

CITY STAFF NARRATIVE

Case History

- On February 3, 2017, the application for Assisted Living Home Zoning Clearance was submitted.
- Staff reviewed the application per the guidelines established in the Zoning Ordinance Section 3-2-1-B-10.
- The proposed group home was found to be within 1,320 feet of an existing group home located at 16195 W. Glenrosa Ave. violating Section 3-2-1-B-10. According to our records, the existing group home is within 1,145 feet of the site in question.
- A letter of denial was sent to the applicant on February 17, 2017, providing additional options in response of the letter, including:
 - The option to contest the letter by providing a professional survey that would show the separation was greater than 1,320 feet;
 - Contesting the letter by providing proof that the existing group home, generating the conflict, was no longer operating;
 - Apply for a Use Permit, which is allowed by Section 3-2-1-B-10
- The applicant was made aware that the separation requirement was determined as 1,320 feet property line to property line.
- On March 3, 2017, the City received an application for appeal of a Zoning Administrator decision, appealing the decision to measure the distance from property line to property line rather than door to door.

Relevant Code Sections

ARTICLE 2-2 DEFINITIONS:

Assisted Living Home. A residential care institution having common kitchen facilities that provides resident rooms and provides or contracts to provide 24-hour supervisory care services, personal care services or directed care services on a continuing basis to ten (10) or fewer persons. All **assisted living homes** are subject to the provisions of Section 3-2-1-B.10 of this Ordinance.

SECTION 3-2-1-B.10:

10. **Assisted Living Home.** An application for an **assisted living home** must be submitted, reviewed and approved by the Community Development Director or his designee prior to a Zoning Clearance being signed from the City. Any **assisted living home** as defined by Section 2-2 of this Ordinance is subject to the following criteria;

- (a) A minimum separation distance of 1,320 feet, one-quarter (1/4) mile for all **assisted living homes** with greater than six (6) residents, from another **assisted living home** with greater than six (6) residents, unless a Use Permit is approved by the City Council.

- (b) Vehicles belonging to employees and residents are required to park onsite, in the garage or on an approved driveway.
- (c) No signage for advertising or notification of use shall be permitted on or off the site.
- (d) Deliveries or routine stops (exclusive of visitors) specific to an assisted living home shall be restricted to day light hours only.
- (e) The **assisted living home** shall be subject to annual renewal and registration with the Community Development Department and annual inspection by the Fire Department.
- (f) The Community Development Director, or his designee, shall have the right to review, provide corrective action and if necessary, revoke any approval of an **assisted living home** if it is found to be endangering the public health, welfare, or safety of the surrounding community.
- (g) The **assisted living home** shall meet all requirements of the prevailing City of Goodyear Building and Fire Codes to be determined by the Chief Building Official and the Fire Chief, or their designees.
- (h) The **assisted living home** shall obtain and keep current all necessary licenses and certifications from the Arizona Department of Health Services.

Analysis:

- Group homes provide an opportunity for people who need assistance to live in a neighborhood setting. The Goodyear Zoning Ordinance allows group homes in accordance with the Fair Housing Act and state law.
- Group homes with 1-6 residents fall under the definition of a family and there are no zoning restrictions on these uses. Group homes with 7-10 residents may have a greater impact on a neighborhood because of the higher occupancy. It is in the best interest of the community and group home residents to limit the number of these uses to maintain a residential atmosphere within a neighborhood. Therefore, group homes with 7-10 residents must separate ¼ mile, or 1,320 feet, from other group homes with 7-10 residents.
- There is no standard or definition clearly stated in the Zoning Ordinance that states if the separation measurement for group homes is taken from property line to property line or door to door.
- It is standard practice of cities to measure separation distances from property line to property line.
- The use is being approved for the entire property. The residents may park cars in the driveway, enjoy the backyard, or otherwise use the entire property for their benefit. Therefore, it is reasonable to measure from property line to property line since the use is

not contained within the building, and the home could be expanded vertically or horizontally to the building setbacks.

- The City does not maintain an as-built survey of residential homes, making it impossible and inaccurate to measure from building to building.
- The City and the County Assessor does maintain a GIS database and mapping system that geographically shows and depicts lots and property lines.
- Measuring from building to building could restrict a property owner from being able to add-on to the home.

Zoning Administrator Opinion:

- It is also the opinion of the Zoning Administrator that the interpretation of measuring from property line to property line is consistent with A.R.S. Title 9, Chapter 4, Article 6.1 Section 9-462.04, paragraph 5, which uses language regarding owner of real property, not individual structures. This is important because an individual structure may be outside of the required notice area because of the placement on a lot, but the entire property is included in the notice area.
- It is the opinion of the Zoning Administrator that the use of a group home extends to the entire property and is not constrained to just the interior of the existing building, therefore, providing a rational basis to measure from property line to property line.
- It is the opinion of the Zoning Administrator that the interpretation of measuring from property line to property line is reasonable and is also consistent with the requirements and practices found in the Zoning Ordinance Section 1-3-8. This section of the Ordinance directs staff to give notice to owners of property, not individual structures and is based on A.R.S. Title 9 Chapter 4 Article 6.1 discussed above.