.
13. *RV storage.* A Senior Housing Facility may provide recreational vehicle and/or boat storage areas for up to twenty (20) percent of dwelling units within the development. Storage areas shall be fenced from neighboring properties by a minimum six (6) foot solid masonry wall. RVs, motor homes, trailers and boats must be stored in

these designated locations on the property and shall not be used as a residence.

14. *Accessory buildings and facilities.* Allowable accessory buildings and facilities include free standing club facilities for member use; garage structures, carports, and sheds; pools and hot tubs/spas; recreation facilities such as game rooms, fitness facilities, basketball courts, tennis courts, and similar structures. A minimum separation distance of ten (10) feet shall be maintained between all buildings.
15. *Architectural Design.* The architectural design of a Senior Housing Facility shall comply with architectural design guidelines as established in the RMF, Multi-Family Residential Zone and any additional design standards imposed by the city council.
16. *Unified ownership.* Senior housing development projects within the zone shall be under a single ownership, with respect to each development. Individual dwelling units may not be developed or converted to condominiums and may not be sold separately from the rest of the development.

19.6. __.6 Overlay Approval and Limitations

1. The Payson City Council shall be the final land use authority for all Senior Housing Facility applications. The city council shall not render a decision on an application until the planning commission has reviewed the application and provided a recommendation to the city council.
2. Upon approval of the overlay, the applicant shall apply for and obtain Site Plan approval to ensure compliance with the land use and development ordinances. This process may be processed concurrently with the overlay.
3. Unless otherwise specified by the city council, approval of the overlay shall be valid for one year. If substantial construction of the project has not been completed, the approval for use of the overlay shall be null and void.

19.6. __.7 Maintenance of Premises

1. No excessive or offensive noise, dust, odor, smoke, or light, shall be emitted which is discernible beyond the site or parcel boundary lines in question, except that which emanates from the movement of motor vehicles. Premises shall be maintained in such a manner so as to avoid unreasonable interference with adjacent uses and to avoid public nuisances.
2. No person shall store junk, unlicensed and/or inoperable vehicles, partially or completely dismantled vehicles, or salvaged materials outside a building.

3. All solid waste storage facilities shall be enclosed with a masonry wall and constructed as per adopted City standards. The minimum access width to a solid waste storage facility shall be fifteen (15) feet.
4. No trash, rubbish, or weeds shall be allowed to accumulate on any lot in the Senior Housing Overlay. The space around buildings and structures in these zones shall be kept free from refuse, debris, and weeds. All waste shall be concealed from view from adjacent property.
5. The architecture, appearance, and aesthetics of all buildings, structures, and edifices shall be maintained to reasonable upkeep and maintenance standards.
6. Landscaping shall be maintained in a living, growing, and reasonable condition.