



# Glendale

## **DRAFT UDC REVIEW**

**CITY COUNCIL WORKSHOP**

**SEPTEMBER 12, 2023**



**GROUP HOMES**

# Consideration for a Consensus

- 1. Consensus for staff to proceed with the adoption process for the draft UDC with the group home language as proposed; or**
- 2. Consensus for staff to proceed with the adoption process for the draft UDC with the group home language as proposed, and if requested by council, direction to discuss group home notification requirement as a text amendment at a future workshop; or**
- 3. Consensus for staff to incorporate a notification distance radius of XXX feet from a group home to surrounding property owners as part of the forthcoming draft UDC adoption process.**

# ■ Community Care Residential – Types/Definitions

Single Family Residence  
- by right -  
(≤ 5\*)

Family: (1) An individual or any number of persons related by blood, marriage, domestic partnership, adoption or guardianship, and usual domestic help, living together as a single housekeeping unit in a dwelling unit, or (2) A group of not more than five (5) persons, who need not be related, living together as a single housekeeping unit in a dwelling unit.

- OR -

\* **Special consideration will be placed in Group Home section and removed from standard definition.** Homes of six (6) or fewer persons who require special care for physical, mental, or developmental disabilities. The limitation of six (6) or fewer persons does not include the operator or members of the operator's family or staff. (ARS 36-582)

Residential Care Home  
(6-10)  
Disability Protected

A residential home suitable for accommodating six (6) to ten (10) adults or minor children with disabilities or who are minors without disabilities. This definition shall include those residences that are licensed by the State of Arizona, including but not limited to assisted living homes, child care homes, and sober living homes or awarded an Oxford House Charter, but shall not include any group living arrangement for unrelated individuals who are not disabled, including but not limited to halfway/correctional/sex offender transitional facilities or shelter care facilities for people at risk. (ARS 36-582 and 36-401)

Residential Care Center  
(≥ 11)  
Disability Protected

Group Care Facility  
(≥ 2)  
Not Protected

A residential home for two or more unrelated individuals under supervised care and/or treatment (including but not limited to those that have been adjudicated (i.e. placed by court-order)), beyond that which would be provided in the confines of a traditional residential setting, who do not qualify as a Residential Care Home or Residential Care Center, in which living facilities and sleeping rooms are provided; and which may provide select services, such as, but not limited to, meals, services to promote emotional support, life skills development and/or employment training. This shall include halfway/correctional/sex offender transitional facilities or shelter care facilities for people at risk.

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Residential  
Care  
Center  
(≥ 11)  
Disability  
Protected

Group Care  
Facility  
(≥ 2)  
Not Protected

A residential home for two or more unrelated individuals under supervised care and/or treatment (including but not limited to those that have been adjudicated (i.e. placed by court-order)), beyond that which would be provided in the confines of a traditional residential setting, who do not qualify as a Residential Care Home or Residential Care Center, in which living facilities and sleeping rooms are provided; and which may provide select services, such as, but not limited to, meals, services to promote emotional support, life skills development and/or employment training. This shall include halfway/correctional/sex offender transitional facilities or shelter care facilities for people at risk.

# Community Care Residential – Requirements & Regulations

Residential Care Home (6-10) Disability Protected

Shall be permitted subject to standard conditions in the SR, R1, R-2, R-O and MH zoning districts subject to issuance of a Bus. Lic. by the zoning administrator showing compliance with the requirements of this subsection.

Residential Care Center (≥ 11) Disability Protected

shall be permitted subject to standard conditions in the R-3, R-4, R-5, C-1 and C-2 zoning districts subject to issuance of a Bus. Lic. by the zoning administrator showing compliance with the requirements of this subsection.

Group Care Facility (≥ 2) Not Protected

may be permitted in the R-3, R-4, R-5 and C-3 zoning districts subject to obtaining a Conditional Use Permit and showing compliance with the requirements of this subsection

## Standard Conditions

- All establishments must obtain a business licenses as well as a certificate of occupancy as required by City building codes.
- If State licensing is required, proof of such licensure shall be provided to the Planning Division within the Development Services Department.
- No such home or center shall be located on a lot with a property line within 1,200 feet of another such residential care home, residential care center or group care facility. (ARS 36-582)
- The establishment must meet the minimum off-street parking requirements as set forth in Section (X).
- An individual required to register as a sex offender and classified as a Level II or Level III community risk (intermediate to high risk) is not permitted to live in a residential care home or residential care center.
- An administrative record of each Residential Care Home, Residential Care Center or Group Care Facility shall be maintained with the Planning Division within the Development Services Department.
- The City reserves the right to revoke authorization to operate.
- **Public notification – Policy Direction**
- **ARS 36-2066 Posting: confidential information**  
The department shall post on its public website the name and telephone number of each certified and licensed sober living home and shall update the list quarterly. The department may not disclose the address of a certified or licensed sober living home except to a local jurisdiction for zoning purposes, local law enforcement and emergency personnel. A sober living home's address is not a public record.

# Consideration for a Consensus

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# RECREATIONAL MARIJUANA



# Consideration for a Consensus

- 1. Consensus for staff to proceed with the adoption process for the draft UDC with the Recreational Marijuana language as proposed, with NO distance separation requirement from commercial child care centers; or**
- 2. Consensus for staff to incorporate a distance separation requirement of XXX from a marijuana establishment/dispensary to a commercial child care center and visa versa as part of the forthcoming draft UDC adoption process; or**
- 3. Consensus for staff to proceed with the adoption process for the draft UDC with the recreational marijuana language as proposed, and directing staff to present at a future City Council Workshop for direction and possible future text amendment on a distance requirement from a commercial child care center.**

# Reminder - Recreational (Adult Use) Marijuana Establishments

## Existing Medical Marijuana Regulations & Conditions

- Medical Marijuana Dispensary Offsite Cultivation Location: permitted in M-1 and M-2
- Medical Marijuana Dispensary: permitted in G-O, C-2, and C-3
- Medical Marijuana Infusion (or Manufacturing Facility): permitted in M-1 and M-2
- Applies specific separation requirements from land use types (1,320') and other marijuana facilities (5,280')
- Currently, 7 uses in Glendale (6 dispensaries, 1 cultivation facility)

## UDC Marijuana Licensing Regulations & Conditions

### Reminder of regulation for single and dual licensee's

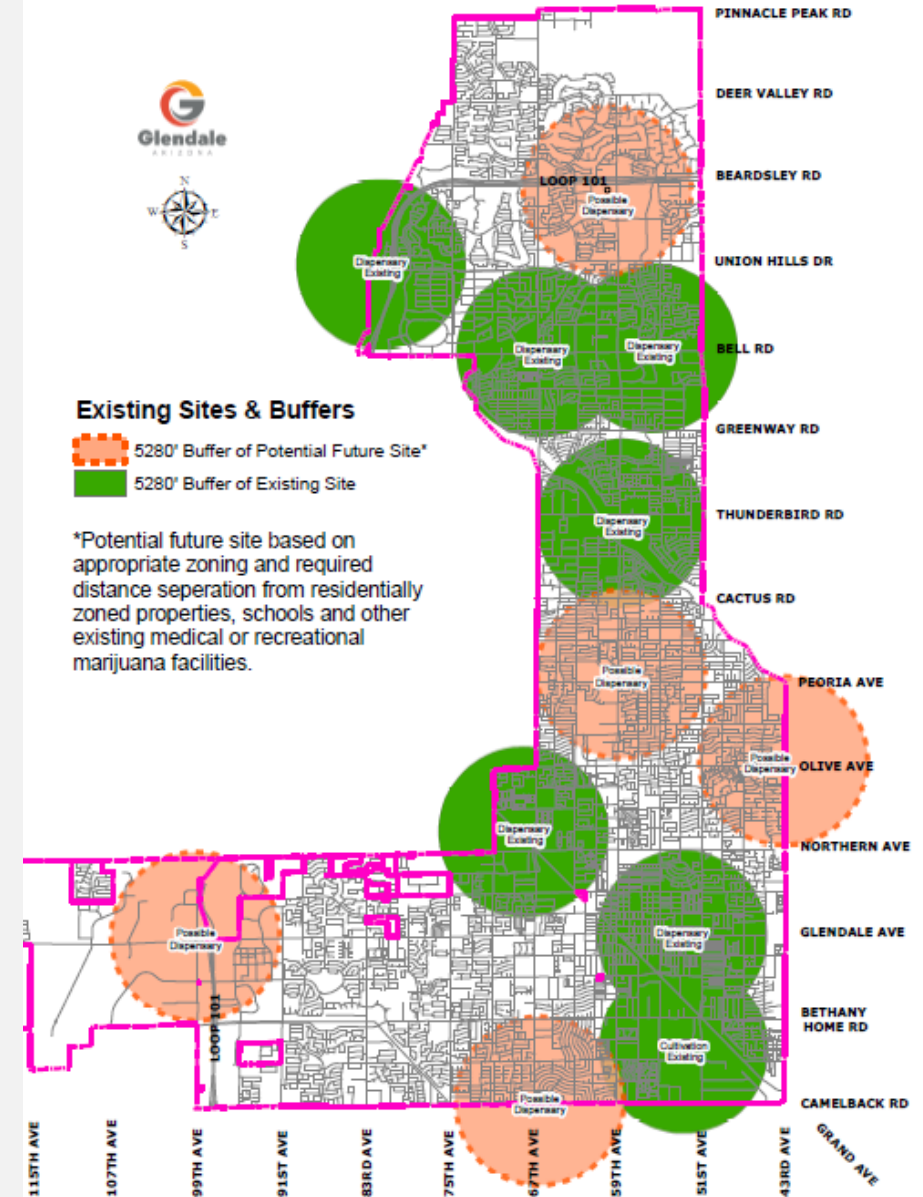
- UDC revisions propose to allow Dual licensee (i.e. medical marijuana dispensary and marijuana establishment)

OR

Stand-alone medical marijuana dispensaries and marijuana establishments

- Based on appropriate zoning and required distance separation from residentially zoned properties, schools, and other existing medical or recreational marijuana facilities, Glendale could potentially permit up to 5 additional establishments (subject to the release of additional state licenses and licensee's locating in Glendale).

Existing Sites as of March 2023 & Potential Future Sites



# Recreational (Adult Use) Marijuana Establishments

## Consideration - Marijuana Licensing Regulations & Conditions

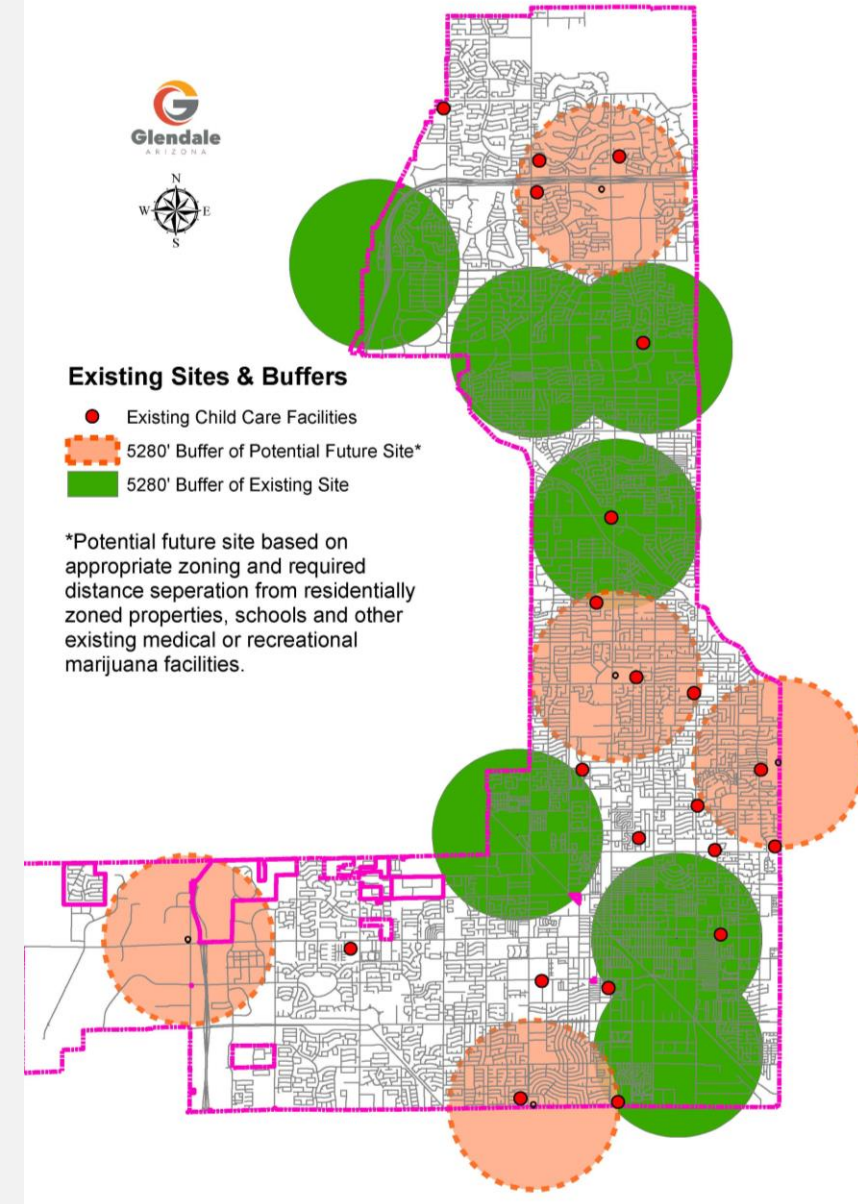
Seeking consensus on child care centers\* being included as part of, or along with, schools within the distance separation requirements.

- Based on appropriate zoning and required distance separation from residentially zoned properties, schools, child care center, and other existing medical or recreational marijuana facilities, Glendale could potentially permit up to 1 additional establishment (subject to the release of additional state licenses and licensee's locating in Glendale).
- Definition - Child Care Center: Any facility licensed by the Arizona State Department of Health Services in which care and supervision for five or more persons is regularly provided for compensation for periods of less than 24 hours per day. This classification includes nursery schools, preschools, day care for children or adults, and any other non-residential day care facility licensed by the State of Arizona.

### Potential considerations

- Exclude child care centers from distance requirement.
- Include child care centers and maintain current 1,320' distance requirement.
- Include child care centers and require a reduced distance requirement specific to such facilities.
- Include child care centers and require specific distance requirements for select marijuana facility types (i.e. dispensary, cultivation, etc.)
- Future text amendment

Existing Sites as of August 2023 & Potential Future Sites

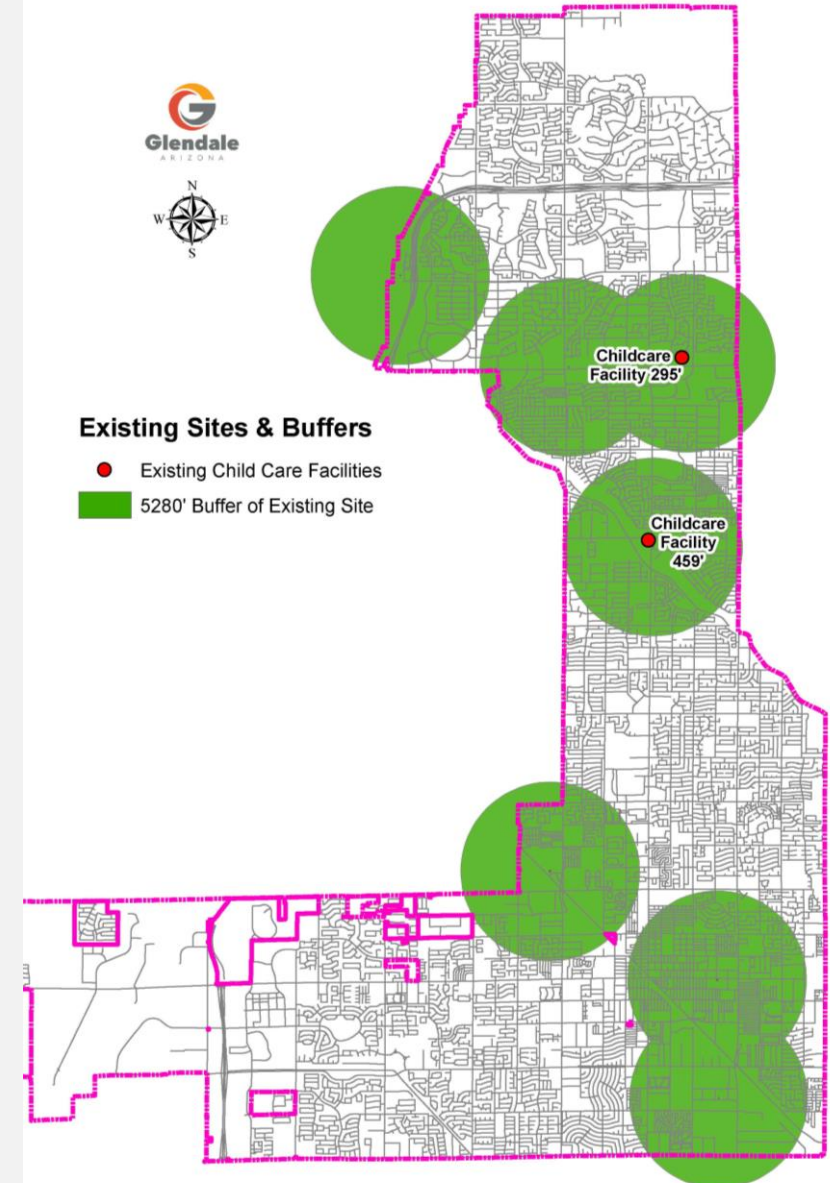


# Recreational (Adult Use) Marijuana Establishments

## Research on other cities separation distance requirement from child care centers

- City of Phoenix-marijuana dispensaries must maintain a minimum distance of 1,320 feet of a preschool, kindergarten, elementary, secondary or high school, public park, public community center, dependent care facility, homeless shelter, or youth community center.
- City of Peoria-marijuana dispensaries cannot be less than 1,000 feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.
- City of Surprise-marijuana facilities cannot be less than 1,500 feet from any public or private day care, preschool, or kindergarten facility
- City of Avondale-marijuana facilities cannot be less than 2,000 feet from a childcare center or registered residential childcare facility.

## Existing Sites as of August 2023 & Distance to Childcare Facilities



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**NEXT STEPS**

# Next Steps

## Adoption Process

- **October:** Public Hearing with Commission, Recommendation
- **November:** Public Hearing with Council, Adoption



**THANK YOU**

## ■ Glendale Zoning Code – 7.502 Group Homes

*A residential home or building(s) for six (6) 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. ("Group Homes") shall be permitted, provided that:*

- A. *No Group Home is located on a lot within 1,320 feet, from the lot line of another Group Home, unless a disability accommodation is authorized under this section;*
- B. *Where legally required, the Group Home is licensed...within sixty (60) days of approval*
- C. *No exterior change which would alter its residential character shall be made*
- D. *The location of the Group Home has been approved by the Planning Department;*
- E. *An administrative record of each Group Home shall be maintained*

## ■ Community Care Residential – Federal & State Law

### ***Federal Fair Housing Act***

*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 (this includes persons who suffer from substance abuse).*

*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.*

**ARS 36-582. Residential facilities; zoning; notice; appeal**

A. Unrelated persons living together notwithstanding, a residential facility which serves six or fewer persons shall be considered a residential use of property for the purposes of all local zoning ordinances if such facility provides care on a twenty-four hour per day basis. The residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of property. The limitation of six or fewer persons does not include the operator of a residential facility, members of the operator's family or persons employed as staff, except that the total number of all persons living at the residential facility shall not exceed eight.

D. The provisions of this section shall not be construed to forbid the application to a residential facility of any local ordinance which deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity provided that such ordinance does not distinguish residential facilities which serve six or fewer persons from other single family dwellings and provided further that such ordinance does not distinguish residents of such residential facilities from persons who reside in other single family dwellings.

H. No residential facility shall be established within a twelve-hundred-foot radius of an existing residential facility in a residential area.

**ARS 36-581. Definitions**

In this article, unless the context otherwise requires:

1. "Developmental disability" means autism, cerebral palsy, epilepsy or cognitive disability.
2. "Residential facility" means a home in which persons with developmental disabilities live and that is licensed, operated, supported or supervised by the department