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ORDINANCE NO. 4513

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE CHANDLER CITY CODE, CHAPTER 35 (ZONING CODE) BY AMENDING ARTICLE II, SECTION 35-200 TO REPEAL, MODIFY AND/OR ADD DEFINITIONS FOUND THEREIN; AMENDING ARTICLE III, SECTION 35-305 TO REPEAL SUBSECTION 35-305(3) AND SUBSECTION 35-305(5) AND TO RENUMBER THE REMAINING SUBSECTIONS; AND ADDING SECTIONS 35-2211 RESIDENTIAL CARE HOMES, AND 35-2212 GROUP HOMES TO ARTICLE XXII.

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 a minimum fifteen (15) day 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 November 6, 2013;

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

SECTION I. Article II, Section 35-200 Definitions, is hereby amended as follows:

1. The definition of "Adult care home" is hereby repealed.
2. The definition of "Disability" is hereby added to read as follows:

Disability: A physical or mental impairment that substantially limits one or more major life activities, a history or record of such an impairment, or the perception by others as having such an impairment.

3. The definition of "Family" is hereby amended to read as follows:

Family: One (1) or more persons living together as a single housekeeping unit in a dwelling unit.

4. The definition of "Group home" is hereby amended to read as follows:

Group home: A residential dwelling unit for a group of no more than five (5) unrelated non-transient persons, excluding staff, who do not have a disability, and are not living together as a single housekeeping unit. Group home facilities may or may not be licensed by the state or another governmental authority. This definition shall not include group homes for the developmentally disabled nor adult foster care homes as specifically defined and provided for by the Arizona Revised Statutes.

5. The definition of “Residential care home” is hereby added to read as follows:

Residential Care Home: A residential dwelling unit for a group of no more than five (5) unrelated persons, excluding staff, who are not living together as a single housekeeping unit and in which every person residing in the facility (excluding the service provider, members of the service provider’s family, or persons employed as facility staff) is an individual with a disability. Residential care home service providers may or may not be licensed by the state or another governmental authority. This definition shall not include group homes for developmentally disabled nor adult foster care homes as specifically defined and provided for by the Arizona Revised Statutes.

6. The definition of “Single housekeeping unit” is hereby added to read as follows:

Single Housekeeping Unit: Any number of related, or up to five (5) unrelated, persons living as the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities (e.g. meals, chores, household maintenance, expenses, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household is determined by the residents of the dwelling unit rather than the landlord or property manager.

SECTION II. Subsections 35-305(3), entitled *Adult Care Home Use Permits*, and 35-305(5), entitled *Group Home*, of Section 35-305 of Article III of Chapter 35 of the Chandler City Code (Zoning Code) are hereby repealed, and the remaining subsections of Section 33-305 are renumbered.

SECTION III. Article XXII. ADDITIONAL HEIGHT AND AREA REGULATIONS, of Chapter 35, of the City Code is hereby amended by adding sections 35-2211 and 35-2212 to read as follows:

35-2211 Residential Care Homes.

- 1) *Purpose.* Residential care homes are permitted in all single family districts subject to the requirements provided herein. The purpose of these regulations is to permit persons with disabilities to reside in single family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood.
- 2) *Registration.* Residential care homes shall submit a completed zoning clearance application and required supplemental materials to the Planning Division on a form established by the Zoning Administrator. For residential care homes that are licensed by the state, county or other governmental authority, tentative zoning clearance may be issued upon verifying the application complies with the standards below. Said residential care homes shall be considered to be registered with the city at the time they receive tentative zoning clearance and shall submit to the city a copy of the license issued by the state, county or other governmental authority within ninety (90) days, or said registration shall be withdrawn. For residential care homes that are not licensed by the state, county or other governmental authority, zoning clearance may be issued in place of tentative zoning clearance at which time the residential care home shall be considered to be registered with the city. In all cases, registration for residential care homes shall terminate when the residential care home use ceases.
- 3) *Standards.* Residential care homes shall be subject to the continued, full and complete compliance with the following standards:
 1. *Capacity.* The number of residents, excluding staff, shall not exceed five (5).
 2. *Location.* Residential care homes shall be separated a minimum of one-thousand and two hundred (1,200) feet from other registered residential care homes and group homes, except no separation is required when said facilities are separated by a freeway, arterial street, canal, or railroad. For the purposes of this subsection, all separation distances shall be measured from the property lines.
 3. *Signage.* The residential care home shall have no identification from a public street by signage, graphics, display, or other visual means, except for signage otherwise permitted under Chapter 39, section 39-14 of the Chandler Sign Code.

4. *Code compliance.* The residential care home shall be in compliance with all applicable city codes, including building codes, fire safety regulations, zoning and subdivision codes.
 5. *Parking.* Any parking for the residential care home shall be on site and comply with requirements set forth in Article XVII Parking and Loading Regulations.
 6. *Maintenance.* The exterior of the dwelling and yards shall be kept in a condition that is consistent with the neighborhood pursuant to Chapter 30, Neighborhood Preservation, of the City Code.
 7. *Exclusive use.* All administrative activities, including staffing, counseling, and other visitations, shall serve only the residents of the group home.
- 4) *Reasonable Accommodation Waiver.* As a reasonable accommodation for persons with a disability, strict compliance with the standards set out in Sec. 35-2211(3) for residential care homes may be waived by the Zoning Administrator in accordance with the requirements stated herein. A request for such a reasonable accommodation waiver must be in writing and filed with the Zoning Administrator. In all cases, the Zoning Administrator, or his/her designee, shall make findings of fact in support of his/her determination and shall render his/her decision in writing. The Zoning Administrator may meet with and interview the person making the request in order to ascertain or clarify information sufficiently to make the required findings. To grant a reasonable accommodation waiver, the Zoning Administrator shall find affirmatively all of the following:
1. The request will be in compliance with all applicable building and fire codes.
 2. The request will not create a substantial detriment injurious to neighboring properties by creating traffic impacts, parking impacts, impacts on water or sewer system, or other similar adverse impacts.

Profitability or financial hardship of the owner/service provider of a facility shall not be considered by the Zoning Administrator in determining to grant a reasonable accommodation waiver. An appeal of the decision of the Zoning Administrator may be made regarding reasonable accommodation to the Board of Adjustment pursuant to Article XXV of this Chapter.

35-2212 Group Homes

- 1) *Purpose.* Group homes are permitted in all single family districts subject to the requirements provided herein. The purpose of these regulations is to permit a group of unrelated persons who are not living together as a single housekeeping unit to reside in single family residential neighborhoods while preserving the residential character of the neighborhood.
- 2) *Registration.* Group homes shall submit a completed zoning clearance application and required supplemental materials to the Planning Division on a form established by the Zoning Administrator. For group homes that are licensed by the state, county or other governmental authority, tentative zoning clearance may be issued upon verifying the application complies with the standards below. Said group homes shall be considered to be registered with the city at the time they receive tentative zoning clearance and shall submit to the city a copy of the license issued by the state, county or other governmental authority within ninety (90) days, or said registration shall be withdrawn. For group homes that are not licensed by the state, county or other governmental authority, zoning clearance may be issued in place of tentative zoning clearance at which time the group home shall be considered to be registered with the city. In all cases, registration for group homes shall terminate when the group home use ceases.
- 3) *Standards.* Group homes shall be subject to the continued, full and complete compliance with the following standards:
 1. *Capacity.* The number of residents, excluding staff, shall not exceed five (5).
 2. *Location.* Group homes shall be separated a minimum of one-thousand and two hundred (1,200) feet from other registered group homes and residential care homes, except no separation is required when said facilities are separated by a freeway, arterial street, canal, or railroad. For the purposes of this subsection, all separation distances shall be measured from the property lines.
 3. *Signage.* The group home shall have no identification from a public street by signage, graphics, display, or other visual means, except for signage otherwise permitted under Chapter 39, section 39-14 of the Chandler Sign Code.
 4. *Code compliance.* The group home shall be in compliance with all applicable city codes, including building codes, fire safety regulations, zoning and subdivision codes.

5. *Parking.* Any parking for the group home shall be on site and comply with requirements set forth in Article XVII Parking and Loading Regulations.
6. *Maintenance.* The exterior of the dwelling and yards shall be kept in a condition that is consistent with the neighborhood pursuant to Chapter 30, Neighborhood Preservation, of the City Code.
7. *Exclusive use.* All administrative activities, including staffing, counseling, and other visitations, shall serve only the residents of the group home.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this _____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this _____ day of _____, 2013.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 4513 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____ day of _____, 2013, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY *GAB*

PUBLISHED: