

# PHOENIX CITY COUNCIL FORMAL AGENDA



Mayor Greg Stanton

Vice Mayor  
District 4  
Laura Pastor

District 1  
Thelda Williams

District 2  
Jim Waring

District 3  
Debra Stark

District 5  
Daniel Valenzuela

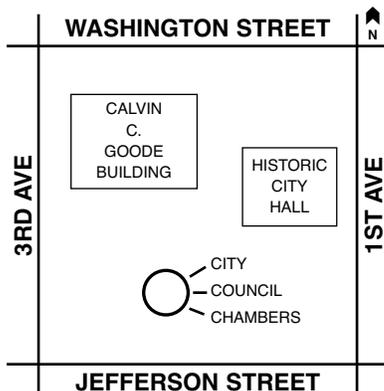
District 6  
Sal DiCiccio

District 7  
Michael Nowakowski

District 8  
Kate Gallego

*Online agendas and  
results available at  
[www.phoenix.gov](http://www.phoenix.gov)*

City Council Chambers  
200 W. Jefferson St.  
Phoenix, AZ 85003



## WELCOME!

Thank you for participating in the process of representative local government. We welcome your interest and hope you and your neighbors will often attend Phoenix City Council meetings. Democracy cannot endure without an informed and involved electorate.

Phoenix operates under a Council-Manager form of local government. Policy is set by the Mayor and Council, and the City Manager, who is appointed by the Council, directs staff to carry out the policies. This separation of policy-making and policy administration is considered the most economical and efficient form of city government.

## FORMAL CITY COUNCIL MEETINGS

The Council generally holds formal meetings at 2:30 p.m. on Wednesdays to take official action on Ordinances, Resolutions, and other items on the agenda. Although the formal agenda is subject to change, all changes to the printed agenda will be available at least 24 hours prior to the meeting. Visit <https://www.phoenix.gov/cityclerk/publicmeetings> to view the agenda and meeting schedule.

The formal meeting may appear to proceed very quickly, with important decisions reached with little discussion. However, councilmembers receive the agenda the week prior to the meeting, giving them the opportunity to study every item and to ask questions of City staff members. If no additional information is presented at the meeting, action may be taken without discussion.

## HOW CITIZENS CAN PARTICIPATE

The public may request to address the Council regarding an agenda item by submitting a yellow Request to Speak card at the meeting, or may submit a white card to state their support or opposition to an item for the record without speaking. Individuals should arrive and submit a card by the beginning of the meeting, before action is taken on the item. After action has been taken on an item, cards will not be accepted.

In addition, Citizen Comments are heard for up to 15 minutes at the start of the regular formal meeting and, if necessary, for up to 15 minutes (unless extended by the Chair) before adjournment or recess provided a quorum of the Council is present. Any member of the public will be given three minutes to address the Council on issues of interest or concern to them. Speakers will be called in the order in which requests to speak are received. As mandated by the Arizona Open Meeting Law, officials will not discuss matters raised during the Citizen Comment session, but may respond to personal criticism, and may direct staff to follow-up with the citizen.

If you have an individual concern involving the City, you are encouraged to contact your District councilmember at 602-262-7029 or the City Manager's Office at 602-262-4449. To reach the Mayor's Office, call 602-262-7111. We will do everything possible to be responsive to your individual requests.

## REGISTERED LOBBYISTS

Individuals paid to lobby on behalf of persons or organizations other than themselves must register with the City Clerk prior to lobbying or within five business days thereafter and must re-register annually. If you have any questions about registration or whether or not you must register, visit <https://www.phoenix.gov/cityclerk/publicmeetings> or contact the City Clerk's Office at 602-256-3186.

## ACCESSIBILITY

An assistive listening system is available in the Council Chambers for individuals with hearing loss. Obtain a headset unit at the entrance table in the Chambers. In addition, the City Clerk's Office will provide sign language interpreting services. Please call 602-256-3186 or Relay 7-1-1 as early as possible to coordinate needed arrangements.

Si necesita asistencia o traducción en español, favor de llamar lo mas pronto posible a la oficina de la Secretaría Municipal de Phoenix al 602-256-3186.

# City of Phoenix Council members and district boundaries



**Mayor Greg Stanton**  
602-262-7111  
mayor.stanton@phoenix.gov



**Thelda Williams**  
602-262-7444  
council.district.1@phoenix.gov



**Jim Waring**  
602-262-7445  
council.district.2  
@phoenix.gov



**Debra Stark**  
602-262-7441  
council.district.3@phoenix.gov



**Laura Pastor**  
602-262-7447  
council.district.4@phoenix.gov



**Sal DiCiccio**  
602-262-7491  
council.district.6  
@phoenix.gov



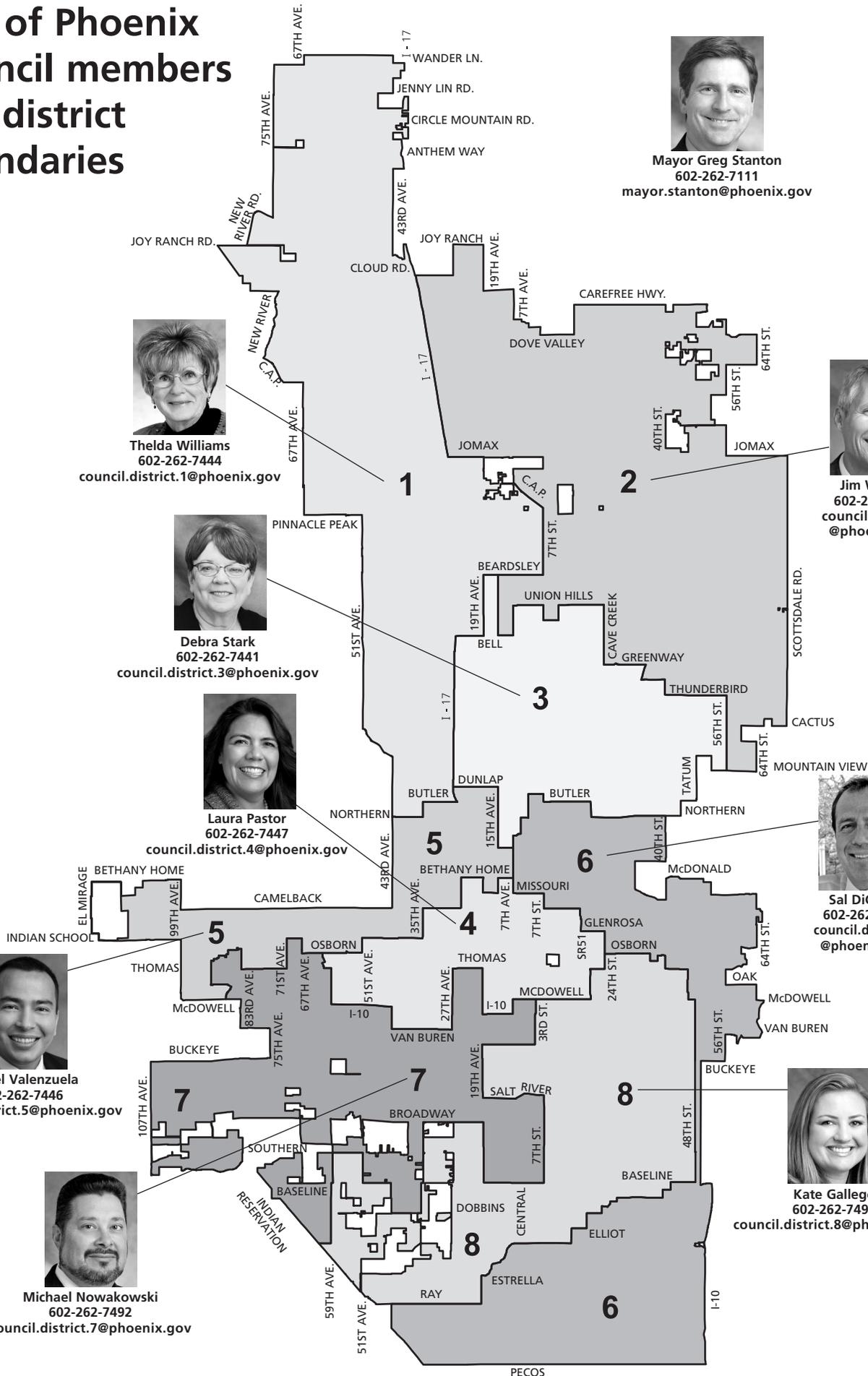
**Daniel Valenzuela**  
602-262-7446  
council.district.5@phoenix.gov



**Kate Gallego**  
602-262-7493  
council.district.8@phoenix.gov



**Michael Nowakowski**  
602-262-7492  
council.district.7@phoenix.gov





# Agenda City Council Formal Meeting

Wednesday, June 21, 2017

2:30 PM

phoenix.gov

## CALL TO ORDER AND ROLL CALL

## CITIZEN COMMENTS

## BOARDS AND COMMISSIONS

- 1 Mayor's Appointments to Boards and Commissions Page 13
- 2 City Council Appointments to Boards and Commissions Page 17

## LIQUOR LICENSES, BINGO, AND OFF-TRACK BETTING LICENSE APPLICATIONS

- 3 Liquor License - Bamboo Cafe District 1 - Page 19
- 4 Liquor License - Anzio's Italian Restaurant District 1 - Page 21
- 5 Liquor License - Cuban Foods District 1 - Page 26
- 6 Liquor License - Outback Steakhouse #0327 District 2 - Page 31
- 7 Liquor License - Ncounter District 2 - Page 33
- 8 (CONTINUED FROM MAY 31, 2017) - Liquor License - MJ Mini Mart District 3 - Page 38
- 9 (CONTINUED FROM MAY 31, 2017) - Liquor License - MKS Quick Stop District 3 - Page 40
- 10 Liquor License - 32 Shea District 3 - Page 42
- 11 Liquor License - Outback Steakhouse #0313 District 3 - Page 44
- 12 Liquor License - Outback Steakhouse #0324 District 3 - Page 46
- 13 Liquor License - Target #2236 District 3 - Page 48



- 32 **Galls, LLC, doing business as Galls/Quartermaster Uniforms**
- 33 **SecureLink, Inc.**
- 34 **Lipomed, Inc.**
- 35 **Forensic Science Consultants, Inc., doing business as Forensic Testing Services**
- 36 **Settlement of Claim *Detter v. City of Phoenix***
- 37 **SAP Public Services Inc.**
- 38 **Tata America International Corporation**
- 39 **Kustom Signals, Inc.**
- 40 **ICL Performance Products, LP**
- 41 **City of Glendale**
- 42 **United Technologies, Inc., doing business as Uni-Tech**
- 43 **Investigative Research, Inc.**
- 44 **Emerson Network Power, Liebert Services, Inc.**
- 45 **Silent Protection, LLC**
- 46 **Mercury Associates, Inc.**
- 47 **FCI Constructors, Inc.**

**ADMINISTRATION**

- 48 **Public Hearing on Proposed Property Tax Levy, Truth in Taxation and Adoption of the Final 2017-18 Annual Budget** Citywide - Page 81
  - 49 **Convening of Special Meeting of the City Council** Citywide - Page 82
  - 50 **Adoption of the Final 2017-18 Operating Funds Budget** Citywide - Page 83
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(Ordinance S-43653)

- 51 **Adoption of the Final 2017-18 Capital Funds Budget (Ordinance S-43667)** Citywide - Page 92
- 52 **Adoption of the Final 2017-18 Reappropriated Funds Budget (Ordinance S-43654)** Citywide - Page 98
- 53 **Amend Ordinance S-42624 Adopting the 2016-17 Annual Budget for Operating Funds (Ordinance S-43651)** Citywide - Page 109
- 54 **Amend Ordinance S-42626 Adopting the 2016-17 Final Reappropriation Budget (Ordinance S-43650)** Citywide - Page 114
- 55 **Electron Microscope Maintenance Agreement - RFA 17-170 (Ordinance S-43643)** Citywide - Page 118
- 56 **Fleet Services Division Towing Services - IFB 12-120A (Ordinance S-43649)** Citywide - Page 119
- 57 **Purchase of Runway Friction Tester - General Services Administration (GSA) GS-07F-095DA (Ordinance S-43652)** District 8 - Page 120
- 58 **Closed Captioning Services - IFB 17-168 (Ordinance S-43674)** Citywide - Page 121
- 59 **Water Services Department Office and Equipment Relocation and Reconfiguration (Ordinance S-43677)** Citywide - Page 123
- 60 **Purchase of Smart Ray Vision X-Ray System - RFA 17-186 (Ordinance S-43683)** Citywide - Page 125
- 61 **Adopt Maricopa County Contract for Electronic Resources and Multimedia Downloads - Agreement 171101-S (Ordinance S-43684)** Citywide - Page 126
- 62 **Hardware and Software Maintenance for Mug Photo Workstations - State of Arizona Cooperative Contract - ADSP013-038745 (Ordinance S-43686)** Citywide - Page 128
- 63 **Long Term Disability Program Medical Review Physician Services** Citywide - Page 130
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- 64 **Life Insurance Services** Citywide - Page 131
- 65 **Professional Services for Network Support (Ordinance S-43706)** Citywide - Page 133
- 66 **Authorization to Enter into Agreements with Selected Lawyers and Law Firms to Provide Outside Counsel Services (Ordinance S-43671)** Citywide - Page 135
- 67 **Sharing of Telecommunications Facilities between the City of Phoenix and City of Peoria (Ordinance S-43689)** District 1 - Page 139
- 68 **Resolution to Authorize Increase to Amortization Period for Public Safety Personnel Retirement System Plan and to Establish the Public Safety Personnel Retirement System Reserve Fund (Resolution 21552)** Citywide - Page 140

### **COMMUNITY SERVICES**

- 69 **(CONTINUED FROM MAY 31, 2017) - HUD Rental Assistance Demonstration Rehabilitation of Foothills Village Public Housing Community (Ordinance S-43579) - REQUEST TO CONTINUE** District 7 - Page 144
- 70 **Amend CDBG Public Facilities Grant Recipient Ordinance (Ordinance S-43647)** Citywide - Page 148
- 71 **Policy Regarding Proceeds of Excess City Land, Including Park Land, Sales and General Fund Payment Plan to Phoenix Parks and Preserve Initiative (PPPI) for Golf (Ordinance S-43701)** Citywide - Page 149

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District 8

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- 75 **Award of Contract for Public Safety Relationship By Objectives and Strategic Plan Process Facilitation (Ordinance S-43704)** Citywide - Page 157
- 76 **Award of Contract for Radiology Read Services for the Fire Department (Ordinance S-43705)** Citywide - Page 159
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- 78 **Contract Amendment with BCFS Health and Human Services for Consulting Services (Ordinance S-43699)** Citywide - Page 163
- 79 **Authorization to Enter into Agreement with Arizona State University for Research on Enhanced Collaborative Model to Combat Human Trafficking Grant (Ordinance S-43698)** Citywide - Page 164
- 80 **Authorization to Apply for, Accept, and Enter into an Agreement with Arizona Criminal Justice Commission for 2018 Full-Service Crime Laboratory Grant Program (Ordinance S-43702)** Citywide - Page 165

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- 82 **PHX Sky Train Stage 2 Fixed Facilities Construction Manager at Risk Design Phase Services - AV10000011 (Ordinance S-43669)** District 8 - Page 168
- 83 **PHX Sky Train Stage 2 System Designer Technical Consultant Services Amendment 3 - AV10000011 (Ordinance S-43673)** District 8 - Page 170
- 84 **PHX Sky Train Stage 2 Fixed Facilities Construction Manager at Risk Construction Phase Services - AV10000011 (Ordinance S-43680)** District 8 - Page 172
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| 85 | <b>American Association of Airport Executives ANTN<br/>Digicast On-Line Training System (Ordinance S-43670)</b>  | District 1 - Page 174<br>District 8<br>Out of City |
| 86 | <b>Replace Restricted Area Signage at Phoenix Sky Harbor<br/>International Airport - IFB 17-012 (Ordinance S-43668)</b>  | District 8 - Page 175                              |
| 87 | <b>Wildlife Management Services at Phoenix Sky Harbor<br/>International Airport - AVN RFP17-001 (Ordinance<br/>S-43694)</b>                                      | District 1 - Page 177<br>District 8<br>Out of City |
| 88 | <b>Fare Policy Amendment to Light Rail Ticket Partnership<br/>Program (Ordinance S-43691)</b>  | Citywide - Page 179                                |
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| 90 | <b>ThermAir Integrated Technologies Contract<br/>Recommendation (Ordinance S-43664)</b>  | District 7 - Page 183                              |
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| 94 | <b>Exemption for Unmarked City Vehicles (Resolution<br/>21551)</b>   | Citywide - Page 188                                |
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| 96 | <b>Margaret T. Hance Park Master Plan Implementation<br/>Design Services - PA75200553 (Ordinance S-43648)</b>  | District 7 - Page 192                              |
| 97 | <b>First Street: McKinley Street to Moreland Street,<br/>Design-Bid-Build - ST87750140 (Ordinance S-43655)</b>   | District 7 - Page 194                              |
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- 99 **Subsurface Utility Excavation Services Program Two-Step Job Order Contract - 4108JOC154 (Ordinance S-43657)** Citywide - Page 198
- 100 **Water Main Replacement: Southern Avenue to Roeser Road / 15th to 7th Avenues & Southern Avenue to Roeser Road / 7th to Central Avenues - Construction Manager at Risk Design Phase Services (WS85509009 & WS85509014) (Ordinance S-43660)** District 7 - Page 200
- 101 **Lift Station 43 Electrical and Civil Improvements Construction Administration and Inspection Services - WS90400070 and WS90400028 (Ordinance S-43666)** District 7 - Page 202
- 102 **Pavement Restoration Services Two-Step Job Order Contract - 4108JOC155 (Ordinance S-43675)** Citywide - Page 204
- 103 **Salt River Project Land Use License for City of Phoenix Grand Canalscape Phase I, Signalized Pedestrian Crossings - ST87600074 (Ordinance S-43678)** District 4 - Page 206  
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- 104 **Salt River Project Facilities Relocation Agreement for Electrical Facility for City of Phoenix Chandler Boulevard, 27th Avenue to 19th Avenue Project - ST85100367 (Ordinance S-43679)** District 6 - Page 207
- 105 **Salt River Project Facilities Relocation Agreement for Electrical Facility for City of Phoenix - 32nd Street, Southern Avenue to Broadway Road Project - ST85100245 (Ordinance S-43681)** District 8 - Page 208
- 106 **Rio Salado Pathway: 32nd Street Alignment to SR143/Hohokam Freeway, Design-Bid-Build - ST87600079 (Ordinance S-43682)** District 6 - Page 209  
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- 107 **Lake Pleasant Water Treatment Plant Operating Costs (Ordinance S-43644)** Citywide - Page 211
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| 108 | <b>Purchase of Replacement Turbine Pump Parts (Ordinance S-43658)</b>                            | District 2 - Page 212 |
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| 110 | <b>Flow Meters, Replacement Parts and Services - Requirements Contract (Ordinance S-43661)</b>   | Citywide - Page 216   |
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**PLANNING AND ZONING MATTERS**

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| 117 | <b>Modification of Stipulation Request for Ratification of May 17, 2017 Planning Hearing Officer Action - Z-135-F-79-6</b> | District 6 - Page 233 |
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| 119 | <b>Final Plat - Enterprise Deer Valley - 170022 - Southeast Corner of Parkview Lane and 19th Avenue</b>                    | District 1 - Page 240 |
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| 122 | <b>Amend Ordinances Adopted on May 10, 2017 to Accept and/or Dedicate Easements (Ordinance S-43695)</b>  | District 1 - Page 243               |
| 123 | <b>Acceptance and Dedication of Deeds and Easements for Sidewalk and Roadway Purposes (Ordinance S-43696)</b>  | District 1 - Page 244<br>District 8 |
| 124 | <b>Acceptance of Easements for Public Utility Purposes (Ordinance S-43697)</b>   | District 2 - Page 246<br>District 8 |
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| 127 | <b>Amend City Code - Public Hearing and Ordinance Adoption - Group Home Facilities Text Amendment - Z-TA-22-08 (Ordinance G-6331)</b>                                | Citywide - Page 253                 |
| 128 | <b>Group Home Consulting Services - Requirements Contract Recommendation - RFQ 17-190 (Ordinance S-43685)</b>  | Citywide - Page 491                 |

**REPORTS FROM CITY MANAGER, COMMITTEES OR CITY OFFICIALS****CITIZEN COMMENTS****ADJOURN**



City of Phoenix

## City Council Formal Meeting

### City Council Report

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Agenda Date: 6/21/2017, Item No. 1

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#### **Mayor's Appointments to Boards and Commissions**

##### **Summary**

This item transmits the Mayor's recommendations for appointments and reappointments to various city boards and commissions.

##### **Responsible Department**

This item is submitted by the Mayor's Office.



## City of Phoenix

**To:** City Council  
**From:** Greg Stanton  
Mayor

**Date:** June 13, 2017

**Subject:** BOARDS AND COMMISSIONS

The purpose of this memo is to provide recommendations for appointments to the following Boards and Commissions:

### **Assisted Housing Governing Board**

I recommend the following individual for appointment:

#### Ruth Wiesehan

Ms. Wiesehan has been appointed by the City of Phoenix Housing Director, Cindy Stotler. She will replace Amador Lopez on the Board and will serve a first full term which will expire on June 30, 2019.

### **Human Services Commission**

I recommend the following individuals for appointment:

#### Jim Domschke

Mr. Domschke has been selected to serve as the Senior Services Representative for Area C by the Human Services Advisory Committee (HSAC). He will serve his first full term which will expire on June 30, 2019.

#### Alejandro Flores

Mr. Flores has been selected to serve as the Community Services Representative for Area B by the Human Services Advisory Committee (HSAC). He is a Clinical Supervisor for Chicanos Por La Causa: Integrated Health and Human Services. He will serve his first full term which will expire on June 30, 2019.

#### Tamara Floyd

Ms. Floyd has been selected to serve as the Community Services Representative for Area C. She is the Program Coordinator for the University of Arizona. She will serve her first full term which will expire on June 30, 2019.

Roberta Mack

Ms. Mack has been selected to serve as the Senior Services Representative for Area B. She is a caregiver coordinator with Arizona Opportunities Industrialization. She will serve her first full term which will expire on June 30, 2019.

Sala Webb

Ms. Webb is a Physician/Medical Director at Mercy Maricopa Integrated Care. She will serve a partial term on the Commission which will expire on June 30, 2018.

I recommend the following individuals for reappointment:

Jack Davis

Mr. Davis has been selected to serve as the Senior Services Representative for Area A by the Human Services Advisory Committee (HSAC). He will serve his third term which will expire on June 30, 2019.

Trina Soderquist

Ms. Soderquist was selected to serve as the Head Start Representative for Area A. She will serve her first full term which will expire on June 30, 2019.

Susan Levy

Ms. Levy will serve her first full term on the Commission which will expire on June 30, 2020.

Bonnie Temme

Ms. Temme will serve her first full term on the Commission which will expire on June 30, 2020.

**Phoenix Business and Workforce Development Board**

I recommend the following individual for appointment:

Anthony Gauthier

Mr. Gauthier is the financial secretary and treasurer of U.A. Local 469. He replaces Alan Ruda, and will serve his first full term which will expire on July 1, 2020.

I recommend the following individuals for reappointment:

Kelly Coats

Ms. Coats will serve a second term which will expire on June 30, 2020.

Delbert Hawk

Mr. Hawk will serve a second term which will expire on June 30, 2020,

Jeff Holly

Mr. Holly will serve his first full term which will expire on June 30, 2020.

Jesus Love

Mr. Love will serve his first full term which will expire on June 30, 2020.

### **Parks and Preserve Initiative Oversight Committee**

I recommend the following individual for appointment:

John Furniss

Mr. Furniss is the information technology services executive for GuideIT, LLC and a resident of District 6. He fills a vacancy on the Committee and will serve his first full term which will expire on May 30, 2020.

### **Neighborhood Block Watch Fund Oversight Committee**

I recommend the following individual for reappointment:

Carmen Arias

Ms. Arias will serve a second term which will expire on Aug. 31, 2019. She will also serve as the Chair of the Committee which will expire on Aug. 31, 2018.

Thank you for your consideration.



City of Phoenix

## City Council Formal Meeting

### City Council Report

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Agenda Date: 6/21/2017, Item No. 2

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#### **City Council Appointments to Boards and Commissions**

##### **Summary**

This item transmits recommendations from the Council for appointment or reappointment to City Boards and Commissions

##### **Responsible Department**

This item is submitted by the City Council Office.



## City of Phoenix

**To:** Mayor and City Council **Date:** June 13, 2017  
**From:** Penny Parrella  
Executive Assistant to the City Council  
**Subject:** BOARDS AND COMMISSIONS- CITY COUNCIL APPOINTEES

The purpose of this memo is to provide recommendations for appointments to the following Committees:

### **Ahwatukee Foothills Village Planning Committee**

Councilman Sal DiCiccio recommends the following individual for appointment:

#### Martha Neese

Ms. Neese is the owner at Von Hanson's Meats & Spirits and a resident of District 6. She fills a vacancy on the Committee and will serve a term which will expire Nov. 19, 2019.



## **Liquor License - Bamboo Cafe**

Request for a liquor license. Arizona State License 12077261.

### **Summary**

#### Applicant

Bethany Tsang, Agent

#### License Type

Series 12 - Restaurant

#### Location

6615 W. Happy Valley Road, Ste. 110

Zoning Classification: C-2

Council District: 1

This request is for an acquisition of control of an existing liquor license for a restaurant. This location is currently licensed for liquor sales.

The sixty-day limit for processing this application is June 26, 2017.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications and not to the location.

#### Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

#### Public Opinion

No protest or support letters were received within the 20-day public comment period.

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the

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applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
“She (Connie Tsang) is over 25 years old. She can take over the business and operate well.”

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



## Liquor License - Anzio's Italian Restaurant

Request for a liquor license. Arizona State License 1207B012.

### Summary

#### Applicant

Kevin Mollohan

#### License Type

Series 12 - Restaurant

#### Location

12418 N. 28th Drive, Ste. 1

Zoning Classification: C-1

Council District: 1

This request is for a new liquor license for a restaurant. This location is currently licensed for liquor sales with a Series 7 - Beer and Wine Bar, liquor license.

The sixty-day limit for processing this application is June 30, 2017.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

#### Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Anzio's Italian Restaurant (Series 7)

12418 N. 28th Drive, Ste. 1, Phoenix

Calls for police service: 9

Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"Because I am a well established business that's been in business for over 30 years. On multiple occasions I have demonstrated my ability to responsibly serve others."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
"We are a neighborhood favorite established restaurant with over 30 years of responsible service to customers. We feel this would be a benefit to our patrons to serve hard alcohol with their Italian entree's. Furthermore, we have been frequently asked for this service by our patrons."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Anzio's Italian Restaurant  
Liquor License Map - Anzio's Italian Restaurant

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.

# Liquor License Data: Anzio's Italian Restaurant

## Liquor License

Description	Series	1 Mile	1/2 Mile
Beer and Wine Bar	7	1	1
Liquor Store	9	1	0
Beer and Wine Store	10	5	3
Hotel	11	2	1
Restaurant	12	4	2
Club	14	1	0

## Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	11.37	30.65	43.20
Violent Crimes	1.74	4.24	7.21

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

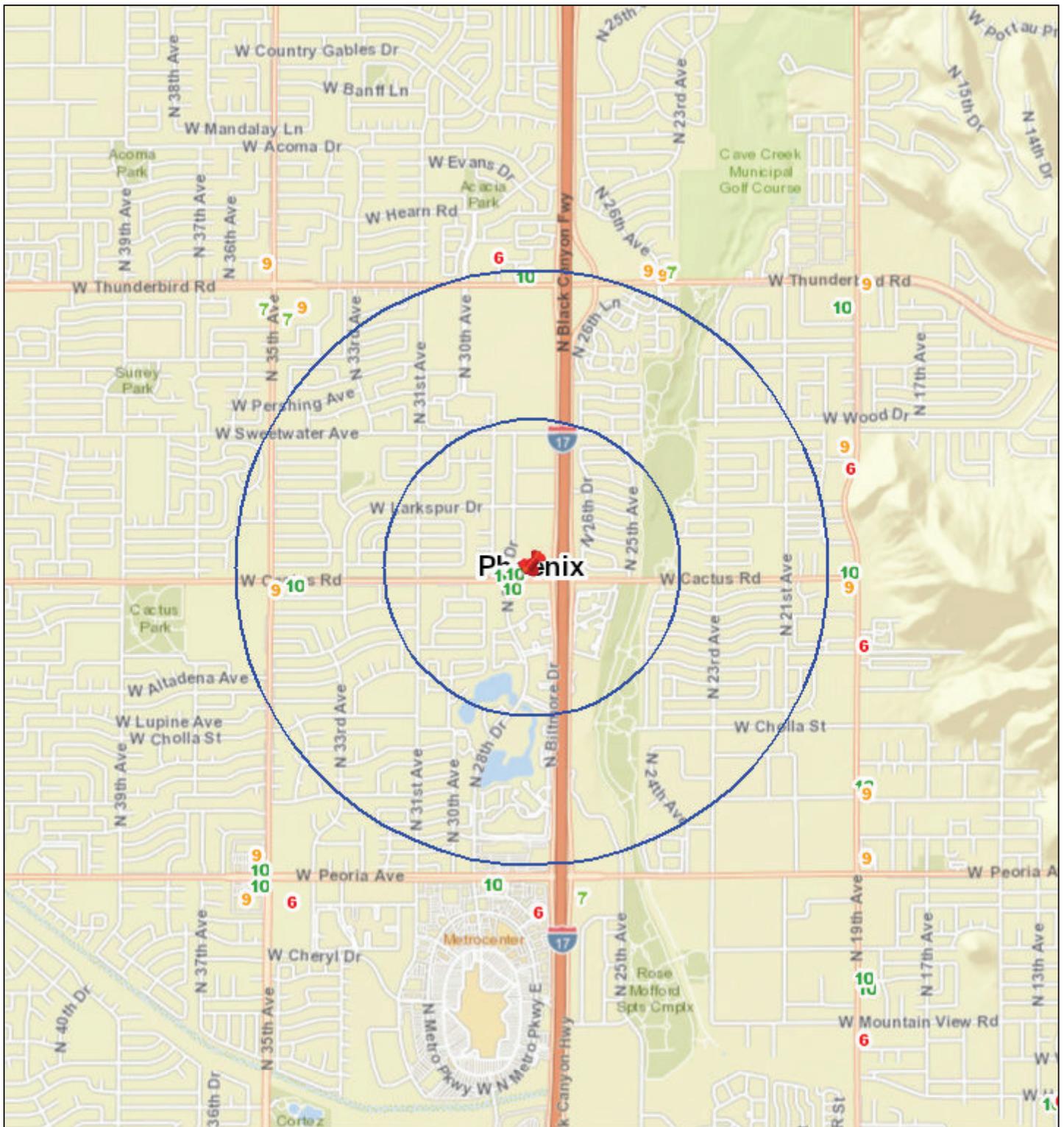
## Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	64	136
Total Violations	118	220

### Census 2010 Data 1/2 Mile Radius

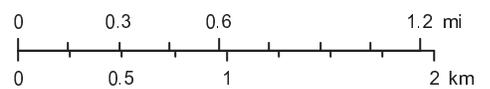
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1039002	1483	36 %	13 %	10 %
1039004	1522	83 %	0 %	5 %
1040001	1260	45 %	19 %	36 %
1040002	1257	0 %	0 %	9 %
1040003	1994	97 %	0 %	11 %
1043011	1780	83 %	0 %	13 %
1043021	1469	9 %	28 %	7 %
1043022	1902	53 %	15 %	15 %
1044011	2363	68 %	12 %	12 %
1044012	1594	19 %	9 %	38 %
Average		61 %	13 %	19 %

# Liquor License Map: Anzio's Italian Restaurant



June 2, 2017

1:36,112



mapservices@phoenix.gov  
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



## Liquor License - Cuban Foods

Request for a liquor license. Arizona State License 1207B013.

### Summary

#### Applicant

Manuel Cias Hernandez, Agent

#### License Type

Series 12 - Restaurant

#### Location

10649 N. 43rd Ave.

Zoning Classification: C-2

Council District: 1

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit.

The sixty-day limit for processing this application is June 30, 2017.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

#### Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

#### Public Opinion

No protest or support letters were received within the 20-day public comment period.

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the

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applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
“In my past years of business I have manage to build a team of responsible, reliable and hard working individuals. Together we proudly share a piece of our culture with the public. In my years in the business I have develop a system to prevent incidents and create an enjoyable experience for both our employees and the customers.  
Furthermore I am confident that I will be able to defuse and deescalate any situation that might arise.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
“By me obtaining the liquor license we will be sharing a small portion of my culture with the public. We will be able to reach a higher level of comfort and offer more enjoyable experience, and we will get to be a well rounded restaurant. All off course following the guidelines and rules of the City of Phoenix.”

#### Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

#### Attachments

Liquor License Data - Cuban Foods  
Liquor License Map - Cuban Foods

#### **Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.

## Liquor License Data: Cuban Foods

### Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	4	2
Beer and Wine Bar	7	1	0
Liquor Store	9	5	1
Beer and Wine Store	10	5	1
Restaurant	12	4	2

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	11.37	12.79	12.42
Violent Crimes	1.74	1.83	3.39

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

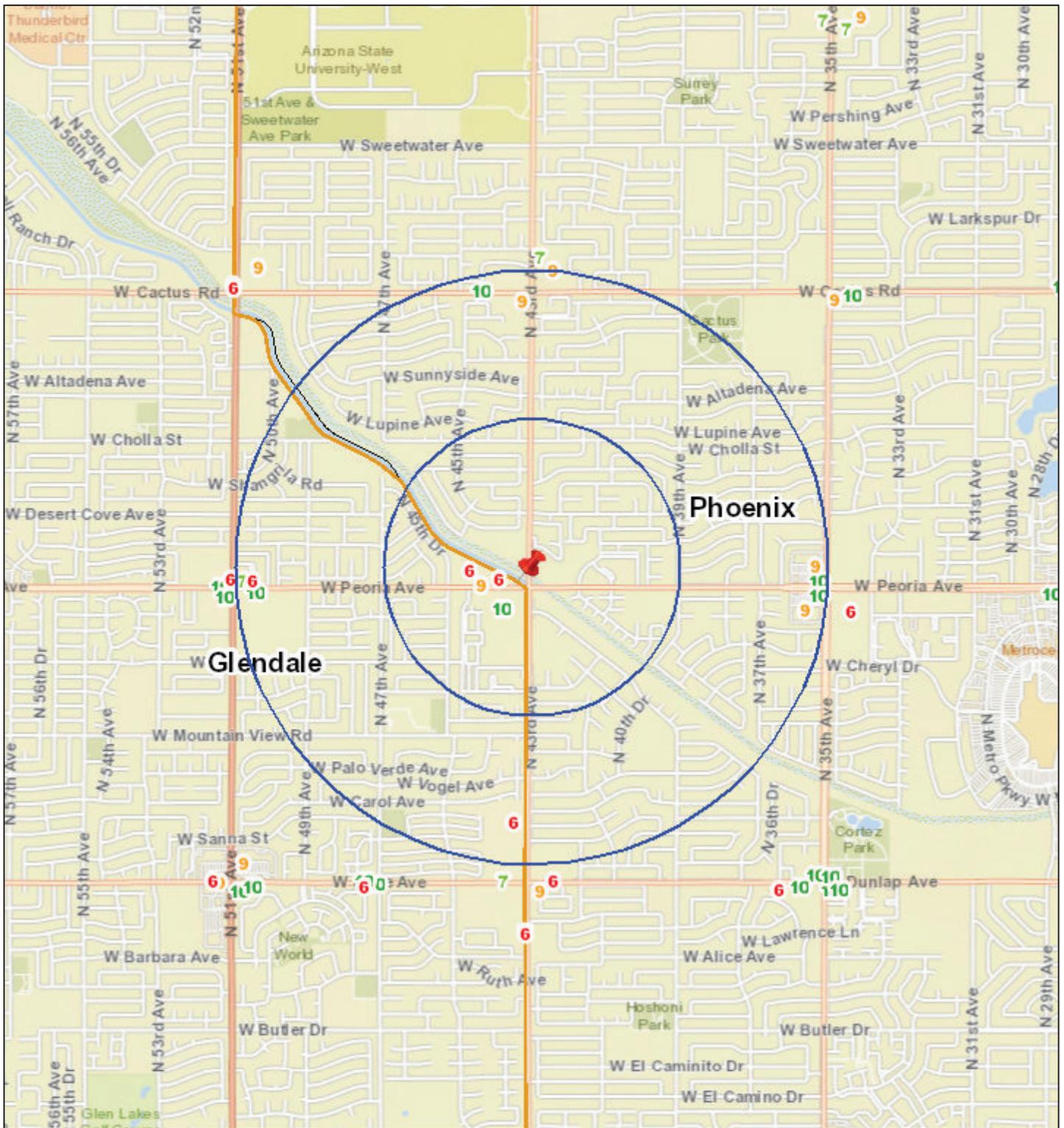
### Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	64	99
Total Violations	117	189

**Census 2010 Data 1/2 Mile Radius**

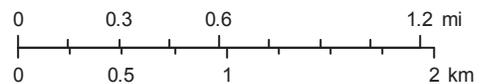
<b>BlockGroup</b>	<b>2010 Population</b>	<b>Owner Occupied</b>	<b>Residential Vacancy</b>	<b>Persons in Poverty</b>
0923082	2515	25 %	8 %	12 %
1042032	1111	71 %	0 %	22 %
1042033	697	9 %	7 %	26 %
1042034	1692	82 %	0 %	3 %
1042035	1364	69 %	4 %	3 %
1042041	1932	95 %	5 %	11 %
1042042	1745	92 %	0 %	7 %
1042051	1264	61 %	16 %	7 %
1042061	1580	92 %	7 %	28 %
1042272	1014	90 %	8 %	15 %
Average		61 %	13 %	19 %

# Liquor License Map: Cuban Foods



May 30, 2017

1:36,112



mapservices@phoenix.gov  
 Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



## **Liquor License - Outback Steakhouse #0327**

Request for a liquor license. Arizona State License 1207B003.

### **Summary**

#### Applicant

Peter Schelstraete, Agent

#### License Type

Series 12 - Restaurant

#### Location

7000 E. Mayo Blvd., Bldg. 25

Zoning Classification: C-2 HGT/WVR PCD

Council District: 2

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The sixty-day limit for processing this application is June 24, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

#### Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

#### Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"Will comply with all federal, state, county and city statutes, rules and requirements. Will ensure employees are properly trained to ensure such compliance in addition to providing a safe, friendly and fun environment for families and friends to gather and enjoy a great meal together."

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



## Liquor License - Ncounter

Request for a liquor license. Arizona State License 1207B011.

### Summary

#### Applicant

Kathryn Blackwell, Agent

#### License Type

Series 12 - Restaurant

#### Location

7000 E. Mayo Blvd., #B8

Zoning Classification: C-2 HGT/WVR PCD

Council District: 2

This request is for a new liquor license for a restaurant. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently being remodeled with plans to open in July 2017.

The sixty-day limit for processing this application is June 27, 2017.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

#### Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor licenses(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for the locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Ncounter (Series 12)

310 S. Mill Ave., Ste. A101, Tempe

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Calls for police service: N/A - not in Phoenix  
Liquor License Violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"I take the responsibility of holding a liquor license with great respect for the safety of our customers and community and expect the same level of respect from our staff and management. Ncounter Franchising holds a liquor license for the same breakfast, brunch, and lunch concept in Tempe as well as a new location under construction in Phoenix. Ncounter Franchising acquired the Tempe location in April 2016. The previous management is still in place that has been managing the restaurant for the past 5 years and will train and oversea the new staff at the new location on First Ave and Mayo Blvd."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:  
"The breakfast, brunch, and lunch restaurant service will offer the local business and residences a comfortable and open air place to gather and socialize. The extended patio at the Mayo location will be a community gathering place for residents, local bicycling and running groups, social groups, as well as the growing number of office staff in the area. The restaurant closes at 3:00p but we plan to make the space available for private functions and celebrations for businesses and residents. The restaurant and its beer and cocktail menu will add value to the growing North Phoenix / Scottsdale area."

Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

Attachments

Liquor License Data - Ncounter  
Liquor License Map - Ncounter

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.

## Liquor License Data: Ncounter

### Liquor License

Description	Series	1 Mile	1/2 Mile
Bar	6	2	0
Beer and Wine Bar	7	2	2
Beer and Wine Store	10	1	1
Restaurant	12	15	13

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	11.37	2.14	2.76
Violent Crimes	1.74	0.15	0.21

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

### Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	64	2
Total Violations	117	3

### Census 2010 Data 1/2 Mile Radius

BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
2168442	1681	50 %	43 %	4 %
2168452	694	23 %	38 %	8 %
6152001	1993	8 %	29 %	12 %
Average		61 %	13 %	19 %





**(CONTINUED FROM MAY 31, 2017) - Liquor License - MJ Mini Mart**

Request for a liquor license. Arizona State License 10076867.

**Summary**

Applicant

Alemu Woldemichael, Agent

License Type

Series 10 - Beer and Wine Store

Location

1201 W. Hatcher Road

Zoning Classification: C-2

Council District: 3

This request is for a new liquor license for a convenience store that does not sell gas. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The sixty-day limit for processing this application was May 30, 2017. However, the applicant has submitted a written request for more time.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

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Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"I have taken the class and passed the test to obtain my alcoholic beverage license. I understand the rules & regulations regarding alcoholic beverages and will be able to comply with them."

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



**(CONTINUED FROM MAY 31, 2017) - Liquor License - MKS Quick Stop**

Request for a liquor license. Arizona State License 10076862.

**Summary**

Applicant

Mahmoud Hamdan, Agent

License Type

Series 10 - Beer and Wine Store

Location

1049 W. Hatcher Road

Zoning Classification: C-2

Council District: 3

This request is for a new liquor license for a convenience store that does not sell gas. This location was previously licensed for liquor sales as Circle K Food Stores Inc. #530 and may currently operate with an interim permit.

The sixty-day limit for processing this application was May 19, 2017. However, the applicant has submitted a written request for more time.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

Four letters, and one petition with four signatures protesting the issuance of this license have been received and are on file in the Office of the City Clerk. The letters are from local businesses. They feel that there are sufficient liquor licenses in the area

and that adding another liquor license will not add to, or benefit the community's quality of life.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "I have more than five years experience in working and supervising the operations of a beer and wine store. I will obtain certification in the liquor laws. I will operate this business in accordance with the law."

Staff Recommendation

Staff recommends approval of this application. Staff gave careful consideration to the protest letters received, however after reviewing the application in its entirety staff is recommending approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



## Liquor License - 32 Shea

Request for a liquor license. Arizona State License 1207B014.

### Summary

#### Applicant

Rexford Moffett, Agent

#### License Type

Series 12 - Restaurant

#### Location

10626 N. 32nd St.

Zoning Classification: C-2

Council District: 3

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The sixty-day limit for processing this application is June 30, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

#### Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Lakeside Bar & Grill (Series 12)  
9980 W. Happy Valley Pkwy., #1101, Peoria  
Calls for police service: N/A - not in Phoenix  
Liquor license violations: None

Bill's Grill (Series 12)  
333 S. Montezuma St., Prescott  
Calls for police service: N/A - not in Phoenix  
Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"I have worked in the restaurant industry for 11 years including the last 10 at Peter Piper Pizza in Phoenix. In 2014 myself and my business partner purchased our first of 3 restaurants in AZ and have held liquor licenses since. We care about the communities we serve and are concerned with the safety and overall experience of our guests and Team Members. We are proud to call Arizona our home and want to provide good food and a relaxing experience for the neighborhood."

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



## **Liquor License - Outback Steakhouse #0313**

Request for a liquor license. Arizona State License 1207A999.

### **Summary**

#### Applicant

Peter Schelstraete, Agent

#### License Type

Series 12 - Restaurant

#### Location

4715 E. Cactus Road

Zoning Classification: C-2 PCD

Council District: 3

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The sixty-day limit for processing this application is June 24, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

#### Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

#### Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"Will comply with all federal, state, county and city statutes, rules and requirements.  
Will ensure employees are properly trained to ensure such compliance in addition to providing a safe, friendly and fun environment for families and friends to gather and enjoy a great meal together."

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



## **Liquor License - Outback Steakhouse #0324**

Request for a liquor license. Arizona State License 1207B002.

### **Summary**

#### Applicant

Peter Schelstraete, Agent

#### License Type

Series 12 - Restaurant

#### Location

9801 N. Black Canyon Hwy.

Zoning Classification: C-2 HGT/WVR PCD

Council District: 3

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales and may currently operate with an interim permit.

The sixty-day limit for processing this application is June 24, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

#### Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

#### Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"Will comply with all federal, state, county and city statutes, rules and requirements.  
Will ensure employees are properly trained to ensure such compliance in addition to providing a safe, friendly and fun environment for families and friends to gather and enjoy a great meal together."

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



## Liquor License - Target #2236

Request for a liquor license. Arizona State License 09073621.

### Summary

#### Applicant

Nicholas Guttilla, Agent

#### License Type

Series 9 - Liquor Store

#### Location

16806 N. 7th St.

Zoning Classification: C-2

Council District: 3

This request is for a new liquor license for a retail store. This location is currently licensed for liquor sales with a series 10, Beer and Wine Store, liquor license.

The sixty-day limit for processing this application was May 30, 2017. However, the applicant has submitted a written request for more time.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

#### Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

#### Public Opinion

No protest or support letters were received within the 20-day public comment period.

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling,

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grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "Target Corporation has been doing business in Arizona since 1984 and is a long-established and proven good neighbor at its locations. Target and its affiliates have over a thousand stores and several hundred liquor licenses nationwide. It intends to continue operating its alcohol sales in the same responsible and successful manner as it has continually done since it started selling alcohol in Arizona in 2004."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because: "Target Corporation prides itself in providing its communities with a large variety of products permitting its guests and neighbors the convenience of "one-stop shopping." The addition of a series 9 liquor license at this existing location will enhance the convenience, offerings, and concept of 'one-stop shopping' for its guests."

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Target #2236

Liquor License Map - Target #2236

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.

## Liquor License Data: Target Store #2236

### Liquor License

Description	Series	1 Mile	1/2 Mile
Beer and Wine Bar	7	2	0
Liquor Store	9	4	2
Beer and Wine Store	10	8	5
Restaurant	12	18	17

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	11.37	31.55	77.91
Violent Crimes	1.74	3.10	7.74

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

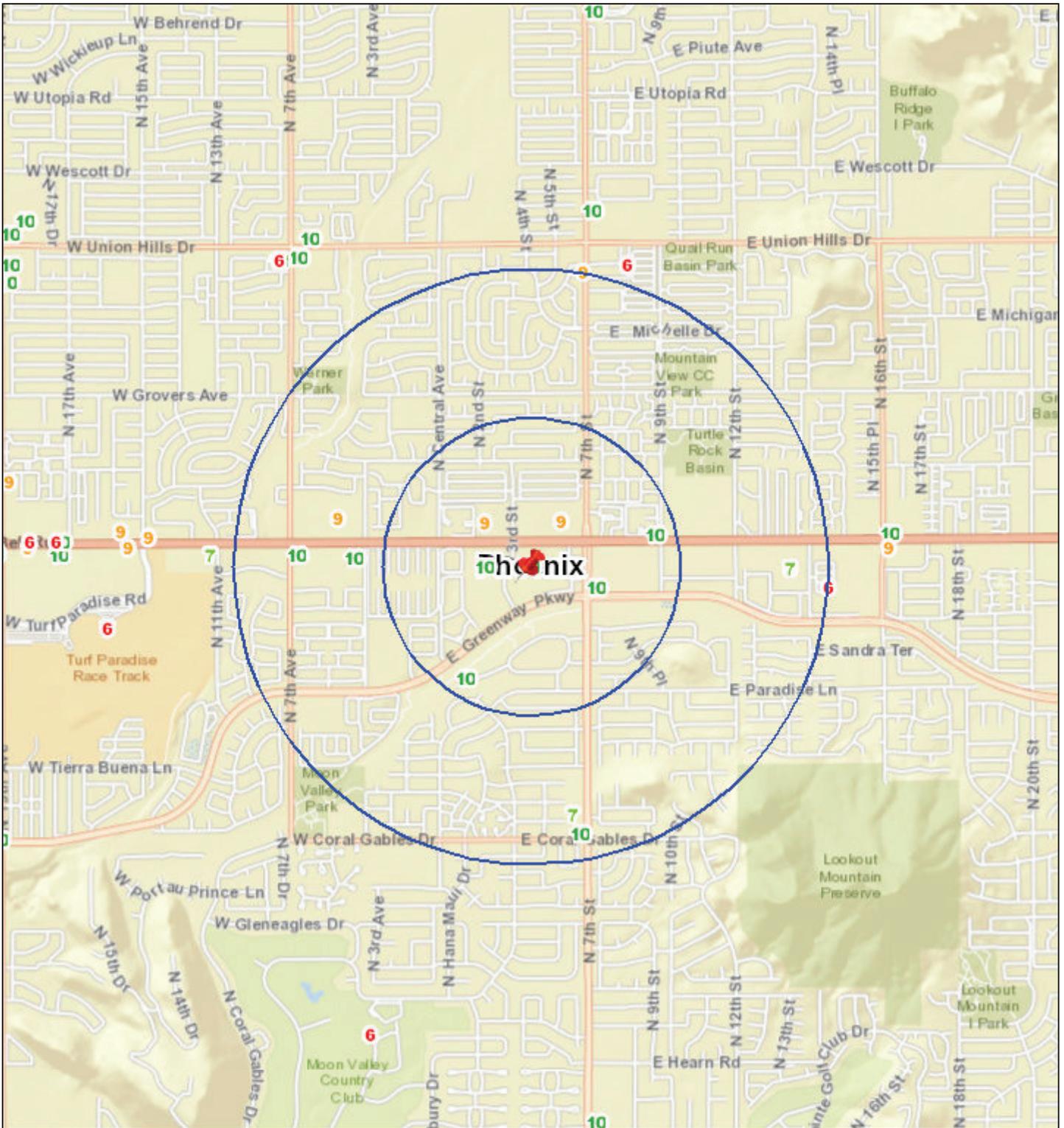
### Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	64	18
Total Violations	117	33

### Census 2010 Data 1/2 Mile Radius

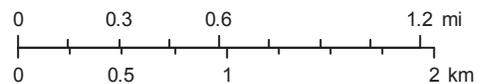
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1036043	1058	42 %	16 %	4 %
1036111	1396	66 %	14 %	3 %
1036112	1335	87 %	10 %	0 %
1036121	649	0 %	41 %	18 %
1036122	1023	87 %	8 %	12 %
1036123	1542	94 %	8 %	0 %
1036124	1189	0 %	19 %	32 %
6189001	1603	54 %	10 %	6 %
6189004	1183	83 %	15 %	1 %
6189005	1013	0 %	37 %	22 %
6191001	2198	0 %	11 %	23 %
6191002	617	22 %	45 %	19 %
6192002	1223	0 %	15 %	29 %
Average		61 %	13 %	19 %

# Liquor License Map: Target Store #2236



May 30, 2017

1:36,112



mapservices@phoenix.gov  
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



## Liquor License - Target #3261

Request for a liquor license. Arizona State License 10076866.

### Summary

#### Applicant

Nicholas Guttilla, Agent

#### License Type

Series 10 - Beer and Wine Store

#### Location

1625 E. Camelback Road

Zoning Classification: C-2 DNS/WVR CEPCSP

Council District: 4

This request is for a new liquor license for a retail store. This location was not previously licensed for liquor sales and does not have an interim permit. This business is currently under construction with plans to open in July 2017.

The sixty-day limit for processing this application was May 28, 2017. However, the applicant has submitted a written request for more time.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

#### Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

#### Public Opinion

No protest or support letters were received within the 20-day public comment period.

### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "Target Corporation has been doing business in Arizona since 1984 and is a long-established and proven good neighbor at its locations. Target and its affiliates have over a thousand stores and several hundred liquor licenses nationwide. It intends to continue operating its alcohol sales in the same responsible and successful manner as it has continually done since it started selling alcohol in Arizona in 2004."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"Target Corporation prides itself in providing its communities with a large variety of products permitting its guests and neighbors the convenience of "one-stop shopping." The addition of a liquor license at this new location will enhance the concept of "one-stop shopping" for its guests."

### Staff Recommendation

Staff recommends approval of this application.

### Attachments

Liquor License Data - Target #3261

Liquor License Map - Target #3261

### **Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.

## Liquor License Data: Target #3261

### Liquor License

Description	Series	1 Mile	1/2 Mile
Wholesaler	4	3	3
Bar	6	3	1
Beer and Wine Bar	7	4	1
Liquor Store	9	6	3
Beer and Wine Store	10	9	4
Hotel	11	2	0
Restaurant	12	29	15

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	11.37	34.55	62.52
Violent Crimes	1.74	3.37	4.77

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

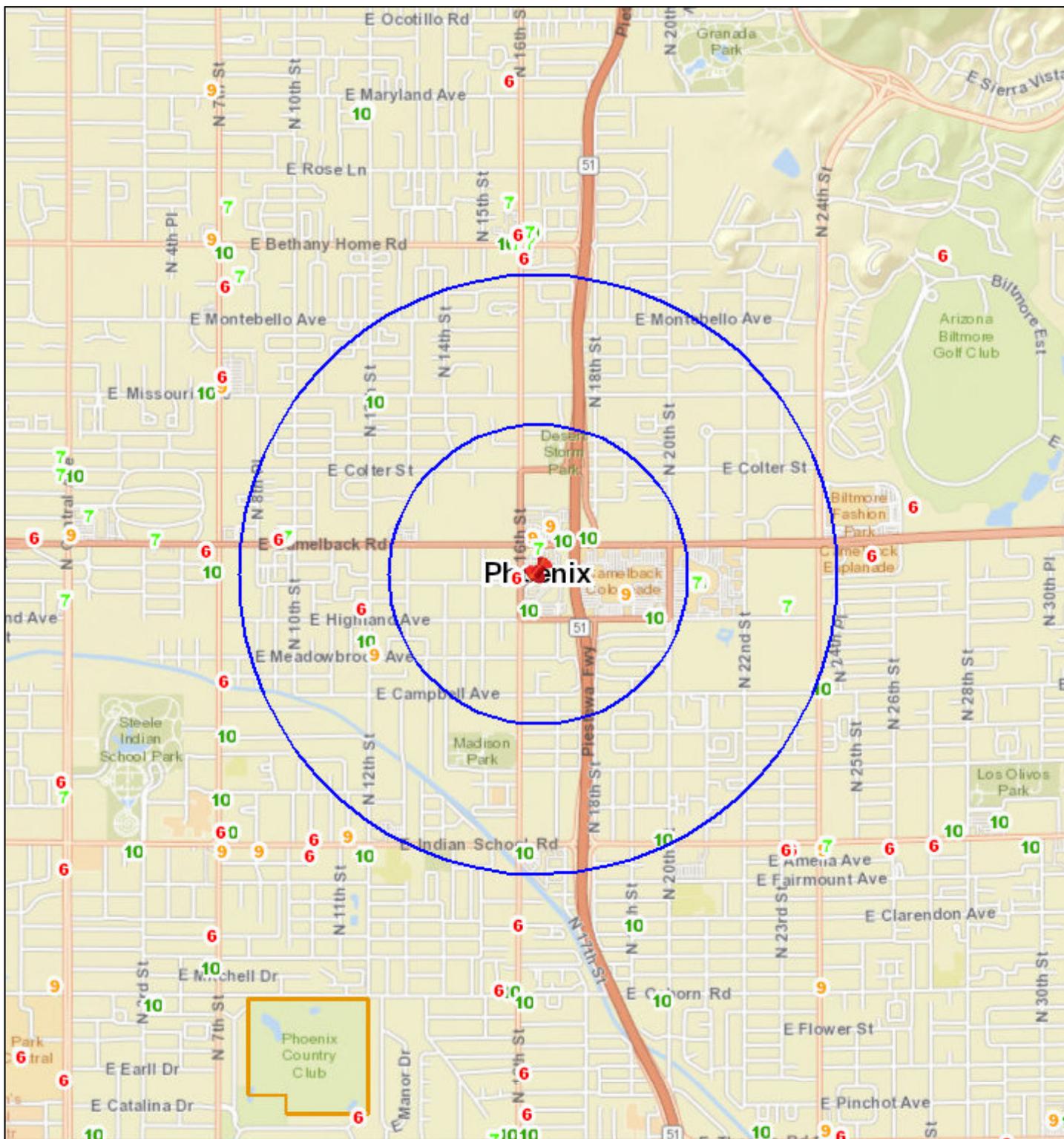
### Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	65	42
Total Violations	119	104

### Census 2010 Data 1/2 Mile Radius

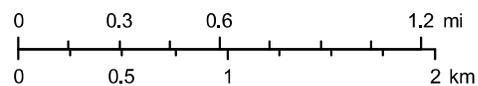
BlockGroup	2010 Population	Owner Occupied	Residential Vacancy	Persons in Poverty
1076022	1734	54 %	18 %	3 %
1077002	738	57 %	10 %	8 %
1077003	457	26 %	26 %	16 %
1077005	736	14 %	6 %	4 %
1085011	1023	33 %	6 %	13 %
1085012	1416	74 %	21 %	4 %
1085024	549	43 %	31 %	15 %
1086021	790	37 %	38 %	22 %
1086022	1187	11 %	25 %	52 %
Average		61 %	13 %	19 %

# Liquor License Map: Target #3261



May 30, 2017

1:36,112



mapservices@phoenix.gov  
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



## **Liquor License - Target #2354**

Request for a liquor license. Arizona State License 09073625.

### **Summary**

#### Applicant

Nicholas Guttilla, Agent

#### License Type

Series 9 - Liquor Store

#### Location

5715 N. 19th Ave.

Zoning Classification: PSC TOD-1

Council District: 5

This request is for a new liquor license for a retail store. This location is currently licensed for liquor sales with a Series 10 - Beer and Wine Store, liquor license.

The sixty-day limit for processing this application was May 30, 2017. However, the applicant has submitted a written request for more time.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

#### Other Active Liquor License Interest in Arizona

This information is not provided due to the multiple ownership interests held by the applicant in the State of Arizona.

#### Public Opinion

No protest or support letters were received within the 20-day public comment period.

#### Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling,

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grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "Target Corporation has been doing business in Arizona since 1984 and is a long-established and proven good neighbor at its locations. Target and its affiliates have over a thousand stores and several hundred liquor licenses nationwide. It intends to continue operating its alcohol sales in the same responsible and successful manner as it has continually done since it started selling alcohol in Arizona in 2004."

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

"Target Corporation prides itself in providing its communities with a large variety of products permitting its guest and neighbors the convenience of "one-stop shopping." The addition of a series 9 liquor license at this existing location will enhance the convenience, offerings, and concept of "one-stop shopping" for its guests.

Staff Recommendation

Staff recommends approval of this application.

Attachments

Liquor License Data - Target #2354

Liquor License Map - Target #2354

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.

## Liquor License Data: Target #2354

### Liquor License

Description	Series	1 Mile	1/2 Mile
Government	5	1	0
Bar	6	6	2
Beer and Wine Bar	7	2	1
Liquor Store	9	4	2
Beer and Wine Store	10	11	3
Restaurant	12	7	2

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	11.37	64.91	160.72
Violent Crimes	1.74	8.97	11.57

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

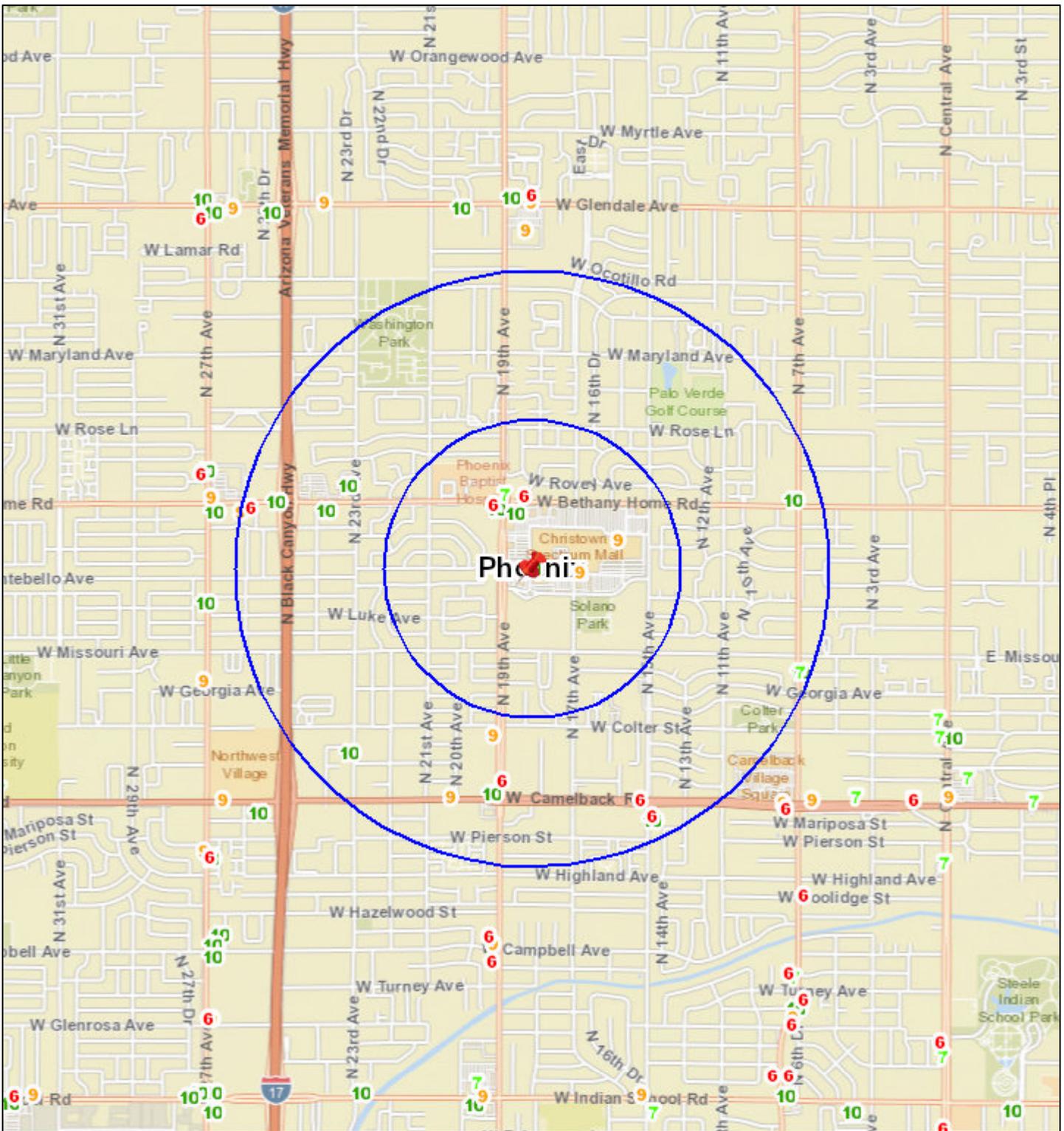
### Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	65	221
Total Violations	119	377

**Census 2010 Data 1/2 Mile Radius**

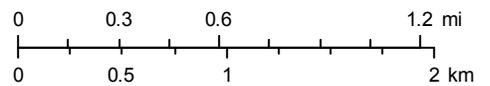
<b>BlockGroup</b>	<b>2010 Population</b>	<b>Owner Occupied</b>	<b>Residential Vacancy</b>	<b>Persons in Poverty</b>
1067031	1122	79 %	3 %	16 %
1067032	1120	92 %	0 %	4 %
1068022	1105	85 %	21 %	1 %
1068023	1633	17 %	17 %	34 %
1073001	2203	79 %	3 %	6 %
1073002	1165	57 %	16 %	22 %
1074001	1280	80 %	4 %	15 %
1074002	1009	62 %	7 %	16 %
1074003	839	0 %	6 %	56 %
1074006	2186	16 %	13 %	53 %
Average		61 %	13 %	19 %

# Liquor License Map: Target #2354



June 7, 2017

1:36,112



mapservices@phoenix.gov  
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



## **Liquor License - Half Moon Windy City Sports Grill**

Request for a liquor license. Arizona State License 12075716.

### **Summary**

#### Applicant

Randy Nations, Agent

#### License Type

Series 12 - Restaurant

#### Location

2121 E. Highland Ave.

Zoning Classification: C-1 CEPCSP

Council District: 6

This request is for an acquisition of control of an existing liquor license for a restaurant. This location is currently licensed for liquor sales.

The sixty-day limit for processing this application is June 26, 2017.

Pursuant to A.R.S. 4-203, consideration may be given only to the applicant's personal qualifications and not to the location.

#### Other Active Liquor License Interest in Arizona

The ownership of this business has an interest in other active liquor license(s) in the State of Arizona. This information is listed below and includes liquor license violations on file with the AZ Department of Liquor Licenses and Control and, for locations within the boundaries of Phoenix, the number of aggregate calls for police service within the last 12 months for the address listed.

Half Moon Sports Grill (Series 12)

288 E. Greenway Pkwy., Ste. 103, Phoenix

Calls for police service: 13

Liquor license violations: In March 2010, a consent agreement was signed and a fine of \$1,500 was paid for failure to derive 40% of income from food. In August 2011, a consent agreement was signed for failure to derive 40% of income from food.

Scramble A Breakfast Joint (Series 12)

6590 N. Scottsdale Road, Ste. 100

Calls for Police Service: N/A - not in Phoenix

Liquor license violations: None

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"We are currently operating this location and have added on a new member to the ownership."

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



## Liquor License - Sushi Sonora

Request for a liquor license. Arizona State License 1207B015.

### Summary

#### Applicant

Jared Repinski, Agent

#### License Type

Series 12 - Restaurant

#### Location

6544 W. Thomas Road, Ste. 28

Zoning Classification: PSC

Council District: 7

This request is for a new liquor license for a restaurant. This location was previously licensed for liquor sales as Hikari Uni Sushi and may currently operate with an interim permit.

The sixty-day limit for processing this application is July 1, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

#### Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

#### Public Opinion

No protest or support letters were received within the 20-day public comment period.

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Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
"I have been representing liquor licensed establishments in Arizona for over 15 years."

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



**(CONTINUED FROM JUNE 7, 2017) - Liquor License - House of Blunts**

Request for a liquor license. Arizona State License 10076871.

**Summary**

Applicant

Jennifer Davenport, Agent

License Type

Series 10 - Beer and Wine Store

Location

320 N. 48th St.

Zoning Classification: C-3

Council District: 8

This request is for a new liquor license for a convenience store that does not sell gas. This location was not previously licensed for liquor sales and does not have an interim permit. This location requires a Use Permit to allow packaged liquor sales.

The sixty-day limit for processing this application was June 17, 2017.

Pursuant to A.R.S. 4-203, consideration may be given to the applicant's personal qualifications and to the location.

Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling,

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grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because:  
“Both owners have taken the basic and management training. Any employees will be required to complete the basic liquor training. Beer and wine sales will focus on local craft beers and wine. Both owners are detail oriented, responsible business professionals who strive to provide excellent customer service in a safe environment.”

The public convenience requires and the best interest of the community will be substantially served by the issuance of the liquor license because:

“Our store will sell craft beers and wines to the local community. We also plan to provide the service to the local tourism from surrounding hotels. We believe this will benefit other businesses in the area as well as the community.”

#### Staff Recommendation

Staff recommends approval of this application noting the applicant must resolve any pending City of Phoenix building and zoning requirements, and be in compliance with the City of Phoenix Code and Ordinances.

#### Attachments

Liquor License Data - House of Blunts

Liquor License Map - House of Blunts

#### **Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.

## Liquor License Data: House of Blunts

### Liquor License

Description	Series	1 Mile	1/2 Mile
Wholesaler	4	1	0
Bar	6	4	1
Beer and Wine Bar	7	1	0
Liquor Store	9	3	1
Beer and Wine Store	10	2	2
Hotel	11	5	2
Restaurant	12	4	2

### Crime Data

Description	Average *	1 Mile Average **	1/2 Mile Average***
Property Crimes	11.37	16.50	16.56
Violent Crimes	1.74	2.41	1.80

\*Citywide average per square mile \*\*Average per square mile within 1 mile radius \*\*\*Average per square mile within 1/2 mile radius

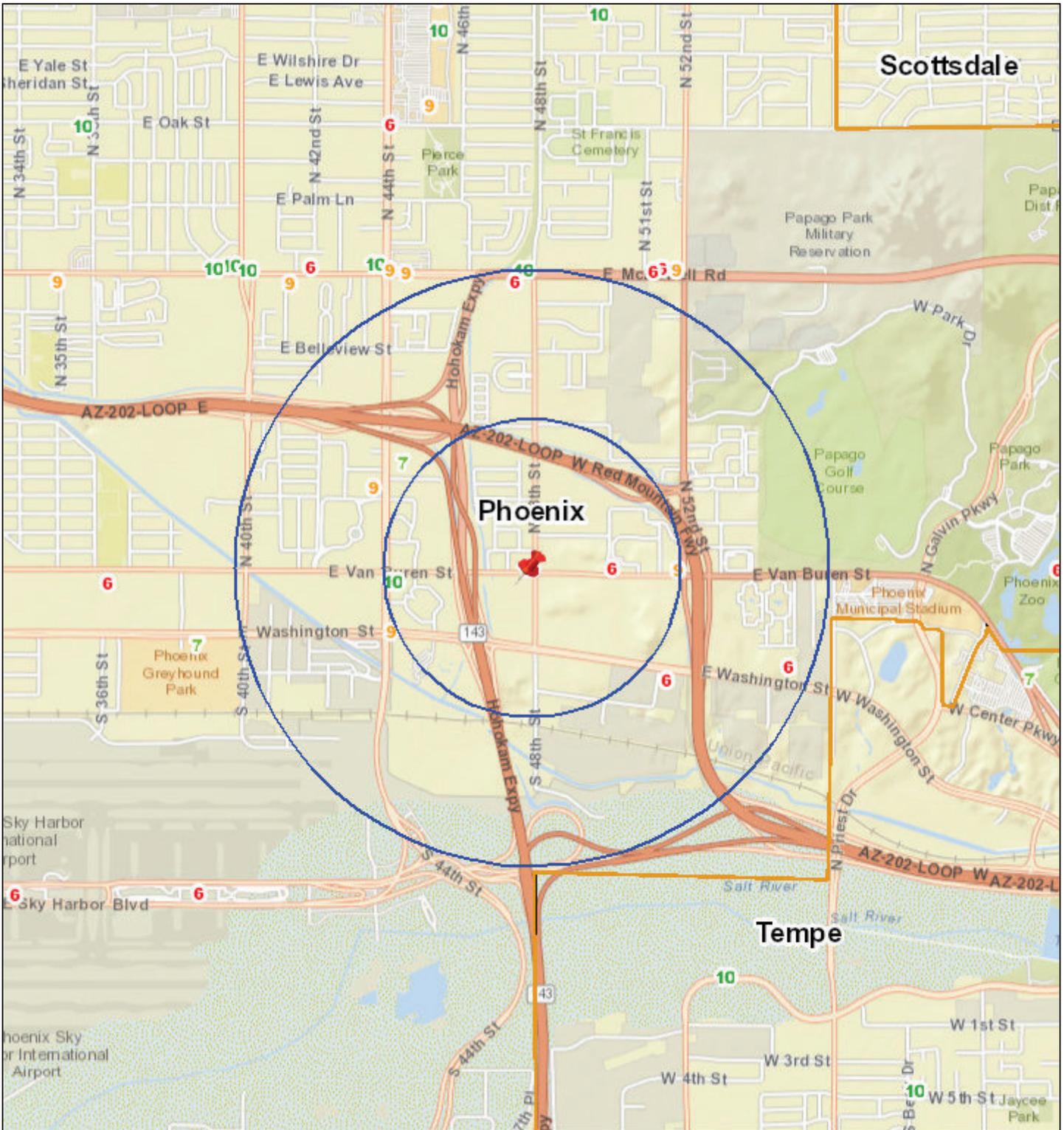
### Property Violation Data

Description	Average	1/2 Mile Average
Parcels w/Violations	63	32
Total Violations	116	49

### Census 2010 Data 1/2 Mile Radius

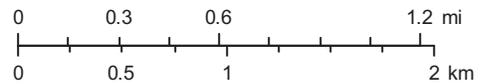
<b>BlockGroup</b>	<b>2010 Population</b>	<b>Owner Occupied</b>	<b>Residential Vacancy</b>	<b>Persons in Poverty</b>
1112021	1913	6 %	18 %	38 %
1112031	1003	0 %	24 %	37 %
1137002	1578	21 %	11 %	59 %
1137003	1101	31 %	18 %	11 %
1137005	1280	14 %	32 %	52 %
1138011	1007	13 %	30 %	31 %
Average		61 %	13 %	19 %

# Liquor License Map: House of Blunts



May 17, 2017

1:36,112



mapservices@phoenix.gov  
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



## Liquor License - 7-Eleven #19668J

Request for a liquor license. Arizona State License 10076874.

### Summary

#### Applicant

Nicholas Guttilla, Agent

#### License Type

Series 10 - Beer and Wine Store

#### Location

2843 N. 24th St.

Zoning Classification: C-2

Council District: 8

This request is for a new liquor license for a convenience store that does not sell gas. This location was previously licensed for liquor sales as 7-Eleven #19668G and may currently operate with an interim permit.

The sixty-day limit for processing this application is June 27, 2017.

Consideration should be given to the applicant's personal qualifications. In regard to the location, pursuant to A.R.S. 4-203, there is a presumption that the public convenience and the best interest of the community were established at the time the location was previously licensed.

#### Other Active Liquor License Interest in Arizona

This applicant does not hold an interest in any other active liquor license in the State of Arizona.

#### Public Opinion

No protest or support letters were received within the 20-day public comment period.

Applicant's Statement

The applicant submitted the following statement in support of this application. Spelling, grammar and punctuation in the statement are shown exactly as written by the applicant on the City Questionnaire.

I have the capability, reliability and qualifications to hold a liquor license because: "7-Eleven, Inc. is a major convenience store retailer in the U.S. with thousands of stores in many states, some of which are operated by Corporate and some of which are operated by Franchisees. This store will now be operated as a Corporate store. 7-Eleven, Inc. has a strict, comprehensive, and successful training program and record regarding alcohol sales both inside and outside of Arizona. 7-Eleven, Inc. depends on its reputation regarding responsible operation of its stores and takes liquor compliance very seriously."

Staff Recommendation

Staff recommends approval of this application.

**Responsible Department**

This item is submitted by Special Assistant to the City Manager Toni Maccarone and the City Clerk Department.



## **PAYMENT ORDINANCE (Items 20-47) (Ordinance S-43642)**

*Ordinance S-43642 is a request to authorize the City Controller to disburse funds, up to amounts indicated below, for the purpose of paying vendors, contractors, claimants and others, and providing additional payment authority under certain existing city contracts. This section also requests continuing payment authority, up to amounts indicated below, for the following contracts, contract extensions and/or bids awarded. As indicated below, some items below require payment pursuant to Phoenix City Code Section 42-13.*

### **20 City of Scottsdale**

For \$40,000.00 in payment authority pursuant to the Memorandum of Understanding of Overlapping Retail Sewer Services for the Water Services Department. The sewer areas are located within the boundaries of Phoenix, but outside the Water Services Department's distribution area. The City of Scottsdale provides sewer services to Phoenix customers at a wholesale rate.

### **21 Oregon Health Authority, Public Health, Financial Services**

For \$17,000.00 in payment authority for accreditation for lab testing processes under the Clean Air Act, Clean Water Act, Resource Conservation, Recovery Act, and the Safe Drinking Water Act for the Water Services Department. Accreditation requires that environmental and drinking water testing laboratories meet these standards as adopted by the National Environmental Laboratory Accreditation Program. Water Services Compliance Laboratory is accredited through the Oregon Department of Human Services. Without accreditation and assessment fee payment, the laboratory could lose its accreditation which would compromise the ability to comply with regulations.

### **22 Arizona Department of Health Services, Bureau of State Laboratory Services**

For \$15,000.00 in payment authority for State regulatory laboratory license

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fees for the Water Services Department. The City is required to pay an annual renewal fee to maintain the Water Services laboratory compliance testing licensure and comply with state and federal regulations. If the license lapses the laboratory will not be able to perform compliance testing.

**23 Maricopa County Environmental Services Department**

For \$50,000.00 in payment authority for fiscal year 2017-18 Phoenix Municipal Water System annual operating permits and non-hazardous liquid waste Hauler Permits for the Water Services Department. Maricopa County Environmental Services requires these permits to operate a public water system and to transport non-hazardous liquid waste.

**24 Salt River Project Agricultural Improvement and Power District**

For \$27,550.00 in payment authority to enter into a new contract, entered on or about June 22, 2017, for a term of one year, for substation pre-design services at Deer Valley and Val Vista Water Treatment plants for the Water Services Department. These substations do not currently meet Salt River Project (SRP) standards and are at risk of a power failure in the event of an equipment fire. SRP will consult the Water Services Department on the pre-design services only. Water Services will review their recommendations before beginning the design and construction phase for these substations.

**25 Carollo Engineers, Inc.**

For \$150,000.00 in additional payment authority for Contract 138791, Change Order 1 (Project WS85320022-2), for design services for Union Hills Water Treatment Plant - Solids Handling Facilities Improvements Project, for the Water Services Department. This is a new scope addition to provide engineering services for the construction of new Gravity Thickener at Union Hills Water Treatment Plant located at 2001 E. Deer Valley Rd.

**26 ANCO Sanitation Systems, Inc.**

For \$50,000.00 in additional payment authority for Contract 136220, for trash compactor maintenance and repair services for the Aviation, Public Works and Phoenix Convention Center departments.

**27 F&N Enterprises, doing business as SmithCraft**

For \$40,000.00 in payment authority for a new contract entered on or about July 1, 2017, for a term of 16 months, for Roadway Dynamic Signs maintenance services, for the Aviation Department. The 12 Roadway Dynamic Signs are located along the roadway at the four entrances to Phoenix Sky Harbor International Airport and direct passengers to the proper airlines and terminals, safely and efficiently.

**28 Arizona Call-A-Teen Youth Resources**

For \$150,000.00 in additional payment authority for Contract 142103, for YouthBuild project coordination services. The purpose of these funds is to allow Arizona Center for Youth Resources to continue to provide youth enrolled in the YouthBuild program hands-on, educational and occupational skills training through employment in the construction industry. YouthBuild serves a total of 66 eligible youth ages 16-24 over a three year program period. The current program started Feb. 1, 2016 and will end Jan. 31, 2019. This program is grant funded.

**29 Arizona Forward**

For \$21,000.00 in payment authority to purchase membership for the Public Transit, Aviation, Public Works and Water Services departments. The City is an environmental and sustainability leader in the state and benefits from participating in Arizona Forward to ensure cooperation and idea-sharing on important topics such as smart growth and development, efficient transportation, improved air quality, responsible water management and energy alternatives. These statewide issues have a significant effect on quality of life in the Valley and benefit the City and its residents. This item was approved by the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on May 16, 2017.

**30 Settlement of Claim *Jarvis v. City of Phoenix***

To make payment of \$6,000,000.00 in settlement of claim in *Jarvis v. City of Phoenix*, Maricopa County Superior Court Case CV2013-016145, 13-0294-001 GL BI, for the Finance Department pursuant to Phoenix City Code Chapter 42.

**31 Clyde Armory, Inc.**

For \$23,000.00 in payment authority for a new contract, entered on or

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about July 1, 2017, for a term of three years, for shotgun replacement parts for the Police Department. This contract is necessary to provide parts for the repair of non-lethal shotguns used daily by sworn personnel.

**32 Galls, LLC, doing business as Galls/Quartermaster Uniforms**

For \$13,500.00 in payment authority for a new contract, entered on or about July 1, 2017, for a term of three years, to provide handcuffs for the Police Department. The handcuffs are used by sworn and non-sworn personnel as restraint devices for individuals in custody to prevent harm, injury or escape.

**33 SecureLink, Inc.**

For \$75,000.00 in payment authority for a new contract, entered on or about July 1, 2017, for a term of five years, for software upgrades, maintenance and support of the SecureLink Enterprise License Subscription for the Police Department. SecureLink encrypts all traffic protecting the City's sensitive information and provides a secure and reliable remote connection for vendors to connect to the Police Department's applications for support. Continuous maintenance and support are needed to keep the remote access secure and to protect the traffic flowing through the Police Department's computer network.

**34 Lipomed, Inc.**

For \$20,000.00 in payment authority for a new contract, entered on or about July 1, 2017, for a term of five years, for laboratory equipment, supplies, and reagents for the Police Department. These controls ensure the toxicology section's ability to provide scientifically acceptable results to successfully support criminal investigations.

**35 Forensic Science Consultants, Inc., doing business as Forensic Testing Services**

For \$10,000.00 in additional payment authority for Contract 134254, for Forensic Testing Services for the Police Department. The laboratory accreditations require mandatory administration of a proficiency testing program using external test providers for all analysis disciplines of the laboratory.

**36 Settlement of Claim *Detter v. City of Phoenix***

To make payment of \$1,250,000.00 in settlement of claim in *Detter v. City of Phoenix*, Maricopa County Superior Court Case CV2014-007401, 14-0315-001 GL BI, for the Finance Department pursuant to Phoenix City Code Chapter 42.

**37 SAP Public Services Inc.**

For \$1,750,000.00 in additional payment authority for Contract 75108 for SAP support and maintenance services for the Finance Department. This will provide continued support and maintenance of the citywide financial and procurement system through June 30, 2018, including ongoing licenses for system users.

**38 Tata America International Corporation**

For \$340,000.00 in additional payment authority for Contract 122332 for required software support and maintenance services for the Finance Department. The Tax Mantra system supports sales tax collections and related business processes. City taxpayers use Tax Mantra services for tax filings, payments, and taxpayer updates. The Tax Mantra System is being phased out; however, it is still being used for collection activities on past due accounts.

**39 Kustom Signals, Inc.**

For \$30,000.00 in payment authority to purchase 11 moving radar speed detection devices for the Police Department. The units will be installed on police motorcycles to enforce traffic laws by reducing excessive speeding, and increasing the number of arrests for speed limit violations while at the same time reducing collisions.

**40 ICL Performance Products, LP**

For \$35,000.00 in additional payment authority for Contract 131905 to purchase Class A foam for the Fire Department. This foam is used in situations where plain water has been indicated. The Fire Department currently operates in excess of 60 engines with on-board, pre-plumbed and multiple discharge direct injection foam systems. This item is a critical part of the Fire Department's efforts to provide life safety services to the public.

**41 City of Glendale**

For \$27,273.00 in payment authority to pay the City of Phoenix's share of the agreement with Baker, Donelson, Bearman, Caldwell & Berkowitz to provide West Valley Partner Communities comprehensive federal legislative consulting services to protect and enhance Luke Air Force Base, for the Office of Government Relations and the Aviation Department. This item was withdrawn from the May 31, 2017 Formal agenda in order to give more time to answer requests for information.

**42 United Technologies, Inc., doing business as Uni-Tech**

For \$42,000.00 in additional payment authority for Contract 145041, for new booster pumps at City-owned senior center Pine Towers, located at 2936 N. 36th St., for the Housing Department. Payment includes parts, installation, testing, removal, disposal and warranty. The current booster pumps service the entire property and have aged and may go out at any time, potentially leaving residents in 156 senior units without hot water. This is federally funded by the Department of Housing and Urban Development with no impact to the General Fund.

**43 Investigative Research, Inc.**

For \$36,000.00 in payment authority for Contract 142170 for Long-Term Disability (LTD) program investigative services for the Human Resources Department.

**44 Emerson Network Power, Liebert Services, Inc.**

For \$15,000.00 in payment authority to purchase uninterrupted power source battery strings for the Information Technology Services Department. These battery replacements are needed to maintain power backup for the City-owned data center which houses the technology infrastructure that supports critical citywide systems.

**45 Silent Protection, LLC**

For \$16,000.00 in payment authority to purchase security guard services for the City of Phoenix Fabulous Fourth fireworks event for the Parks and Recreation Department. Security guard services are required at the fireworks shoot location at Central High School, 4525 N. Central Ave., and at the event location at Steele Indian School Park located at 300 E. Indian School Road. The security guard services will be provided from June 30, 2017, through midnight July 4, 2017.

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**46 Mercury Associates, Inc.**

For \$98,000.00 in additional payment authority for Contract 143419 to develop and implement the Fleet Modernization and Cost Reduction Plan for the Public Works Department. The goal of the plan is to reduce the backlog of replacement vehicle needs and the total cost of ownership of the City's fleet. It will also identify opportunities to optimize the City's current fleet maintenance and fueling facility resources, and to improve the fleet's overall sustainability.

**47 FCI Constructors, Inc.**

For \$1,900,000.00 in additional payment authority for Contract 140320, Change Orders 3 and 4 (Project PT03130001-8), for the complete refurbishment of the South Transit Facility, located at 225 W. Lower Buckeye Road, through a multi-phase, multi-year effort of the 24/7 operations and maintenance facility, for the Street Transportation Department on behalf of the Public Transit Department.



City of Phoenix

## City Council Formal Meeting

### City Council Report

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Agenda Date: 6/21/2017, Item No. 48

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#### **Public Hearing on Proposed Property Tax Levy, Truth in Taxation and Adoption of the Final 2017-18 Annual Budget**

As required by State statute, this item requests the City Council hold a public hearing on the City's proposed Property Tax Levy and Truth in Taxation and the adoption of the final 2017-2018 City of Phoenix Annual Budget.

#### **Responsible Department**

This item is submitted by City Manager Ed Zuercher and the Budget and Research Department.

## City Council Formal Meeting



City of Phoenix

### City Council Report

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**Agenda Date:** 6/21/2017, **Item No.** 49

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#### **Convening of Special Meeting of the City Council**

In accordance with State Statute, this item requests the City Council formally convene a special meeting for the purpose of considering adoption of the final 2017-18 budget.

#### **Responsible Department**

This item is submitted by City Manager Ed Zuercher and the Budget and Research Department.



**Adoption of the Final 2017-18 Operating Funds Budget (Ordinance S-43653)**

In compliance with requirements of the City Charter and Code and State Statutes, request to adopt an ordinance (**Attachment A**) determining and adopting final estimates of proposed expenditures by the City of Phoenix for the fiscal year beginning July 1 , 2017 and ending June 30, 2018 declaring that such shall constitute a budget of the City of Phoenix for such fiscal year.

**Summary**

The final operating funds budget ordinance reflects extensive public review through community hearings, information posted on the City website and actions taken by the Council on the budget at the May 23, 2017 Policy meeting and at the June 7, 2017 Formal meeting to adopt the tentative 2017-18 operating budget ordinance.

**Responsible Department**

This item is submitted by City Manager Ed Zuercher and the Budget and Research Department.

**Attachment A**

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

ORDINANCE S-

AN ORDINANCE DETERMINING AND ADOPTING FINAL ESTIMATES OF PROPOSED EXPENDITURES BY THE CITY OF PHOENIX FOR THE FISCAL YEAR BEGINNING JULY 1, 2017, AND ENDING JUNE 30, 2018; DECLARING THAT SUCH SHALL CONSTITUTE A BUDGET FOR THE CITY OF PHOENIX FOR SUCH FISCAL YEAR.

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WHEREAS, pursuant to the provisions of the laws of Arizona, the Charter and Ordinances of the City of Phoenix, the City Council is required to adopt a budget for the fiscal year beginning July 1, 2017, and ending June 30, 2018; and

WHEREAS, by the provisions of the City Charter and in compliance with the provisions of A.R.S. §§ 42-17101, 17102, 17103, 17104, 17105, 17106, 17107, and 17108, the City Council did on the 7th day of June, 2017, adopt and file with the City Clerk its tentative budget including an estimate of the different amounts required to meet the public expense for the ensuing year, also an estimate of revenues from sources other than direct taxation, and the amount to be raised by taxation upon real and personal property within the City of Phoenix; and

WHEREAS, due notice has been given by the City Clerk as required by law, the said tentative budget is on file and open to inspection by anyone interested; and

WHEREAS, in accordance with said sections of the Code and following due public notice the Council met on the 21st day of June, 2017, at which meeting any taxpayer was privileged to appear and be heard in favor of or against any of the proposed expenditures or tax levies; and

WHEREAS, publication has been duly made as required by law, of said estimates together with a notice that the City Council will meet on the 6th day of July, 2017, at the hour of 9:00 a.m. in the City Council Chambers of the City of Phoenix, 200 West Jefferson St., Phoenix, Arizona for the purpose of making tax levies as set forth in said estimates; and

WHEREAS, the sums to be raised by primary taxation, as specified herein, do not in the aggregate amount exceed that amount as computed pursuant to A.R.S. § 42-17102;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. The City Council has determined and adopted the following estimates of the proposed expenditures therein named and set forth for the conduct of the business of the City government of the City of Phoenix for the fiscal year beginning July 1, 2017, and ending June 30, 2018, and that the same shall constitute the official annual budget of the City for said fiscal year.

CITY OF PHOENIX, ARIZONA  
PURPOSES OF PROPOSED PUBLIC EXPENSE

<u>Purpose</u>	<u>Amount of Appropriation</u> <u>2017-18</u>
<u>GENERAL FUNDS</u>	
General Government	\$115,529,910
Public Safety	847,357,025
Criminal Justice	34,322,158
Transportation	18,055,630
Community Development	22,582,644
Community Enrichment	25,478,437
Environmental Services	14,163,101
Contingencies	55,900,000
Capital Improvements	9,442,120
<u>Total General Funds</u>	<u>\$1,142,831,025</u>
 <u>PARKS AND RECREATION FUNDS</u>	
Parks and Recreation Operations and Maintenance.	<u>\$90,983,695</u>
 <u>LIBRARY FUNDS</u>	
Library Operations and Maintenance, and Capital Improvements.	<u>\$38,995,617</u>
 <u>CABLE COMMUNICATION FUNDS</u>	
Cable Communication Operations and Maintenance.	<u>\$4,929,298</u>
 <u>ARIZONA HIGHWAY USER REVENUE FUNDS</u>	
Street Maintenance, Major Street Improvements, Traffic Improvements and other Street Improvements.	<u>\$166,493,475</u>
 <u>AVIATION FUNDS</u>	
Aviation Operations and Maintenance, Debt Service and Capital Improvement Expenditures.	\$420,498,538
Contingencies	<u>14,000,000</u>
<u>Total Aviation Funds</u>	<u>\$434,498,538</u>
 <u>CAPITAL CONSTRUCTION FUNDS</u>	

Capital Improvements in the Street Transportation and Drainage Capital Improvement Program.	<u>\$23,639,680</u>
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<u>Purpose</u>	<u>Amount of Appropriation</u> <u>2017-2018</u>
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CITY IMPROVEMENT FUND

Debt Service Payments for Transit Facilities and Improvements; Public Safety Communication Systems; Municipal Court Building; City Hall; Telephone System and Data Network Replacement; Amphitheater and Land; Adams Street Garage; LED Streetlight Conversion; Personnel/Payroll Computer Systems; ASU College of Nursing; Police Training Academy and Precincts; Local Alcohol Rehabilitation Center; Okemah Service Center; Miscellaneous Redevelopment Projects; Other Equipment, Vehicles, Office, Service and Training Facilities and Improvements.	<u>\$110,908,065</u>
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COMMUNITY REINVESTMENT FUNDS

Community Reinvestment Capital Improvements and Related Operations and Maintenance.	<u>\$5,688,230</u>
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COURT AWARD FUNDS

Criminal Justice Programs.	<u>\$4,886,230</u>
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DEVELOPMENT SERVICES FUNDS

Development Services Operations and Maintenance, and Capital Improvement Expenditures.	<u>\$58,151,771</u>
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Contingencies	<u>5,000,000</u>
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Total Development Services Funds	<u>\$63,151,771</u>
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FEDERAL COMMUNITY DEVELOPMENT FUNDS

Community Development Program.	<u>\$30,138,429</u>
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FEDERAL OPERATING TRUST FUNDS

Federal and State Grant Programs.	<u>\$50,047,756</u>
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FEDERAL TRANSIT FUND

Transit Operations and Maintenance, and Capital Improvements.	<u>\$53,696,411</u>
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<u>GOLF COURSE FUNDS</u>	
Golf Course Operations and Maintenance, and Debt Service.	<u>\$5,842,725</u>
<u>HOPE VI FEDERAL GRANT FUNDS</u>	<u>\$1,997,744</u>
<u>Purpose</u>	<u>Amount of Appropriation</u> <u>2017-2018</u>
<u>HUMAN SERVICES FEDERAL TRUST FUNDS</u>	
Human Services Program.	<u>\$46,031,773</u>
<u>NEIGHBORHOOD PROTECTION FUNDS</u>	
Eligible Police, Fire, and Block Watch Operations and Maintenance Expenditures Funded with Privilege License and Excise Taxes in accordance with Ordinance G-3696.	<u>\$33,524,720</u>
<u>OTHER RESTRICTED FUNDS</u>	
Other Restricted Funds Operations and Maintenance, and Capital Improvement Expenditures.	<u>\$67,864,526</u>
<u>PARKS AND PRESERVES FUNDS</u>	
Parks and Preserves Operations and Maintenance, and Capital Improvement Expenditures Funded with Privilege License and Excise Taxes in accordance with the Phoenix Parks and Preserves initiative approved by the Phoenix voters in a ballot measure on May 20, 2008.	<u>\$59,984,796</u>
<u>PHOENIX CONVENTION CENTER FUNDS</u>	
Phoenix Convention Center Operations and Maintenance, Debt Service, and Capital Improvement Expenditures.	\$73,822,444
Contingencies	<u>3,000,000</u>
Total Phoenix Convention Center Funds	<u>\$76,822,444</u>
<u>PUBLIC HOUSING FUNDS</u>	
Public Housing Operations and Maintenance, and Capital Improvement Expenditures.	<u>\$100,343,147</u>
<u>PUBLIC SAFETY ENHANCEMENT FUNDS</u>	

Police, Fire, and Emergency Management Operations and Maintenance Expenditures Funded with Privilege License and Excise Taxes in accordance with Ordinance S-31877. \$26,976,164

**PUBLIC SAFETY EXPANSION FUNDS**

Police and Fire Personnel and Service Expansion Funded with Privilege License and Excise Taxes in accordance with Ordinance G-4987. \$67,965,110

<u>Purpose</u>	<u>Amount of Appropriation</u> <u>2017-2018</u>
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**REGIONAL TRANSIT FUNDS**

Regional Transportation Operations and Maintenance and Capital Improvements. \$41,508,361

**REGIONAL WIRELESS COOPERATIVE FUNDS**

Operations and Maintenance of the Regional Wireless Cooperative. \$4,628,072

**SECONDARY PROPERTY TAX FUNDS**

Debt Service on and Early Redemption of Outstanding Bonds and Long-Term Obligations. \$102,266,603

**SOLID WASTE FUNDS**

Solid Waste Operations and Maintenance, Capital Improvements, and Debt Service. \$169,300,737

Contingencies 2,000,000

Total Solid Waste Funds \$171,300,737

**SPORTS FACILITIES FUNDS**

Sports Facilities Operations and Maintenance, and Debt Service. \$20,074,268

**TRANSPORTATION 2050 FUNDS**

Transit and Streets Operations and Maintenance, and Capital Improvement Expenditures Funded with Privilege License and Excise Taxes in accordance with Ordinance G-6051. \$271,412,044

Contingencies 10,000,000

Total Transportation 2050 Funds	<u>\$281,412,044</u>
<u>WASTEWATER SYSTEM FUNDS</u>	
Wastewater System Operations and Maintenance, Debt Service and Capital Improvement Expenditures.	\$252,599,374
Contingencies	<u>4,500,000</u>
Total Wastewater Funds	<u>\$257,099,374</u>
<u>Purpose</u>	<u>Amount of Appropriation</u> <u>2017-2018</u>
<u>WATER FUNDS</u>	
Water System Operations and Maintenance, Debt Service and Capital Improvement Expenditures.	\$467,782,400
Contingencies	<u>9,000,000</u>
Total Water Funds	<u>\$476,782,400</u>
<u>TOTAL APPROPRIATIONS 2017-2018</u>	<u>\$4,063,313,228</u>

SECTION 2. Upon the approval of the City Manager, funds may be transferred within purposes set forth in Section 1, or within the purposes of separately adopted portions of this budget.

SECTION 3. Upon recommendation by the City Manager and with the approval of the City Council, expenditures may be made from the appropriation for contingencies.

SECTION 4. In the case of an emergency, the City Council may authorize the transfer of funds between purposes set forth in Section 1, if funds are available and

the transfer does not conflict with the limitations provided by law (A.R.S. § 42-17106).

SECTION 5. The City Council may authorize appropriation increases, if funds are available, for purpose of expenditures that are exempt from the limitation provided in Article IX, Section 20, Constitution of Arizona.

SECTION 6. Money from any fund may be used for any of these purposes set forth in Section 1, except money specifically restricted by State law or by City Charter or City ordinances and resolutions.

PASSED by the Council of the City of Phoenix on this 21st day of June, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_, Acting City Attorney

REVIEWED BY:

\_\_\_\_\_, City Manager



**Adoption of the Final 2017-18 Capital Funds Budget (Ordinance S-43667)**

In compliance with requirements of the City Charter and Code and State Statutes, request to adopt an ordinance (**Attachment A**) adopting the final Capital Funds Budget for the City of Phoenix for the fiscal year 2017-18.

This adopts the final 2017-2018 Capital Funds Budget for the fiscal year beginning July 1, 2017 and ending June 30, 2018. This capital funds appropriation will be funded by property tax and revenue supported bond proceeds, federal and state participation funds, passenger facility charges, customer facility charges, participation by other governmental entities in certain projects, development impact fees, capital grants, capital reserves, solid waste remediation funds and other capital funding sources.

**Concurrence/Previous Council Action**

The final Capital Funds Budget ordinance reflects actions taken by Council at the June 7, 2017 Formal meeting to adopt the tentative budget ordinances and is consistent with the Five-Year Capital Improvement Program resolution also approved by Council at the June 7, 2017 Formal meeting.

**Responsible Department**

This item is submitted by City Manager Ed Zuercher and the Budget and Research Department.

**Attachment A**

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

**ORDINANCE S-XXXXX**

AN ORDINANCE ADOPTING THE FINAL CAPITAL FUNDS BUDGET FOR THE CITY OF PHOENIX FOR THE FISCAL YEAR BEGINNING JULY 1, 2017 AND ENDING JUNE 30, 2018; DECLARING THAT SUCH SHALL CONSTITUTE THE CAPITAL FUNDS BUDGET FOR THE CITY OF PHOENIX FOR SUCH FISCAL YEAR.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. The schedule set forth as Section 2 below is hereby adopted as the final 2017-18 Capital Funds Budget for capital improvements to be made from authorized property tax and revenue supported bond proceeds, nonprofit corporation bond financing, federal and state participation funds, passenger facility charges, customer facility charges, participation by other governmental entities in certain projects, development impact fees, capital grants, capital reserves, solid waste remediation funds and other capital funding sources, for the year beginning July 1, 2017 and ending June 30, 2018.

SECTION 2. This Council has determined and adopted the following estimates of proposed Capital expenditure improvements for the various purposes therein named for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

<u>Purpose</u>	Appropriation Amount 2017-18
<u>ARTS AND CULTURAL FACILITIES</u>	
General Obligation Bond Funds	<u>\$1,014,000</u>
<u>AVIATION</u>	
Capital Grants, Nonprofit Corporation Bond Financing, Passenger and Customer Facility Charges	<u>\$573,641,976</u>
<u>FACILITIES MANAGEMENT</u>	
General Obligation Bond Funds, Nonprofit Corporation Bond Financing, and Other Capital Funds	<u>\$11,790,000</u>
<u>FINANCE</u>	
Capital Reserve Funds	<u>\$521,330</u>
<u>FIRE PROTECTION</u>	
Development Impact Fees, General Obligation Bond Funds	<u>\$11,261,537</u>
<u>HISTORIC PRESERVATION</u>	
General Obligation Bond Funds	<u>\$924,988</u>
<u>HOUSING</u>	
Capital Grants	<u>\$9,987,592</u>
<u>HUMAN SERVICES</u>	
General Obligation Bond Funds	<u>\$600,000</u>
<u>INFORMATION TECHNOLOGY</u>	

Capital Reserves and Nonprofit Corporation Bond Financing \$45,088,666

LIBRARIES

Development Impact Fees, General Obligation Bond Funds \$1,078,939

Purpose Appropriation  
Amount  
2017-18

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NEIGHBORHOOD SERVICES

General Obligation Bond Funds \$2,233,812

PARKS, RECREATION AND MOUNTAIN PRESERVES

Capital Reserves, Development Impact Fees, General Obligation  
Bond Funds and Other Capital Funds \$20,939,340

PHOENIX CONVENTION CENTER

Federal, State and Other Participation Funds \$22,499,000

PUBLIC TRANSIT

Capital Grants \$7,275,852

REGIONAL WIRELESS COOPERATIVE

Other Cities' Participation Funds \$7,607,558

SOLID WASTE DISPOSAL

Capital Reserves, Nonprofit Corporation Bond Financing and Solid  
Waste Remediation Funds \$7,460,930

STREET TRANSPORTATION AND DRAINAGE

Capital Reserves, Development Impact Fees, Federal, State and  
Other Participation Funds, General Obligation Bond Funds and  
Nonprofit Corporation Bond Financing \$100,843,122

WASTEWATER

Development Impact Fees, Nonprofit Corporation Bond Financing  
and Other Cities' Participation Funds \$114,858,194

Purpose	Appropriation Amount 2017-18
<u>WATER</u>	
Development Impact Fees, Nonprofit Corporation Bond Financing and Other Cities' Participation Funds	<u>\$138,081,167</u>
<u>TOTAL</u>	<u>\$1,077,708,003</u>

SECTION 3. Upon the approval of the City Manager, funds may be transferred within purposes set forth in Section 2.

SECTION 4. The City Council may authorize appropriation increases, if funds are available, for purpose of expenditures that are exempt from the limitation provided in Article IX, Section 20, Constitution of Arizona.

PASSED by the Council of the City of Phoenix this 21st day of June, 2017.

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MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager



**Adoption of the Final 2017-18 Reappropriated Funds Budget (Ordinance S-43654)**

In compliance with requirements of the City Charter and Code and State Statutes, request to adopt an ordinance (**Attachment A**) adopting the final reappropriation budget for items of expenditure previously adopted as part of the 2016-2017 fiscal year operating and capital fund budgets of the City of Phoenix but remaining as unexpended funds as of June 30, 2017.

**Concurrence/Previous Council Action**

The reappropriated funds budget ordinance reflects the action taken at the June 7, 2017 Formal meeting to adopt the tentative 2017-18 reappropriated funds budget ordinance.

**Responsible Department**

This item is submitted by City Manager Ed Zuercher and the Budget and Research Department.

**Attachment A**

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

ORDINANCE S-

AN ORDINANCE ADOPTING THE FINAL REAPPROPRIATION BUDGET FOR ITEMS OF EXPENDITURE PREVIOUSLY ADOPTED AS PART OF THE 2016-2017 FISCAL YEAR OPERATING AND CAPITAL FUND BUDGETS OF THE CITY OF PHOENIX BUT REMAINING AS UNEXPENDED FUNDS AS OF JUNE 30, 2017.

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WHEREAS, the City of Phoenix adopts, pursuant to state law, an annual budget consisting of operating funds and capital funds for expenditure in each fiscal year, and did so for the fiscal year 2016-2017, and

WHEREAS, the requirements of planning and contracting for the acquisition of goods and services requires in many instances that the contracts for such goods and services cannot be immediately executed; and

WHEREAS, there remains from said items budgeted for the fiscal year 2016-2017 substantial amounts represented by executed but unfulfilled contracts, and

WHEREAS, the City Charter directs that amounts may be expended by the City only for goods and services actually received, and may not be expended in advance of the acquisition of such goods and services, and

DRAFT

WHEREAS, State Budget Law, A.R.S. § 42-17106, and as interpreted by the Attorney General, demands that no expenditures be made for a purpose not included in the budget, and no expenditure be made for any debt, obligation or liability incurred or created in any fiscal year in excess of the amount specified for each purpose in the budget for such fiscal year as finally adopted,

WHEREAS, it has become necessary to adopt a reappropriation and supplemental budget for sums to be expended in the fiscal year 2017-2018 from funds budgeted for the fiscal year 2016-2017, but remaining unexpended as of the close of the fiscal year on June 30, 2017.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. This Council has determined and adopted the following estimates of proposed capital and operating fund expenditures as hereinafter set forth presenting a reappropriation of items previously budgeted for the fiscal year 2016-2017 but remaining unexpended at the close of said fiscal year, and representing amounts encumbered by means of outstanding contracts as of the close of said fiscal year. That said amounts and the purposes therefore are set forth in the schedule below as follows:

2017-2018 REAPPROPRIATED FUNDS

Fund	Amount
<u>OPERATING FUNDS:</u>	
<u>General Funds</u>	
General Government	\$7,986,000
Criminal Justice	714,000
Public Safety	15,158,000
Transportation	11,683,000
Environmental Services	10,992,000
Community Development	313,000
Community Enrichment	1,131,000
Capital Improvements	<u>3,197,000</u>
Total General Funds	<u>\$51,174,000</u>
<u>Parks and Recreation Funds</u>	
Parks and Recreation Operations and Maintenance.	<u>\$7,650,000</u>
<u>Library Funds</u>	
Library Operations and Maintenance.	<u>\$4,941,000</u>
<u>Cable Communication Funds</u>	
Cable Communication Operations and Maintenance.	<u>\$502,000</u>
<u>Arizona Highway User Revenue Funds</u>	
Major Street Improvements, Traffic Improvements, Other Street Improvements and Parkways.	<u>\$64,105,000</u>

Aviation Funds

Aviation Operations and Maintenance, and Capital Improvements. \$83,297,000

Capital Construction Funds

Capital Improvements in Street Transportation and Drainage. \$5,159,000

Fund Amount

Community Reinvestment Funds

Community Reinvestment Program. \$649,000

Court Award Funds

Criminal Justice Program. \$3,344,000

Development Services Funds

Development Services Operations and Maintenance. \$4,477,000

Federal Community Development Funds

Community Development Program. \$8,966,000

Federal Operating Trust Funds

Federal and State Grants. \$8,908,000

Federal Transit Funds

Federal Transit Grant Program. \$50,665,000

Golf Course Funds

Golf Course Operations, Maintenance, and Capital \$922,000

Improvements.

HOPE VI Federal Grant Funds

HOPE VI Program. \$236,000

Human Services Federal Trust Funds

Human Services Program. \$11,116,000

Neighborhood Protection Funds

Eligible Police, Fire and Blockwatch Operations and Maintenance Expenditures Funded with Privilege License and Excise Taxes in accordance with Ordinance G-3696. \$3,316,000

Fund Amount

Other Restricted Funds

Other Restricted Funds Operations, Maintenance, and Capital Improvements. \$29,835,000

Parks and Preserves Funds

Parks and Preserves Operations and Maintenance, and Capital Improvement Expenditures Funded with Privilege License and Excise Taxes in accordance with the Phoenix Parks and Preserves initiative approved by the Phoenix voters in a ballot measure on May 20, 2008. \$25,441,000

Phoenix Convention Center Funds

Phoenix Convention Center Operations and Maintenance, and Capital Improvements. \$8,323,000

Public Housing Funds

Public Housing Operations, Maintenance, and Capital \$17,114,000

Improvements.

Public Safety Enhancement Funds

Police, Fire, and Emergency Management Operations and Maintenance Expenditures Funded with Privilege License and Excise Taxes in accordance with Ordinance S-31877. \$26,000

Public Safety Expansion Funds

Police and Fire Personnel and Service Expansion Funded with Privilege License and Excise Taxes in accordance with Ordinance G-4987. \$12,000

Regional Transit Authority Funds

Regional Transit Operations and Maintenance, and Capital Improvements. \$23,376,000

Regional Wireless Cooperative Funds

Operations and Maintenance of the Regional Wireless Cooperative Fund \$2,371,000  
Amount

Solid Waste Funds

Solid Waste Operations, Maintenance, and Capital Improvements. \$44,172,000

Sports Facilities Funds

Sports Facilities Operations and Maintenance, and Capital Improvements. \$2,781,000

Transit 2000 Funds

Transit Operations and Maintenance, and Capital Improvement Expenditures Funded with Privilege License and Excise Taxes in accordance with Ordinance \$53,258,000

G-4259.

Transportation 2050 Funds

Transit and Streets Operations and Maintenance, and Capital Improvement Expenditures Funded with Privilege License and Excise Taxes in accordance with Ordinance G-6051. \$66,828,000

Wastewater System and Multi-City Wastewater Funds

Wastewater System Operations and Maintenance, and Capital Improvements. \$112,096,000

Water Funds

Water System Operations and Maintenance, and Capital Improvements. \$180,726,000

CAPITAL PROJECTS FUNDS:

1988 Parks, Recreation, Facilities, Library Bonds \$34,000

2001 Educational, Youth and Cultural Facilities Bonds Funds \$70,000

2001 Neighborhood Protection and Senior Center Bond Funds \$25,000  
Fund Amount

2001 Library Facilities Bond Funds \$36,000

2006 Affordable Housing & Neighborhood Bond Funds \$1,521,000

2006 Education Bond Funds \$22,000

2006 Library, Senior & Cultural Center Bond Funds \$209,000

2006 Parks & Recreation Bond Funds \$183,000

<u>2006 Police and Fire Protection Bond Funds</u>	<u>\$1,167,000</u>
<u>2006 Police, Fire and Computer Technology Bond Funds</u>	<u>\$397,000</u>
<u>2006 Street &amp; Storm Sewer Improvement Bond Funds</u>	<u>\$554,000</u>
<u>Aviation Capital Funds</u>	<u>\$400,000,000</u>
<u>Capital Projects – Facilities Management Funds</u>	<u>\$529,000</u>
<u>Capital Reserve Funds</u>	<u>\$1,892,000</u>
<u>City Improvement Capital Funds</u>	<u>\$6,767,000</u>
<u>Civic Plaza Building Corporation Funds</u>	<u>\$3,408,000</u>
<u>Development Impact Fee Funds</u>	<u>\$2,793,000</u>
<u>Downtown Redevelopment and Public Parking Funds</u>	<u>\$58,000</u>
<u>Multi-City Wastewater Capital Funds</u>	<u>\$26,018,000</u>
<u>Public Housing Capital Funds</u>	<u>\$2,542,000</u>
<u>Solid Waste Capital Funds</u>	<u>\$9,291,000</u>
<u>Streets Capital Funds</u>	<u>\$18,916,000</u>
<u>Transit Capital Funds</u>	<u>\$16,523,000</u>
<u>Wastewater Capital Funds</u>	<u>\$13,628,000</u>
<u>Water Capital Funds</u>	<u>\$54,836,000</u>
Fund	Amount
TOTAL	<u>\$1,437,205,000</u>

SECTION 2. In case of an emergency, the City Council may authorize the transfer of funds between the purposes set forth in Section 1 above, if the funds are available and the transfer does not conflict with the limitations provided by law under A.R.S. § 42-17106.

SECTION 3. Money from any fund may be used for any of these purposes set forth hereinabove, except money specifically restricted by state law or by City Charter or City ordinances and resolutions.

PASSED by the Council of the City of Phoenix this 21st day of June, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
, Acting City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager



**Amend Ordinance S-42624 Adopting the 2016-17 Annual Budget for Operating Funds (Ordinance S-43651)**

An ordinance (**Attachment A**) amending Ordinance S-42624 adopting the 2016-2017 Annual Budget to authorize reallocating appropriations among lawfully available appropriations to ensure the continued operation of the City of Phoenix in the payment of necessary expenses.

**Summary**

This legally required amendment to the 2016-17 Operating Budget will allow the City to close out the current fiscal year's budgetary accounts and proceed with the annual independent audit. This is a standard end-of-year process required to close the books.

State law precludes any expenditure not included in the budget even if additional funds become available. This means all expenditures require an appropriation. An appropriation is the formal recognition in the City's official accounting records that the City Council has approved spending authority. State law allows the City Council to transfer spending authority between line items in the adopted budget. This does not represent an actual transfer of funds, but rather, only transfers of spending authority between specific areas. As a result, the total bottom line budget amount for 2016-17 does not change.

To make sure all planned expenditures have appropriate spending authority, each year the Budget and Research Department brings to the City Council a request to amend the original budget amounts between specific areas at the end of each fiscal year. This is a normal part of the annual budget close-out process. Variances between estimated and actual expenditures that trigger the need to do these reallocated appropriations are usually caused by timing differences, such as expenditures originally planned for the early part of the 2017-18 fiscal year that actually occurred during the 2016-17 fiscal year. These timing variances can be quite large, especially when dealing with construction contracts in the capital budget. Allowing for these timing differences in our request for year-end budget amendments allows for bid awards and payments to vendors to proceed.

The amendments to the 2016-17 Operating Budget require City Council approval to move spending authority from areas where excess authority is available to other areas where insufficient authority was originally provided due to normal changes during the year.

Decreases in 2016-17 appropriation authority are requested in the following:

- General Fund Capital Improvements due to the use of General Obligation Bond Funds instead of General Funds for the Fire Computer Aided Dispatch project and due to the carryover of funds planned for various other capital improvements to 2017-18.
- General Fund Transportation due to savings resulting from higher than anticipated position vacancies in the Street Transportation Department.
- Solid Waste and Water Funds due to the carryover of funding for various capital improvement projects that were budgeted but not completed in 2016-17.

Increases in 2016-17 appropriation authority are requested in the following:

- General Fund Public Safety due to increased overtime usage as a result of sworn vacancies.
- Court Awards Funds as a result of unplanned expenditures, including a helicopter engine overhaul and investigative overtime.
- Federal and State Grant Funds due to Strengthening Workforce Families Initiative funding and other grant awards that were not included in the original budget.
- Human Services Grant Funds due to a Head Start/Early Head Start cost of living adjustment and supplemental award and other grant awards that were not included in the original budget.
- Sports Facilities Funds to cover unplanned expenditures for financial analysis and legal fees.
- Wastewater Funds to cover the costs for the 91st Avenue Biogas Project, which was not included in the original budget.
- The following funds to provide for minor year-end variances: Cable Communications, Golf Course and Regional Wireless Cooperative.

These are balancing measures with a net impact of \$0. The total appropriation remains unchanged.

**Responsible Department**

This item is submitted by City Manager Ed Zuercher and the Budget and Research Department.

**ATTACHMENT A**

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

ORDINANCE S-

AN ORDINANCE AMENDING ORDINANCE NO. S-42624 DETERMINING AND ADOPTING ESTIMATES AND PROPOSED EXPENDITURES BY THE CITY OF PHOENIX FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017, BY REALLOCATING CERTAIN EXPENDITURES AND APPROPRIATIONS.

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WHEREAS, during the fiscal year 2016-2017, the resources in certain funds will be more than originally anticipated in the 2016-2017 budget, and

WHEREAS, further reallocations of certain expenditures from available funds are required to ensure the continuing operation of the City of Phoenix and the payment of necessary expenses;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1: That pursuant to the provisions of Section 4 and Section 6 of Ordinance No. S-42624 the City Manager is hereby authorized and empowered to allocate, and there is hereby appropriated and authorized to be expended, from other lawfully available funds of the City of Phoenix, the following sums to be included in the appropriations of the following listed funds by increasing or decreasing the amount

previously appropriated from said funds as follows:

- (a) Reallocating and decreasing the appropriation for General Fund Capital Improvement Funds from \$9,725,613 to \$5,925,613;
- (b) Reallocating and increasing the appropriation for General Fund Public Safety Funds from \$772,160,336 to \$780,060,336;
- (c) Reallocating and decreasing the appropriation for General Fund Transportation Funds from \$19,813,935 to \$18,313,935;
- (d) Reallocating and increasing the appropriation for Cable Communication Funds from \$4,500,511 to \$4,800,511;
- (e) Reallocating and increasing the appropriation for Court Awards Funds from \$4,989,143 to \$7,989,143;
- (f) Reallocating and increasing the appropriation for Federal and State Grant Funds from \$37,691,348 to \$41,791,348;
- (g) Reallocating and increasing the appropriation for Golf Course Funds from \$5,683,994 to \$6,283,994;
- (h) Reallocating and increasing the appropriation for Human Services Grant Funds from \$43,099,854 to \$50,199,854;
- (i) Reallocating and increasing the appropriation for Regional Wireless Cooperative Funds from \$5,085,426 to \$5,585,426;
- (j) Reallocating and decreasing the appropriation for Solid Waste Funds from \$185,242,600 to \$166,042,600;
- (k) Reallocating and increasing the appropriation for Sports Facilities Funds from \$21,305,074 to \$22,305,074;

(l) Reallocating and increasing the appropriation for Wastewater Funds from \$245,177,140 to \$260,177,140;

(m) Reallocating and decreasing the appropriation for Water Funds from \$481,141,168 to \$466,141,168;

(n) Leaving the total appropriation adopted for 2016-2017 unchanged at \$3,956,982,515.

PASSED by the Council of the City of Phoenix this 21st day of June 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_, Acting City Attorney

REVIEWED BY:

\_\_\_\_\_, City Manager



**Amend Ordinance S-42626 Adopting the 2016-17 Final Reappropriation Budget (Ordinance S-43650)**

An ordinance (**Attachment A**) amending Ordinance S-42626 adopting the 2016-2017 Final Reappropriation Budget to authorize reallocating appropriations among lawfully available appropriations to ensure the continued operation of the City of Phoenix in the payment of necessary expenses.

**Summary**

This amendment to the 2016-17 Final Reappropriation Budget will allow the City to close out the current fiscal year's budgetary accounts and proceed with the annual independent audit. This is part of the standard year-end process required to close the books.

Requested changes to the 2016-17 Reappropriated Funds Budget allow for year-end timing differences and allow for updated contract payment schedules. The 2016-17 Reappropriated Funds Budget ordinance was required to rebudget funds that were contractually committed in the prior fiscal year (2015-16) but not yet fully expended in that fiscal year. Since budget appropriations expire on June 30 of each fiscal year, the 2016-17 Reappropriated Funds Budget ordinance reestablished the appropriations for payment of vendors as goods and services were received.

These requested reallocations do not represent an actual transfer of funds, but rather, only a transfer of spending authority. Also, these reallocations do not increase or decrease the total budget.

**Responsible Department**

This item is submitted by City Manager Ed Zuercher and the Budget and Research Department.

**Attachment A**

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

ORDINANCE S-

AN ORDINANCE AMENDING ORDINANCE NO. S-42626 ADOPTING THE FINAL 2016-2017 REAPPROPRIATION BUDGET FOR ITEMS OF EXPENDITURE PREVIOUSLY ADOPTED AS PART OF THE OPERATING AND CAPITAL FUND BUDGETS OF THE CITY OF PHOENIX BUT REMAINING AS UNEXPENDED AS OF JUNE 30, 2016, BY REALLOCATING CERTAIN EXPENDITURES AND REAPPROPRIATIONS.

WHEREAS, during the fiscal year 2016-2017, the resources in certain funds will be more than originally anticipated in the 2016-2017 budget; and

WHEREAS, further reallocations of certain expenditures from available funds are required to ensure the continuing operation of the City of Phoenix and the payment of necessary expenses;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. That pursuant to the provisions of Ordinance No. S-42626, the City Manager is hereby authorized and empowered to allocate, and there is hereby appropriated and authorized to be expended, from other lawfully available funds of the

City of Phoenix, the following sums to be included in the reappropriations of the following listed funds by increasing or decreasing the amount previously reappropriated from said funds as follows:

- (a) Reallocating and increasing the reappropriation for General Fund Community Enrichment Funds from \$768,000 to \$1,193,000;
- (b) Reallocating and decreasing the reappropriation for General Fund Transportation Funds from \$6,579,000 to \$6,154,000;
- (c) Reallocating and increasing the reappropriation for Regional Transit Authority Funds from \$25,789,000 to \$27,914,000;
- (d) Reallocating and decreasing the reappropriation for Transit 2000 Funds from \$93,115,000 to \$90,990,000;
- (e) Leaving the total for the 2016-2017 reappropriation budget unchanged at \$1,396,609,000.

PASSED by the Council of the City of Phoenix this 21st day of June 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_, Acting City Attorney

REVIEWED BY:

\_\_\_\_\_, City Manager

DRAFT



**Electron Microscope Maintenance Agreement - RFA 17-170 (Ordinance S-43643)**

Request to authorize the City Manager, or his designee, to enter into a contract with Tescan USA Inc. to provide a maintenance agreement for an electron microscope for the Police Department in an amount not to exceed \$60,745.00. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The electron microscope was purchased and installed at the Forensic Science Section of the Police Department in 2013, and an ongoing maintenance agreement is needed to ensure the instrument is operating in accordance to the manufacturer's guidelines. The maintenance agreement includes an annual onsite inspection and also software upgrades from the manufacturer.

**Procurement Results**

In accordance with Administrative Regulation 3.10, normal competition was waived due to the unique requirements of the Department. Tescan USA Inc. is the official and sole U.S.A. representative for Tescan Brno, which is the manufacturer of the electron microscope. As such, supplies, accessories, parts, and services for the electron microscope are only available from Tescan USA Inc.

The Deputy Finance Director recommends the purchase of the maintenance agreement from Tescan USA Inc.

**Financial Impact**

The purchase of the forensic software will not exceed \$60,745.00 (including applicable taxes). Funds are available in the Police Department's budget.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.



**Fleet Services Division Towing Services - IFB 12-120A (Ordinance S-43649)**

Request to authorize the City Manager, or his designee, to extend Contract 133856 and request additional payment authority under Contract 133856 with Western Towing of Phoenix, Inc. (Western Towing) in the amount of \$298,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Under the contract, Western Towing provides services to remove City-owned vehicles from public rights-of-way and other miscellaneous towing services on an as-needed basis. Citywide towing services are critical to maintaining public rights-of-way when there are accidents or mechanical problems with City-owned vehicles. The towing services provide a safe and efficient transfer of the vehicles to a repair facility. This contract is being extended to allow time to prepare an Invitation for Bid (IFB).

**Contract Term**

The contract term will begin on July 1, 2017, and end on June 30, 2018.

**Financial Impact**

The additional expenditure will be \$298,000 for the term of the contract. Funds are available in various department budgets.

**Concurrence/Previous Council Action**

The contract is the result of IFB 12-120 awarded by Formal City Council action on June 6, 2012.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr., Deputy City Managers Paul Blue and Karen Peters, and the Police, Aviation and Public Works departments.



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**Purchase of Runway Friction Tester - General Services Administration (GSA) GS-07F-095DA (Ordinance S-43652)**

Request to authorize the City Manager, or his designee, to enter into a contract with Halliday Technologies to purchase a runway friction tester (RFT) in an amount not to exceed \$102,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Public Works Department is purchasing the RFT on behalf of the Aviation Department for the measurement of friction levels on runways at Phoenix Sky Harbor International Airport. Airport runways must remain in compliance with the U.S. Department of Transportation Federal Aviation Administration standards in Advisory Circular No. 150/5320-12D. Skid resistance levels on runways are reduced by contaminants including water, rubber deposits, and jet fuel. Loss of friction may result in loss of braking and control of aircraft on runways. The equipment is necessary to ensure skid resistance levels are maintained to ensure safety.

**Procurement Information**

The General Services Administration (GSA) provides centralized procurement for the federal government, offering a wide variety of products, services, and facilities that federal agencies need to serve the public. The GSA contract was awarded using a similar competitive process as set forth in Phoenix City Code 43. The GSA contract with Halliday Technologies is current and will expire March 15, 2021.

**Financial Impact**

The purchase shall not exceed \$102,000. Funds are available in the Aviation Department's budget.

**Location**

The RFT will be used at Phoenix Sky Harbor International Airport.

**Responsible Department**

This item is submitted by Deputy City Managers Karen Peters and Paul Blue, and the Public Works and Aviation departments.



**Closed Captioning Services - IFB 17-168 (Ordinance S-43674)**

Request to authorize the City Manager, or his designee, to enter into a contract with Closed Caption Productions to provide closed captioning services for the Communications Office. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

This contract will provide live, real-time and post production/off-line closed captioning of PHXTV programming to include Phoenix City Council meetings, policy sessions and subcommittee meetings with transcripts of meetings and sessions produced within 24 hours. Closed captioning services provided through PHXTV are necessary and required by federal law. The Americans with Disabilities Act requires that all the programming airing on PHXTV be closed captioned to aid people with hearing disabilities. This contract also will provide additional services such as off-line roll up captioning, off-line pop up captioning and show production on an as needed basis.

**Procurement Information**

IFB 17-168 was conducted in accordance with Administrative Regulation 3.10. There were three offers received by the Procurement Division on March 17, 2017. Two offers, Azur Cart and Captioning and Quick Caption, were deemed non-responsive.

Azur Cart and Captioning:	\$19,555.20
Quick Caption:	\$19,920.00
Closed Caption Productions:	\$27,600.00

The Deputy Finance Director recommends that the offer from Closed Caption Productions be accepted as the lowest, responsive and responsible offer.

**Contract Term**

The initial five-year contract term shall begin on or about June 21, 2017.

**Financial Impact**

The aggregate contract value will not exceed \$225,000 (including applicable taxes) with an estimated annual expenditure of \$45,000. Funds are available in the

Communications Office budget.

**Responsible Department**

This item is submitted by City Manager Ed Zuercher and the Communications Office.



**Water Services Department Office and Equipment Relocation and Reconfiguration (Ordinance S-43677)**

Request to authorize the City Manager, or his designee, to add additional expenditures to Contract 4705000080 with Goodmans, Inc., dba Goodmans Interior Structures, in an amount of \$297,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The contractor will provide services to assist the Water Services Department with 12 reconfiguration projects. One of the larger projects is to relocate the Water Safety and Training Section to provide for better oversight of the Deer Valley training facility and contractors, improve the delivery of health, safety and professional development training, and create a more safe and professional workplace. Another significant project consists of reorganizing the Warehouse Section Procurement teams to the Wastewater and Water Treatment Plants and Water Service Yards, to provide vendors and the Water Services Department with centralized support on the procurement process. The reconfiguration of office spaces and equipment is needed for team collaboration and to decrease work process redundancies, reducing operating expenses while increasing productivity.

**Financial Impact**

The \$297,000 in additional funds are available in the Water Services Department's budget.

**Concurrence/Previous Council Action**

The State of Arizona contract ADSPO 13-040689 with Goodmans and contracts ADSPO 13-040686, ADSPO 13-040687, ADSPO 13-040690, ADSPO 13-040688, ADSPO 13-040691, ADSPO 13-040683, and ADSPO 13-040692 were adopted by Formal Council Action on the Oct. 30, 2013, Council agenda with an estimated annual amount of \$900,000 and an aggregate amount of \$4,500,000. The contracts are available to all City departments.

**Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



**Purchase of Smart Ray Vision X-Ray System - RFA 17-186 (Ordinance S-43683)**

Request to authorize the City Manager, or his designee, to enter into a contract with Federal Resources Supply Company (Vendor No. 3524596) to purchase the Smart Ray Vision X-Ray System in an amount not to exceed \$63,661.00. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Federal Resources Supply Company will provide the complete Smart Ray Vision X-Ray System to be utilized by the Phoenix Police Department's Bomb Squad when investigating potential improvised explosive devices. X-Ray systems are vital to bomb technician operations when investigating potential improvised explosive devices. This system allows the bomb technician to see what is inside a potential explosive device without having to touch it, allows the technician to determine if the item is a live explosive device, and allows them to formulate the best plan of action to render the device safe. The Smart Ray Vision X-Ray System is the only system on the market that utilizes digital radiography imaging panels instead of a phosphor panel, and a remote system that allows the bomb technician to only approach an explosive device once instead of multiple times.

**Procurement Information**

Federal Resources Supply Company is the manufacturer of the Smart Ray Vision X-Ray System and meets the Police Department's Bomb Squad requirements. In accordance with Administrative Regulation 3.10, normal competition was waived as the Smart Ray Vision X-Ray System is patented and proprietary to Federal Resources Supply Company.

**Financial Impact**

The contract expenditures shall not exceed \$63,661.00 (including applicable taxes). Funds are available in the Police Department's budget.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.



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**Adopt Maricopa County Contract for Electronic Resources and Multimedia Downloads - Agreement 171101-S (Ordinance S-43684)**

Request to authorize the City Manager, or his designee, to adopt cooperative agreement 171101-S with Maricopa County and enter into a linking agreement with Library Ideas LLC, Midwest Tapes LLC, EBSCO Industries Inc., Recorded Books Inc., Cengage Learning, Optimal Resume, ProQuest LLC, Baker & Taylor LLC, Niche Academy LLC, and Odilo for the cooperative purchase of electronic resources and multimedia downloads in an amount not to exceed \$2,938,500. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The cooperative purchasing agreement will be utilized to purchase eMaterials including but not limited to music streaming, eBooks, eAudiobooks, and online video. The eMaterials and related services provide unlimited simultaneous access to databases and publications. The benefits in utilizing digital technology is the material cannot be damaged, mutilated or lost, no shelving space is required, and no manual management of material is needed, which all of these also help keep costs down.

This item has been reviewed and approved by the Information Technology Services Department.

**Procurement Information**

In accordance with Administrative Regulation 3.10, a cooperative purchasing agreement is required when the City wishes to participate in a cooperative procurement contract of another public procurement agency.

For the contract awarded by Maricopa County, a public procurement agency was solicited using similar steps as the City would have used under its own procurement code. Maricopa County awarded a contract to the following vendors: Library Ideas LLC, Midwest Tape LLC, EBSCO Industries Inc., Recorded Books Inc., Cengage Learning, Optimal Resume, ProQuest LLC, Baker & Taylor LLC, Niche Academy, and Odilo. The contract pricing is fair and reasonable and comparable to other City contracts for similar products and services. The Maricopa County contract was awarded Jan. 11, 2016 and currently expires Jan. 31, 2020.

**Contract Term**

The initial contract term shall begin at the time of Council approval and end on June 30, 2022.

**Financial Impact**

The purchase of Electronic Resources and Multimedia Downloads will not exceed \$2,938,500. Funds are available in the Library Department's Operating budget.

**Responsible Department**

This item is submitted by Deputy City Manager Deanna Jonovich and the Library Department.



**Hardware and Software Maintenance for Mug Photo Workstations - State of Arizona Cooperative Contract - ADSPO13-038745 (Ordinance S-43686)**

Request to authorize the City Manager, or his designee, to access the State of Arizona Cooperative Contract ADSPO13-038745 and to enter into a contract with Imageware Systems, Inc. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

This contract will provide the Police Department hardware and software maintenance, RMS interface and support services for mug photo workstations located throughout several Police precincts and bureaus. The workstations are used to capture, archive, search, retrieve and share digital photos/images of detained persons that are submitted to the Department of Public Safety for statewide identification purposes and mug photo lineups. Additionally, the mug photo workstations interface with the State of Arizona's ACJIS system as well as the FBI's international facial recognition system.

This item has been reviewed and approved by the Information Technology Services Department.

**Procurement Information**

In accordance with Administrative Regulation 3.10, a participating agreement is required when the City uses a cooperative agreement from another public agency. The contract was awarded through a competitive process consistent with the City's procurement processes, as set forth in Phoenix City Code, Chapter 43. Utilization of cooperative agreements allows the City to benefit from national government pricing and volume discounts. The State of Arizona contract covers hardware and software maintenance for mug photo workstations and was awarded April 26, 2011.

**Contract Term**

The five-year contract term shall begin on or about July 1, 2017.

**Financial Impact**

The aggregate contract value will not exceed \$161,960 (including applicable taxes). Funds are available in the Police Department's budget.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.



## **Long Term Disability Program Medical Review Physician Services**

This report requests City Council approval to issue a Request for Proposals (RFP) for Long Term Disability Medical Review Physicians Services.

### **Summary**

The City's Long Term Disability (LTD) plan is self-funded through the LTD Trust and is self-administered by the Human Resources Department Benefits & Wellness Division. The LTD plan provides a percentage of income continuation when the employee is unable to work due to serious and sustained personal injury or illness. Initial and ongoing eligibility is determined through regular certification from the employee's medical provider specialized in the diagnosis and treatment of the injury or illness.

Staff is requesting issuance of an RFP for a Medical Review Physician or Physicians to assist in determining eligibility for newly submitted and ongoing LTD claims. The Medical Review Physician also will confer with medical staff treating employees, as needed, for purposes of determining eligibility. A medical review physician or physicians would review medical documents and records, reach out to treating physicians on a peer-to-peer basis, and provide clinical insight about an employee's ability to continue working, to return to work, or to perform other types of work.

### **Financial Impact**

The LTD Trust provides payment for benefits to eligible participants and administrative costs for the program, such as independent medical examinations. Trust funds are available to support the cost of a physician or physicians to provide second opinion claims review. The annual cost would not exceed \$100,000 for these services.

### **Concurrence**

This item was recommended for approval at the May 16, 2017, Sustainability, Housing, Efficiency and Neighborhoods Subcommittee meeting by a vote of 4-0.

### **Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Human Resources Department.



## Life Insurance Services

This report requests City Council approval to issue a Request for Proposals for Life Insurance Services for employee life insurance coverage.

### Summary

Term Life insurance provided by the City to eligible employees are Basic Life Insurance and AD&D (accidental death and dismemberment), Occupational AD&D (payable when death or dismemberment occurs in the line of duty), Commuter Life Insurance (payable when death occurs while traveling directly to or from work), and Optional Life Insurance (additional life insurance available with premium paid via payroll deduction). The City offers these lines of life insurance coverage for employees as part of its benefit package and per union and employee association MOUs and MOAs.

The current contract with Minnesota Life was issued effective Jan. 1, 2015, for three years (2015, 2016, and 2017) with two one-year extension options exercised at the discretion of the City. Minnesota Life's rate guarantee ends on Dec. 31, 2017, and the company has presented renewal rates for 2018 that represent a 345 percent rate increase to the basic life insurance rates based on loss ratios of more than 600 percent and 300 percent, respectively, in years 2015 and 2016. Occupational AD&D rates would be reduced 15.3 percent and Commuter rates would increase 8.4 percent. Staff recommends issuing an RFP for Life Insurance Services to determine if lower rates for the same coverage can be procured.

### Financial Impact

The City now pays \$706,000 annually for Basic Life, Basic AD&D, Occupational AD&D, and Commuter Life Insurance. The proposed 2018 renewal rates would increase this amount to \$1.85 million. Staff recommends issuing an RFP for Life Insurance Services to determine if lower rates for the same coverage can be procured.

### Concurrence

This item was recommended for approval at the May 16, 2017, Sustainability, Housing, Efficiency and Neighborhoods Subcommittee meeting by a vote of 3-0.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Human Resources Department.



## **Professional Services for Network Support (Ordinance S-43706)**

Request authorization for the City Manager, or his designee, to enter into a contract with Integrity Network Solutions, LLC; Intraedge, Inc.; Kollasoft, Inc.; and Scott Business Group, LLC, to provide professional information technology (IT) network support services on an as-needed basis, for a total amount not to exceed \$5 million. Further request authorization for the City Controller to disburse all funds related to this item.

### **Summary**

As technology projects citywide are planned, implemented, updated, and streamlined, professional network technology specialists such as Network Technicians, Network Engineers, and Senior Network Engineers are needed to provide specific and unique expertise and temporarily augment staff to ensure projects are successful. Because the number and complexity of citywide IT projects can vary over time, the City utilizes contract technicians to ensure expenses only occur as needed. This model also provides flexibility and allows the City to select technicians with skill sets and experience specific to the IT project being undertaken. Historically, the Information Technology Services Department has released a solicitation each time a network support service resource was required, which is inefficient due to the additional time and work required to conduct multiple procurement processes. This request establishes a Qualified Vendors List (QVL) to streamline the process and allow qualified network professionals to be selected from any one of four vendors over the term of the QVL. This also helps ensure selection of the best candidate for each project.

### **Procurement Information**

The four vendors were selected through a competitive procurement in compliance with City policy and code, and utilizing the IT Professional Services QVL. In May 2017, 16 vendors in the Network, Voice and Infrastructure categories of the QVL were invited to participate in this professional services requirements contract. Ten of those vendors were City-certified small business enterprises. Six vendors responded and were evaluated by a panel of subject matter experts. The panel recommended four of the six vendors listed above, two of which are City-certified small business enterprises.

**Contract Term**

The initial contracts will be for two years beginning on or about July 1, 2017, and ending on or about June 30, 2019, with three one-year extensions to be exercised if in the best interest of the City to do so.

**Financial Impact**

The contracts will be used on an as-needed basis, in an amount not to exceed \$5 million, inclusive of all extensions. The annual amount is expected to be \$1 million, based on the historical usage of contracted resources.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Information Technology Services Department.



**Authorization to Enter into Agreements with Selected Lawyers and Law Firms to Provide Outside Counsel Services (Ordinance S-43671)**

Request to authorize the City Attorney, through the City Manager, or his designee, to enter into legal services agreements with various selected lawyers and law firms to provide outside counsel services to the City on an as-needed basis as determined by the City Attorney. Further request to authorize the City Controller to disburse funds in an amount not to exceed \$16,500,000 total for FY 2017-2018 and FY 2018-2019 for purposes of this ordinance.

**Summary**

The City Attorney's Office issued a request for proposals from lawyers and law firms to provide outside counsel services to the City in numerous selected legal areas. The responses were evaluated by Brad Holm, City Attorney; Sharon Haynes, Assistant Chief Counsel; and Colleen Nathans, Assistant Risk Management Administrator.

The City Attorney is authorized to enter into agreements as needed to provide legal services for the City of Phoenix. Upon approval, the City Attorney will enter into agreements with firms presently and regularly performing services for the City from the attached list of approved respondents to the RFP (**Attachment A**). The City Attorney may from time-to-time, on an as-needed basis, contract for other legal services, including services of attorneys, expert witnesses, and other legal advisors or consultants, under Phoenix City Code 2-10 and 43-2.

**Contract Term**

The contract term will be from July 1, 2017 through June 30, 2019, with an option to extend the contracts for one additional year.

**Financial Impact**

The request amount represents an approximate \$500,000 increase over the current two-year period of FY2015-2017. The following summarizes expenses over the past eight fiscal years.

Fiscal Year	Amount Spent
09/10	\$7,188,285
10/11	\$6,149,667
11/12	\$6,416,437
12/13	\$5,264,921
13/14	\$5,650,762
14/15	\$6,889,329
15/16	\$7,706,237
16/17	\$7,533,220 (projected)

The individual agreements set forth specific rates and fees for legal services, in accordance with proposals submitted during the procurement. The agreements will include a prompt-payment discount of 2%. With that 2% discount, the Law Department has also saved approximately \$140,000 over the last two fiscal years.

Funds are available in various department budgets, including the Law Department and Self-Insured Retention Fund. Payments will be made from affected funding sources, primarily the Self-Insured Retention Fund or the General Fund on an individual case or legal assignment basis.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Law Department.

Attachment A

Anderson Kreiger	Apperson Crump
Ayers & Brown PC	Ballard Spahr LLP
Berke Law Firm	Berry Law Group, PLLC
Beveridge & Diamond PC	Bryan Cave
Buchalter	Burch & Cracchiolo PA
Burns Barton	Campbell Yost Clare & Norell
Cavanagh Law Firm, The	Cohen & Grigsby
Culp & Kelly LLP	Dickinson Wright
Elardo Bragg Appel & Rossi	Ellman Weinzwieg LLC
Engelman Burger, PC	Farella Braun & Martel LP
Farhang & Medcoff	Fisher & Phillips LLP
Foley & Lardner LLP	Fowler St. Clair PLLC
Gabriel & Ashworth, PLLC	Gammage & Burnham, PLC
Gonzalez Law LLC	Gordon & Rees Scully Mansukhani
Grasso Law Firm	Greenberg Traurig
Gust Rosenfeld PLC	Hagens Berman
Hawkins Delafield & Wood LLP	Holloway Odegard & Kelly, PC
Ice Miller LLP	Jackson Lewis PC
Jennings Strouss	Jones Skelton & Hochuli PC
Jordan Hiser & Jay PLLC	Kaplan Kirsch Rockwell
Koeller Nebeker Carlson Haluck, LLP	Kutak Rock LLP
Lamb & Lerch	Lewis Brisbois
Littler Mendelson, PC	Lotzar Law Firm
Adam Losey, PLLC	Manning & Kass, Elrod, Ramirez, Trester
Miller, The Law Office of Diane	Morgan Lewis
Nossaman LLP	O'Connor & Campbell PC
Osborn Maledon	Perkins Coie

Peshkin Kotalik PC  
Renaud Cook Drury Mesaros, PA  
Ryley Carlock & Applewhite  
Sherman & Howard, LLC  
Shulman Rogers Gandal Pordy & Ecker, PA  
Sorenson Law Firm, LLC, The  
Spencer, PLLC Law Office of Roger K  
Struck Wieneke & Love, PLC  
Torres Law Group  
Warner Angle Hallam Jackson & Formanek,  
PLLC  
Wright Welker & Pauole, PLC

Pierce Coleman, PLLC  
Rosales Law Partners LLP  
Sanders and Parks  
Sims Murray, Ltd.  
Softwarehouse, LLC  
Spencer Fane  
Squire Patton Boggs, LLP  
Thompson Coburn LLP  
Udall Shumway PLC  
Wilson Elser

\*Note – The City Attorney may from time-to-time, on an as-needed basis, hire other legal services, including the services of attorneys, expert witnesses, and other legal advisors or consultants, under the Phoenix City Code, Sections 2-10 and 43-2.



**Sharing of Telecommunications Facilities between the City of Phoenix and City of Peoria (Ordinance S-43689)**

Request to authorize the City Manager, or his designee, to amend Intergovernmental Agreement 100016 for sharing of telecommunications facilities between the City of Phoenix and the City of Peoria. Authorization is also requested for the City Controller to disburse all funds related to this item.

**Summary**

The purpose of Supplement 9 is to add a new Simulcast "G" Sub Site as part of the Regional Wireless Cooperative (RWC) and Phoenix Fire's VHF radio systems. The City of Peoria is the property licensee and grants the City of Phoenix permission to use the existing property for installation of RWC P25 Radio and Microwave Equipment. The equipment needed has already been purchased.

**Contract Term**

This Amendment will automatically renew upon the renewal of the underlying Agreement.

**Financial Impact**

There is no financial impact resulting from this Amendment. Surplus equipment, previously used at other RWC sites, will be repurposed for use at this site.

**Location**

Pyramid Peak Water Treatment Facility, 28101 N. 63rd Ave.

**Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Office of Government Relations.



**Resolution to Authorize Increase to Amortization Period for Public Safety Personnel Retirement System Plan and to Establish the Public Safety Personnel Retirement System Reserve Fund (Resolution 21552)**

Request to authorize the City Manager to request the Public Safety Personnel Retirement System (PSPRS) increase the amortization period for the PSPRS plan from 20 years to 30 years and authorize the City Manager to submit a written request to the PSPRS Board of Trustees to increase the amortization period for the PSPRS plan. Future budget processes, beginning with Fiscal Year (FY) 2018-19, will reflect City Council's intention to pay more based on a 25-year amortization schedule. Further request to authorize the City Manager to establish the PSPRS Reserve Fund.

**Summary**

The Arizona State Legislature enacted HB2485, which allows employers who contribute to PSPRS, like the City of Phoenix, to make a one-time request to the PSPRS Board of Trustees to increase the amortization period from 20 years to 30 years. Under HB2485, the City may choose the longer amortization period and make it apply to the June 30, 2016 actuarial valuation that sets out the City's contribution to PSPRS. This action will lower the City's employer contribution rate for FY 2017-18. To exercise this right under HB2485, the City must make a one-time request to lengthen the amortization period from 20 years to 30 years and submit this written request to the PSPRS Board of Trustees. PSPRS must receive this request in time for its June 28, 2017 board meeting. As discussed in the Policy Session on June 13, 2017, the City can pay more than the actuarial valuation.

Concurrently, the City seeks to establish the PSPRS Reserve Fund to hold any excess funds generated by the increased amortization period in FY 2017-18 as well as any other funds designated by the City Council. These excess funds will be held in reserve to pay any City obligation to PSPRS.

**Responsible Department**

This item is submitted by City Manager Ed Zuercher and the Finance Department.

**Attachment A**

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF  
THE FINAL, ADOPTED RESOLUTION**

RESOLUTION \_\_\_\_\_

A RESOLUTION TO INCREASE THE AMORTIZATION PERIOD FOR THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM PLAN AND TO ESTABLISH THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM RESERVE FUND.

WHEREAS the City of Phoenix employs members (“Members”) of the Public Safety Personnel Retirement System (“System”); and

WHEREAS the System’s enabling legislation, Arizona Revised Statutes (“A.R.S.”) §§ 38-841 *et seq.*, requires the City of Phoenix to make contributions sufficient under actuarial valuations to meet both the normal cost for its Members hired before July 1, 2017 plus the actuarially determined amount required to amortize the unfunded accrued liability on a level percent of compensation basis for its Members (or participants as defined in A.R.S. § 38-865(7)(a)) over a closed period of not more than 20 years beginning July 1, 2017, as established by the System’s board of trustees (“Board”), *except* in the event the City of Phoenix makes a one-time election (an “Election”) to request that the Board use a closed period of not more than 30 years, so long as certain conditions are satisfied; and

WHEREAS to make a one-time Election to request that the Board apply a closed period of up to 30 years for the amortization of liability attributable to its

Members, the City of Phoenix must (i) adopt a resolution (“Resolution”) to request the longer amortization period and (ii) specify the actuarial valuation date for which the new amortization period begins, which date shall commence, at the City of Phoenix’s election, on the System’s fiscal year end (June 30) immediately before or immediately after the date of such Resolution; and

WHEREAS it is understood by the City of Phoenix that the employer contribution rate reflecting the chosen amortization period will be effective July 1 in the year following the chosen actuarial valuation date; and

WHEREAS as further condition to make the one-time Election, the City of Phoenix must submit a written request for the longer amortization period along with its adopted Resolution to the Board’s administrator (“Administrator); and

WHEREAS the City of Phoenix wishes to make an Election to increase its amortization period for its Members under the System to 30 years; and

WHEREAS the City of Phoenix has elected to specify that the actuarial valuation date for which its new amortization period begins shall be the System’s fiscal year end (June 30) immediately before the date of this Resolution; and

WHEREAS the City of Phoenix believes that increasing the amortization period for its Members under the System is in the public interest and the interest of its Members.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. The period for amortizing the liability attributable to the City of Phoenix’s Members under the System shall be increased to 30 years.

SECTION 2. The increase in the amortization period will begin at the end of the System's fiscal year (June 30) immediately before the date of this Resolution, which increase will be reflected in the employer contribution rate to begin July 1 of the year following the chosen actuarial valuation date.

SECTION 3. The City of Phoenix through the City Manager will submit a written request for the above specified longer amortization period to the Board's Administrator.

SECTION 4. The City Manager is authorized to establish the Public Safety Personnel Retirement System Reserve Fund to hold any excess funds generated by the increased amortization period and any other funds designated by the City Council to be held in reserve to pay any City of Phoenix obligation to the System.

PASSED by the Council of the City of Phoenix this 21st day of June, 2017.

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M A Y O R

ATTEST:

\_\_\_\_\_ City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_ Acting City Attorney

REVIEWED BY:

\_\_\_\_\_ City Manager

AAB:vh;1310349v1; (LF17-3643) 6/21/17



**(CONTINUED FROM MAY 31, 2017) - HUD Rental Assistance Demonstration Rehabilitation of Foothills Village Public Housing Community (Ordinance S-43579) - REQUEST TO CONTINUE**

Request authorization for the City Manager, or his designee, to implement the rehabilitation of the Foothills Village Public Housing community through the U.S. Department of Housing and Urban Development's (HUD) Rental Assistance Demonstration (RAD) Program, with the Housing Department serving as co-developer. Authorization is also requested for the City Controller to disburse Public Housing and/or Affordable Housing funds for the project.

**Summary**

Foothills Village, located at 920 W. Alta Vista Road and built in 1971, consists of 32 buildings containing 200 units with two to four bedrooms. The property, which sits on approximately 17.85 acres, contains outdated units and resident amenities. In February 2017, HUD awarded a RAD Program commitment for Foothills Village, allowing the Housing Department to convert the property's 200 Public Housing units from a Public Housing operating subsidy to a long-term, renewable, project-based Section 8 contract. The RAD Program will help revitalize aging Public Housing properties and address the backlog of deferred maintenance and capital improvements, as well as provide future financial sustainability and continued affordability. It is anticipated that the new development will contain 190 RAD units and 10 unsubsidized units.

The Housing Department is procuring a co-development partner to rehabilitate the Foothills Village site including its on-site resident amenity buildings (the Project). A separate request will seek City Council approval for contract award of the selected co-developer.

The Housing Department, working with its co-development partner once selected, seeks authorization to proceed with all actions necessary or appropriate to rehabilitate the Foothills Village Apartments site including the following:

1. Pursue substantial rehabilitation of existing buildings on the site and relocate resident households per RAD requirements.

2. Form a new City-controlled non-profit corporation with the Housing Director to serve as sole incorporator, with names and governance documents as approved by the City Manager or his designee.
3. Jointly with the co-developer, form a new corporate entity or entities, of which the corporation will be a member and co-developer for the Project, to serve as the ownership entity(ies) for the site.
4. Procure and/or engage in funding transactions to finance the rehabilitation, including submitting applications and accepting awards of Low Income Housing Tax Credits (LIHTC), seeking a LIHTC equity investor, and obtaining other grants and/or loans for the Project.
5. Provide financial guarantees to investors or lenders to assure rehabilitation completion and loan repayment if necessary to obtain financing, provided that any guaranty may only be paid from any developer fees to be paid to the new corporation.
6. Appropriate and expend up to \$4 million in Housing Department Public Housing and/or Affordable Housing Funds to provide and/or loan predevelopment and gap funding.
7. Allocate Section 8 Project-Based Vouchers and/or Public Housing units, amend HUD Annual Plan(s), and enter into associated contracts or agreements, as necessary to facilitate financing, rehabilitation, and operations.
8. Convey or grant fee title or a lesser interest in all or any portion of the site to the Corporation(s), LLC(s), public utilities, and other third parties as necessary to facilitate rehabilitation.
9. Procure, execute, and submit or deliver all contracts, documents and instruments necessary for the rehabilitation and operation of the property.
10. Use and expend the proceeds of any grants, loans, and other financing and funding sources to carry out the rehabilitation and operation of the property.
11. Take other action necessary or appropriate to rehabilitate, implement, and operate all phases of the Foothills Village RAD Program rehabilitation.

**Financial Impact**

Funding is available in the Public Housing and/or Affordable Housing Funds.

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**Location**

Foothills Village Public Housing community, 920 W. Alta Vista Road.

**Concurrence/Previous Action**

This item was considered at the Sustainability, Housing, Efficiency and Neighborhoods Subcommittee on May 16, 2017, and approval recommended by a vote of 4-0.

**Responsible Department**

This item is submitted by Deputy City Manager Deanna Jonovich and the Housing Department.



**City of Phoenix**  
PLANNING AND DEVELOPMENT SERVICES

**To:** Deanna Jonovich  
Deputy City Manager

**Date:** June 9, 2017

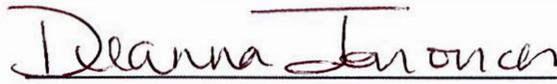
**From:** Cindy Stotler   
Housing Director

**Subject:** REQUEST FOR CONTINUANCE ON HUD RENTAL ASSISTANCE  
DEMONSTRATION REHABILITATION OF Foothills Village Public  
HOUSING COMMUNITY ON THE JUNE 21, 2017 FORMAL AGENDA

The Housing Department requests to continue the item for HUD Rental Assistance Demonstration Rehabilitation of Foothills Village Public Housing Community on the June 21, 2017 Formal Agenda.

Staff recommends continuing this item to June 28, 2017.

Approved:

  
Deanna Jonovich, Deputy City Manager



**Amend CDBG Public Facilities Grant Recipient Ordinance (Ordinance S-43647)**

Request to amend Ordinance S-42495 to authorize contract award to UMOM New Day Centers, Incorporated (UMOM) instead of Tumbleweed Center for Youth Development (Tumbleweed) due to bankruptcy proceedings. Also request authorization to amend the original contract term of July 1, 2016 to Dec. 31, 2017 to July 1, 2016 to July 1, 2018.

Tumbleweed was a recipient of a Public Facilities 2016-2017 Community Development Block Grant (CDBG); the organization was awarded \$49,254 to rehabilitate the Young Adult Program - Earll Location, located at 2344 E. Earll Drive, Phoenix, Arizona 85016. In December 2016, Tumbleweed filed for Chapter 11 bankruptcy protection. Recently, the U.S. Bankruptcy Court issued an order permitting Tumbleweed to transfer its assets, including the Earll Location, and assign its outstanding contractual interests to UMOM. Accordingly, Ordinance S-42495 must be amended in order to authorize the City Manager, or his designee, to enter into a CDBG, Public Facilities for Non-Profits contract with UMOM, or its permitted assigns, and continue to fund the project. All project activities in the proposal originally submitted by Tumbleweed, as well as all other terms of the Ordinance, will remain unchanged.

**Contract Term**

The amended contract term is July 1, 2016 to July 1, 2018.

**Financial Impact**

This item is funded by Community Development Block Grant funds; there is no impact to the General Fund.

**Responsible Department**

This item is submitted by Deputy City Manager Deanna Jonovich and the Neighborhood Services Department.



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**Policy Regarding Proceeds of Excess City Land, Including Park Land, Sales and General Fund Payment Plan to Phoenix Parks and Preserve Initiative (PPPI) for Golf (Ordinance S-43701)**

This report requests City Council approval of a Policy, recommended by the Parks, Arts, Education and Equality Subcommittee, regarding proceeds of City excess land sale, including park land, be utilized to make payment to the Phoenix Parks and Preserve Initiative fund for golf debt.

**Summary**

In 2013, the City Council adopted a plan to address the deficit in the Golf special revenue fund. Since 1981, City golf courses operated by the Parks and Recreation Department had been accounted for separately from the General Fund. Beginning in 1998, the golf courses generated consistent deficits with expenses exceeding revenues and minimal capital investment. The deficit was carried as an account receivable by the City's Finance Department for nearly 12 years and grew to a total of \$15,032,000. This meant the City's cash pool was, in effect, carrying the Parks and Recreation Department program deficit for Golf.

A payable amount this large carried on the City's books was certain to raise questions from credit rating agencies. In 2013, the City Council took forceful action to address the Golf Fund deficit and preserve Phoenix Municipal Golf. The City Council used PPPI funds to pay the Parks and Recreation Department's Golf fund debt to the City financial pool over three years. This was legally sound, as the funds were used to preserve, protect, and maintain recreation facilities and open space.

The action to continue Phoenix Municipal Golf was taken to protect neighborhoods and to sustain one of the City's most popular recreation activities. Phoenix Golf generates the most revenue and has the smallest gap between revenue and expenses of any other City recreational offering including soccer, softball, and swimming.

In 2017, the City Council asked about a plan to return funds to PPPI equal to the \$15,032,000 payment. Staff recommended using proceeds from the sale of park land. On May 24, 2017, Parks, Arts, Education and Equality Subcommittee members recommended the City utilize proceeds of all eligible City land sales, including park

land sales, to PPPI until the \$15 million is reached. This is one-time cash that Mayor and City Council can allocate as it finds appropriate.

It is important to note that City lands have been acquired through a variety of methods such as Bond funds, Community Development Block Grant Funds, Impact fees, private donations, voter-approved Phoenix Parks and Preserve Initiative (PPPI), and other funding sources. When City land is sold, staff will perform an analysis of the history of acquisition to determine eligibility of where the sale proceeds may be reinvested. Impact fee purchased property, for example, has restrictions and would be ineligible to repay the PPPI fund. However, in general, land that was acquired with bonds that have been retired, land that was acquired through PPPI, General Fund or land that was donated by private individuals with no restrictions are eligible for discretionary use.

The use of park land proceeds to reimburse PPPI has a direct connection. The use of all other land proceeds has less connection to PPPI and could conflict with other funding needs the City has for the proceeds.

**Concurrence/Previous Council Action**

This item was recommended by the Parks, Arts, Education and Equality Subcommittee on May 24, 2017, by a vote of 4-0.

**Responsible Department**

This item is submitted by Deputy City Manager Deanna Jonovich and the Parks and Recreation Department.



**Approval to Execute Contract for Event Services Contract Labor (Ordinance S-43693)**

Request to authorize the City Manager, or his designee, to enter into a contract with Allstaff Services, Inc. (or its City-approved designee) for event services contract labor for the Phoenix Convention Center & Venues. Further request the City Controller to disburse all funds related to this item.

**Summary**

The Phoenix Convention Center Department (PCCD) currently has a contract with Allstaff Services, Inc., for event services labor support to supplement the work of Event Services section staff. Use of temporary labor allows greater efficiency in scheduling contract staff based on event demand and is consistent within the industry. Tasks include: setting and striking chairs, tables and staging, along with general event support, such as cleaning restrooms, pre-function areas and event spaces before, during and after events. The current contract expires on July 31, 2017. On April 19, 2017, City Council approved awarding a contract to Allstaff Services, Inc. The action in this item provides payment authority.

**Procurement Information**

On Jan. 19, 2017, PCCD issued a Request for Proposals (RFP) for Event Services Contracted Labor. The RFP was advertised in the Arizona Business Gazette, The Record Reporter, The Arizona Republic, Arizona Informant and La Voz and posted on the City of Phoenix solicitations webpage at phoenix.gov. The RFP Notice also was sent to 12 temporary labor agencies in the greater Phoenix metropolitan area. An optional pre-proposal conference was held Feb. 1, 2017. Allstaff Services, Inc., was the single firm that attended and submitted a proposal. The proposal was deemed responsive, and staff entered into negotiations with the firm.

**Contract Term**

This is a five-year contract. The initial term will begin on July 1, 2017, instead of Aug. 1, 2017, in order to place the contract on a City fiscal year cycle. The initial two-year term will expire June 30, 2019. The contract includes three one-year extension options, which may be exercised at the sole discretion of the City.

**Financial Impact**

The estimated annual expenditure is \$557,000, and the estimated aggregate total over the life of the contract will be \$2.8 million.

**Location**

Phoenix Convention Center and Venues, 100 N. 3rd St.

**Responsible Department**

This item is submitted by Deputy City Manager Paul Blue and the Phoenix Convention Center Department.



**Contract Extension for Medical/Occupational Health Staffing for the Fire Department (Ordinance S-43646)**

Request to authorize the City Manager, or his designee, to exercise a month-to-month contract extension, not to exceed 12 months, with Banner Occupational Health Arizona, LLC to provide medical staffing for the Fire Department Health Center in an amount not to exceed \$1,890,000. Further request authorization for the City Controller to disburse associated funding through the end of the contract term.

**Summary**

The Health Center provides services for Fire Department members, staff from City departments such as Police, Water and Public Works, as well as other Valley fire departments under contract. Exercising the contract extension on a month-to-month basis will give Fire Department staff additional time to conduct further research and complete a comprehensive competitive procurement process for this critical service.

**Contract Term**

The existing contract is set to expire on July 5, 2017. With this contract extension, Contract 134076 will be extended on a month-to-month basis, not to exceed 12 months, through July 4, 2018.

**Financial Impact**

The cost of the maximum one-year contract extension will not exceed \$1,890,000. Funds are available in the Fire Department's operating budget.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Fire Department.



**Adopt Computer Aided Dispatch Service Fees and Charges for Fiscal Year 2017-2018 (Ordinance S-43690)**

Request authorization for the City Manager, or his designee, to adopt the Fiscal Year 2017-2018 Regional Computer Aided Dispatch (CAD) Service fees to be charged to: 1) the cities of Avondale, Buckeye, Chandler, El Mirage, Glendale, Goodyear, Maricopa, Mesa, Peoria, Scottsdale, Surprise, Tempe and Tolleson; 2) the fire districts of Buckeye Valley, Daisy Mountain, Harquahala, Sun City, North County, Sun Lakes, and Tonopah Valley; 3) the Towns of Guadalupe and Paradise Valley; and 4) AMR (Southwest Ambulance). Authorization also is requested to allow the City Treasurer to accept, and for the City Controller to disburse, these funds.

**Summary**

In 2003, the City Council approved standing Intergovernmental Agreements (IGAs) with each of the above fire jurisdictions, which included CAD fees and charges to be updated annually as "Exhibit A" (attached). The City of Phoenix has Automatic and/or Mutual Aid Agreements with these jurisdictions and provides dispatching for their fire and emergency medical units. Each CAD member pays a dispatching fee for each call dispatched, as well as charges for equipment replacement and maintenance. Buckeye Valley Fire District will be billed dispatch fees for services provided in the City of Buckeye, the Harquahala Fire District and Tonopah. AMR (Southwest Ambulance) will be billed dispatch fees for services provided in El Mirage, Glendale, Goodyear, Litchfield Park, Maricopa, Sun City, Surprise, Tolleson and Youngtown.

This item has been reviewed and approved by the Information Technology Services Department.

**Financial Impact**

The General Fund revenue to be generated from these IGAs for FY17-18 is estimated to be \$7,204,229.80, and is intended to offset part of the operating costs of the City's Regional Dispatch Center, including salaries of Dispatch Center staff. The balance of the funding collected, \$4,154,074.24, will be used to pay for CAD system maintenance and equipment replacement.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Fire Department.

**Phoenix Fire Department  
FY 2017-18 Projected Total CAD Revenues**

**Exhibit A Fees for Technical Services**

Department	Total
City of Avondale	\$452,700.90
City of Buckeye	\$353,842.86
Buckeye Valley Fire District	\$352,038.12
City of Chandler	\$1,008,196.80
Daisy Mountain Fire District	\$271,829.68
City of El Mirage	\$140,323.98
City of Glendale	\$1,232,952.50
Cities of Goodyear & Litchfield Park	\$412,622.52
Town of Guadalupe	\$78,486.36
Harquahala Fire District	\$58,707.92
City of Maricopa	\$242,032.68
City of Mesa	\$14,382.00
North County Fire & Medical District	\$452,968.08
Town of Paradise Valley	\$65,166.68
City of Peoria	\$1,102,347.88
City of Scottsdale	\$1,759,008.02
Sun City Fire District & Youngtown	\$443,273.24
Sun Lakes Fire District	\$196,514.70
City of Surprise	\$669,006.66
City of Tempe	\$1,107,433.30
City of Tolleson	\$112,254.36
Tonopah Valley Fire District	\$53,840.00
AMR (Southwest Ambulance)	\$778,374.80
<b>Total FY 2017/2018</b>	<b>\$11,358,304.04</b>



**Award of Contract for Public Safety Relationship By Objectives and Strategic Plan Process Facilitation (Ordinance S-43704)**

Request to authorize the City Manager, or his designee, to enter into a contract with Compton & Associates (Vendor 3051195) to provide professional consulting services for the Fire and Police departments. Further request authorization for the City Controller to disburse all funds in an amount not to exceed \$75,000 over the life of the three-year contract.

**Summary**

The Relationship By Objectives (RBO) process is based on the fundamental principle that members of public safety organizations are the foundation of their respective organizations. Phoenix Firefighters Association Local 493, the Phoenix Police Department in collaboration with the Phoenix Law Enforcement Association (PLEA) and the Phoenix Police Sergeants and Lieutenants Association (PPSLA), support communication, accountability, and the Labor/Management process. The recommended vendor will consult with public safety Chiefs, Management Team, and Labor representatives; provide training on creating/maintaining a positive Labor/Management process/relationship; facilitate joint Labor/Management meetings to review RBO action plans and implementation; facilitate impromptu RBO meetings to mitigate/mediate specific issues as needed; consult with Chiefs, Management Team, and Labor representatives to update department strategic plans; and facilitate annual Labor/Management strategic plan meetings.

**Procurement Information**

Request For Proposal (RFP) 17-F02 Public Safety Relationship By Objectives & Strategic Plan Process Facilitation was conducted by the Fire Department in accordance with Administrative Regulation 3.10. One offer was received on May 11, 2017. This offer was deemed responsive and responsible. The five-member Evaluation Panel was comprised of three Fire Chiefs and two Police Chiefs. The Panel members evaluated the response based on the following criteria established in the RFP: Qualifications and Experience (350 points), Method of Approach to Scope of Work (350 points), and Pricing (300 points). The panel awarded 945 points out of 1,000 points to Compton & Associates.

**Contract Term**

The term of the contract with Compton & Associates will be three years, beginning on or about June 21, 2017 and ending no later than three years from the initial recorded date.

**Financial Impact**

The aggregate contract value will not exceed \$75,000, with an estimated annual expenditure of \$25,000. Funds are available in the respective Fire Department and Police Department operating budgets.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Fire and Police departments.



**Award of Contract for Radiology Read Services for the Fire Department  
(Ordinance S-43705)**

Request to authorize the City Manager, or his designee, to enter into a contract with SimonMed Imaging, Inc. (Vendor 3526301) to provide radiology read services for the Fire Department. Further request authorization for the City Controller to disburse all funds in an amount not to exceed \$108,000 over the life of the five-year contract.

**Summary**

The Fire Department Health Center provides on-site radiology imaging for all new firefighter hires, firefighter industrial injuries, and periodic x-rays of existing firefighters. This service allows injured firefighters to move quickly through the medical evaluation and healing process, and to return to work expeditiously. The radiology images are submitted through an electronic and HIPAA-compliant portal to be read by a Board Certified and licensed sub-specialty radiologist. The radiologist then electronically communicates the diagnosis to the Health Center to immediately begin treatment for the injured firefighter.

**Procurement Information**

Invitation For Bid (IFB) 16-185 Radiology Read Services was advertised by the Finance Department in September 2016, and was conducted in accordance with Administrative Regulation 3.10. No responsive and responsible bids were received, and no award was made.

IFB 2017-129 Radiology Read Services was advertised by the Finance Department in November 2016, and was conducted in accordance with Administrative Regulation 3.10. No responsive and responsible bids were received, and no award was made.

Request For Agreement (RFA) 17-F03 Radiology Read Services was advertised by the Fire Department in May 2017, and was conducted in accordance with Administrative Regulation 3.10. One offer was received on May 11, 2017. This offer was deemed responsive and responsible:

SimonMed Imaging, Inc. - \$8.00 per radiology read.

It is estimated that 2,700 radiology images will need to be read annually, for an estimated annual cost of \$21,600.

**Contract Term**

The initial two-year contract term will begin on or around July 1, 2017. There will be three additional one-year options for a total available contract term of five years.

**Financial Impact**

The aggregate contract value, including all option years, will not exceed \$108,000, with an estimated annual expenditure of \$21,600. Funds are available in the Fire Department's operating budget.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Fire Department.



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**Enter Into 2017 Readiness Cooperative Agreement with DHS/FEMA (Ordinance S-43703)**

Request authorization for the City Manager, or his designee, to enter into a three-year agreement with, and to accept an amount not to exceed \$1,200,000, from the Federal Emergency Management Agency (FEMA) for the Urban Search & Rescue (US&R) 2017 Readiness Cooperative Agreement. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this agreement.

**Summary**

The Department of Homeland Security (DHS) and FEMA provide support and funding for the maintenance and readiness of the national US&R Response System. The purpose of this readiness cooperative agreement is to support the continued development and maintenance of a national US&R capability. This cooperative agreement provides direction to the Phoenix Fire Department for the use of funding to provide administrative and program management, training, support, equipment cache procurement, maintenance and storage.

The Phoenix Fire Department is the sponsoring agency of Arizona Task Force One (AZ-TF1), one of 28 national Urban Search and Rescue response system task forces that can rapidly deploy skilled personnel and state of the art equipment to sites of natural disasters, terrorist attacks and building collapses. In addition to search and rescue, task force members provide immediate medical treatment to survivors, hazardous materials monitoring, and stabilization capabilities. In the past, AZ-TF1 has been deployed to Hurricanes Rita, Katrina, Ike and Gustav; the Oklahoma City bombing, and to the 9/11 World Trade Center in New York City.

**Contract Term**

The term of the agreement, if approved, will be for three years. The contract will run from Sept. 1, 2017 through Aug. 30, 2020.

**Financial Impact**

The Fire Department will receive an amount not to exceed \$1,200,000 from the Federal Emergency Management Agency for the Urban Search & Rescue 2017

Readiness Cooperative Agreement.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Fire Department.



**Contract Amendment with BCFS Health and Human Services for Consulting Services (Ordinance S-43699)**

Request the City Manager, or his designee, to enter into a contract extension until Sept. 30, 2017 with BCFS Health and Human Services for consulting services.

**Summary**

This contract extension will briefly extend the contract term from July 20, 2017 to Sept. 30, 2017. The purpose of the extension is to allow BCFS Health and Human Services to administratively close out the contract, once the Disability Rights Advocates and the Arizona Center for Disability Law complete final review of emergency and tactical plans for individuals with disabilities and access and functional needs.

**Contract Term**

The current contract expires June 20, 2017; an extension is being requested until Sept. 30, 2017.

**Financial Impact**

There are no additional funds required for the contract extension.

**Location**

Citywide

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Office of Homeland Security and Emergency Management.



**Authorization to Enter into Agreement with Arizona State University for Research on Enhanced Collaborative Model to Combat Human Trafficking Grant (Ordinance S-43698)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to enter into an agreement with the Arizona Board of Regents on behalf of Arizona State University (ASU), who will act as a research partner for the Bureau of Justice Assistance, Enhanced Collaborative Model to Combat Human Trafficking grant. Further request authorization for the City Treasurer to accept and for the City Controller to disburse all funds related to this item.

**Summary**

The Police Department was awarded \$675,000.00 from the Bureau of Justice Assistance (BJA) through the 2016 Enhanced Collaborative Model to Combat Human Trafficking grant. The grant and disbursement of grant funds was approved by City Council on June 1, 2016, under Ordinance #S-42587. The grant requires the Police Department to work with a research partner to collect and analyze data, conduct evaluation activities, and produce project-related reports. The Police Department has partnered with ASU on similar projects in the past. This agreement will reimburse ASU \$33,750.00, over the three-year grant period, to document program implementation, program evaluation, and develop reports to be submitted to the granting agency by the Police Department. The City will be reimbursed for applicable ASU expenses through the BJA grant.

**Contract Term**

Three years from Oct. 1, 2016 through Sept. 30, 2019.

**Financial Impact**

The Enhanced Collaborative Model to Combat Human Trafficking grant provides \$33,750.00, over three years, in funding to reimburse ASU as the grant research partner.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.



**Authorization to Apply for, Accept, and Enter into an Agreement with Arizona Criminal Justice Commission for 2018 Full-Service Crime Laboratory Grant Program (Ordinance S-43702)**

Request authorization for the City Manager, or his designee, to authorize the Police Department to apply for, accept and enter into an agreement for state grant funds through the Arizona Criminal Justice Commission's, FY 2018 Full-Service Forensic Crime Laboratory grant program. Further request authorization for the City Treasurer to accept, and for the City Controller to disburse, all funds related to this item.

**Summary**

The Police Department's Laboratory Services Bureau (LSB) has applied for, and been awarded, funds through this grant program for several years. The purpose of this grant funding is to improve the efficiency and effectiveness of the state's various full-service crime laboratories. If awarded, grant funding will be utilized for the purchase of equipment, supplies, and training for laboratory staff to improve the efficiency and effectiveness of the crime laboratory. The grant application is due June 30, 2017.

**Contract Term**

The term is one year from the date of execution, if the grant is awarded.

**Financial Impact**

The eligible funding amount is \$100,000.00. No matching funds are required. Cost to the City would be in-kind resources only.

**Responsible Department**

This item is submitted by Assistant City Manager Milton Dohoney, Jr. and the Police Department.



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**PHX Sky Train Stage 2 - Facilities Design Services Amendment 4 - AV10000011 (Ordinance S-43662)**

Request to authorize the City Manager, or his designee, to enter into Amendment 4 to Contract 123410 with Gannett Fleming, Inc. (Phoenix) to provide continued design services for the PHX Sky Train Stage 2 Fixed Facilities project (Project). Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The City Council previously approved a contract with Gannett Fleming, Inc. (Gannett) and three amendments to the contract for the PHX Sky Train project. To date, Gannett has provided fixed facilities design services for Stage 1 (44th Street to Terminal 4), design services for Stage 1A (Terminal 4 to Terminal 3), and planning services for Stage 2 (Terminal 3 to the Phoenix Sky Harbor International Airport Rental Car Center). Amendment 4 will authorize additional contract services for Stage 2, including designing guideways, train stations, roadway improvements, parking lots, other train-related facilities and primary power.

**Procurement Information**

Gannett was chosen for this project using a qualifications-based selection process according to section 34-603 of the Arizona Revised Statutes (A.R.S.). Scoring and selection were made in conjunction with the initial selection process.

**Contract Term**

The term for Amendment 4 will be through Sep. 30, 2018. The work scope identified in and incorporated into the contract prior to the end of the contract term may be agreed to by the parties, and work may extend past the expiration of the term of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

Gannett's fee under Amendment 4 will not exceed \$18.9 million, including all subconsultants and reimbursable costs. Funds are available in the Aviation Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the end

of the contract term.

**Concurrence/Previous Council Action**

This item was approved by the Downtown, Aviation, Economy and Innovation Subcommittee on Oct. 5, 2016, and presented to the Phoenix Aviation Advisory Board on Oct. 20, 2016. The City Council approved this item and authorized the Aviation Department to proceed with development of the Aviation Capital Investment Plan, including Sky Train Stage 2, on Oct. 25, 2016.

The City Council approved Contract 123410 for final Facility Design for Stage 1 on April 9, 2008; approved Amendment 1 on Nov. 4, 2009; approved Amendment 2 on April 7, 2010; and approved Amendment 3, which provided for preliminary design for the Stage 2, on Jan. 11, 2017.

Concurrently, authorization is being requested to enter into contracts for additional system design consultation, Construction Manager at Risk (CMAR) Design Phase Services, CMAR Guaranteed Maximum Price preparation, and early phased construction services.

**Location**

Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd...Department

**Responsible Department**

This item is submitted by Deputy City Managers Paul Blue and Mario Paniagua, the Aviation Department, and the City Engineer.



**PHX Sky Train Stage 2 Fixed Facilities Construction Manager at Risk Design Phase Services - AV10000011 (Ordinance S-43669)**

Request to authorize the City Manager, or his designee, to enter into a contract with Hensel Phelps Construction Co. (Phoenix) to provide Construction Manager at Risk (CMAR) design phase services in support of the PHX Sky Train Stage 2 project. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

This Project will provide an extension of the PHX Sky Train from Terminal 3 to the Phoenix Rental Car Center. Hensel Phelps Construction Co. (Hensel Phelps) will construct the fixed facilities portion of the project. The fixed facilities include guideways, train stations, roadway improvements, parking lots, other train-related facilities, and primary power. Hensel Phelps will provide design phase services for the project, including preparing construction estimates, developing a construction schedule, and performing constructability and bidability reviews of the plans and specifications.

**Procurement Information**

Hensel Phelps was chosen for the Project using a qualifications-based selection process according to section 34-603 of the Arizona Revised Statutes (A.R.S.). Pursuant to A.R.S. title 34, the City may not release the scores of the proposers until a contract has been awarded. The following are the top three ranked proposers:

- Hensel Phelps Construction Co.: Ranked #1
- McCarthy/Kiewit Joint Venture: Ranked #2
- Sundt Skanska Joint Venture: Ranked #3

**Contract Term**

The term of the contract is through Dec. 31, 2017. The scope of work identified in and incorporated into the contract prior to the end of the contract term may be agreed to by the parties, and work may extend past the expiration of the term of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

Hensel Phelps's fee under the contract will not exceed \$4 million, including all subconsultant and reimbursable costs. Funds are available in the Aviation Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the end of the contract term.

**Concurrence/Previous Council Actions**

The Phoenix City Council previously authorized the Aviation Department to proceed with development of the project on Oct. 25, 2016. Concurrently, authorization is being requested to complete the facilities design, contract for additional system design consultation, and contract for CMAR guaranteed maximum price preparation and early phased construction services.

**Location**

3400 E. Sky Harbor Blvd.

**Responsible Department**

This item is submitted by Deputy City Managers Paul Blue and Mario Paniagua, the Aviation Department, and the City Engineer.



**PHX Sky Train Stage 2 System Designer Technical Consultant Services  
Amendment 3 - AV10000011 (Ordinance S-43673)**

Request to authorize the City Manager, or his designee, to enter into Amendment 3 to Contract 124053 with Lea+Elliott, Inc. (Phoenix) to provide continued PHX Sky Train system design technical consulting services for the PHX Sky Train Stage 2 project (Project). Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The City Council previously approved Contract 124053 with Lea+Elliott, Inc. (Lea+Elliott) and two amendments to the contract for the Project. To date, Lea+Elliott has overseen the design, installation, and testing of the PHX Sky Train system for both of the completed stages, Stage 1 and 1A. Lea+Elliott has also provided technical consulting services for the procurement of the train system provider, Bombardier Transportation USA, Inc. Lea+Elliott's services under Amendment 3 will include providing train system consulting services for Stage 2 of the project, which are required to complete and test the train system extension.

This stage of the project will extend the PHX Sky Train from Terminal 3 to the Phoenix Sky Harbor International Airport Rental Car Facility. The PHX Sky Train system is composed of the guide beams, running surfaces, electrical propulsion systems, train control systems, train cars, and other improvements. The technical consultant develops the train system design criteria and specifications, assists in negotiating system costs, reviews the system design, inspects the construction, and observes the performance testing of the system.

**Procurement Information**

Lea+Elliott was chosen for the Project using a qualifications-based selection process according to section 34-603 of the Arizona Revised Statutes (A.R.S.). Scoring and selection were made in conjunction with the initial selection process.

**Contract Term**

The term for Amendment 3 will be completed by Dec. 31, 2022. The scope of work identified in and incorporated into the contract prior to the end of the contract term may

be agreed to by the parties, and work may extend past the expiration of the term of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

Lea+Elliott's fee under Amendment 3 will not exceed \$16.7 million, including all subconsultants and reimbursable costs. Funds are available in the Aviation Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the end of the contract term.

**Concurrence/Previous Council Action**

This item was approved by the Downtown, Aviation, Economy and Innovation Subcommittee on Oct. 5, 2016, and presented to the Phoenix Aviation Advisory Board on Oct. 20, 2016. The City Council approved this item and authorized the Aviation Department to proceed with development of the Aviation Capital Investment Plan, including the Project, on Oct. 25, 2016.

The City Council approved Contract 124053 for PHX Sky Train System Design Technical Consulting Services for Stage 1 on June 18, 2008; approved Amendment 1 on Oct. 19, 2011 for Stage 1A support services; and approved Amendment 2 on Jan. 11, 2017 for initial system technical consultant services for Stage 2 of the project.

Concurrently, authorization is being requested to complete the facilities design contract for Construction Manager at Risk (CMAR) Design Phase Services, CMAR Guaranteed Maximum Price preparation, and early phased construction services.

**Location**

Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.

**Responsible Department**

This item is submitted by Deputy City Managers Paul Blue and Mario Paniagua, the Aviation Department, and the City Engineer.



**PHX Sky Train Stage 2 Fixed Facilities Construction Manager at Risk Construction Phase Services - AV10000011 (Ordinance S-43680)**

Request to authorize the City Manager, or his designee, to enter into a contract with Hensel Phelps Construction Co. (Phoenix) to provide Construction Manager at Risk (CMAR) construction phase services in support of the PHX Sky Train Stage 2 project (Project). Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Project will provide an extension of the PHX Sky Train from Terminal 3 to the Phoenix Rental Car Center. Hensel Phelps Construction Co. (Hensel Phelps) will construct the fixed facilities portion of the Project. The fixed facilities include guideways, train stations, roadway improvements, parking lots, other train-related facilities, and primary power.

The contract will be for preparation of the guaranteed maximum price (GMP). Hensel Phelps will assume the risk of delivering the Project through a phased construction GMP. Hensel Phelps will be responsible for means and methods related to construction of the Project, participating with the City to establish a Small Business Enterprise (SBE) goal, and implementing the SBE process. A SBE goal will be established prior to issuing the first GMP. Hensel Phelps will solicit bids from pre-qualified subcontractors to perform work under the City's subcontractor selection process. Hensel Phelps may also compete to self-perform limited amounts of work. The contract will be amended to provide for enabling work, long-lead procurement, and the actual construction of the Project.

**Procurement Information**

Hensel Phelps was chosen for the Project using a qualifications-based selection process according to section 34-603 of the Arizona Revised Statutes (A.R.S.). Scoring and selection were made in conjunction with the CMAR design phase services.

**Contract Term**

The term of the contract is for approximately five years after issuance of the notice to proceed. The contract scope of work identified and incorporated into the contract prior

to the end of the contract, may be agreed to by the parties, and work may extend past the expiration of the term of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

Hensel Phelps's fee under the contract will not exceed \$60 million, including all subcontractor and reimbursable costs. Funds are available in the Aviation Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the end of the contract term.

**Concurrence/Previous Council Actions**

The City Council previously authorized the Aviation Department to proceed with development of the Project on Oct. 25, 2016.

**Location**

Phoenix Sky Harbor International Airport, 3400 E. Sky Harbor Blvd.

**Responsible Department**

This item is submitted by Deputy City Managers Paul Blue and Mario Paniagua, the Aviation Department, and the City Engineer.



**American Association of Airport Executives ANTN Digicast On-Line Training System (Ordinance S-43670)**

Request to authorize the City Manager, or his designee, to approve a five-year subscription service from the American Association of Airport Executives (AAAE) for the ANTN Digicast On-Line Training System (Training System) for a total amount not to exceed \$46,000. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The ANTN Digicast Training System, developed by AAAE, is an online training system with a library of more than 300 videos covering every aspect of airport operations.

**Procurement Information**

A sole source determination letter was completed and approved by the Deputy City Manager, because AAAE is the sole provider of this aviation-specific training. There is no other online multimedia education system for aviation industry-specific topics.

**Contract Term**

The term of the subscription is five years from March 2017 through February 2022.

**Financial Impact**

The price for the annual Training System subscription is \$9,063, and will not exceed a total price of \$46,000 over the life of the subscription.

**Location**

Phoenix Sky Harbor International Airport is located at 3400 E. Sky Harbor Blvd.; Phoenix Deer Valley Airport is located at 702 W. Deer Valley Road; and Phoenix Goodyear Airport is located at 1658 S. Litchfield Road, Goodyear.

**Responsible Department**

This item is submitted by Deputy City Manager Paul Blue and the Aviation Department.



**Replace Restricted Area Signage at Phoenix Sky Harbor International Airport - IFB 17-012 (Ordinance S-43668)**

Request to authorize the City Manager, or his designee, to enter into a contract with F&N Enterprises, Inc., doing business as SmithCraft Custom Signs and Graphics (Vendor No. 3016249), to purchase signage for a sign replacement project at Phoenix Sky Harbor International Airport (Airport). The total fee under the contract will not exceed \$50,000. The contract may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Due to a change in Arizona's criminal trespass laws, the Aviation Department is required to replace "Restricted Area" signage at the Airport. The sign replacement project includes smaller signage and decals required by Airport security and the Transportation Security Administration.

**Procurement Information**

Solicitation AVN IFB 17-012, Sign Fabrication and Installation, was conducted in accordance with Administrative Regulation 3.10. Seven offers were received on April 28, 2017. One offer was submitted late. The following is a summary of the lowest offers:

F&N Enterprises, Inc.:	\$48,066.00
FastSigns:	\$60,624.46
Century Signs Builders:	\$63,575.00

The Aviation Department recommends the offer from F&N Enterprises, Inc., dba SmithCraft Custom Signs and Graphics, be accepted as the lowest responsive and responsible offeror.

**Contract Term**

The contract is for a one-time purchase, which will be completed not later than six months from the award of the contract.

**Financial Impact**

This one-time purchase will not exceed \$50,000, including applicable taxes.

**Location**

Signage will be installed in the restricted areas in the terminals at Phoenix Sky Harbor International Airport, located at 3400 E. Sky Harbor Blvd.

**Responsible Department**

This item is submitted by Deputy City Manager Paul Blue and the Aviation Department.



**Wildlife Management Services at Phoenix Sky Harbor International Airport - AVN RFP17-001 (Ordinance S-43694)**

Request to authorize the City Manager, or his designee, to enter into a contract with Loomacres, Inc., doing business as Loomacres Wildlife Management, for wildlife management services at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport. The contract may contain other terms and conditions deemed necessary or appropriate by the City Manager or his designee. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

As a Title 14, Code of Federal Regulations (CFR), Part 139 certified airport, Phoenix Sky Harbor International Airport (Airport) is required by Federal Aviation Administration (FAA) regulations to have in place an FAA-approved wildlife hazard management plan. To meet this requirement, the Aviation Department contracts for the services of a qualified wildlife management biologist to administer the Airport's approved wildlife hazard management plan.

**Procurement Information**

Solicitation AVN RFP17-001, Wildlife Management Services, was conducted in accordance with Administrative Regulation 3.10. Two proposals were received on April 7, 2017, one from Delta Environmental Sciences and one from Loomacres, Inc. The proposals were scored by the Aviation Department's evaluation panel using the following criteria with a scoring range from 0 to 1,000 points:

- A. Company History, Qualifications, and Experience of Assigned Biologist
- B. Method of Approach
- C. Price

The following is the result of the consensus scoring:

Loomacres, Inc.: 880  
Delta Environmental Sciences: 704

The Aviation Department recommends that the proposal from Loomacres, Inc., be accepted as the responsive and responsible proposal.

**Contract Term**

The term of the contract is five years commencing on July 1, 2017, and expiring on June 30, 2022.

**Financial Impact**

The aggregate contract value will not exceed \$630,000, with an estimated annual expenditure of \$126,000. Funds are available in the Aviation Department's operating budget.

**Location**

Phoenix Sky Harbor International Airport is located at 3400 E. Sky Harbor Blvd.; Phoenix Deer Valley Airport is located at 702 W. Deer Valley Road; and Phoenix Goodyear Airport is located at 1658 S. Litchfield Road, Goodyear.

**Responsible Department**

This item is submitted by Deputy City Manager Paul Blue and the Aviation Department.



**Fare Policy Amendment to Light Rail Ticket Partnership Program (Ordinance S-43691)**

Request an ordinance amending the City of Phoenix Public Transit Fare Ordinance to expand the U.S. Airways Center (now Talking Stick Resort Arena (TSRA)) Light Rail Event Day program to allow other venues and events to participate in similar ticket partnerships as well as allow for ticket partnerships to include both bus and light rail.

**Summary**

The current program allows TSRA event attendees to use their event ticket as their light rail pass four hours prior to the start of the event through the end of the transit day. This provides convenient transportation to those who attend TSRA events, and helps mitigate parking limitations and event traffic congestion. Valley Metro Rail receives fare revenue from TSRA at \$0.31 per event attendee, which supports the regional fare recovery goal of 25 percent. The fare revenue per attendee is periodically reviewed by Valley Metro Rail staff to ensure the amount continues to support the regional fare recovery goal. Valley Metro Rail also finds additional benefit in ticket partnerships of this kind, including:

- Supporting fare collection from reliable funding sources.
- Easing boarding and fare inspection, and increasing the focus on safety and security, during events.
- Further integrating light rail into nightlife/entertainment activities and reputable brands.
- Helping to attract ridership and positive attention to the system.

Other events and event venues have expressed interest in a similar partnership to serve as a benefit to their attendees, support parking limitations, mitigate event congestion, generate positive public relations and align with sustainability initiatives. The event expressing current interest is the Lost Lake Festival, operated by Cactus Festival, LLC, taking place at Steele Indian School Park in central Phoenix on Oct. 20 - 22, 2017. This is a three-day music festival that has committed to the Phoenix area over the next several years. Due to the location, Valley Metro Rail will be the primary transportation solution to connect the tens of thousands of daily attendees to this event. The event organizer is committed to supporting the fare revenue required for

their attendees to ride at no charge with their event ticket in hand.

With this and other opportunities in mind, staff is requesting approval to amend the regional fare policy to give Valley Metro the ability to execute ticket partnerships that meet the region's fare recovery goal, while supporting the interests of new events and event venues.

With the Ticket Partnership Program, patrons possessing tickets or identifiable media issued by event officials from a participating event will be able to ride Valley Metro Rail on the day of the event at no additional charge. Event tickets will be honored as valid Valley Metro Rail fare for a pre-determined time in advance of the event and through the end of the transit day. Participating event venues/events pay an amount per attendee commensurate with the current average fare to support regional fare recovery goal. As with the current TSRA partnership, all ticket partnerships' fare revenue calculations will also be reviewed periodically to ensure continued support of the region's fare recovery goal.

A qualifying event generates a minimum of 5,000 attendees; similarly, for a venue, a single event at this facility must generate a minimum of 5,000 attendees. This program can be extended to bus route(s) if the aforementioned criteria is maintained and the service can be supported by operations. The City of Phoenix and/or Valley Metro must receive notice of interest in the Ticket Partnership Program from event organizers at least four months in advance of the event, and agreements must be completed by 60 days prior to the event.

### **Financial Impact**

No financial impact is anticipated with these fare policy revisions.

### **Concurrence/Previous Council Action**

The current ticket partnership program in the fare policy is specific to light rail and Talking Stick Resort Arena (TSRA) and was originally approved as a pilot program by City Council on Sept. 30, 2009. The pilot was subsequently extended through June 30, 2015 to allow adequate time to gather sufficient data to accurately evaluate the program. The program was permanently adopted into the fare policy by City Council on Sept. 2, 2015.

The Transportation and Infrastructure Subcommittee heard this item on June 13, 2017 and recommended approval by a 4-0 vote.

### **Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.

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**Authorization to Apply for and Accept Grant Funds for Bus Shelter Mural Pilot Project and Enter Into Grant Agreement (Ordinance S-43700)**

Request authorization for the City Manager, or his designee, to apply for the Transportation for America's Cultural Corridor Consortium grant for an amount not to exceed \$50,000 with no matching funds required, if awarded accept the funds, and enter into an agreement for the purpose of accepting the grant. The request is for retroactive approval to apply, as the grant application deadline was June 2, 2017. If retroactive authorization to apply is not granted, the application will be withdrawn. Further request authorization for the City Treasurer to accept and the City Controller to disburse the funds for purposes of this ordinance.

**Summary**

Transportation for America is awarding \$50,000 each, plus travel and support for photo/video documentation, to three cities. The Cultural Corridor Consortium grant focuses funding on collaborative projects that expand transportation opportunities and local control for low-income and minority residents living in communities that have experienced disproportionate disinvestment and disconnection. The grant focuses on engaging residents and transportation agencies to plan and implement new transportation investments that more fully serve the needs of these communities.

The City of Phoenix is collaborating with the Maryvale Revitalization Corporation, and several Maryvale elementary, charter, and high schools, on a Bus Shelter Mural pilot project. The project includes students within the Maryvale community as an effort to engage the students and community in promoting transit while creating a point of pride. The grant would pay for the panels, installation, art supplies for the students, maintenance, and repairs.

**Financial Impact**

No matching funds are required for the grant.

**Concurrence/Previous Council Action**

This item was heard at the Transportation and Infrastructure Subcommittee meeting on June 13, 2017, and approval was recommended by a vote of 4-0.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Public Transit Department.



**ThermAir Integrated Technologies Contract Recommendation (Ordinance S-43664)**

Request to authorize the City Manager, or his designee, to enter into a contract with ThermAir Integrated Technologies, LLC (Vendor 3516293) to provide Triatek actuator motors and components for HVAC, laboratory exhaust and fume hood systems for the Police Crime Laboratory on an as-needed basis in an amount not to exceed \$50,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Phoenix Police Crime Laboratory has specialized HVAC equipment that requires Triatek actuator replacements. ThermAir Integrated Technologies is the sole authorized vendor in Arizona for Triatek products.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Determination Memo citing that there is only one source for the necessary goods and services. The pricing supplied by ThermAir Integrated Technologies was found to be reasonable and customary to the industry.

**Contract Term**

The initial contract term is three years. Provisions of the contract include an option to extend the term up to two years, in one-year increments, which may be exercised by the City Manager or his designee.

**Financial Impact**

The aggregate value of the contract will not exceed \$50,000, with an estimated annual expenditure of \$10,000. Funds are available in the Public Works Department's budget.

**Location**

The Phoenix Police Crime Laboratory is located at 621 W. Washington St.

**Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.

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**Portable Recycling and Waste Containers Contract Recommendation (Ordinance S-43665)**

Request to authorize the City Manager, or his designee, to enter into a contract with ClearStream Recycling, Inc. (Vendor 3525257) for portable recycling and waste containers in an amount not to exceed \$45,000 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Public Works Department seeks to purchase portable containers and bags specially fitted for these containers for use at special citywide events, such as the SuperBowl and Final Four. The containers are used to collect refuse, recycling and compostable materials. The containers use an innovative X-Frame design that is collapsible, portable, lightweight and durable. Collection at these events supports the City's goal to divert 40 percent of the waste stream by 2020.

**Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Determination Memo citing that there is only one source for the necessary goods and services. ClearStream Recycling, Inc., is the only manufacturer and authorized vendor for these containers.

**Contract Term**

The initial two-year contract term will begin on or about Sept. 1, 2017, and end on Aug. 31, 2019. Provisions of the contract include options to extend the term of the contract for up to three additional years, in one-year increments, which may be exercised by the City Manager or his designee.

**Financial Impact**

Expenditures will not exceed \$45,000.00 over the life of the contract, with an estimated annual expenditure of \$9,000.00. Funds are available in the Public Works Department's budget.

**Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.



## **Routing Information Software Contract Recommendation (Ordinance S-43672)**

Request to authorize the City Manager, or his designee, to enter into a contract with RouteSmart Technologies, Inc., (303433) for five licenses for RouteSmart for ArcGIS software, and all necessary software maintenance and support, in an amount not to exceed \$86,945 over the life of the contract. Further request authorization for the City Controller to disburse all funds related to this item.

### **Summary**

Public Works Department staff currently uses this proprietary software to create daily delivery and collection routes for solid waste services collection vehicles. Other features of the software assist staff in maximizing efficiencies, including decreased mileage, time and labor through sequencing of stops and other measures. In addition, the software enables staff to enforce collection procedures, including minimizing left-hand turns and avoiding school zones during pick-up and drop-off times.

This item has been reviewed and approved by the Information Technology Services Department.

### **Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as a result of a Determination Memo citing that there is only one source for the necessary goods and services.

### **Contract Term**

The initial three-year contract term shall begin on or about June 8, 2017, and end on June 7, 2020. Provisions of the contract include an option to extend the term of the contract for up to two additional years, in one-year increments, which may be exercised by the City Manager or his designee.

### **Financial Impact**

Expenditures shall not exceed \$86,945 over the life of the contract, with an estimated annual expenditure of \$17,388.96. Funds are available in the Public Works Department's budget.

**Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.



**Recommendation to Purchase Mohawk Mobile Lifts - State of Arizona Contract - ADSPO12-028150 (Ordinance S-43676)**

Request to authorize the City Manager, or his designee, to enter into a contract with Mohawk Automotive Lifts, to purchase two Mohawk mobile lifts for the Public Works Department in an amount not to exceed \$18,000.00. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Public Works Department is implementing a Parts Utilization Program, through which staff will remove good used original equipment manufacturer parts from vehicles with accident damage prior to decommissioning and sale. These parts will be used to repair other vehicles, expediting repairs, decreasing vehicle downtime and lowering overall cost of repairs. Currently, there are 250 vehicles awaiting decommissioning. In order to implement this program, the Department requires two post-style mobile lifts to salvage usable parts. These lifts can support a total capacity of 10,000 pounds.

**Procurement Information**

Equipment pricing was obtained from the State of Arizona contract. The State contract was awarded on July 25, 2012, and will end on July 24, 2017. A determination was made, in accordance with A.R. 3.10, to utilize this cooperative contract for the referenced purchase.

**Financial Impact**

The purchase shall not exceed \$18,000. Funds are available in the Public Works Department's budget.

**Location**

The mobile lifts will be used at the 22nd Avenue Service Center located at 2441 S. 22nd Ave.

**Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.



### **Exemption for Unmarked City Vehicles (Resolution 21551)**

Request Phoenix City Council adopt a resolution to exempt certain City vehicles from displaying the wording, "For Official Use Only," as referenced under Arizona Revised Statutes (A.R.S.) Sections 38-538, 38-538.01 and 38-358.03, for the period July 1, 2017, to June 30, 2018.

#### **Summary**

This resolution exempts certain City vehicles owned or leased by the City of Phoenix including Police Department vehicles, Fire Department vehicles, Human Services Department and Aviation Department vehicles. A.R.S. Section 38-538.03 stipulates that the governing body may grant such an exemption for a period of time not to exceed one year. These vehicles are used to conduct social services programs, investigations or other confidential activities.

#### **Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Public Works Department.



**Apply for and Accept DEMA Funds and Enter Into IGAs with Flood Control District of Maricopa County for Flood Control Projects (Ordinance S-43645)**

Request authorization for the City Manager, or his designee, to jointly apply for and accept funds from the Arizona Department of Emergency and Military Affairs (DEMA) and enter into Intergovernmental Agreements (IGAs) with the Flood Control District of Maricopa County (FCDMC) for the design, rights-of-way acquisition, construction and construction management of (1) a floodwall in the vicinity of Mandan Street and Sacaton Street, and (2) construction of a storm drain along Palm Lane from 28th Place to 32nd Street. Further request authorization for the City Treasurer to accept and the City Controller to disburse all funds related to this item.

**Summary**

The Federal Emergency Management Agency's (FEMA) Pre-Disaster Mitigation (PDM) and Flood Mitigation Assistance (FMA) Grant programs are administered by DEMA on an annual basis. The City and the FCDMC propose to construct:

(1) Mandan Street Flood Mitigation Project: a floodwall behind several residential structures adjacent to Phoenix Mountain Preserve. This project will help prevent flood hazards to several residential structures in the area. The FCDMC will be the lead agency for project construction, and the grant application will be submitted in collaboration with the FCDMC.

The proposed flood mitigation project will have minimal impacts within the Phoenix Mountain Preserves boundary adjacent to the affected residential properties. Because of the impacts, which is allowed in accordance with Phoenix Charter Chapter XXVI, City of Phoenix Mountain Preserves, Section 3(c)4, the proposed flood mitigation project received approval from the Parks and Recreation Board on April 28, 2016.

(2) Palm Lane and 30th Street Storm Drain: A storm drain will be constructed along Palm Lane from 28th Place to 32nd Street. The new storm drain will connect to an existing 57-inch storm drain in 32nd Street. This project will mitigate flooding along Palm Lane and along 30th Street. The City will be the lead agency for project construction, and the grant application will be submitted in collaboration with the FCDMC.

Both project grant applications are dependent on when the application process is opened, and how much federal funding is available for the projects.

### **Financial Impact**

(1) Mandan Street Flood Mitigation Project: The total estimated project cost is \$923,200. Of this amount, the FEMA PDM/FMA Grant program will reimburse the City up to 75 percent of the estimated costs or \$692,400, if awarded. The required local match of up to 25 percent will be shared between the FCDMC and the City, who will each provide up to 12.5 percent or \$115,400 each. The required City local match is available in the Street Transportation Department's Capital Improvement Program budget.

(2) Palm Lane and 30th Street Storm Drain Project: The total estimated project cost is \$2.1 million. Of this amount, the FEMA PDM/FMA Grant program will reimburse the City up to 75 percent of the estimated costs or \$1,575,000, if awarded. The required local match of up to 25 percent will be shared between the FCDMC and the City, who will each provide up to 12.5 percent or \$262,500 each. The required City local match is available in the Street Transportation Department's Capital Improvement Program budget.

### **Concurrence/Previous Council Action**

The Parks and Recreation Board approved the proposed project for City Council authorization on April 28, 2016. The City Council adopted the proposed project on May 4, 2016, Ordinance S-42514.

The City Council adopted the proposed project on April 20, 2016, Ordinance S-42476. The proposed project was scheduled to be completed under the FCDMC's Small Project Assistance Projects (SPAP) program with an estimated cost of \$1,261,000. Since that time, the estimated project cost has escalated as the project has been further defined. It is now too large for the SPAP program. Therefore, staff is pursuing additional DEMA and FCDMC funding sources based on the revised estimated cost.

On May 9, 2017, the Transportation and Infrastructure Subcommittee recommended approval of this item by a vote of 4-0.

### **Location**

The proposed floodwall will be constructed in the vicinity of Mandan Street and Sacaton Street. The Palm Lane Storm Drain Project is located west of 32nd Street and north of McDowell Road.

**Responsible Department**

This item is submitted by Deputy City Managers Mario Paniagua and Deanna Jonovich, and the Street Transportation and Parks and Recreation departments.



**Margaret T. Hance Park Master Plan Implementation Design Services - PA75200553 (Ordinance S-43648)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Hargreaves Associates (New York) to provide design services and possible construction administration and observation services with special inspections in support of the Margaret T. Hance Park Master Plan Implementation project. Further request authorization for the City Controller to disburse all funds related to this item.

Additionally, request authorization for the City Manager, or his designee, to take all action as deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project and to include disbursement of funds. Utility services, include, but are not limited to: electrical, water, sewer, natural gas, telecommunication, cable television, railroads, and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

**Summary**

The design consultant is responsible for developing a Design Concept Report encompassing the Hance Park Master Plan Phase 1 (A&B). In addition, the consultant will provide design services for all components of the existing approved Hance Park Master Plan, including design refinement, design alternatives, design documentation (schematic, design development, final design, construction documents); geotechnical soil reporting; construction estimating; and bid assistance. The consultant will develop, document and implement the design for Margaret T. Hance Park. The redevelopment project site is under the jurisdiction of the Arizona Department of Transportation.

**Procurement Information**

Hargreaves Associates was chosen for this project using a qualifications-based selection process according to section 34-603 of the Arizona Revised Statutes (A.R.S.). Pursuant to A.R.S. title 34, the City is not to release the scoring of firms until a contract has been awarded. Top-three rankings follow:

Hargreaves Associates: Ranked #1  
Weddle Gilmore Architects, LLC: Ranked #2  
SASAKI Associates, Inc.: Ranked #3

**Contract Term**

The term of this contract is expected to be seven years. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

The estimated cost for Design Concept Report preparation services is \$5 million, which includes all subconsultants and reimbursable costs. Funding has been allocated to implement the first phase of the Hance Park Master Plan. Funding is available in the Parks and Recreation Department Capital Improvement Program budget. Additional funding sources are anticipated through philanthropic investment and grants.

**Concurrence/Previous Council Action**

The Parks, Arts, Education and Equality Subcommittee recommended approval of this item at the May 24, 2017 meeting by a vote of 3-0.

**Public Outreach**

Public outreach and community participation will be conducted on an as-needed basis.

**Location**

Margaret T. Hance Park is an existing 32-acre urban park over I-10 within downtown Phoenix. The redevelopment project site spans one mile between 3rd Street and 5th Avenue.

**Responsible Department**

This item is submitted by Deputy City Managers Deanna Jonovich and Mario Paniagua, the Parks and Recreation Department, and the City Engineer.



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**First Street: McKinley Street to Moreland Street, Design-Bid-Build - ST87750140 (Ordinance S-43655)**

Request to authorize the City Manager, or his designee, to accept Blucor Contracting, Inc. (Queen Creek, Ariz.) Vendor 90021200 as the lowest-priced, responsive and responsible bidder and enter into an agreement with Blucor Contracting, Inc., for construction services. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Blucor Contracting, Inc. will provide construction services in support of the First Street: McKinley Street to Moreland Street project. The work includes, but is not limited to: removal of the existing roadway, curbs and gutters, light poles, decommissioning drywells, and other miscellaneous removals; construction of new curb and gutter, roadway, sidewalk, concrete pavers, decorative concrete pavement, landscape and irrigation; and new street and pedestrian lights, benches, trash receptacles, and bike racks. Work also will include a new water line, storm drain modifications, miscellaneous utility relocations, and other associated work required to complete this project.

**Procurement Information**

Five bids were received according to section 34-201 of the Arizona Revised Statutes (A.R.S.) by the Street Transportation Department on April 18, 2017. The bids were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and general contractor responsiveness in demonstrating compliance with the project's Disadvantaged Business Enterprise (DBE) goal. All bidders were deemed responsive.

The bids ranged from a low of \$2,534,258.75 to a high of \$2,865,268.00. The Engineer's Estimate and the three lowest responsive, responsible bidders are listed below:

- Engineer's Estimate: \$2,417,492.00
- Blucor Contracting, Inc.: \$2,534,258.75
- Talis Construction Corporation: \$2,550,212.69

Combs Construction Company, Inc.: \$2,647,553.40

**Contract Term**

The term of the contract is 360 calendar days from the date of issuance of the Notice to Proceed. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

This project will utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations (CFR) Part 26 and the U.S. Department of Transportation DBE Program. The bid award amount is within the total budget for this project. Funding is available in the Street Transportation Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

**Small Business Outreach**

A Disadvantaged Business Enterprise goal of 8.99 percent has been established for this project.

**Location**

First Street from McKinley to Moreland streets.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department, and the City Engineer.



**15th Avenue Union Pacific Railroad Crossing Improvements, Design-Bid-Build - ST85100336 (Ordinance S-43656)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Shada, Inc. dba Benchmark Construction (Phoenix) Vendor 3525954 as the lowest-priced, responsive and responsible bidder and enter into an agreement with Shada, Inc. dba Benchmark Construction for construction services. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Benchmark Construction will provide construction services in support of the 15th Avenue Union Pacific Railroad Crossing Improvements project at 15th Avenue and the Union Pacific Railroad crossing. The work includes construction of 263 square yards of subgrade preparation; 111 tons asphaltic concrete; 241 linear feet of concrete curb and gutter; 651 square feet of concrete sidewalk; 873 square feet of concrete driveway; and various removals, utility adjustments, and other associated work required to complete this project.

**Procurement Information**

Three bids were received according to section 34-201 of the Arizona Revised Statutes (A.R.S.) by the Street Transportation Department on April 11, 2017. The bids were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and general contractor responsiveness in demonstrating compliance with the project's Disadvantaged Business Enterprise (DBE) goal. All bidders were deemed responsive.

The bids ranged from a low of \$166,750.00 to a high of \$195,972.40. The Engineer's Estimate and the three lowest responsive, responsible bidders are listed below:

- Engineer's Estimate: \$195,470.00
- Shada, Inc. dba Benchmark Construction: \$166,750.00
- Lincoln Constructors: \$167,879.00
- Combs Construction Company, Inc.: \$195,972.40

**Contract Term**

The term of the contract is 35 calendar days from the date of issuance of the Notice to Proceed. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

This project will utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations (CFR) Part 26 and the U.S. Department of Transportation DBE Program. The bid award amount is within the total budget for this project. Funding is available in the Street Transportation Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

**Small Business Outreach**

A Disadvantaged Business Enterprise (DBE) goal of 8.34 percent has been established for this project.

**Location**

15th Avenue and Union Pacific Railroad crossing.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department, and the City Engineer.



**Subsurface Utility Excavation Services Program Two-Step Job Order Contract - 4108JOC154 (Ordinance S-43657)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Cardno, Inc. (Wilmington, Del.) Vendor 3513553 to provide Subsurface Utility Excavation Job Order Contracting services, and to execute contract options as necessary. Further request authorization for the City Controller to disburse all funds related to this item.

Additionally, request authorization for the City Manager, or his designee, to take all action deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project and to include disbursement of funds. Utility services include, but are not limited to: electrical, water, sewer, natural gas, telecommunications, cable television, railroads, and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

**Summary**

The JOC will be utilized on an as-needed basis to provide Subsurface Utility Excavation services for the Street Transportation Department. The work includes, but is not limited to: determining and documenting precise horizontal and vertical locations of existing subsurface utilities; test holes; collecting data from existing utility records; surveying visible subsurface utility structures; correlating existing utility records to create composite drawings; surveying; mapping; and warranty of work.

**Procurement Information**

Cardno, Inc. was chosen for this project using a two-step qualifications and price-based selection process according to section 34-604 of the Arizona Revised Statutes (A.R.S.). Pursuant to A.R.S. title 34, the City is not to release the scoring of proposers until a contract has been awarded. Three firms were short-listed. Two firms were non-responsive to the Request for Proposals (RFP): Aztec Engineering Group, Inc. and PDI Construction, a division of Paramount Designs, Inc. The top-ranking firm is:

Cardno, Inc.: Ranked #1

**Contract Term**

The contract term will be for a three years with an option to renew for an additional two-year term or maximum funding capacity, whichever occurs first. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

The initial contract value will be \$1.5 million with an option to renew for an additional \$1 million, for a total contract value of \$2.5 million, including all amendments. Authorization is requested to execute job order agreements performed under this JOC for up to \$1 million each in construction costs. In no event will any job order agreement exceed this amount without Council approval to increase the limit. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

Operating and Capital Improvement Program funding may be utilized. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement.

**Public Outreach**

The public will be notified on each project, if notification is required.

**Small Business Outreach**

A Small Business Enterprise goal of three percent has been established for this contract.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department, and the City Engineer.



**Water Main Replacement: Southern Avenue to Roeser Road / 15th to 7th Avenues & Southern Avenue to Roeser Road / 7th to Central Avenues - Construction Manager at Risk Design Phase Services (WS85509009 & WS85509014) (Ordinance S-43660)**

Request to authorize the City Manager, or his designee, to enter into an agreement with J. Wise Corporation (Chandler, Ariz.) to provide Construction Manager at Risk (CMAR) design phase services for replacement of water mains in an area bounded by Southern Avenue to Roeser Road and 15th Avenue to 7th Avenue and in an area bounded by Southern Avenue to Roeser Road and 7th Avenue to Central Avenue. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Water Services Department evaluates and replaces aging water mains within the City of Phoenix. Design phase services by the CMAR will include the following: review of design plans and specifications; provision of detailed cost estimating; project planning, phasing, and scheduling; and provision of alternate systems evaluation and constructability. Coordination with City staff and plumbing contractors regarding relocation of water services may also be required.

**Procurement Information**

J. Wise Corporation was selected to perform CMAR services for the two projects based on a single procurement according to Section 34-603 of the Arizona Revised Statutes (A.R.S.). Pursuant to the A.R.S. Title 34, the City is not to release the scoring of firms until a contract has been awarded. The top-three rankings follow:

- J. Wise Corporation: Ranked #1
- B&F Contracting, Inc.: Ranked #2
- Haydon Building Corp.: Ranked #3

**Contract Term**

Services provided under this contract are expected to be completed within 11 months from issuance of the Notice to Proceed. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the

parties and work may extend past the termination of the contract. No additional contract work scope may be executed after the end of the contract term.

**Financial Impact**

J. Wise Corporation's fee will not exceed \$5,000 for each project for a total not to exceed \$10,000, including subcontractor, subconsultant, and reimbursable costs. Funds are available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to the contract limits for all rendered contract services, which may extend past the contract termination.

**Small Business Outreach**

A Small Business Enterprise goal of 7 percent has been established for the contract.

**Public Outreach**

Public outreach will be conducted as necessary.

**Location**

Area bounded by Southern Avenue to Roeser Road and Central to 15th avenues.

**Responsible Department**

This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Water Services Department, and the City Engineer.



**Lift Station 43 Electrical and Civil Improvements Construction Administration and Inspection Services - WS90400070 and WS90400028 (Ordinance S-43666)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Stanley Consultants, Inc. (Phoenix) to provide Construction Administration and Inspection (CA&I) services in support of the Lift Station 43 Electrical and Civil Improvements project. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

Lift Station 43 was originally designed with features to allow phased expansion as needed to accommodate growth in the service area. One portion of the project was designed to increase pumping capacity, which would allow the system to handle additional flows due to population growth. The lift station is experiencing operational, suction piping, and force main issues that jeopardize facility reliability. Construction will include mechanical improvements to install three new 85-horsepower submersible wastewater pumps and associated discharge piping, and complete replacement of the electrical line-up.

Stanley Consultants, Inc., will be responsible for providing construction and inspection services that include, but are not limited to: general project administration, construction inspection, resident engineering services, regular interaction with contractors, certification of progress payments, preparation of record drawings, public information services, and coordination with other City departments, governmental agencies, and Water Services Department Operations staff.

**Procurement Information**

Stanley Consultants, Inc., was chosen for this project using a qualifications-based selection process according to Section 34-603 of the Arizona Revised Statutes. Scoring and selection were made in conjunction with the Design Services.

**Contract Term**

The term of the contract is expected to coincide with the duration of the construction which is expected to take approximately two years to complete. Contract work scope identified and incorporated into the contract prior to the end of the contract may be

agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

Stanley Consultants, Inc.'s fee under this contract will not exceed \$730,000, including all subconsultant and reimbursable costs. Funds are available in the Water Services Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

**Concurrence/Previous Council Action**

City Council approved the Design Services Contract 142740 on June 1, 2016.

**Location**

In the area of Southern and 75th avenues.

**Responsible Department**

This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, the Water Services Department, and the City Engineer.



**Pavement Restoration Services Two-Step Job Order Contract - 4108JOC155  
(Ordinance S-43675)**

Request to authorize the City Manager, or his designee, to enter into separate agreements with M.R. Tanner Development & Construction, Inc. (Tempe, Ariz.), Sunland Asphalt & Construction, Inc., (Tempe, Ariz.), and Talis Construction Corporation, Inc. (Tempe, Ariz.) to provide Pavement Restoration Job Order Contracting (JOC) Services, and to execute contract options as necessary. Further request authorization for the City Controller to disburse all funds related to this item.

Additional authorization is requested for the City Manager, or his designee, to take all action deemed necessary to execute all utilities-related design and construction agreements, licenses, permits, and requests for utility services relating to the development, design, and construction of the project to include disbursement of funds. Utility services include: electrical, water, sewer, natural gas, telecommunications, cable television, railroads and other modes of transportation. This authorization excludes any transaction involving an interest in real property.

**Summary**

The purpose of the Pavement Restoration Services JOC is to improve the streets in poor condition as part of the overall Street Pavement Maintenance Program administered by the Street Transportation Department. The contractors will be utilized on an as-needed basis to provide citywide pavement restoration services within the right-of-way. The scope of work will include major, collector, and residential pavement overlay; crack seal; slurry seal; fractured aggregate surface treatment; scrub sealing; fog sealing; and all other work as it relates to this JOC.

**Procurement Information**

M.R. Tanner Development & Construction, Inc., Sunland Asphalt & Construction, Inc., and Talis Construction Corporation, Inc. were chosen for this project using a two-step qualifications and price-based selection process according to section 34-604 of the Arizona Revised Statutes (A.R.S.). Pursuant to A.R.S. title 34, the City is not to release the scoring of proposers until a contract has been awarded.

The five top rankings follow:

M.R. Tanner & Development Construction, Inc.: Ranked #1

Sunland Asphalt & Construction, Inc.: Ranked #2

Talis Construction Corporation, Inc.: Ranked #3

Nesbitt Contracting Co., Inc.: Ranked #4

Combs Construction Company, Inc.: Ranked #5

### **Contract Term**

Each contract will be for a three-year term with an option to renew for an additional two-year term or maximum funding capacity, whichever occurs first. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

### **Financial Impact**

The initial contract value of each JOC will be \$30 million with an option to renew for an additional \$20 million each, for a total contract value of \$50 million each, including all amendments. Authorization is requested to execute job order agreements performed under this JOC for up to \$2 million each in construction costs. In no event will any job order agreement exceed \$2 million without Council approval to increase the limit. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

Operating and Capital Improvement Program funding may be utilized. The Budget and Research Department will review and approve funding availability prior to issuance of any job order agreement.

### **Public Outreach**

The public will be notified on each project, if notification is required.

### **Small Business Outreach**

A Small Business Outreach goal of three percent has been established for these contracts.

### **Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department, and the City Engineer.



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**Salt River Project Land Use License for City of Phoenix Grand Canalscape Phase I, Signalized Pedestrian Crossings - ST87600074 (Ordinance S-43678)**

Request to authorize the City Manager, or his designee to enter into a land use license with Salt River Project (SRP) for City of Phoenix Grand Canalscape Phase I - Project ST87600074. The project is located on the Grand Canal Bank from 15th Avenue south of Campbell east to 16th Street and Indian School Road, and from 36th Street south of Roosevelt Street east to 40th Street and Van Buren Street.

**Summary**

The purpose of this license is to allow for pedestrian lighting and signalized pedestrian crossings at 15th Avenue, 7th Avenue, Central Avenue, 7th Street and 12th Street along the Grand Canal that is consistent with and shall not interfere with USA Fee Property.

Indemnification

The SRP license agreement includes authorization pursuant to Phoenix City Code Section 42-20 (B) to indemnify, release and hold harmless SRP for: (a) acts of omissions of the City, its agents, officers, directors or employees; (b) the City's use of occupancy of the licensed property for the purposes contemplated by the license, including but not limited to claims by third parties who are invited or permitted onto the licensed property, either expressed or implied by the City or by nature of the City's improvement or other use of the licensed property pursuant to this license; and (c) the City's failure to comply with or fulfill its obligations established by the license or by laws. Per City of Phoenix Code, indemnification of another public entity requires approval from the City Council.

**Location**

Grand Canal at 15th Avenue, 7th Avenue, Central Avenue, 7th Street and 12th Street.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



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**Salt River Project Facilities Relocation Agreement for Electrical Facility for City of Phoenix Chandler Boulevard, 27th Avenue to 19th Avenue Project - ST85100367 (Ordinance S-43679)**

Request to authorize the City Manager, or his designee, to execute a Facility Relocation Agreement with Salt River Project (SRP) for electrical facilities within City of Phoenix's Chandler Boulevard, 27th Avenue to 19th Avenue Project, ST85100367.

**Summary**

SRP currently has electrical facilities within the Chandler Boulevard alignment from 27th Avenue to 19th Avenue which must be relocated as a result of the Chandler Boulevard project. The Chandler Boulevard project involves relocating electrical facilities, installing new street lights, roadway construction and landscaping.

A Facilities Relocation Agreement (FRA) will be executed to include addressing potential future relocation costs, if future relocation of both the existing and new electrical facilities is caused by a City project. The FRA states that the City will pay 50 percent of future relocation costs and SRP will pay 50 percent of future relocation costs. The FRA will contain additional terms and conditions deemed necessary and appropriate to facilitate future electrical relocations.

Further request the City Council to grant an exception pursuant to Phoenix City Code Section 42-20 to authorize indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code Section 42-18.

**Public Outreach**

Citizen notification was completed as part of the design and construction process.

**Location**

This project is located on Chandler Boulevard from 27th Avenue to 19th Avenue.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



**Salt River Project Facilities Relocation Agreement for Electrical Facility for City of Phoenix - 32nd Street, Southern Avenue to Broadway Road Project - ST85100245 (Ordinance S-43681)**

Request to authorize the City Manager, or his designee, to execute a Facility Relocation Agreement with Salt River Project (SRP) for electrical facilities within City of Phoenix's 32nd Street, Southern Avenue to Broadway Road Project, ST85100245.

**Summary**

SRP currently has electrical facilities at the intersection of 32nd Street and Roeser Road which will be undergrounded as a result of the 32nd Street improvement project. The 32nd Street project involves undergrounding some electrical facilities, installing new street lights and roadway construction.

A Facilities Relocation Agreement (FRA) will be executed to include addressing potential future relocation costs if future relocation of undergrounded electrical facilities is caused by a City project. Because the project uses SRP Aesthetics Funds to underground the electrical facilities, the FRA states that the City will pay 100 percent of any potential future relocation costs. The FRA will contain additional terms and conditions deemed necessary and appropriate to facilitate future electrical relocations.

Further request the City Council to grant an exception pursuant to Phoenix City Code Section 42-20 to authorize indemnification and assumption of liability provisions that otherwise would be prohibited by Phoenix City Code Section 42-18.

**Public Outreach**

Citizen notification was completed as part of the design and construction process.

**Location**

This project is located on 32nd Street from Southern Avenue to Broadway Road.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Street Transportation Department.



**Rio Salado Pathway: 32nd Street Alignment to SR143/Hohokam Freeway, Design -Bid-Build - ST87600079 (Ordinance S-43682)**

Request to authorize the City Manager, or his designee, to accept J. Banicki Construction, Inc. (Phoenix) as the lowest-priced, responsive and responsible bidder and enter into an agreement with J. Banicki Construction, Inc. for construction services for the Rio Salado Pathway: 32nd Street Alignment to SR143/Hohokam Freeway project. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

J. Banicki Construction, Inc.'s services include, but are not limited to: constructing a paved multi-use pathway on top of the levee along the Salt River's south bank; constructing an underpass ramp with safety railings beneath the SR143 and 44th Street bridges adjacent to the south bank levee; reconstructing the existing maintenance access ramps beneath the SR143 and 44th Street bridges; constructing seating areas adjacent to the new pathway midway between the 32nd Street and 40th Street alignment and between the 40th Street cul-de-sac to include an ADA compliant bicycle and pedestrian ramp, a ramada, signage, pavement markings, swing gates at maintenance access road locations; and other associated work required to complete this project.

**Procurement Information**

Two bids were received according to section 34-201 of the Arizona Revised Statutes (A.R.S.) by the Street Transportation Department on April 25, 2017. Both bids were sent to the Equal Opportunity Department for review to determine subcontractor eligibility and general contractor responsiveness in demonstrating compliance with the project's Disadvantaged Business Enterprise (DBE) goal. Both bidders were deemed responsive.

Bids ranged from a low of \$3,328,977.25 to a high of \$4,277,494.25. The Engineers Estimate and the two lowest responsive, responsible bidders are listed below:

Engineer's Estimate: \$3,438,374.81  
J. Banicki Construction, Inc.: \$3,328,977.55  
Achen Gardner Construction LLC: \$4,277,494.25

**Contract Term**

The term of the contract is expected to be completed within 365 days from the Notice to Proceed. Contract work scope identified and incorporated into the contract prior to the end of the contract may be agreed to by the parties, and work may extend past the termination of the contract. No additional contract work scope changes may be executed after the end of the contract term.

**Financial Impact**

This project will utilize federal funds and is subject to the requirements of 49 Code of Federal Regulations (CFR) Part 26 and the U.S. Department of Transportation DBE Program. The bid award amount is within the total budget for this project. Funding is available in the Street Transportation Department's Capital Improvement Program budget. Contract payments may be made up to contract limits for all rendered contract services, which may extend past the contract termination.

**Small Business Outreach**

A Disadvantaged Business Enterprise goal of 6.65 percent has been established for this project.

**Location**

South bank of Salt River: 32nd Street alignment to SR143

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua, the Street Transportation Department, and the City Engineer.



## **Lake Pleasant Water Treatment Plant Operating Costs (Ordinance S-43644)**

Request to authorize the City Manager, or his designee, to add \$393,350 in additional payment authority to the American Water Enterprise, Inc. (3060520) contract for services to treat and produce potable water at the Lake Pleasant Water Treatment Plant (LPWTP). Further request authorization for the City Controller to disburse all funds related to this item.

### **Summary**

The LPWTP is owned by the City of Phoenix and operated by American Water Enterprise, Inc. The plant produces a minimum of 25 million gallons per day to serve the northwest area of the City of Phoenix. In accordance with the contract terms, the contract is adjusted each year based on the consumer price index. The request for additional funding is needed due to the pricing adjustment for fiscal year 2016-17 occurring after the payment authority was approved.

### **Contract Term**

The contract began June 26, 2007, and continues to June 30, 2022, with an option to extend the term for an additional five years, which may be exercised by the City Manager or his designee.

### **Financial Impact**

The annual expenditure for fiscal year 2016-17 is estimated not to exceed \$6,387,132. Funds are available in the Water Services Department's operating budget.

### **Location**

The LPWTP is located at 37000 N. New River Road, Peoria, Ariz.

### **Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



## **Purchase of Replacement Turbine Pump Parts (Ordinance S-43658)**

Request to authorize the City Manager, or his designee, to enter into an agreement with Gicon Engineered Pumps (Vendor No. 3071271) for the one-time purchase of replacement turbine pump parts, such as column pipes, tubes, bearings, and inner column stabilizers to rebuild a Deep Well 294 for the Water Services Department. Further request the City Controller to disburse all funds related to this item.

### **Summary**

Deep Well 294 is an integral source of water supply during heavy water demand during the hot summer months. It also is used to provide water throughout the City when the Union Hills Water Treatment Plant is shut down for annual maintenance.

### **Procurement Information**

In accordance with the City of Phoenix Administrative Regulation 3.10, the Water Services Department received three bids for the solicitation. The Bid evaluations were based on an all-or-nothing bid. The lowest and responsive bidder was accepted. The bids received were:

Gicon Engineered Pumps: \$125,196.00  
Ranchers Well Service: \$143,975.40  
Custom Pipe & Coupling: \$165,636.00

### **Contract Term**

The contract term for this one-time purchase will start June 7, 2017, and continue to June 6, 2018.

### **Financial Impact**

Anticipated expenditures, including tax and freight, are not to exceed \$140,425 over the life of the contract. Funding for this contract is available in the Water Services Department's Capital Improvement Project budget.

### **Location**

In the area of Deer Valley and Cave Creek roads.

**Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



**Laboratory Equipment and Supplies Cooperative Contract Agreements  
(Ordinance S-43659)**

Request authorization for the City Manager, or his designee, to enter into cooperative contract agreements for laboratory equipment and supplies with the State of Arizona participating addendums with contractors Fisher Scientific Company, LLC, (3017896) contract number ADSPO16-13780 and VWR International, LLC, (3041621) contract number ADSPO16-135417, between the State of Idaho and the National Association of State Procurement Officials (NASPO) ValuePoint master agreements MA16000234-1 and MA16000234-2. Further authorization also is requested for the City Controller to disburse all funds in an amount not to exceed \$4,400,000 for both the Water Services Department and the Phoenix Police Department.

**Summary**

The current City contracts for laboratory equipment and supplies expire June 30, 2017. To replace the expiring contracts, it is advantageous for the City to enter into cooperative contract agreements with the State of Arizona's participating addendums with the State of Idaho's NASPO Value Point master contract agreements. The terms of the cooperative contract agreements are comparable to the current City contracts and additionally offer improved shipping terms and additional discounts, which will provide a cost savings of approximately 21.5 percent for the City.

**Procurement Information**

Negotiations were conducted under Cooperative Purchasing Agreement 84-17-040-COOP-8426 (SB) in consultation with the City's Law Department, which resulted in mutually advantageous prospective contracts for the City.

Cooperative Prospective Contractor 1 - Fisher Scientific Company, LLC  
Cooperative Prospective Contractor 2 - VWR International, LLC

**Contract Term**

The contract term will be from July 1, 2017, to March 31, 2021.

**Financial Impact**

Giving consideration to the estimated four-year cost savings of \$736,000 achieved by

entering into cooperative contract agreements, the estimated annual expenditure for the Water Services Department is \$900,000 with an aggregate amount of \$3,600,000, and estimated annual expenditure of \$200,000 for the Police Department with an aggregate of \$800,000, with a combined aggregate not to exceed amount of \$4,400,000. Funds are available in the Water Services Department and the Police Department operating budgets.

**Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



**Flow Meters, Replacement Parts and Services - Requirements Contract  
(Ordinance S-43661)**

Request to authorize the City Manager, or his designee, to enter into contracts with Krohne, Inc. (3000402), Phoenix Instrumentation (3021127), National Meter & Automation Inc. (3072884), Instrumentation and Controls, LLC (3026972), and Western Environmental Equipment Co. (3033545) to supply various flow meters for the Water Services Department. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The Water Services Department uses various types of flow meters to measure the flow rate, depth, and quantity of water passing through the water and wastewater treatment plants. Without the ability to monitor, measure, and record the flow rate of water, the treatment plants would not be able to produce or regulate water flow in the service area.

**Procurement Information**

In accordance with City of Phoenix Administrative Regulation 3.10, a solicitation was completed. The Water Services Department received a total of six offers with one of the offers found to be non-responsive per the Special Terms and Conditions of the solicitation. The remaining five proposals were accepted and are recommended for award. Details of the award may be viewed on the attached table (**Attachment A**).

**Contract Term**

The contract term will be for three years, effective July 1, 2017, through June 30, 2020, with two one-year options to extend.

**Financial Impact**

Expenditures are not to exceed \$2,450,000 over the life of the contract. Funding for this contract is available in the Water Services Department's operating budget.

**Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.

Attachment A - Scores (Out of 1,000)

	Magnetic	Coriolis	Thermal	Doppler Flow	Doppler Insertion	Laser Flow	Impeller	Roto/Low Flow	Ave Pitot Tube
Krohne Inc.	894*	795*						895*	
Phoenix Instrumentation	389		540*						
National Meter & Automation	735*	751					836*	815*	770*
Instrumentation & Controls	891*	836*	829*	809				815	891*
Western Environmental				837*	837*	837*			

\* = Awardees, based on score and price.



## **Mega Metering Services (Ordinance S-43663)**

Request to authorize the City Manager, or his designee, to enter into a contract with Brown and Caldwell to provide Mega Metering Services for the Water Services Department. Further request authorization for the City Controller to disburse all funds related to this item.

### **Summary**

The services provided under the Mega Metering project are a citywide effort to meter the wastewater collection system. The project consists of installing approximately 170 portable flow meters in sewer mains throughout the City, and simultaneously measuring sewer flows in critical areas of the system. The last time that the Water Services Department conducted a study of this nature was in 2006. Since 2006, significant sewer improvements have been made to the City's wastewater collection system. This metering service is necessary to update the sewer model and ensure the City has the most up-to-date and accurate sewer flow information. Data collected during the Mega Metering project will allow City staff to fully update the sewer model, thereby advancing future flow-related evaluations and planning, generate a more accurate sewer relief program and lead to improved sizing of public sewer infrastructure.

### **Procurement Information**

Solicitation 84-16-102-RFP-8442 was conducted in accordance with Administrative Regulation 3.10. Two offers were received from Brown and Caldwell and CH2M. Both offers were determined responsive.

The offers were scored by a four-member evaluation committee based on the qualifications and experience of the firm as well as the pricing schedule. The Offerors and their final scores are as follows:

Brown and Caldwell: \$619,250.40 (scored 1,000)  
CH2M: \$1,244,558.15 (scored 949)

The Water Services Department Director recommends that the offer from Brown and Caldwell be accepted as the highest-scored, responsive and responsible offer, being

the most advantageous to the City.

**Contract Term**

The contract term will begin on or about July 1, 2017, with an end date of June 30, 2018.

**Financial Impact**

The aggregate contract value will not exceed \$619,250.40 (including applicable taxes). Funds are available in the Water Services Department's Capital Improvement Program budget.

**Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



**Odor Abatement Services for Sanitary Sewer Systems - RFA 13-001 (Ordinance S-43687)**

Request to authorize the City Manager, or his designee, to extend Contract 134111 with USP Technologies for 12 months from July 1, 2017, to June 30, 2018, to allow time for a new solicitation. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

The odor abatement services provided by USP Technologies will continue to lessen sewer odors from 48th Street to 51st Avenue along the Southern Avenue area.

**Financial Impact**

An additional \$827,843 is requested for the 12-month extension. Funds are available in the Water Services Department's operating budget.

**Concurrence/Previous Council Action**

This contract is the result of Request for Authorization (RFA) 13-001 awarded by Formal Council Action on July 3, 2012, with an aggregate value of \$6,205,700 for the five years with an end date of June 30, 2017. The contract's value is now at an aggregate value of \$7,033,543.

**Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



## **Hach Equipment Supplies and Products for Water Testing and Monitoring (Ordinance S-43688)**

Request to authorize the City Manager, or his designee, to enter into a contract with Hach Company (3025531) for supplies and products used for water testing and monitoring equipment. Further request to authorize the City Controller to disburse all funds related to this item.

### **Summary**

The Water Services Department requires supplies and products for equipment that tests drinking water and wastewater samples to demonstrate compliance with the Safe Drinking Water and the Clean Water Acts.

### **Procurement Information**

In accordance with Administrative Regulation 3.10, normal competition was waived as the result of a Special Circumstance Sole Source Determination. No alternative supplies and products meet the requirements of the equipment used; therefore, Hach Company is the sole source distributor.

### **Contract Term**

The five-year contract term will begin on or about July 1, 2017, and end on June 30, 2022.

### **Financial Impact**

The aggregate value of the contract will not exceed \$1,849,980 over the life of the contract, with an estimated annual cost of \$369,996. Funds are available in the Water Services Department's operating budget.

### **Responsible Department**

This item is submitted by Deputy City Manager Karen Peters and the Water Services Department.



## **Citywide Demographic Study (Ordinance S-43692)**

Request to authorize the City Manager, or his designee, to enter into a contract with Applied Economics, LLC, to provide consulting services on a Citywide Demographic Study for the Water Services and Planning and Development departments. Further request authorization for the City Controller to disburse all funds related to this item.

### **Summary**

The services provided under the Citywide Demographic Study project are a citywide effort to provide assistance with preparing medium- and long-range socio-economic projections, including: population and employment, land-use development, vacancy rates of existing residential and commercial space, and trends associated with different types of residential and commercial development. This will be a joint project with the Water Services (WSD) and Planning and Development departments (PDD), with WSD as the lead department for project administration.

The study will provide critical information on trends of residential and commercial customers, as well as anticipated water use and wastewater generation under various scenarios. This information will be the basis of the City's water and wastewater master plans, Water Resource Plan, and capital improvement programs. PDD requires detailed and accurate population, employment, and development projections to make citywide and area-specific land-use plans, facility capital programs, and financial revenue projections related to infrastructure financing plans.

### **Procurement Information**

Solicitation 84-17-024-RFP-8416 was conducted in accordance with City of Phoenix Administrative Regulation 3.10. Three offers were received from Applied Economics, LLC, Elliott Pollack and Co., and Rounds Consulting Group. All offers were determined responsive. The offers were scored by a three-member evaluation committee based on the qualifications and experience of the firm as well as the pricing schedule. The offerors and their final scores are as follows:

Applied Economics, LLC: 917  
Elliott Pollack & Co.: 669  
Rounds Consulting Group: 673

The Water Services Department Director recommends that the offer from Applied Economics, LLC, be accepted as the responsive and responsible offeror, being the most advantageous to the City.

**Contract Term**

The contract term will begin on or about July 1, 2017, with an end date of June 30, 2018.

**Financial Impact**

The aggregate contract value will not exceed \$142,679.35 (including applicable taxes). Funding will be split between WSD (60 percent) and PDD (40 percent). These funds are available from WSD's and PDD's operating budgets.

**Concurrence/Previous Council Action**

This item was heard at the Transportation and Infrastructure Subcommittee meeting on June 13, 2017, and approval was recommended by a vote of 4-0.

**Responsible Department**

This item is submitted by Deputy City Managers Karen Peters and Mario Paniagua, and the Water Services and Planning and Development departments.



**Modification of Stipulation Request for Ratification of May 17, 2017 Planning Hearing Officer Action - Z-125-01-2**

Application: PHO-3-16-Z-125-01-2

Existing Zoning: C-2

Acreage: 14.24

Applicant: Ben Searle

Owner: AABS Properties, LLC

Representative: Nick Weidner / Allen + Phillip Partners

Proposal:

Eastern Portion

- Technical corrections to Stipulations 1, 2, 3, and 9 to change the name of the department to the Planning and Development Department.

Western Portion

- Stipulation 1: Modification of the requirement for general conformance to a site plan date stamped March 30, 2017 and a technical correction to the department name.
- Stipulation 2: Modification of the requirement for general conformance to building elevations date stamped March 30, 2017 and a technical correction to the department name.
- Stipulation 3: Deletion of the entire stipulation regarding the location of Shops A, Building A and Building B.
- Stipulation 4 (New Stipulation 3): Technical correction to the department name.
- Stipulation 7 (New Stipulation 6): Modification of the specific uses associated with each phase of development.
- Stipulation 8 (New Stipulation 7): Modification of the limitation of driveways on Black Mountain Parkway.
- Stipulation 9: Deletion of the entire stipulation regarding the provision of a transit stop and right-of-way along Black Mountain Parkway.
- Stipulation 11: Deletion of the entire stipulation regarding the requirement for drive-thru parking to be eliminated on Building B.
- Stipulation 12: Deletion of the entire stipulation regarding requirements for the loading area for Major A.

- Stipulation 13: Deletion of the entire stipulation regarding the provision of a screen wall for Office A.
- Stipulation 14 (New Stipulation 9): Modification of the requirement for a landscape setback along Carefree Highway.
- Stipulation 15 (New Stipulation 10): Modification of the requirement for treatment of the wash along the southern border.
- Stipulation 16: Deletion of the entire stipulation regarding the provision of a 10-foot trail adjacent to the wash.
- Stipulation 17: Deletion of the entire stipulation regarding the provision of shaded pedestrian paths connecting retail establishments and Black Mountain Parkway.
- Stipulation 18: Deletion of the entire stipulation regarding the provision of a 5-foot landscape median between the pharmacy drive-thru and the Building B drive-thru.
- Stipulation 19 (New Stipulation 11): Modification of the requirements for sidewalks along Carefree Highway and Black Mountain Parkway.
- Stipulation 20: Deletion of the entire stipulation regarding landscaping along the south side of shops "E."

#### Additional Stipulations for the Western Portion

- Stipulation 12: Requirement for the applicant to hold a neighborhood meeting with property owners on the proposed lighting, landscaping and fencing for the project.
- Stipulation 13: Requirement that future phases of the development return to the Desert View VPC and Planning Hearing Officer for review and approval.
- Stipulation 14: Requirement that a minimum 20 foot landscape setback shall be provided along all property lines adjacent to single-family residential development.

#### **Summary**

Request authorization for the City Manager, or his designee, to approve the Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on May 17, 2017.

#### **Location**

Approximately 11832 west of the southwest corner of Black Mountain Parkway (48th Street Alignment) and Carefree Highway.

Council District: 2

#### **Concurrence**

The Desert View Village Planning Committee recommended approval of the request with additional stipulations by an 8-0 vote on May 2, 2017. The Planning Hearing Officer recommended approval with modifications on May 17, 2017.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

## **Attachment A- Stipulations- PHO-3-16\_Z-125-01-2**

**Location:** Approximately 1183 feet west of the southwest corner of Black Mountain Parkway (48th Street Alignment) and Carefree Highway

### **Stipulations:**

#### STIPULATIONS FOR THE EASTERN PORTION OF THE SITE

1. That development shall be in general conformance to the site plan dated May 5, 2004 as approved by the PLANNING AND Development ~~Services~~ Department.
2. That development shall be in general conformance to the elevations dated May 5, 2004 or as approved or modified by THE PLANNING AND Development ~~Services~~ Department. That the level of architectural detail shall be provided on all sides of structures, including the same colors and materials. That the same architectural theme shall be consistent throughout the site.
3. That a comprehensive sign package shall be developed for the site, as approved by the PLANNING AND Development ~~Services~~ Department.
4. That all building elevations visible from the public right-of-way or adjacent residential property include variations in colors, textures, and/or materials to break up the massing of long walls, and provide a sense of human scale and visual interest.
5. That a full archaeological testing and data recovery report be submitted.
6. That the development of the project be limited to three Phases. Phase I the Pharmacy, Phase II retail surrounding pharmacy, and Phase III remaining retail/office at west end of property.
7. That the driveways be limited to five on Carefree Highway and three on Black Mountain Parkway.
8. That right-of-way shall be dedicated and a bus bay constructed (P1256) with a transit pad (P1261) for southbound on Black Mountain Parkway south of Carefree Highway at a location approved by the Phoenix Public Transit Department

#### Landscaping/Screening

9. That the landscape setback along Carefree Highway shall be dedicated as a landscape easement and the scenic corridor shall include only natural materials and native vegetation as approved by the PLANNING AND Development ~~Services~~ Department.
10. That the wash along the southern border be treated as a natural amenity per plans approved by the PLANNING AND Development ~~Services~~ Department and that no construction, filling or grading occur within the 100 year floodplain.
11. That shaded pedestrian paths shall be provided within the proposed parking areas to connect customers of retail establishments with the sidewalks along Black

Mountain Parkway, Landscaping of these shaded walkways shall reflect a common landscaping theme and include a minimum of 2-inch caliper shade trees placed 20 feet on center.

12. That a 10-foot sidewalk be constructed along Carefree Highway and a 5-foot sidewalk be provided along Black Mountain Parkway. Trail needs to be within a 25-foot landscape setback as approved by Parks, Recreation, and Library Department.
13. That lighting shall be shielded with cut-off fixtures and deflectors to direct light downward and limit on-site lighting levels to a maximum of one foot candle at the property line. That all lighting shall be shielded to prevent direct visibility of the light source from adjacent properties. That lighting shall be limited to 15 feet in height. Site lighting shall be administratively approved by the Planning Hearing Officer prior to preliminary site plan approval.
14. That all refuse containers shall be a minimum of twenty feet from the south property line and shall be screened with a solid wall consisting of the same colors and materials as the main structures.

#### STIPULATIONS FOR THE WESTERN PORTION OF THE SITE:

1. That development shall be in general conformance to the site plan dated ~~October 26, 2001~~ ~~STAMPED~~ MARCH 30, 2017, with regards to setbacks, circulation and the scenic corridor, as modified by the following stipulations and PLANNING AND Development Services Department review.
2. That development shall be in general conformance to the elevations dated ~~August 30, 2001~~ ~~STAMPED~~ MARCH 30, 2017 with regards to architectural theme. The BUILDING ELEVATION theme should assure the building/canopy colors, elevations, exterior materials, landscaping, lighting and signage convey a sense of continuity throughout the development, as approved by the PLANNING AND Development Services Department.
- ~~3. That Shops A, Building A and Building B be shifted to the west to create a design that will offer a marketable, and open concept that will provide visual interest.~~
43. That a comprehensive sign package shall be developed for the site, as approved by the PLANNING AND Development Services Department.
54. That all building elevations visible from the public right-of-way or adjacent residential property include variations in colors, textures, and/or materials to break up the massing of long walls, and provide a sense of human scale and visual interest.
65. That a full archaeological testing and data recovery report be submitted.
76. That the development of the project be limited to three Phases, Phase I the ~~Pharmacy~~ ASSISTED LIVING/INDEPENDENT LIVING BUILDING, Phase II ~~retail surrounding pharmacy~~ THE MEMORY CARE BUILDING, and Phase III FUTURE. ~~remaining retail/office at west end of property.~~

- 87. That the driveways be limited to five on Carefree Highway. ~~and three on Black Mountain Parkway.~~
- ~~9. That a transit stop pad right-of-way be provided for a southbound on Black Mountain Parkway south of Carefree Highway and constructed per City of Phoenix Public Transit Developer Guidelines.~~
- 408. That the parking provided along the north end of the property not follow a hard edge along the Carefree Scenic Corridor. The parking shall consist of a delineated pattern using landscape features to create a softer edge.
- 11. ~~That the drive thru parking on building "B" east end be eliminated to allow room for Building "B" to shift closer to the pharmacy.~~
- 12. ~~That the loading area for Major A, the 51,000 square foot building, provide a loading dock collar and adequate screening to ensure loading operations are kept internal to the site and not visible from the south residential area as approved by the Development Services Department.~~
- 13. ~~That Office "A" provide a 3-foot screen wall along the parking area to buffer the wash corridor~~

#### Landscape/Screening

- 149. That the ~~ninety-five~~FIFTY foot landscape setback FROM THE SEVENTY FOOT RIGHT OF WAY (ONE HURNDRED TWENTY FEEET FROM CENTER LINE OF CAREFREE HIGHWAY) shall be landscaped with plants from Lists A, B and/or C from the "Area C & D Zoning Guidelines Manual Draft" dated September 1995 and shall be designated as a scenic landscape easement. Accent walls and only low scale directional signage may be allowed within the setback if determined appropriate by the PLANNING AND Development Services Department site plan and sign review staff.
- 1510. ~~That the wash along the southern border of treated as natural amenity per plans approved by the Development Services Department and that no construction, filling or grading occur within the 100 year floodplain. AREAS WITHIN THE 100 YEAR FLOODPLAIN WILL NOT IMPEDE THE 100 YEAR STORM WATER FLOW.~~
- 16. ~~That a 10-foot trail be provided adjacent to the wash corridor and vegetation along the wash shall be preserved in place as may be approved by the Parks, Recreation and Library and Development Services Departments. The trail shall be either paved or, if unpaved, comprised of stabilized decomposed granite. The trail cross the wash to connect.~~
- 17. ~~That shaded pedestrian paths shall be provided within the proposed parking areas to connect customers of retail establishments with the sidewalks along Black Mountain Parkway. Landscaping of these shaded walkways shall reflect a common landscaping theme and include a minimum of 2-inch caliper shade trees placed 20 feet on-center.~~
- 18. ~~That a 5-foot landscape median be placed along the pharmacy drive-thru and Building B drive-thru to delineate the traffic from other uses.~~

1911. That a ~~40~~ 6-foot sidewalk be constructed along Carefree Highway CONNECTING TO THE EXISTING DEVELOPMENT TO THE EAST, WITH THE WESTERN EXTENT TERMINATING AT THE NEW PROPOSED ENTRANCE TO SITE. ~~and a 5-foot sidewalk be provided along Black Mountain Parkway.~~ Trail needs to be within a 25-foot landscape setback as approved by Parks, Recreation and Library Department.
- ~~20. That shops "E" provide a softer edge with sufficient landscaping along south side of the building to utilize the space efficiently.~~
12. THE APPLICANT SHALL HOLD A NEIGHBORHOOD MEETING TO WORK WITH ADJACENT PROPERTY OWNERS ON THE PROPOSED LIGHTING, LANDSCAPING, AND FENCING PRIOR TO PRELIMINARY SITE PLAN APPROVAL.
13. THE FUTURE PHASE PORTION OF THE SITE SHALL RETURN TO THE DESERT VIEW VILLAGE PLANNING COMMITTEE AND PLANNING HEARING OFFICER FOR REVIEW AND APPROVAL.
14. A MINIMUM 20-FOOT LANDSCAPE SETBACK SHALL BE REQUIRED ON ALL PROPERTY LINES THAT ARE ADJACENT TO SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS.



**Modification of Stipulation Request for Ratification of May 17, 2017 Planning Hearing Officer Action - Z-81-06-5**

Application: PHO-2-17- Z-81-06-5  
Existing Zoning: Approved C-2  
Acreage: 0.81  
Applicant: Larson Associates Architects, Inc.  
Owner: Carol Vernon, Glen 27 LLC  
Representative: Larson Associates Architects, Inc.

**Proposal:**

1. Review of Stipulation 1 which requires that the Planning Hearing Officer review the C-2 portion of the site before preliminary site plan approval.

**Summary**

Request authorization for the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on May 17, 2017.

**Location**

Approximately 326 feet west of the northwest corner of 27th Avenue and Glendale Avenue.

Council District: 5

**Concurrence**

The Alhambra Village Planning Committee chose not to hear this case. The Planning Hearing Officer recommended approval of the review of the C-2 portion of the site.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

## **Attachment A- Stipulations- PHO-2-17-Z-81-06-5**

**Location:** Approximately 326 feet west of the northwest corner of 27th Avenue and Glendale Avenue

### **Stipulations:**

1. That the C-2 portion of the site, planned for later development, shall require Planning Hearing Officer approval prior to preliminary site plan approval.
2. That the following people and organizations shall be notified of the Planning Hearing Office hearing for development of the C-2 portion of the property:
  - Frank Beaudrot, 7016 North 27th Avenue, Phoenix, Arizona 85051
  - North Glen Square Neighborhood Association, P.O. Box 39485, Phoenix, Arizona 85069
  - Lawrence Wing and Gerry Batt Camden Court Development, 7115 North 27th Lane, Phoenix, Arizona 85051
  - Diane Piergallini, 2297 West Keim Drive, Phoenix, Arizona 85015



**Modification of Stipulation Request for Ratification of May 17, 2017 Planning Hearing Officer Action - Z-135-F-79-6**

Application: PHO-1-17- Z-135-F-79-6  
Existing Zoning: R-2 PCD (ACSPD)  
Acreage: 2.12  
Applicant: Andy Jochums & Cassandra Ayres  
Owner: Host Camelback LLC  
Representative: Andy Jochums & Cassandra Ayres

**Proposal:**

1. Request to modify Stipulation 1 to amend the approved site plan from Rezoning Case Z-135-F-79 and Z-106-F-79.

**Summary**

Request authorization for the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on May 17, 2017.

**Location**

Approximately 1,100 feet north of the northwest corner of Phoenician Boulevard and Camelback Road.  
Council District: 6

**Concurrence**

The Camelback East Village Planning Committee chose not to hear this case. The Planning Hearing Officer recommended approval.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

## **Attachment A- Stipulations- PHO-1-17\_Z-135-F-79-6**

**Location:** Approximately 1,100 feet north of the northwest corner of Phoenician Boulevard and Camelback Road

### **Stipulations:**

1. That the property be developed in general conformance with the plans ~~submitted and signed by the Zoning Hearing Officer and referenced by the letter dated December 15, 1986~~ TITLED "THE PHOENICIAN UPDATED ENLARGED SITE PLAN TENNIS FACILITY" DATE STAMPED APRIL 21, 2017.
2. That the townhouse model cluster shall be oriented to inwardly face the townhouse development.
3. That a minimum 100 townhomes be provided within the PCD west of 64th Street.
4. That approval does not include parcel #20 of this application.



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**Modification of Stipulation Request for Ratification of May 17, 2017 Planning Hearing Officer Action - Z-142-98-7**

Application: PHO-1-17- Z-142-98-7

Existing Zoning: S-1, Approved C-2 PCD

Acreage: 5.3

Applicant: Garrett Development Company, Tina Heinbach

Owner: Walgreen Arizona Drug Company

Representative: Beus Gilbert PLLC, Andrew Armstrong

**Proposal:**

1. Modification of Stipulation 2 regarding one pad per every 300 feet of linear frontage for commercial pads.
2. Technical corrections to Stipulations 6, 9.a., 9.b., 14, and 17.f.

**Summary**

Request authorization for the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on May 17, 2017.

**Location**

Approximately 348 feet north of the northwest corner of 99th Avenue and Lower Buckeye Road.

Council District: 7

**Concurrence**

The Estrella Village Planning Committee recommended approval of the request by a 7-0 vote on May 16, 2017. The Planning Hearing Officer recommended approval with an additional stipulation.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

## Attachment A- Stipulations- PHO-1-17\_Z-142-98-7

**Location:** Approximately 348 feet north of northwest corner of 99th Avenue and Lower Buckeye Road

### **Stipulations:**

1. That development be in general conformance to the land use exhibit and statistical chart dated March 23, 1999 and the accompanying tables that establish the use and density and intensity limits for the individual parcels.
2. ~~That the commercial parcels shall be limited to one pad per every 300 feet per lineal frontage and that a~~An average 75-foot x 75-foot triangular landscaped entry way feature be provided at the major streets corner for each site. Common architectural theme materials and landscaping shall be used throughout each commercial site which shall be reviewed and approved by the PLANNING AND Development Services Department prior to Phase I development.
3. That all single family development shall be subject to Section 507.Tab A, 2.12 Planned Residential Development Option.
4. That along arterial, collector and appropriate transitions onto adjoining local streets within the residential development, the sidewalk shall be detached and a 5 foot wide landscape strip shall be located between the sidewalk and back of curb. The planting area shall be planted with minimum 15 gallon trees placed 20 feet on center and ground cover.
5. That a minimum 40-foot by 40-foot triangular landscape entry area be provided on each corner at the main entry into the PCD.
6. That recreational amenities such as trails, ramadas, and playground equipment, be provided in the linear open space parcels. Details of the above amenities and a site plan depicting the location of such on the site shall be submitted by the developer and approved by the PLANNING AND Development Services Department.
7. That all retention areas shall be sloped no greater than 4:1 throughout the site.
8. That view fencing be required for all lots that back onto the central open space.
9. That, in addition to the ordinance required plan elements, the Developer shall submit the following Master Development Plans for review and approval by appropriate City Departments prior to development of the first parcel. The Plans are to address, at a minimum, the following:

#### A. Master Pedestrian/Bike/Trails Circulation

The Master Pedestrian/Bike/Trails Circulation Plan shall be submitted to the Planning Department for review and approval by the Parks, Recreation and Library Department, Planning, AND Development Services, and Street Transportation Departments prior to vesting of zoning for the first development unit and is to address:

1. Show all proposed pedestrian walkways, equestrian trails, and bikeways within and abutting the site. The paseo network should include the width and locations throughout each of the future residential developments.
2. Coordinate the location of walkways and bikeways with drainage ways to provide a trail network throughout the PCD.

B. Master Landscape Plan

The Master Landscape Plan shall be submitted to the Planning Department for review and approval by the Parks, Recreation and Library Department, Planning AND Development Services, and Planning Departments prior to vesting of zoning for the first development unit and is to include but not be limited to the following:

- 1) Plant lists addressing: Areas of landscaping to be planted with other arid types of vegetation.
- 2) List of plants not allowed in development (i.e. palms, pine trees, eucalyptus, etc.) due their incompatibility.
- 3) Coordinate the landscape conservation plan with master drainage plans and trails plan.

C. Water and Wastewater System Master Plans

- 1) That the developer shall submit for approval by the Water Services Director, potable water and wastewater system master plans for the PCD. Such plans must be completed by a registered engineer in conformance with Water Services Department master infrastructure plans for the area.
  - 2) That the water supplies for the greenbelt areas of the development shall be limited to the Salt River Water Users Association Rights associated with the greenbelt acreage only. Water rights associated with non-greenbelt acreage must be transferred to the City of Phoenix Domestic Water Account with the Salt River Project as a condition of domestic water service. This split of the water rights entitlement and transfer into the City of Phoenix water account can be affected by requesting from the Salt River Water Users' Association, a "split for Association Convenience" and transfer to the City Account. A letter from the Salt River Water Users Association stating that the water rights transfer has occurred shall be provided to the Water Services Director prior to vesting of zoning.
  - 3) Water features (ponds, fountains, etc.) In common areas must conform with restrictions outlined in Chapter 37 of the City Code.
10. That prior to the vesting of zoning approved through this request, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and characteristics of the Tolleson Wastewater

Treatment Plant and the Sunland Beef Company. The form and content of such documents shall be reviewed by the City Attorney.

11. That if the City Council adopts an infrastructure financing program for the Estrella Village, the developer of this property agrees to participate in the program at final plat approval. The Estrella Village boundaries are from Interstate 17/19th Avenue to 107th Avenue and from Interstate 10 to the Rio Salado. For the subject property the gross impact fee will not exceed \$9,400 per equivalent dwelling unit.
12. That the developer of this property will participate in any future Estrella Village Major Street Landscape Program if such a program is adopted by the City Council. The landscape program may impact the major streets abutting this property.
13. That a homeowner's association be established which will have the responsibility for maintaining all landscaping within and adjacent to the right-of-way, and in all common areas and tracts in accordance with approved plans.
14. That the developer of individual parcel agrees to participate in a Master Drainage/Open Space Study for the Estrella Village in insure linkage between developments and the Rio Salado, if such a program is adopted prior to preliminary approval by the PLANNING AND Development ~~Services~~ Department.
15. That proposed development adjacent to future transit locations shall integrate the transit stop/shelter with the site, providing convenient access to pedestrians and persons with disabilities.
16. That the future transit stop locations, as approved by the Public Transit Department, shall be identified and shown on the Master Street Circulation Plan.
17. That the following right-of-way be dedicated:
  - a. Right of way totaling 65 feet shall be dedicated for both the north and south half of Lower Buckeye Road.
  - b. Right of way totaling 55 feet shall be dedicated for the west half of 91st Avenue.
  - c. Right of way totaling 55 feet shall be dedicated for both the east and west half of 99th Avenue.
  - d. A 21-foot by 21-foot right of way triangle shall be dedicated at the corners of all arterial street intersections.
  - e. Sufficient right of way shall be dedicated to accommodate a far side busbay (Detail P-1257) on 91st Avenue south of Lower Buckeye Road, 99th Avenue south of Lower Buckeye Road and on Lower Buckeye Road west of 99th Avenue.
  - f. Right of way dedications and street alignments for local streets within the subdivision will be determined by the PLANNING AND Development ~~Services~~ Department at the time of Preliminary Subdivision Plat Review.

- g. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
- 18. That 10-foot wide multi purpose trails be provided within the power line corridor south of the property adjacent to Elwood Street alignment and on both sides of Lower Buckeye Road. Trails shall be improved using the Parks and Recreation Department Recreation Trails standards.
- 19. That the location of two elementary school sites should be reserved in each district for a period of 4 years.
- 20. That the developer provide a conceptual site layout for the out parcels located north and south of Lower Buckeye Road and west of 99th Avenue for the purpose of providing future connection and linkage to the PCD particularly with regard to the street layout.
- 21. THE DEVELOPER SHALL RECORD A NOTICE TO PROSPECTIVE PURCHASERS OF PROXIMITY TO AIRPORT IN ORDER TO DISCLOSE THE EXISTENCE AND OPERATIONAL CHARACTERISTICS OF PHOENIX GOODYEAR AIRPORT (GYR) TO FUTURE OWNERS OR TENANTS OF THE PROPERTY.



**Final Plat - Enterprise Deer Valley - 170022 - Southeast Corner of Parkview Lane and 19th Avenue**

Plat: 170022  
Project: 05-5227  
Name of Plat: Enterprise Deer Valley  
Owner(s): Jaws 19, LLC  
Engineer(s): Hunter Engineering, Inc.  
Request: A 1 Lot Commercial Subdivision Plat  
Reviewed by Staff: May 17, 2017

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public. This plat needs to record concurrently with Abandonment V170001A.

**Location**

Generally located at the southeast corner of Parkview Lane and 19th Avenue.  
Council District: 1

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.



**Final Plat - CB-51 West - 170032 - Southeast Corner of 51st Avenue and Camelback Road**

Plat: 170032

Project: 16-2952

Name of Plat: CB-51 West

Owner(s): Lot 1: John F. Long Family Revocable Living Trust, Lot 2: F&S Management IV, LLC

Engineer(s): Clouse Engineering, Inc.

Request: A 2 Lot Commercial Plat

Reviewed by Staff: May 23, 2017

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

**Location**

Generally located at the southeast corner of 51st Avenue and Camelback Road.

Council District: 5

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.



**Final Plat - 6th Avenue Cottages - 160078 - Northeast of 6th Avenue and Fillmore Street**

Plat: 160078  
Project: 15-969  
Name of Plat: 6th Avenue Cottages  
Owner(s): ZNM Holdings, LLC  
Engineer(s): Keogh Engineering, Inc.  
Request: A 10 Lot Residential Subdivision Plat  
Reviewed by Staff: May 17, 2017

**Summary**

Staff requests that the above plat be approved by the City Council and certified by the City Clerk. Recording of the plat dedicates the streets and easements as shown to the public.

**Location**

Generally located northeast of 6th Avenue and Fillmore Street.  
Council District: 7

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.



**Amend Ordinances Adopted on May 10, 2017 to Accept and/or Dedicate Easements (Ordinance S-43695)**

Request the City Council amend ordinances S-43527 and S-43528 adopted on May 10, 2017 to revise the entity name of the easements accepted/and or dedicated due to a change in ownership; further ordering the ordinance be recorded.

**Summary**

The above referenced ordinances authorized the City Council to accept and/or dedicate easements for temporary turn around, drainage, sidewalk, public utilities, and water and sewer purposes. The ordinances were adopted with the owner's name as US Real Estate Limited Partnership. Prior to the ordinances adoption, the ownership changed. This amendment will reflect the new owners, US Relp Norterra East I, LLC.

All of the conditions and stipulations previously stated in the above-referenced ordinances will remain the same.

**Location**

2000 W. Happy Valley Road and 1 Norterra Drive

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development and Finance departments.



**Acceptance and Dedication of Deeds and Easements for Sidewalk and Roadway Purposes (Ordinance S-43696)**

Request for the City Council to accept and dedicate deeds and easements for sidewalk and roadway purposes; further ordering the ordinance recorded.

**Summary**

Accepting and dedicating the property interests below will meet the Planning and Development Department's Single Instrument Dedication Process requirement prior to releasing any permits to applicants.

Easement (a)

Applicant: CPG EPL PHX 1, LLC  
Purpose: Sidewalk  
Location: 4302 W. Cactus Road  
File: FN170040  
Council District: 1

Easement (b)

Applicant: CFB Properties, LLC  
Purpose: Sidewalk  
Location: 1614 W. Whispering Wind Drive  
File: FN170045  
Council District: 1

Easement (c)

Applicant: 3221 40th St, LLC  
Purpose: Sidewalk  
Location: 3221 S. 40th St.  
File: FN170034  
Council District: 8

Deed (d)

Applicant: Jocal, LLC  
Purpose: Roadway

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Location: 2219 E. South Mountain Ave.

File: FN170048

Council District: 8

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.



**Acceptance of Easements for Public Utility Purposes (Ordinance S-43697)**

Request for the City Council to accept easements for public utility purposes; further ordering the ordinance recorded.

**Summary**

Accepting the property interests below will meet the Planning and Development Department's Single Instrument Dedication Process requirement prior to releasing any permits to applicants.

Easement (a)

Applicant: RD Design Team, Inc.  
Purpose: Public Utilities  
Location: 2316 N. 29th Place  
File: FN170039  
Council District: 8

Easement (b)

Applicant: Security 15, LLC  
Purpose: Public Utilities  
Location: 4225 E. Sandra Terrace  
File: FN170033  
Council District: 2

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.



**Abandonment of Easement - V170017A - 2403 E. Beardsley Road (Resolution 21550)**

Abandonment: V170017A

Project: 17-775

Applicant: Scott Ody of Hilgart Wilson

Request: To abandon the Public Utility Easement on the south 12 feet of the parcel addressed 2403 E. Beardsley Road, APN 213-18-039, and the Equestrian Easement on the east 4 feet of the same parcel.

Date of Decision: May 2, 2017

**Location**

2403 E. Beardsley Road

Council District: 2

**Financial Impact**

Pursuant to Phoenix City Code Art. 5, Sec. 31-64 (e) as the City acknowledges the public benefit received by the generation of additional revenue from the private tax rolls and by the elimination of third-party general liability claims against the city, maintenance expenses, and undesirable traffic patterns, also replatting of the area with alternate roadways and new development as sufficient and appropriate consideration in this matter.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.



City of Phoenix

## City Council Formal Meeting

### City Council Report

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Agenda Date: 6/21/2017, Item No. 126

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#### **Amend City Code - Ordinance Adoption - Rezoning Application PHO-1-17--Z-34-16-2 - Northeast Corner of Cave Creek Road and Greenway Parkway (Ordinance G-6332)**

Request authorization for the City Manager, or his designee, to approve Planning Hearing Officer's recommendation without further hearing by the City Council on matters heard by the Planning Hearing Officer on Wednesday, May 17, 2017.

#### **Location**

Northeast corner of Cave Creek Road and Greenway Parkway  
Council District: 2

#### **Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

**ATTACHMENT A**

**THIS IS A DRAFT COPY ONLY AND IS NOT AN OFFICIAL COPY OF THE FINAL,  
ADOPTED ORDINANCE**

**ORDINANCE G-**

**AN ORDINANCE AMENDING THE STIPULATIONS APPLICABLE TO  
REZONING APPLICATION Z-34-16-2 PREVIOUSLY APPROVED BY  
ORDINANCE G-6215.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as  
follows:

SECTION 1. The zoning stipulations applicable located at the northeast corner of Cave Creek Road and Greenway Parkway in a portion of Section 2, Township 3 North, Range 3 East, as described more specifically in Attachment "A", are hereby modified to read as set forth below.

**STIPULATIONS:**

1. The development shall be in general conformance with the site plan, elevations and landscape plan date stamped May 20, 2016 FOR THE QUIK TRIP SITE AND SITE PLAN, ELEVATIONS, AND LANDSCAPE PLANS DATE STAMPED, FEBRUARY 15, 2017 FOR THE CAR WASH SITE as approved by the Planning and Development Department.
2. The development shall provide pedestrian connections between the buildings on site, as approved by the Planning and Development Department.
3. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been viewed and approved by the City Attorney.

SECTION 2. Due to the site's specific physical conditions and the use district granted pursuant to Ordinance G-6215, this portion of the rezoning is now subject to the stipulations approved pursuant of Ordinance G-6215 and as modified in Section 1 of this Ordinance. Any violation of the stipulation is a violation of the City of Phoenix Zoning Ordinance. Building permits shall not be issued for the subject site until all the stipulations have been met.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 21st day of June, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

\_\_\_\_\_  
City Manager

Attachments:

A - Legal Description (1 Page)

B - Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR PHO-1-17--Z-34-16-2

THAT PORTION OF LOTS 1 AND 2, "KAY ACRES", ACCORDING TO BOOK 33 OF MAPS, PAGE 28, RECORDS OF MARICOPA COUNTY ARIZONA, LYING IN THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIO 3 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 00 DEGREES 15 MINUTES 08 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 188.77 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00 DEGREES 15 MINUTES 08 SECONDS EAST, ALONG SAID EAST LINE A DISTANCE OF 120.11 FEET TO THE NORTHEAST CORNER OF SAID LOT 2;

THENCE CONTINUING SOUTH 00 DEGREES 15 MINUTES 08 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 259.04 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF GREENWAY PARKWAY AS SHOWN IN DOCUMENT NO. 1988-0290178, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE, SOUTH 66 DEGRES 19 MINUTES 44 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 19.01 FEET;

THENCE NORTH 75 DEGREES 57 MINUTES 19 SECONDS WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 211.38 FEET;

THENCE NORTH 14 DEGREES 02 MINUTES 41 SECONDS EAST, A DISTANCE OF 187.44 FEET; THENCE NORTH 00 DEGREES 19 MINUTES 24 SECONDS WEST, A DISTANCE OF 152.65 FEET;  
THENCE NORTH 89 DEGREES 40 MINUTES 36 SECONDS EAST, A DISTANCE OF 176.18 FEET TO THE POINT OF BEGINNING..

# ORDINANCE LOCATION MAP

EXHIBIT B

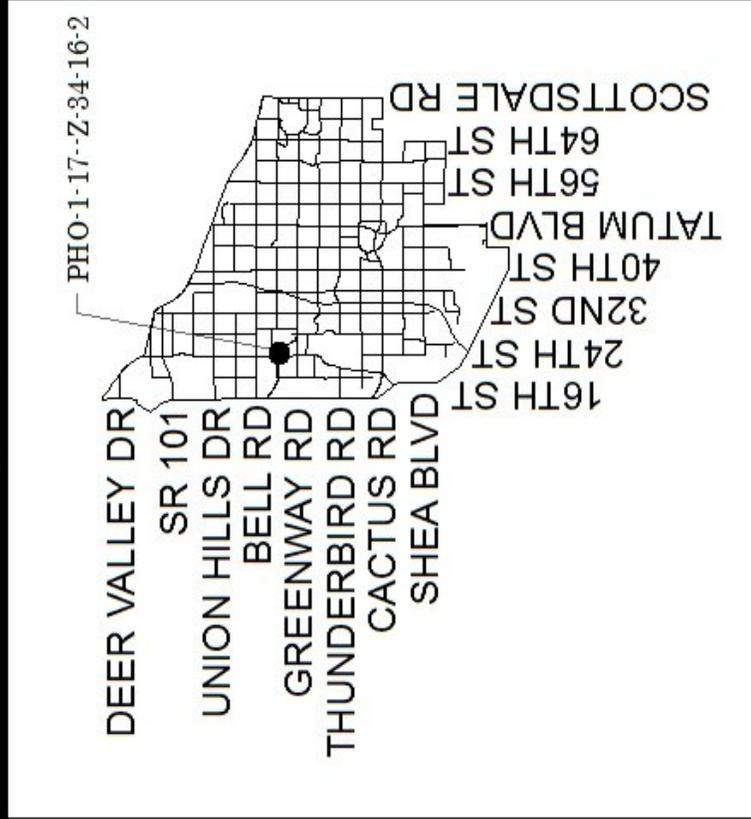
Zoning Case Number: PHO-1-17-Z-34-16-2  
 Zoning Overlay: N/A  
 Planning Village: Paradise Valley

ZONING SUBJECT TO STIPULATIONS: \*

SUBJECT AREA: - - - - -



NOT TO SCALE



Drawn Date: 5/23/2017



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**Amend City Code - Public Hearing and Ordinance Adoption - Group Home Facilities Text Amendment - Z-TA-22-08 (Ordinance G-6331)**

Request to hold a public hearing on a proposed text amendment for the following item and to consider adopting the Downtown, Aviation, Economy and Innovation Subcommittee recommendation along with the related Ordinance.

**Summary**

The intent of this proposed text amendment is to ensure compliance with the federal Fair Housing Act and Americans with Disabilities Act and allow a reasonable accommodation process to ensure equal access to housing for individuals with disabilities pursuant to federal law. The text amendment will also modernize definitions and regulations to ensure clarity, compliance and consistency with state and federal regulations.

The City is required to provide for reasonable accommodations related to housing for individuals with disabilities to comply with federal fair housing regulations. In 2015, current regulations related to spacing of group homes for individuals with disabilities was challenged and an investigation by the Department of Housing and Urban Development (HUD) ensued. They found enough concern that HUD forwarded the issue to the Department of Justice to pursue legal action against the City. In addition, the City faced legal action from a group home provider because of an enforcement action against that group home. Until May 15, 2017 the current spacing of group homes for individuals with disabilities was not being enforced due to the lack of a reasonable accommodation. At that time staff began enforcement again per a memo from the Planning and Development Department Director that references the draft reasonable accommodation provision that is contained in the proposed text amendment. Staff has conducted research of local, state and national jurisdictions; federal and state laws; case law; the Joint Statement of the Department of Housing and Urban Development (HUD) and the Department of Justice, and the practices and application of the Fair Housing Act; as well as other publications related to regulating group facilities; state licensing regulations; and zoning adjustment applications and interpretations.

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: Amending various sections of the Zoning Ordinance of the City of Phoenix relating to Group Facilities. For the affected sections, see the Draft Ordinance ( **Attachment A**).

Applicant: City of Phoenix Planning Commission

Representative: City of Phoenix Planning and Development Department

Staff: Recommends approval per the language in Exhibit A of Addendum A, dated April 28, 2017 (**Attachment B**)

This text amendment is the first step in a broader review and evaluation process regarding group homes. Staff is also recommending that the City Council support state and federal changes related to group home facilities to ensure that the issue is properly addressed at those government levels. In addition, an Ad-Hoc Study Committee has been assembled to work with an outside legal and planning expert to help craft new group home regulations.

### **Concurrence/Previous Council Action**

The 15 Village Planning Committees heard this case and 10 recommended approval as originally proposed, two recommended approval with modifications, one recommended denial as originally proposed, one recommended denial as proposed in Addendum A, and one recommended approval as proposed in Addendum A with two modifications (**Attachment C**).

The Downtown, Aviation, Economy and Innovation Subcommittee heard this request on April 26, 2017 and recommended staff form a working committee to further evaluate the issues and provide solutions related to group home facilities.

The Planning Commission heard this case on May 4, 2017 and recommended approval per the language in Exhibit A of Addendum A dated April 28, 2017 (**Attachment D**) by a vote of 7-0.

The Downtown, Aviation, Economy and Innovation Subcommittee heard this request on June 7, 2017 and approval was recommended by a vote of 4-0.

### **Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.

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ADOPTED ORDINANCE**

ORDINANCE G-

AN ORDINANCE AMENDING PORTIONS OF THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX BY AMENDING 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.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1: That Chapter 2, Section 202 (Definitions) is amended 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.

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SECTION 2: That Chapter 6, Section 603.A. (Suburban S-1 District—Ranch or Farm Residence) is amended 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.

\*\*\*

SECTION 3: That Chapter 6, Section 605.A. (Residential Estate RE-43 District—One-Family Residence) is amended 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.~~

\*\*\*

SECTION 4: That Chapter 6, Section 606.A. (Residential Estate RE-24 District—One-Family Residence) is amended 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.

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.~~

\*\*\*

SECTION 5: That Chapter 6, Section 608. (Residence Districts) is amended to read as follows and renumber section accordingly:

\*\*\*

**C. Permitted Uses.**

Use	Permitted	Permitted With Conditions <sup>(1)</sup>	Use Permit And Conditions <sup>(2)</sup>
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.~~

\*\*\*

SECTION 6: That Chapter 6, Section 609. (RE-35 Single-Family Residence District) is amended 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.~~

\*\*\*

SECTION 7: That Chapter 6, Section 610. (R1-18 Single-Family Residence District) is amended 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.~~

\*\*\*

SECTION 8: That Chapter 6, Section 611. (R1-10 Single-Family Residence District) is amended 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)
***			
***			

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.~~

\*\*\*

SECTION 9: That Chapter 6, Section 612. (R1-8 Single-Family Residence District) is amended 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)
***			
***			

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.~~

\*\*\*

SECTION 10: That Chapter 6, Section 613.C. (R1-6 Single-Family

Residence District) is amended 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.~~

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SECTION 11: That Chapter 6, Section 614.C. (R-2 Multifamily Residence District) is amended 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.~~

\*\*\*

SECTION 12: That Chapter 6, Section 615.C. (R-3 Multifamily Residence District) is amended 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.~~~~

\*\*\*

SECTION 13: That Chapter 6, Section 616.C. (R-3A Multifamily

Residence District) is amended 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.~~

\*\*\*

SECTION 14: That Chapter 6, Section 617.C. (R-4 Multifamily Residence District) is amended 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.~~

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SECTION 15: That Chapter 6, Section 618.D. (R-5 Multifamily Residence District) is amended 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.

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1416. ~~Personal care home and a~~ 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.

\*\*\*

SECTION 16: That Chapter 6, Section 619.A. (Residential R-4A District—Multifamily Residence—General) is amended 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.

\*\*\*

SECTION 17: That Chapter 6, Section 620.B. (Residential Office R-O District—Restricted Commercial) is amended 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.

\*\*\*

SECTION 18: That Chapter 6, Section 621.B. (Commercial Office C-O District—Restricted Commercial) is amended 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.

\*\*\*

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SECTION 19: That Chapter 6, Section 622.D. (Commercial C-1 District—  
Neighborhood Retail) is amended 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.

\*\*\*

SECTION 20: That Chapter 6, Section 623.D. (Commercial C-2 District—  
Intermediate Commercial) is amended to read as follows and renumber  
section accordingly:

10. ASSISTED LIVING CENTER.

84. HOSPICE.

~~133. Personal Care Home~~

\*\*\*

SECTION 21: That Chapter 6, Section 626. (Commerce Park District) is amended 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.

\*\*\*

SECTION 22: That Chapter 6, Section 635.C.1. (Planned Area Development) is amended to read as follows:

\*\*\*

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

\*\*\*

SECTION 23: That Chapter 6, Section 642. (Urban Residential (UR) District) is amended to read as follows and renumber section accordingly:

C. Permitted uses.

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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.

\*\*\*

SECTION 24: That Chapter 6, Section 646. (Capitol Mall Overlay District)

is amended 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.

\*\*\*

SECTION 25: That Chapter 6, Section 647 (Special Permit Uses) is

amended 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.

\*\*\*

SECTION 26: That Chapter 6, Section 649. (Mixed Use Agricultural (MUA) District) is amended 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 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.

\*\*\*

- ~~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.

\*\*\*

SECTION 27: That Chapter 6, Section 658. (Deer Valley Airport Overlay (DVAO) District) is amended 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.
  - aB. Assembly halls and auditoriums.
  - C. ASSISTED LIVING HOME OR CENTER.
  - bD. 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).
  - eE. Dependent care facility.
  - d. Foster home.
  - eF. 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.
  - mL. Public assembly uses limited to active recreational and spectator only.
  - n. Schools, private.
  - M. RESIDENTIAL CARE HOME OR CENTER.
  - eN. 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.

\*\*\*

SECTION 28: That Chapter 6, Section 660. (Four Corners Overlay District) is amended 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
***	

\*\*\*

SECTION 29: That Chapter 7, Section 701.E. (Separation Requirements—Registration) is amended 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.

\*\*\*

SECTION 30: That Chapter 7, Section 702. (Off-Street Parking and Loading) is amended 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).

\*\*\*

Assisted Living and Residential Care Facility CENTER, Nursing Homes, Personal Care Homes, Specialized Treatment Facility, AND HOSPICE 1 space per 2 RESIDENT/patient beds

\*\*\*

SECTION 31: That Chapter 12, Section 1204. (Land Use Matrix) is amended 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.

D. Land Use Matrix

LAND USE CATEGORIES	LAND CHARACTER AREAS															
	ACTIVE USE	BioMed	BC	Central Park	Community Corridor	Downtown Gateway	East Evergreen	Evans Churchill East	Evans Churchill West	McDowell Corridor	Roosevelt East	Roosevelt North	Roosevelt South	Townsend Park	Van Buren	Warehouse
<b>Residential Uses</b>																
Assisted Living Home		pe4 34	pe4 34	pe4,20 34	pe4,20 34	pe4 34	pe4 34	pe4 34	pe4 20 34	pe4, 20 34	pe4, 20 34	pe4, 20 34	pe4, 20 34	pe4, 20 34	pe4 34	pe4 34
***																
Group Home		pc4	pc4	pc4,20	pc4,20	pc4	pc4	pc4	pc4, 20	pc4, 20	pc4, 20	pc4, 20	pc4, 20	pc4, 20	pc4, 20	pc4
GROUP FOSTER HOME		P	P	UP	P	P	P	P	P	P	P	UP	UP	P	P	P
***																
RESIDENTIAL CARE HOME		PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34

SOBER LIVING HOME		PC 34														
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**Assembly Uses**

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Day Care (ADULT DAY CARE CENT ER AND CHILD CARE ) , Nurser y Schoo l	x	p	p	pc 20, 22	p	p	pc20 ,22	p	p	p	p	pc20 ,22	pc20 ,22	p	p	p
---	---	---	---	-----------------	---	---	-------------	---	---	---	---	-------------	-------------	---	---	---

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**Health and Support Services**

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HOSP ICE	X	P	P	SP	P	P	P	P	P	P	P	P	SP	UP	P	P	P
-------------	---	---	---	----	---	---	---	---	---	---	---	---	----	----	---	---	---

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RESI DENTI AL CARE CENT ER	X	P	P	SP	P	P	P	P	P	P	P	P	SP	UP	P	P	P
---	---	---	---	----	---	---	---	---	---	---	---	---	----	----	---	---	---

\*\*\*

**Accessory Uses and Facilities**

ADULT DAY CARE HOME		UP	P	UP	P	P	P	P	P	P	P	UP	P	P	P	P
***																

\*\*\*

SECTION 32: That Chapter 13, Section 1306. (Land Use Matrix) is amended to read as follows, and renumber and alphabetize accordingly:

\*\*\*

TABLE 1306.1 LAND USE MATRIX

<b>CATEGORY: RESIDENTIAL USES</b>	T3	T4	T5:2	T5:3	T5:5	T5:6	T5:7	T6:7 T6:15	T6:22 T6:H WR
***									
<b>ADULT DAY CARE HOME</b>									
1-4 PERSONS	PC	PC	PC	P	P	P	NP	NP	NP
5-10 PERSONS	NP	UP	UP	P	P	P	NP	NP	NP
<b>Assisted Living Home</b>									
1-10 residents	NPPC	PC	PC	PC	PC	PC	P	P	P
<b>Assisted Living Home CENTER</b>									
11+ residents	NP	UP	UP	P	P	P	P	P	P
<b>Dependent Care Facility</b>									
1-6 residents	PC	PC	PC	P	P	P	NP	NP	NP
<b>DEPENDENTS</b>									
<b>Dependent Care Facility</b>									
7-12 residents	NP	UP	UP	P	P	P	NP	NP	NP
<b>DEPENDENTS</b>									
***									
<b>GROUP FOSTER HOME</b>									
NP	UP	UP	P	P	P	P	P	P	P
<b>Group Home for the Handicapped</b>									
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
<b>NURSING HOME</b>									
NP	UP	UP	P	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 ~~six6 residents~~ DEPENDENTS: standards as per Section 608.D.1. Use permit required for ~~seven7~~ 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**

<b>CATEGORY: ASSEMBLY USES</b>	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**

<b>CATEGORY: SERVICES</b>	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
***									

SECTION 33: That Chapter 13, Section 1307. (Parking standards) is amended 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

\*\*\*

PASSED by the Council of the City of Phoenix this 21st day of June, 2017

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

REVIEWED BY:

DRAFT



## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

### **ADDENDUM A** **Staff Report: Z-TA-22-08** (Group Facilities) April 28, 2017

**Application No Z-TA-22-08:** Amend the following Sections of the Phoenix Zoning Ordinance regarding group facilities, such as adult day care, assisted living facilities, homes for individuals with disabilities, and associated uses:

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).

**Staff recommendation:** Staff recommends approval of Z-TA-22-08 as shown in the recommended text in Exhibit 1.

The subject text amendment has been heard by 15 Village Planning Committees (VPCs) as previously proposed by staff. Ten VPCs recommended approval of the text amendment, two recommended approval with changes, one recommended denial, and two have pending recommendations, as summarized in Exhibit 2.

On February 2, 2017, the Planning Commission continued the text amendment for two months as requested by Councilwoman Stark and Councilman Valenzuela. The

Planning Commission members directed staff to hold two meetings with neighborhood leaders prior to the April Planning Commission to address community concerns. On April 6, 2017, the Planning Commission continued the text amendment as requested by staff to allow additional time to evaluate potential changes.

Staff has held three community meetings on February 27, March 7, and March 23 to provide an overview of the proposed text amendment and listen to community concerns. A summary of the concerns, questions and recommendations are provided in Exhibit 3.

The following is a summary of the primary concerns heard at the village planning committee meetings, Planning Commission hearing, as well as the community meetings:

- Change in number of residents for spacing from 1-5 and 6-10 to 1-6 and 7-10.
- No spacing/registration for 1-5/6 resident homes – clustering issues.
- Lack of enforcement.
- Health and safety concerns both with disabled residents and in the neighborhood – lack of oversight.
- Homes are too crowded.
- Should be treated as a business in residential districts and some type of license required.
- Reasonable accommodation provision:
  - Too broadly applied.
  - Should not consider arterial streets and parks.

Since the first draft of the staff report was written a revised joint statement was released by the Department of Justice and the Department of Housing and Urban Development related to Fair Housing Act guidance on regulating group homes for individuals with disabilities. As stated by the Department of Justice, the joint statement provides “(guidance to help local governments) better understand how to comply with the Fair Housing Act when making zoning and land use decisions as well as to help members of the public understand their rights under the Fair Housing Act.” The revised statement essentially relays the same message and has been reformatted to address several questions. The latest version of the Joint Statement of the Department of Justice and the Department of Housing and Urban Development (dated November 10, 2016) is attached in Exhibit 4.

**Proposed Revisions to the Proposed Text Amendment:**

Staff is recommending several revisions to the proposed text amendment based on community input and additional internal city review. Proposed text amendment revisions are outlined below:

1. The definitions for “assisted living center” and “assisted living home” are updated to replace the term “disabled” with “persons with a disability.”
2. The existing definition for rooming house will be maintained. This revision also requires an update to the Capitol Mall Overlay District Section of the Zoning Ordinance (Section 646). The term “rooming house” will be maintained.
3. The definition of “sober living home” is updated to more closely match the state definition as defined in Arizona Revised Statutes 9-500.40.
4. The number of residents within a registered care home (assisted living homes, residential care homes, and sober living homes) will be maintained at six to ten, rather than seven to ten, as previously proposed. In addition, language will be added to the residential care home requirements to address group homes for the developmentally disabled which allows up to six residents per A.R.S. 36-582.A.
5. Updates to the text amendment language are proposed to clarify enforceability.
  - a. This includes updates to all sections that reference registered care homes to require that the registration process be administratively verified by the department director’s designee, and in compliance with the registration standards in Section 701 of the Zoning Ordinance.
  - b. Section 701 is updated to replace the term “may” with “shall” where appropriate, and to state that it is unlawful to not register a use that requires a minimum separation from another use.
6. The separation features within the disability accommodation in Section 701 are modified to change the municipal open space criteria from 5 to 10 acres, and to remove arterial streets.
7. The disability accommodation appeal process in Section 701 is updated to include specific criteria to be met by the applicant, similar to the Town of Gilbert’s requirement. This requires that the applicant provide sufficient information to determine whether the accommodation may be granted pursuant to the requirements of the Fair Housing Act; and taking into consideration public safety, and welfare concerns and the neighborhood character.

**Upcoming Public Meeting Schedule:**

(subject to change if continuances are granted)

<b>Camelback East VPC</b>	May 2, 2017
<b>Planning Commission</b>	May 4, 2017
<b>Alhambra VPC</b>	May 23, 2017
<b>DAEI Subcommittee</b>	June 7, 2017
<b>City Council</b>	June 21, 2017

Staff will continue working with stakeholders on potential improvements on how the City will manage group facilities and will return with recommendations to the Downtown, Aviation, Economy and Innovation Subcommittee in the fall.

**Exhibits**

Exhibit 1: Proposed Language (46 pages)

Exhibit 2: Village Planning Committee Results (1 page)

Exhibit 3: Meeting Summaries from Three Community Meetings; 2/27/2017, 3/7/2017, and 3/23/2017 (6 pages)

Exhibit 4: Latest version of the Joint Statement of the Department of Justice and the Department of Housing and Urban Development, dated November 10, 2016 (20 pages)

**EXHIBIT 1**

**Text Amendment Z-TA-22-08: Group facilities, such as adult day care, assisted living facilities, homes for individuals with disabilities, and associated uses**

**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.
    - 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.
- ~~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:**

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**C. Permitted Uses.**

<b>Use</b>	<b>Permitted</b>	<b>Permitted With Conditions <sup>(1)</sup></b>	<b>Use Permit And Conditions <sup>(2)</sup></b>
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.

\*\*\*

<b>RE-35 Development Option</b>			
<b>Standards</b>	<b>(a) Subdivision</b>	<b>(b) Average Lot</b>	<b>(c) Planned Residential Development</b>
***			
Allowed uses	Single-family detached; <del>foster homes</del>	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.

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

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 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)
***			
***			

\*\*\*

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.~~

- e. ~~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 nNursing 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 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.

\*\*\*

- ~~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.
  - aB. Assembly halls and auditoriums.
  - C. ASSISTED LIVING HOME OR CENTER.
  - bD. 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).
  - eE. Dependent care facility.
  - d. ~~Foster home.~~
  - eF. 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.~~
  - mL. Public assembly uses limited to active recreational and spectator only.
  - n. ~~Schools, private.~~
  - M. RESIDENTIAL CARE HOME OR CENTER.
  - eN. 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).

\*\*\*

Assisted Living and Residential Care Facility CENTER, Nursing Homes, ~~Personal Care Homes,~~ Specialized Treatment Facility, AND HOSPICE 1 space per 2 RESIDENT/patient beds

\*\*\*

**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.

D. Land Use Matrix

LAND USE CATEGORIES	CHARACTER AREAS															
	ACTIVE USE	BioMed	BC	Central Park	Community	Downtown	East Evergreen	Evens Church East	Evens Church West	McDowell Corridor	Roosevelt East	Roosevelt North	Roosevelt South	Townsend Park	Van Buren	Warehouse
<b>Residential Uses</b>																
Assisted Living Home		pe4 34	pe4 34	pe4, 20 34	pe4, 20 34	pe4	pe4 34	pe4 34	pe4 34	pe4, 20 34	pe4, 20 34	pe4, 20 34	pe4, 20 34	pe4, 20 34	pe4 34	pe4 34
***																
Group Home		pc4	pc4	pc4, 20 0	pc4, 20 0	pc4	pc4	pc4	pc4, 20	pc4, 20	pc4, 20	pc4, 20	pc4, 20	pc4, 20	pc4, 20	pc4
GROUP FOSTER HOME		P	P	UP	P	P	P	P	P	P	P	UP	UP	P	P	P
***																
RESIDENTIAL CARE HOME		PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34
SOBER LIVING HOME		PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34
<b>Assembly Uses</b>																

***																	
Day Care (ADULT DAY CARE CENTER AND CHILD CARE), Nursery School	x	p	p	pc20,22	p	p	pc20,22	p	p	p	p	pc20,22	pc20,22	p	p	p	
***																	
<b>Health and Support Services</b>																	
***																	
HOSPICE	X	P	P	SP	P	P	P	P	P	P	P	P	SP	UP	P	P	P
***																	
RESIDENTIAL CARE CENTER	X	P	P	SP	P	P	P	P	P	P	P	P	SP	UP	P	P	P
***																	
<b>Accessory Uses and Facilities</b>																	
ADULT DAY CARE HOME		UP	P	UP	P	P	P	P	P	P	P	P	UP	P	P	P	P
***																	

\*\*\*

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

\*\*\*

**TABLE 1306.1 LAND USE MATRIX**

<b>CATEGORY: RESIDENTIAL USES</b>	T3	T4	T5:2	T5:3	T5:5	T5:6	T5:7	T6:7 T6:15	T6:22 T6:H WR
***									
<b>ADULT DAY CARE HOME</b>									
1-4 PERSONS	PC	PC	PC	P	P	P	NP	NP	NP
5-10 PERSONS	NP	UP	UP	P	P	P	NP	NP	NP
<b>Assisted Living Home</b>									
1-10 residents	NPPC	PC	PC	PC	PC	PC	P	P	P
<b>Assisted Living Home CENTER</b>									
11+ residents	NP	UP	UP	P	P	P	P	P	P
<b>Dependent Care Facility</b>									
1-6 residents DEPENDENTS	PC	PC	PC	P	P	P	NP	NP	NP
<b>Dependent Care Facility</b>									
7-12 residents DEPENDENTS	NP	UP	UP	P	P	P	NP	NP	NP
***									
<b>GROUP FOSTER HOME</b>									
NP	UP	UP	P	P	P	P	P	P	P
<b>Group Home for the Handicapped</b>									
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
<b>NURSING HOME</b>	NP	UP	UP	P	P	P	P	P	P
<b>RESIDENTIAL CARE HOME</b>									
1-10 RESIDENTS	PC	PC	PC	PC	PC	PC	P	P	P
<b>RESIDENTIAL CARE CENTER</b>									
11+ RESIDENTS	NP	UP	UP	P	P	P	P	P	P
<b>SOBER LIVING HOME</b>									
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.

**12. 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**

<b>CATEGORY: ASSEMBLY USES</b>	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**

<b>CATEGORY: SERVICES</b>	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

**EXHIBIT 2**

<b>TA-22-08 Group Facilities - Village Planning Committee Results</b>			
<b>Village</b>	<b>Date</b>	<b>Recommendations</b>	<b>Vote</b>
Ahwatukee Foothills	1/23/17	Approved.	11-0
Alhambra	1/24/2017 2/28/2017 3/28/2017 4/25/2017 5/23/2017	No Quorum. Continued. Continued. Continued. <i>Results pending</i>	N/A 10-0 10-0 11-1 <i>Pending</i>
Camelback East	1/17/2017 2/7/2017 3/7/2017 4/4/2017 5/2/2017	Continued. Continued. Continued. Meeting canceled. <i>Results pending</i>	13-0 12-0 11-0 N/A <i>Pending</i>
Central City	1/9/17	Approved.	11-1
Deer Valley	1/19/17	Approved. One member had concerns about reasonable accomodation provision.	6-0
Desert View	1/10/17	Approved.	12-0
Encanto	1/9/17	Approved, with changes. Requested that staff work to further refine barriers listed in the reasonable accommodation provision to provide additional clarity regarding the minimum size and scope of the barriers. In addition, staff should continue to explore ways to incorporate neighborhood input into the review process for reasonable accommodation requests.	5-3
Estrella	1/17/17	Approved.	6-0
Laveen	1/9/17	Approved. Concerns regarding applicability to sex offenders.	8-2
Maryvale	1/11/17	Approved.	11-0
North Gateway	1/12/17	Approved. Concerns with the reasonable accommodations provision specifically related to behavioral health and sober living facilities.	2-1
North Mountain	1/18/17	Denied. Concerns about the 1-6 people as a family and little/no oversight over these facilities or state registration required. In addition, noted that this is a complicated text amendment and needed more time to digest and review the information.	9-0 (1 abstained)
Paradise Valley	1/9/17	Approved.	13-0
Rio Vista	1/10/17	Approved, with changes. Concerned about reasonable accomodation provision and recommended that the provision be excluded.	3-0
South Mountain	1/10/17	Approved.	10-0

**Group Facilities Text Amendment  
February 27, 2017 Meeting Summary  
Meeting #1**

**Number of attendees (including staff):** Approximately 26

**Questions/Comments/Concerns:**

1. ADHS: How do they administer and enforce?
2. Why can't city fight this like they are the FAA flight path?
3. There was a one sided presentation at the Village Planning Committee meetings – want the text amendment to go back with a less biased presentation.
4. Planning Commission and Village Planning Committee was disappointing and demoralizing process.
5. Multiplex sites – can have up to 6 in each unit – is that right or fair? How to know how many?
6. Why weren't neighbors included sooner in drafting the text amendment?
7. Group homes are not managed well – they cause problems and lower property values.
8. Need map to show locations of all group homes (directed to ADHS website). No one really knows the concentration of group homes.
9. Need explanation from HUD and city attorney as to why the state law that allows cities to control how group homes are managed is not legal (in conflict with HUD requirements).
10. Explain how neighbors should deal with impacts.
11. Concern with allowing up to 6 residents to be treated the same as a family. Adding one more person isn't beneficial. (5 instead of 6).
12. Complimented the proposed definitions to better match the state.
13. Concern that neighborhood input will not or cannot be considered.
14. Does the text amendment impact sex offenders?
15. Does the text amendment propose regulation for vacation rentals?
16. The state health licensing is tiered and should be considered with the zoning regulations.
17. Requested third meeting if necessary.

**FOLLOW-UP ITEMS (for next meeting on March 7, 2017 – Tues):**

1. Bring comment cards for participants to fill out (per Stephanie Lieb).
2. Answer all of Lawrie Fitzhugh questions that she sent to staff.
3. Consider property parcel rather than individual units for text amendment language (if multifamily or single-family with guest home).
4. Define sober living home to match state definition. Define "single housekeeping unit" and "primary residence."
5. Explain why home business is treated more strictly and why group homes that charge for each room isn't classified a business. Why the unequal treatment?
6. Provide an overview of the experiences that Police and Fire are having with group homes (should route text amendments to Police and Fire for comments and invite to next Group Facilities meeting).
7. List the pro's and con's of the text amendment.
8. Explain how "grandfathered" (non-conforming) group homes will be treated.
9. Respond whether the text amendment should return to Village Planning Committees due to one sided view.
10. Discuss the Town of Gilbert text amendment and how they reduced the number of allowable residents in group homes (dropped down the number – how and why).

11. List the tools that the neighborhood can use to intervene (support our rights).
12. Discuss the city's enforcement capacity.
13. Consider using a citizen ombudsman or the previous city mediation program to enforce how group homes are managed.
14. Include representatives from and city Law Department, Arizona Department Health Services (ADHS), and U.S. Department of Housing and Urban Development (HUD) at the next meeting.
15. List all of the concerns that the neighbors identified (to make sure staff was listening and understanding).
16. How many use permits have been denied in the city? (Wally Graham)
17. What are acceptable legal ways to limit the number of group homes, based on HUD perspective?

**Depts/other orgs to reach out to and invite to next meeting:**

- Fire
- Police
- Law
- ADHS
- HUD

**Group Facilities Text Amendment  
March 7, 2017 Meeting Summary  
Meeting #2**

**Number of attendees (including staff):** Approximately 50

**Position (from completed input forms):**

In favor: 0

Opposed: 2

Unsure: 2

**Concerns:**

1. Changing number of allowable residents from 5 to 6.
2. Lack of health/safety oversight and licensing for group homes.
3. Staff hours it will take to enforce regulations.
4. Neighborhood safety. Some group homes have negative impacts on neighborhoods.
5. Some group homes have on-street parking issues.
6. Clustering issues of group homes for the disabled.
7. How larger facilities are regulated and overcrowded (too many people in one bedroom).
8. Lack of investment into behavioral health services.
9. People that manage or oversee group homes are not well equipped to manage the homes.
10. Sober living homes operate like a business and should have business licensing and pay rental property or lodging tax.
11. Staff in the homes are not counted towards the maximum allowable residents.
12. The reasonable accommodation provision is being used too broadly for spacing.
13. No one knows who to contact at the home if there is an issue. All homes should be registered (1 to 10 residents).

**Recommendations:**

1. Do not change number of allowable residents without spacing from 5 to 6.
2. Should regulate based on number of people per room rather than per home/dwelling unit.
3. Business license or registration should be required for all sober living homes.
4. Adopt health/safety ordinance for the care of residents in sober living homes. Should protect those in recovery from operators engaging in neglect, abuse, mistreatment, fraud, and inadequate supervision (similar to Prescott Ordinance).
5. Urge the state to require health licensing.
  - a. 24-hour oversight is needed at all group homes for the disabled.
6. Meet with Gilbert staff to find out how they were able to reduce number of allowable residents.
7. Nonprofit status should be required for veteran housing projects.
8. Account for sober living homes that do not require monthly residency. Treat similar to AirBnB.
  - a. City rental tax (less than 3 rental properties = exempt)
  - b. City lodging tax
  - c. All parking must be accommodated onsite
9. Set-up a notification system for emergency first responders when responding to calls involving group homes for the disabled.
10. Ensure City Council members are prepared to deal with the concerns.
11. All group homes for the disabled should be licensed to address health and safety of the residents.

**Additional information for next meeting:**

1. Where in the Joint Statement does it say that we have to treat group homes as a family.
2. Residential building code occupancy handout or create an exhibit comparing zoning and building codes.
3. How much does it cost to respond to an emergency call.

**Group Facilities Text Amendment  
March 23, 2017 Meeting Summary  
Meeting #3**

**Number of attendees (including staff):** Approximately 30

**Position (from completed input forms):** No forms were submitted.

**Concerns:**

1. Enforcement of spacing.
2. Health and safety concerns of the disabled residents and neighbors.
3. Clustering issues with 1-5 residents and 6-10.
4. Ensuring that the disabled are not taken advantage of.
5. Too many residents are allowed to occupy small spaces.

**Questions/Follow-up Items:**

1. Number of group homes for the disabled registered in database for 6 residents that wouldn't need to register if number of allowed changes to 6 (from 5). Need to know impact if TA changes number.
2. Is insurance required for group homes for the disabled to cover damage to neighbor's property?
3. City Referendum information (Wally) (then it can go to Supreme Court).
4. Gross quantity of fire permits for group homes.
5. City budget manpower: dollars impact/forecast NSD, Fire and Police hours. Project out the impact on hours/budget if TA passed.

**Suggested Changes to the TA:**

1. Need to revisit Single Resident Occupancy (SRO) and rooming house – (keep in ordinance).
2. Require use permit for group homes for the disabled.
3. Do not change number for group homes for the disabled to 6 residents (keep 5 to match definition of "family").
4. Grandfathered clause is loophole. Need language to address during time of no enforcement. Establish date threshold or create temporary registration for those established during the break that is only good for 1-year (then must get reasonable accommodation or relocate).
5. Remove arterial street in reasonable accommodation analysis and how staff enforces spacing.
6. Change park size to minimum 25 acres instead of 5 acres when reviewing spacing.
7. Include definition that removes residences as "family" if they "offer services." Need definition of "services."
8. Change to be similar to Town of Gilbert regulations. Registration for group homes for the disabled with 1-5 residents.

**Suggested Process Improvements:**

1. State DHS, County and City should talk to each other and coordinate better.
2. Recognize that sober living homes are businesses – need business license.
  - a. Cost should recover inspection/enforcement (May need new tax).
  - b. Require proof of insurance.
3. Verification process needed to confirm number of residents. License fee should pay for inspections.

4. Application to register should be notarized, include name of emergency contact available 24/7, list license numbers/types, information on property case manager.
  - a. Statement on registration: Under penalty of law I attest the truth/accuracy of information on the application.
  - b. Staff should research or have applicant identify all other locations within city (owned/operated).
  - c. Registration should be revocable if operator is not complying with regulations/complaints received.
  - d. Need consequences if home is not operating appropriately (fines, revoke permits/licenses).
5. Educate inspectors – if they see it, report it. Have forms in their trucks.
6. Increased cost to enforce needs to be funded by taxes (citizens' initiative).
7. Add registered group homes for the disabled information on Phoenix website (searchable database or map).

**POSITIVE FEEDBACK:** TA better describes the functions of the various group homes for the disabled. Very important!

**NOTE:** Councilwoman Stark reached out to Maricopa County Planning Director and Environmental Services (improve coordination – communication).



**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**  
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY



**U.S. DEPARTMENT OF JUSTICE**  
CIVIL RIGHTS DIVISION

*Washington, D.C.*  
*November 10, 2016*

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**JOINT STATEMENT OF THE DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT AND THE DEPARTMENT OF JUSTICE**

**STATE AND LOCAL LAND USE LAWS AND PRACTICES AND THE APPLICATION  
OF THE FAIR HOUSING ACT**

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**INTRODUCTION**

The Department of Justice (“DOJ”) and the Department of Housing and Urban Development (“HUD”) are jointly responsible for enforcing the Federal Fair Housing Act (“the Act”),<sup>1</sup> which prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status (children under 18 living with a parent or guardian), or national origin.<sup>2</sup> The Act prohibits housing-related policies and practices that exclude or otherwise discriminate against individuals because of protected characteristics.

The regulation of land use and zoning is traditionally reserved to state and local governments, except to the extent that it conflicts with requirements imposed by the Fair Housing Act or other federal laws. This Joint Statement provides an overview of the Fair Housing Act’s requirements relating to state and local land use practices and zoning laws, including conduct related to group homes. It updates and expands upon DOJ’s and HUD’s Joint

<sup>1</sup> The Fair Housing Act is codified at 42 U.S.C. §§ 3601–19.

<sup>2</sup> The Act uses the term “handicap” instead of “disability.” Both terms have the same legal meaning. *See Bragdon v. Abbott*, 524 U.S. 624, 631 (1998) (noting that the definition of “disability” in the Americans with Disabilities Act

Statement on Group Homes, Local Land Use, and the Fair Housing Act, issued on August 18, 1999. The first section of the Joint Statement, Questions 1–6, describes generally the Act’s requirements as they pertain to land use and zoning. The second and third sections, Questions 7–25, discuss more specifically how the Act applies to land use and zoning laws affecting housing for persons with disabilities, including guidance on regulating group homes and the requirement to provide reasonable accommodations. The fourth section, Questions 26–27, addresses HUD’s and DOJ’s enforcement of the Act in the land use and zoning context.

This Joint Statement focuses on the Fair Housing Act, not on other federal civil rights laws that prohibit state and local governments from adopting or implementing land use and zoning practices that discriminate based on a protected characteristic, such as Title II of the Americans with Disabilities Act (“ADA”),<sup>3</sup> Section 504 of the Rehabilitation Act of 1973 (“Section 504”),<sup>4</sup> and Title VI of the Civil Rights Act of 1964.<sup>5</sup> In addition, the Joint Statement does not address a state or local government’s duty to affirmatively further fair housing, even though state and local governments that receive HUD assistance are subject to this duty. For additional information provided by DOJ and HUD regarding these issues, see the list of resources provided in the answer to Question 27.

## **Questions and Answers on the Fair Housing Act and State and Local Land Use Laws and Zoning**

### **1. How does the Fair Housing Act apply to state and local land use and zoning?**

The Fair Housing Act prohibits a broad range of housing practices that discriminate against individuals on the basis of race, color, religion, sex, disability, familial status, or national origin (commonly referred to as protected characteristics). As established by the Supremacy Clause of the U.S. Constitution, federal laws such as the Fair Housing Act take precedence over conflicting state and local laws. The Fair Housing Act thus prohibits state and local land use and zoning laws, policies, and practices that discriminate based on a characteristic protected under the Act. Prohibited practices as defined in the Act include making unavailable or denying housing because of a protected characteristic. Housing includes not only buildings intended for occupancy as residences, but also vacant land that may be developed into residences.

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is drawn almost verbatim “from the definition of ‘handicap’ contained in the Fair Housing Amendments Act of 1988”). This document uses the term “disability,” which is more generally accepted.

<sup>3</sup> 42 U.S.C. §12132.

<sup>4</sup> 29 U.S.C. § 794.

<sup>5</sup> 42 U.S.C. § 2000d.

## **2. What types of land use and zoning laws or practices violate the Fair Housing Act?**

Examples of state and local land use and zoning laws or practices that may violate the Act include:

- Prohibiting or restricting the development of housing based on the belief that the residents will be members of a particular protected class, such as race, disability, or familial status, by, for example, placing a moratorium on the development of multifamily housing because of concerns that the residents will include members of a particular protected class.
- Imposing restrictions or additional conditions on group housing for persons with disabilities that are not imposed on families or other groups of unrelated individuals, by, for example, requiring an occupancy permit for persons with disabilities to live in a single-family home while not requiring a permit for other residents of single-family homes.
- Imposing restrictions on housing because of alleged public safety concerns that are based on stereotypes about the residents' or anticipated residents' membership in a protected class, by, for example, requiring a proposed development to provide additional security measures based on a belief that persons of a particular protected class are more likely to engage in criminal activity.
- Enforcing otherwise neutral laws or policies differently because of the residents' protected characteristics, by, for example, citing individuals who are members of a particular protected class for violating code requirements for property upkeep while not citing other residents for similar violations.
- Refusing to provide reasonable accommodations to land use or zoning policies when such accommodations may be necessary to allow persons with disabilities to have an equal opportunity to use and enjoy the housing, by, for example, denying a request to modify a setback requirement so an accessible sidewalk or ramp can be provided for one or more persons with mobility disabilities.

## **3. When does a land use or zoning practice constitute intentional discrimination in violation of the Fair Housing Act?**

Intentional discrimination is also referred to as disparate treatment, meaning that the action treats a person or group of persons differently because of race, color, religion, sex, disability, familial status, or national origin. A land use or zoning practice may be intentionally discriminatory even if there is no personal bias or animus on the part of individual government officials. For example, municipal zoning practices or decisions that reflect acquiescence to community bias may be intentionally discriminatory, even if the officials themselves do not personally share such bias. (See Q&A 5.) Intentional discrimination does not require that the

decision-makers were hostile toward members of a particular protected class. Decisions motivated by a purported desire to benefit a particular group can also violate the Act if they result in differential treatment because of a protected characteristic.

A land use or zoning practice may be discriminatory on its face. For example, a law that requires persons with disabilities to request permits to live in single-family zones while not requiring persons without disabilities to request such permits violates the Act because it treats persons with disabilities differently based on their disability. Even a law that is seemingly neutral will still violate the Act if enacted with discriminatory intent. In that instance, the analysis of whether there is intentional discrimination will be based on a variety of factors, all of which need not be satisfied. These factors include, but are not limited to: (1) the “impact” of the municipal practice, such as whether an ordinance disproportionately impacts minority residents compared to white residents or whether the practice perpetuates segregation in a neighborhood or particular geographic area; (2) the “historical background” of the action, such as whether there is a history of segregation or discriminatory conduct by the municipality; (3) the “specific sequence of events,” such as whether the city adopted an ordinance or took action only after significant, racially-motivated community opposition to a housing development or changed course after learning that a development would include non-white residents; (4) departures from the “normal procedural sequence,” such as whether a municipality deviated from normal application or zoning requirements; (5) “substantive departures,” such as whether the factors usually considered important suggest that a state or local government should have reached a different result; and (6) the “legislative or administrative history,” such as any statements by members of the state or local decision-making body.<sup>6</sup>

#### **4. Can state and local land use and zoning laws or practices violate the Fair Housing Act if the state or locality did not intend to discriminate against persons on a prohibited basis?**

Yes. Even absent a discriminatory intent, state or local governments may be liable under the Act for any land use or zoning law or practice that has an unjustified discriminatory effect because of a protected characteristic. In 2015, the United States Supreme Court affirmed this interpretation of the Act in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*<sup>7</sup> The Court stated that “[t]hese unlawful practices include zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification.”<sup>8</sup>

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<sup>6</sup> *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265–68 (1977).

<sup>7</sup> \_\_\_ U.S. \_\_\_, 135 S. Ct. 2507 (2015).

<sup>8</sup> *Id.* at 2521–22.

A land use or zoning practice results in a discriminatory effect if it caused or predictably will cause a disparate impact on a group of persons or if it creates, increases, reinforces, or perpetuates segregated housing patterns because of a protected characteristic. A state or local government still has the opportunity to show that the practice is necessary to achieve one or more of its substantial, legitimate, nondiscriminatory interests. These interests must be supported by evidence and may not be hypothetical or speculative. If these interests could not be served by another practice that has a less discriminatory effect, then the practice does not violate the Act. The standard for evaluating housing-related practices with a discriminatory effect are set forth in HUD's Discriminatory Effects Rule, 24 C.F.R. § 100.500.

Examples of land use practices that violate the Fair Housing Act under a discriminatory effects standard include minimum floor space or lot size requirements that increase the size and cost of housing if such an increase has the effect of excluding persons from a locality or neighborhood because of their membership in a protected class, without a legally sufficient justification. Similarly, prohibiting low-income or multifamily housing may have a discriminatory effect on persons because of their membership in a protected class and, if so, would violate the Act absent a legally sufficient justification.

**5. Does a state or local government violate the Fair Housing Act if it considers the fears or prejudices of community members when enacting or applying its zoning or land use laws respecting housing?**

When enacting or applying zoning or land use laws, state and local governments may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions that community members may have about current or prospective residents because of the residents' protected characteristics. Doing so violates the Act, even if the officials themselves do not personally share such bias. For example, a city may not deny zoning approval for a low-income housing development that meets all zoning and land use requirements because the development may house residents of a particular protected class or classes whose presence, the community fears, will increase crime and lower property values in the surrounding neighborhood. Similarly, a local government may not block a group home or deny a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities or a particular type of disability. Of course, a city council or zoning board is not bound by everything that is said by every person who speaks at a public hearing. It is the record as a whole that will be determinative.

**6. Can state and local governments violate the Fair Housing Act if they adopt or implement restrictions against children?**

Yes. State and local governments may not impose restrictions on where families with children may reside unless the restrictions are consistent with the “housing for older persons” exemption of the Act. The most common types of housing for older persons that may qualify for this exemption are: (1) housing intended for, and solely occupied by, persons 62 years of age or older; and (2) housing in which 80% of the occupied units have at least one person who is 55 years of age or older that publishes and adheres to policies and procedures demonstrating the intent to house older persons. These types of housing must meet all requirements of the exemption, including complying with HUD regulations applicable to such housing, such as verification procedures regarding the age of the occupants. A state or local government that zones an area to exclude families with children under 18 years of age must continually ensure that housing in that zone meets all requirements of the exemption. If all of the housing in that zone does not continue to meet all such requirements, that state or local government violates the Act.

**Questions and Answers on the Fair Housing Act and  
Local Land Use and Zoning Regulation of Group Homes**

**7. Who qualifies as a person with a disability under the Fair Housing Act?**

The Fair Housing Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

The term “physical or mental impairment” includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

The term “major life activity” includes activities such as seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, speaking, and working. This list of major life activities is not exhaustive.

Being regarded as having a disability means that the individual is treated as if he or she has a disability even though the individual may not have an impairment or may not have an impairment that substantially limits one or more major life activities. For example, if a landlord

refuses to rent to a person because the landlord believes the prospective tenant has a disability, then the landlord violates the Act's prohibition on discrimination on the basis of disability, even if the prospective tenant does not actually have a physical or mental impairment that substantially limits one or more major life activities.

Having a record of a disability means the individual has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

## **8. What is a group home within the meaning of the Fair Housing Act?**

The term "group home" does not have a specific legal meaning; land use and zoning officials and the courts, however, have referred to some residences for persons with disabilities as group homes. The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. A household where two or more persons with disabilities choose to live together, as a matter of association, may not be subjected to requirements or conditions that are not imposed on households consisting of persons without disabilities.

In this Statement, the term "group home" refers to a dwelling that is or will be occupied by unrelated persons with disabilities. Sometimes group homes serve individuals with a particular type of disability, and sometimes they serve individuals with a variety of disabilities. Some group homes provide residents with in-home support services of varying types, while others do not. The provision of support services is not required for a group home to be protected under the Fair Housing Act. Group homes, as discussed in this Statement, may be opened by individuals or by organizations, both for-profit and not-for-profit. Sometimes it is the group home operator or developer, rather than the individuals who live or are expected to live in the home, who interacts with a state or local government agency about developing or operating the group home, and sometimes there is no interaction among residents or operators and state or local governments.

In this Statement, the term "group home" includes homes occupied by persons in recovery from alcohol or substance abuse, who are persons with disabilities under the Act. Although a group home for persons in recovery may commonly be called a "sober home," the term does not have a specific legal meaning, and the Act treats persons with disabilities who reside in such homes no differently than persons with disabilities who reside in other types of group homes. Like other group homes, homes for persons in recovery are sometimes operated by individuals or organizations, both for-profit and not-for-profit, and support services or supervision are sometimes, but not always, provided. The Act does not require a person who resides in a home for persons in recovery to have participated in or be currently participating in a

substance abuse treatment program to be considered a person with a disability. The fact that a resident of a group home may currently be illegally using a controlled substance does not deprive the other residents of the protection of the Fair Housing Act.

### **9. In what ways does the Fair Housing Act apply to group homes?**

The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. State and local governments may not discriminate against persons with disabilities who live in group homes. Persons with disabilities who live in or seek to live in group homes are sometimes subjected to unlawful discrimination in a number of ways, including those discussed in the preceding Section of this Joint Statement. Discrimination may be intentional; for example, a locality might pass an ordinance prohibiting group homes in single-family neighborhoods or prohibiting group homes for persons with certain disabilities. These ordinances are facially discriminatory, in violation of the Act. In addition, as discussed more fully in Q&A 10 below, a state or local government may violate the Act by refusing to grant a reasonable accommodation to its zoning or land use ordinance when the requested accommodation may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling. For example, if a locality refuses to waive an ordinance that limits the number of unrelated persons who may live in a single-family home where such a waiver may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling, the locality violates the Act unless the locality can prove that the waiver would impose an undue financial and administrative burden on the local government or fundamentally alter the essential nature of the locality's zoning scheme. Furthermore, a state or local government may violate the Act by enacting an ordinance that has an unjustified discriminatory effect on persons with disabilities who seek to live in a group home in the community. Unlawful actions concerning group homes are discussed in more detail throughout this Statement.

### **10. What is a reasonable accommodation under the Fair Housing Act?**

The Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others may sometimes deny them an equal opportunity to use and enjoy a dwelling.

Even if a zoning ordinance imposes on group homes the same restrictions that it imposes on housing for other groups of unrelated persons, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. What constitutes a reasonable accommodation is a case-by-case determination based on an individualized assessment. This topic is discussed in detail in Q&As 20–25 and in the HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act.

### **11. Does the Fair Housing Act protect persons with disabilities who pose a “direct threat” to others?**

The Act does not allow for the exclusion of individuals based upon fear, speculation, or stereotype about a particular disability or persons with disabilities in general. Nevertheless, the Act does not protect an individual whose tenancy would constitute a “direct threat” to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others unless the threat or risk to property can be eliminated or significantly reduced by reasonable accommodation. A determination that an individual poses a direct threat must rely on an individualized assessment that is based on reliable objective evidence (for example, current conduct or a recent history of overt acts). The assessment must consider: (1) the nature, duration, and severity of the risk of injury; (2) the probability that injury will actually occur; and (3) whether there are any reasonable accommodations that will eliminate or significantly reduce the direct threat. See Q&A 10 for a general discussion of reasonable accommodations. Consequently, in evaluating an individual’s recent history of overt acts, a state or local government must take into account whether the individual has received intervening treatment or medication that has eliminated or significantly reduced the direct threat (in other words, significant risk of substantial harm). In such a situation, the state or local government may request that the individual show how the circumstances have changed so that he or she no longer poses a direct threat. Any such request must be reasonable and limited to information necessary to assess whether circumstances have changed. Additionally, in such a situation, a state or local government may obtain satisfactory and reasonable assurances that the individual will not pose a direct threat during the tenancy. The state or local government must have reliable, objective evidence that the tenancy of a person with a disability poses a direct threat before excluding him or her from housing on that basis, and, in making that assessment, the state or local government may not ignore evidence showing that the individual’s tenancy would no longer pose a direct threat. Moreover, the fact that one individual may pose a direct threat does not mean that another individual with the same disability or other individuals in a group home may be denied housing.

**12. Can a state or local government enact laws that specifically limit group homes for individuals with specific types of disabilities?**

No. Just as it would be illegal to enact a law for the purpose of excluding or limiting group homes for individuals with disabilities, it is illegal under the Act for local land use and zoning laws to exclude or limit group homes for individuals with specific types of disabilities. For example, a government may not limit group homes for persons with mental illness to certain neighborhoods. The fact that the state or local government complies with the Act with regard to group homes for persons with some types of disabilities will not justify discrimination against individuals with another type of disability, such as mental illness.

**13. Can a state or local government limit the number of individuals who reside in a group home in a residential neighborhood?**

Neutral laws that govern groups of unrelated persons who live together do not violate the Act so long as (1) those laws do not intentionally discriminate against persons on the basis of disability (or other protected class), (2) those laws do not have an unjustified discriminatory effect on the basis of disability (or other protected class), and (3) state and local governments make reasonable accommodations when such accommodations may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling.

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a city's zoning ordinance defines a "family" to include up to a certain number of unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission from the city. If that ordinance also prohibits a group home having the same number of persons with disabilities in a certain district or requires it to seek a use permit, the ordinance would violate the Fair Housing Act. The ordinance violates the Act because it treats persons with disabilities less favorably than families and unrelated persons without disabilities.

A local government may generally restrict the ability of groups of unrelated persons to live together without violating the Act as long as the restrictions are imposed on all such groups, including a group defined as a family. Thus, if the definition of a family includes up to a certain number of unrelated individuals, an ordinance would not, on its face, violate the Act if a group home for persons with disabilities with more than the permitted number for a family were not allowed to locate in a single-family-zoned neighborhood because any group of unrelated people without disabilities of that number would also be disallowed. A facially neutral ordinance, however, still may violate the Act if it is intentionally discriminatory (that is, enacted with discriminatory intent or applied in a discriminatory manner), or if it has an unjustified

discriminatory effect on persons with disabilities. For example, an ordinance that limits the number of unrelated persons who may constitute a family may violate the Act if it is enacted for the purpose of limiting the number of persons with disabilities who may live in a group home, or if it has the unjustified discriminatory effect of excluding or limiting group homes in the jurisdiction. Governments may also violate the Act if they enforce such restrictions more strictly against group homes than against groups of the same number of unrelated persons without disabilities who live together in housing. In addition, as discussed in detail below, because the Act prohibits the denial of reasonable accommodations to rules and policies for persons with disabilities, a group home that provides housing for a number of persons with disabilities that exceeds the number allowed under the family definition has the right to seek an exception or waiver. If the criteria for a reasonable accommodation are met, the permit must be given in that instance, but the ordinance would not be invalid.<sup>9</sup>

#### **14. How does the Supreme Court’s ruling in *Olmstead* apply to the Fair Housing Act?**

In *Olmstead v. L.C.*,<sup>10</sup> the Supreme Court ruled that the Americans with Disabilities Act (ADA) prohibits the unjustified segregation of persons with disabilities in institutional settings where necessary services could reasonably be provided in integrated, community-based settings. An integrated setting is one that enables individuals with disabilities to live and interact with individuals without disabilities to the fullest extent possible. By contrast, a segregated setting includes congregate settings populated exclusively or primarily by individuals with disabilities. Although *Olmstead* did not interpret the Fair Housing Act, the objectives of the Fair Housing Act and the ADA, as interpreted in *Olmstead*, are consistent. The Fair Housing Act ensures that persons with disabilities have an equal opportunity to choose the housing where they wish to live. The ADA and *Olmstead* ensure that persons with disabilities also have the option to live and receive services in the most integrated setting appropriate to their needs. The integration mandate of the ADA and *Olmstead* can be implemented without impairing the rights protected by the Fair Housing Act. For example, state and local governments that provide or fund housing, health care, or support services must comply with the integration mandate by providing these programs, services, and activities in the most integrated setting appropriate to the needs of individuals with disabilities. State and local governments may comply with this requirement by adopting standards for the housing, health care, or support services they provide or fund that are reasonable, individualized, and specifically tailored to enable individuals with disabilities to live and interact with individuals without disabilities to the fullest extent possible. Local governments should be aware that ordinances and policies that impose additional restrictions on housing or residential services for persons with disabilities that are not imposed on housing or

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<sup>9</sup> Laws that limit the number of occupants per unit do not violate the Act as long as they are reasonable, are applied to all occupants, and do not operate to discriminate on the basis of disability, familial status, or other characteristics protected by the Act.

<sup>10</sup> 527 U.S. 581 (1999).

residential services for persons without disabilities are likely to violate the Act. In addition, a locality would violate the Act and the integration mandate of the ADA and *Olmstead* if it required group homes to be concentrated in certain areas of the jurisdiction by, for example, restricting them from being located in other areas.

**15. Can a state or local government impose spacing requirements on the location of group homes for persons with disabilities?**

A “spacing” or “dispersal” requirement generally refers to a requirement that a group home for persons with disabilities must not be located within a specific distance of another group home. Sometimes a spacing requirement is designed so it applies only to group homes and sometimes a spacing requirement is framed more generally and applies to group homes and other types of uses such as boarding houses, student housing, or even certain types of businesses. In a community where a certain number of unrelated persons are permitted by local ordinance to reside together in a home, it would violate the Act for the local ordinance to impose a spacing requirement on group homes that do not exceed that permitted number of residents because the spacing requirement would be a condition imposed on persons with disabilities that is not imposed on persons without disabilities. In situations where a group home seeks a reasonable accommodation to exceed the number of unrelated persons who are permitted by local ordinance to reside together, the Fair Housing Act does not prevent state or local governments from taking into account concerns about the over-concentration of group homes that are located in close proximity to each other. Sometimes compliance with the integration mandate of the ADA and *Olmstead* requires government agencies responsible for licensing or providing housing for persons with disabilities to consider the location of other group homes when determining what housing will best meet the needs of the persons being served. Some courts, however, have found that spacing requirements violate the Fair Housing Act because they deny persons with disabilities an equal opportunity to choose where they will live. Because an across-the-board spacing requirement may discriminate against persons with disabilities in some residential areas, any standards that state or local governments adopt should evaluate the location of group homes for persons with disabilities on a case-by-case basis.

Where a jurisdiction has imposed a spacing requirement on the location of group homes for persons with disabilities, courts may analyze whether the requirement violates the Act under an intent, effects, or reasonable accommodation theory. In cases alleging intentional discrimination, courts look to a number of factors, including the effect of the requirement on housing for persons with disabilities; the jurisdiction’s intent behind the spacing requirement; the existence, size, and location of group homes in a given area; and whether there are methods other than a spacing requirement for accomplishing the jurisdiction’s stated purpose. A spacing requirement enacted with discriminatory intent, such as for the purpose of appeasing neighbors’ stereotypical fears about living near persons with disabilities, violates the Act. Further, a neutral

spacing requirement that applies to all housing for groups of unrelated persons may have an unjustified discriminatory effect on persons with disabilities, thus violating the Act. Jurisdictions must also consider, in compliance with the Act, requests for reasonable accommodations to any spacing requirements.

**16. Can a state or local government impose health and safety regulations on group home operators?**

Operators of group homes for persons with disabilities are subject to applicable state and local regulations addressing health and safety concerns unless those regulations are inconsistent with the Fair Housing Act or other federal law. Licensing and other regulatory requirements that may apply to some group homes must also be consistent with the Fair Housing Act. Such regulations must not be based on stereotypes about persons with disabilities or specific types of disabilities. State or local zoning and land use ordinances may not, consistent with the Fair Housing Act, require individuals with disabilities to receive medical, support, or other services or supervision that they do not need or want as a condition for allowing a group home to operate. State and local governments' enforcement of neutral requirements regarding safety, licensing, and other regulatory requirements governing group homes do not violate the Fair Housing Act so long as the ordinances are enforced in a neutral manner, they do not specifically target group homes, and they do not have an unjustified discriminatory effect on persons with disabilities who wish to reside in group homes.

Governments must also consider requests for reasonable accommodations to licensing and regulatory requirements and procedures, and grant them where they may be necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling, as required by the Act.

**17. Can a state or local government address suspected criminal activity or fraud and abuse at group homes for persons with disabilities?**

The Fair Housing Act does not prevent state and local governments from taking nondiscriminatory action in response to criminal activity, insurance fraud, Medicaid fraud, neglect or abuse of residents, or other illegal conduct occurring at group homes, including reporting complaints to the appropriate state or federal regulatory agency. States and localities must ensure that actions to enforce criminal or other laws are not taken to target group homes and are applied equally, regardless of whether the residents of housing are persons with disabilities. For example, persons with disabilities residing in group homes are entitled to the same constitutional protections against unreasonable search and seizure as those without disabilities.

**18. Does the Fair Housing Act permit a state or local government to implement strategies to integrate group homes for persons with disabilities in particular neighborhoods where they are not currently located?**

Yes. Some strategies a state or local government could use to further the integration of group housing for persons with disabilities, consistent with the Act, include affirmative marketing or offering incentives. For example, jurisdictions may engage in affirmative marketing or offer variances to providers of housing for persons with disabilities to locate future homes in neighborhoods where group homes for persons with disabilities are not currently located. But jurisdictions may not offer incentives for a discriminatory purpose or that have an unjustified discriminatory effect because of a protected characteristic.

**19. Can a local government consider the fears or prejudices of neighbors in deciding whether a group home can be located in a particular neighborhood?**

In the same way a local government would violate the law if it rejected low-income housing in a community because of neighbors' fears that such housing would be occupied by racial minorities (see Q&A 5), a local government violates the law if it blocks a group home or denies a reasonable accommodation request because of neighbors' stereotypical fears or prejudices about persons with disabilities. This is so even if the individual government decision-makers themselves do not have biases against persons with disabilities.

Not all community opposition to requests by group homes is necessarily discriminatory. For example, when a group home seeks a reasonable accommodation to operate in an area and the area has limited on-street parking to serve existing residents, it is not a violation of the Fair Housing Act for neighbors and local government officials to raise concerns that the group home may create more demand for on-street parking than would a typical family and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the requested accommodation, if a similar dwelling that is not a group home or similarly situated use would ordinarily be denied a permit because of such parking concerns. If, however, the group home shows that the home will not create a need for more parking spaces than other dwellings or similarly-situated uses located nearby, or submits a plan to provide any needed off-street parking, then parking concerns would not support a decision to deny the home a permit.

## **Questions and Answers on the Fair Housing Act and Reasonable Accommodation Requests to Local Zoning and Land Use Laws**

### **20. When does a state or local government violate the Fair Housing Act by failing to grant a request for a reasonable accommodation?**

A state or local government violates the Fair Housing Act by failing to grant a reasonable accommodation request if (1) the persons requesting the accommodation or, in the case of a group home, persons residing in or expected to reside in the group home are persons with a disability under the Act; (2) the state or local government knows or should reasonably be expected to know of their disabilities; (3) an accommodation in the land use or zoning ordinance or other rules, policies, practices, or services of the state or locality was requested by or on behalf of persons with disabilities; (4) the requested accommodation may be necessary to afford one or more persons with a disability an equal opportunity to use and enjoy the dwelling; (5) the state or local government refused to grant, failed to act on, or unreasonably delayed the accommodation request; and (6) the state or local government cannot show that granting the accommodation would impose an undue financial and administrative burden on the local government or that it would fundamentally alter the local government's zoning scheme. A requested accommodation may be necessary if there is an identifiable relationship between the requested accommodation and the group home residents' disability. Further information is provided in Q&A 10 above and the HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act.

### **21. Can a local government deny a group home's request for a reasonable accommodation without violating the Fair Housing Act?**

Yes, a local government may deny a group home's request for a reasonable accommodation if the request was not made by or on behalf of persons with disabilities (by, for example, the group home developer or operator) or if there is no disability-related need for the requested accommodation because there is no relationship between the requested accommodation and the disabilities of the residents or proposed residents.

In addition, a group home's request for a reasonable accommodation may be denied by a local government if providing the accommodation is not reasonable—in other words, if it would impose an undue financial and administrative burden on the local government or it would fundamentally alter the local government's zoning scheme. The determination of undue financial and administrative burden must be decided on a case-by-case basis involving various factors, such as the nature and extent of the administrative burden and the cost of the requested accommodation to the local government, the financial resources of the local government, and the benefits that the accommodation would provide to the persons with disabilities who will reside in the group home.

When a local government refuses an accommodation request because it would pose an undue financial and administrative burden, the local government should discuss with the requester whether there is an alternative accommodation that would effectively address the disability-related needs of the group home's residents without imposing an undue financial and administrative burden. This discussion is called an "interactive process." If an alternative accommodation would effectively meet the disability-related needs of the residents of the group home and is reasonable (that is, it would not impose an undue financial and administrative burden or fundamentally alter the local government's zoning scheme), the local government must grant the alternative accommodation. An interactive process in which the group home and the local government discuss the disability-related need for the requested accommodation and possible alternative accommodations is both required under the Act and helpful to all concerned, because it often results in an effective accommodation for the group home that does not pose an undue financial and administrative burden or fundamental alteration for the local government.

## **22. What is the procedure for requesting a reasonable accommodation?**

The reasonable accommodation must actually be requested by or on behalf of the individuals with disabilities who reside or are expected to reside in the group home. When the request is made, it is not necessary for the specific individuals who would be expected to live in the group home to be identified. The Act does not require that a request be made in a particular manner or at a particular time. The group home does not need to mention the Fair Housing Act or use the words "reasonable accommodation" when making a reasonable accommodation request. The group home must, however, make the request in a manner that a reasonable person would understand to be a disability-related request for an exception, change, or adjustment to a rule, policy, practice, or service. When making a request for an exception, change, or adjustment to a local land use or zoning regulation or policy, the group home should explain what type of accommodation is being requested and, if the need for the accommodation is not readily apparent or known by the local government, explain the relationship between the accommodation and the disabilities of the group home residents.

A request for a reasonable accommodation can be made either orally or in writing. It is often helpful for both the group home and the local government if the reasonable accommodation request is made in writing. This will help prevent misunderstandings regarding what is being requested or whether or when the request was made.

Where a local land use or zoning code contains specific procedures for seeking a departure from the general rule, courts have decided that these procedures should ordinarily be followed. If no procedure is specified, or if the procedure is unreasonably burdensome or intrusive or involves significant delays, a request for a reasonable accommodation may,

nevertheless, be made in some other way, and a local government is obligated to grant it if the requested accommodation meets the criteria discussed in Q&A 20, above.

Whether or not the local land use or zoning code contains a specific procedure for requesting a reasonable accommodation or other exception to a zoning regulation, if local government officials have previously made statements or otherwise indicated that an application for a reasonable accommodation would not receive fair consideration, or if the procedure itself is discriminatory, then persons with disabilities living in a group home, and/or its operator, have the right to file a Fair Housing Act complaint in court to request an order for a reasonable accommodation to the local zoning regulations.

### **23. Does the Fair Housing Act require local governments to adopt formal reasonable accommodation procedures?**

The Act does not require a local government to adopt formal procedures for processing requests for reasonable accommodations to local land use or zoning codes. DOJ and HUD nevertheless strongly encourage local governments to adopt formal procedures for identifying and processing reasonable accommodation requests and provide training for government officials and staff as to application of the procedures. Procedures for reviewing and acting on reasonable accommodation requests will help state and local governments meet their obligations under the Act to respond to reasonable accommodation requests and implement reasonable accommodations promptly. Local governments are also encouraged to ensure that the procedures to request a reasonable accommodation or other exception to local zoning regulations are well known throughout the community by, for example, posting them at a readily accessible location and in a digital format accessible to persons with disabilities on the government's website. If a jurisdiction chooses to adopt formal procedures for reasonable accommodation requests, the procedures cannot be onerous or require information beyond what is necessary to show that the individual has a disability and that the requested accommodation is related to that disability. For example, in most cases, an individual's medical record or detailed information about the nature of a person's disability is not necessary for this inquiry. In addition, officials and staff must be aware that any procedures for requesting a reasonable accommodation must also be flexible to accommodate the needs of the individual making a request, including accepting and considering requests that are not made through the official procedure. The adoption of a reasonable accommodation procedure, however, will not cure a zoning ordinance that treats group homes differently than other residential housing with the same number of unrelated persons.

**24. What if a local government fails to act promptly on a reasonable accommodation request?**

A local government has an obligation to provide prompt responses to reasonable accommodation requests, whether or not a formal reasonable accommodation procedure exists. A local government's undue delay in responding to a reasonable accommodation request may be deemed a failure to provide a reasonable accommodation.

**25. Can a local government enforce its zoning code against a group home that violates the zoning code but has not requested a reasonable accommodation?**

The Fair Housing Act does not prohibit a local government from enforcing its zoning code against a group home that has violated the local zoning code, as long as that code is not discriminatory or enforced in a discriminatory manner. If, however, the group home requests a reasonable accommodation when faced with enforcement by the locality, the locality still must consider the reasonable accommodation request. A request for a reasonable accommodation may be made at any time, so at that point, the local government must consider whether there is a relationship between the disabilities of the residents of the group home and the need for the requested accommodation. If so, the locality must grant the requested accommodation unless doing so would pose a fundamental alteration to the local government's zoning scheme or an undue financial and administrative burden to the local government.

**Questions and Answers on Fair Housing Act Enforcement of Complaints Involving Land Use and Zoning**

**26. How are Fair Housing Act complaints involving state and local land use laws and practices handled by HUD and DOJ?**

The Act gives HUD the power to receive, investigate, and conciliate complaints of discrimination, including complaints that a state or local government has discriminated in exercising its land use and zoning powers. HUD may not issue a charge of discrimination pertaining to "the legality of any State or local zoning or other land use law or ordinance." Rather, after investigating, HUD refers matters it believes may be meritorious to DOJ, which, in its discretion, may decide to bring suit against the state or locality within 18 months after the practice at issue occurred or terminated. DOJ may also bring suit by exercising its authority to initiate litigation alleging a pattern or practice of discrimination or a denial of rights to a group of persons which raises an issue of general public importance.

If HUD determines that there is no reasonable cause to believe that there may be a violation, it will close an investigation without referring the matter to DOJ. But a HUD or DOJ

decision not to proceed with a land use or zoning matter does not foreclose private plaintiffs from pursuing a claim.

Litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and DOJ encourage parties to land use disputes to explore reasonable alternatives to litigation, including alternative dispute resolution procedures, like mediation or conciliation of the HUD complaint. HUD attempts to conciliate all complaints under the Act that it receives, including those involving land use or zoning laws. In addition, it is DOJ's policy to offer prospective state or local governments the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

## **27. How can I find more information?**

For more information on reasonable accommodations and reasonable modifications under the Fair Housing Act:

- HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act, available at <https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0> or <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>.
- HUD/DOJ Joint Statement on Reasonable Modifications under the Fair Housing Act, available at <https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0> or [http://www.hud.gov/offices/fheo/disabilities/reasonable\\_modifications\\_mar08.pdf](http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf).

For more information on state and local governments' obligations under Section 504:

- HUD website at [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/disabilities/sect504](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504).

For more information on state and local governments' obligations under the ADA and *Olmstead*:

- U.S. Department of Justice website, [www.ADA.gov](http://www.ADA.gov), or call the ADA information line at (800) 514-0301 (voice) or (800) 514-0383 (TTY).
- Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*, available at [http://www.ada.gov./olmstead/q&a\\_olmstead.htm](http://www.ada.gov./olmstead/q&a_olmstead.htm).
- Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of *Olmstead*, available at <http://portal.hud.gov/hudportal/documents/huddoc?id=OlmsteadGuidnc060413.pdf>.

For more information on the requirement to affirmatively further fair housing:

- Affirmatively Furthering Fair Housing, 80 Fed. Reg. 42,272 (July 16, 2015) (to be codified at 24 C.F.R. pts. 5, 91, 92, 570, 574, 576, and 903).
- U.S. Department of Housing and Urban Development, Version 1, Affirmatively Furthering Fair Housing Rule Guidebook (2015), *available at* <https://www.hudexchange.info/resources/documents/AFFH-Rule-Guidebook.pdf>.
- Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Vol. 1, Fair Housing Planning Guide (1996), *available at* <http://www.hud.gov/offices/fheo/images/fhpg.pdf>.

For more information on nuisance and crime-free ordinances:

- Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Services (Sept. 13, 2016), *available at* <http://portal.hud.gov/hudportal/documents/huddoc?id=FinalNuisanceOrdGdnce.pdf>.

Attachment C- VPC Results

TA-22-08 Group Facilities - Village Planning Committee Results			
Village	Date	Recommendations	Vote
Ahwatukee Foothills	1/23/17	Approval.	11-0
Alhambra	1/24/2017 2/28/2017 3/28/2017 4/25/2017 5/23/2017	No Quorum. Continued. Continued. Continued. Approval as proposed in Addendum A, with changes. 1. Any Phoenix located Group Home Operator that is a Licensee (of any jurisdiction e.g City, County, State agency) or City of Phoenix Use Permit Holder shall upon cessation of operation or ceasing to be an operator, shall notify the City of Phoenix Planning and Development Department (and Human Services Dept.?) of status of the operation, License and/or Use Permit as either relinquished or carried forward to, or assumed by new management or ownership. Status of any privileges to operate that are transferred to another entity or are carried forward as a property privilege shall also be reported to the Phoenix Planning and Development Department. 2. Modify Section 701.E.2.A. as follows: "Staff will verify the status of the facility CLAIMED TO NO LONGER BE OPERATING AS WELL AS ANY GROUP HOME PRIVILEGES THAT CARRY WITH THAT PROPERTY within 3 business days and update the registered use documents."	N/A 10-0 10-0 11-1 14-0
Camelback East	1/17/2017 2/7/2017 3/7/2017 4/4/2017 5/2/2017	Continued. Continued. Continued. Meeting canceled. Denial as proposed in Addendum A.	13-0 12-0 11-0 N/A 10-1
Central City	1/9/17	Approval.	11-1
Deer Valley	1/19/17	Approval. One member had concerns about reasonable accomodation provision.	6-0
Desert View	1/10/17	Approval.	12-0
Encanto	1/9/17	Approval, with changes. Requested that staff work to further refine barriers listed in the reasonable accomodation provision to provide additional clarity regarding the minimum size and scope of the barriers. In addition, staff should continue to explore ways to incorporate neighborhood input into the review process for reasonable accomodation requests.	5-3
Estrella	1/17/17	Approval.	6-0
Laveen	1/9/17	Approval. Concerns regarding applicability to sex offenders.	8-2
Maryvale	1/11/17	Approval.	11-0
North Gateway	1/12/17	Approval. Concerns with the reasonable accommodations provision specifically related to behavioral health and sober living facilities.	2-1
North Mountain	1/18/17	Denial. Concerns about the 1-6 people as a family and little/no oversight over these facilities or state registration required. In addition, noted that this is a complicated text amendment and needed more time to digest and review the information.	9-0 (1 abstained)
Paradise Valley	1/9/17	Approval.	13-0
Rio Vista	1/10/17	Approval, with changes. Concerned about reasonable accomodation provision and recommended that the provision be excluded.	3-0
South Mountain	1/10/17	Approval.	10-0

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.

Commission 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~~ ~~ten~~ 1 to 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.

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**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.

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**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.

~~14. 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.~~

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**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.
    - 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.
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.**

<b>Use</b>	<b>Permitted</b>	<b>Permitted With Conditions <sup>(1)</sup></b>	<b>Use Permit And Conditions <sup>(2)</sup></b>
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.

\*\*\*

<b>RE-35 Development Option</b>			
<b>Standards</b>	<b>(a) Subdivision</b>	<b>(b) Average Lot</b>	<b>(c) Planned Residential Development</b>
***			
Allowed uses	Single-family detached; <del>foster homes</del>	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.

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

Standards	(a) Subdivision	(b) Average Lot	(c) Planned Residential Development
***			
Allowed uses	Single-family detached; <del>foster</del> 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.~~

- e. ~~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 gGroup home is allowed, with SUBJECT TO a use permit.~~
  
- ~~24. A gGroup 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 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.

\*\*\*

- ~~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.
- aB. Assembly halls and auditoriums.
- C. ASSISTED LIVING HOME OR CENTER.
- bD. 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).
- eE. Dependent care facility.
- d. ~~Foster home.~~
- eF. 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.~~
- mL. Public assembly uses limited to active recreational and spectator only.
- n. ~~Schools, private.~~
- M. RESIDENTIAL CARE HOME OR CENTER.
- eN. 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).

\*\*\*

Assisted Living and Residential Care Facility CENTER, Nursing Homes, ~~Personal Care Homes,~~ Specialized Treatment Facility, AND HOSPICE 1 space per 2 RESIDENT/patient beds

\*\*\*

**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.

D. Land Use Matrix

LAND USE CATEGORIES	CHARACTER AREAS															
	ACTIVE USE	BioMed	BC	Central Park	Commercial Corridor	Downtown Gateway	Eastgreen	Evansville East	Evansville West	McDowell Corridor	Roosevelt East	Roosevelt North	Roosevelt South	Townsend Park	Van Buren	Warehouse
<b>Residential Uses</b>																
Assisted Living Home		pe4 34	pe4 34	pe4,20 34	pe4,20 34	pe4 34	pe4 34	pe4 34	pe4,20 34	pe4,20 34	pe4,20 34	pe4,20 34	pe4,20 34	pe4,20 34	pe4 34	pe4 34
***																
Group Home		pc4	pc4	pc4,20	pc4,20	pc4	pc4	pc4	pc4,20	pc4,20	pc4,20	pc4,20	pc4,20	pc4,20	pc4,20	pc4
GROUP FOSTER HOME		P	P	UP	P	P	P	P	P	P	P	UP	UP	P	P	P
***																
RESIDENTIAL CARE HOME		PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34
SOBER LIVING HOME		PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34	PC34
<b>Assembly Uses</b>																

***																
Day Care (ADULT DAY CARE CENTER AND CHILD CARE), Nursery School	x	p	p	pc20,22	p	p	pc20,22	p	p	p	p	pc20,22	pc20,22	p	p	p
***																
<b>Health and Support Services</b>																
***																
HOSPICE	X	P	P	SP	P	P	P	P	P	P	P	SP	UP	P	P	P
***																
RESIDENTIAL CARE CENTER	X	P	P	SP	P	P	P	P	P	P	P	SP	UP	P	P	P
***																
<b>Accessory Uses and Facilities</b>																
ADULT DAY CARE HOME		UP	P	UP	P	P	P	P	P	P	P	UP	P	P	P	P
***																

\*\*\*

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

\*\*\*

TABLE 1306.1 LAND USE MATRIX

<b>CATEGORY: RESIDENTIAL USES</b>	T3	T4	T5:2	T5:3	T5:5	T5:6	T5:7	T6:7 T6:15	T6:22 T6:H WR
***									
<b>ADULT DAY CARE HOME</b>									
1-4 PERSONS	PC	PC	PC	P	P	P	NP	NP	NP
5-10 PERSONS	NP	UP	UP	P	P	P	NP	NP	NP
<b>Assisted Living Home</b>									
1-10 residents	NPPC	PC	PC	PC	PC	PC	P	P	P
<b>Assisted Living Home CENTER</b>									
11+ residents	NP	UP	UP	P	P	P	P	P	P
<b>Dependent Care Facility</b>									
1-6 residents	PC	PC	PC	P	P	P	NP	NP	NP
<b>DEPENDENTS</b>									
<b>Dependent Care Facility</b>									
7-12 residents	NP	UP	UP	P	P	P	NP	NP	NP
<b>DEPENDENTS</b>									
***									
<b>GROUP FOSTER HOME</b>									
NP	UP	UP	P	P	P	P	P	P	P
<b>Group Home for the Handicapped</b>									
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
<b>NURSING HOME</b>									
NP	UP	UP	P	P	P	P	P	P	P
<b>RESIDENTIAL CARE HOME</b>									
1-10 RESIDENTS	PC	PC	PC	PC	PC	PC	P	P	P
<b>RESIDENTIAL CARE CENTER</b>									
11+ RESIDENTS	NP	UP	UP	P	P	P	P	P	P
<b>SOBER LIVING HOME</b>									
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**

<b>CATEGORY: ASSEMBLY USES</b>	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**

<b>CATEGORY: SERVICES</b>	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

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**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT

**Staff Report**  
**Zoning Ordinance Text Amendment**  
**Z-TA-22-08**  
December 28, 2016

**Application No Z-TA-22-08:** Amend the following Sections of the Phoenix Zoning Ordinance regarding group facilities, such as adult day care, assisted living facilities, homes for individuals with disabilities, and associated uses:

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).

**Staff recommendation:** Staff recommends approval of Z-TA-22-08 as shown in the recommended text in Attachment A.

**Purpose:**

The intent of the proposed text amendment is to update outdated terminology used in the Zoning Ordinance related to group facilities; delete and add new definitions related to group facilities; and to add said uses to the use lists in appropriate zoning districts. The proposed definitions and regulations will be more consistent with the Arizona Department of Health Services terminology and standards. In addition, a reasonable accommodation provision is proposed to ensure that the Phoenix zoning regulations are in compliance with the federal Fair Housing Act and Americans with Disabilities Act.

**Proposal:**

The proposed text amendment includes three main components: Definitions, regulations in each respective zoning district, and an addition of a reasonable accommodation provision. Attachment B, Summary of Z-TA-22-08, provides a summary of the proposed changes.

**1. Definitions:**

Terms that are proposed to be deleted include foster home, group home for the handicapped, handicapped, personal care home, and rooming house. Group home for the handicapped will be replaced with assisted living home, residential care home, and sober living home. Personal care home will be replaced with assisted living center and residential care center.

Foster Home

A foster home is permitted by-right in all zoning districts that allow residential uses per the definition of a family, therefore there is no need to place any further zoning regulation on foster homes. Additionally, foster homes obtain a license from the Arizona Department of Child Safety as a Family Foster Home.

Group Home for the Handicapped – Assisted Living, Residential Care, and Sober Living Home

Group homes for the handicapped currently include assisted living homes, and homes for both mentally and physically disabled individuals, including sober living homes. Group home for the handicapped will be replaced with various facility types that may be licensed by the state. An assisted living home is a residence that houses up to 10 individuals with a disability and is licensed by the Arizona Department of Health Services as an Assisted Living Home or Adult Foster Care. The term was already defined in the Zoning Ordinance with one of the Downtown Code Text Amendment's (Z-TA-3-12), however the proposal is to update the definition to replace the word "handicapped" with "disabled."

Definitions for a residential care home and sober living home are proposed for homes that house up to 10 individuals with a disability. A residential care home will be licensed by the Arizona Department of Health Services as either a Behavioral Health Residential Facility or a Group Home for the Developmentally Disabled. A definition for sober living home is proposed for homes that house up to 10 individuals whom are actively recovering from alcohol or drug/substance abuse. A sober living home may or may not be licensed by the Arizona Department of Health Services as a Behavioral Health Residential Facility depending on the level of care provided.

Handicapped – Disability

The term handicapped is an outdated term and will be replaced with disability to be consistent with the Americans with Disabilities Act and the Fair Housing Act.

#### Personal Care Home – Assisted Living and Residential Care Center

Personal care homes currently include assisted living centers, and facilities for both mentally and physically disabled individuals. Personal care home is an outdated term and will be replaced with assisted living center and residential care center. An assisted living center is a facility that houses 11 or more individuals with a disability and is licensed by the Arizona Department of Health Services as an Assisted Living Center. A residential care center is a facility that houses 11 or more individuals with a disability and is licensed by the Arizona Department of Health Services as a Behavioral Health Residential Facility or an Intermediate Care Facility for the Intellectually Disabled.

#### Rooming House

The term rooming house is only found in the CMO (Capitol Mall Overlay District, Section 646) district. It is an outdated term and is proposed to be deleted from the Zoning Ordinance.

Additional, terms that are to be added include adult day care home and center, group foster home, and hospice.

#### Adult Day Care Home and Center

An adult day care home provides care in a residential setting for up to 10 adults with a disability and is licensed by the Arizona Department of Health Services as an Adult Day Care Home. An adult day care center provides care for 11 or more adults with a disability and is licensed by the Arizona Department of Health Services as an Adult Day Care Center.

#### Group Foster Home

Group foster home provisions already exist in the Zoning Ordinance, however there is currently no definition. The proposed definition for a group foster home is based on the existing definition for foster home and would allow 6 to 10 unrelated children. An exemption has been included in the definition to allow overcapacity foster homes to operate and not be considered a group foster home. Foster homes for up to 5 unrelated children are licensed by the Arizona Department of Child Safety as a Family Foster Home. If a foster home is overcapacity due to a special circumstance, such as keeping siblings together, then the home would be licensed by the Arizona Department of Child Safety as a Family Foster Home and have a Group Foster Home Certification. A group foster home is licensed by the Arizona Department of Child Safety as a Group Foster Home.

#### Hospice

The term hospice is proposed to be added to the definition section of the Zoning Ordinance. A hospice facility is licensed by the Arizona Department of Health Services as a Hospice.

Additional minor technical corrections are also proposed. The definition for group home will remain the same, however the formatting of the number 6 is proposed to change to numeric form to be consistent with other changes proposed. Also the definition for rest home is proposed to relate to assisted living centers or nursing homes rather than group homes.

## **2. Regulations in each respective zoning district:**

The Zoning Ordinance currently does not have provisions for adult day care use. There have been a variety of zoning interpretations which have allowed adult day care, at a variety of scales, analogous to dependent care facilities, schools for the mentally or physically handicapped, commercial schools, professional or medical offices, personal care homes, nursing homes, and as an accessory use to a church (similar to child care). The scale, intensity and operation of such a use is similar to a child care facility, therefore staff is proposing standards similar to the existing Zoning Ordinance standards for child care. The bulk of the Zoning Ordinance refers to child care as dependent care and nursery school. Smaller-scale adult day care homes with up to 10 adults, in a residential setting are proposed to be allowed in all residential zoning districts with the following conditions:

- Outdoor recreational areas shall be screened.
- Care is provided for no more than 4 adults.
- A use permit is required for the care of 5 to 10 adults.

Larger-scale, adult day care centers for 11 or more adults are proposed to be allowed in most of the multifamily districts, subject to a use permit and the same screening requirement above. Adult day care center is also proposed to be allowed in commercial zoning districts. The break-down of the number of individuals who are cared for is consistent with the state licensing regulations for adult day care and child care.

All provisions for group homes for the handicapped with 6 to 10 residents are proposed to be deleted and replaced with assisted living, residential care, and sober living homes. The proposed provisions for assisted living, residential care, and sober living homes ("registered care home") include the following:

- Allowed for up to 6 residents.
- For 7-10 residents the following applies:
  - Registration required.
  - Quarter mile separation from other registered care homes with 7-10 residents.
  - Disability accommodation provision.

The same separation distance is being proposed, however there is a slight modification in the number of residents in a home that the spacing applies to in order to be consistent with the state law for group homes for the developmentally disabled (Arizona Revised Statutes 36-582).

The zoning districts that currently do not deliberately include provisions for group homes for the handicapped with 6 to 10 residents include S-1 (Section 603), R-O (Residential Office, Section 620), UR (Urban Residential, Section 642), and MUA (Mixed Use Agricultural, Section 649). To ensure equity between residential zoning districts, provisions for registered care homes are proposed in these zoning districts.

All provisions for group homes for the handicapped with an unspecified number of residents are proposed to be deleted and replaced with assisted living and residential care center. The current provisions require the following:

- Quarter mile separation.
- Registration requirement.

The proposed provisions for assisted living and residential care centers are the same that currently apply to personal care homes with the exception detailed in the next paragraph.

All provisions for personal care homes will be deleted and replaced with assisted living and residential care center. The same provisions will apply to all zoning districts that currently allow personal care homes with one exception. The proposal allows both assisted living and residential care centers, subject to a use permit rather than a special permit in the R-3, R-3A, and R-4 (Multifamily) zoning districts. The reasoning is that these multifamily zoning districts currently allow for group homes, subject to a use permit.

The Zoning Ordinance currently does not have provisions for hospice facilities. A hospice, depending on the scale, is similar in intensity as either an assisted living center or nursing home. Staff is proposing standards similar to the existing Zoning Ordinance standards for a nursing home.

Attachment C, the Proposed Use/District Matrix, shows how the existing uses relate to the proposed uses, and summarizes where the uses are allowed.

Other updates and corrections are proposed to ensure consistency with the proposed language. This includes the following:

- Updating language that references when a group home or group foster home is subject to a use permit.
- Changing numbers to numeric form.
- Updating language in the CMO district related to group homes. The current provision refers to “nonhandicapped group facilities” and “rooming house” which for all intents and purposes are group homes. The current language also does not allow for the option to vary from the required distance requirement which is not legal. The proposed language has been updated to allow the option for a variance.
- Updating language in the DVAO (Deer Valley Airport Overlay, Section 658) district to remove deleted terms, and include the additional residential and

assembly uses in the prohibited uses list of Areas 2 and 3 of the overlay district.

- Updating language in the Four Corners Overlay District (Section 660) to delete a repeated sentence in the parking requirements, and relate the day care center parking requirements to both adult and child care.
- Update parking provisions in Section 702, Off-Street Parking and Loading, to remove deleted terms and include the proposed additional uses.
- Update the land use matrix and conditions in the Downtown Code (Chapter 12 of the Zoning Ordinance) to remove deleted terms and include the proposed additional uses and conditions.
- Update the land use matrix and conditions in the Walkable Urban Code (Chapter 13 of the Zoning Ordinance) to remove deleted terms and include the proposed additional uses and conditions. The parking standards are also proposed to be updated to relate day care center to both adult and child care.

### **3. Addition of a reasonable accommodation provision:**

The Fair Housing Act, Title VIII of the Civil Rights Act of 1968, prohibits discriminatory practices in housing based on race, color, sex, religion, national origin or familial status. The Fair Housing Amendments Act (FHAA) was adopted by Congress in 1988 to extend protections to persons with disabilities. The Joint Statement of the Department of Justice and the Department of Housing and Urban Development (Attachment D) states that the FHAA prohibits the refusal “to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.”

A provision for requests for reasonable accommodations is proposed with regard to the separation requirement for a registered care home to ensure equal access to housing for individuals with disabilities. Staff is proposing to call this a request for a disability accommodation. The separation requirement exists, and is proposed to remain, as both a benefit to registered care homes and to neighborhoods. The required separation allows for the dispersal of registered care homes to discourage clustering that might create a de facto institutional environment. The Joint Statement of the Department of Justice and the Department of Housing and Urban Development states that, “if a neighborhood came to be composed largely of group homes, that could adversely affect individuals with disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community.”

In some situations, allowing a registered care home to locate within the required spacing area may not contribute to a clustering issue due to other physical features that may exist, such as a major street or freeway. Staff is proposing objective criteria in order to make determinations on requests for a disability accommodation. If the request is denied, then the Planning and Development Department Director would

make the final determination and may consider other factors such as proximity to public transportation.

Additionally, an administrative provision is proposed to allow staff to remove a registered care home that is no longer operating from the city's record of registered care homes. This is proposed to provide applicants an option to facilitate the removal process in order to locate within the required separation area.

Documentation would be required to demonstrate that the registered care home is no longer operating and that the property owner no longer intends on operating a registered care home.

**Research:**

Staff has conducted research that included review of the following:

- Joint Statement of the Department of Justice and the Department of Housing and Urban Development
- Arizona Department of Health Services regulations
- Other municipality regulations (both within and out of the state)
- Zoning Adjustment applications
- Formal and informal zoning interpretations
- Several published documents related to regulating group facilities
- Review of case law related to regulating group facilities

Staff obtained input from various stakeholders and held two meetings to review and request additional input on the proposed text amendment. Stakeholders included individuals from the following organizations:

- City of Phoenix: Equal Opportunity Department and Neighborhood Services Department
- Arizona Attorney General's Office - Civil Rights Division
- Arizona Department of Child Safety
- Arizona Department of Health Services
- Arizona Assisted Living Homes Association
- Arizona Association for Home Care
- Arizona Center for Disability Law
- Arizona Fair Housing Council
- Crossroads
- David Evans and Associates, Inc.
- Hospice of the Valley
- Mercy Maricopa Integrated Care
- National Council on Alcoholism and Drug Dependence
- Plan-et, planning, policy, design
- Sender Associates, Chtd.
- Southwest Behavioral Health
- Southwest Fair Housing Council
- Various assisted living facilities

**Conclusion:**

With all factors considered, staff is recommending minimal changes. The same separation distance is being proposed, however there is a slight modification in the number of residents in a home that the spacing applies to in order to be consistent with the state law for group homes for the developmentally disabled. Another minor change proposed is to allow assisted living and residential care centers with a use permit rather than a special permit in the R-3, R-3A, and R-4 (Multifamily) zoning districts. The use permit process will still provide some additional oversight and also allow for neighborhood input. Additionally, a reasonable accommodation provision is proposed to ensure equal access to housing for individuals with disabilities.

The proposed text amendment will update outdated terminology used in the Zoning Ordinance related to group facilities; delete and add new definitions related to group facilities; and to add said uses to the use lists in appropriate zoning districts. The proposed definitions and regulations will be more consistent with the Arizona Department of Health Services terminology and standards. In addition, a reasonable accommodation provision is proposed to ensure that the Phoenix zoning regulations are in compliance with the federal Fair Housing Act and Americans with Disabilities Act.

Staff recommends approval of the changes to the Zoning Ordinance as proposed in Attachment A.

**Writer**

R. Escolar

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**Attachments**

- A. Proposed Language
- B. Summary of Z-TA-22-08
- C. Proposed Use/District Matrix
- D. The Joint Statement of the Department of Justice and the Department of Housing and Urban Development

**ATTACHMENT A**

**Text Amendment Z-TA-22-08: Group facilities, such as adult day care, assisted living facilities, homes for individuals with disabilities, and associated uses**

**Proposed Language:**

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

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*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 ~~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~~ 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, or 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.

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**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 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.
    - 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 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 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.

- 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 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 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.
    - 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 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.

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**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 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.
    - 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 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 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.
    - 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 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 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.
- 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 TO 10 RESIDENTS.
- 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.

14. ~~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.~~

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**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 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.
    - 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 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 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.
    - 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 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 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.

- 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 TO 10 RESIDENTS.
- 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 <sup>(1)</sup>	Use Permit And Conditions <sup>(2)</sup>
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 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.

- 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 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 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.
    - 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 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 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.
    - 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 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.

\*\*\*

<b>RE-35 Development Option</b>			
<b>Standards</b>	<b>(a) Subdivision</b>	<b>(b) Average Lot</b>	<b>(c) Planned Residential Development</b>
***			
Allowed uses	Single-family detached; <del>foster homes</del>	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.

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

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 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.~~

- e. ~~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:**

**~~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 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.
- ~~43. 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

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~~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 nNursing 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 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.

- 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 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 RESIDENTS, NOT INCLUDING STAFF; OR
    - B. FOR A HOME WITH 7 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.
      - 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 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 RESIDENTS, NOT INCLUDING STAFF; OR
    - B. FOR A HOME WITH 7 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.
      - 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 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 RESIDENTS, NOT INCLUDING STAFF; OR
  - (2) FOR A HOME WITH 7 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.
    - (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 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 RESIDENTS, NOT INCLUDING STAFF; OR
  - (2) FOR A HOME WITH 7 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.
    - (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 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 RESIDENTS, NOT INCLUDING STAFF; OR

(2) FOR A HOME WITH 7 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.

(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 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 SHALL BE A MINIMUM OF 1,500 FEET FROM ANOTHER 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 6 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.
    - 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 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 RESIDENTS, NOT INCLUDING STAFF; OR
- B. FOR A HOME WITH 7 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.
  - 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 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 RESIDENTS, NOT INCLUDING STAFF; OR
  - B. FOR A HOME WITH 7 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.
    - 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 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.
  - aB. Assembly halls and auditoriums.
  - C. ASSISTED LIVING HOME OR CENTER.

- Ⓛ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. Dependent care facility.
- ~~Ⓛ.~~ ~~Foster home.~~
- ⓁF. Group foster ~~care~~ home.
- ~~Ⓛ.~~ ~~Group home for the handicapped.~~
- g. Gymnasium; private or commercial.
- h. Hospital.
- i. Motion picture theater.
- j. Nursery School.
- k. Nursing Home.
- ~~Ⓛ.~~ ~~Personal care home.~~
- ⓁL. Public assembly uses limited to active recreational and spectator only.
- ~~n.~~ ~~Schools, private.~~
- M. RESIDENTIAL CARE HOME OR CENTER.
- Ⓛ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:**

\*\*\*

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 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 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 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).

\*\*\*

Assisted Living and Residential Care Facility CENTER, Nursing Homes, Personal Care Homes, Specialized Treatment Facility, AND HOSPICE 1 space per 2 RESIDENT/patient beds

\*\*\*

**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 RESIDENTS, NOT INCLUDING STAFF; OR
- B. FOR A HOME WITH 7 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.
  - 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 TO 10 RESIDENTS.
  - 3) DISABILITY ACCOMODATION FROM THE SPACING REQUIREMENT MAY BE REQUESTED BY AN APPLICANT PER SECTION 701.E.3.

D. Land Use Matrix

LAND USE CATEGORIES	LAND CHARACTER AREAS															
	ACTIVE USE	BioMed	BC	Central Park	Community Corridor	Downtown Gateway	East Evergreen	Evansville	Evansville	McDowell	Roosevelt	Roosevelt	Roosevelt	Townsend	Van Buren	Warehouse
<b>Residential Uses</b>																
Assisted Living Home		pe4 34	pe4 34	pe4,20 34	pe4,20 34	pe4 34	pe4 34	pe4 34	pe4 20 34	pe4 20 34	pe4 20 34	pe4 20 34	pe4 20 34	pe4 20 34	pe4 34	pe4 34
***																
Group Home		pc4	pc4	pc4,20	pc4,20	pc4	pc4	pc4	pc4,20	pc4,20	pc4,20	pc4,20	pc4,20	pc4,20	pc4,20	pc4

GROU P FOST ER HOME		P	P	UP	P	P	P	P	P	P	P	UP	UP	P	P	P
***																
RESI DENTI AL CARE HOME		PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34
SOBE R LIVIN G HOME		PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34	PC 34
<b>Assembly Uses</b>																
***																
Day Care (ADUL T DAY CARE CENT ER AND CHILD CARE , Nurser y Schoo l	x	p	p	pc 20, 22	p	p	pc20 ,22	p	p	p	p	pc20 ,22	pc20 ,22	p	p	p
***																
<b>Health and Support Services</b>																
***																
HOSP ICE	X	P	P	SP	P	P	P	P	P	P	P	SP	UP	P	P	P

***																
RESIDENTIAL CARE CENTER	X	P	P	SP	P	P	P	P	P	P	P	SP	UP	P	P	P
***																
<b>Accessory Uses and Facilities</b>																
ADULT DAY CARE HOME		UP	P	UP	P	P	P	P	P	P	P	UP	P	P	P	P
***																

\*\*\*

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

\*\*\*

**TABLE 1306.1 LAND USE MATRIX**

<b>CATEGORY:</b>	T3	T4	T5:2	T5:3	T5:5	T5:6	T5:7	T6:7	T6:22
<b>RESIDENTIAL USES</b>								T6:15	T6:H WR
***									
<b>ADULT DAY CARE HOME</b>									
1-4 PERSONS	PC	PC	PC	P	P	P	NP	NP	NP
5-10 PERSONS	NP	UP	UP	P	P	P	NP	NP	NP
<b>Assisted Living Home</b>									
1-10 residents	NPPC	PC	PC	PC	PC	PC	P	P	P
<b>Assisted Living Home CENTER</b>									
11+ residents	NP	UP	UP	P	P	P	P	P	P
<b>Dependent Care Facility</b>									
1-6 residents	PC	PC	PC	P	P	P	NP	NP	NP
<b>DEPENDENTS</b>									
<b>Dependent Care Facility</b>									

7-12 residents DEPENDENTS	NP	UP	UP	P	P	P	NP	NP	NP
***									
GROUP FOSTER HOME Group Home for the Handicapped	NP	UP	UP	P	P	P	P	P	P
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 RESIDENTS, NOT INCLUDING STAFF; OR
- B. FOR A HOME WITH 7 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.
  - 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 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**

<b>CATEGORY: ASSEMBLY USES</b>	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~~6-foot-high solid decorative fence or wall.

\*\*\*

**TABLE 1306.1 LAND USE MATRIX**

<b>CATEGORY: SERVICES</b>	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**

<b>USE</b>	<b>Measure</b>	<b>T3</b>	<b>T4</b>	<b>T5 1-5 stories</b>	<b>T5 6-10 stories</b>	<b>T6</b>
***						
Assisted Living AND RESIDENTIAL CARE CENTER; and Group Home; AND HOSPICE	per bedroom	1	0.75	0.75		0.5

## SUMMARY

### Z-TA-22-08: Group facilities, such as adult day care, assisted living facilities, homes for individuals with disabilities, and associated uses

#### Purpose:

Amendment to the Phoenix Zoning Ordinance to update definitions related to Group facilities, such as Group Homes for the Handicapped, Adult Day Care Homes and Centers, Assisted Living Homes and Centers, Residential Care Homes and Centers, Sober Living Homes, Foster Homes, and Hospice; and to add said uses to the use lists in appropriate zoning districts.

- Revise Zoning Ordinance definitions and regulations to be consistent with the Arizona Department of Health Services terminology and standards.
- Ensure compliance with the federal Fair Housing Act and Americans with Disabilities Act.
- Allow reasonable accommodations to ensure equal access to housing for individuals with disabilities pursuant to federal law.

#### Proposed Changes:

- Update definition from handicapped to disability.
- Update regulations related to group homes for the handicapped to be more consistent with state licensing regulations. This use currently includes assisted living homes, and homes for both mentally and physically disabled individuals, including sober living homes. Group home for the handicapped is an outdated term and will be replaced with various facility types that are licensed by the state, such as:
  - Assisted Living Home (1 to 10 residents).
    - \* Require ¼-mile separation for homes with 7-10 residents (previously 6-10 residents).
  - Residential Care Home (1-10 residents) – Includes homes for individuals with a developmental disability and behavioral health care homes.
    - \* Require ¼-mile separation for homes with 7-10 residents (previously 6-10 residents).
  - Sober Living Home (1-10 residents) – Includes homes for individuals recovering from alcohol or drug/substance abuse.
    - \* Require ¼-mile separation for homes with 7-10 residents (previously 6-10 residents).
    - \* This facility type may or may not be licensed by the state, depending on the level of care provided.
- Remove all reference to group home for the handicapped (with unspecified number of residents) and personal care home, and replace with:
  - Assisted Living Center (11+ residents).
  - Residential Care Center (11+ residents) – Facilities that include residential care, training and support for residents with a developmental disability or require behavioral health care.
- Require Assisted Living and Residential Care Centers, subject to a Use Permit in the R-3, R-3A, R-4, R-4A, R-5, and C-1 zoning districts and allow them by-right in the C-2, C-3, and RSC zoning districts, rather than only requiring 1,320 feet spacing.
- Allow Assisted Living and Residential Care Centers, subject to a Use Permit rather than a Special Permit in the R-3, R-3A, and R-4 zoning districts.
- Add definition and provisions for adult day care home and center.
- Add definition and provisions for hospice.
- Add definition for group foster home to be consistent with other definitions for state regulated facilities. Delete definition and provisions for foster homes. Foster homes are permitted in any residential district based on the definition of a “family.”
- Add a provision for requests for reasonable accommodations with objective criteria.



## JOINT STATEMENT OF THE DEPARTMENT OF JUSTICE AND THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### GROUP HOMES, LOCAL LAND USE, AND THE FAIR HOUSING ACT

Since the federal Fair Housing Act ("the Act") was amended by Congress in 1988 to add protections for persons with disabilities and families with children, there has been a great deal of litigation concerning the Act's effect on the ability of local governments to exercise control over group living arrangements, particularly for persons with disabilities. The Department of Justice has taken an active part in much of this litigation, often following referral of a matter by the Department of Housing and Urban Development ("HUD"). This joint statement provides an overview of the Fair Housing Act's requirements in this area.

Specific topics are addressed in more depth in the attached Questions and Answers.

The Fair Housing Act prohibits a broad range of practices that discriminate against individuals on the basis of race, color, religion, sex, national origin, familial status, and disability.<sup>(1)</sup> The Act does not pre-empt local zoning laws. However, the Act applies to municipalities and other local government entities and prohibits them from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities.

The Fair Housing Act makes it unlawful --

- To utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons. An example would be an ordinance prohibiting housing for persons with disabilities or a specific type of disability, such as mental illness, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area.
- To take action against, or deny a permit, for a home because of the disability of individuals who live or would live there. An example would be denying a building permit for a home because it was intended to provide housing for persons with mental retardation.
- To refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.
- What constitutes a reasonable accommodation is a case-by-case determination.
- Not all requested modifications of rules or policies are reasonable. If a requested modification imposes an undue financial or administrative burden on a local government, or if a modification creates a fundamental alteration in a local government's land use and zoning scheme, it is not a "reasonable" accommodation.

The disability discrimination provisions of the Fair Housing Act do not extend to persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, or being a sex offender. Furthermore, the Fair Housing Act does not protect persons who currently use illegal drugs, persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others.

HUD and the Department of Justice encourage parties to group home disputes to explore all reasonable dispute resolution procedures, like mediation, as alternatives to litigation.

DATE: AUGUST 18, 1999

## Questions and Answers

### on the Fair Housing Act and Zoning

#### **Q. Does the Fair Housing Act pre-empt local zoning laws?**

No. "Pre-emption" is a legal term meaning that one level of government has taken over a field and left no room for government at any other level to pass laws or exercise authority in that area. The Fair Housing Act is not a land use or zoning statute; it does not pre-empt local land use and zoning laws. This is an area where state law typically gives local governments primary power. However, if that power is exercised in a specific instance in a way that is inconsistent with a federal law such as the Fair Housing Act, the federal law will control. Long before the 1988 amendments, the courts had held that the Fair Housing Act prohibited local governments from exercising their land use and zoning powers in a discriminatory way.

#### **Q. What is a group home within the meaning of the Fair Housing Act?**

The term "group home" does not have a specific legal meaning. In this statement, the term "group home" refers to housing occupied by groups of unrelated individuals with disabilities.<sup>2</sup> Sometimes, but not always, housing is provided by organizations that also offer various services for individuals with disabilities living in the group homes. Sometimes it is this group home operator, rather than the individuals who live in the home, that interacts with local government in seeking permits and making requests for reasonable accommodations on behalf of those individuals.

The term "group home" is also sometimes applied to any group of unrelated persons who live together in a dwelling -- such as a group of students who voluntarily agree to share the rent on a house. The Act does not generally affect the ability of local governments to regulate housing of this kind, as long as they do not discriminate against the residents on the basis of race, color, national origin, religion, sex, handicap (disability) or familial status (families with minor children).

#### **Q. Who are persons with disabilities within the meaning of the Fair Housing Act?**

The Fair Housing Act prohibits discrimination on the basis of handicap. "Handicap" has the same legal meaning as the term "disability" which is used in other federal civil rights laws. Persons with disabilities (handicaps) are individuals with mental or physical impairments which substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Fair Housing Act also protects persons who have a record of such an impairment, or are regarded as having such an impairment.

Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered disabled under the Fair Housing Act, by virtue of that status.

The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

#### **Q. What kinds of local zoning and land use laws relating to group homes violate the Fair Housing Act?**

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a city's zoning ordinance defines a "family" to include up to six unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission. If that ordinance also disallows a group home for six or fewer people with disabilities in a certain district or requires this home to seek a use permit, such requirements would conflict with the Fair Housing Act. The ordinance treats persons with disabilities worse than persons without disabilities.

A local government may generally restrict the ability of groups of unrelated persons to live together as long as the restrictions are imposed on all such groups. Thus, in the case where a family is defined to include up to six unrelated people, an ordinance would not, on its face, violate the Act if a group home for seven people with disabilities was not allowed to locate in a single family zoned neighborhood, because a group of seven unrelated people without disabilities would also be disallowed. However, as discussed below, because persons with disabilities are also entitled to request reasonable accommodations in rules and policies, the group home for seven persons with disabilities would have to be given the opportunity to seek an exception or waiver. If the criteria for reasonable accommodation are met, the permit would have to be given in that instance, but the ordinance would not be invalid in all circumstances.

### **Q. What is a reasonable accommodation under the Fair Housing Act?**

As a general rule, the Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" (modifications or exceptions) to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling.

Even though a zoning ordinance imposes on group homes the same restrictions it imposes on other groups of unrelated people, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. For example, it may be a reasonable accommodation to waive a setback requirement so that a paved path of travel can be provided to residents who have mobility impairments. A similar waiver might not be required for a different type of group home where residents do not have difficulty negotiating steps and do not need a setback in order to have an equal opportunity to use and enjoy a dwelling.

Not all requested modifications of rules or policies are reasonable. Whether a particular accommodation is reasonable depends on the facts, and must be decided on a case-by-case basis. The determination of what is reasonable depends on the answers to two questions: First, does the request impose an undue burden or expense on the local government? Second, does the proposed use create a fundamental alteration in the zoning scheme? If the answer to either question is "yes," the requested accommodation is unreasonable.

What is "reasonable" in one circumstance may not be "reasonable" in another. For example, suppose a local government does not allow groups of four or more unrelated people to live together in a single-family neighborhood. A group home for four adults with mental retardation would very likely be able to show that it will have no more impact on parking, traffic, noise, utility use, and other typical concerns of zoning than an "ordinary family." In this circumstance, there would be no undue burden or expense for the local government nor would the single-family character of the neighborhood be fundamentally altered. Granting an exception or waiver to the group home in this circumstance does not invalidate the ordinance. The local government would still be able to keep groups of unrelated persons without disabilities from living in single-family neighborhoods.

By contrast, a fifty-bed nursing home would not ordinarily be considered an appropriate use in a single-family neighborhood, for obvious reasons having nothing to do with the disabilities of its residents. Such a facility might or might not impose significant burdens and expense on the community, but it would likely

create a fundamental change in the single-family character of the neighborhood. On the other hand, a nursing home might not create a "fundamental change" in a neighborhood zoned for multi-family housing. The scope and magnitude of the modification requested, and the features of the surrounding neighborhood are among the factors that will be taken into account in determining whether a requested accommodation is reasonable.

**Q. What is the procedure for requesting a reasonable accommodation?**

Where a local zoning scheme specifies procedures for seeking a departure from the general rule, courts have decided, and the Department of Justice and HUD agree, that these procedures must ordinarily be followed. If no procedure is specified, persons with disabilities may, nevertheless, request a reasonable accommodation in some other way, and a local government is obligated to grant it if it meets the criteria discussed above. A local government's failure to respond to a request for reasonable accommodation or an inordinate delay in responding could also violate the Act.

Whether a procedure for requesting accommodations is provided or not, if local government officials have previously made statements or otherwise indicated that an application would not receive fair consideration, or if the procedure itself is discriminatory, then individuals with disabilities living in a group home (and/or its operator) might be able to go directly into court to request an order for an accommodation.

Local governments are encouraged to provide mechanisms for requesting reasonable accommodations that operate promptly and efficiently, without imposing significant costs or delays. The local government should also make efforts to insure that the availability of such mechanisms is well known within the community.

**Q. When, if ever, can a local government limit the number of group homes that can locate in a certain area?**

A concern expressed by some local government officials and neighborhood residents is that certain jurisdictions, governments, or particular neighborhoods within a jurisdiction, may come to have more than their "fair share" of group homes. There are legal ways to address this concern. The Fair Housing Act does not prohibit most governmental programs designed to encourage people of a particular race to move to neighborhoods occupied predominantly by people of another race. A local government that believes a particular area within its boundaries has its "fair share" of group homes, could offer incentives to providers to locate future homes in other neighborhoods.

However, some state and local governments have tried to address this concern by enacting laws requiring that group homes be at a certain minimum distance from one another. The Department of Justice and HUD take the position, and most courts that have addressed the issue agree, that density restrictions are generally inconsistent with the Fair Housing Act. We also believe, however, that if a neighborhood came to be composed largely of group homes, that could adversely affect individuals with disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community. Especially in the licensing and regulatory process, it is appropriate to be concerned about the setting for a group home. A consideration of over-concentration could be considered in this context. This objective does not, however, justify requiring separations which have the effect of foreclosing group homes from locating in entire neighborhoods.

**Q. What kinds of health and safety regulations can be imposed upon group homes?**

The great majority of group homes for persons with disabilities are subject to state regulations intended to protect the health and safety of their residents. The Department of Justice and HUD believe, as do responsible group home operators, that such licensing schemes are necessary and legitimate. Neighbors

who have concerns that a particular group home is being operated inappropriately should be able to bring their concerns to the attention of the responsible licensing agency. We encourage the states

to commit the resources needed to make these systems responsive to resident and community needs and concerns.

Regulation and licensing requirements for group homes are themselves subject to scrutiny under the Fair Housing Act. Such requirements based on health and safety concerns can be discriminatory themselves or may be cited sometimes to disguise discriminatory motives behind attempts to exclude group homes from a community. Regulators must also recognize that not all individuals with disabilities living in group home settings desire or need the same level of services or protection. For example, it may be appropriate to require heightened fire safety measures in a group home for people who are unable to move about without assistance. But for another group of persons with disabilities who do not desire or need such assistance, it would not be appropriate to require fire safety measures beyond those normally imposed on the size and type of residential building involved.

**Q. Can a local government consider the feelings of neighbors in making a decision about granting a permit to a group home to locate in a residential neighborhood?**

In the same way a local government would break the law if it rejected low-income housing in a community because of neighbors' fears that such housing would be occupied by racial minorities, a local government can violate the Fair Housing Act if it blocks a group home or denies a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities. This is so even if the individual government decision-makers are not themselves personally prejudiced against persons with disabilities. If the evidence shows that the decision-makers were responding to the wishes of their constituents, and that the constituents were motivated in substantial part by discriminatory concerns, that could be enough to prove a violation.

Of course, a city council or zoning board is not bound by everything that is said by every person who speaks out at a public hearing. It is the record as a whole that will be determinative. If the record shows that there were valid reasons for denying an application that were not related to the disability of the prospective residents, the courts will give little weight to isolated discriminatory statements. If, however, the purportedly legitimate reasons advanced to support the action are not objectively valid, the courts are likely to treat them as pretextual, and to find that there has been discrimination.

For example, neighbors and local government officials may be legitimately concerned that a group home for adults in certain circumstances may create more demand for on-street parking than would a typical family. It is not a violation of the Fair Housing Act for neighbors or officials to raise this concern and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the application, if another type of facility would ordinarily be denied a permit for such parking problems. However, if a group of individuals with disabilities or a group home operator shows by credible and un rebutted evidence that the home will not create a need for more parking spaces, or submits a plan to provide whatever off-street parking may be needed, then parking concerns would not support a decision to deny the home a permit.

**Q. What is the status of group living arrangements for children under the Fair Housing Act?**

In the course of litigation addressing group homes for persons with disabilities, the issue has arisen whether the Fair Housing Act also provides protections for group living arrangements for children. Such living arrangements are covered by the Fair Housing Act's provisions prohibiting discrimination against families with children. For example, a local government may not enforce a zoning ordinance which treats group living arrangements for children less favorably than it treats a similar group living arrangement for unrelated

adults. Thus, an ordinance that defined a group of up to six unrelated adult persons as a family, but specifically disallowed a group living arrangement for six or fewer children, would, on its face, discriminate on the basis of familial status. Likewise, a local government might violate the Act if it denied a permit to such a home because neighbors did not want to have a group facility for children next to them.

The law generally recognizes that children require adult supervision. Imposing a reasonable requirement for adequate supervision in group living facilities for children would not violate the familial status provisions of the Fair Housing Act.

**Q. How are zoning and land use matters handled by HUD and the Department of Justice?**

The Fair Housing Act gives the Department of Housing and Urban Development the power to receive and investigate complaints of discrimination, including complaints that a local government has discriminated in exercising its land use and zoning powers. HUD is also obligated by statute to attempt to conciliate the complaints that it receives, even before it completes an investigation.

In matters involving zoning and land use, HUD does not issue a charge of discrimination. Instead, HUD refers matters it believes may be meritorious to the Department of Justice which, in its discretion, may decide to bring suit against the respondent in such a case. The Department of Justice may also bring suit in a case that has not been the subject of a HUD complaint by exercising its power to initiate litigation alleging a "pattern or practice" of discrimination or a denial of rights to a group of persons which raises an issue of general public importance.

The Department of Justice's principal objective in a suit of this kind is to remove significant barriers to the housing opportunities available for persons with disabilities. The Department ordinarily will not participate in litigation to challenge discriminatory ordinances which are not being enforced, unless there is evidence that the mere existence of the provisions are preventing or discouraging the development of needed housing.

If HUD determines that there is no reasonable basis to believe that there may be a violation, it will close an investigation without referring the matter to the Department of Justice. Although the Department of Justice would still have independent "pattern or practice" authority to take enforcement action in the matter that was the subject of the closed HUD investigation, that would be an unlikely event. A HUD or Department of Justice decision not to proceed with a zoning or land use matter does not foreclose private plaintiffs from pursuing a claim.

Litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and the Department of Justice encourage parties to group home disputes to explore all reasonable alternatives to litigation, including alternative dispute resolution procedures, like mediation. HUD attempts to conciliate all Fair Housing Act complaints that it receives. In addition, it is the Department of Justice's policy to offer prospective defendants the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

1. The Fair Housing Act uses the term "handicap." This document uses the term "disability" which has exactly the same legal meaning.

2. There are groups of unrelated persons with disabilities who choose to live together who do not consider their living arrangements "group homes," and it is inappropriate to consider them "group homes" as that concept is discussed in this statement.



**Group Home Consulting Services - Requirements Contract Recommendation - RFQ 17-190 (Ordinance S-43685)**

Request to authorize the City Manager, or his designee, to enter into a contract with the Law Office of Daniel Lauber (Vendor 3526583) to provide Group Home Consulting Services for the Planning and Development Department for up to one year in an amount not to exceed \$48,400. Further request authorization for the City Controller to disburse all funds related to this item.

**Summary**

This contract will provide consulting services for analysis and professional review and editing of the Group Home Zoning Ordinance text amendment. The consultant will utilize knowledge of City planning and public administration, Federal Fair Housing Act and Americans with Disabilities Act regulations, as well as Arizona Revised Statute Group Home and Foster Care programs to provide recommendations and expert advice for drafting city codes and ordinances.

**Procurement Information**

RFQ 17-190 was conducted in accordance with Administrative Regulation 3.10. There was one offer received by the Procurement Division on May 19, 2017. More than 200 registered vendors were notified of this solicitation. The one offer received is listed below:

- 1) Law Office of Daniel Lauber - \$48,400.

The Deputy Finance Director recommends that the offer from Law Office of Daniel Lauber be accepted as a responsive and responsible offeror.

**Contract Term**

The one-year contract term shall begin about July 1, 2017.

**Financial Impact**

The aggregate contract value will not exceed \$48,400. Funds are available in the Planning and Development Department's operating budget.

**Responsible Department**

This item is submitted by Deputy City Manager Mario Paniagua and the Planning and Development Department.