

REPORT OF PLANNING COMMISSION ACTION
May 4, 2017

ITEM NO: 2	
	DISTRICT NO.: City Wide
SUBJECT:	
Application #:	Z-TA-22-08
Request:	Group Facilities, such as Assisted Living Facilities, Adult Day Care, Behavioral Health Care Facilities, Homes for the Developmentally Disabled, and associated uses
Proposal:	Amend Sections Section 202 (Definitions), Section 603.A. (Suburban S-1 District—Ranch or Farm Residence), Section 605.A. (Residential Estate RE-43 District—One-Family Residence), Section 606.A. (Residential Estate RE-24 District—One-Family Residence), Section 608. (Residence Districts), Section 609. (RE-35 Single-Family Residence District), Section 610. (R1-18 Single-Family Residence District), Section 611. (R1-10 Single-Family Residence District), Section 612. (R1-8 Single-Family Residence District), Section 613. (R1-6 Single-Family Residence District), Section 614.C. (R-2 Multifamily Residence District), Section 615.C. (R-3 Multifamily Residence District), Section 616.C. (R-3A Multifamily Residence District), Section 617.C. (R-4 Multifamily Residence District), Section 618.D. (R-5 Multifamily Residence District), Section 619.A. (Residential R-4A District—Multifamily Residence—General), Section 620.B. (Residential Office R-O District—Restricted Commercial), Section 621.B. (Commercial Office C-O District—Restricted Commercial), Section 622.D. (Commercial C-1 District—Neighborhood Retail), Section 623.D. (Commercial C-2 District—Intermediate Commercial), Section 626. (Commerce Park District), Section 635.C.1. (Planned Area Development), 642. (Urban Residential (UR) District), Section 646. (Capitol Mall Overlay District), Section 647 (Special Permit Uses), Section 649. (Mixed Use Agricultural (MUA) District), Section 658. (Deer Valley Airport Overlay (DVAO) District), Section 660. (Four Corners Overlay District), Section 701.E. (Separation Requirements—Registration), Section 702. (Off-Street Parking and Loading), Section 1204. (Land Use Matrix, Downtown Code), Section 1306. (Land Use Matrix, Walkable Urban Code), and Section 1307. (Parking standards, Walkable Urban Code) of the Phoenix Zoning Ordinance regarding group facilities, such as adult day care, assisted living facilities, homes for individuals with disabilities, and associated uses.

Applicant:	City of Phoenix Planning Commission
Owner:	City of Phoenix Planning Commission
Representative:	City of Phoenix Planning Commission

ACTIONS:

Staff Recommendation: Approval

Village Planning Committee (VPC) Recommendation:

Ahwatukee Foothills 1/23/2017 Approved. Vote: 11-0.

Alhambra 1/24/2017 No quorum. Vote: N/A.

Alhambra 2/28/2017 Continued. Vote: 10-0.

Alhambra 3/28/2017 Continued. Vote: 10-0.

Alhambra 4/25/2017 Continued. Vote: 11-1.

Camelback East 1/17/2017 Continued. Vote: 13-0.

Camelback East 2/7/2017 Continued. Vote: 12-0.

Camelback East 3/7/2017 Continued. Vote: 11-0.

Camelback East 4/4/2017 Canceled. Vote: N/A.

Camelback East 5/2/2017 Denied. Vote: 10-1.

Central City 1/9/2017 Approved. Vote 11-1.

Deer Valley 1/19/2017 Approved. Vote: 6-0.

Desert View 1/10/2017 Approved. Vote: 12-0.

Encanto 1/9/2017 Approved with changes. Vote: 5-3.

Estrella 1/17/2017 Approved. Vote: 6-0.

Laveen 1/9/2017 Approved. Vote: 8-2.

Maryvale 1/11/2017 Approved. Vote: 11-0.

North Gateway 1/12/2017 Approved. Vote: 2-1.

North Mountain 1/18/2017 Denied. Vote: 9-0 (1 Abstention).

Paradise Valley 1/9/2017 Approved. Vote: 13-0.

Rio Vista 1/10/2017 Approved with changes. Vote: 3-0.

South Mountain 1/10/2017 Approved. Vote: 10-0.

Planning Commission Recommendation: Approved, per the language in Exhibit A of Addendum A, dated April 28, 2017.

Motion discussion: Commissioner Katsenes made a MOTION to approve Z-TA-22-08 per the language in Exhibit A of Addendum A, dated April 28, 2017.

Commissioner Katsenes stated that she is only supporting this approval because she believes that a first step needs to be taken towards this concern and she hopes that the work will continue. She asked Mr. Stephenson if there could be discussion with the Law Department about a registration process for the group homes with 1-5 residents before the City Council Subcommittee meeting.

Commissioner Johnson also requested that this be brought up and discussed with the Law Department before the City Council Subcommittee meeting.

Motion details – Commissioner Katsenes made a MOTION to approve Z-TA-22-08 per the language in Exhibit A of Addendum A, dated April 28, 2017.

Maker: Katsenes
Second: Heck
Vote: 7-0
Absent: Montalvo
Opposition Present: Yes

Proposed Language:

Amend Chapter 2, Section 202 (Definitions) to read as follows and alphabetize accordingly:

ADULT DAY CARE HOME: A RESIDENTIAL HOME PROVIDING CARE FOR 1 TO 10 ADULT PERSONS FOR LESS THAN 24 HOURS PER DAY AND FOR COMPENSATION. AN ADULT DAY CARE HOME SHALL BE LICENSED BY THE STATE OF ARIZONA.

ADULT DAY CARE CENTER: A FACILITY PROVIDING CARE FOR 11 OR MORE ADULT PERSONS FOR LESS THAN 24 HOURS PER DAY AND FOR COMPENSATION. AN ADULT DAY CARE CENTER SHALL BE LICENSED BY THE STATE OF ARIZONA.

Assisted Living Center: A residential care institution that provides resident rooms, or residential units, to 11 or more PERSONS WITH A DISABILITY ~~handicapped~~ ~~DISABLED~~ or elderly persons. The facility provides, or contracts to provide, supervisory care services, personal care services, or directed care services on a continuous basis. An assisted living center shall be licensed by the State of Arizona.

Assisted Living Home: A dwelling unit shared as their primary residence by ~~one~~ 1 to ~~ten~~ 10 ~~handicapped~~ PERSONS WITH A DISABILITY ~~DISABLED~~ or elderly persons living together as a single housekeeping unit, where staff persons provide on-site care, training, or support for the residents. The facility provides, or contracts to provide, supervisory care services, personal care services, directed care services on a continuous basis. An assisted living home shall be licensed by the State of Arizona.

DISABILITY: (1) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES; (2) A RECORD OF HAVING SUCH AN IMPAIRMENT; OR (3) BEING REGARDED AS HAVING SUCH AN IMPAIRMENT.

HOWEVER, A PERSON WITH A DISABILITY SHALL NOT INCLUDE: (1) ANY PERSON CURRENTLY ENGAGING IN THE ILLEGAL USE OF CONTROLLED SUBSTANCES [AS DEFINED IN SECTION 102 OF THE CONTROLLED SUBSTANCE ACT (21 UNITED STATES CODE 802)]; OR (2) ANY PERSON WHO WOULD CONSTITUTE A DIRECT THREAT TO THE HEALTH OR SAFETY OF OTHER INDIVIDUALS OR WOULD RESULT IN SUBSTANTIAL PHYSICAL DAMAGE TO THE PROPERTY OF OTHERS THAT CANNOT BE ELIMINATED OR REDUCED BY REASONABLE ACCOMMODATION.

DISABILITY AND DIRECT THREAT **WILL BE INTERPRETED CONSISTENT WITH THE AMERICANS WITH DISABILITIES ACT (42 UNITED STATES CODE 12101, ET SEQ.), AS AMENDED, AND THE FEDERAL FAIR HOUSING ACT (42 UNITED STATES CODE 3601 – 3619).**

~~*Foster Home:* A home maintained by any individual or individuals having the care or control of one or more, but not more than five (5) minor children, other than those related to each other by blood or marriage, or related to such individuals, or who are legal wards of such individuals which is licensed by the appropriate government agency.~~

GROUP FOSTER HOME: A HOME MAINTAINED BY ANY INDIVIDUAL OR INDIVIDUALS HAVING THE CARE OR CONTROL OF 6 TO 10 MINOR CHILDREN WHO ARE NOT: (1) RELATED TO SUCH INDIVIDUALS OR TO EACH OTHER BY BLOOD, MARRIAGE, OR ADOPTION; OR (2) LEGAL WARDS OF SUCH INDIVIDUALS. A GROUP FOSTER HOME SHALL BE LICENSED BY THE STATE OF ARIZONA AND DOES NOT INCLUDE HOMES LICENSED AS A FAMILY FOSTER HOME THAT ARE OVER CAPACITY AND HAVE A GROUP FOSTER HOME CERTIFICATION.

~~*Group Home:* A residential facility for six (6) or more unrelated persons providing living facilities, sleeping rooms, and meals and which have a permit issued by the appropriate government agency as a boarding house.~~

~~*Group Home for the Handicapped:* Dwelling unit shared as their primary residence by handicapped or handicapped elderly persons living together as a single housekeeping unit, in which staff persons provide on-site care, training or support for the residents. Group homes shall not include nursing homes, personal care homes, or homes for the developmentally disabled as regulated by A.R.S. § 36-582. Such home or services provided therein shall be licensed by, certified by, approved by, registered with, funded by or through, or under contract with the State.~~

~~*Handicapped:* A person who: (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) has a record of having such an impairment; or (3) is regarded as having such an impairment. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance [as defined in Section 102 of the Controlled Substance Act (21 United States Code 802)].~~

HOSPICE: A HEALTH CARE SERVICE AGENCY OR INSTITUTION OTHER THAN A HOSPITAL, ASSISTED LIVING HOME OR CENTER, OR NURSING HOME THAT PROVIDES INPATIENT BEDS OR RESIDENT BEDS TO PERSONS WHO NEED CONTINUOUS HOSPICE SERVICES. A HOSPICE DOES NOT INCLUDE IN-HOME HOSPICE CARE. A HOSPICE SHALL BE LICENSED BY THE STATE OF ARIZONA.

~~*Personal Care Home:* A health care institution other than a hospital or nursing home which is licensed by the Arizona State Department of Health Services as a personal care home for two (2) or more unrelated persons.~~

RESIDENTIAL CARE HOME: A DWELLING UNIT SHARED AS A PRIMARY RESIDENCE BY 1 TO 10 PERSONS (ADULTS OR MINORS) LIVING TOGETHER AS A SINGLE HOUSEKEEPING UNIT, IN WHICH STAFF PERSONS PROVIDE ON-SITE CARE, TRAINING OR SUPPORT FOR THE RESIDENTS. A RESIDENTIAL CARE HOME SHALL BE LICENSED BY THE STATE OF ARIZONA.

RESIDENTIAL CARE CENTER: A RESIDENTIAL CARE INSTITUTION THAT PROVIDES RESIDENT ROOMS OR RESIDENTIAL UNITS TO 11 OR MORE PERSONS (ADULTS OR MINORS). THE FACILITY PROVIDES ON-SITE CARE, TRAINING OR SUPPORT FOR THE RESIDENTS, AS WELL AS **HEALTH AND REHABILITATIVE SERVICES TO PERSONS WITH BEHAVIORAL HEALTH OR DEVELOPMENTAL DISABILITIES**. A RESIDENTIAL CARE CENTER SHALL BE LICENSED BY THE STATE OF ARIZONA.

Rest Home: ~~Same as "Group Home"~~ SEE "ASSISTED LIVING CENTER" OR "NURSING HOME".

Rooming House: Same as "Group Home".

~~SOBER LIVING HOME: A DWELLING UNIT SHARED AS A PRIMARY RESIDENCE BY 1 TO 10 PERSONS (ADULTS OR MINORS) LIVING TOGETHER AS A SINGLE HOUSEKEEPING UNIT, IN WHICH ON-SITE CARE, TRAINING OR SUPPORT FOR RESIDENTS WITH A DISABILITY IN RECOVERY FROM ALCOHOL OR DRUG/SUBSTANCE ABUSE, AS DEFINED BY THE AMERICANS WITH DISABILITIES ACT.~~

SOBER LIVING HOME: ANY PREMISES, PLACE OR BUILDING THAT PROVIDES ALCOHOL-FREE OR DRUG-FREE HOUSING, FOR INDIVIDUALS WHO ARE RECOVERING FROM ADDICTION. THIS DOES NOT INCLUDE A PRIVATE RESIDENCE IN WHICH A RELATED FAMILY MEMBER IS REQUIRED TO RECEIVE OUTPATIENT BEHAVIORAL HEALTH SERVICES FOR SUBSTANCE ABUSE OR ADDICTION TREATMENT AS A CONDITION OF CONTINUING TO RESIDE IN THE FAMILY DWELLING. A SOBER LIVING HOME INCLUDES STRUCTURED SOBER LIVING HOME AS DEFINED IN A.R.S. 9-500.40.C.

Amend Chapter 6, Section 603.A. (Suburban S-1 District—Ranch or Farm Residence) to read as follows and renumber section accordingly:

2. ADULT DAY CARE HOME, PROVIDED THAT:
 - A. CARE IS PROVIDED FOR NO MORE THAN 4 ADULT PERSONS, NOT INCLUDING STAFF.
 - B. CARE IS PROVIDED FOR 5 TO 10 ADULT PERSONS, NOT INCLUDING STAFF, AND SUBJECT TO A USE PERMIT.
 - C. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.
3. ASSISTED LIVING HOME, PROVIDED THAT:
 - A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF; OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.

- 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
4. RESIDENTIAL CARE HOME, PROVIDED THAT:
 - A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF (UNLESS PERMITTED BY A.R.S. 36-582.A.); OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
5. SOBER LIVING HOME, PROVIDED THAT:
 - A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF; OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:

- 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
- 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.

11. ~~Foster homes and g~~Group foster homes.

Amend Chapter 6, Section 605.A. (Residential Estate RE-43 District—One-Family Residence) to read as follows and renumber section accordingly:

2. ADULT DAY CARE HOME, PROVIDED THAT:
 - A. CARE IS PROVIDED FOR NO MORE THAN 4 ADULT PERSONS, NOT INCLUDING STAFF.
 - B. CARE IS PROVIDED FOR 5 TO 10 ADULT PERSONS, NOT INCLUDING STAFF, AND SUBJECT TO A USE PERMIT.
 - C. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.
3. ASSISTED LIVING HOME, PROVIDED THAT:
 - A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF; OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:

- 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
4. RESIDENTIAL CARE HOME, PROVIDED THAT:
 - A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF (UNLESS PERMITTED BY A.R.S. 36-582.A.);
OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
5. SOBER LIVING HOME, PROVIDED THAT:

- A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF; OR
- B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.

~~11. Foster homes.~~

- ~~16. Group homes for the handicapped shall be permitted, provided that:~~
- ~~a. No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, of the lot line of another such group home.~~
 - ~~b. Such home contains more than five but not more than ten residents, not including staff.~~
 - ~~c. Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701.~~

~~Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.~~

Amend Chapter 6, Section 606.A. (Residential Estate RE-24 District—One-Family Residence) to read as follows and renumber section accordingly:

- 2. ADULT DAY CARE HOME, PROVIDED THAT:

- A. CARE IS PROVIDED FOR NO MORE THAN 4 ADULT PERSONS, NOT INCLUDING STAFF.
 - B. CARE IS PROVIDED FOR 5 TO 10 ADULT PERSONS, NOT INCLUDING STAFF, AND SUBJECT TO A USE PERMIT.
 - C. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.
3. ASSISTED LIVING HOME, PROVIDED THAT:
- A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF; OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
4. RESIDENTIAL CARE HOME, PROVIDED THAT:
- A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF (UNLESS PERMITTED BY A.R.S. 36-582.A.); OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.

- 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
5. SOBER LIVING HOME, PROVIDED THAT:
 - A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF; OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
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 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
- ~~10. Foster homes.~~
- ~~15. Group homes for the handicapped shall be permitted; provided, that:~~
 - ~~a. No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, of the lot line of another such group home.~~
 - ~~b. Such home contains more than five but not more than ten residents, not including staff.~~
 - ~~c. Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701.~~

~~Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.~~

Amend Chapter 6, Section 608. (Residence Districts) to read as follows and renumber section accordingly:

C. Permitted Uses.

Use	Permitted	Permitted With Conditions ⁽¹⁾	Use Permit And Conditions ⁽²⁾
Single-Family DU	X		
Governmental Uses	X		
ASSISTED LIVING HOME		X	
RESIDENTIAL CARE HOME		X	
SOBER LIVING HOME		X	
* * *			
1—6 Dependent Care Facility		X	
1—4 ADULT DAY CARE HOME		X	
Display for Sale of Vehicle		X	
Guestrooms		X	
Public Utility Buildings and Facilities		X	
Schools, Private		X	X
* * *			
5—10 ADULT DAY CARE HOME		X	X
Churches/Place of Worship		X	X
Construction Facilities and Storage		X	X
Home Occupations		X	X
Model Homes and/or Subdivision Sales Office		X	X
Nondaily Newspaper Delivery Service		X	X
Public Assembly—Residential		X	X

* * *			
7—12 Dependent Care Facility			X
Environmental Remediation Facility			X

D. Permitted Uses with Conditions.

1. ADULT DAY CARE HOME FOR THE CARE OF 1 TO 4 ADULT PERSONS, PROVIDED THAT:
 - A. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.
2. ASSISTED LIVING HOME, PROVIDED THAT:
 - A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF; OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
3. RESIDENTIAL CARE HOME, PROVIDED THAT:

- A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF (UNLESS PERMITTED BY A.R.S. 36-582.A.); OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
4. SOBER LIVING HOME, PROVIDED THAT:
- A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF; OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.

- 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.

F. Permitted with Use Permit Approval Pursuant to Section 307.

1. ADULT DAY CARE HOME FOR THE CARE OF 5 TO 10 ADULT PERSONS, SUBJECT TO A USE PERMIT AND PROVIDED THAT:

- A. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.

G. Accessory Uses.

- ~~2. Foster homes.~~

Amend Chapter 6, Section 609. (RE-35 Single-Family Residence District) to delete as follows and renumber section accordingly:

B. District Regulations.

RE-35 Development Option			
Standards	(a) Subdivision	(b) Average Lot	(c) Planned Residential Development

Allowed uses	Single-family detached; foster homes	Single-family attached; plus (a)	Single-family attached; plus (a)

C. Special Regulations.

1. ~~Group homes for the handicapped shall be permitted, provided that:~~
 - a. ~~No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, of the lot line of another such group home.~~
 - b. ~~Such home contains more than five but not more than ten residents, not including staff.~~
 - c. ~~Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701.~~

~~Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.~~

Amend Chapter 6, Section 610. (R1-18 Single-Family Residence District) to delete as follows:

B. District Regulations.

R1-18 Development Option			
Standards	(a) Subdivision	(b) Average Lot	(c) Planned Residential Development

Allowed uses	Single-family detached; foster homes	Single-family attached; plus (a)	Single-family attached; plus (a)

~~C. Special Regulations.~~

1. ~~Group homes for the handicapped shall be permitted, provided that:~~

- a. ~~No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, of the lot line of another such group home.~~
- b. ~~Such home contains more than five but not more than ten residents, not including staff.~~
- c. ~~Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701.~~

~~Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.~~

Amend Chapter 6, Section 611. (R1-10 Single-Family Residence District) to delete as follows:

B. District Regulations.

TABLE B. SINGLE-FAMILY DETACHED (SUBDIVIDED PRIOR TO JUNE 2, 1999), SINGLE-FAMILY ATTACHED AND MULTIFAMILY DEVELOPMENT

	(a) Subdivision	(b) Average Lot	(c) Planned Residential Development
Standards			

Allowed uses	Single-family detached; foster homes	Single-family attached; plus (a)	Multiple-family plus (b)

C. Special Regulations.

1. ~~Group homes for the handicapped shall be permitted, provided that:~~

- a. ~~No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, of the lot line of another such group home.~~

- b. ~~Such home contains more than five but not more than ten residents, not including staff.~~
- c. ~~Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701.~~

~~Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.~~

Amend Chapter 6, Section 612. (R1-8 Single-Family Residence District) to delete as follows:

B. District Regulations.

TABLE B. SINGLE-FAMILY DETACHED (SUBDIVIDED PRIOR TO JUNE 2, 1999), SINGLE-FAMILY ATTACHED AND MULTIFAMILY DEVELOPMENT

Standards	(a) Subdivision	(b) Average Lot	(c) Planned Residential Development

Allowed uses	Single-family detached; foster homes	Single-family attached; plus (a)	Multiple-family plus (b)

C. Special Regulations.

- 1. ~~Group homes for the handicapped shall be permitted, provided that:~~
 - a. ~~No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, of the lot line of another such group home.~~
 - b. ~~Such home contains more than five but not more than ten residents, not including staff.~~

- c. ~~Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701.~~

~~Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.~~

Amend Chapter 6, Section 613.C. (R1-6 Single-Family Residence District) to delete as follows:

~~G. Special Regulations.~~

- 1. ~~Group homes for the handicapped shall be permitted, provided that:~~
 - a. ~~No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, of the lot line of another such group home.~~
 - b. ~~Such home contains more than five but not more than ten residents, not including staff.~~
 - c. ~~Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701.~~

~~Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.~~

Amend Chapter 6, Section 614.C. (R-2 Multifamily Residence District) to delete as follows:

- 2. ~~Group homes for the handicapped shall be permitted, provided that:~~
 - a. ~~No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, of the lot line of another such group home.~~
 - b. ~~Such home contains more than five but not more than ten residents, not including staff.~~
 - c. ~~Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701.~~

~~Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.~~

Amend Chapter 6, Section 615.C. (R-3 Multifamily Residence District) to read as follows and renumber section accordingly:

1. ADULT DAY CARE CENTER, SUBJECT TO A USE PERMIT AND PROVIDED THAT:
 - A. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.
2. ASSISTED LIVING OR RESIDENTIAL CARE CENTER, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
 - B. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
 - C. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.
13. ~~A group home is allowed, with~~ SUBJECT TO a use permit.
24. ~~A group foster care home is allowed in an R-4 district. A group foster care home is allowed, in an R-3 or R-3A district with~~ SUBJECT TO a use permit.
3. ~~Group homes for the handicapped shall be permitted, provided that:~~
 - a. ~~No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, from the lot line of another such group home.~~
 - b. ~~Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701.~~

~~Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.~~

Amend Chapter 6, Section 616.C. (R-3A Multifamily Residence District) to read as follows and renumber section accordingly:

1. ADULT DAY CARE CENTER, SUBJECT TO A USE PERMIT AND PROVIDED THAT:
 - A. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.
2. ASSISTED LIVING OR RESIDENTIAL CARE CENTER, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
 - B. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
 - C. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.
- ~~13. A group home is allowed, with SUBJECT TO a use permit.~~
- ~~24. A group foster care home is allowed in an R-4 district. A group foster care home is allowed, in an R-3 or R-3A district with SUBJECT TO a use permit.~~
- ~~3. Group homes for the handicapped shall be permitted, provided that:
 - a. No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, from the lot line of another such group home.
 - b. Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701.Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.~~

Amend Chapter 6, Section 617.C. (R-4 Multifamily Residence District) to read as follows and renumber section accordingly:

1. ADULT DAY CARE CENTER, SUBJECT TO A USE PERMIT AND THE PROVIDED THAT:
 - A. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.
2. ASSISTED LIVING OR RESIDENTIAL CARE CENTER, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
 - B. A MINIMUM OF 100 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.
 - C. THE LOT SHALL ONLY HAVE VEHICULAR ACCESS FROM AN ARTERIAL OR COLLECTOR STREET.
- ~~13. A group home is allowed, with~~ SUBJECT TO a use permit.
- ~~24. A group foster care home is allowed in an R-4 district. A group foster care home is allowed in an R-3 or R-3A district with a use permit.~~
- ~~3. Group homes for the handicapped shall be permitted, provided that:~~
 - ~~a. No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, from the lot line of another such group home.~~
 - ~~b. Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701.~~~~Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.~~

Amend Chapter 6, Section 618.D. (R-5 Multifamily Residence District) to read as follows and renumber section accordingly:

1. ADULT DAY CARE CENTER, SUBJECT TO A USE PERMIT AND PROVIDED THAT:
 - A. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.

2. ASSISTED LIVING CENTER, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:

- A. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
- B. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.

79. Group Foster Care Home

9. ~~Group home for the handicapped shall be permitted; provided, that:~~

- ~~a. No such home is located on a lot with a property line within 1,320 feet, measured in a straight line in any direction, from the lot line of another such group home.~~
- ~~b. Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701.~~

~~Notwithstanding the foregoing, group home shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.~~

12. HOSPICE, SUBJECT TO A USE PERMIT.

1416. ~~Personal care home and a n~~Nursing home, subject to a use permit and the following conditions:

- a. A maximum lot coverage of 25 percent.
- b. A minimum of 50 square feet of usable outdoor open space per bed SHALL BE PROVIDED.

18. RESIDENTIAL CARE CENTER, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:

- A. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
- B. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.

Amend Chapter 6, Section 619.A. (Residential R-4A District—Multifamily Residence—General) to read as follows and renumber section accordingly:

- 3. ADULT DAY CARE CENTER, SUBJECT TO A USE PERMIT AND PROVIDED THAT:
 - A. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.
- 4. ASSISTED LIVING CENTER, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
 - B. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.

- 7. HOSPICE, SUBJECT TO A USE PERMIT.
- 58. Nursing home, and ~~personal care home~~ subject to a use permit. ~~In addition, the following special provisions shall be complied with~~ AND THE FOLLOWING CONDITIONS:
 - a. A maximum lot coverage of ~~twenty-five~~ 25 percent.
 - b. A minimum of ~~fifty~~ 50 square feet of usable outdoor open space per bed SHALL BE PROVIDED.
 - c. Walls or fences shall be required as provided in Section 703.A.
- 6. ~~Group homes for the handicapped shall be permitted, provided that:~~

- a. ~~No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, from the lot line of another such group home.~~
- b. ~~Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701.~~

~~Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.~~

- 10. RESIDENTIAL CARE CENTER, SUBJECT TO A USE PERMIT AND THE FOLLOWING CONDITIONS:
 - A. A MAXIMUM LOT COVERAGE OF 25 PERCENT.
 - B. A MINIMUM OF 50 SQUARE FEET OF USABLE OUTDOOR OPEN SPACE PER BED SHALL BE PROVIDED.

Amend Chapter 6, Section 620.B. (Residential Office R-O District—Restricted Commercial), to read as follows and renumber section accordingly:

- 1. ADULT DAY CARE HOME OR CENTER, PROVIDED THAT:
 - A. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.
- 2. ASSISTED LIVING HOME, PROVIDED THAT:
 - A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF; OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.

- 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
3. RESIDENTIAL CARE HOME, PROVIDED THAT:
 - A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF (UNLESS PERMITTED BY A.R.S. 36-582.A.); OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.
4. SOBER LIVING HOME, PROVIDED THAT:
 - A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF; OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:

- 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
- 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.

Amend Chapter 6, Section 621.B. (Commercial Office C-O District—Restricted Commercial), to read as follows and renumber section accordingly:

1. ADULT DAY CARE CENTER, PROVIDED THAT:
 - A. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.

Amend Chapter 6, Section 622.D. (Commercial C-1 District—Neighborhood Retail), to read as follows and renumber section accordingly:

2. ADULT DAY CARE HOME AND CENTER.

7. ASSISTED LIVING CENTER, SUBJECT TO A USE PERMIT.

81. HOSPICE, SUBJECT TO A USE PERMIT.

~~124. Personal Care Home, subject to a use permit~~

148. RESIDENTIAL CARE CENTER, SUBJECT TO A USE PERMIT.

Amend Chapter 6, Section 623.D. (Commercial C-2 District—Intermediate Commercial) to read as follows and renumber section accordingly:

10. ASSISTED LIVING CENTER.

84. HOSPICE.

~~133. Personal Care Home~~

Amend Chapter 6, Section 626. (Commerce Park District) to read as follows and renumber section accordingly:

E. Business Park option.

2. Permitted uses.

A. ADULT DAY CARE CENTER, PROVIDED THAT:

(1) OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.

F. General Commerce Park option.

2. Permitted uses.

A. ADULT DAY CARE CENTER, PROVIDED THAT:

- (1) OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.

Amend Chapter 6, Section 635.C.1. (Planned Area Development) to read as follows:

- b. Other uses as permitted in Section 608 AND 703.A.

Amend Chapter 6, Section 642. (Urban Residential (UR) District) to read as follows and renumber section accordingly:

- C. Permitted uses.

1. **Primary uses.**

- A. ASSISTED LIVING HOME, PROVIDED THAT:

- (1) THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF; OR
- (2) FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - (A) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~ SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - (B) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.

- (C) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.

B. RESIDENTIAL CARE HOME, PROVIDED THAT:

- (1) THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF (UNLESS PERMITTED BY A.R.S. 36-582.A.); OR
- (2) FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - (A) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~ SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - (B) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
 - (C) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.

C. SOBER LIVING HOME, PROVIDED THAT:

- (1) THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF; OR
- (2) FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:

- (A) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~ SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
- (B) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
- (C) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.

2. **Accessory use.**

- a. Neighborhood commercial uses:

- (2) ADULT DAY CARE HOME AND CENTER, PROVIDED THAT:

- (A) OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.

Amend Chapter 6, Section 646. (Capitol Mall Overlay District) to read as follows:

F. **Special Permit Uses.**

- 1. Land in the CMO district may be used for the following purposes, subject to the procedures and standards of Section 504.1 regarding special permits.

- b. ~~Nonhandicapped group facilities, including, but not limited to group homes, boarding or rooming houses. No nonhandicapped group facility shall be located within one thousand five hundred feet of another such facility as measured between the closest property lines of the two facilities; this standard shall not be varied by the procedures of Section 307~~

A GROUP HOME OR ROOMING HOUSE SHALL BE A MINIMUM OF 1,500 FEET FROM ANOTHER SUCH GROUP HOME.

Amend Chapter 6, Section 647 (Special Permit Uses) to read as follows and renumber section accordingly:

- A. Permitted uses. There shall be permitted, in addition to the uses enumerated in the several use districts, certain additional uses subject to the requirements of this section.

- 2. A special permit may be granted by the Council upon recommendation of the Commission to establish the following uses in the use districts named:

- p. ~~Nursing home and personal care home~~ in the R-3, R-3A, and R-4 districts. The site shall be subject to the following:

- (1) A maximum lot coverage of ~~twenty-five~~ 25 percent.
- (2) A MINIMUM OF ~~One hundred~~ 100 square feet of usable outdoor OPEN space per bed shall be provided.
- (3) The lot shall only have vehicular access from an arterial or collector street.

- Q. **HOSPICE IN THE R-3, R-3A, AND R-4 DISTRICTS.**

Amend Chapter 6, Section 649. (Mixed Use Agricultural (MUA) District) to read as follows and renumber section accordingly:

- C. **Permitted Primary Uses.** The following uses are permitted in accordance with the regulations and special standards established below.

6. ASSISTED LIVING HOME, PROVIDED THAT:
- A. THE HOME HAS NO MORE THAN 65 RESIDENTS, NOT INCLUDING STAFF; OR
 - B. FOR A HOME WITH 76 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 76 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.

26. ~~Group home for the handicapped, provided that:~~
- a. ~~No such home is located on a lot with a property line within one thousand three hundred twenty feet, measured in a straight line in any direction, of the lot line of another such group home;~~
 - b. ~~Such home contains more than five but not more than ten residents, not including staff; and~~
 - c. ~~Such home is registered with, and administratively approved by, the Zoning Administrator as to compliance with the standards of this section as provided in Section 701~~

44. RESIDENTIAL CARE HOME, PROVIDED THAT:
- A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF (UNLESS PERMITTED BY A.R.S. 36-582.A.); OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.

49. SOBER LIVING HOME, PROVIDED THAT:
- A. THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF; OR
 - B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.

- 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
- 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.

D. **Use Permit Uses.** Land in the MUA District may be used for the following purposes, subject to obtaining a use permit in accordance with the standards and procedures of Section 307.

1. ADULT DAY CARE HOME FOR THE CARE OF 5 TO 10 ADULT PERSONS, PROVIDED THAT:
 - A. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.
 - B. ONE PARKING SPACE SHALL BE PROVIDED FOR EACH EMPLOYEE WHO DOES NOT RESIDE AT THE FACILITY.

7. GROUP FOSTER HOME.

E. **Permitted Accessory Uses.** Land in the MUA District may be used as permitted accessory uses and structures, incidental to and on the same zoning lot as the primary use, for the following uses:

1. ADULT DAY CARE HOME FOR THE CARE OF 1 TO 4 ADULT PERSONS, PROVIDED THAT:
 - A. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.

Amend Chapter 6, Section 658. (Deer Valley Airport Overlay (DVAO) District) to read as follows and renumber section accordingly:

- C. Regulation Areas: The DVAO District is divided into three separate regulation areas. When a parcel falls partially into one or more of the regulation areas, the most restrictive regulation area shall apply to the entire parcel.

2. Prohibited uses, Areas 2 & 3: Same as Area 1 and the following:

- A. ADULT DAY CARE HOME OR CENTER.
- ~~a~~B. Assembly halls and auditoriums.
- C. ASSISTED LIVING HOME OR CENTER.
- ~~b~~D. Church or similar place of worship; including parish houses, parsonages, rectories and convents, and dormitories (including all elements of such as defined in Section 608.C.4).
- ~~e~~E. Dependent care facility.
- ~~d~~. ~~Foster home.~~
- ~~e~~F. Group foster ~~care~~ home.
- ~~f~~. ~~Group home for the handicapped.~~
- g. Gymnasium; private or commercial.
- h. Hospital.
- i. Motion picture theater.
- j. Nursery School.
- k. Nursing Home.
- ~~l~~. ~~Personal care home.~~
- ~~m~~L. Public assembly uses limited to active recreational and spectator only.
- ~~n~~. ~~Schools, private.~~
- M. RESIDENTIAL CARE HOME OR CENTER.
- ~~e~~N. Residential uses in the C-1, C-2 or C-3 Zoning Districts; except that one dwelling unit may be maintained as an accessory use to a self-service storage warehouse for housing a watchman or caretaker employed on the premises.
- O. SCHOOL, PRIVATE.
- P. SOBER LIVING HOME.

Amend Chapter 6, Section 660. (Four Corners Overlay District) to read as follows:

- C. **Permitted Uses:** The Four Corners Overlay District is established to encourage the development of neighborhood serving retail uses and limited community serving uses. Uses listed in the underlying commercial district are permitted except that certain uses and the sale of certain products will be permitted only subject to a special permit approval in accordance with Section 504.1 of the Zoning Ordinance. These include:

* ~~Personal care homes~~ **ASSISTED LIVING CENTER;**

- E. **Parking Requirements.** The amount of parking is reduced from what is otherwise required in order to encourage more pedestrian activity and less vehicle trips between uses.

~~Off-street automobile parking space or area shall be provided according to the following table.~~

Off-street automobile parking space or area shall be provided according to the following table.

TYPE OF LAND USE	PARKING REQUIREMENT FOUR CORNERS OVERLAY
Day care center (ADULT AND CHILD CARE)	1 space per 500 square feet of floor area

Amend Chapter 7, Section 701.E. (Separation Requirements—Registration) to read as follows and renumber section accordingly:

Any person who USES, intends to establish, CAUSES, PERMITS, FACILITATES OR AIDS AND ABETS, any use ~~which~~ under the provisions of this ordinance THAT is required to maintain a minimum separation from another use ~~may~~ SHALL register with the Planning and Development Department a notice ~~of intention~~ to establish such a use. THE PLANNING AND DEVELOPMENT DEPARTMENT WILL ONLY ACCEPT REGISTRATION THAT ~~which~~ complies with applicable separation requirements as of the date of registration. IT IS UNLAWFUL AND IS A VIOLATION OF THIS CODE FOR ANY PERSON WHO USES, ESTABLISHES, CAUSES, PERMITS, FACILITATES OR AIDS AND ABETS, ANY USE UNDER THE PROVISIONS OF THIS ORDINANCE THAT IS REQUIRED TO MAINTAIN A MINIMUM SEPARATION FROM ANOTHER USE WITHOUT REGISTERING WITH THE PLANNING AND DEVELOPMENT DEPARTMENT. Upon the filing of such notice, until the expiration of the time period specified in subsection 1 of this section, no other use ~~which~~ under the provisions of this ordinance THAT is required to maintain the minimum separation from the registered use ~~may~~ SHALL be registered or established closer to the registered use than the minimum distance prescribed by this ordinance UNLESS A REASONABLE ACCOMMODATION HAS BEEN MADE. The fee for such registration shall be as set forth in appendix A.1 of the City Code.

2. Establishment of registered use.

Establishment of a registered use shall be evidenced by and shall occur on the date a certificate of occupancy is issued for such use. Application for and issuance of a certificate of occupancy shall be according to the procedures established in the Construction Code. If, at the expiration of the time period specified in subsection 1 of this section, the registered use has been established, no other use which under the provisions of this ordinance is required to maintain a minimum separation from the registered use may subsequently be established closer to the registered use than the minimum distance prescribed by this ordinance.

A. THE APPLICANT MAY PROVIDE EVIDENCE TO THE PLANNING AND DEVELOPMENT DEPARTMENT STAFF THAT A REGISTERED FACILITY WITHIN THE SPACING REQUIREMENTS IS NO LONGER OPERATING. THE PLANNING AND DEVELOPMENT DEPARTMENT STAFF WILL VERIFY THE STATUS OF THE FACILITY WITHIN 3 BUSINESS DAYS AND UPDATE THE REGISTERED USE DOCUMENTS.

3. REQUEST FOR A DISABILITY ACCOMMODATION.

- A. AN APPLICANT MAY REQUEST A DISABILITY ACCOMMODATION FROM A SEPARATION REQUIREMENT IF THE REQUIREMENT PROHIBITS AN ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME ("REGISTERED CARE HOME") FOR A PERSON WITH DISABILITIES ON A LOT. THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE MAY ADMINISTRATIVELY APPROVE SUCH REQUESTS IF THERE ARE NO MORE THAN 5 REGISTERED CARE HOMES WITH 7 6 TO 10 RESIDENTS WITHIN A HALF MILE AREA (2,640-FOOT RADIUS).

A REGISTERED CARE HOME IS NOT DEEMED WITHIN THE HALF MILE AREA IF SEPARATED FROM THE PROPOSED LOT BY A NATURAL OR MAN-MADE BARRIER INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING:

- (1) ARIZONA CANAL,
CENTRAL ARIZONA PROJECT CANAL,
ELLIOT CANAL,
GRAND CANAL,
HIGHLINE CANAL,
ROOSEVELT IRRIGATION DISTRICT CANAL, AND
WESTERN CANAL;
- (2) MUNICIPAL OPEN SPACE THAT IS AT LEAST 5 10 ACRES IN
SIZE (SUCH AS A PARK OR GOLF COURSE);
- (3) RAILROAD;
- (4) FREEWAY; OR
- (5) ~~ARTERIAL STREET.~~

- B. IF THE DISABILITY ACCOMMODATION REQUEST IS DENIED, THE APPLICANT MAY APPEAL THE DENIAL TO THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR ("THE DEPARTMENT DIRECTOR"). THE APPLICANT SHALL SUBMIT TO THE DEPARTMENT DIRECTOR A WRITTEN REQUEST FOR ACCOMODATION AND THE REASON WHY THE ACCOMODATION IS REQUIRED. THE WRITTEN REQUEST SHALL CONTAIN SUFFICIENT FACTS TO ALLOW THE DEPARTMENT DIRECTOR TO MAKE AN INDIVIDUALIZED DETERMINATION OF THE PROPOSED REGISTERED CARE HOME'S NEEDS, TO ADDRESS THE CITY'S SAFETY AND WELFARE CONCERNS, AND TO ASSURE COMPLIANCE WITH THIS SECTION. THE DEPARTMENT DIRECTOR SHALL REVIEW THE WRITTEN REQUEST AND DETERMINE:
- (1) WHETHER AN ACCOMMODATION SHOULD BE MADE PURSUANT TO THE REQUIREMENTS OF THE FAIR HOUSING ACT; AND

- (2) IF SO, THE NATURE OF THE ACCOMMODATION TAKING INTO CONSIDERATION THE REQUIREMENTS OF THE FAIR HOUSING ACT, PUBLIC SAFETY AND WELFARE CONCERNS, AND THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD.

THE ACCOMMODATION SHALL BE MADE ONLY TO THE EXTENT NECESSARY TO COMPLY WITH THE FAIR HOUSING ACT. THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DETERMINATION CONSTITUTES A FINAL ADMINISTRATIVE ACTION.

Amend Chapter 7, Section 702. (Off-Street Parking and Loading) to read as follows:

C. Parking Requirements.

Day Care Center (ADULT AND CHILD CARE)	1 space per 300 s.f. of floor area (20% reduction allowed for storage, restrooms, etc).
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Assisted Living and Residential Care Facility CENTER, Nursing Homes, Personal Care Homes, Specialized Treatment Facility, AND HOSPICE	1 space per 2 RESIDENT/patient beds
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Amend Chapter 12, Section 1204. (Land Use Matrix) to read as follows and alphabetize accordingly:

- C. The following shall apply to uses that are permitted with conditions (pc) as indicated with a number that corresponds with the Land Use Matrix in Section 1204.D:

Spacing

4. No use shall be located ON A LOT WITH A PROPERTY LINE within 1,320 feet of the same type of use as measured IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER SUCH ~~from the exterior walls of the building or portion thereof in which the use is conducted.~~

DISPERSAL & ESTABLISHMENT OF A REGISTERED USE:

34. ASSISTED LIVING, RESIDENTIAL CARE, AND SOBER LIVING HOMES, SUBJECT TO THE FOLLOWING:
- A. THE HOME HAS NO MORE THAN ~~6~~ 5 RESIDENTS, NOT INCLUDING STAFF (UNLESS PERMITTED BY A.R.S. 36-582.A.); OR
 - B. FOR A HOME WITH ~~7~~ 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH ~~7~~ 6 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.

Amend Chapter 13, Section 1306. (Land Use Matrix) to read as follows, and renumber and alphabetize accordingly:

TABLE 1306.1 LAND USE MATRIX

CATEGORY: RESIDENTIAL USES	T3	T4	T5:2	T5:3	T5:5	T5:6	T5:7	T6:7 T6:15	T6:22 T6:H WR

ADULT DAY CARE HOME									
1-4 PERSONS	PC	PC	PC	P	P	P	NP	NP	NP
5-10 PERSONS	NP	UP	UP	P	P	P	NP	NP	NP
Assisted Living Home									
1-10 residents	NPPC	PC	PC	PC	PC	PC	P	P	P
Assisted Living Home CENTER									
11+ residents	NP	UP	UP	P	P	P	P	P	P
Dependent Care Facility									
1-6 residents	PC	PC	PC	P	P	P	NP	NP	NP
DEPENDENTS									
Dependent Care Facility									
7-12 residents	NP	UP	UP	P	P	P	NP	NP	NP
DEPENDENTS									

GROUP FOSTER HOME									
NP	UP	UP	P	P	P	P	P	P	P
Group Home for the Handicapped									
5-10 residents (not including staff)	PC	PC	PC	PC	PC	PC	NP	NP	NP
11+ residents	NP	PC	PC	PC	PC	PC	NP	NP	NP
NURSING HOME	NP	UP	UP	P	P	P	P	P	P
RESIDENTIAL CARE HOME									
1-10 RESIDENTS	PC	PC	PC	PC	PC	PC	P	P	P
RESIDENTIAL CARE CENTER									
11+ RESIDENTS	NP	UP	UP	P	P	P	P	P	P
SOBER LIVING HOME									
1-10 RESIDENTS	PC	PC	PC	PC	PC	PC	P	P	P

C. Residential Uses, Land Use Conditions.

1. ADULT DAY CARE HOME.

- A. OUTDOOR RECREATION AREAS SHALL BE SCREENED FROM ADJACENT PROPERTIES BY A 6-FOOT-HIGH LANDSCAPE HEDGE, SOLID FENCE, OR SOLID WALL.

42. **Assisted Living, RESIDENTIAL CARE, AND SOBER LIVING HOME.**

- a. ~~Such home shall be licensed by the State of~~ THE HOME HAS NO MORE THAN 6 5 RESIDENTS, NOT INCLUDING STAFF (UNLESS PERMITTED BY A.R.S. 36-582.A.); OR
- B. FOR A HOME WITH 7 6 TO 10 RESIDENTS, NOT INCLUDING STAFF, THE FOLLOWING CONDITIONS SHALL APPLY:
 - 1) ~~SUCH HOME SHALL COMPLY WITH THE STANDARDS OF THIS SECTION AND BE REGISTERED AS PROVIDED IN SECTION 701.~~
SUCH HOME SHALL BE REGISTERED WITH, AND ADMINISTRATIVELY VERIFIED BY THE PLANNING AND DEVELOPMENT DEPARTMENT DIRECTOR'S DESIGNEE, AS TO COMPLIANCE WITH THE STANDARDS OF THIS SECTION AS PROVIDED IN SECTION 701.
 - 2) NO ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME SHALL BE LOCATED ON A LOT WITH A PROPERTY LINE WITHIN 1,320 FEET, MEASURED IN A STRAIGHT LINE IN ANY DIRECTION OF THE LOT LINE OF ANOTHER ASSISTED LIVING, RESIDENTIAL CARE, OR SOBER LIVING HOME THAT HAS BEEN REGISTERED WITH 7 6 TO 10 RESIDENTS.
 - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.

23. **Dependent Care Facility.**

- a. One to ~~six~~6 residents DEPENDENTS: standards as per Section 608.D.1. Use permit required for ~~seven~~7 to 12 residents DEPENDENTS.

3. ~~Group Homes for the Handicapped.~~

- a. ~~No such home is located on a lot with a property line within 1,320 feet, measured in a straight line in any direction, of the lot line of another such group home.~~
- b. ~~Such home is registered with, and administratively approved by, the Zoning Administrator.~~
- c. ~~The subject property must be at least 1,320 feet away from another registered handicapped group home that has six to ten residents.~~

- d. ~~Notwithstanding the foregoing, group homes shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.~~

TABLE 1306.1 LAND USE MATRIX

CATEGORY: ASSEMBLY USES	T3	T4	T5:2	T5:3	T5:5	T5:6	T5:7	T6:7 T6:15	T6:22 T6:H WR

Day Care (ADULT DAY CARE CENTER AND CHILD CARE), Nursery School	PC	PC	P	P	P	P	P	P	P

D. Assembly Uses, Land Use Conditions.

4. Day Care (ADULT DAY CARE CENTER AND CHILD CARE)/Nursery School.
- a. Outdoor uses or activities must be screened by a minimum six-foot-high solid decorative fence or wall.

TABLE 1306.1 LAND USE MATRIX

CATEGORY: SERVICES	T3	T4	T5:2	T5:3	T5:5	T5:6	T5:7	T6:7 T6:15	T6:22 T6:H WR

HOSPICE	NP	UP	UP	P	P	P	P	P	P

Amend Chapter 13, Section 1307. (Parking standards) to read as follows:

TABLE 1307.1. MINIMUM REQUIRED VEHICULAR PARKING

USE	Measure	T3	T4	T5 1-5 stories	T5 6-10 stories	T6

Assisted Living AND RESIDENTIAL CARE CENTER; and Group Home; AND HOSPICE	per bedroom	1	0.75	0.75		0.5

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audiotape or computer diskette. Please contact Nici Wade at Voice (602) 495-0256 or the City TTY Relay at (602) 534-5500.