



Maricopa County

Planning & Development
Department Directive

Department
Directive:
DD-2022-04

Supersedes:
DD-2017-03
DD-2015-05,
DD-2014-02 &
DD-2006-02

Effective: 3/11/2022

Initiator: Adam Cannon - AC
Director: Tom Ellsworth - TE

PURPOSE: To ensure consistent treatment of zoning entitlement and construction permitting for community residences, recovery communities and group care facilities.

REFERENCE: Arizona Revised Statutes, § 36-582A, Maricopa County Zoning Ordinance (MCZO), Chapter 2 - Section 201, Chapter 3 - Section 307, Articles 501.2.4, 601.2.3, 701.2.4, 804.2.22, 804.2.46, 804.2.47, Chapter 12 – Section 1207, 1301.1.8; Maricopa County Local Additions and Addenda Sections 202 through 1110.3

POLICY/PROCEDURE:

The following types of community residences, recovery communities and group care facilities are permitted in unincorporated Maricopa County: [Refer to the Maricopa County Zoning Ordinance.]

- A **Residential Facility** serving six or fewer persons with the development disabilities of autism, cerebral palsy, epilepsy or cognitive disability is considered the same as a Single-Family Residence per ARS § 36-582A. Such facility shall be permitted as a primary use in the Rural and Single-Family Residential zoning districts. Note: This term is not found in the building code or amendments.
- A **Community Residence** (formerly “group home”) serves six to ten unrelated individuals, minors/children, disabled, elderly persons including staff living together as a single housekeeping unit in a single dwelling unit in a family-like environment in which mutual support may be furnished by other residents or staff. The purpose of a Community Residence is to emulate a family for normalization and integration into the community. Medical treatment shall not be permitted beyond that which is provided in a traditional residential setting.

Community residences include residences that are licensed by Arizona Department of Health Services such as adult care homes, elder care homes, child care homes and sober living homes. Community residences include sober living homes that are certified by the Arizona Recovery Housing Association or sober living homes that have been awarded an Oxford House Charter. A community residence is not a group living arrangement for individuals who are not disabled, or any shelter, rooming house, boarding house, transient occupancy, or other use as defined in the MCZO. Note: For now, the building code will continue to refer to a community residence as a group home as will section 310 of the Maricopa County Local Additions and Addenda; however, at this time the term community residence is not found in the building code or amendments.

Such a residence shall be permitted as a primary use in all Rural (MCZO, Art. 501.2.4), Single-Family Residential (MCZO, Art. 601.2.3) and Multi-Family Residential (MCZO, Art. 702.2.5) zoning districts subject to the provisions of (MCZO, Sec. 1207) with administrative approval of a Community Residence Permit, a Land Use (LU) application. The patient residents must be non-adjudicated (meaning a person who by determination of a lawful authority is convicted of a criminal offense and is subsequently sentenced to reside at a specific address, and/or has registered as a sex offender).

Elderly shall be considered to refer to patient residents of at least 55 years of age. Disability is defined in the MCZO, Chapter 2. People with disabilities do not include individuals who are currently using alcohol, illegal drugs, or using legal drugs to which they are addicted or individuals who constitute a direct threat to the health and safety of others.

Unless granted a Reasonable Accommodation to increase the maximum permitted number of residents, a single parcel with a primary dwelling unit and an accessory dwelling unit/casita where more than ten (10) individuals are occupying the primary dwelling unit and casita shall constitute a Recovery Community or a Group Care Facility.

Unless granted a Reasonable Accommodation to supersede the minimum distancing requirement, no community residence shall be permitted within 1200' of another Community Residence, Recovery Community or Group Care Facility. Further, when another jurisdiction is located within 1200' of a proposed Community Residence, the applicant of a Community Residence shall submit a letter from the adjoining jurisdiction confirming that there are no other Community Residences, Recovery Communities or Group Care Facilities within the balance of the 1200' located within the adjoining jurisdiction and that the proposed Community Residence meets the jurisdiction's distancing requirements.

- A **Recovery Community** consists of multiple dwelling units (each building to require separate building permits) located on a single parcel, or a series of adjacent lots under unified ownership, not to exceed a total area of three gross acres, providing a drug-free and alcohol-free living arrangement for people in recovery from substance use disorder. Recovery community dwelling units are not held out to the general public for rent or occupancy and, taken together, do not emulate a single family and are under the auspices of a single entity or group of related entities. A recovery community is not any other group living arrangement for unrelated individuals who are not disabled nor does it include any shelter or halfway house, community residence, assisted living facility, rooming house, boarding house, transient occupancy, or other use as defined in this Ordinance. Medical treatment shall not comprise treatment beyond that which would be provided in the confines of a traditional family residential setting.

Recovery communities are permitted in the R-3 and R-4 zoning districts by Special Use Permit (SUP) only. Recovery communities are permitted in the R-5 zoning district with approval of a Recovery Community permit, a Land Use (LU)

application. Existing and/or new sites serving as recovery communities require an approved Plan of Development (POD) and must be consistent with current zoning ordinance standards. Likewise, the structures of a site proposed to be utilized as dwellings are required to meet current building code requirements. Patient residents must be non-adjudicated (meaning a person who by determination of a lawful authority is convicted of a criminal offense and are subsequently sentenced to reside at a specific address, and/or have registered as a sex offender).

Unless granted a Reasonable Accommodation to supersede the minimum distancing requirement, no Recovery Community shall be permitted within 1200' of another Community Residence, Recovery Community or Group Care Facility. Further, when another jurisdiction is located within 1200' of a proposed Recovery Community, the applicant of a Recovery Community shall submit a letter from the adjoining jurisdiction confirming that there are no other Community Residences, Recovery Communities or Group Care Facilities within the balance of the 1200' located within the adjoining jurisdiction and that the proposed Recovery Community meets the jurisdiction's distancing requirements.

- A **Group Care Facility** serves any other class of voluntary or court adjudicated residents, or more than ten minors/children, disabled or elderly residents (MCZO, Art. 1301.1.8). A group care facility allows care and/or treatment beyond that which would be provided in a residential setting. These may be permitted in any zoning district with legislative approval of a SUP.

These facilities are also permitted in the C-2, C-3 and all industrial zoning districts where hospitals are permitted with administrative approval of a Plan of Development (POD).

Separate from the above types of zoning entitlement for community residences / recovery communities / group care facilities there is a required occupancy load for building construction: [Refer to Maricopa County Local Additions and Addenda Sections 202 – 1101.3.]

Generally:

- R3 occupancy for 5 or fewer persons including patients, caretakers, residents, etc.*
- R4 occupancy for 6 – 10 persons including patients, caretakers, residents, etc.*
- Institution occupancy is for 11 or more persons including patients, caretakers, residents, etc.*

***The occupancy group shall be determined in part by the level of care.**

It is important to note that a zoning entitlement may be approved for a facility to have a certain number of patient residents which is consistent with State licensing, but the building occupancy load will be for a greater number of persons based

upon caregivers and other persons who may be residing/occupying the building. The occupant load will be determined by the building code.

Building permitting requirements for include the following prior to issuance of a Certificate of Occupancy:

- 1) If there are no changes in occupancy being proposed to a residence being occupied as a Community Residence or Recovery Community, operator is to submit a Compliance Inspection Request and receive approval of the associated inspection.
- 2) If there are changes to a single-family residence or multi-family residences, an operator is required to submit an application for a Residential (if single-family home) or Commercial Alteration permit (if multi-family residences) for the appropriate occupancy and receive approval of associated final inspections upon permit issuance.
- 3) If the proposed Community Residence or Recovery Community is a new build, an operator is required to submit an application for Residential-New or Commercial-New permit and receive approval of associated final inspections upon permit issuance.

Any community residence / group care facility for ten or fewer patient residents and with ten or fewer bedrooms shall only be required to provide two (2) off-street parking spaces, the same as for a single-family residence. All recovery communities shall be required to provide two parking spaces per dwelling unit in accordance with multiple-family parking requirements where not less than 5% of required parking spaces shall meet ADA requirements and not less than 20% of the required parking shall be reserved for guest parking.

An applicant of a building/zoning application will be encouraged to submit the application for licensure or certification along with other required documents in order to assist Staff in verifying the correct required building occupancy.