

ORDINANCE NO. O21-27

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE ZONING ORDINANCE OF THE CITY OF GLENDALE, ARIZONA, BY APPROVING ZONING TEXT AMENDMENT ZTA21-01 FOR GROUP HOMES WHICH AMENDS ARTICLE 7, SECTION 7.502 (GENERAL DEVELOPMENT STANDARDS - GROUP HOMES) OF THE ZONING ORDINANCE; PROVIDING FOR SEVERABILITY, SETTING FORTH AN EFFECTIVE DATE; AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

WHEREAS, the City of Glendale Planning Commission held a public hearing on March 18, 2021 in zoning text amendment case ZTA21-01 in the manner prescribed by law for the purpose of amending various sections of the Zoning Ordinance for Group Homes; and

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner provided by law including publication of such notice in *The Glendale Star* on February 25, 2021; and

WHEREAS, the City of Glendale Planning Commission has recommended to the mayor and the council approval of the zoning text amendment, and the mayor and the council desire to accept such recommendation and amend various sections of the zoning ordinance.

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

SECTION 1. That the Zoning Ordinance of the City of Glendale, Arizona, Article 7, Section 7.502 is amended to read as follows:

7.502 - Group Homes.

**A RESIDENTIAL HOME OR BUILDING(S) FOR SIX OR MORE UNRELATED INDIVIDUALS PROVIDING LIVING FACILITIES AND SLEEPING ROOMS AND WHICH ALSO PROVIDES LIMITED SERVICES, SUCH AS, BUT NOT LIMITED TO MEALS, SERVICES TO PROMOTE EMOTIONAL SUPPORT, LIFE SKILLS DEVELOPMENT AND /OR EMPLOYMENT TRAINING.** ~~Adult Care Homes, Juvenile Group Homes, Group Homes for the Disabled, and Supervisory Care Facilities (for purposes of this Section 7.502, such uses are collectively referred to as ("Group Homes")) shall be permitted, provided that:~~

- A. No Group Home is located on a lot within one thousand three hundred twenty (1,320) feet, measured by a straight line in any direction, from the lot line of another Group Home, unless a disability accommodation is authorized under this section:

## 1. Disability Accommodation

- a. A disability accommodation from a development standard or separation requirement shall not be authorized unless the Board of Adjustment shall find upon sufficient evidence all of the following:
    - i. The requested accommodation is requested by or on the behalf of one (1) or more individuals with a disability protected under federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.);
    - ii. The requested accommodation is necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling;
    - iii. The standard or requirement unduly restricts the opportunity for a person with a disability from finding adequate housing within the City of Glendale;
    - iv. The requested accommodation does not fundamentally alter the nature and purpose of the Zoning Ordinance of the City of Glendale;
    - v. The requested accommodation will not impose an undue financial or administrative burden on the City, as "undue financial or administrative burden" is defined in federal ~~and~~ **OR** Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.) and interpretive case law;
  - b. The profitability or financial hardship of the owner/service provider of a facility shall not be considered in determining whether to grant a disability accommodation.
  - c. The requested accommodation must comply with all applicable building and fire codes.
  - d. The requested accommodation must not, under the specific facts of the application, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
  - e. ~~The requested accommodation shall require submittal of an application, including the required fee, as published in the fee schedule, and comply with all public notification requirements.~~ **THE REQUESTED ACCOMMODATION SHALL BE MADE IN ANY FORM. HOWEVER, UPON RECEIPT, THE CITY MAY REQUIRE THE REQUESTOR TO COMPLY WITH THE PROCEDURES ORDINARILY FOLLOWED, INCLUDING THE SUBMITTAL OF AN APPLICATION AND PAYMENT OF THE REQUIRED FEE AS PUBLISHED IN THE FEE SCHEDULE, AND THE CITY MAY REQUIRE THE REQUESTOR TO COMPLY WITH ALL PUBLIC NOTIFICATION REQUIREMENTS.**
- B. Where legally required, the Group Home is licensed by, certified by, approved by, registered with, or under contract with a Federal, State, or local government and evidence

of such is provided to the Planning Department within sixty (60) days of approval of the Planning Department;

- C. No exterior change which would alter its residential character shall be made to the exterior of the building(s) and the grounds;
- D. The location of the Group Home has been approved by the Planning Department; and
- E. An administrative record of each Group Home shall be maintained with the Planning Department.

SECTION 2. Any references to Adult Care Homes, Juvenile Group Homes, Group Homes for the Disabled, and Supervisory Care Facilities shall be amended to reflect the new ordinance.

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 thereof.

SECTION 4. That the provisions of this ordinance shall become effective thirty (30) days after passage of this ordinance by the Glendale City Council.

SECTION 5. The City Clerk is instructed and authorized to forward a certified copy of this ordinance for recording to the Maricopa County Recorder's Office.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 13<sup>th</sup> day of April, 2021.

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Mayor Jerry P. Weiers

ATTEST:

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Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

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Michael D. Bailey, City Attorney

REVIEWED BY:

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Kevin R. Phelps, City Manager