

CC MEMO 02-216
LRP MEMO 02-059

DATE: DECEMBER 9, 2002

TO: MAYOR AND CITY COUNCIL

THRU: DONNA M. DRESKA, CITY MANAGER
DOUG BALLARD, PLANNING AND DEVELOPMENT DIRECTOR

FROM: HANK PLUSTER, LONG RANGE PLANNING MANAGER

SUBJECT: ZCA02-0004 CITY OF CHANDLER
Introduction of Ordinance No. 3421

Request: City Initiative to amend Chapter 35 (Zoning Code) of the Chandler City Code, by revising Article II pertaining to the definition of "Group Home," and by revising Article III pertaining to Use Permit requirements and review procedures relative to Group Homes

Applicant: City of Chandler

RECOMMENDATION

Upon finding consistency with the City Zoning Code and good zoning practice, Planning Commission and Staff recommend approval of a Zoning Code amendment revising the definition of "Group Home," and establishing Use Permit requirements and review procedures, as set forth in the attached draft (underlined bolded text and strikeouts indicate language being added and deleted, respectively).

BACKGROUND

The current definition of "Group Home" was first added to the Zoning Code as part of a larger amendment establishing the definition, requirements, and procedures for residential child care (Ordinance No. 3240, effective 7/14/01). That amendment established the requirement for a Use Permit to operate a group home within any residential zoning district, subject to procedures and standards similar to those specified for adult care homes. In recent months, however, as specific applications for Use Permits to operate group homes have come forward through the public hearing process, it has become more apparent that a clarification in the definition of "Group Home," as well as some additional considerations for review, are needed in the Code.

DISCUSSION

In drafting this amendment, Staff has considered a number of basic issues with the City Attorney's office:

- The Federal Fair Housing Act requires that reasonable accommodations be made for group homes. Therefore, while group homes cannot be prohibited altogether, the main question becomes, what is “reasonable accommodation”?
- A group home could be allowed as a matter of right, if it fully met the definition of “family.” What this means is that there could be no more than five (5) unrelated residents in a home and at least one (1) of those residents has to be an adult. Any residential facility not meeting the definition of “family” would be considered as a group home, and hence subject to Use Permit review and approval procedures.
- Group homes currently operating within the city with five (5) or fewer residents do not seem to generate the level of concern/complaints that larger group homes (accommodating six [6] or more residents) generate.

As set forth in the attached draft, the proposed amendment does two (2) things. One is to revise the current definition of “group home” to specify a facility which provides a living environment, sleeping rooms, and meals for any number of residents that does not meet the definition of “family.” Any facility falling under this definition of “Group Home” would be subject to Use Permit approval in order to operate.

The other major aspect of this amendment is to specify certain review criteria which are more unique to group home circumstances [see subsection (d), Considerations, on page 2 of the draft]. This amendment also triggers compliance with the same applicable criteria already set forth in the Zoning Code for adult care homes, such as capacity (maximum of ten), location (not less than 1200 ft. separations), signage, State licensure, Building Code compliance, etc.

Although this amendment focuses upon residential locations, Staff has also considered the possibility of a group home wanting to locate in a non-residential (commercial) setting. Under current code, any residential use (including group homes of any size) wishing to locate in a commercial zoning district would trigger a Use Permit application in order to operate. While such applications would be considered on an individual basis, and any unique circumstances taken into account, Staff would prefer that such uses generally avoid non-residential locations. For example, experience has shown that older shopping centers in particular, as they seek to market their vacant space in competition with newer centers, are further hampered by non-commercial uses that impact customer perceptions of the center’s character, which in turn may discourage more traditional tenants from locating there. Perhaps a better candidate for a group home setting would be a farm homestead which later became an exception parcel (½-acre to an acre), upon developing the former farm acreage as a subdivision. There may be some other appropriate locations for group homes, and staff will be working to identify those as well,

so that we might have a resource to draw upon when operators approach the City about possible locations.

PUBLIC NOTICE

As required by Statutes, hearing dates for Planning Commission and City Council as well as the complete text of the draft amendment have been advertised in the newspaper fifteen (15) days prior to the Commission hearing. In addition, the draft text has been reviewed by all of Planning staff and by the City Attorney. Unlike other Zoning Code amendments, however, there is no organization of group home providers to whom Staff could send the draft amendment.

PLANNING COMMISSION VOTE REPORT

Motion for approval: 7 for; 0 against.

During the course of presentation and discussion, the Commission understood that a group home containing five (5) or fewer residents, at least one of whom was an adult, would be allowed as a matter of right. Further, the Commission understood that requirements for Use Permit approval would be triggered by the number of residents, i.e., six (6) or more (five if none are an adult), rather than any type of supervision being offered.

RECOMMENDATION

Upon finding consistency with the City Zoning Code and good zoning practice, Planning Commission and Staff recommend approval.

PROPOSED MOTION

I move to introduce and tentatively adopt Ordinance No. 3421, approving Zoning Case ZCA02-0004, as recommended by Planning Commission and Staff.

Attachments:

Section 35-200, definition of "Group Home," and Section 35-305(5) Group Homes (draft amendment)

Ordinance No. 3421