

ORDINANCE NO. 3421

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE DEFINITION OF "GROUP HOME" IN SECTION 35-200 AND AMENDING SUBSECTION (5) OF SECTION 35-305 OF ARTICLE XVII, CHAPTER 35 (ZONING CODE) OF THE CHANDLER CITY CODE.

WHEREAS, in accordance with A.R.S. 9-462, the legislative body may adopt by ordinance, any change or amendment to the regulations and provisions as set forth in the Chandler Zoning Code; and,

WHEREAS, this amendment, including the draft text, has been published as an 1/8-page display ad in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, date and place of public hearing; and,

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code, on December 4, 2002;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. The definition of "Group Home" in Section 35-200 Article XVII, Chapter 35, Chandler City Code ("Group Home"), is hereby amended to read as follows:

Group Home: A facility which provides a living environment, sleeping rooms, and meals for any number or composition of residents, that does not meet the definition of "family" as set forth in this section. In addition to a place of residence and providing meals, the facility may offer resident support services, counseling, guidance, and varying levels of medical care. This definition shall not include group homes for developmentally disabled, as specifically defined and provided for by the Arizona Revised Statutes.

SECTION II. Subsection (5) of Section 35-305, Article XVII, Chapter 35, Chandler City Code, is hereby amended to read as follows:

(5) Group Home: A Use Permit to operate a group home, as defined in Section 35-200 of this Chapter, shall be required within any residential zoning designation, including Planned Area Development (PAD), pursuant to the provisions of this subsection. Approval of a use permit to operate a group home shall be subject to the following standards, requirements, and procedures:

(a) Application. Application procedures for a use permit to operate a group home shall be the same as the application procedures stated in Section 35-305(1)/(a) of this Chapter for general use permits, except that in addition to any other required submittals, an applicant shall also provide:

1. A map identifying the proposed location of the group home, and,
2. A site plan and floor plan for the proposed group home showing: (i) lot dimensions with front, side, and rear setbacks; (ii) house square footage; (iii) number of rooms, including room dimensions and square footage; and (iv) garage, carport, and patio.

(b) Review. Review and approval of an application for a use permit to operate a group home shall consider all relevant land use factors, including those stated in Section 35-305(1)/(b) of this Chapter for general use permits, as well as those stated in Section 35-305(3)/(d) of this Chapter for

adult care homes. Review and approval for a use permit to operate a group home shall also consider such factors as set forth in Section 35-305(5)/(d) of this Chapter.

(c) Approval. An application for a use permit to operate a group home may be granted by the City Council upon the same findings as stated in Section 35-305/(1)/(c) of this Chapter. The approval of such a use permit application shall not be considered an endorsement or approval of the quality of the care or supervision if any is to be provided by the applicant, or of the licensing and training of the applicant, its agents and employees.

(d) Considerations. The approval of an application for a use permit to operate a group home, and the issuance of the use permit, shall be subject to the following considerations as may be more or less applicable to any particular application:

1. Staffing: the number and hours for any staff members, such as but not limited to counselors, doctors, nurses, caretakers, and any resident staff, and their means of transportation.
2. Exclusive use: all administrative activities, including staffing, counseling, and other visitations, serve only the residents of the group home.
3. Assignment: the manner in which residents are assigned to the home, including emergency referrals and transfers.
4. Transportation: the means by which residents gain transportation to school, work, and other destinations.
5. Maintenance: the program proposed to maintain the dwelling exterior and yards in a manner consistent with the neighborhood.
6. Screening: the means proposed for screening or buffering any outdoor recreation areas from adjoining residences.
7. Service Calls: where a documented history may exist for the proposed use, at either the subject location or another site, the number and type of City service calls, including police calls, received from the subject use in comparison to the number and type of calls received from the neighborhood for a given period of time.

(e) Use Permit Effect. Use Permit approval to operate a group home shall be valid for a period of one (1) year from the date of approval by Council, or such longer period if so approved by Council. However, use permit approval shall be deemed void if the use is not commenced by the applicant within nine (9) months after the date of approval for a one (1) year period, or if not commenced within one (1) year after the date of approval for any period greater than one (1) year.

1. The use permit for operation of a group home is applicable only to the applicant and to the site identified in the application for the permit, and is not transferable to any other person or location.
2. Occupancy and/or operation of a group home prior to approval by Council, and full compliance with all conditions to which the permit is subject, shall be prohibited.

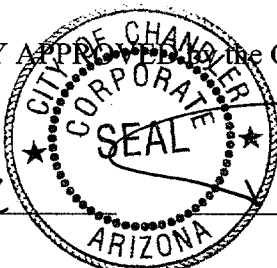
3. A use permit for operating a group home may be renewed by filing an application for renewal and upon approval by Council. An application for renewal shall be filed with the Zoning Administrator not less than sixty (60) days before the expiration of the current use permit. An application for renewal shall be considered following the same standards and procedures as an original application.

SECTION III. Except where provided, nothing contained herein shall be construed to be an abridgment of any other ordinance of the City of Chandler.

INTRODUCED AND TENTATIVELY APPROVED to the City Council this 9th day of January 2003.

ATTEST:

Marla Paddech
CITY CLERK



[Signature]
MAYOR

PASSED AND ADOPTED by the City Council this 23rd day of January 2003.

ATTEST:

Marla Paddech
CITY CLERK



[Signature]
MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3421 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 23rd day of January 2003, and that a quorum was present thereat.

Marla Paddech
CITY CLERK

APPROVED AS TO FORM:

Dennis M. O'Neill
CITY ATTORNEY

PUBLISHED:

TRIBUNE REPUBLIC