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2010

MEMORANDUM Transportation & Development – CC Memo No. 13-142

DATE: NOVEMBER 7, 2013

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
MARSHA REED, ASSISTANT CITY MANAGER *MR*
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*
JEFF KURTZ, PLANNING ADMINISTRATOR *JK*
KEVIN MAYO, PLANNING MANAGER *KM*

FROM: DAVID DE LA TORRE, AICP, PRINCIPAL PLANNER *DDLT*

SUBJECT: ZCA13-0002 GROUP HOMES ZONING CODE AMENDMENT
Introduction and Tentative Adoption of Ordinance 4513

Request: Amend the City of Chandler Zoning Code relating to adult care homes, group homes and related residential use categories

Applicant: City initiative

RECOMMENDATION

Planning Staff recommends approval of the proposed Zoning Code amendments that seek to allow group homes in single family neighborhoods while continuing the goals and objectives of the General Plan to preserve the residential character of existing neighborhoods.

BACKGROUND

Within the last year, the City has become increasingly aware of group home clustering (using the term generally to include all types of group homes) in Chandler’s neighborhoods. Initially, the issue was brought to the City’s attention during the review of a Use Permit application for a group home. At that time, the City became aware that the subject group home is 1 of 3 group homes on the same street, which are located less than 200 feet apart. The clustering issue was exacerbated when a home that abuts one of the 3 existing group homes was sold to another group home provider with the intention of opening a fourth group home on the same block. The City has received numerous complaints from residents in the neighborhood regarding the clustering issue.

Currently, Chandler's Zoning Code requires a Use Permit and adherence to standards such as a minimum separation of 1,200 feet only when the group home has more than 5 residents. Group homes with 5 or less residents are not currently regulated by the Zoning Code, and therefore, are not currently required to be separated a minimum of 1,200 feet. This absence of a separation requirement, together with low home prices experienced in recent years, may have accelerated the clustering issue.

The issue was brought before a Council Subcommittee on September 26, 2013. Council subsequently directed staff to amend the Zoning Code at their October 24, 2013, regular meeting with the intent of requiring a 1,200-foot minimum separation between all group homes, lowering the maximum number of residents permitted, and revising the definitions to facilitate these goals.

EXISTING GROUP HOMES

To analyze the issue, Planning Staff mapped out group homes that are licensed by the Arizona Department of Health Services (ADHS). The map (attached) revealed that the clustering issue is not limited to one neighborhood, but is prevalent citywide. According to ADHS, there are currently 152 licensed group homes in Chandler. This is not an enormous number considering that it constitutes 0.2% of the total number of single family detached dwelling units citywide (69,773 as of September 1, 2013). However, Planning Staff's analysis found that 99 (65%) are located within 1,200 feet of another group home. These group homes include assisted living and behavioral health homes. Assisted living homes are homes that provide continuous care services to its residents, and mostly serve elderly residents. Behavioral health homes are for residents that have been diagnosed by a qualified professional as having a mental issue or an addiction. Examples of mental health issues include depression, bipolar, and schizophrenia. Addictions may be related to substance abuse, but can also include other types of addictions such as gambling. The goal of behavioral health group homes is to provide treatment and assistance to help residents build the skills they need to live independently.

In addition to the 152 group homes, there are 24 licensed group homes for the developmentally disabled (residents with autism, cerebral palsy, epilepsy or cognitive disabilities) in Chandler. Arizona Revised Statutes (ARS) specifically prohibit cities from differentiating group homes that serve 6 or fewer developmentally disabled residents from any other single family dwelling. For this reason, group homes for the developmentally disabled are currently excluded in the Zoning Code, in the proposed amendments, and from the total number of group homes in this analysis.

There are also other types of group homes that are not licensed by the state or any other governmental authority. These include sober living homes and halfway houses. Sober living homes provide a structured sober living environment for recovering alcoholics and other recovering substance abusers. Their primary purpose is to provide housing for people who have come out of rehab and need a sober and supportive environment in which to live. Halfway houses may also act as transitional homes for people who have come out of rehab, but may also provide housing for people who have been released from incarceration or a mental health facility. Planning Staff is aware of one sober living home in Chandler, which the City issued a Notice of Violation for unlawfully operating a group home with more than five residents. After receiving notice, the sober living home provider submitted a Use Permit application which is

currently in review. Planning Staff researched halfway houses and did not find any current locations in Chandler.

Other types of group homes include shelters for people at risk, dormitories, fraternities, and sororities. Planning Staff is aware of one shelter for people at risk for which location is protected by law. Planning Staff is not aware of any dormitories or other types of group homes located in single family homes.

CURRENT ZONING REGULATIONS

Chandler’s Zoning Code categorizes group homes as either “adult care home” or “group home”. The term adult care home was originally incorporated into the Zoning Code to be consistent with terminology that was utilized in the ARS. However, the ARS replaced this term with a new term, “assisted living home”. The term group home in the Zoning Code is a broader term that includes all other types of group homes mentioned previously in this memo. In effect, both adult care homes and group homes are defined as having 6 to 10 unrelated residents. Both require Use Permit approval and compliance with standards, which, in practice, are essentially the same as the standards in the proposed amendments.

As previously stated, group homes with 5 or less unrelated residents meet the definition of “family”, and do not meet the threshold of number of residents in an adult care home or a group home. Therefore, group homes with 5 or less residents do not require a Use Permit, are not required to comply with standards (including the minimum separation), and are allowed in a single family home as a matter of right. The table below summarizes the City’s current zoning regulations.

Current Zoning Regulations			
	Family	Adult Care Home	Group Home
Definition	Related – no limit Unrelated ≤ 5	6 to 10 unrelated	≥ 6 unrelated
Approval Process	Allowed by right	Use Permit	Use Permit
Minimum Separation	No separation required	1,200 feet	1,200 feet
Time Period	No limit	1 year with potential renewal	1 year with potential renewal

PROPOSED AMENDMENTS

The focus of the proposed amendments is to require a minimum 1,200-foot separation between all group homes, regardless of the number of residents. To this end, the proposal revises the definition of family and introduces a new term for Chandler, “Single Housekeeping Unit”, which is used by other municipalities to specify the characteristics of groups of unrelated persons living together that meet the functional equivalency of a traditional family household. In other words, the definition of single housekeeping unit will be used to determine whether a group of unrelated residents is a family or a type of group home. The distinction is made in several areas such as household responsibilities (e.g. meals, chores, maintenance, expenses, etc.), the lease structure if residents are paying rent, and where the authority lies to determine the makeup of the household. The definition maintains the ability to have an unlimited number of related residents and a limit of no more than 5 unrelated residents.

Group homes are redefined as being either a “Residential Care Home” or a “Group Home.” Residential care homes are group homes for residents who have a disability. A “Group Home” is redefined as a group home for residents who do not have a disability. The distinction between group homes for the disabled versus non-disabled is made to comply with the federal Fair Housing Act (FHA) which prohibits discrimination against group homes serving the disabled and requires local jurisdictions to make reasonable accommodations for such group homes, when requested. The following table identifies examples of residential care homes and group homes:

Residential Care Homes	Group Homes
Assisted living home, or convalescent home	Halfway house (may be considered residential care home if it has residents with disability)
Behavioral health home	Fraternity / Sorority
Sober living home	Dormitory
	Shelter home for people at risk
	Boarding house

To be consistent with the definition of a single housekeeping unit, residential care homes and group homes are also defined as having no more than 5 unrelated residents. The ability to have more than 5 residents through Use Permit approval is removed. As proposed, only residential care homes will have the option to request more than 5 residents through a request for a “reasonable accommodation waiver”. Residential care homes and group homes will be required to register with the City to ensure compliance with standards including a minimum separation of 1,200 feet. The table below summarizes the proposed amendments.

Proposed Zoning Code Regulations				
	Family	Single Housekeeping Unit	Residential Care Home	Group Home
Definition	1 or more persons living as a single housekeeping unit	Related – no limit, Unrelated ≤5, All adult residents under a single lease if rented, shared household responsibilities, make up is determined by residents	Up to 5 unrelated residents with a disability, not living as a single housekeeping unit	Up to 5 unrelated residents who don't have a disability, not living as a single housekeeping unit
Approval Process	Allowed by right	Allowed by right	Administrative review/clearance	Administrative review/clearance
Minimum Separation	No separation required	No separation required	1,200 feet	1,200 feet
Time Period	No limit	No limit	No limit	No limit
May request a reasonable accommodation waiver	N/A	N/A	Yes	No

REASONABLE ACCOMMODATIONS

In very exceptional circumstances and to comply with FHA, residential care homes may request that strict compliance with one or more standards in Section 35-2211(3) be waived by the Zoning Administrator (ZA). The following findings must be made by the ZA to grant a reasonable accommodation waiver:

- The request will be in compliance with all applicable building and fire codes.
- The request will not create a substantial detriment injurious to neighboring properties by creating traffic impacts, parking impacts, impacts on water or sewer system, or other similar adverse impacts.

The proposed language also states, “Profitability or financial hardship of the owner/service provider shall not be considered by the ZA in determining to grant a reasonable accommodation waiver”.

A request may have unique circumstances that may not apply to other properties. Given the potential for a wide variety of factors and circumstances, each request will be reviewed on a case-by-case basis.

As part of the review process, the Zoning Administrator may meet with and interview the applicant and request more information such as a site plan, floor plan, information regarding number of residents able to drive, other transportation methods utilized, and description of daily activities. The review will also involve consultation with the Neighborhood Resources Division, Fire Marshall, and the City’s Building Official.

LEGAL NONCONFORMING USES

All group homes that are legally operating under current Zoning Code regulations will be able to continue to operate as a legal nonconforming use, should the proposed amendments be adopted. According to the Zoning Code, a legal nonconforming use loses its “grandfathered” status after the use is discontinued for a period of 12 consecutive months or if a less restrictive use (meaning additional entitlement) is requested.

An application will be made available to existing group homes as a means of registering their status with the City. Planning Staff will contact group homes that are currently licensed with ADHS to ensure that they are all accounted for. The goal will be to create the most complete list of group homes possible in order to establish eligible locations for new group home applications.

DISCUSSION

Group homes, regardless of the specific type, are primarily residential in nature and provide a necessary service that can be effectively integrated into neighborhoods without any adverse impacts on the surrounding community. According to the American Planning Association’s (APA) Policy Guide on Community Residences, more than 50 studies, using a variety of methodologies, have found that group homes do not adversely affect property values in a neighborhood. These studies have found that group home properties are often the best

maintained properties on the block, and that most neighbors aren't aware that there is a group home nearby. Studies have also shown that group homes have no effect on neighborhood safety and that group home residents are less likely to commit a crime of any sort than the average resident in a city.

Even so, research has also shown that neighborhoods have a limited absorption capacity for group homes that should not be exceeded. According to APA, a neighborhood can accommodate no more than one or two group homes on a single block. The APA's Policy Guide states:

“For a group home to enable its residents to achieve normalization and integration into the community, it should be located in a normal residential neighborhood. If several group homes were to be located next to one another, or be placed on the same block, the ability of the group homes to advance their residents' normalization would be compromised. Such clustering would create a de facto social service district in which many facets of an institutional atmosphere would be recreated and would change the character of the neighborhood.

...there is a legitimate government interest to assure that group homes do not cluster. While the research on the impact of group homes makes it abundantly clear that group homes a block or more apart produce no negative impacts, there is a concern that group homes located more closely together can generate adverse impacts on both the surrounding neighborhood and on the ability of the group homes to facilitate the normalization of their residents, which is, after all their *raison d'être*.”

An excerpt from a joint statement of the Department of Justice and the Department of Housing and Urban Development states:

“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.”

REGULATIONS IN OTHER MUNICIPALITIES

All municipalities that Planning Staff researched require a minimum separation (mostly 1,200 feet) between group homes (see attached comparison). Phoenix is the only other city that was researched that requires group homes (with non-disabled residents only) to obtain a Use Permit. All of the other cities review group home applications administratively. All cities allow up to 10 unrelated residents in group homes, except for Prescott, which allows up to 6. Again, the proposal would allow up to 5 as a matter of right and residential care homes would have the option to request to have more than 5 through a reasonable accommodation waiver.

PUBLIC / NEIGHBORHOOD NOTIFICATION/ INPUT

- As required by Arizona Revised Statutes, hearing dates for the Planning Commission and City Council, as well as the complete text of the draft Code amendments have been published in an eighth-page newspaper ad at least fifteen days prior to the first required public hearing.
- Notices containing a website link to view the proposed amendments were mailed to ADHS contacts as well as all group homes that are currently licensed by ADHS.
- Notice containing a website link to view the proposed amendments was distributed via email to Registered Neighborhood Organization contacts, and residents that have contacted Chandler regarding this issue, and to the public via Facebook and Twitter at least 30-days prior to the first public hearing.
- As of the time of this writing, 5 existing group home operators have contacted the City. They did not express any opposition to the proposed amendments and wanted to confirm that they would be considered legal nonconforming if the amendments are adopted.
- The operator of the aforementioned sober living home and a Chandler resident contacted the City expressing opposition to the proposed amendments (see attachment from Jeff Marsh). More specifically, the provider would like the maximum number of residents to be increased from 5 to 10 residents. Planning Staff believes that the provision to request a reasonable accommodation waiver to have more than 5 residents provides an appropriate review process to ensure that a group home of 10 unrelated people is located on a property that will not adversely impact neighboring properties.

PLANNING COMMISSION VOTE REPORT

A Planning Commission vote report will be provided at the Council meeting following the November 6, 2013 Planning Commission meeting.

RECOMMENDED ACTION

Planning Staff recommends approval of the proposed Zoning Code amendments that seek to allow group homes in single family neighborhoods while continuing the goals and objectives of the General Plan to preserve the residential character of existing neighborhoods.

PROPOSED MOTION

Move to introduce and tentatively adopt Ordinance No. 4513 amending Chapter 35 of the City Code regarding group homes as presented in case ZCA13-0002 GROUP HOMES ZONING CODE AMENDMENTS as recommended by Planning Staff.

Attachments

1. Ordinance No. 4513
2. Map of Group Homes Licensed by ADHS
3. Comparison of Group Home Regulations with other Municipalities
4. Message and attachments from Jeff Marsh

ORDINANCE NO. 4513

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE CHANDLER CITY CODE, CHAPTER 35 (ZONING CODE) BY AMENDING ARTICLE II, SECTION 35-200 TO REPEAL, MODIFY AND/OR ADD DEFINITIONS FOUND THEREIN; AMENDING ARTICLE III, SECTION 35-305 TO REPEAL SUBSECTION 35-305(3) AND SUBSECTION 35-305(5) AND TO RENUMBER THE REMAINING SUBSECTIONS; AND ADDING SECTIONS 35-2211 RESIDENTIAL CARE HOMES, AND 35-2212 GROUP HOMES TO ARTICLE XXII.

WHEREAS, in accordance with A.R.S. 9-462, the legislative body may adopt by ordinance, any change or amendment to the regulations and provisions as set forth in the Chandler Zoning Code; and,

WHEREAS, this amendment, including the draft text, has been published as an 1/8-page display ad in a local newspaper with general circulation in the City of Chandler, giving a minimum fifteen (15) day notice of time, date and place of public hearing; and,

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code, on November 6, 2013;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Article II, Section 35-200 Definitions, is hereby amended as follows:

1. The definition of "Adult care home" is hereby repealed.
2. The definition of "Disability" is hereby added to read as follows:

Disability: A physical or mental impairment that substantially limits one or more major life activities, a history or record of such an impairment, or the perception by others as having such an impairment.

3. The definition of "Family" is hereby amended to read as follows:

Family: One (1) or more persons living together as a single housekeeping unit in a dwelling unit.

4. The definition of "Group home" is hereby amended to read as follows:

Group home: A residential dwelling unit for a group of no more than five (5) unrelated non-transient persons, excluding staff, who do not have a disability, and are not living together as a single housekeeping unit. Group home facilities may or may not be licensed by the state or another governmental authority. This definition shall not include group homes for the developmentally disabled nor adult foster care homes as specifically defined and provided for by the Arizona Revised Statutes.

5. The definition of “Residential care home” is hereby added to read as follows:

Residential Care Home: A residential dwelling unit for a group of no more than five (5) unrelated persons, excluding staff, who are not living together as a single housekeeping unit and in which every person residing in the facility (excluding the service provider, members of the service provider’s family, or persons employed as facility staff) is an individual with a disability. Residential care home service providers may or may not be licensed by the state or another governmental authority. This definition shall not include group homes for developmentally disabled nor adult foster care homes as specifically defined and provided for by the Arizona Revised Statutes.

6. The definition of “Single housekeeping unit” is hereby added to read as follows:

Single Housekeeping Unit: Any number of related, or up to five (5) unrelated, persons living as the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities (e.g. meals, chores, household maintenance, expenses, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household is determined by the residents of the dwelling unit rather than the landlord or property manager.

SECTION II. Subsections 35-305(3), entitled *Adult Care Home Use Permits*, and 35-305(5), entitled *Group Home*, of Section 35-305 of Article III of Chapter 35 of the Chandler City Code (Zoning Code) are hereby repealed, and the remaining subsections of Section 33-305 are renumbered.

SECTION III. Article XXII. ADDITIONAL HEIGHT AND AREA REGULATIONS, of Chapter 35, of the City Code is hereby amended by adding sections 35-2211 and 35-2212 to read as follows:

35-2211 Residential Care Homes.

- 1) *Purpose.* Residential care homes are permitted in all single family districts subject to the requirements provided herein. The purpose of these regulations is to permit persons with disabilities to reside in single family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood.
- 2) *Registration.* Residential care homes shall submit a completed zoning clearance application and required supplemental materials to the Planning Division on a form established by the Zoning Administrator. For residential care homes that are licensed by the state, county or other governmental authority, tentative zoning clearance may be issued upon verifying the application complies with the standards below. Said residential care homes shall be considered to be registered with the city at the time they receive tentative zoning clearance and shall submit to the city a copy of the license issued by the state, county or other governmental authority within ninety (90) days, or said registration shall be withdrawn. For residential care homes that are not licensed by the state, county or other governmental authority, zoning clearance may be issued in place of tentative zoning clearance at which time the residential care home shall be considered to be registered with the city. In all cases, registration for residential care homes shall terminate when the residential care home use ceases.
- 3) *Standards.* Residential care homes shall be subject to the continued, full and complete compliance with the following standards:
 1. *Capacity.* The number of residents, excluding staff, shall not exceed five (5).
 2. *Location.* Residential care homes shall be separated a minimum of one-thousand and two hundred (1,200) feet from other registered residential care homes and group homes, except no separation is required when said facilities are separated by a freeway, arterial street, canal, or railroad. For the purposes of this subsection, all separation distances shall be measured from the property lines.
 3. *Signage.* The residential care home shall have no identification from a public street by signage, graphics, display, or other visual means, except for signage otherwise permitted under Chapter 39, section 39-14 of the Chandler Sign Code.

4. *Code compliance.* The residential care home shall be in compliance with all applicable city codes, including building codes, fire safety regulations, zoning and subdivision codes.
 5. *Parking.* Any parking for the residential care home shall be on site and comply with requirements set forth in Article XVII Parking and Loading Regulations.
 6. *Maintenance.* The exterior of the dwelling and yards shall be kept in a condition that is consistent with the neighborhood pursuant to Chapter 30, Neighborhood Preservation, of the City Code.
 7. *Exclusive use.* All administrative activities, including staffing, counseling, and other visitations, shall serve only the residents of the group home.
- 4) *Reasonable Accommodation Waiver.* As a reasonable accommodation for persons with a disability, strict compliance with the standards set out in Sec. 35-2211(3) for residential care homes may be waived by the Zoning Administrator in accordance with the requirements stated herein. A request for such a reasonable accommodation waiver must be in writing and filed with the Zoning Administrator. In all cases, the Zoning Administrator, or his/her designee, shall make findings of fact in support of his/her determination and shall render his/her decision in writing. The Zoning Administrator may meet with and interview the person making the request in order to ascertain or clarify information sufficiently to make the required findings. To grant a reasonable accommodation waiver, the Zoning Administrator shall find affirmatively all of the following:
1. The request will be in compliance with all applicable building and fire codes.
 2. The request will not create a substantial detriment injurious to neighboring properties by creating traffic impacts, parking impacts, impacts on water or sewer system, or other similar adverse impacts.

Profitability or financial hardship of the owner/service provider of a facility shall not be considered by the Zoning Administrator in determining to grant a reasonable accommodation waiver. An appeal of the decision of the Zoning Administrator may be made regarding reasonable accommodation to the Board of Adjustment pursuant to Article XXV of this Chapter.

35-2212 Group Homes

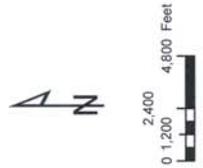
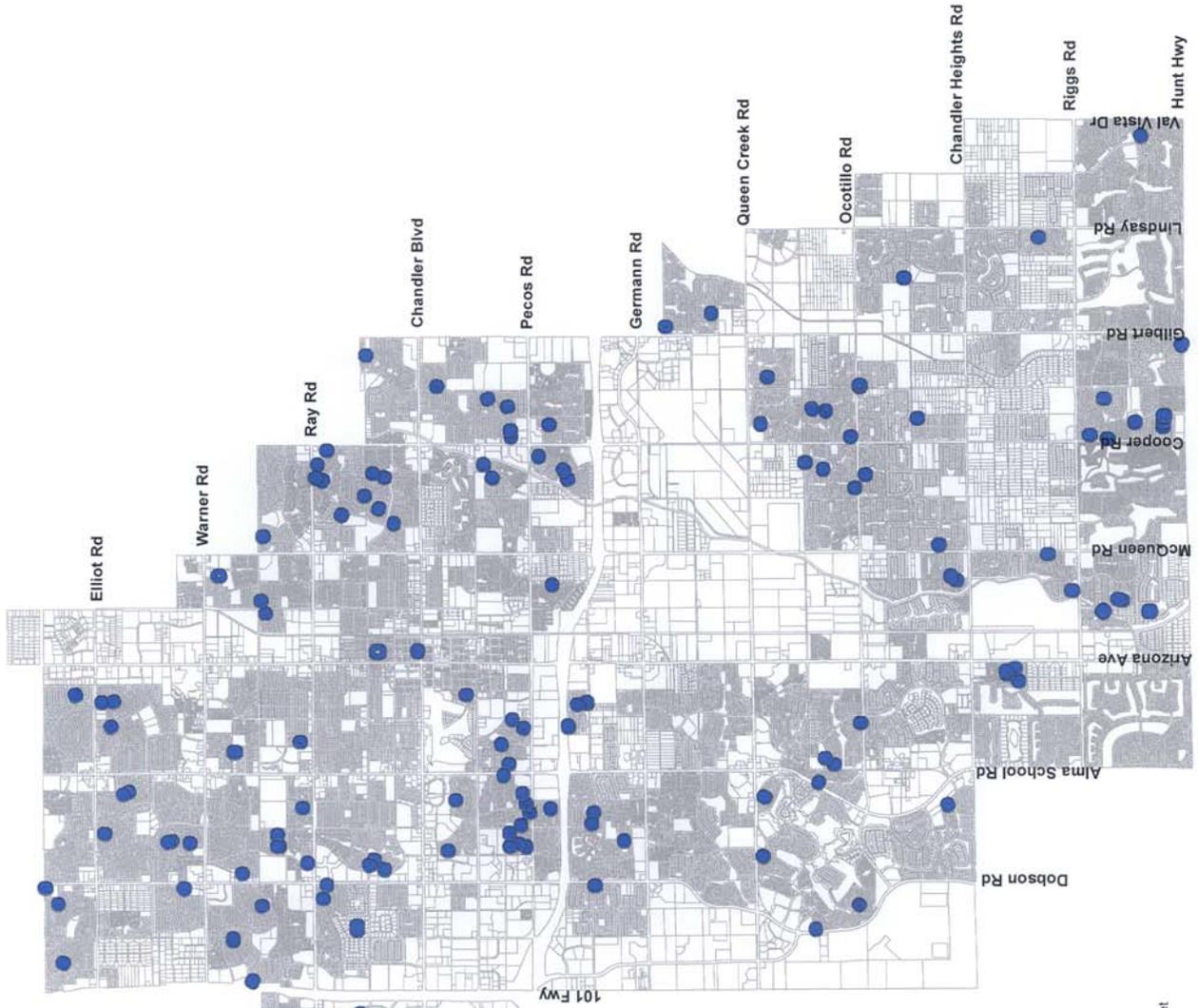
- 1) *Purpose.* Group homes are permitted in all single family districts subject to the requirements provided herein. The purpose of these regulations is to permit a group of unrelated persons who are not living together as a single housekeeping unit to reside in single family residential neighborhoods while preserving the residential character of the neighborhood.
- 2) *Registration.* Group homes shall submit a completed zoning clearance application and required supplemental materials to the Planning Division on a form established by the Zoning Administrator. For group homes that are licensed by the state, county or other governmental authority, tentative zoning clearance may be issued upon verifying the application complies with the standards below. Said group homes shall be considered to be registered with the city at the time they receive tentative zoning clearance and shall submit to the city a copy of the license issued by the state, county or other governmental authority within ninety (90) days, or said registration shall be withdrawn. For group homes that are not licensed by the state, county or other governmental authority, zoning clearance may be issued in place of tentative zoning clearance at which time the group home shall be considered to be registered with the city. In all cases, registration for group homes shall terminate when the group home use ceases.
- 3) *Standards.* Group homes shall be subject to the continued, full and complete compliance with the following standards:
 1. *Capacity.* The number of residents, excluding staff, shall not exceed five (5).
 2. *Location.* Group homes shall be separated a minimum of one-thousand and two hundred (1,200) feet from other registered group homes and residential care homes, except no separation is required when said facilities are separated by a freeway, arterial street, canal, or railroad. For the purposes of this subsection, all separation distances shall be measured from the property lines.
 3. *Signage.* The group home shall have no identification from a public street by signage, graphics, display, or other visual means, except for signage otherwise permitted under Chapter 39, section 39-14 of the Chandler Sign Code.
 4. *Code compliance.* The group home shall be in compliance with all applicable city codes, including building codes, fire safety regulations, zoning and subdivision codes.

CITY ATTORNEY GAB

PUBLISHED:



MAP OF GROUP HOMES LICENSED BY ARIZONA DEPT. OF HEALTH SERVICES (ADHS)



Legend

● Group home locations licensed by ADHS*

Total number of group homes	152	0.2%
Total number of single family homes (Sept. 1, 2013)	69,773	100%

Type of group home:		
Assisted Living Homes	138	91%
Behavioral Health Homes	14	9%
Total	152	100%

Number of residents:		
5 or less	142	93%
6 or more	10	7%
6 residents	0	0%
7 residents	5	3%
8 residents	2	1%
9 resident	1	1%
10 residents	2	1%
Total	152	100%

* Excludes group homes for the developmentally disabled.

Add info. #30

NOV 07 2013



MEMORANDUM Transportation & Development – CC Memo No. 13-149

DATE: NOVEMBER 7, 2013

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER *RD*
MARSHA REED, ASSISTANT CITY MANAGER *MR*
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJZ*
JEFF KURTZ, PLANNING ADMINISTRATOR *JK*
KEVIN MAYO, PLANNING MANAGER *KM*

FROM: DAVID DE LA TORRE, AICP, PRINCIPAL PLANNER *DDT*

SUBJECT: ZCA13-0002 GROUP HOMES ZONING CODE AMENDMENT

The purpose of this supplemental memo is to relay the Planning Commission's vote held at their November 6, 2013, meeting regarding the subject zoning code amendment to Council.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:

In Favor: 4 Opposed: 2 (Pridemore & Baron) Absent: 1 (Ryan)

Vice Chairman Pridemore was concerned with the expedited schedule and stated that he would also like to see the amendments limited to the separation issue. The Vice Chairman's motion to continue the code amendments to their next meeting to allow more time for discussion and further revise the language was seconded by Commissioner Baron, who added that he did not like that Use Permits were removed in the proposal. The motion was denied in a 2-4 vote. Although the other Commissioners stated that they also would have liked to see more time between the Planning Commission and City Council, they were in favor of the proposed amendments.

RECOMMENDED ACTION

Planning Commission and Planning Staff recommend approval of the proposed Zoning Code amendments that seek to allow group homes in single family neighborhoods while continuing the goals and objectives of the General Plan to preserve the residential character of existing neighborhoods.