

LDC13-002

Land Development Code Amendment
Community Residences

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
PLANNING AND ZONING COMMISSION for August 29, 2013

STAFF REPORT

TO: City of Prescott Planning and Zoning Commission

FROM: Tom Guice, Community Development Director TB
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DATE: August 29, 2013

SUBJECT: Public Hearing on proposed revisions to the Land Development Code related to single-family residences, community residences and related residential use categories

ITEM SUMMARY: The proposed revisions to the Land Development Code modify definitions and appropriate zoning districts for categories of residential uses. The primary intent of the proposal is to clarify uses compatible with single-family dwellings by amending the definition of family and adding a definition of single housekeeping unit. Additionally, the amendments revise the definition of and create appropriate development standards for community residences. The recommendations presented in this report reflect similar state statute requirements for certain residential facilities.

BACKGROUND: There have been several Land Development Code amendments in recent years pertaining to various residential uses. Most recently, the code was amended in 2011 to come into conformance with the Fair Housing Act with respect to community residences. Community residences, defined as group living arrangements, typically for persons with disabilities, were included as a permitted use in single-family and multi-family zoning districts.

In the last year, the City has become increasingly aware of complaints and concerns related to community residences, specifically in single-family and multi-family neighborhoods where the community residences are clustered together. This issue was brought before the City Council at its June 18, 2013 caucus meeting. Council recommended that there be a joint workshop with the City Council and Planning and Zoning Commission, which was held on July 16, 2013. After hearing presentations by legal and planning staff, there was consensus at the workshop to direct staff to move forward with further research and to draft code amendments to address the concerns.

ZONING STRATEGY: Zoning districts were developed in the early 20th century in order to protect residential properties from adverse impacts related to commercial and industrial uses. Today, protection of single-family neighborhoods remains a primary function of the zoning code.

The focus of this proposal is a reconsideration of the definition of family for the purposes of maintaining the character of single-family neighborhoods. The existing Land Development Code defines family as any number of people who are related or a group of up to eight unrelated persons living together as a single housekeeping unit. However, the term "single housekeeping unit" is not defined. Because of this, the determination as to whether a group of people meet the definition of family rests entirely in the number of people living in a residence and not in whether their operations meet the functional equivalent of a traditional household. The interpretation by the City has been that any group of eight or fewer people meets the definition of a family.

The proposed revisions to the definition of family and single housekeeping unit are as follows:

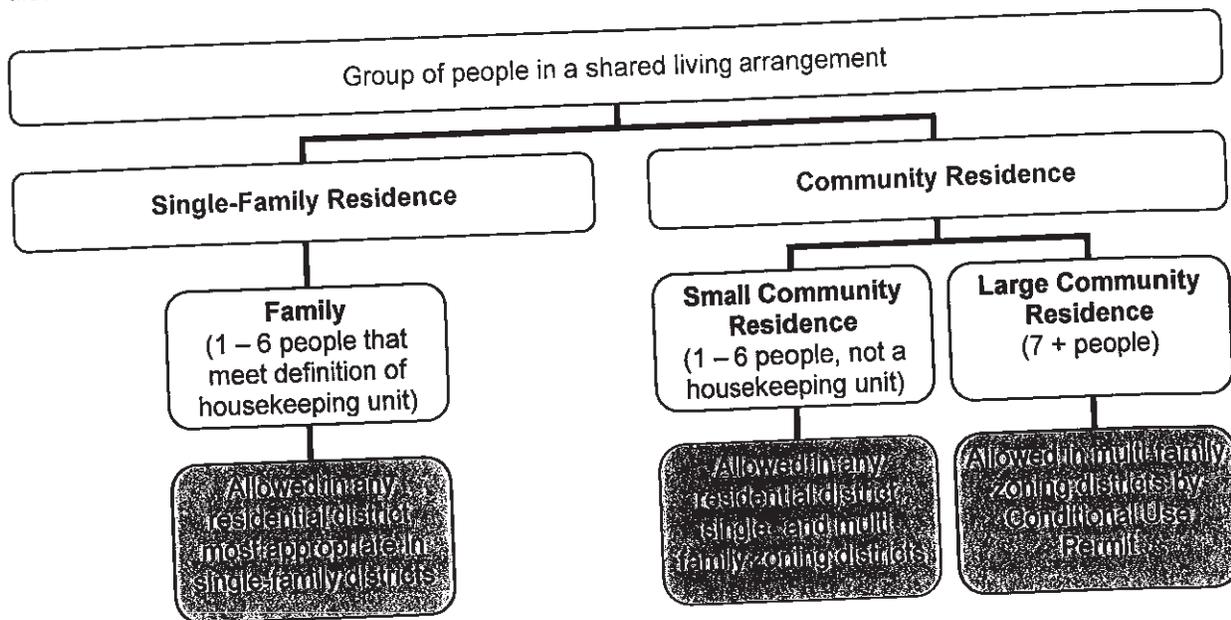
Family: One or more persons living together as a *single housekeeping unit*, in a dwelling unit.

Single Housekeeping Unit: Any number of related, or up to six 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 dwelling 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.

The effect of these revisions is twofold. First, the allowable number of unrelated persons living together in single-family dwellings is reduced to six. As has been shown by Census data, there has been an overall decrease in the average household size by approximately 20% and this is reflective of that reduction. Certain state statutes also support the six resident maximum. Second, the term "single housekeeping unit" has been defined, specifying characteristics of groups of unrelated persons living together to meet the functional equivalency of a traditional household.

Accordingly, groups of unrelated persons living together may or may not meet the definition of single housekeeping unit. Those that do not meet the criteria of a single housekeeping unit are considered to be a form of congregate living. The congregate living category is a residential category, and includes uses such as dormitories, boarding houses, and community residences. Community residences are the most general form of shared living arrangements for a group of people who do not meet the definition of a single housekeeping unit.

The proposed zoning strategy for the better defined single-family residences and community residences is shown in the chart below. Those community residences that are similar in scale to a single-family dwelling (1-6 people) are permitted in single-family and multi-family zoning districts. Development standards include a distance separation requirement. The larger community residences (7 + people) are allowed by conditional use permit in multi-family zoning districts and must also meet the development standards.



In order to ensure compatibility of community residences located in residential areas, and to protect the character of those neighborhoods, the following development standards have been proposed for community residences:

- A. A complete application for a Community Residence shall be submitted to the Community Development Director. If a Conditional Use Permit is required, a separate application must be submitted as set forth in Section 9.3.
- B. No Community Residence shall be located within 1200 linear feet of another Community Residence, as measured from the primary entrances, along the shortest legal pedestrian route.
- C. If the facility is not required to be licensed by the State of Arizona, owners, managers, operators, and residents shall not provide any services onsite, which would require licensure of the facility under state law.
- D. No staff, clients, guests, or any other users of the facility may smoke in an area from which the second hand smoke may be detected on any parcel other than the parcel upon which the facility is located.
- E. The Community Residence shall not involve changes in the exterior appearance of any structure or necessitate equipment that is not related to the primary residential use.
- F. The Community Residence shall not create a traffic or parking problem.

G. Waivers for the reasonable accommodation of Community Residences for persons with disabilities, that do not otherwise meet the strict requirements of the LDC are considered and acted upon by the Community Development Director, or his designee. In all cases the Community Development Director shall make findings of fact in support of his determinations and shall render his decision in writing. The Community Development Director may meet with and interview the applicant to ascertain or clarify information sufficiently to make the required findings. To grant a Waiver for Reasonable Accommodation, the Community Development Director shall find affirmatively all of the following:

1. The request will not increase the residential occupancy of the residence to more than 8 persons if such change will result in the inability to comply with the requirements of sections 2 through 4 below.
2. The request will be in compliance with all applicable Building and Fire codes.
3. The request will not create a substantial detriment injurious to neighboring properties by creating traffic impacts, parking impacts, impacts on the water or sewer systems, or other similar adverse impacts.
4. The request will not create impacts such as smoke, fumes, fire hazards and other injurious or noxious impacts to neighboring properties.

Profitability or financial hardship of the owner/operator of a facility shall not be considered by the Community Development Director in determining to grant a Waiver for Reasonable Accommodation. Appeals of administrative decisions of the Director may be made regarding reasonable accommodations, pursuant to Section 9.17.

Arizona Revised Statutes for residential facilities (ARS 36-582) mirror the proposed definitions and development standards for community residences. The statutes require that residential facilities for persons with mental or developmental disabilities be permitted in single-family zoning districts, but also require a 1200 foot separation distance between those facilities. The provisions of the statute also allow cities to establish conditional use permit requirements for facilities serving seven or more persons.

Significant research and documentation has been done in regards to distance separation requirements. According to the prevailing studies in this subject, clustering of community residences can have a negative effect on both the residents of the facilities as well as the surrounding neighborhood, and should be located at a minimum distance of one to two blocks from each other. A block is approximately 600 – 800 feet in the City of Prescott. According to the available data, approximately 75% of the existing facilities meeting the definition of community residence are within 600 feet (one block) of another and approximately 85% of facilities are within 1200 feet (two blocks) of another. Given the significant level of clustering that exists already, it is important to take preventative measures in the form of a distance separation requirement to ensure a more even dispersal across residential areas in the City.

Excerpts from the aforementioned research are included below:

Joint statement of the Department of Justice and the Department of Housing and Urban Development:

"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."

American Planning Association:

"Community residences should be scattered throughout residential districts rather than concentrated in any single neighborhood or on a single block. 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 locate 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 defacto 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 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."

Dr. Daniel Lauber (legal expert on zoning for community residences):

"Clustering community residences only undermines their ability to achieve their central goals of normalization and community integration. A community residence needs to be surrounded by so-called "normal" or conventional households, the sort of households this living arrangement seeks to emulate. Clustering community residences adjacent to one another or within a few doors of each other increases the chances that their residents will interact with other service-dependent people living in a nearby community residence rather than conventional households with non-service dependent people."

REASONABLE ACCOMODATIONS: The Fair Housing Act requires local jurisdictions to make reasonable accommodations for community residences serving the disabled, when requested. A reasonable accommodation may be made in regards to the zoning requirements or applicable development standards. Those accommodations are made on a case-by-case basis and the

decision as to whether the request is reasonable must take into account the scope and magnitude of the modification requested and the features of the surrounding neighborhood. The request cannot substantially alter the City's zoning scheme and it cannot create negative impacts on neighboring properties in the form of traffic and parking impacts, impacts on the infrastructure system, or similar adverse impacts. Reasonable accommodation provisions are proposed to be included in Section 2.4.17 of the Land Development Code.

REVIEW CRITERIA: Amendments to the Land Development Code require public notification, review by the Planning and Zoning Commission, and City Council action. Per Section 9.12, the Planning and Zoning Commission shall consider the following criteria in its review, and recommend approval, approval with modifications, or denial:

Consistency with the General Plan: The General Plan is the guide for land use related decisions in the City. While the plan does not include a direct discussion of group residential uses, recurring themes throughout the text include neighborhood quality and housing needs. A continuing challenge for the City is to ensure housing affordability and availability for a range of lifestyles without adversely affecting stated neighborhood values. Transition and multi-use areas need to be planned with careful consideration of the impacts to existing neighborhoods. Reference Chapters 4 and 5 of the General Plan for more details regarding these issues.

Consistency with the purpose and intent of the Land Development Code: Section 1.5 states that the Code is intended to protect the health, safety, and general welfare of existing and future residents of the City of Prescott by:

- A. Implementing the goals, objectives and policies of the General Plan;
- B. Classifying the City of Prescott into zoning districts;
- C. Regulating and restricting the location and use of buildings, structures, recreation, trade, industry, residences and other uses;
- D. Regulating the intensity of uses and structures through density, dimensional and open space standards;
- E. Providing adequate privacy, light, air, and otherwise mitigating adverse impacts associated with development that occurs in the City of Prescott;
- F. Adding a level of protection from fire, flood, and other dangers;
- G. Promoting sustainable development;
- H. Promoting natural resource conservation and historic preservation;
- I. Managing growth within the City of Prescott by concentrating development in areas where adequate sewage and water facilities, roads, and schools now exist or can be provided, and limiting development in areas where these facilities are not adequate;
- J. Protecting designated corridors, surrounding areas and scenic quality by establishing overlay zoning districts and by establishing regulations related to the maintenance of quality aesthetic, safe and functional access and environmental standards;
- K. Promoting land use patterns that increase efficiency in service provision and prudent use of fiscal resources and local government expenditures; and
- L. Protecting the tax base by managing growth within the City of Prescott.

LEGAL NON-CONFORMING USES: The City recognizes that there are a number of existing Community Residences that will not meet the proposed regulations. Those existing residences, if they are legally operating under the current LDC criteria, would be able to continue in operation as legal nonconforming uses. The City will offer these existing residences the option to fill out the application required for any new Community Residences as a means of registering their status with the City. If an owner or operator chooses not to register their nonconforming status they may be required to prove their status as provided in LDC Section 10.1.2, should any disputes arise as a result of siting new Community Residences.

SUGGESTED MOTION: Move to recommend approval of LDC13-002, amending Article 2, Sections 2.3, Use Table, and 2.4, Use Standards; Article 6, Section 6.2, Parking Standards; and Article 11, Sections 11.1.3, Residential Use Categories, and 11.2, Terms Defined, related to zoning and definitions for residential uses.

DRAFT CODE AMENDMENTS

Article 2 / Use Regulations

2.1 / Districts Established . . .

2.2 / Zoning Map . . .

2.3 / Use Table . . .

Table 2.3

SPECIAL USE	PERMITTED USE TABLE										Use Standard							
	RESIDENTIAL BASE ZONING DISTRICTS					NON-RESIDENTIAL BASE ZONING DISTRICTS												
	RM	RM-S	RM-M	RM-L	RM-LS	RM-LL	RM-LLS	RM-LLS	RM-LLS	RM-LLS	RM-LLS							
Residential Use Categories (Sec. 11.1.3)																		
Assisted Living (Sec. 11.1.3 A)																		
Assisted Living	C					P	P	P			P	P	P	P	P			2.4.7
Nursing Home													P	P	P	P	P	2.4.7
Accommodations (Sec. 11.1.3 B)																		
Bed and Breakfasts	P					C	P	P					P	P	P	P	P	2.4.12
Casitas, Cabins, or Cottages	C												C	P	P	P	P	2.4.14
Motels or Hotels													C	P	P	P	P	--
Congregate Living (Sec. 11.1.3 C)																		
Boarding Houses								C	P	P			P	P	P	P	P	--
Community Residence, Small	P	P	P	P	P	P	P	P	P				P	P	P	P	P	2.4.17
Community Residence, Large								C	C	C			P	P	P	P	P	2.4.17
Community Residence, Family ¹	P	P	P	P	P	P	P	P	P				P	P	P	P	P	2.4.17
Community Residence, Transitional ²	C	C	C	C	C	C	P	P	P				P	P	P	P	P	2.4.17
Community Residence ²	C	C	C	C	C	C	C	C					P	P	P	P	P	2.4.17
Congregate Living	C							C	P	P			P	P	P	P	P	2.4.18
Dormitories / Fraternities / Sororities								C	C	C			C	C	P	P	P	2.4.18
Fraternities or Sororities								C	P	P			P	P	P	P	P	2.4.18
Senior Family Home (9 – 10 residents)	C	C	C	C	C	C	P	P	P				P	P	P	P	P	2.4.46
Household Living (Sec. 11.1.3 D)																		
Single-family Dwellings / Modular Homes ²	P	P	P	P	P	P	P	P	P				P	P	P	P	P	2.4.46
Duplex Dwellings								P	P	P			P	P	P	P	P	2.4.20
Multi-family Dwellings (Apartments & MF Condos)								P	P	P			P	P	P	P	P	2.4.32

¹ See Section 3.11.5 / Allowed Uses.
² Modular Homes must meet the Uniform Building Code (UBC) or International Building Code (IBC) Standards.

SPECIFIC USE	PERMITTED USES														Use Standards	
	RESIDENTIAL ZONING DISTRICTS							NONRESIDENTIAL ZONING DISTRICTS								
	RO	NOB	BG	BR	RE	SF	Other	RO	NOB	BG	BR	RE	SF	Other		
Patio Homes ³					P	P	P		P							2.4.35
Townhouses ⁴					P	P	P		P							2.4.51
Manufactured Housing ⁵																2.4.29
Manufactured Home Parks					C	C	P					C	C			2.4.30
Foster Group Home (6 – 10 children)	C	G			C	P	P		C	P	P	P	S	P		2.4.18
Foster Homes (≤5 children)	P	P	P	P	P	P	P		P	P	P	P	P	P		2.4.18

³ Patio homes may also be allowed on individual lots in the RO, NOB, BG and BR Districts and in the RE and SF districts in accordance with the Planned Area Development (PAD) procedures of Sec.9.5.9.i.

⁴ Townhouses may also be allowed on individual lots in the RO, NOB, BG and BR Districts and in the RE and SF districts in accordance with the Planned Area Development (PAD) procedures of Sec. 9.5.9.i.

⁵ Manufactured housing may be permitted only in approved manufactured home parks and in zoning districts with the “-MH” floating zone designation (See Sec. 3.12, Manufactured Home Floating Zone).

⁶ “Stand Alone Professional Practice” (practices not having a residential component) are possible subject to the processing of a Conditional Use Permit.

⁷ Refers to residences for the disabled of greater than 8 persons. Any residence of 8 or fewer people is permitted as a single family dwelling.

2.4 / Use Standards . . .

2.4.7 / Assisted Living and Nursing Homes (Residential Use Categories; Assisted Living)

Assisted living facilities and nursing home facilities shall be subject to the following standards:

- A. All assisted living facilities shall comply with all applicable federal, state and local requirements for the location and operation of such facilities and the provision of safe outdoor recreation areas and gross floor areas for every person that the facility is licensed to accommodate.
- B. Assisted living Facilities shall include 24-hour caregivers on site. (See Sec. 11-1-3A)
- C. The assisted living structure shall contain a common food preparation area and may contain individual kitchenettes for occupants.
- D. The facility shall be in full compliance with all applicable requirements of the Americans with Disabilities Act.

2.4.17 / Community Residence for the Disabled, Small and Large Family and Transitional (Residential Use Categories, Community Residence Congregate Living)

Small and Large Family Community Residences and Transitional Community Residences greater than 8 residents shall be subject to the following standards:

- ~~A. Community Residences for persons with disabilities for which a license or certification is required by any state, federal, or responsible accrediting agency is permitted as designated in Table 2.3. If a license or certification is required and denied to the applicant then the use is not permitted.~~
- ~~B. Community Residences for persons with disabilities for which a license or certification is not required by any state, federal, or responsible accrediting agency will be subject to a Conditional Use Permit requirement.~~
- ~~C. Live-in or shift staff are not counted towards the permitted number of residents.~~
- A. A complete application to permit a Community Residence shall be submitted to the Community Development Director. If a Conditional Use Permit is required, a separate application must be submitted as set forth in Section 9.3.
- B. No Community Residence shall be located within 1200 linear feet of another Community Residence, as measured from the primary entrances, along the shortest legal pedestrian route.
- C. If the facility is not required to be licensed by the State of Arizona, owners, managers, operators, and residents shall not provide any services onsite, which would require licensure of the facility under state law.
- D. No staff, clients, guests, or any other users of the facility may smoke in an area from which the second hand smoke may be detected on any parcel other than the parcel upon which the facility is located.
- E. The Community Residence shall not involve changes in the exterior appearance of any structure or necessitate equipment that is not related to the primary residential use.
- F. The Community Residence shall not create a traffic or parking problem.
- G. Waivers for the reasonable accommodation of Community Residences for persons with disabilities, that do not otherwise meet the strict requirements of the LDC are considered and acted upon by the Community Development Director, or his designee. In all cases the Community Development Director shall make findings of fact in support of his determinations and shall render his decision in writing. The Community Development Director may meet with and interview the applicant to ascertain or clarify information sufficiently to make the required findings. To grant a Waiver for Reasonable Accommodation, the Community Development Director shall find affirmatively all of the following:
 1. The request will not increase the residential occupancy of the residence to more than 8 persons if such change will result in the inability to comply with the requirements of sections 2 through 4 below.

2. The request will be in compliance with all applicable Building and Fire codes.
3. The request will not create a substantial detriment injurious to neighboring properties by creating traffic impacts, parking impacts, impacts on the water or sewer systems, or other similar adverse impacts.
4. The request will not create impacts such as smoke, fumes, fire hazards and other injurious or noxious impacts to neighboring properties.

Profitability or financial hardship of the owner/operator of a facility shall not be considered by the Community Development Director in determining to grant a Waiver for Reasonable Accommodation. Appeals of administrative decisions of the Director may be made regarding reasonable accommodations, pursuant to Section 9.17.

~~2.4.18 / Congregate Living Facilities (Residential Use Categories; Congregate Living)~~

~~Congregate living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living (See 11.1.3C). Examples include dormitories, fraternities, sororities, foster group homes, monasteries, and convents. All Congregate Living facilities shall be subject to the following standards:~~

- ~~A. Tenancy shall be arranged on a monthly or longer basis.~~
- ~~B. The following shall not be considered Congregate Living:~~
 - ~~1. Lodging where tenancy may be arranged for periods of less than 30 days is to be considered hotel or motel use and classified in the Retail Sales and Service category.~~
 - ~~2. See Sec. 2.4.7, Assisted Living.~~
- ~~C. All foster group homes may house up to a maximum of 10 foster children.~~

~~2.4.19 2.4.18 . . .~~

~~2.4.20 2.4.19 . . .~~

~~2.4.21 2.4.20 . . .~~

~~2.4.22 2.4.21 . . .~~

~~2.4.23 2.4.22 . . .~~

~~2.4.24 2.4.23 . . .~~

~~2.4.25 2.4.24 . . .~~

~~2.4.26 2.4.25 . . .~~

~~2.4.27 2.4.26 . . .~~

~~2.4.28 2.4.27 . . .~~

~~2.4.29 2.4.28 . . .~~

~~2.4.30~~ 2.4.29 . . .

~~2.4.31~~ 2.4.30 . . .

~~2.4.32~~ 2.4.31 . . .

~~2.4.33~~ 2.4.32 . . .

~~2.4.34~~ 2.4.33 . . .

~~2.4.35~~ 2.4.34 . . .

~~2.4.36~~ 2.4.35 . . .

~~2.4.37~~ 2.4.36 . . .

~~2.4.38~~ 2.4.37 . . .

~~2.4.39~~ 2.4.38 . . .

~~2.4.40~~ 2.4.39 . . .

~~2.4.41~~ 2.4.40 . . .

~~2.4.42~~ 2.4.41 . . .

~~2.4.43~~ 2.4.42 . . .

~~2.4.44~~ 2.4.43 . . .

~~2.4.45~~ 2.4.44 . . .

~~2.4.46 / Senior Family Homes (Residential Use Categories, Household Living)~~

~~All Senior Family Homes of 9—10 residents shall be subject to the following standards:~~

- ~~A. Senior Family Homes are subject to the same use standards as Single Family Dwellings.~~
- ~~B. Live-in or shift staff are not counted towards the permitted number of residents.~~

~~2.4.47~~ 2.4.45 . . .

~~2.4.48~~ 2.4.46 / Single-family Dwellings (Residential Use Categories, Household Living)

All single-family dwellings may be occupied by a single family **and housekeeping unit** or a maximum of ~~8~~ **unrelated persons** (See definition of "Family" **and "Housekeeping Unit"** in Sec. 11.2.5, General Terms).

~~2.4.49~~ **2.4.47** . . .

~~2.4.50~~ **2.4.48** . . .

~~2.4.51~~ **2.4.49** . . .

~~2.4.52~~ **2.4.50** . . .

~~2.4.53~~ **2.4.51** . . .

Article 6 / General Development Standard

6.1 / Applicability . . .

6.2 / Off-street Parking and Loading . . .

Table 6.2.3

OFF-STREET PARKING REQUIREMENTS	
Use Type	Minimum Parking Requirements
Assisted Living	0.5 per dwelling bed + 1 / employee / shift
Bed and Breakfasts	1 per guest room, in addition to spaces otherwise required
Boarding House	1 per guest room, in addition to spaces otherwise required
Casitas, Cabins, or Cottages	2 per dwelling
Community Residence, Small	2 per dwelling + 1 / employee / shift
Community Residence, Large	0.5 per bed + 1 / employee / shift
Congregate Living	1 per 3 beds + 2 for resident family
Dormitories	0.5 per bed + 1 / employee / shift
Foster Homes	2 per dwelling
Fraternity / Sorority or Boarding House	1 per bedroom + 1 / employee / shift
Hotels, Inns, Motels Motels or Hotels	1 per guest room + 1 / employee / shift
Nursing Home	1 per 2 beds 0.5 per bed + 1 / employee / shift

Article 11 / Definitions

11.1 / Use Categories . . .

11.1.3 / Residential Use Categories

A. Assisted Living

1. Characteristics

Assisted Living is characterized by **the residential** occupancy of a building **dwelling unit** by a group of aged people, those with disabilities, or those in immediate crisis not related to criminal or substance abuse conduct **persons requiring assistance with daily activities and who do not meet the definition of a single housekeeping unit. Assisted Living Facilities in single family dwelling units shall be considered a community residence (Congregate Living, Sec. 11.1.3 C). Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential.** ~~The residents do not function as a single housekeeping unit, and may live in individual or shared apartments. The residents may receive care or medical treatment. Care givers are present at all times, and may reside at the on site. Generally, Assisted Living~~ These structures ~~may or may not~~ have a common eating area for residents.

2. Accessory Uses

Accessory uses include offices, cafeterias, parking, and maintenance facilities.

3. Examples

Examples of Assisted Living include **assisted living**, nursing **homes**, convalescent homes, and hospice facilities.

B. Accommodations

1. Characteristics

Accommodations are characterized by the occupancy of a dwelling units where tenancy is arranged for short term stays of less than 30 days for rent, lease or interval occupancy.

2. Accessory Uses

Accessory uses may include pools and other recreational facilities, limited storage, and offices.

3. Examples

Examples include bed and breakfast establishments, **cabins**, hotels, motels, inns, and interval occupancy facilities. Also includes central reception and check-in facilities for resorts and interval occupancy facilities.

~~C. Community Residences for the Disabled~~

~~A Community Residence provides a living arrangement for a **group of** persons with disabilities. The intent of a Community Residence is to provide a residence that assists in normalization and community integration. The residence may provide socialization training, life-skills instruction, incidental medical care, and help with personal living activities.~~

~~1. Family Community Residences for the Disabled~~

~~a. Characteristics~~

~~Family Community Residences are characterized by the residential occupancy of a dwelling unit by a group of 9 or more disabled persons living as a single housekeeping unit and functioning as a family. Care givers and associated staff may or may not be present and may or may not reside at the site. Residents may receive care, training, or treatment. Tenancy is typically measured in years and is often permanent in nature.~~

~~b. Accessory Uses~~

Accessory uses commonly associated with Household Living are recreational activities, raising of pets, hobbies, home occupations, greenhouses, storage of household goods, storage of supplies and equipment for maintaining the dwelling and associated yard, and parking and occasional maintenance of the occupants' vehicles.

c. Examples

Examples of Family Community Residences include group homes for the disabled and residential living facilities for groups of disabled persons.

d. Exceptions

Assisted living, nursing homes, institutions, congregate living, and any facility for sex offenders or juveniles.

2. Transitional Community Residences for the Disabled

a. Characteristics

Transitional Community Residences are characterized by the residential occupancy of a dwelling unit by a group of 9 or more disabled persons living as a single housekeeping unit and functioning as a family. Care givers and associated staff may or may not be present and may or may not reside at the site. Residents may receive care, training, or treatment. Tenancy is typically measured in months and is often transitional in nature.

b. Accessory Uses

Accessory uses commonly associated with Household Living are recreational activities, raising of pets, hobbies, home occupations, greenhouses, storage of household goods, storage of supplies and equipment for maintaining the dwelling and associated yard, and parking and occasional maintenance of the occupants' vehicles.

c. Examples

Examples of Transitional Community Residences are halfway houses, transitional homes, and recovery homes.

d. Exceptions

Boarding houses, treatment centers for alcohol and drug abuse, detoxification facilities, and any facility for sex offenders or juveniles.

C. Congregate Living

1. Characteristics

Congregate Living is characterized by the residential occupancy of a structure dwelling unit by a group of people who **do not meet the definition of a single housekeeping unit** do not meet the definition of Household Living. The size of the group may be larger than the average size of a household. Tenancy is arranged on a monthly **month-to-month** or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see Resort Accommodations and Community Service categories). Generally, Congregate Living structures have a common eating area for residents. The residents may receive care, training, or treatment as long as the and caregivers may also reside at the on site.

2. Accessory Uses

Accessory uses commonly associated with Congregate Living are recreational facilities, dining facilities and parking of vehicles for occupants and staff.

3. Examples

Examples of Congregate Living include **boarding houses, community residences**, dormitories, fraternities and sororities, monasteries and convents, **and assisted living facilities in single family dwelling units.**

4. Exceptions

- ~~a. Lodging where tenancy may be arranged for periods of less than 30 days is classified in the Resort Accommodations category.~~
- ~~b. Lodging where the residents meet the definition of Household and where tenancy is arranged on a month-to-month basis or for a longer period is classified as Household Living.~~
- ~~c. Congregate care facilities where individual units meet the definition of a dwelling unit in Sec. 11.2 are classified as Household Living.~~
- ~~d. Foster homes where more than 4 children reside are classified as a Foster Group Home.~~

D. Household Living

1. Characteristics

Household Living is characterized by the residential occupancy of a dwelling unit by a household **single housekeeping unit**. Tenancy is ~~to be~~ arranged on a month-to-month or longer basis. Uses where tenancy is arranged for a shorter period are not considered residential. ~~They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories).~~

2. Accessory Uses

Accessory uses commonly associated with Household Living are recreational activities, raising of pets, hobbies, ~~home occupations~~, greenhouses, storage of household goods, storage of supplies and equipment for maintaining the dwelling and associated yard, and parking and occasional maintenance of the occupants' vehicles. Home occupations, caretaker's quarters and guest houses are accessory uses that are subject to additional regulations.

3. Examples

~~Examples of household living use (structure) types~~ include Single-family Dwellings, Attached Single Family Dwellings, Duplexes, Patio Homes, Multi-family Dwellings, Townhouses, Workforce Housing, Mobile Home Parks, ~~Group Homes~~, Retirement Center Apartments, manufactured housing and other structures with self-contained dwelling units.

4. Exceptions

~~Lodging in a dwelling unit or where units are rented on a less than monthly basis is classified in the Accommodations category.~~

11.2 / Terms Defined . . .

Table 11.2.5 General Terms

Assisted Living	A combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need assistance with daily activities. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential.
Bed and Breakfast	A dwelling unit, with a host or host family residing therein, where members of the public are lodged for compensation, with a morning meal provided as part of the normal charge for said room.
Boarding or Rooming House	A dwelling unit or apartment in which sleeping accommodations are provided, for any type consideration whatsoever, for 3 or more persons not members of the resident family, provided not more than 5 rooms in such building or apartment are used for such purpose.
Business or Commercial	The purchase, sale or other transaction involving the handling or disposition of any article, substance, service or commodity for profit, gain, livelihood (whole or partial), or consideration conducted at any location.
Cabin	A building used, or designed, or intended for use or occupancy by not more than one family as living quarters, including all necessary domestic employees of such family, having only one (1) kitchen or kitchen facility, and not having a private indoor toilet. No space hereafter constructed or altered for such purpose shall be used for such purpose unless it comprises not less than 320 square feet of gross floor area.
Cabin, Casita or Cottage	A small, detached house or dwelling unit that may be used for short-term rental purposes in the manner of a motel room.
Cottage	See Casita.
Community Residence, Small	A dwelling unit for a group of one (1) to six (6) unrelated persons, who do not meet the definition of a single housekeeping unit. One (1) additional supportive or supervisory staff person is allowed.
Community Residence, Large	A dwelling unit for seven (7) or more unrelated persons, who do not meet the definition of a single housekeeping unit. Additional supportive and supervisory staff are allowed.
Community Residence for the Disabled	A residential living arrangement for 9 or more unrelated individuals with disabilities, who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. The purpose of a Community Residence is to integrate residents into the community and is considered a residential use of property for purposes of all zoning and building codes. There are two categories of Community Residences for the Disabled: 1) Family Community Residence— Tenancy is typically measured in years and is often permanent in nature. 2) Transitional Community Residence— Tenancy is typically measured in months, and is transitional in nature.
Dormitory	Any structure with 6 or more rooms specifically designed for the exclusive purpose of housing students of a university, college or school, excepting resident staff.
Disability	Mental or physical impairment which substantially limits one or more major life activities. The term mental or physical impairment may include, but are not necessarily limited to, conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug

	addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered disabled under the Fair Housing Act or federal law, by virtue of that status.
Family	One or more persons living together as a single housekeeping unit, in a dwelling unit. A. An individual, or 2 or more persons related by blood, marriage, or adoption, including any live-in domestic help, living together as a single housekeeping unit in a dwelling unit; or B. A group of not more than 8 persons who need not be related, living together as a single housekeeping unit in a dwelling unit
Dwelling Unit	A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, cooking, eating and sanitation. Tenancy is arranged on a month-to-month or longer basis.
Dwelling, Attached Single-family	A dwelling unit on its own individual lot that shares one or more common or abutting walls with one or more dwelling units. An attached single-family dwelling (or townhouse) does not share common floors/ceilings with other dwelling units.
Dwelling, Duplex	A building, or portion thereof, having 2 dwelling units on a single lot designed or intended for use or occupancy by 2 families living independently of each other, including all necessary domestic employees of each family, and having both kitchen or cooking facilities and private, indoor toilet within each such housekeeping unit, and conforming to the IBC of the City of Prescott.
Dwelling, Multiple-Family	A building, or portion thereof, having 3 or more dwelling units on a single lot, used, or designed or intended for use or occupancy as living quarters by 3 or more families living independently of each other, including all necessary domestic employees of each family and having both kitchen or cooking facilities, private, indoor toilet within each such housekeeping unit, conforming to the IBC of the City of Prescott. This definition shall also include any number of dwelling units in a nonresidential structure, but shall not include recreational vehicle parks, motels, or hotels. No such unit hereafter constructed or altered for such purpose shall be used for such purpose unless it comprises gross floor area in conformance with that specified in the IBC.
Dwelling, Senior Apartment	An age-restricted (generally 55 years or older) multi-unit housing development with self-contained living units for older adults who are able to care for themselves. Usually no additional services such as meals or transportation are provided but may be offered as an option.
Dwelling, Single-Family	A detached dwelling unit designed for occupancy by one family and built to IBC-Standards.
Foster Home	A home licensed by the Arizona Department of Economic Security maintained by persons having care or control of one to 5 minor children, other than those related by blood, marriage, or adoption.
Foster Home, Group	A foster home licensed by the Arizona Department of Economic Security suitable for the placement of 6, but not more than 10, minor children.
Fraternity or Sorority House	A residence hall or building used as living quarters for members of an approved college or university group while enrolled at an institution of higher learning
Medical Office	Including offices of Doctors, Dentists, Chiropractors, and similar offices.
Motel or Hotel	A building or group of two or more detached, semi-detached or attached

	buildings containing guest rooms or apartments for the purpose of transient occupancy with automobile storage space provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of automobile travelers.
Nursing Home	A combination of housing and health care designed to respond to individuals who require medical care because of illness, disease, or physical or mental infirmity. A facility with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility is inpatient services for persons requiring regular medical attention.
Office, General and Professional	A place where a particular kind of business, excluding retailing, is transacted or a service is supplied according to the following: (1) Place in which the functions (such as consulting, record keeping, and clerical work) of a public or private agent are performed, or (2) A place in which a professional person conducts his professional business. (e.g., a psychologist, architect, or lawyer.)
Related	The following relationships resulting from marriage, blood, adoption, or guardianship: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, and aunt.
Senior Family Home	A residence for 9 – 10 people age 60 and over, who function as a family and a single housekeeping unit, with supportive staff as necessary to meet the needs of the residents.
Single Housekeeping Unit	Any number of related, or up to six 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 dwelling 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.
Transient occupancy	Residential occupancy of a building or structure for a period of less than 30 days.
Treatment Center	A facility offering temporary housing which typically includes, but is not limited to, alcohol, drug/substance abuse or other treatment programs and which provides 1) on-site staff who may provide supervision, personal care, meals, education, participation in community activities, counseling, treatment, or therapy for the residents thereof; 2) Administration of an in-house program of guidelines and goals for the expected conduct, achievement, performance and participation of the residents in an established treatment program; 3) Dispensing, storage and/or oversight of prescription medications by responsible individuals who are properly trained to do so; 4) Is recognized by potential referral agencies, public or private; and 5) A facility may be required to be licensed by, certified by, registered with, or otherwise authorized, funded or regulated, in whole or in part, by an agency or the State or the Federal government.