

Chapter 17.75

SENIOR HOUSING FACILITY OVERLAY

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Section 17.75.005 Purpose

1. The Senior Housing Facility overlay provides standards for development which recognizes and accommodates the varied housing and lifestyle needs and desires of seniors age 55 and older. It promotes independence and a high quality of life to meet the physical and social needs of seniors 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.
2. This section shall not apply to the “Care Facilities” Overlay Zone. Each overlay zone is separate and independent from the other and may not be used conjunctively.
3. This overlay is not for non-age restricted residential housing of any type including, but not limited to, apartments, condominiums, townhomes, single-family homes, twin homes, triplexes, fourplexes, etc.

Section 17.75.010 Definitions

1. “Senior Housing Facility” as used in this chapter shall mean residential housing for persons age 55 and older in a multi-unit development under a single ownership that consists of apartment or independent living facilities and which are located within the MC and CG zones.

Section 17.75.015 Permitted Uses

1. Permitted Uses: Any use permitted in the underlying zone.
2. Conditional Uses: Senior Housing Facilities as defined in this chapter along with any permitted conditional use in the underlying zone.

17.75.020 Location and Zoning of Senior Housing Facility.

1. This division includes a map (current Lindon City Zoning Map) which defines the boundaries of the Senior Housing Facility Overlay Zone. This overlay is site specific and does not apply to the entire City.
2. Applications to amend the overlay area on the zoning map must include a sketch/concept plan and building elevations/renderings showing the project proposal for the site in question. Any expansion of this overlay area may only be permitted after recommendation from the Planning Commission and approval by the City Council. Senior Housing shall only be considered by conditional use permit if located entirely within approved overlays within the MC and CG zones.

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If the project changes significantly beyond the concept plan, after an expansion of the overlay is approved, the Planning Commission may refuse to grant or may revoke a conditional use permit. Significant changes include, but are not limited to, changes in density, parking ratios, landscaped open space, building height, mass, and location.

17.75.030 Senior Housing Facility– Specific Requirements and Conditions of Approval

1. Except as otherwise listed in this chapter, Senior Housing Facilities shall comply with all applicable ordinances and policies required by Lindon City 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. Lot Setbacks:

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| Front Setback | 40 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 | 40 feet |
| Street-side yard setback (corner lot) determined by type of adjacent street | Local street = 30 feet Collector street = 40 feet Arterial street = 40 feet |

For flag lots, setback distances shall be measured from the end of the drive, or “pole,” portion of the lot.

5. Landscaping:

- a. Except as otherwise listed in this chapter, and regardless of the underlying zone, landscaping requirements shall be the same as those found in LCC 17.48.030-Landscaping within the general commercial zones.
- b. Open Space. A minimum of thirty percent (30%) of each project shall be maintained in permanent landscaped open space.

6. Fencing: Seven foot (7') high, site obscuring fencing shall 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. Such fencing will be constructed in a manner consistent with a residential character of the senior housing structure. The Planning Commission shall approve the style and design of any fencing before a conditional use permit is issued. Any exceptions to fence height, material, location and timing of installation shall be approved by the Planning Commission. A chain link fence with slats shall not be considered site obscuring for the purposes of this section.

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7. Parking:

- a. The facility shall provide off street parking at a ratio of 1.10 parking stalls per dwelling unit or greater. All other parking standards as required in LCC 17.18 shall apply.
- b. No portion of the senior housing facility's open space shall be used to provide parking spaces as required by this section without prior approval of the Planning Commission.
- c. Projects are encouraged to provide covered parking and adequate ADA stalls to accommodate the residents and guests of the facility.

8. Density: The Senior Housing Facility Overlay may have a maximum density of 30 dwelling units per acre if full-time on-site 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 15 dwelling units per acre.

9. Maximum Building Height: The maximum primary building height shall be the same as found within the underlying zone. Accessory buildings shall not exceed twenty feet (20') in height.

10. Occupancy Restrictions: The units are restricted to three (3) persons 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. 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;

i. 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;

ii. 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 (8)(a)(i). Otherwise, dependents shall have a 90 day transition period during which they are able to remain in the unit following the qualifying person's death.

c. A deed restriction shall be recorded on the property indicating the occupancy restrictions in paragraphs 9 above.

11. Minimum dwelling unit size shall be 700 square feet.

12. Lighting: All outside lighting shall be arranged and shielded as to prevent glare, nuisance, inconvenience or hazardous interference on adjoining streets or property. Street lights shall be installed on all public roads according to standards established in the Land Development Policies, Standard Specifications and Drawings manual.

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13. RV Storage: A senior housing facility may provide recreational vehicle and/or boat storage areas for up to 20% percent of dwelling units within the development. Storage areas shall be fenced from neighboring properties by a minimum seven-foot (7') 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 feet (10') 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 underlying zone where the facility is proposed. Also, design should reflect the residential nature of the building use.

16. Facilities shall not knowingly accept any resident that would pose a direct threat to the health and safety of others in the facility or community.

17. 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.

(Ord. no 2015-29 amended 12/15/15)

17.75.040 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 zone. 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.

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6. Landscaping shall be maintained in a living, growing, and reasonable condition

17.75.060 Application and Submittal Requirements

1. The Lindon 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. Application for approval shall be subject to sections 17.12—Document Submission and Review, 17.20—Conditional Use Permits and all other applicable sections of the Lindon City Code.

(Ordinance 2013-5-O, adopted 7.16.13)