

Section 5.13 Community Residences

A. Standards.

1. To prevent the clustering of community residences and to better integrate community residence residents into the surrounding neighborhood and community, such home must be located on a lot that is at least one thousand three hundred twenty (1,320) feet from the exterior lot lines of another community residence, measured by a straight line from the property line in any direction.
2. No more than two (2) persons per bedroom.
3. An individual required to register under Arizona law as a sex offender and classified as a Level II or Level III community risk (intermediate to high risk) is not permitted to live in a community residence.

B. Any community residence that is in operation as of the adoption of this section shall be considered a legal nonconforming use consistent with Section 4.01(B). Any new community residence or any residence that is in operation but that transfers ownership shall be subject to the provisions of this section.

C. Waiver For Reasonable Accommodation. To establish a community residence that does not comply with the occupancy or separation requirements, the applicant may apply to the Development Services Department for a waiver for reasonable accommodation. In all cases the Development Services Director shall submit the request for the waiver to the Community Residence Waiver Committee to make findings of fact in support of the determinations and shall render the decision in writing. The application will initially be reviewed by the Development Services Director for completeness. The Director may meet with and interview the applicant to request additional supporting information to determine the necessity of the accommodation and to ascertain or clarify information sufficient for the Committee to make the required findings.

1. To grant a waiver, the Committee shall find affirmatively all of the following standards:
 - a. The applicant demonstrates through documentation and evidence that the proposed community residence can and will emulate a biological family and function as a residential use rather than an institutional or other nonresidential use.
 - b. The applicant demonstrates through documentation and evidence that the proposed community residence needs to house more than eight (8) residents in a family community residence or six (6) residents in a transitional community residence or reduce the separation.

c. The applicant demonstrates through documentation and evidence that the proposed community residence will not interfere with the normalization and community integration of the residents of any existing community residence and that the presence of other community residences will not interfere with the normalization and community integration of the residents of the proposed community residence.

d. The applicant demonstrates through documentation and evidence that it will operate the home in a manner similar to that ordinarily required by state licensing to protect the health, safety, and welfare of the occupants of the proposed community residence.

e. The applicant demonstrates through documentation and evidence that there are no other viable locations for the community residence and that the proposed community residence in combination with any existing community residences will not alter the residential character of the surrounding neighborhood by creating an institutional atmosphere or by creating a de facto social service district by concentrating community residences on a block or in a neighborhood.

2. The Community Residence Waiver Committee shall be composed of the Town Development Services Director, the Board of Adjustment chair or designee, and the Planning and Zoning Commission chair or designee.

D. Registration. Prior to operating a community residence, the owner or operator must register the home as provided in town code article 8-8.

E. Violations and Penalties.

1. In addition to applicable penalties under Arizona law, violations of this section shall be subject to the provisions of Town Code Section 1-8-3 regarding civil penalties.