

ARTICLE 14-31

SENIOR CITIZEN (SC) OVERLAY

ZONING DISTRICT

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14-31-1 INTENT (Ord. No. 86-10)

The Senior Citizen (SC) Overlay Zoning District is intended to provide for planned residential development designed specifically for residency by persons of advanced age.

14-31-2 USE REGULATIONS

- A. The Senior Citizen Overlay Zoning District is an overlay zone and shall be combined with any residential zoning district and not with any other zoning district. No parcel of land, or any part thereof, affected by deed restrictions limiting occupancy of dwellings thereon on the basis of any age restrictions, may be included within any Senior Citizen Overlay Zoning District.
- B. The regulations which apply to property in any zone with which the Senior Citizen Overlay District is combined shall remain the same, except as to the matters specified in this Article. The provisions of this Article shall apply in addition to the corresponding regulations of such zone with which the Senior Citizen Overlay Zoning District is combined.
- C. Each dwelling unit, if occupied, shall be occupied by at least one (1) person not less than forty-five (45) years of age and no person who is under eighteen (18) years of age shall reside in any such dwelling unit for a period of time exceeding ninety (90) days to be in the aggregate.

14-31-3 LOCATION

The Senior Citizen Overlay Zoning District shall only be established on parcels of forty (40) or more acres; provided, however, that for a period of two (2) years from the effective date of this Article, the Senior Citizen Overlay District may be established on parcels of less than forty (40) acres, but in no event less than fifteen (15) acres; and further provided, however, that notwithstanding the effective date of this Article, for a period of two (2) years from and after annexation, the Senior Citizen Overlay Zoning District may be established on parcels so annexed which are less than forty (40) acres but in no event less than fifteen (15) acres. Any acreage upon which the Senior Citizen Overlay Zoning District is overlaid shall be contiguous acres.

14-31-4 SPECIAL PERMITS

Temporary occupancy not in compliance with Section 14-31-2, by reason of any exceptional or unusual situation, shall be subject to issuance of a use permit in accordance with Section 14-28-5 C. of this chapter.

14-31-5 APPLICATION REQUIREMENTS

An application for Senior Citizen Overlay Zoning District shall be accompanied by a non-refundable filing fee in the amount of seventy dollars (\$70.00) and will be considered only after submission of:

- A. A petition signed by one hundred percent (100%) of the owners of property within the proposed district; or
- B. Evidence establishing that all of the property within the proposed district has been developed, advertised, and sold or rented under specific age restrictions.

14-31-6 HOMEOWNER'S ASSOCIATION

No application will be accepted or considered unless such application is made by an association of owners of the property sought to be included within the Senior Citizen Overlay Zoning District. Such association shall remain in existence pending consideration of the application, evidence sufficient to establish authority to bind and represent the owners of the property. If pending consideration of any such application such Association shall for any reason cease to exist, the application shall be considered as withdrawn from further consideration.

14-31-7 OTHER REQUIREMENTS

- A. Within ten (10) days after approval of the Senior Citizen Overlay Zoning District by the City, the Applicant shall pay to the City an amount equal to the cost to the City for purchase of signs, which signs shall in such number and design, and shall be located within the Senior Citizen Overlay Zoning District as may be required by the Zoning Inspector. Such signs shall be designed and installed for the purpose of advising

visitors, potential tenants, lessees, and buyers, and other interested persons that such persons are present within a Senior Citizen Overlay Zoning District.

- B. In addition to the payment required under Subsection A above, within such period of time as the Zoning Inspector may require after determining the locations within the Senior Citizen Overlay Zoning District upon which the signs will be located, the Applicant shall deliver to the Zoning Inspector such rights, including but not limited to easements and rights-of-way, as may be necessary in order that the City may install and maintain such signs and shall advise the Zoning Inspector of the date such signs have been installed.
- C. The provisions of this Article shall not be effective as to any Senior Citizen Overlay District until ten (10) days after the Zoning Inspector has received notification of installation of such signs as referred to in Subsection B above.
- D. Prior to approval by the Council of any application, the Applicant shall deliver to the Zoning Inspector such documentation and shall take such actions as the Zoning Inspector may reasonably require in order that if the application is approved, such documentation may be recorded with the County Recorder of Maricopa County, Arizona to indicate that the affected land has been made part of a Senior Citizen Overlay District.
- E. In the selling, renting or leasing of property within any Senior Citizen Overlay District, a notarized signed statement will be obtained by the owner from the buyer, renter or lessee stating that the buyer, renter or lessee is aware of the senior citizen overlay zoning in that area. This statement will include the legal description of the property and be given to the Zoning Inspector within five (5) days of such sale, rental or lease.

14-31-8 PRE-EXISTING RIGHTS

- A. Notwithstanding any provision of this Article to the contrary, any occupancy of any dwelling which is not in conformance with the provisions of this article on the date that the overlay zoning district becomes applicable within the development where said dwelling is located, those persons so occupying that dwelling shall not be affected hereby and shall not be affected for the period said persons occupy said dwelling. Further, and thereafter, said dwelling shall further be exempt from the provisions of this article until such time as said dwelling is either; (1) unoccupied for a period of one hundred eighty (180) days, or, (2) sold or rented to persons who occupy the unit and whose occupancy is in compliance with this Article.
- B. Further, and notwithstanding the foregoing, in the event that any such dwelling is occupied by persons whose occupancy is in compliance with this Article and thereafter, said persons so occupying the dwelling have children by birth or adoption who are born or adopted after the effective date of this Article as to such dwelling, or are granted custody by order of a court of competent jurisdiction after the effective date of this Article as to such dwelling, said restrictions shall not be construed as preventing occupancy by said children.
- C. Further and notwithstanding the foregoing, in the event that occupancy of a dwelling is in compliance with this Article and hereafter, by reason of the death of an

occupant or by reason of the dissolution of the marriage or legal separation of the occupants, the occupancy by the person or persons remaining occupying the dwelling ("remaining occupants") is not in compliance, the continuing occupancy by such remaining occupants shall not be in violation of this Article. The foregoing shall apply with regard to the occupancy by remaining occupants only and no other individual.

14-31-9 ENFORCEMENT AND VIOLATIONS

Any person who shall violate any provision of this Article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not to exceed \$100.00 for each violation, and each day of violation continued shall be a separate offense, punishable as described in this Section.