

ORDINANCE NO. 14-785

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA AS FOLLOWS: (1) CHAPTER 2 DEFINITIONS, SECTION 2.1 MEANING OF WORDS AND TERMS TO ADD NEW DEFINITIONS RELATED TO RECOVERY HOMES, ASSISTED LIVING CENTERS AND ASSISTED LIVING HOMES AND TO AMEND THE DEFINITION OF "SINGLE HOUSEKEEPING UNIT"; (2) CHAPTER 3 ZONING DISTRICTS BY AMENDING (A) SECTION 3.5 "AR-36" – AGRICULTURAL/RESIDENTIAL (36 ACRE MINIMUM), SUBSECTION 3.5.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED); (B) SECTION 3.6 "AR-5" – AGRICULTURAL/RESIDENTIAL (5 ACRE MINIMUM), SUBSECTION 3.6.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED); (C) SECTION 3.7 "AR-4" – AGRICULTURAL/RESIDENTIAL (4 ACRE MINIMUM), SUBSECTION 3.7.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED); (D) SECTION 3.8 "SR-2.5" SINGLE FAMILY RESIDENTIAL (2.5 ACRE MINIMUM), SUBSECTION 3.8.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED); (E) SECTION 3.9 "SR-2" SINGLE FAMILY RESIDENTIAL (2 ACRE MINIMUM), SUBSECTION 3.9.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) (F) SECTION 3.10 "SR 1.6 – SINGLE FAMILY RESIDENTIAL (1.6 ACRE MINIMUM), SUBSECTION 3.10.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED); (G) SECTION 3.11 "SR-1" SINGLE FAMILY RESIDENTIAL (1 ACRE MINIMUM), SUBSECTION 3.11.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED); (H) 3.12 "SR-0.16" SINGLE FAMILY RESIDENTIAL (0.16 ACRE MINIMUM), SUBSECTION 3.12.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) TO PERMIT RECOVERY RESIDENCES AND ASSISTED LIVING HOMES IN THE ABOVE ZONING DISTRICTS SUBJECT TO A CONDITIONAL USE PERMIT AND; (I) SECTION 3.12 "MR – MULTI FAMILY RESIDENTIAL, SUBSECTION 3.13.2 PERMITTED USES; AND (J) SECTION 3.15 "CL" – COMMERCIAL LIGHT, SUBSECTION 3.15.2 PERMITTED USES TO PERMIT RECOVERY RESIDENCES AND ASSISTED LIVING HOMES IN MR AND CL ZONING DISTRICTS; AND (3) AMENDING CHAPTER 4 GENERAL REGULATIONS, SECTION 4.10 TEMPORARY RESIDENCES TO RENAME THE SECTION TO "SPECIAL PURPOSE AND TEMPORARY HOUSING" AND TO ADD NEW SUBSECTION C RECOVERY RESIDENCES RELATED TO PROVIDING REGULATIONS FOR RECOVERY RESIDENCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES

WHEREAS, federal and state fair housing laws protect the rights of persons with disabilities to obtain housing and pursuant to federal and state fair housing laws; and

WHEREAS, persons recovering from alcohol and drug addiction are considered persons with disabilities and thus are protected by fair housing laws only to the extent they are not currently using alcohol and drugs; and

WHEREAS, there are facilities that are not required to be licensed by the State of Arizona that are intended to transition such persons from an institutional setting where persons recovering from addictions agree to remain “clean and sober” during their residency. Such facilities are commonly known as “sober living homes” or “sober houses” or “recovery residences”. The residents of these facilities generally live at the facility for six months or less; and

WHEREAS, due to the transitory nature of the residents, these facilities reportedly result in increased parking demand, increased traffic, and the potential for impacts to the residential character of neighborhoods, which the Town Council desires to address by providing reasonable regulations to mitigate any impacts to neighbors and neighborhoods while providing persons with a disability opportunities for housing; and

WHEREAS, the Town Council has determined that the proposed amendments will not unreasonably restrict the rights of persons with a disability to fair housing while providing protections and mitigation of impacts to the residential character of neighborhoods, and it is in the best interest of the public health, safety and general welfare of the Town to adopt the proposed amendments; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms is hereby amended to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

* * *

ASSISTED LIVING CENTER. A RESIDENTIAL CARE INSTITUTION THAT PROVIDES OR CONTRACTS TO PROVIDE SUPERVISORY CARE SERVICES, PERSONAL CARE SERVICES, OR DIRECTED CARE SERVICES ON A CONTINUOUS BASIS FOR ELEVEN OR MORE PEOPLE.

ASSISTED LIVING HOME. A RESIDENTIAL CARE INSTITUTION THAT PROVIDES OR CONTRACTS TO PROVIDE SUPERVISORY CARE SERVICES, PERSONAL CARE SERVICES, OR DIRECTED CARE SERVICES ON A CONTINUOUS BASIS FOR UP TO TEN PEOPLE.

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 HOUSE MANAGER) IS AN "INDIVIDUAL WITH A DISABILITY", AS THAT TERM IS USED IN THE FEDERAL AND STATE FAIR HOUSING LAWS.

SINGLE HOUSEKEEPING UNIT. AN INTERACTIVE GROUP OF PERSONS OCCUPYING A RESIDENTIAL UNIT WHERE ALL OF THE FOLLOWING ARE TRUE:

- a. THE RESIDENTS SHARE USE OF AND RESPONSIBILITY FOR COMMON AREAS, HOUSEHOLD ACTIVITIES, AND RESPONSIBILITIES SUCH AS MEALS, CHORES, HOUSEHOLD MAINTENANCE, AND EXPENSES; AND
- b. IF THE RESIDENTS ARE RENTERS, ALL ADULT RESIDENTS HAVE CHOSEN TO OCCUPY THE ENTIRE PREMISES OF THE DWELLING UNIT TOGETHER UNDER A SINGLE WRITTEN LEASE WITH JOINT USE AND RESPONSIBILITY FOR THE PREMISES; AND
- c. THE MAKEUP OF THE HOUSEHOLD OCCUPYING THE UNIT IS DETERMINED BY THE RESIDENTS OF THE UNIT RATHER THAN THE LANDLORD OR PROPERTY MANAGER.

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.5 "AR-36" – Agricultural/Residential (36 Acre Minimum), Subsection 3.5.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.5 "AR-36" – Agricultural/Residential (36 Acre Minimum)

3.5.3 Conditional Uses (Conditional Use Permit Required)

- P. RECOVERY RESIDENCES
- Q. ASSISTED LIVING HOMES

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.6 “AR-5” – Agricultural/Residential (5 Acre Minimum), Subsection 3.6.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.6 “AR-5” – Agricultural/Residential (5 Acre Minimum)

3.6.3 Conditional Uses (Conditional Use Permit Required)

- P. RECOVERY RESIDENCES
- Q. ASSISTED LIVING HOMES

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.7 “AR-4” – Agricultural/Residential (4 Acre Minimum), Subsection 3.7.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.7 “AR-4” – Agricultural/Residential (4 Acre Minimum)

3.7.3 Conditional Uses (Conditional Use Permit Required)

- P. RECOVERY RESIDENCES
- Q. ASSISTED LIVING HOMES

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.8 “SR-2.5” – Single Family Residential (2.5 Acre Minimum), Subsection 3.8.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.8 “SR 2.5” – Single Family Residential (2.5 Acre Minimum)

3.8.3 Conditional Uses (Conditional Use Permit Required)

- G. RECOVERY RESIDENCES
- H. ASSISTED LIVING HOMES

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.9 “SR-2” – Single Family Residential (2

Acre Minimum), Subsection 3.9.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.9 “SR 2 – Single Family Residential (2 Acre Minimum)

3.9.3 Conditional Uses (Conditional Use Permit Required)

- G. RECOVERY RESIDENCES
- H. ASSISTED LIVING HOMES

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.10 “SR-1.6” – Single Family Residential (1.6 Acre Minimum), Subsection 3.10.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.10 “SR 1.6 – Single Family Residential (1.6 Acre Minimum)

3.10.3 Conditional Uses (Conditional Use Permit Required)

- G. RECOVERY RESIDENCES
- H. ASSISTED LIVING HOMES

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.11 “SR-1” – Single Family Residential (1 Acre Minimum), Subsection 3.11.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.11 “SR 1 – Single Family Residential (1 Acre Minimum)

3.11.3 Conditional Uses (Conditional Use Permit Required)

- G. RECOVERY HOMES
- H. ASSISTED LIVING HOMES

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.12 “SR-0.16” – Single Family Residential (0.16 Acre Minimum), Subsection 3.12.3 Conditional Uses (Conditional Use Permit Required), to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.12 “SR 0.16 – Single Family Residential (0.16 Acre Minimum)

3.12.3 Conditional Uses (Conditional Use Permit Required)

- G. RECOVERY RESIDENCES
- H. ASSISTED LIVING HOMES

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.13 “MR” – Multi Family Residential, Subsection 3.13.2 Permitted Uses, to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.13 “MR” – Multi Family Residential

3.13.2 Permitted Uses

- D. RECOVERY RESIDENCES
- E. ASSISTED LIVING HOMES

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 3 Zoning Districts is hereby amended by amending Section 3.15 “CL” – Commercial Light, Subsection 3.15.2 Permitted Uses, to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

3.15 “CL” – Commercial Light

3.15.2 Permitted Uses

- AG. RECOVERY RESIDENCES
- AH. ASSISTED LIVING HOMES

The Unified Development Ordinance of Chino Valley, Arizona, Chapter 4 General Regulations, Section 4.10 Temporary Residences is hereby amended to read as follows (additions shown in ALL CAPS; deletions in ~~strikeout~~):

4.10 SPECIAL PURPOSE AND Temporary Housing

C. RECOVERY RESIDENCES

1. **PURPOSE.** THE PURPOSE OF THESE REGULATIONS IS TO PERMIT PERSONS RECOVERING FROM SUBSTANCE ABUSE TO RESIDE IN A GROUP SETTING IN RESIDENTIAL NEIGHBORHOODS IN ORDER TO FACILITATE INTEGRATION AND STABILIZATION AND TO PROVIDE REASONABLE REGULATIONS TO MAINTAIN THE RESIDENTIAL

CHARACTER OF NEIGHBORHOODS AND PREVENT A CONCENTRATION OF SUCH FACILITIES IN ANY PARTICULAR AREA SO AS TO INSTITUTIONALIZE THAT AREA.

2. **REGISTRATION REQUIRED.** PRIOR TO BEGINNING OPERATIONS, THE OWNER OR OPERATOR OF A RECOVERY RESIDENCE SHALL SUBMIT A COMPLETED REGISTRATION FORM TO THE DEVELOPMENT SERVICES DEPARTMENT ON A FORM ESTABLISHED BY THE PLANNING AND DEVELOPMENT SERVICES MANAGER. THE REGISTRATION SHALL BECOME EFFECTIVE UPON VERIFICATION BY THE ZONING ADMINISTRATOR THAT THE REGISTRATION COMPLIES WITH THE REQUIREMENTS OF THE ZONING CODE AND THAT THE RECOVERY RESIDENCE OPERATOR HAS OBTAINED A VALID TOWN OF CHINO VALLEY BUSINESS LICENSE FOR THE RECOVERY RESIDENCE. A REGISTRATION SHALL TERMINATE WHEN THE RECOVERY RESIDENCE USE CEASES.

3. **ZONING CONFIRMATION.** PRIOR TO REGISTRATION, A REQUEST FOR ZONING CONFIRMATION MAY BE SUBMITTED TO THE DEVELOPMENT SERVICES DEPARTMENT TO CONFIRM THAT THE PROPOSED LOCATION OF THE RECOVERY RESIDENCE IS PERMITTED UNDER THIS SECTION.

4. **PROCEDURES.** IN ADDITION TO THE REGISTRATION FORM, THE APPLICANT SHALL SUBMIT AN OPERATIONS AND MANAGEMENT PLAN ("O&MP") TO ENSURE COMPLIANCE WITH STATE AND LOCAL LAWS. O&MP SHALL INCLUDE (1) NAME AND ADDRESS OF THE BUSINESS OWNER; (2) NAME, ADDRESS AND TELEPHONE NUMBER OF THE PROPERTY OWNER AND PERSON IN CONTROL OF THE PROPERTY; (3) 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; (4) EMERGENCY CONTACT TELEPHONE NUMBER; (5) THE NUMBER OF PERSONS OCCUPYING EACH BEDROOM; (6) MAXIMUM NUMBER OF OCCUPANTS; (7) A FLOOR PLAN; (8) RESIDENT SCREENING PROCESS; AND (9) GUEST AND RESIDENT RULES OF CONDUCT.

5. **STANDARDS.** RECOVERY RESIDENCES SHALL BE LOCATED, DEVELOPED, AND OPERATED IN COMPLIANCE WITH THE FOLLOWING STANDARDS:

a. **O&MP COMPLIANCE.** THE RECOVERY RESIDENCE SHALL BE OPERATED AND MANAGED IN COMPLIANCE WITH THE O&MP SUBMITTED WITH REGISTRATION, A COPY OF WHICH SHALL REMAIN ON FILE WITH THE DEVELOPMENT SERVICES DEPARTMENT.

b. **SEPARATION.** THE MINIMUM SEPARATION BETWEEN RECOVERY RESIDENCES SHALL BE 5,280 FEET AS MEASURED FROM THE CLOSEST PROPERTY LINES.

c. **OCCUPANCY.** THE NUMBER OF RESIDENTS, INCLUDING THE HOUSE MANAGER, SHALL NOT EXCEED TWO RESIDENTS PER BEDROOM WITH UP TO 3 RESIDENTS IN THE LARGEST BEDROOM IN THE HOME AND A MAXIMUM OF 11 RESIDENTS IN THE HOME

d. **EXTERIOR APPEARANCE.** THERE SHALL BE NO SIGN OR OTHER EXTERIOR INDICATION OF A RECOVERY RESIDENCE VISIBLE FROM THE STREET.

e. **PARKING.** PARKING FOR THE RECOVERY RESIDENCE SHALL BE ON-SITE AND COMPLY WITH CHINO VALLEY UNIFIED DEVELOPMENT ORDINANCE SECTION 4.22 OFF-STREET PARKING AND LOADING REGULATIONS.

f. **TENANCY.** NO RECOVERY RESIDENCE SHALL HOUSE ANY PERSON WHOSE TENANCY WOULD CONSTITUTE A DIRECT THREAT TO THE HEALTH OR SAFETY OF OTHER PERSONS OR WOULD RESULT IN SUBSTANTIAL PHYSICAL DAMAGE TO THE PROPERTY OF OTHERS.

4. **REQUEST FOR ACCOMMODATION.** IF A RECOVERY RESIDENCE OWNER BELIEVES ANY REQUIREMENT OF THE ZONING CODE PREVENTS THE ESTABLISHMENT OF A RECOVERY RESIDENCE IN AN ECONOMICALLY VIABLE MANNER, THE OWNER SHALL SUBMIT TO THE ZONING ADMINISTRATOR A WRITTEN REQUEST FOR ACCOMMODATION AND 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 RECOVERY RESIDENCE'S NEEDS, TO ADDRESS THE TOWN'S SAFETY AND WELFARE CONCERNS, AND TO ASSURE COMPLIANCE WITH THIS SECTION. THE ZONING ADMINISTRATOR SHALL REVIEW THE WRITTEN REQUEST AND DETERMINE:

- a. WHETHER AN ACCOMMODATION SHOULD BE MADE PURSUANT TO THE REQUIREMENTS OF THE FEDERAL AND STATE FAIR HOUSING LAWS; AND
- b. IF SO, 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.

THE ACCOMMODATION SHALL BE MADE ONLY TO THE EXTENT NECESSARY TO COMPLY WITH FEDERAL AND STATE FAIR HOUSING LAWS.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Unified Development Ordinance of the Town of Chino Valley, Arizona.

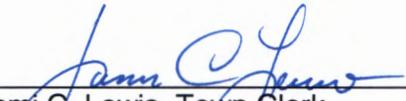
PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 8TH day of JULY, 2014 by the following vote:

AYES:	<u>7</u>	ABSENT:	<u>0</u>
NAYS:	<u>0</u>	ABSTAINED:	<u>0</u>

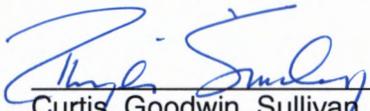
APPROVED this 8TH day of JULY, 2014.


Chris Marley, Mayor

ATTEST:


Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 14-785 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE 8TH DAY OF JULY, 2014, WAS POSTED IN THREE PLACES ON THE 10TH DAY OF JULY, 2014.


Jami Lewis, Town Clerk