

ORDINANCE NO. 2024-1604

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING GOODYEAR ZONING ORDINANCE ARTICLE 2-2 (DEFINITIONS) TO REMOVE THE TERM "ASSISTED LIVING HOMES", ADD THE TERM "GROUP HOMES" AND ITS ASSOCIATED DEFINITION, ADD THE TERM "SINGLE HOUSEKEEPING UNIT" AND ITS ASSOCIATED DEFINITION AND AMEND THE DEFINITION OF "FAMILY", AMENDING GOODYEAR ZONING ORDINANCE ARTICLE 3 (ZONING DISTRICTS) AMENDING SECTION 3-2-2 (PERMITTED USES) TO AMEND THE USE TABLE BY REPLACING THE TERM "ASSISTED LIVING HOME" WITH "GROUP HOME", TO REFLECT THE NEW DEFINED TERMS AND ADD THE REQUIREMENT THAT ALL GROUP HOMES SHALL HAVE A MINIMUM SEPARATION OF ONE-QUARTER (1/4) MILE; AND AMENDING SECTION 3-2-4 (SINGLE FAMILY – ADDITIONAL USE DEFINITIONS AND REGULATIONS) BY REVISING SUBSECTION B, "ASSISTED LIVING HOMES" TO REMOVE THE TERM "ASSISTED LIVING HOMES" AND REPLACE WITH "GROUP HOMES", ADDING THE REQUIREMENT THAT ALL GROUP HOMES SHALL REQUIRE A MINIMUM SEPARATION OF ONE-QUARTER (1/4) MILE BETWEEN EACH OTHER AND ADDING THAT ZONING CLEARANCE APPROVALS FOR GROUP HOMES ARE VALID FOR 180 DAYS AND MAY BE EXTENDED FOR AN ADDITIONAL 180 DAYS AT THE DISCRETION OF THE DEVELOPMENT SERVICES DIRECTOR, AND DIRECTING THE CITY CLERK TO RECORD A COPY OF THIS ORDINANCE.

WHEREAS, public notice that this text amendment request would be considered and reviewed at a public hearing to be held before the Planning and Zoning Commission on April 17, 2024 appeared in the Arizona Republic Southwest Valley Edition March 29, 2024.

WHEREAS, a public hearing was held before the Planning and Zoning Commission on April 17, 2024, and at that meeting the Commission voted (XX-XX) to recommend approval of the proposed ordinance; and

WHEREAS, The Mayor and Council of the city of Goodyear, Arizona, have been presented with, and have considered a Housing Impact Statement, which is on file in the Development Services department file pertaining to case No. P24-00096; and,

WHEREAS, a public notice that this text amendment request would be considered and reviewed at a public hearing to be held before the City Council on April 29, 2024 appeared in the Arizona Republic Southwest Valley Edition March 29, 2024; and

WHEREAS the Mayor and Council of the city of Goodyear, Arizona, find that the interests of the City of Goodyear and its citizens are best served by clarifying amending and clarifying the definitions of assisted living home into group homes and creating a new definition of single housekeeping unit, as well as establishing separation buffers for all group homes, subject to consistent review requirements and standards as outlined in the Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. City of Goodyear Zoning Ordinance Article 2 (Definitions) Article 2-2 (Definitions) is amended by amending the definition of "Family" and by deleting the definition of "Assisted Living Home" and creating a new definition of "Group

Home” as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

Family.

- a. Individual; or
- b. Two or more persons, including children, related by blood, marriage, , or adoption and usual servants, living together as a single housekeeping unit in a dwelling unit; a Family includes two persons in a domestic relationship and the biological, adopted and foster children of either person; or
- c. No more than six persons not related, living together as a single housekeeping unit within a **dwelling unit**; or
- d. Persons with development disabilities, as defined by Arizona Revised Statutes, and operators of a **residential facility** as defined in this section.

~~**Assisted Living Home.** Assisted Living Home. A single family detached dwelling having common kitchen facilities that provides resident rooms and is shared as a primary residence by one (1) to ten (10) persons with a disability or by one (1) to ten (10) elderly persons living together as a single housekeeping unit, which is licensed by the State of Arizona and which the operator provides or contracts to provide 24-hour supervisory care services, personal care services or directed care services on a continuous basis.~~

Group Homes. A facility licensed or authorized by a governmental authority having jurisdiction over operations for persons with disabilities who reside together and who receive care, supervision, or counseling from one (1) or more staff persons. This use includes residential scaled elderly care homes; behavioral health homes, sober living homes, group care agencies, hospice and similar residential living arrangements, not to exceed 10 residents. This definition shall not include foster care, transitional housing, recidivism reduction, prison release or halfway homes.

Single Housekeeping Unit. A group of one (1) or more persons residing together in a dwelling who share use of and responsibility for common areas, household activities, and responsibilities such as meals, chores, household maintenance, and expenses. Single housekeeping unit status shall not apply to the occupants of a sorority or fraternity, motel, hotel, boarding or lodging home, recidivism or prison transitional home, or any facility that is required to be licensed by a public agency.

SECTION 2. City of Goodyear Zoning Ordinance Article 3-2-2 (Permitted Uses, Table) is amended by revising the section for Group Living, as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined):

Table 3-2-2: Residential Districts Use Classifications											
P- Principal Permitted Use; U - Use Permit Use; C - Uses that are permitted if certain conditions are met; AC - Accessory Use that are permitted if certain conditions are met	Single Family					Multi-Family					Additional Use Definitions and Regulations*
	AG	AU	R1-10, R1-7, R1-6	R1-4, R1-C	R1-A	R-2	MF-12	MF-18/24	MHS	MH/RVP	
Group Living											
Assisted Living Facility						U		U			
Assisted Living Group Home											
1-6 residents	P	P	P	P	P	P		P	P	P	
7 1-10 residents, <u>Shall be no closer than 1,320 feet (1/4 Mile) from another Group Home. more than 1/4 mile from another Assisted Living Home with 17-10 residents</u>	C	C	C	C	C	C		U			3-2-4-B
7 1-10 residents, less than <u>1,320 feet</u> (1/4 mile) from another	U	U	U	U	U	U		U			3-2-4-B

Assisted Living Group Home with 7 <u>1</u> -10 residents											
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SECTION 3. The title of City of Goodyear Zoning Ordinance Article 3-2-4 (Single Family – Additional Use Definitions and Regulations) is amended as follows (with deletions shown by ~~strikeout text~~ and additions shown by double underlined text):

b. GROUP HOMES ~~ASSISTED LIVING HOMES~~. An application for an ~~assisted living group~~ home must be submitted, reviewed and approved by the Development Services Director (formerly known as the Community Development Director) or his designee prior to a Zoning Clearance being signed from the City;

a. A minimum separation distance of 1,320 feet, one-quarter (1/4) mile for all ~~assisted living group~~ homes ~~with greater than six (6) residents~~, from another ~~assisted living group~~ home ~~with greater than six (6) residents~~, unless a Use Permit is approved by the City Council. Distance between group homes shall be measured as indicated in Arizona Revised Statutes 9-462.09.

b. Vehicles belonging to employees and residents are required to park onsite, in the garage or on an approved driveway.

c. Deliveries or routine stops (exclusive of visitors) specific to a group home shall be restricted to day light hours only.

d. The ~~group~~ ~~assisted living~~ home shall obtain and maintain an annual business license ~~registration~~ permit as required by City Code.

e. The Development Services Director, or his designee, shall have the right to review, provide corrective action and if necessary, revoke any approval of an ~~assisted living group~~ home if it is found to be endangering the public health, welfare, or safety of the residents of the home or surrounding community.

f. The ~~assisted living group~~ 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.

g. Prior to operating, the ~~assisted living group~~ home shall obtain and keep current all necessary licenses and certifications from the Arizona Department of Health Services and/or any other state agency responsible for licensing assisted living homes.

h. Zoning Clearances issued to group homes shall be valid for a period of 180 days from the date of issuance. Zoning Clearance, in the absence of obtaining all other required licenses, does not authorize the operation of a group home in the city of Goodyear. Only One extension not to exceed an additional 180 days may be granted at the discretion of the Development Services Director. Extension must be submitted prior to the expiration of the original zoning clearance. A new zoning clearance shall be required for a change in ownership, operator, or type of group home, prior to operating.

SECTION 4. CORRECTIONS. The City Clerk, and the codifiers of this Ordinance are authorized to make necessary clerical corrections to this Ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 5. SEVERABILITY. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of the ordinance or parts thereof.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective on July 1st, 2024 at 12:01 am, in the manner prescribed by law.

SECTION 7. RECORDATION. This Ordinance shall be recorded with the Maricopa County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney