



Town of Oro Valley
Community and Economic Development Department

Date: February 22, 2019

Subject: Zoning Interpretation – Senior Care Facility as a permitted use in the Rancho Vistoso Planned Area Development, Commercial -2 zoning district

REQUEST

A zoning interpretation was initiated by Bayer Vella, Town of Oro Valley Planning and Zoning Administrator. The request is to determine if a Senior Care Facility is a permitted use in the Rancho Vistoso Planned Area Development, Commercial C-2 zoning district.

INFORMATION:

The following excerpts from the Rancho Vistoso Planned Area Development (PAD) and the Oro Valley Zoning Code Revised are pertinent to this request:

1. Rancho Vistoso PAD: Regional Commercial C-2 (Section 1.3.D.2)
 - a. Purpose: *The C-2 Commercial District is intended to permit all uses in the C-1 Commercial District, plus commercial uses designed to serve a larger or regional area.*
 - b. Permitted uses: *Uses allowed in the C-2 district in the Oro Valley Zoning Code Revised. Other permitted uses listed, which do not include Senior Care Facilities*
2. Oro Valley Zoning Code Revised: Purpose of Districts (Section 23.1.B.16)
 - a. Purpose: *C-2 Commercial District -This district permits all uses in the C-N and C-1 districts, plus commercial activities designed to serve a regional area with emphasis on shopping centers and group commercial developments. Uses must incorporate extensive mitigation measures to harmoniously co-exist with nearby neighborhoods. C-2 uses are substantial traffic generators and should be located near the intersection of two principal arterials.*
3. Oro Valley Zoning Code Revised: Table of Permitted Uses (Table 23-1)
 - a. C-2: All uses within C-1 are permitted in C-2, with some additional uses to serve the region. However not all uses in C-N, specifically senior care facilities are permitted in C-1 or C-2 districts.

The following code amendments are also relevant to this request:

4. Amendment to reformat the Oro Valley Zoning Code, (O) 05-22. This code amendment consolidated the zoning districts' purpose statements and permitted uses to one section.
 - a. Purpose of C-2 Commercial District (Section 23.1.B.16) - *The C-2 Commercial District is intended to permit all uses in C-1 Commercial District, plus commercial activities designed to serve a larger area.*
 - b. Table of Permitted Uses (Table 23-1): Included all uses within C-1 as permitted uses in C-2. However not all uses in C-N, specifically residential uses were permitted in C-1 or C-2 districts.

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5. Amendment to the Oro Valley Zoning Code Revised to add Senior Care Facility as a permitted use (O) 15-16. This code amendment revised the Table of Permitted Uses (Table 23-1) to include the following:
 - a. Senior Care Facility is a permitted use in Multi-Family Districts (R4, R-4R, R-S, R-6) and the Neighborhood-Commercial (C-N) District.
 - b. The intent of this code amendment was to permit Senior Care Facilities in zoning districts with a similar use (apartment) not C-1 or C-2 commercial districts.

INTERPRETATION

In 2015, the Oro Valley Zoning Code was amended to permit Senior Care Facilities in districts that allowed high density residential uses (apartments), which included Neighborhood Commercial (C-N). The Table of Permitted Uses and following excerpts from the associated Planning and Zoning Commission staff report confirm the intent of this code amendment:

"Senior Care Facility is listed as a permitted use in R-4 (Townhouse), R-4R (Resort), R-S (Residential Service), R-6 (Multi-family) and C-N (Neighborhood Commercial) based on the similarity with multi-family residential, which is permitted in these zoning districts. Senior Care Uses are not permitted in higher intensity commercial or technology park zones to preserve these areas for retail, service and technology park uses."

In both the Rancho Vistoso Planned Area Development (PAD) and the Oro Valley Zoning Code Revised, the C-2 Commercial Zoning District allows uses in C-1 plus additional uses to serve the region. The Table of Permitted Uses (Table 23-1) verifies such, as all uses in C-1 are permitted in C-2. However, contrary to the purpose statement of the C-2 zoning district (in the Oro Valley Zoning Code Revised) not all uses in C-N, specifically senior care facilities are permitted in C-1 or C-2 zoning districts.

As such, a Senior Care Facility is not a permitted use within the C-1 or C-2 zoning districts of the Rancho Vistoso PAD or the Oro Valley Zoning Code Revised. The reference permitting C-N uses in Section 23.1.B.16 is not substantiated by the Senior Care Facility code amendment (approved in 2015) or the Table of Permitted Uses. Therefore it will be administratively removed as a scrivener's error as permitted by Ordinance 05-22.

APPEALS

Persons aggrieved by a Zoning Interpretation may file an appeal to the Board of Adjustment within twenty (20) days from the date it is published on the Town's website, in accordance with Section 21.6.G of the Town of Oro Valley Zoning Code.



Bayer Vella, LEED-AICP
Planning and Zoning Manager

2/22/19
Date

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