



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report
Zoning Ordinance Text Amendment

Application No Z-TA-5-10: A request to amend Section 202 (Definitions) and Section 608 (Residence Districts) of the Zoning Ordinance related to *Supportive Living Facilities*.

Staff recommendation: Staff recommends approval of Z-TA-5-10 as shown in the recommended text in Attachment A.

PURPOSE

This request will amend the city of Phoenix Zoning Ordinance to define *Supportive Living Facility*, *Developmental Disability* and *Service Provider*. It will also designate specific multi-family zoning districts to allow *Supportive Living Facilities* as a matter of right and provide regulations for the use.

BACKGROUND

The Planning and Development Department was approached by a local non-profit organization, the Southwest Autism Research and Resource Center (SARRC), regarding a new housing model for persons with developmental disabilities. The model is based on a joint study conducted by the Urban Land Institute, Arizona State University and SAARC entitled *Opening Doors: A Discussion of Residential Options for Adults Living with Autism and Related Disorders*. The study focused on developing affordable housing plans for adults with developmental disorders that can be replicated to meet the needs of this expanding population. The goal is to create a safe, high quality residential model that offers flexibility for a person with a developmental disorder to transition to independent living. The intent is to support maximizing independence to the greatest degree possible.

Staff conducted research and met internally with the Neighborhood Services, Fire, Housing, Law and Human Services departments to discuss the application of this model in Phoenix. In addition, staff also met with representatives from the Arizona Department of Health Services and various service providers to discuss appropriate standards for this use. After review and discussion with these working groups, the multi-family zoning districts R-3, R-3A, R-4, R-5 and R-4A were identified as the most appropriate for this use. These districts provide the flexibility needed for residents transitioning to independent living.

The specific needs of residents living in this type of facility were identified. Residents who transition to *supportive living facilities* may initially stay for a few days or a few weeks depending on a number of factors. Residents and their families/guardians will need flexibility to acclimate to a new environment, which may include staying in a unit

for a few days/weeks and going back to their previous environment, or staying indefinitely. The goal is to work with a service provider to slowly transition the resident to independent living while recognizing that this goal may take time to accomplish.

It was also noted that an employee of the service provider would work on site and may live in one of the multi-family units to provide support for residents. They would assist in conducting welfare checks and providing physical therapy, vocational training and counseling for residents of the facility only. The employee would not house or dispense medication nor would any non-residents be permitted to obtain the limited services provided on site. The employee would also assist in community meals and activities if a common space exists on site.

A supportive living facility may be comprised of an entire apartment complex or it may reserve a limited number of units for this type of use. The multi-family district standards would not change in regards to height, density, lot coverage, parking, signage, setbacks, landscape, etc. The service provider would also be required to register with the city of Phoenix Planning and Development Department. A change in service provider or ownership would require an update to their registration.

Description of the Proposed Text

Staff reviewed similar uses that are currently regulated by the Zoning Ordinance to assist in drafting proper land use regulations. The most analogous use to *supportive living facilities* that is addressed in the Zoning Ordinance is Group Homes for the Handicapped. Group Homes for the Handicapped are permitted in the RE-43 through R-5, PAD, C-1, C-2, C-3, RSC, or A-1 subject to obtaining a use permit.

New definitions of “Developmental Disability,” “Service Provider,” “Supportive Living Facilities,” and their limitations are found in Attachment A. Developmental Disability is taken and expanded from the definition used by the Arizona Department of Health Services as defined In Arizona Revised Statutes Title 36.

CONCLUSION

The proposal to allow *supportive living facilities* to be established in the R-3, R-3A, R-4, R-5 and R-4A multi-family zoning districts will address a need for an expanding population. The text amendment will provide new definitions and reasonable restrictions to appropriately address new land uses related to *supportive living*. These restrictions include registration with the Planning and Development Department for tracking purposes. Staff recommends approval of the change to the Zoning Ordinance as presented in Attachment A.

Writer

Marc Thornton
5/23/11

Attachments

A. Proposed Language

ATTACHMENT A
Staff Proposed Language

Amend Chapter 2, Section 202 (Definitions) by adding the following new definitions in correct alphabetical order to read as follows:

DEVELOPMENTAL DISABILITY: A STRONGLY DEMONSTRATED POTENTIAL THAT A PERSON IS DEVELOPMENTALLY DISABLED OR WILL BECOME DEVELOPMENTALLY DISABLED, AS DETERMINED BY APPROPRIATE TESTING THAT:

1. IS ATTRIBUTABLE TO COGNITIVE DISABILITY, CEREBRAL PALSY, EPILEPSY OR AUTISM.
2. IS MANIFESTED BEFORE AGE EIGHTEEN.
3. IS LIKELY TO CONTINUE INDEFINITELY.
4. RESULTS IN SUBSTANTIAL FUNCTIONAL LIMITATIONS IN THREE OR MORE OF THE FOLLOWING AREAS OF MAJOR LIFE ACTIVITY:
 - a. SELF-CARE.
 - b. RECEPTIVE AND EXPRESSIVE LANGUAGE.
 - c. LEARNING.
 - d. MOBILITY.
 - e. SELF-DIRECTION.
 - f. CAPACITY FOR INDEPENDENT LIVING.
 - g. ECONOMIC SELF-SUFFICIENCY.
5. REFLECTS THE NEED FOR A COMBINATION AND SEQUENCE OF INDIVIDUALLY PLANNED OR COORDINATED SPECIAL, INTERDISCIPLINARY OR GENERIC CARE, TREATMENT OR OTHER SERVICES THAT ARE OF LIFELONG OR EXTENDED DURATION.
6. DEVELOPMENTALLY DISABLED 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)].

SERVICE PROVIDER: AN ORGANIZATION REGISTERED/LICENSED WITH THE STATE DEPARTMENT OF HEALTH SERVICES THAT PROVIDES ONGOING SUPPORT TO DEVELOPMENTALLY DISABLED PERSONS.

SUPPORTIVE LIVING FACILITIES: DWELLING UNITS COORDINATED BY A SERVICE PROVIDER TO CONDUCT ONGOING SUPPORT FOR DEVELOPMENTALLY DISABLED PERSONS AS DEFINED BY THE ARIZONA REVISED STATUTES TITLE 36.

Amend Chapter 6, Section 608.C (Residence Districts) by adding a new paragraph 20 to read as follows:

20. SUPPORTIVE LIVING FACILITIES SHALL BE PERMITTED IN THE R-3, R-3A, R-4, R-5, R-4A MULTIPLE-FAMILY RESIDENCE DISTRICT. SUBJECT TO THE FOLLOWING:
- a. SUPPORTIVE LIVING FACILITIES SHALL BE SUBJECT TO THE FOLOWING LIMITATIONS:
 - 1. COMMUNITY MEALS SHALL BE PERMITTED ON SITE IN A COMMON AREA FOR RESIDENTS AND THEIR GUESTS ONLY.
 - 2. PHYSICAL THERAPY, VOCATIONAL TRAINING AND COUNSELING SHALL BE PERMITTED ON SITE FOR RESIDENTS ONLY.
 - 3. THERE SHALL BE NO SIGNAGE FOR THE FACILITY.
 - 4. REGISTRATION WITH THE PLANNING AND DEVELOPMENT DEPARTMENT
 - b. THE DURATION OF STAYS MAY BE LESS THAN 30 DAYS FOR THE RESIDENT TRANSITION TO INDEPENDENT LIVING.
