

NOTICE OF PUBLIC HEARINGS PLANNING AND ZONING COMMISSION CHANDLER CITY COUNCIL

NOTICE OF PUBLIC HEARINGS to be held by the City of Chandler Planning and Zoning Commission on **NOVEMBER 6, 2013** at 5:30 P.M. and the Chandler City Council on **NOVEMBER 7, 2013** at 7:00 P.M. in the **City Council Chambers, 88 East Chicago Street, Chandler, Arizona.**

ZCA13-0002 GROUP HOMES ZONING CODE AMENDMENT

City initiative to amend Chapter 35-Land Use and Zoning as follows: (*Underlined text indicates proposed new text. Strikethrough text indicates proposed text deletions. Regular text indicates existing code.*)

Article II, 35-200 Definitions:

~~*Adult care home:* A residential care institution, licensed by the Arizona Department of Health Services, which provides supervisory care, personal care, or custodial care services to not more than ten (10), nor less than six (6), adults who are unrelated to the manager or owner of the home and who require the assistance of no more than one (1) person to walk or to transfer from a bed, chair, or toilet, but who are able to self-propel a wheelchair.~~

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.

~~*Family:* An individual or two (2) or more persons related by blood or marriage or a group of not more than five (5) persons (excluding servants) at least one (1) of whom is an adult, who need not be related by blood or marriage living together in a dwelling unit. One (1) or more persons living together as a single housekeeping unit in a dwelling unit.~~

~~*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. 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.~~

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.

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.

Article III Districts Generally, 35-305 Use Permits

Sections 35-305.3 Adult care home use permits and 35-305.5 Group home are hereby repealed.

Article XXII. Additional Height and Area Regulations.

Sections 35-2211 Residential Care Homes and 35-2212 Group Homes are added 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.

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.

Questions or comments are welcome and may be directed to David de la Torre, Principal Planner with the City of Chandler at david.delatorre@chandleraz.gov or 480-782-3059.