

RESOLUTION NO. 1857

A RESOLUTION OF THE CITY OF GLOBE, GILA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD CERTAIN TEXT AMENDMENTS TO THE CITY OF GLOBE CODE, CHAPTER 14 ZONING CODE, FILED WITH THE CITY CLERK AND ENTITLED “ORDINANCE NO. 882—ZONING CODE TEXT AMENDMENT GROUP CARE AND RECOVERY HOMES IN RESIDENTIAL ZONING DISTRICTS” AND TO ALLOW GROUP CARE AND RECOVERY HOMES TO LOCATE IN RESIDENTIAL ZONING DISTRICTS.

WHEREAS, pursuant to A.R.S. Section 9-802, the Mayor and Council have determined to adopt by reference that certain documents entitled “Ordinance No. 882 Zoning Code Text Amendment Group Care and Recovery Homes in Residential Zoning Districts,” and such document is hereby declared to be a public record and is ordered to remain on file with the City Clerk.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Globe, Arizona, that certain documents entitled “Ordinance No. 882 Zoning Code Text Amendment Group Care and Recovery Homes in Residential Zoning Districts” attached hereto as “Exhibit A”, three copies of which are on file in the office of the City Clerk, is hereby declared to be a public record and is ordered to remain on file with the City Clerk and shall be codified as an amendment to Chapter 14 of the Globe City Code.

PASSED AND ADOPTED by the Mayor and Council of the City of Globe, Gila County, Arizona, this _____ day of _____ 2022.

Al Gameros, Mayor

ATTEST:

APPROVED AS TO FORM:

Shelly Salazar, City Clerk

Bill Sims, City Attorney

RESOLUTION 1857 - EXHIBIT A

**ORDINANCE 882 ZONING CODE TEXT AMENDMENT:
GROUP CARE AND RECOVERY HOMES
IN RESIDENTIAL ZONING DISTRICTS**

The Globe Municipal Code Chapter 14 Zoning Code shall be amended as follows. (New inserted text shown with underline, existing text to be deleted shown with ~~strikethrough~~.)

Article 14-3 DEFINITIONS

(All new terms to be inserted into existing code section alphabetically)

Group Homes for the Handicapped. A facility licensed or authorized by a governmental authority having jurisdiction over operations for persons with disabilities who reside together as a single housekeeping unit and who receive care, supervision, or counseling from one (1) or more staff persons. This use includes assisted living homes; homes for the mentally ill, group care agencies, hospice and similar residential living arrangements for handicapped persons, but shall not include Nursing Homes, Recovery Homes, or Shelter Care Facilities.

Handicapped. A person who:

1. Has a physical or mental impairment that substantially limits one or more of such person's major life activities; or
2. Has a record of having such an impairment; or
3. Is regarded as having such impairment.

"Handicapped" shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 United States Code 802]).

Recovery Residence. A dwelling unit or building used to provide a stable, clean and sober environment for individuals recovering from substance abuse. Individual residents do not live together as a single housekeeping unit and every person residing in the residence (excluding the operating staff and any minor children) is an "individual with a disability", as that term is used in the federal and State Fair Housing Laws. See A.R.S. §36-2061, as amended.

Section 14-5-2 (R1-43) Rural Zoning District – One (1) Acre Per Dwelling Unit

B.1.i. Group Homes for the Handicapped subject to the following:

- i. No such home is located on a lot within one thousand – two hundred (1,200) feet, measured by a straight line in any direction, of the exterior lot lines of

another Group Home for the handicapped and elderly care or Recovery Residence, unless separated by a right of way of greater width than 100 feet.

- ii. No such home contains more than six (6) residents, excluding care staff.
- iii. Such home is licensed by the State of Arizona Department of Health Services.
- iv. Such home is registered with, and administratively approved by the Zoning Administrator or designee, as to compliance with the standards of this Code.
- v. All parking for guests and staff shall be located on-site and in compliance with Section 14-7 of this Code
- vi. The Planning & Zoning Commission may approve a home to contain more than six (6) residents through the Conditional Use Permit process if the subject facility:
 - a) Is an existing structure
 - b) Complies with all applicable Fire and Building Code requirements for the occupancy being requested.
 - c) Receives a State License for said occupancy
 - d) Is found to have adequate access for the additional traffic volumes generated and maintains the surrounding neighborhood character
- vii. Request for Accommodation
 - a) If a Group Home for the Handicapped or a Recovery Residence owner believes any requirement of the Zoning Code prevents the establishment of such residence, the owner may submit to the Zoning Administrator a written request for accommodation, accompanied by the reasons why the accommodation is required. The written request shall contain sufficient facts to allow the Zoning Administrator to make an individualized determination of the residence needs, to address the City's safety and welfare concerns, and to ensure compliance with this section. The Zoning Administrator shall, in consultation with the City Attorney, review the written request and determine:
 - i. Whether an accommodation should be made pursuant to the requirements of the Federal and State Fair Housing Laws.
 - ii. The nature of the accommodation taking into consideration the requirements of the Federal and State Fair Housing Laws, public safety and welfare concerns, and the residential character of the neighborhood.
 - iii. The extent of the accommodation required to comply with the Federal and State Fair Housing Laws.

B.3.e. ~~Group homes for the handicapped.~~ Recovery Residence subject to the following:

- i. No such home is located on a lot within one thousand – two hundred (1,200) feet, measured by a straight line in any direction, of the exterior lot lines of another Group Home for the handicapped and elderly care or Recovery Residence, unless separated by a right of way of greater width than 100 feet.
- ii. No such home contains more than six (6) residents, excluding care staff.

- iii. All parking for guests and staff shall be located on-site and in compliance with Section 14-7 of this Code
- iv. The Planning & Zoning Commission may approve a home to contain more than six (6) residents through the Conditional Use Permit process if the subject facility:
 - a) Is an existing structure
 - b) Complies with all applicable Fire and Building Code requirements for the occupancy being requested.
 - c) Receives a State License for said occupancy
 - d) Is found to have adequate access for the additional traffic volumes generated and maintains the surrounding neighborhood character
- v. The applicant shall submit and maintain compliance with an operations and management plan (“O&MP”) in accordance with applicable Arizona Revised Statute. O&MP shall include:
 - a) Name and address of the business owner
 - b) Name, address and telephone number of the property owner and person in control of the property
 - c) If the business owner and property owner are not the same person or entity, applicant shall provide a notarized letter of authorization from the property owner
 - d) Emergency contact telephone number
 - e) The number of persons occupying each bedroom
 - f) Maximum number of occupants
 - g) A floor plan
 - h) Resident screening process
 - i) Guest and resident rules of conduct
 - j) The applicant shall provide a copy of the State license required under A.R.S. § 36-2064 (A), as amended.
- vi. Request for Accommodation
 - b) If a Group Home for the Handicapped or a Recovery Residence owner believes any requirement of the Zoning Code prevents the establishment of such residence, the owner may submit to the Zoning Administrator a written request for accommodation, accompanied by the reasons why the accommodation is required. The written request shall contain sufficient facts to allow the Zoning Administrator to make an individualized determination of the residence needs, to address the City’s safety and welfare concerns, and to ensure compliance with this section. The Zoning Administrator shall, in consultation with the City Attorney, review the written request and determine:
 - i. Whether an accommodation should be made pursuant to the requirements of the Federal and State Fair Housing Laws.
 - ii. The nature of the accommodation taking into consideration the requirements of the Federal and State

- Fair Housing Laws, public safety and welfare concerns,
and the residential character of the neighborhood.
- iii. The extent of the accommodation required to comply with the Federal and State Fair Housing Laws.
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Sections 14-5-3, 14-5-4 and 14-5-9 Residential Districts shall be amended with the insertion of the following text:

B.1.d. Group Homes for the Handicapped subject to the following:

- i. No such home is located on a lot within one thousand – two hundred (1,200) feet, measured by a straight line in any direction, of the exterior lot lines of another Group Home for the handicapped and elderly care or Recovery Residence, unless separated by a right of way of greater width than 100 feet.
- ii. No such home contains more than six (6) residents, excluding care staff.
- iii. Such home is licensed by the State of Arizona Department of Health Services.
- iv. Such home is registered with, and administratively approved by the Zoning Administrator or designee, as to compliance with the standards of this Code.
- v. All parking for guests and staff shall be located on-site and in compliance with Section 14-7 of this Code
- vi. The Planning & Zoning Commission may approve a home to contain more than six (6) residents through the Conditional Use Permit process if the subject facility:
 - a) Is an existing structure
 - b) Complies with all applicable Fire and Building Code requirements for the occupancy being requested.
 - c) Receives a State License for said occupancy
 - d) Is found to have adequate access for the additional traffic volumes generated and maintains the surrounding neighborhood character
- vii. Request for Accommodation
 - a) If a Group Home for the Handicapped or a Recovery Residence owner believes any requirement of the Zoning Code prevents the establishment of such residence, the owner may submit to the Zoning Administrator a written request for accommodation, accompanied by the reasons why the accommodation is required. The written request shall contain sufficient facts to allow the Zoning Administrator to make an individualized determination of the residence needs, to address the City's safety and welfare concerns, and to ensure compliance with this section. The Zoning Administrator shall, in consultation with the City Attorney, review the written request and determine:
 - i. Whether an accommodation should be made pursuant to the requirements of the Federal and State Fair Housing Laws.

- ii. The nature of the accommodation taking into consideration the requirements of the Federal and State Fair Housing Laws, public safety and welfare concerns, and the residential character of the neighborhood.
- iii. The extent of the accommodation required to comply with the Federal and State Fair Housing Laws.

B.3.h. Recovery Residence subject to the following:

- i. No such home is located on a lot within one thousand – two hundred (1,200) feet, measured by a straight line in any direction, of the exterior lot lines of another Group Home for the handicapped and elderly care or Recovery Residence, unless separated by a right of way of greater width than 100 feet.
- ii. No such home contains more than six (6) residents, excluding care staff.
- iii. All parking for guests and staff shall be located on-site and in compliance with Section 14-7 of this Code
- iv. The Planning & Zoning Commission may approve a home to contain more than six (6) residents through the Conditional Use Permit process if the subject facility:
 - a. Is an existing structure
 - b. Complies with all applicable Fire and Building Code requirements for the occupancy being requested.
 - c. Receives a State License for said occupancy
 - d. Is found to have adequate access for the additional traffic volumes generated and maintains the surrounding neighborhood character
- v. The applicant shall submit and maintain compliance with an operations and management plan (“O&MP”) in accordance with applicable Arizona Revised Statute. O&MP shall include:
 - a) Name and address of the business owner
 - b) Name, address and telephone number of the property owner and person in control of the property
 - c) If the business owner and property owner are not the same person or entity, applicant shall provide a notarized letter of authorization from the property owner
 - d) Emergency contact telephone number
 - e) The number of persons occupying each bedroom
 - f) Maximum number of occupants
 - g) A floor plan
 - h) Resident screening process
 - i) Guest and resident rules of conduct
 - j) The applicant shall provide a copy of the State license required under A.R.S. § 36-2064 (A), as amended.
- vi. Request for Accommodation
 - b) If a Group Home for the Handicapped or a Recovery Residence owner believes any requirement of the Zoning Code prevents the establishment of such residence, the owner may submit to the Zoning Administrator a written request for accommodation,

accompanied by the reasons why the accommodation is required. The written request shall contain sufficient facts to allow the Zoning Administrator to make an individualized determination of the residence needs, to address the City's safety and welfare concerns, and to ensure compliance with this section. The Zoning Administrator shall, in consultation with the City Attorney, review the written request and determine:

- iv. Whether an accommodation should be made pursuant to the requirements of the Federal and State Fair Housing Laws.
- v. The nature of the accommodation taking into consideration the requirements of the Federal and State Fair Housing Laws, public safety and welfare concerns, and the residential character of the neighborhood.
- vi. The extent of the accommodation required to comply with the Federal and State Fair Housing Laws.

Section 14-5-8 (R-2) Multi-family District

B.1.k. Group Homes for the Handicapped subject to the following:

- i. No such home is located on a lot within one thousand – two hundred (1,200) feet, measured by a straight line in any direction, of the exterior lot lines of another Group Home for the handicapped and elderly care or Recovery Residence, unless separated by a right of way of greater width than 100 feet.
- ii. No such home contains more than six (6) residents, excluding care staff.
- iii. Such home is licensed by the State of Arizona Department of Health Services.
- iv. Such home is registered with, and administratively approved by the Zoning Administrator or designee, as to compliance with the standards of this Code.
- v. All parking for guests and staff shall be located on-site and in compliance with Section 14-7 of this Code
- vi. The Planning & Zoning Commission may approve a home to contain more than six (6) residents through the Conditional Use Permit process if the subject facility:
 - a) Is an existing structure
 - b) Complies with all applicable Fire and Building Code requirements for the occupancy being requested.
 - c) Receives a State License for said occupancy
 - d) Is found to have adequate access for the additional traffic volumes generated and maintains the surrounding neighborhood character
- vii. Request for Accommodation
 - a) If a Group Home for the Handicapped or a Recovery Residence owner believes any requirement of the Zoning Code prevents the establishment of a such residence, the owner may submit to the Zoning Administrator a written request for accommodation,

accompanied by the reasons why the accommodation is required. The written request shall contain sufficient facts to allow the Zoning Administrator to make an individualized determination of the residence needs, to address the City's safety and welfare concerns, and to ensure compliance with this section. The Zoning Administrator shall, in consultation with the City Attorney, review the written request and determine:

- i. Whether an accommodation should be made pursuant to the requirements of the Federal and State Fair Housing Laws.
- ii. The nature of the accommodation taking into consideration the requirements of the Federal and State Fair Housing Laws, public safety and welfare concerns, and the residential character of the neighborhood.
- iii. The extent of the accommodation required to comply with the Federal and State Fair Housing Laws.

B.3.b. Recovery Residence subject to the following:

- i. No such home is located on a lot within one thousand – two hundred (1,200) feet, measured by a straight line in any direction, of the exterior lot lines of another Group Home for the handicapped and elderly care or Recovery Residence, unless separated by a right of way of greater width than 100 feet.
- ii. No such home contains more than six (6) residents, excluding care staff.
- iii. All parking for guests and staff shall be located on-site and in compliance with Section 14-7 of this Code
- iv. The Planning & Zoning Commission may approve a home to contain more than six (6) residents through the Conditional Use Permit process if the subject facility:
 - a. Is an existing structure
 - b. Complies with all applicable Fire and Building Code requirements for the occupancy being requested.
 - c. Receives a State License for said occupancy
 - d. Is found to have adequate access for the additional traffic volumes generated and maintains the surrounding neighborhood character
- v. The applicant shall submit and maintain compliance with an operations and management plan ("O&MP") in accordance with applicable Arizona Revised Statute. O&MP shall include:
 - a) Name and address of the business owner
 - b) Name, address and telephone number of the property owner and person in control of the property
 - c) If the business owner and property owner are not the same person or entity, applicant shall provide a notarized letter of authorization from the property owner
 - d) Emergency contact telephone number
 - e) The number of persons occupying each bedroom
 - f) Maximum number of occupants

- g) A floor plan
 - h) Resident screening process
 - i) Guest and resident rules of conduct
 - j) The applicant shall provide a copy of the State license required under A.R.S. § 36-2064 (A), as amended.
- vi. Request for Accommodation
- b) If a Group Home for the Handicapped or a Recovery Residence owner believes any requirement of the Zoning Code prevents the establishment of a such residence, the owner may submit to the Zoning Administrator a written request for accommodation, accompanied by the reasons why the accommodation is required. The written request shall contain sufficient facts to allow the Zoning Administrator to make an individualized determination of the residence needs, to address the City’s safety and welfare concerns, and to ensure compliance with this section. The Zoning Administrator shall, in consultation with the City Attorney, review the written request and determine:
 - iv. Whether an accommodation should be made pursuant to the requirements of the Federal and State Fair Housing Laws.
 - v. The nature of the accommodation taking into consideration the requirements of the Federal and State Fair Housing Laws, public safety and welfare concerns, and the residential character of the neighborhood.
 - vi. The extent of the accommodation required to comply with the Federal and State Fair Housing Laws.

I, SHELLY SALAZAR, CITY CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 882 ADOPTED BY THE COMMON COUNCIL OF THE CITY OF GLOBE ON THE 24th DAY OF MAY, 2022, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2022.

Shelly Salazar, City Clerk