

COUNCIL OF THE TOWN OF LA PLATA

Amended Ordinance No. 10-7

Introduced By: Mayor Roy G. Hale
Date Introduced: May 25, 2010
Planning Commission Hearing: July 6, 2010
Town Council Hearing: July 27, 2010
Date Adopted: August 31, 2010
Date Effective: September 15, 2010

An Ordinance concerning

Senior Living Communities

FOR the purpose of revising the Town’s existing senior living communities regulations; defining and altering the definition of certain terms; altering certain purposes of the regulations; correcting certain terminology; providing that the provisions of this Ordinance are severable; and all matters generally relating thereto.

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BY repealing and reenacting with amendments
Chapter 191 – ZONING
Article I. General Provisions
§ 191-3B.
Code of the Town of La Plata
(1998 Edition and Supplements)

BY repealing and reenacting with amendments
Chapter 191 – ZONING
Article V. Special Provisions
§§ 191-46.2
191-46.2A., B., K.(2) and (4), and
M., and N.
Code of the Town of La Plata
(1998 Edition and Supplements)

SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA, That Chapter 191, Article I, General Provisions, Section 191-3B., of the Code of the Town of La Plata (1998 Edition and supplementsSupplements) be and they are it is hereby repealed and reenacted, with amendments, to read as follows:

CHAPTER 191 – ZONING
Article I. General Provisions

191-3 Word usage and definitions.

B. For the purpose of this chapter, certain terms are hereby defined as follows:

ACCESSORY USE, STRUCTURE OR BUILDING – A use, structure or building on the same lot with and of a nature customarily incidental and subordinate to the principal use, structure or building.

ADULT—A PERSON WHO IS AT LEAST EIGHTEEN (18) YEARS OF AGE.

* * *

((ELDERLY PERSON--A person who is at least fifty-five (55) years of age.))

* * *

SENIOR LIVING COMMUNITY -- Residential communities where occupancy is restricted to elderly SENIOR persons. Uses within a "senior living community" shall be limited to one (1) or more of the following:

- (1) Single-family attached dwellings;
- (2) Single-family detached dwellings;
- (3) Two-family dwellings;
- (4) Multifamily dwellings;
- (5) Life care facilities for ((the elderly)) SENIOR PERSONS; and
- (6) Assisted living facilities for ((the elderly)) SENIOR PERSONS.

Nursing homes are not allowed in a senior living community unless to provide nursing care as an integral part of a life care facility for the elderly.

SENIOR PERSON-A PERSON WHO IS AT LEAST FIFTY-FIVE (55) YEARS OF AGE.

SECTION 2. AND BE IT FURTHER ENACTED that ~~Section Sections 191-46.2~~ 191-46.2A., B., K (2) and (4), M., and N. of the Code of the Town of La Plata (1998 Edition and Supplements) be and ~~it is~~ they are hereby repealed and reenacted, with amendments, to read as follows:

CHAPTER 191 – ZONING
ARTICLE V. SPECIAL PROVISIONS

191-46.2 Senior living communities

A. Intent. It is the intent of this section to provide for a flexible and integrated approach to the varied housing needs of elderly SENIOR persons. It is the further intent of this section to provide standards for development that meet the needs and preferences of elderly SENIOR persons.

B. Character of tract. Each senior living community tract shall be suitable for the development proposed. Suitability of the tract shall be determined by reference to the La Plata Comprehensive Plan; size, topography and other physical features of the tract; accessibility of the tract to services and facilities required by elderly SENIOR residents; and other information as reasonably deemed necessary by the Town Planning Commission.

* * *

K. Buffer yard requirements.

* * *

(2) The buffer yard shall be installed before the issuance of the first occupancy permit within the senior housing LIVING community, or its installation guaranteed by a bond, letter of credit, or other security, in such form and amount as approved by the Zoning Inspector.

* * *

(4) Where a senior housing LIVING community consists solely of single-family detached dwellings, buffer yards shall not be required where the properties abutting the senior living community are fully developed and devoted solely to single-family detached dwellings.

* * *

M. Residency and occupancy restrictions.

(1) A person may not reside, or occupy a dwelling unit, in a senior living community, or permit another person to reside, or occupy a dwelling unit, in a senior living community, unless the person residing, or occupying a dwelling unit, in the senior living community is:

(a) ((An elderly))A SENIOR person;

114 (b) The spouse of ((an elderly))A SENIOR person even if such spouse is less
115 than fifty-five (55) years of age, as long as the husband and wife remain married
116 and living together in the senior living community. A husband and wife who
117 reside in, or occupy, different residential or nursing facilities of a life care facility
118 for ~~the ((elderly))~~SENIOR PERSONS shall be deemed to be living together for
119 purposes of this section;

120
121 (c) A member of the family of ((an elderly))A SENIOR person, or the spouse of
122 ((an elderly))A SENIOR person, while visiting the ((elderly))SENIOR person or
123 spouse on a temporary basis for purposes of family vacations or visits. As used in
124 this paragraph, "temporary basis" means not more than fourteen (14) consecutive
125 days at one (1) time. The aggregate of such visits shall not exceed twenty-eight
126 (28) days in any fifty-two-week period; or

127
128 (d) A MAXIMUM OF TWO (2) ADULTS, RELATED OR Unrelated
129 UNRELATED by blood or marriage to ((an elderly))A SENIOR person, and is
130 providing_z ((for compensation,)) ancillary supportive services, supervision,
131 personalized assistance, health related services or a combination thereof, to meet
132 the needs of the ((elderly))SENIOR person who is unable to perform, or who
133 needs assistance in performing, the activities of daily living, or instrumental
134 activities of daily living.

135
136 (2) As long as the spouse of ((an elderly))A SENIOR person is less than fifty-five (55)
137 years of age, the spouse may not continue to reside, or occupy a dwelling unit, in a senior
138 living community((if)) FOR MORE THAN ONE (1) YEAR AFTER_z

139
140 ~~((a) The ((elderly))SENIOR person and spouse divorce;)~~

141
142 ~~(a) ((b)) The ((elderly))THE SENIOR person and spouse cease living together~~
143 ~~as husband and wife.~~

144
145 (3) A child, grandchild, or ward of ((an elderly person))A RESIDENT OF A SENIOR
146 LIVING COMMUNITY ((or the spouse of an elderly person)) may not reside, or occupy
147 a dwelling unit, in a senior living community, except as a temporary visitor in accordance
148 with Subsection ((H))M_z(1)(c) of this section.

149
150 (4) PRIOR TO SETTLEMENT, SALE OR RENTAL OF A DWELLING UNIT, THE
151 HOMEOWNER'S ASSOCIATION, MANAGEMENT COMPANY OR OTHER
152 PERSON RESPONSIBLE FOR ADMINISTERING THE SENIOR LIVING
153 COMMUNITY SHALL VERIFY THE AGE OF THE PROSPECTIVE OCCUPANTS
154 OF THE DWELLING UNIT AND COMPLIANCE WITH OTHER PROVISIONS OF
155 THIS SUBSECTION M.

156
157 N. Limitations upon and effects of transfers of title.

158

159 (1) A person may not convey, or contract to convey, a dwelling unit in a senior living
 160 community to a person who is not ((an elderly))A SENIOR person for purpose of the
 161 grantee's residence, except that this does not prohibit conveying, or contracting to
 162 convey, such a dwelling unit to ((an elderly))A SENIOR person's spouse to enable the
 163 spouse to live with the ((elderly))SENIOR person.
 164

165 (2) If title to a dwelling unit in a senior living community becomes vested in a person
 166 who is less than fifty-five (55) years of age, that person may not reside in, or occupy, the
 167 dwelling unit until he or she becomes ((an elderly))A SENIOR person, or the spouse of
 168 ((an elderly))A SENIOR person who resides in, or occupies, the dwelling unit.
 169

170 ~~Ø. The provisions, criteria, requirements and restrictions of this section supersede the~~
 171 ~~regulations of the zoning district in which the senior living community is to be located.~~

172 * * *
 173

174 **SECTION 3: AND BE IT FURTHER ENACTED**, that if any provision of this
 175 ordinance, or the application thereof to any person or circumstance is held invalid for any reason,
 176 such invalidity shall not affect the other provisions or any other application of this ordinance which
 177 can be given effect without the invalid provisions or application, and to this end, all the provisions
 178 of this ordinance are hereby declared to be severable.
 179

180 **SECTION 4: AND BE IT FURTHER ENACTED**, that this ordinance shall become
 181 effective at the expiration of fifteen (15) calendar days after its approval by the council.
 182

183

ADOPTED this 31 of August, 2010

SEAL:

COUNCIL OF THE TOWN OF LA PLATA

Roy G. Hale, Mayor

R. Wayne Winkler, Councilman

C. Keith Back, Councilman

ATTEST:

Paretta D. Mudd, Councilwoman

Danielle Mandley, Town Clerk
Date:August 31, 2010

Joseph W. Norris, Councilman

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

((Double Parenthesis)) indicate matter deleted from existing law.

* * * indicates existing law not depicted in bill and not being altered by bill

Underlining indicates amendments to bill.

~~Strike-Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.