

ORDINANCE NO. (O)15-01

AN ORDINANCE OF THE TOWN OF ORO VALLEY, ARIZONA, AMENDING CHAPTER 23 ZONING DISTRICTS; SECTIONS 23.7.E.6.b RECREATIONAL FACILITIES, AND 23.8.B C-N NEIGHBORHOOD COMMERCIAL DISTRICT; CHAPTER 25, USE REGULATIONS, SECTION 25.1.E COMMUNITY RESIDENCES; CHAPTER 27, GENERAL DEVELOPMENT STANDARDS, SECTIONS 27.7.D PARKING LOTS – REQUIRED NUMBER OF SPACES FOR TYPE OF USE, AND; TABLE 27-14 ALLOWED PARKING SPACES; CHAPTER 31 DEFINITIONS; AND ADDING 25.1.X SENIOR CARE FACILITY; SECTION 27.10.D.3; DESIGN STANDARDS ADDENDUM A, SECTION 2.1.P.1 OF THE ORO VALLEY ZONING CODE REVISED REPEALING ALL RESOLUTIONS, ORDINANCES AND RULES OF THE TOWN OF ORO VALLEY IN CONFLICT THEREWITH; PRESERVING THE RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER

WHEREAS, on March 13, 1981, the Mayor and Council approved Ordinance (O)81-58, which adopted that certain document entitled “Oro Valley Zoning Code Revised (OVZCR); and

WHEREAS, it is necessary to amend Chapter 23 Zoning Districts; Sections 23.7.E.6.b Recreational Facilities, and 23.8.B C-N Neighborhood Commercial District; Chapter 25, use regulations, Section 25.1.E Community Residences; Chapter 27, General Development Standards, Sections 27.7.D Parking Lots – Required Number of Spaces for Type of Use, and; Table 27-14 Allowed Parking Spaces; Chapter 31 Definitions and add Section 25.1.X, Senior Care Facility; Section 27.10.D.3; and Design Standards Addendum A, Section 2.1.P.1, to update regulations relative to senior care uses including definitions, allowable zoning districts and applicable development standards; and

WHEREAS, the proposed amendments will resolve differences between terms and definitions, update the Zoning Code to reflect federal and state law which provides for small in-home senior care, determine which zoning districts are appropriate, and evaluate appropriate special land use standards; and

WHEREAS, the Planning and Zoning Commission held a meeting on December 2, 2014, and voted to recommend conditional approval of amending Chapter 23 Zoning Districts; Sections 23.7.E.6.b Recreational Facilities, and 23.8.B C-N Neighborhood Commercial District; Chapter 25, use regulations, Section 25.1.E Community Residences; Chapter 27, General Development Standards, Sections 27.7.D Parking Lots – Required Number of Spaces for Type of Use, and; Table 27-14 Allowed Parking Spaces; Chapter 31 Definitions and add Section 25.1.X, Senior Care Facility; Section 27.10.D.3; and Design Standards Addendum A, Section 2.1.P.1, and

WHEREAS, the Mayor and Council have considered the proposed amendments and the Planning and Zoning Commission’s and finds that they are consistent with the Town’s General Plan and other Town ordinances and are in the best interest of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Oro Valley that:

SECTION 1. that certain document entitled Chapter 23 Zoning Districts; Sections 23.7.E.6.b Recreational Facilities, and 23.8.B C-N Neighborhood Commercial District; Chapter 25, use regulations, Section 25.1.E Community Residences; Chapter 27, General Development Standards, Sections 27.7.D Parking Lots – Required Number of Spaces for Type of Use, and; Table 27-14 Allowed Parking Spaces; Chapter 31 Definitions and add Section 25.1.X, Senior Care Facility; Section 27.10.D.3; and Design Standards Addendum A, Section 2.1.P.1 of the Oro Valley Zoning Code Revised, attached hereto as Exhibit “A” and incorporated herein by this reference and declared a public record on January 7, 2015, is hereby adopted

SECTION 2. All Oro Valley ordinances, resolutions or motions and parts of ordinances, resolutions or motions of the Council in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of the resolution or any part of the General Plan Amendment adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the Town of Oro Valley, Arizona this 7th day of January, 2015.

TOWN OF ORO VALLEY

Dr. Satish I. Hiremath, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie K. Bower, Town Clerk

Tobin Sidles, Legal Services Director

Date: _____

Date: _____

EXHIBIT “A”

ADD The following NEW Definitions to Chapter 31

SENIOR CARE FACILITY

SHALL MEAN A HEALTH CARE FACILITY PROVIDING SINGLE OR MULTIPLE TYPES OF SENIOR CARE, INCLUDING INDEPENDENT LIVING FACILITIES OR FACILITIES DEFINED AND LICENSED BY THE STATE OF ARIZONA AS AN ASSISTED LIVING FACILITY, HOSPICE IN-PATIENT FACILITY, NURSING CARE INSTITUTION OR SIMILARLY LICENSED FACILITIES.

ASSISTED LIVING HOME

SHALL MEAN A DWELLING UNIT USED AS A PRIMARY RESIDENCE FOR TEN (10) OR FEWER RESIDENTS WHO RECEIVE SUPERVISORY CARE SERVICES, PERSONAL CARE SERVICES OR DIRECTED CARE SERVICES ON A CONTINUAL BASIS.

AMEND the following existing definitions in Chapter 31

Additions shown in ALL CAPS, Deletions shown in strikethrough

Independent Living Facility

Shall mean A SENIOR CARE FACILITY WHICH PROVIDES RESIDENT BEDS OR RESIDENTIAL LIVING UNITS FOR ~~one (1) or more residential buildings containing multiple dwelling units, each of which has sleeping quarters, a full kitchen and bath, and/or sleeping units.~~ Independent living facilities are intended for, and shall be limited to, occupancy by adults who are able to live independently and do not require routine/ongoing assistance with the activities of daily living. An independent living facility must include areas for ~~full-service communal~~ dining and group activities FOR THE

~~RESIDENTS. The project must include common open space for passive recreation, including walkways, benches, and shade structures.~~

Hospital

~~Shall mean a facility for the general and emergency treatment of human ailments with bed care. and shall include sanitarium and clinic, but shall not include convalescent or nursing home.~~

DELETE the following EXISTING DEFINITIONS in Chapter 31

Skilled Nursing Care Facility

~~Shall mean a LONG TERM CARE health care facility which provides skilled nursing and supportive care (excluding substance abuse treatment) on a 24 hour a day basis to inpatients requiring such services for extended periods (see criteria/specific development standards in Section [25.1.W.](#)).~~

Rehabilitative Care Facility

~~Shall mean a health care long term care facility that provides twenty four (24) hour personal care, rehabilitation, and supportive care services, including medical supervision, for inpatients. Skilled nursing care and ongoing therapeutic treatment (excluding treatment for substance abuse), as necessary, may be~~

~~provided for patients only inhabiting the premises for a finite period (see criteria/specific development standards in Section 25.1.W.).~~

Convalescent Home or Nursing Home

~~Shall mean any place or institution which makes provisions for bed care or for chronic or convalescent care for one (1) or more persons exclusive of relatives who, by reason of illness or physical infirmity, are unable to properly care for themselves. Alcoholics, drug~~

~~addicts, persons with mental diseases and persons with communicable diseases including contagious tuberculosis, shall not be admitted or cared for in these homes licensed under the State of Arizona as a convalescent and nursing home.~~

Community Residence

~~A dwelling unit shared as a primary residence by the disabled, or disabled elderly person, living together as a single housekeeping unit in which staff provides on-site care, training and support for the residents. Such residence or services provided therein shall be licensed by, certified by, approved by, registered with, funded by or through, or under contract with the State of Arizona. Community residence does not include a residence which serves persons as an alternative to incarceration for a criminal offense, or a residence for a criminal offense, or a residence which provides drug and/or alcohol rehabilitation.~~

AMEND the following Section in Chapter 25:

Additions shown in ALL CAPS, Deletions shown in strikethrough

Section 25.1.E ~~COMMUNITY RESIDENCES ASSISTED LIVING HOME~~

~~Community Residences ASSISTED LIVING HOMES shall be permitted provided that:~~

- ~~1. No residence is located on a lot with a property line within 1,000 feet, measured in a straight line in any direction, of the lot line of another such Community Residences ; and~~

1. NO ASSISTED LIVING HOME SHALL BE LOCATED CLOSER THAN 1,000 FEET TO ANOTHER ASSISTED LIVING HOME. THE MINIMUM 1,000 FOOT SEPARATION SHALL BE MAINTAINED BETWEEN PROPERTY LINES, MEASURED ON A STRAIGHT LINE.

2. Such ASSISTED LIVING HOME residence contains no more than 6 10 residents AND AN APPROPRIATE NUMBER OF SUPPORT STAFF, ~~or 8 residents, including staff;~~ and
3. ~~Such residence is registered with, and is approved by, the Planning and Zoning Administrator as to compliance with the standards of this Section.~~
4. ~~Such residence or services provided therein shall be licensed by, certified by, approved by, registered with, funded by or through, or under contract with the State of Arizona.~~

Add the following Additional Requirements in Chapter 25, Section 25.1 for Senior Care Facility

X. SENIOR CARE FACILITY:

1. RECREATIONAL AREA: SENIOR CARE FACILITIES SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 26.5.B, SECTION 26.5.C AND SECTION 26.5.D OF THE ZONING CODE.
 - a. THE TERM DWELLING UNIT IN SECTION 26.5.C. SHALL INCLUDE BEDS, BEDROOMS AND LIVING UNITS FOR THE PURPOSES OF CALCULATING THE AMOUNT OF RECREATIONAL AREA.
 - b. THE RECREATIONAL AREA SHALL PROVIDE AMENITIES TO MEET THE RECREATIONAL NEEDS RESIDENTS AND GUESTS OF THE FACILITY. THE MINIMUM RECREATIONAL AREA MAY BE DIVIDED BETWEEN MULTIPLE AREAS THROUGHOUT THE DEVELOPMENT.
 - c. SENIOR CARE FACILITIES ARE EXEMPT FROM PRIVATE OUTDOOR LIVING SPACE REQUIREMENTS OF THE APPLICABLE ZONING DISTRICT.

Additional minor amendments throughout the Zoning Code to change references to deleted or modified uses have been incorporated as follows:

Additions shown in ALL CAPS, Deletions shown in strikethrough

Section 23.7.E.6.b. Recreational Facilities

Wherever there is constructed a multiple dwelling which has twenty (20) or more dwelling units, there shall be provided on the lot site of said multiple dwellings a play area for children. Said play area shall be separated from any private access ways and public streets by a fence or wall. The tot lot requirement ~~may~~ SHALL be excluded from a ~~senior citizens development~~ SENIOR CARE FACILITIES.

Section 23.8.B. C-N Neighborhood Commercial District

1. Floor Area Limits

...

- c. The aforementioned square footage limits do not apply to buildings used for residential, public, institutional, civic, office, ~~rehabilitative and skilled nursing care~~ AND SENIOR CARE purposes.

Section 27.7.D. Parking Lots – Required Number of Spaces for Type of Use

1. Residential Parking Requirements: Residential uses shall provide a minimum number of parking spaces as defined by the standards below. Any increase or decrease in parking shall be in accordance with subsection C.2 of this section.

...

- e. Boarding Houses/Group Homes /Religious Quarters/~~Mature Adult Retirement Quarters/Rehabilitative/Skilled Nursing~~ SENIOR Care Facilities: One (1) per bedroom or bed plus one (1) for-each four (4) bedrooms or beds for guest parking, plus two (2) for every three (3)-employees.

Table 27-14 Allowed Parking Spaces

Health Facilities

...

~~b. Long Term Care Facilities. 33/bed, 1 per employee based on maximum shift~~

Design Standards Addendum "A", Section 2.1.P.1

P. ~~Senior Housing/Assisted Living~~ SENIOR CARE FACILITY Design

1. ~~Independent living, assisted living, and skilled nursing~~ SENIOR CARE Facilities, including ~~continuum of care facilities~~, shall provide the following features and amenities:

Section 27.10.D.3.f.vi.b).5.B).vii).(C).(5).(c)

(c) ~~Hospitals/extended~~ SENIOR Care Facilities exceeding two (2) stories or thirty (30) feet in height.

Amend Table 23-1 as follows:

EXISTING																			
TABLE 23-1: Permitted Uses																			
SPECIFIC USE TYPE	R1-300	R1-144	R1-72	R1-43	R1-36	R1-20	R1-10	R1-7	R-4	R-4R	R-S	R-6	C-N	C-1	C-2	PS	T-P	POS	ADDL REGS
Community Residences	P	P	P	P	P				P	P									Section 25.1 E
Independent Living Facility									C		C	P	C						
Rehabilitative Care Facility											C	C	C						
Skilled Nursing Care Facility											C	C	C						

PROPOSED (AREAS OF CHANGE SHADED)																			
TABLE 23-1: Permitted Uses																			
SPECIFIC USE TYPE	R1-300	R1-144	R1-72	R1-43	R1-36	R1-20	R1-10	R1-7	R-4	R-4R	R-S	R-6	C-N	C-1	C-2	PS	T-P	POS	ADDL REGS
Community Residences	P	P	P	P	P				P	P									
Assisted Living Home	P	P	P	P	P	P	P	P	P	P									Section 25.1 E
Independent Living Facility									C		C	P	C						Section 25.1 X
Rehabilitative Care Facility											C	C	C						
Skilled Nursing Care Facility											C	C	C						
Senior Care Facility									P	P	P	P	P						Section 25.1 X