

ORDINANCE NO. 3240

OFFICIAL FILE COPY
CITY OF CHANDLER
CITY CLERK

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING SECTIONS 35-200 OF ARTICLE II AND SECTION 35-305 OF ARTICLE III, CHAPTER 35 (ZONING CODE) OF THE CHANDLER CITY CODE, BY ESTABLISHING THE DEFINITIONS, REQUIREMENTS AND PROCEDURES FOR RESIDENTIAL CHILD CARE, IN-HOME DAY CARE AND GROUP HOMES, AND DELETING AN EXISTING REFERENCE TO FIRE SPRINKLERS, SMOKE DETECTORS AND FIRE ALARMS FOR ADULT CARE USES.

WHEREAS, In accordance with A.R.S. 9-462, the legislative body may adopt by ordinance, any change or amendment to the regulations and provisions as set forth in the Chandler Zoning Code; and,

WHEREAS, this amendment, including the draft text, has been published as an 1/8-page display ad in a local newspaper with general circulation in the City of Chandler, giving thirty (30) days notice of time, place and date of public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code, on May 2, 2001;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Section 35-200 of Article II, Chapter 35, Chandler City Code, is hereby amended to read as follows:

35-200. Definitions

For the purpose of this Code, certain words, terms and phrases are hereby defined as set forth below. The word "building" shall include the word "structure" and the word "lot" shall include the word "plot."

Accessory Building: One (1) which is subordinate and customarily incidental to and on the same lot with a main building, including a private garage but not involving any activity used for commercial purposes. Greenhouses and/or hydroponic houses for hobby purposes shall be excluded for this definition.

Acreage, Gross: The acreage within the perimeter of a development tract, plus one-half (1/2) of the right-of-way of all adjoining streets and alleys.

Adult: A person who has attained the age of eighteen (18) years.

Adult Bookstore: A commercial establishment:

(a) Which, as one (1) of its principal business purposes, offers for sale or rental, for any form of consideration, books, magazines, periodicals, or other printed matter that depict or describe "specified sexual activities" or "specified anatomical areas"; or

(a) Which, as one (1) of its principal business purposes, offers for sale or rental, for any form of consideration, books, magazines, periodicals, or other printed matter that depict or describe "specified sexual activities" or "specified anatomical areas"; or

(b) Which offers for sale or rental instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities" excluding condoms and other birth control and disease prevention products; or

(c) Which regularly excludes all minors from the premises or a section thereof because of the sexually explicit nature of the items sold, rented or displayed therein.

Adult care home: A residential care institution, licensed by the Arizona Department of Health Services, which provides supervisory care, personal care, or custodial care services to not more than ten, nor less than six, adults who are unrelated to the manager or owner of the home and who require the assistance of no more than one (1) person to walk or to transfer from a bed, chair, or toilet, but who are able to self-propel a wheelchair.

Adult live entertainment establishment: (Repealed by Ord. No. 2413, § 1.A, 11-18-93)

Adult service: A dance, performance or other activity, including, but not limited to, service of food or beverages, modeling, posing, wrestling, singing, reading, talking, or listening conducted for any consideration in an adult service business by a person who is nude during all or part of the time that the person is providing the service. (Ord. No. 2413, § 1.C, 11-18-93)

Adult service business: A commercial establishment where any adult service is provided to patrons in the regular course of business and as one (1) of the principal business purposes of the establishment.

Adult theatre: (Repealed by Ord. No. 2413, § 1.A, 11-18-93)

Adult video facility: A commercial establishment where, for any consideration, films, motion pictures, video cassette projections, slides, photographs or other visual media characterized by depiction of "specified sexual activities" or "specified anatomical areas" are shown in the regular course of business and as a principal business purpose of the establishment. "Adult video facility" does not include a theater where all viewing occurs in a common area with seating for fifty (50) or more persons.

Airport-related definitions:

a. *Airport:* A parcel of land designed and set aside for the operation, servicing, maintenance, and sale of aircraft.

b. *Airport noise, accidental potential and clear zone map:* Means a map detailing specific airport noise and accidental potential overlay areas and clear zone areas and is hereby incorporated by this reference and is a part of the official zoning code of the City of Chandler for the purpose of establishing various land uses and design criteria within the airport impact overlay district, and is available in the Office of the Airport Manager and of the Planning Director.

c. *Airport noise overlay area one (1) (ANO-1)*: Means the area between the sixty-ldn and sixty-five-ldn noise contour lines developed by the application of day-night average sound level methodology of sound measurement (ldn).

d. *Airport noise and accident potential overlay area two (2) (ANO-2)*: Means the area between the sixty-five-ldn and seventy-ldn noise contour lines developed by the application of day-night average sound level methodology of sound measurement (ldn).

e. *Airport noise and accident potential overlay area three (3)(ANO-3)*: Means the area between the seventy-ldn and seventy-five-ldn noise contour lines developed by the application of day-night average sound level methodology of sound measurement (ldn).

f. *Clear zone*: Means an area on either side of an extension of the center line of a runway beginning at a line two hundred (200) feet from the end of a runway and, for Runway 4L-22R of the Chandler Municipal Airport: two hundred fifty (250) feet wide and flaring outward to a width of four hundred fifty (450) feet at a distance of one thousand (1,000) feet; for Runway 4R-22L of the Chandler Municipal Airport: five hundred (500) feet wide and flaring outward to a width of one thousand ten (1,010) feet at a distance of one thousand seven hundred (1,700) feet; for Runway 35-17 of the Stellar Airpark: two hundred fifty (250) feet wide and flaring outward to a width of four hundred fifty (450) feet at a distance of one thousand (1,000) feet.

g. *Day-night sound level contour, ldn*: Is a computed noise which uses sound exposure levels (SEL) which is computed by numerically integrating the sound pressure level versus the time history of each operation measured. This data is then converted to ldn by taking the energy average SEL at reference measurement points for all aircraft.

The ldn concept defines the day-night level as a series of hourly noise levels for a given day, weighted for time of occurrence.

Residential uses are not normally acceptable in areas with ldn sixty (60) or greater unless the residences are properly sound attenuated. Mobile homes and recreational vehicles cannot normally be sound attenuated.

h. *Decibel*: Means the physical unit commonly used to describe noise levels.

i. *High noise levels*: Means sound levels which equal or exceed that within the sixty-ldn noise contour line developed by the application of the day-night average sound level methodology of sound measurement (ldn).

j. *Principally permitted use or structure*: A use or structure which determines the primary or predominant use of the lot on which it is located.

Alley: A public thoroughfare which affords only a secondary means of access to abutting property.

Major alley: Twenty (20) feet in width serving multifamily residential, commercial and industrial developments.

Minor alley: Sixteen (16) feet in width serving single- and two-family residential development.

Amusement Arcade: Any building or portion thereof having its primary use devoted to mechanical amusement devices and/or vending machines.

Apartment house: Any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments. (See "dwelling, multiple")

Basement: That portion of a building between floor and ceiling, which is partly below and partly above grade (as defined in this chapter) but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. (See "story")

Boardinghouse: A building where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building height: The vertical distance above "grade" as defined herein to the highest point of the coping of flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than ten (10) feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Building setback line: The line indicated by the minimum permitted horizontal distance between the street right-of-way and building(s) or any projections thereof, other than steps, eaves, chimneys, bay windows and fire escapes.

Bulk plant: Property where flammable, combustible and toxic liquids are received by tank vessel, pipelines, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle or container.

Camper: A mobile living unit designed to be mounted upon and conveyed by another vehicle. No camper unit shall be occupied within the City of Chandler except as provided in Article XI of this Code.

Carport: A roofed structure with two (2) or more open sides under which a vehicle may be driven.

Cellar: That portion of a building between floor and ceiling which is wholly or partly below grade (as defined in this section) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (See "story")

Clear zone: Means an area on either side of an extension of the centerline of a runway beginning at a line two hundred (200) feet from the end of a runway and, for Runway 4L-22R of the

Chandler Municipal Airport: two hundred fifty (250) feet wide and flaring outward to a width of four hundred fifty (450) feet at a distance of one thousand (1,000) feet; for Runway 4R-22L of the Chandler Municipal Airport: five hundred (500) feet wide and flaring outward to a width of one thousand ten (1,010) feet at a distance of one thousand seven hundred (1,700) feet; for Runway 35-17 of the Stellar Airport: two hundred fifty (250) feet wide and flaring outward to a width of four hundred (450) feet at a distance of one thousand (1,000) feet.

Cluster housing: Any type of dwelling units located in a planned development which are constructed on lots or a site having an area less than required by the district regulations and sharing common approved open space. The overall density of housing units for such developments is in compliance with the district regulations.

Condominium: An estate of real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in air space in a residential, industrial or commercial building on such real property, such as an apartment, office or store.

Convalescent home: Includes rest homes, nursing homes, convalescent homes for children, and homes providing chronic and convalescent care.

Court: A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.

Day-night sound level contour (Ldn): Is a computed noise which uses sound exposure levels (SEL) which is computed by numerically integrating the sound pressure level versus the time history of each operation measured. This data is then converted to Ldn by taking the energy average SEL at reference measurement points for all aircraft. The Ldn methodology defines the day-night level as a series of hourly noise levels for a given day, weighted for time of occurrence.

Decibel: Means the physical unit commonly used to describe noise levels.

Density, gross: Gross acreage divided into the number of units, lots or spaces.

Density, net: Net acreage, excluding streets, alleys and other rights-of-way divided into the number of units, lots or spaces.

District: Any area indicated on zoning map for specific uses for which certain regulations relative to height, area, etc., apply.

Dustfree: Shall mean the property is maintained dustfree by paving with one of the following methods: (1) asphaltic concrete, (2) portland cement concrete, (3) a penetration treatment of asphaltic material and a seal coat of asphaltic binder and mineral aggregate, or (4) the equivalent of the above as approved by the Department of Public Works.

Dwelling: Any building or any portion thereof which is not an "apartment house," "lodging house" or a "hotel" as defined in this Code, which contains one (1) or two (2) "dwelling units" or "guest rooms," used, intended or designed to be built, used, rented, leased, let, or hired out to be occupied, or which are occupied for living purposes.

Dwelling, single-family: A building designed for occupancy by one (1) family.

Dwelling, two-family: A building designed for occupancy by two (2) families.

Dwelling, multiple: A building or portion thereof designed for occupancy by three (3) or more families.

Dwelling, townhouse: building that has not less than three (3) nor more than eight (8) single-family housekeeping units erected in row as a single building, on adjoining lots, each being separated from the adjoining unit or units by an approved masonry party wall or walls extending from ground floor to roof along a dividing lot line, and each such building being separated from other buildings by required yard areas.

Dwelling unit: A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Elderly care housing: Single or multiple dwellings intended solely for occupancy and use by senior citizens who require or choose a residential community environment providing limited/special care, amenities and features associated with the needs and lifestyles of the elderly. May comprise part of a project providing intensive or congregate care. Incorporation of features such as those enumerated below will be indicative of the project's suitability as elderly care housing; prior to approval, the approving authority shall make finding that in their opinion there are sufficient such features for the project to be considered elderly care housing:

- (1) Accessible central dining area(s);
- (2) Recreation coordinator/program;
- (3) Association access (by van available, etc.);
- (4) Ramps and/or elevators;
- (5) Electric appliances with safety features;
- (6) Wide doors;
- (7) Nonskid floors, tubs, walkways;
- (8) Central heating with individual controls;
- (9) Handle-type knobs;
- (10) Emergency signal to central location/911;
- (11) Grab bars-toilets, tubs, etc.;
- (12) Cable T.V.;
- (13) Braille signage;
- (14) Library;
- (15) Street furniture;
- (16) Occupancy restrictions;
- (17) Applicable licensing;
- (18) Sprinkler systems (indoor);
- (19) Electrical outlets elevated;
- (20) Laundry service;
- (21) Physician/nurse on call;
- (22) Security;
- (23) Housekeeping available;
- (24) Private garden space;
- (25) Common open space for walking and passive recreation, including walkways, benches for seating, and shade;

(26) Any other feature lending to the convenience, safety, character, function, or identity of the elderly care housing community. All common facilities shall be located within two hundred (200) feet for seventy-five (75) percent of the dwelling units.

Due to decreased impact on infrastructure, density can be increased fifty (50) percent over what is prescribed by the governing district.

Family: An individual or two (2) or more persons related by blood or marriage or a group of not more than five (5) persons (excluding servants) at least one of whom is an adult, who need not be related by blood or marriage living together in a dwelling unit.

Farmer's roadside stand: Any building or structure used for the sale of articles grown or produced on the property.

Farming: Commercial agricultural uses in general and especially crop, dairy, stock and poultry farming; commercial greenhouses on three (3) acres or more.

Fixed base operator: A person, firm or corporation subject to the provisions of a lease engaging in more than two (2) of the following:

- (a) The sales, service, exchange, renting, and leasing of:
 - (1) New and used aircraft;
 - (2) Aircraft parts, accessories and hardware;
- (b) The repair, overhaul, maintenance, and alteration or modification of general aviation aircraft and/or aircraft equipment under the provisions of FAA approved guidelines;
- (c) The provisions of an FAA pilot flight and ground school training; and
- (d) Charter flight services, which may include aerial photography, advertising, map making, and crop dusting services.

Foundation line: "Foundation line" is defined as the outer perimeter of the base of a structure or building. In the case of a cantilever roof carport or similar building or structure not having an actual base, the base will be the perimeter as measured from two (2) feet inside of the edge of the roof of such building or structure.

Front of lot: The front boundary line of a lot bordering on the street, and in the case of a corner lot, may be either frontage.

Frontage: All property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street or, if the street is dead end, then all of the property abutting on one (1) side between an intersecting street or the dead end of the street, including property fronting on a cul-de-sac.

Garage: A building or portion thereof in which a motor vehicle containing gasoline, distillate, or other volatile, flammable liquid in its tank is stored, repaired or kept.

Garage, private: A building, or a portion of a building, not more than one thousand (1,000) square feet in area, designed primarily for the storage of motor-driven and/or recreational vehicles by the occupants of the buildings on the premises.

Garage, service: A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

Garage, storage: A building or portion thereof designed or used exclusively for housing motor-driven vehicles and/or recreational vehicles.

General aviation specialty shop: Two (2) or less of the following types of commercial activities:

(a) *Aircraft radio and accessories shop* is a person, firm, or corporation engaged in aircraft radio business, including sales, service, repair, exchange and installation of new and/or used aircraft radio equipment and parts which operate in accordance with FAA guidelines.

(b) *Aircraft instrument and accessories shop* is a person, firm, or corporation engaged in aircraft instrumentation business, including sales, repair, exchange, and installation of new/or used aircraft instruments and parts which operate in accordance with FAA guidelines.

(c) *Flight school operator* is a person, firm, or corporation engaged in a flight training school, limited to dual and solo flight training in fixed- or rotary-wing aircraft and such related ground school instruction as is necessary to prepare a student pilot to take a written examination and flight check ride for a pilot's license or appropriate aircraft rating from the Federal Aviation Administration, or its designee.

(d) *Aircraft and aircraft parts wholesale* is a person, firm, or corporation engaged in the business of buying, selling and/or exchanging aircraft, aircraft parts, accessories, and hardware for other than retail trade.

(e) *Aircraft upholstery shop* is a person, firm, or corporation engaged in the business of installing, replacing, and modifying or repairing aircraft interior upholstery and furnishings which operates in accordance with FAA guidelines.

(f) *Aircraft maintenance shop* is a person, firm, or corporation engaged in the business of providing routine repair, overhaul, modification, and alteration and preventive maintenance for general aviation aircraft which operates in accordance with FAA guidelines.

(g) *Used aircraft sales operator* is a person, firm, or corporation engaged in the business of buying, selling, and exchanging of used general aviation aircraft.

(h) *Air taxi operator* is a person, firm, or corporation engaged directly in air transportation of passengers and/or property subject to the provisions of part 135 of the Federal Aviation Regulations and holding a Certificate of Public Convenience and Necessity issued by the Arizona Corporation Commission.

Grade (adjacent ground elevation): The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Group home: A facility which houses six (6) or more residents who are unrelated by blood, marriage or adoption, that provides a living environment for residents who operate as a functional equivalent of a family. In addition to a place of residence, the facility may offer meals, resident support services, counseling, guidance, and varying levels of medical care. This definition shall not include group homes for developmentally disabled, as specifically defined and provided for by the Arizona Revised Statutes.

Guest room: Any room or rooms used or intended to be used by a guest for sleeping purposes. Every one hundred (100) square feet of superficial floor area in a dormitory shall be considered to be a guest room.

Heliport: An area of land or water or a structural surface which is used, or intended for use, for the landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

High noise levels: Means sound levels which equal or exceed that within the fifty-five-ldn noise contour line developed by the application of the day-night average sound level methodology of sound measurement (ldn).

Home occupation: Any occupation or profession conducted entirely within a dwelling unit and carried on by a member of the family residing therein and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and in connection with which there are no employees other than a member of the immediate family residing in the dwelling unit; provided that no mechanical equipment is used except such that is normally used for domestic, hobby or household purposes; and provided that no commodity is sold upon the premises and provided that no inventory of saleable commodities are kept or stored upon the premises.

"Home occupation" includes the use of a dwelling unit by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but not for the general practice of his/her profession. "Home occupation" does not include clinic, hospital, barbershop, beauty shop, animal hospital, advertising or public relations agency, interior decorator's office or workshop, real estate or insurance office, stockbroker's office or similar use.

Hospital: Unless otherwise specified, the term "hospital" shall include "sanitarium," "preventorium," "clinic," "maternity home" or "rest home" and shall be deemed to mean a place for treatment or other care of human ailments.

Hotel: Any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

In-home day care: An accessory use of a single-family residential dwelling, done by the person primarily using the dwelling as the person's dwelling unit, and which involves the providing

of child care, on a regular or irregular basis, whether or not for compensation, for periods of less than twenty-four (24) hours per day, for not more than four (4) children through the age of twelve (12) years.

Institution: A building or buildings occupied by a nonprofit corporation or a nonprofit establishment for public use.

Intensity of lot use: "Intensity of lot use" is defined as that portion of a lot or parcel of land which is covered by, or may be covered by, a building or structure, excluding the allowable two-foot overhang.

Junkyard means any land used for storage or for sale of scrap metal, waste paper, rags, non-operated vehicles or other junk materials and including noncommercial storage of non-operating and non-driveable motor vehicles, dismantling or storage of such vehicles or parts thereof, or used machinery, and regardless of whether repair or any other type of commercial operation occurs, but excluding scrap for use in manufacturing processes on the premises, or waste materials resulting from manufacturing processes, or resulting from the construction or elimination of facilities for such processes.

Landscaped area: An area including living plants, astro turf, walkways, ponds, fountains, sculpture and other organic and inorganic materials used for creating an attractive appearance and void of asphaltic or concrete pavement.

Ldn: Means the day-night sound level.

Loading space: A permanently maintained space on the same lot as the main building accessible to a street or alley and not less than ten (10) feet in width, twenty (20) feet in length and fourteen (14) feet in height.

Lodging house: Any building or portion thereof, containing not more than five (5) guest rooms which are used by not more than five (5) guests where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all requirements of this Code for dwellings.

Lot: A piece or parcel of land separated from other pieces of parcels by description, as in a subdivision or on a record survey map or by metes and bounds, for purposes of sale, lease or separate use, and having frontage on at least one (1) street.

Lot area: The area of the lot, not including any area in a public way.

Lot area, net: Shall mean the area included within lot lines after all right-of-way dedications have been made as required by the Code of the City of Chandler.

Lot, corner: A lot with frontage on two (2) or more intersecting streets.

Lot, depth of: The mean horizontal distance between the front and rear lot lines.

Lot, through (double frontage): A lot having frontage of two (2) or more nonintersecting public streets.

Lot, interior: A lot other than a corner lot.

Lot, key: A lot adjacent to a corner lot, having its side lot line adjacent to the rear lot line of the corner lot and facing on the street which forms the side boundary of the corner lot.

Lot lines: The lines bounding a lot.

Lot of record: A lot which is part of subdivision, the plat of which has been recorded in the Office of the Clerk of Maricopa County Recorder's Office, or parcel of land, the deed of which is recorded in the Office of the County Recorder.

Lot width: The lot width shall be measured along a line which is parallel or tangent to the front property line, connecting two (2) points on the side lot lines which are located thirty (30) feet from the front lot corners.

Metal buildings: Any premanufactured structure with exterior walls of corrugated or ribbed metal panels.

Mobile home: A dwelling unit, factory-built and factory-assembled, designed for conveyance, after fabrication, on streets and highways on its own wheels or on flatbed or other trailers and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations such as locating on jacks or other foundation, or connection to utilities. A prefabricated home or structure shall not be included in [this] definition.

Mobile home park: Any lot, tract or parcel of land used or offered for use in whole or part with or without charge for parking of mobile homes used for living or sleeping purposes.

Mobile home space: A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.

Mobile home subdivision: A subdivision designed and intended for residential use where residence is in mobile homes, exclusively.

Modular housing: Any type of dwelling unit, excluding mobile homes, which may or may not be partially fabricated off the site and delivered to the building site for final assembling and construction. The construction of dwelling units must comply with all applicable building codes and inspections.

Motel: See "hotel" as defined in this Code.

Motor home: Any motor vehicle designed as a self-contained mobile living unit. No such vehicle shall be occupied within the City of Chandler except as provided for by Article XI of this Code.

Noise level reduction (NLR): Means the difference in decibels of the noise level from outside to inside of a building, wherein such reduction depends primarily upon the construction and materials used in the walls, windows, ceilings, doors and vents of the building.

Nonconforming use: Any building or land lawfully occupied by a use at the time of adoption of this Code or amendment thereto which does not conform after the adoption of this Code or amendment thereto with the use regulations of the district in which located.

Nude: Without opaque non-flesh-colored fabric fully covering the cleft of the buttocks, anus, pubic region, male genitals, female genitals, and female breasts below the top of the areola.

Open-air ramada: A detached accessory building or structure open on the sides and supporting a roof or lattice-type cover, primarily for the purpose of providing shade in conjunction with a recreational activity, such as a swimming pool, jacuzzi, or sitting area, and not to exceed both ten (10) feet in height and one hundred fifty (150) square feet in area, and separated from the residential dwelling by a distance equal to at least one-half (1/2) of the rear yard setback.

Open dump: Any land publicly or privately owned, other than an approved sanitary landfill, on which there is a deposit and accumulation, either temporary or permanent, or any kind of organic or inorganic refuse, including but not limited to waste materials, waste products, wastepaper, garbage, empty cans, broken glass, rags, etc., but excluding scrap or materials for use in manufacturing processes on the premises.

Open space: Land provided in subdivisions and other developments which is necessary and desirable for recreational needs of residents of the neighborhood. Such space may be in the form of school-recreational centers, small parks, landscape areas, bikeways, stormwater retention areas, pathways or special street center islands.

Space which can be enjoyed by people. This could include landscape plazas, grass, trees, fountains, sitting areas, etc., and is meant to provide an open garden atmosphere. Open space does not include parking areas, vacant or undeveloped lots. Entrance and/or exit drives may penetrate the open space areas. Open space also provides a landscape setting for all buildings or structures on a lot.

Outside display: Any storage or display of merchandise, equipment, material, etc., which is located within a required setback area and not within or enclosed by a solid fence or masonry wall six (6) feet in height shall constitute an outside display.

Owner: Any person, agent, firm or corporation having a legal or equitable interest in the property.

Parking lot, permanent: A parcel of land improved in accordance with city standards and used for off-street parking purposes.

Parking lot, temporary: A parcel of land to be used for off-street parking purposes. Such use shall be temporary in nature as provided in Article XVIII, section 1801.

Parking space (off-street): A dust-free surfaced area, enclosed or unenclosed, providing for the storage and circulation of vehicles and for proper and safe ingress and egress thereto.

Patron: A person invited or permitted to enter and remain upon the premises of a sexually oriented business, whether or not for a consideration.

Planning and Zoning Commission: The duly appointed Commission authorized by this Code and appointed by the City Council.

Porch: A covered but unenclosed projection from the main wall of a building which may or may not utilize columns or other ground supports for structural purposes.

Principally permitted use or structure: A use or structure which determines the primary or predominant use of the lot on which it is located.

Residential child care: A single-family residential dwelling that is primarily used by the owner or party in legal possession as that person's principal dwelling unit, but which is also used by that person for an accessory use, namely, childcare and/or academic training for children, including pre-school, regularly provided for compensation, for periods of less than twenty-four (24) hours per day, for at least five (5) children but not more than ten (10) children, through the age of twelve (12) years.

Riding stable: A building and land where horses are boarded or kept for hire.

Rooming house: A dwelling, other than a hotel or motel, where two (2) or more rooms are rented.

Runway: Means a designated surface of land designated, paved and used at an airport for the landing and takeoff of aircraft.

School or college: Unless otherwise specified, any private or public place where general education instruction is offered on-site for any length of time, and does not include dancing schools, riding academies, or trade or specialized vocational schools.

Screened/Screening: The concealment of unattractive land uses, such as storage areas or parking lots, from the public eye through the installation of landscaping, walls, fences, earth berms, or other devices as specified by the Zoning Code. Chain-link fencing with slats, vegetation or other material shall not be considered as screening under this definition.

Service station: A place of business engaged primarily in the retail sale of motor fuels and oils and in supplying goods and services generally required in the operation and maintenance of automotive vehicles. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products directly related to the automotive vehicle. Painting, body and fender work are excluded.

Sexually oriented business: An adult bookstore, an adult service business, an adult video facility, or any combination of the foregoing.

Sign: Any visual communication which is used to attract the attention of the public, when the display is visible beyond the boundaries of the property.

Specified anatomical areas: The cleft of the buttocks, anus, pubic region, male genitals, female genitals, or female breast below the top of the areola that are less than completely and

opaquely covered by nonflesh-colored fabric; or human genitals in a state of sexual arousal, even if completely and opaquely covered.

Specified sexual activities: Actual or simulated sexual intercourse, masturbation, oral copulation, sodomy, flagellation, bestiality, fondling or other erotic touching of human genitals, pubic region, buttocks, anus or the female breast, or any combination of the foregoing.

Storage shed: A subordinate structure or building used primarily for storage purposes, of a height no greater than seven (7) feet, and the total square footage of which does not exceed one hundred twenty (120) square feet.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered as a story.

Street: Any existing or proposed street, highway, avenue, boulevard, road, parkway, place, bridge, viaduct or easement for public vehicular access or a street shown in a plat heretofore approved pursuant to law or a street in a plat duly filed and recorded in the County Recorder's Office. A street includes all land within the street right-of-way, whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking space, bridges and viaducts.

(a) *Freeway:* A divided major thoroughfare having controlled access to adjoining property and designated as such on the transportation plan.

(b) *Arterial street:* A major street of exceptional continuity that is intended to carry the greater portion of through traffic from one (1) area of the City to another.

(i) *Major arterial street:* Provides continuity for the intercity travel through urban areas and serve most of the mid to long distance trips within the City.

(ii) *Minor arterial streets:* These typically accommodate trips of shorter length than major arterials. These facilities interconnect uses on a community level and are designated in corridors that have lower traffic demand than major arterials.

(c) *Collector street:* A street designed to accommodate traffic within residential neighborhoods with their primary purpose of collecting and distributing traffic to and from the arterial streets.

(d) *Local street:* A street which has limited continuity with the primary purpose of serving property that is adjacent to the street.

(e) *Cul-de-sac:* A short local street having but one (1) end open for vehicular traffic, the opposite end being terminated with a permanent turnaround.

(f) *Marginal-access street (frontage road)*: A minor service street which parallels and is immediately adjacent to an arterial street or freeway.

Street line: A dividing line between a lot, tract or parcel of land and a contiguous street (right-of-way).

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed or parts joined together in some definite manner.

Structural alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof.

Subdivision: Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

Swimming pool: Any outside body of water, above or below ground, created by artificial means, which is designed or used for swimming or immersion purposes, any portion of which exceeds eighteen (18) inches in depth.

Transient service facility: An establishment where the principal function involves providing on-site food, clothing, shelter, employment or other related services primarily intended for transient populations with limited ability for self care, or those persons in need of counseling for employment, or those persons with personal or behavioral disabilities. The term shall include the principal assistance or service facility and all appurtenant or related establishments intended for use by the patrons of the principal facility. The term shall include homeless shelters, charity dining facilities, plasma centers, rescue missions, day labor hiring centers, and similar facilities, but shall not include State licensed care facilities such as homes for the developmentally disabled, child crisis, and domestic violence centers.

Travel trailer: A mobile home not exceeding eight (8) feet in width nor more than thirty-three (33) feet in length. No such unit shall be occupied within the City of Chandler except as provided for in Article XI of this Code.

Use: The purpose of (for) which land or building is occupied, or maintained, arranged, designed or intended.

Use, accessory: A subordinate use of building or land, customarily incident to and conducted on the same lot with the principal use.

Yard: An open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code, on the lot on which a building is situated.

Yard, front: A yard extending across the full width of the lot, between the front lot line and the front wall of the principal building.

Yard, rear: A yard extending across the full width of the lot between the rear lot line and the rear foundation wall of the principal building.

Yard, side: A yard extending from the front yard to the rear yard, between the side lot line and the side foundation wall of the principal building.

Zoning Administrator: The person appointed and responsible for the enforcement of the Zoning Code.

Section II: Section 35-305 of Article III, Chandler City Code, is hereby amended to read as follows:

35-305. Use permits.

(1) *General use permits:* Land uses permitted by use permit are identified under each zoning district established within this Code. Except as provided in subsections (2) and (3) below, approval of use permits shall be subject to the following standards and procedures:

(a) *Application:* Application procedures for use permits shall be the same as applications for amendments to the Zoning Code as outlined in Article XXVI. The Planning and Zoning Commission shall make a recommendation to [the] City Council on applications after proper advertising of public notices and posting of property.

(b) *Review:* Review and approval of use permits shall include but not be limited to examination of the following factors, where applicable:

1. Consistency with the comprehensive plan.
2. Ingress and egress to property and proposed structures, pedestrian and vehicular circulation with particular reference to fire protection.
3. Off-street parking and loading.
4. General compatibility of use with adjacent property and property in the district.
5. Impact on public services, including schools, recreation and utilities.
6. Screening and buffering of uses.
7. Signage.
8. Exterior lighting with reference to adjacent properties.
9. Stormwater retention and landscaping.

10. Site and building design for conformance with the comprehensive plan and policies and City standards.

(c) *Approval:* Use permits may be granted by the City Council upon a finding that the request:

1. Is in conformance with the comprehensive plan and its policies.
2. Will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general, and that the use will be in full conformity with the conditions, requirements or standards prescribed by this Code or higher as may be deemed necessary by City Council in any one (1) situation.

Minor changes to the approved plan may be approved by the Zoning Administrator. Any major deviations may be approved by the City Council.

(d) *Timing Condition:* Use permits granted by the City Council shall be void if the use is not commenced or substantial construction has not taken place within one (1) year of such Council action or within a time period stipulated by the Council.

Revocation or suspension:

In addition to any other penalties or remedies provided by this Zoning Code, the Zoning Administrator may suspend or revoke a use permit upon a finding of:

A material change in the permitted use or the conditions prescribed upon issuance of the use permit has occurred without an amendment to the use permit having been obtained; or

Material noncompliance with the conditions prescribed upon issuance of the use permit or with the representations made by the permit holder in connection with the application for the use permit as to the nature of the conditional use to be conducted; or

Operation of the permitted use in such a manner as to cause a substantial detrimental impact on neighboring persons or property.

To suspend or revoke a use permit, the Zoning Administrator shall deliver or mail by certified mail to the address indicated on the use permit application and, if different from application address, the address of the property subject to the use permit, a written notice that the use permit is suspended or revoked and which states the grounds therefore.

Upon written request received by the Zoning Administrator within ten (10) days of the date of the notice by the permit holder, or any person whose use of the permitted property will be adversely affected by the suspension or revocation, the matter will be referred to the Board of Adjustment on an appeal pursuant to the appeal procedures provided under Section 2503 of this Zoning Code. If an appeal is not received within ten (10) days of the date of the notice, the suspension or revocation shall take effect on the eleventh day after the date of the notice.

The decision of the Board of Adjustment may be appealed as provided in Section 2503 of this Zoning Code.

(2) *Adult use permits:* A use permit to operate a sexually oriented business shall be obtained pursuant to the provisions of this subsection. Approval of such an adult use permit shall be subject to the following standards and procedures:

(a) *Application:*

1. Application for an adult use permit shall be on a form prescribed and provided by the Zoning Administrator and shall be signed by the property owner. In the event the application includes property other than that owned by the applicant for the permit, a letter shall accompany the application from the property owner authorizing the applicant to include the property in the application.

2. The application shall include as an attachment an accurate, to-scale, but not necessarily professionally drawn, floor plan or diagram of the business premises clearly showing the configuration of the premises, including a statement of total floor space occupied by the business. Each diagram should be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The Zoning Administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

3. The application for an adult use permit shall be deemed filed with the city when the required application fee and completed application form is received by the Zoning Administrator.

(b) *Review procedures:* The procedures for review of the application for adult use permit shall be the same as for any other type of use permit, except as follows:

1. No more than seventy (70) days shall elapse between the filing of the application for an adult use permit and a determination by the City Council to grant or deny the permit, unless such delay is caused by the applicant.

2. In all cases, the Planning and Zoning Commission shall hold a public hearing on the application in accordance with the requirements of section 2602 of this Zoning Code. A second public hearing pursuant to section 2602 of the Zoning Code may be held before the City Council only if such hearing will not delay the City Council's determination of the application within the time specified in subparagraph 1 above.

3. If the Planning and Zoning Commission recommends denial of the application, it shall state in the record:

a. A finding that the applicant's proposed business does not meet the location and distance requirements set forth in paragraph (c)1. below and the basis for such finding; or

b. Each of the categories of harm set forth in paragraph (c)2. below which it finds would be significantly increased by granting the application and the basis for such findings.

4. If the City Council denies the application, it shall state in the record:

a. Its finding that the applicant's proposed business does not meet the location and distance requirements set forth in paragraph (c)1. below and the basis for such finding; or

b. Each of the categories of harm set forth in paragraph (c)2. below which it finds would be significantly increased by granting the application and the basis for such findings.

(c) *Location and distance requirements; permit review criteria:*

1. A sexually oriented business shall meet location and distance requirements as follows:

a. A sexually oriented business shall be located only within the districts specified for such use in section 2100.

b. A sexually oriented business shall not be located within one thousand (1,000) feet of any other sexually oriented business, which distance shall be measured in a straight line, without regard to intervening structures, from the closest exterior actual wall of each sexually oriented business to be conducted.

c. A sexually oriented business shall not be located within five hundred (500) feet of a public or private school, preschool, nursery school, kindergarten or day care center; any church; any public park; any lot devoted wholly to a residential use; or any of the following residential zoning districts: AG-1, SF-33, SF-18, SF-10, SF-7, MF-1, MF-2, MF-3, MH-1; which distance shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the sexually oriented business to the closest property line of the nearest school, preschool, kindergarten, day care center, church, public park, or residential lot, or to the closest boundary line of the nearest residential zoning district listed above; but such measurement shall exclude any street.

2. The application for an adult use permit shall be granted if the sexually oriented business meets the location and distance requirements set forth above, unless the City Council has found in writing that the granting of such a use permit will endanger the public health, safety or welfare by significantly increasing the likelihood of one (1) or more of the following:

a. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

b. Hazards to persons or property from possible explosion, contamination, fire or flood.

c. Hazards to the public health arising from the creation of a sanitary nuisance.

d. Disruptive or illegal conduct in the areas in which the premises are located.

e. Impact on surrounding property resulting from an unusual volume or character of traffic.

f. Substantial diminution of the market value of surrounding property.

- g. Substantial diminution in the enjoyment of use of surrounding property.
- h. Substantial deterioration of the quality and character of the surrounding neighborhood.

(d) *Issuance of permit:*

1. An adult use permit shall be valid for a period of one (1) year from the date of issuance, except as provided in paragraph (d)5. below. The date of issuance shall be deemed to be the date on which the City Council takes action to grant the application for adult use permit.
2. An adult use permit shall be valid only for the specific type of use granted.
3. The validity of an adult use permit is further conditioned upon the permit holder and the permitted premises being at all times in compliance with applicable City building codes, development standards and other land use regulations stated in the Zoning Code or any other ordinance or code adopted by the City of Chandler.
4. An adult use permit is only valid for a sexually oriented business operated in accordance with the floor plan and diagram submitted with the application. Any modification, change, or alteration in the floor plan or expansion of the floor area of the establishment shall require the reapplication and issuance of a new adult use permit.
5. An adult use permit is automatically void if the permitted use is not commenced by the permit holder or substantial construction has not taken place within nine (9) months after the date of issuance of the permit.

(e) *Nontransferability of permit:* An adult use permit is not transferable to any other person or place, nor is it valid for any type of sexually oriented business not specifically identified in the permit.

(f) *Permit renewal:*

1. An adult use permit may be renewed by filing an application for renewal on a form provided by the Zoning Administrator. The application for renewal shall be received by the Zoning Administrator not less than seventy (70) days before the expiration of the permit. When the application for renewal is received less than seventy (70) days before the expiration date, the expiration of the permit shall not be delayed, postponed or otherwise affected.
2. An application for renewal shall be considered following the same procedures as an original application. The application for renewal may be denied for any reason that an original application may be denied or revoked.

(g) *Other permits or regulations:* An adult use permit is in addition to any other permit required by this Zoning Code, or any other license or permit required by the City, the County, or the State to engage in the business or occupation.

(h) *Suspension or revocation:* The Zoning Administrator shall suspend an adult use permit for a period of thirty (30) days if a permit holder is convicted of violating a provision of this Zoning Code. The Zoning Administrator shall revoke an adult use permit if the permit holder is convicted of three (3) or more violations of this Zoning Code in any twelve-month period or gave false or misleading information in the permit application. The fact that a conviction is being appealed shall have no effect on the revocation of the permit.

(i) *Procedure for suspension or revocation:*

1. If the Zoning Administrator determines that grounds exist to suspend or revoke an adult use permit, the Zoning Administrator shall notify the permit holder (respondent) in writing of the intent to suspend or revoke, which notice shall include a summary of the grounds therefor. The notice shall be sent by registered or certified mail to the address of the permit holder listed in the most recent permit application; and the effective date of notice shall be the date the notice is actually received or five (5) days after the date the notice is mailed, whichever occurs first. Within ten (10) days after the effective date of notice, the respondent may provide to the Zoning Administrator in writing a response which shall include a statement of reasons why the permit should not be suspended or revoked and which may include a request for a hearing. If a timely response is not received by the Zoning Administrator, the suspension or revocation shall be final; and notice thereof shall be sent to the permit holder by registered or certified mail.

2. Within seven (7) days after receipt of a response, the Zoning Administrator shall either withdraw the intent to suspend or revoke, and so notify the respondent, or shall schedule a hearing and notify the respondent in writing by certified mail of the date, time and place of the hearing. The hearing shall be held not less than fifteen (15) nor more than twenty (20) days after receipt by the Zoning Administrator of the request for a hearing. The hearing shall be conducted in an informal manner. The respondent may be represented by counsel. The rules of evidence will not apply. The Zoning Administrator shall render a written decision within five (5) days after completion of the hearing and shall mail a copy of the decision by certified mail to the address of the respondent listed in the current year's application. In the case of a decision to revoke or suspend a permit the permit holder may continue to function under the permit pending receipt of the final decision of the Zoning Administrator. The decision shall be deemed final five (5) days after it is mailed and shall constitute final administrative action.

3. A final administrative decision to suspend or revoke a permit may be appealed to the superior court by special action or other available procedure within thirty-five (35) days after service of written notice of the decision. Service shall be deemed to have occurred at the end of five (5) days after written notice of the decision is mailed.

(j) *No deviation:* The requirements set forth in subsection (2) of section 305 of the Zoning Code are not subject to deviation or variance by any City Administrator, the Planning and Zoning Commission, the Board of Adjustment or the City Council.

(k) A sexually oriented business lawfully operating is not rendered in violation of the Zoning Code by the location, subsequent to the granting or renewal of an adult use permit, of a school, preschool, kindergarten, nursery school, day care center, church, public park, residential lot, or residential district within five hundred (500) feet of the sexually oriented business. This provision applies only to the renewal of a valid license and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

(3) *Adult care home use permits.* A use permit to operate an adult care home shall be obtained pursuant to the provisions of this subsection. Approval of a use permit to operate an adult care home shall be subject to the following standards, regulations and procedures:

(a) **Application.** Application procedures for a use permit to operate an adult care home shall be the same as the application procedures stated in section 305(1)(a) for general use permits, except that in addition to any other required submittals, an applicant shall provide:

1. A map depicting the proposed location of the adult care home; and
2. A typical site plan and floor plan for the proposed adult care home showing:
(i) lot dimensions with front, sides and rear setbacks; (ii) house square footage; (iii) number of rooms, indicating room dimensions and square footage; and (iv) garage, carport and patio.

(b) **Review.** Review and approval of an application for a use permit to operate an adult care home shall consider all relevant land use factors, including those stated in section 305(1)(b) for general use permits, as well as the applicant's capability of meeting the conditions to such a use permit as stated in section 305(3)(d) below, but excluding factors related to quality of care to be provided or the qualifications of the applicant to provide such care.

(c) **Approval.** An application for a use permit to operate an adult care home may be granted by the City Council upon the same findings as stated in section 305(1)(c). The approval of such a use permit application shall not be considered as any endorsement or approval of the quality of care provided or to be provided by the applicant, or of the licensing and training of the applicant, its agents and employees.

(d) **Use permit conditions.** The approval of an application for a use permit to operate an adult care home, and the issuance of the use permit, shall be subject to the continued, full and complete compliance with each of the following conditions:

1. **Capacity.** The number of residents, including resident staff, shall be limited by applicable State law, including any minimum square footage requirement per person, but in no event shall the number of residents, other than resident staff, exceed ten (10).

2. **Location.** No adult care home shall be located on a lot within twelve hundred (1200) feet, measured by a straight line in any direction, from the lot line of another existing adult care home.

3. **Signage.** The adult care home shall have no identification from a public street by signage, graphics, display, or other visual means, except for signage otherwise permitted under Chapter 24, section 24-14 of the Chandler Sign Code.

4. **State licensure.** The adult care home shall be licensed or certified by the State, and evidence thereof satisfactory to the Zoning Administrator shall be on file with the City.

5. **Code compliance.** The adult care home shall be in compliance with all applicable city codes, including building codes, fire safety regulations, zoning and subdivision codes.

6. Parking. No existing garage or carport structure shall be modified to displace the off-street parking required by the Zoning Code.

7. Elderly care housing. The adult care home shall meet the following eleven (11) minimum requirements identified in the Zoning Code for elderly care housing:

- a. Kitchen area which accommodates food preparation and food storage.
- b. Common living areas (living room, family room).
- c. Central dining area.
- d. Electric appliances with safety features.
- e. Non-skid tubs, showers and bathroom floors.
- f. Central heating and cooling.
- g. Telephone service.
- h. Grab bars-toilets, tubs, etc.
- i. Laundry facilities.
- j. Housekeeping services.
- k. Fenced backyard with the following amenities:
 - (i) Twenty (20) feet minimum rear yard setback.
 - (ii) Patio cover (10 feet x 20 feet or 200 square feet).
 - (iii) Other amenities as trees, benches and walkways.

8. Space requirements. Where not exceeded by the minimum space requirements of the applicable licensing agency, an adult care home shall have a minimum of eighty (80) square feet for an individual bedroom, one hundred twenty (120) square feet for a two-resident bedroom, and an additional sixty (60) square feet for a three-resident bedroom, but in no event shall the adult care home exceed three (3) residents per bedroom. Square footage calculations shall not include closets, built-in units or bathroom areas.

(e) Use Permit.

1. The use permit for operation of an adult care home is applicable only to the applicant and to the site indicated in the application for the permit, and is not transferable to any other person or location.

2. The use permit for operation of an adult care home shall be valid for a period of one (1) year from the date of issuance or such longer period as specified by the City Council, but shall be deemed automatically void if the permitted use is not commenced by the permit holder within nine (9) months after the date of issuance of a one-year permit or if not commenced within one (1) year after date of issuance of a permit having a period of more than one (1) year. The date of issuance shall be deemed to be the date on which the City Council takes action to grant the application for the use permit.

3. Occupancy and/or operation of a residence as an adult care home prior to being in compliance with all conditions to which the permit is subject is prohibited.

4. A use permit for operation of an adult care home may be renewed by filing an application for renewal and upon approval by the City Council. The application for renewal shall be filed with the Zoning Administrator not less than sixty (60) days before the expiration of the current permit. An application for renewal shall be considered following the same standards and procedures as an original application.

5. An adult care home lawfully operating is not rendered in violation of the Zoning Code by the location, subsequent to the granting or renewal of the use permit, of another adult care home within twelve hundred (1200) feet of the adult care home. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.

(4) Residential child care: A use permit to operate Residential Child Care, as defined in Section 35-200 of this Chapter, shall be required in any residential zoning designation, including Planned Area Development (PAD), in accordance with the provisions of this subsection. In-Home Day Care, also as defined in Section 35-2000 of this Chapter, shall be exempt from these requirements. Approval of any Use Permit to operate Residential Child care shall be subject to the following standards and procedures:

(a) Application. Application procedures for a Use Permit to operate Residential Child Care shall be the same as the application procedures for General Use Permits, as set forth in subsection 305(l), except that in addition to those requirements, an application shall also provide:

1. A site plan and floor plan of the residential dwelling in which the Residential Child Care is proposed, illustrating: (i) lot dimensions with front, side, and rear setbacks; (ii) house square footage with a graphic indication of that portion proposed for the Residential Child Care activity; (iii) garage/carport area, plus driveway length; (iv) patio areas, accessory structures, storage sheds, and swimming pools or jacuzzis including security provisions; and (v) outdoor play area(s) including fence heights along adjoining property lines;

2. A map depicting the location of any other Residential Child Care location(s) known by the applicant to be within a quarter mile of the proposed location; and

3. License approval, or other evidence that the proposed Residential Child Care use complies with the applicable standards and requirements specified by the State of Arizona Department of Health Services. Such licensure, or other evidence of compliance with State requirements, shall not be construed as guaranteed approval of a Use Permit by the City of Chandler.

(b) Review. Review and approval of an application for a Use Permit to operate Residential Child Care shall consider all relevant land use factors, including those stated in Section 35-305(1)(b) of this Chapter for consideration of General Use Permits, as well as the applicant's capability of meeting the criteria for said Use Permit, as set forth in subsection 305(4)(d) below, but excluding factors relating to the quality of the program to be provided, or the applicant's qualifications to provide such a program.

(c) Approval. An application for a Use Permit to operate Residential Child Care may be approved or denied by the City Council, based upon the findings set forth in subsection 305(1)(c). Approval of such a Use Permit application shall not be construed as any endorsement or approval of the child care program to be provided by the applicant, or of the licensing, training, or other qualifications of the applicant and its employees to provide such a program.

(d) Use Permit Criteria. Approval of any application for a Use Permit to operate Residential Child Care, shall be subject to complete and continual compliance with each of the following criteria:

1. Capacity. The number of children being cared for, and the ratio of staff to children, shall be limited by the requirements set forth by the State of Arizona Department of Health Services, but in no event shall the number of children being cared for exceed ten (10) for compensation, nor shall the total number of children being cared for, whether or not for compensation, exceed fifteen (15).

2. Location. No new Residential Child Care use not already licensed by the State of Arizona Department of Health Services and in full operation prior to the effective date of these regulations, shall be located on a lot within twelve hundred (1200) ft., measured by a straight line in any direction, from the lot line of another residential child care provider or other group home.

3. Signage. The Residential Child Care use shall have no identification from a public street by signage, graphics, display, or other visual means, except for signage otherwise permitted under Chapter 39, Section 39-9 of the City Sign Code.

4. Screening. All outdoor play areas shall be completely screened and enclosed by a six- (6) ft. high solid masonry wall with solid gates.

5. State Licensure. The Residential Child Care use shall be subject to licensure by the State of Arizona Department of Health Services, with proof thereof from the applicant kept on file with the City of Chandler Current Planning Division.

6. City Code Compliance. The Residential Child Care use shall comply with the standards and requirements of all applicable City Codes, including but not limited to, the Uniform Building Code, Uniform Fire Code, Zoning Code, Subdivision Regulations, and City Business Licensing.

7. Parking. No existing garage, carport structure, or driveway shall be expanded, enclosed, displaced, or otherwise modified for the purpose of accommodating the Residential Child Care use.

8. Building Expansion and Remodeling. Any expansion, remodeling, or other modification of a residential dwelling, whether planned or already existing for the purpose of accommodating a Residential Child Care use, may be permitted, provided however, that such expansion, remodeling, or other modification is determined, either through plan review or on-site inspection, to be fully compliant with all applicable City Codes, without need for variance or relief from standard requirements.

(e) Use Permit Effect. Use Permit approval for operating Residential Child Care shall be valid for a period of one (1) year from the date of City Council approval, or for any longer period as may be specified by Council, but shall be deemed void if the use is not commenced by the applicant within nine (9) months after the date of approval for a one (1) year period, or if not commenced within one (1) year after the date of approval for any period greater than one (1) year.

1. Use Permit approval for operating Residential Child Care shall be applicable only to the applicant and location identified on the application, and shall not be transferable to any other person or location.

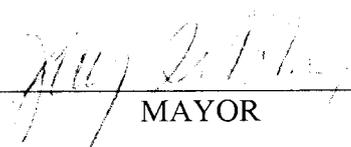
2. A Use Permit to operate Residential Child Care may be renewed by filing an application for renewal, and upon approval by City Council. The application for renewal shall be filed with the Zoning Administrator not less than sixty (60) days prior to expiration of the current permit. Any application for renewal shall be considered in accordance with the same standards and procedures as an original application.

(5) Group home: A Use Permit to operate a group home, as defined in Section 35-200 of this Chapter, shall be required within any residential zoning designation, including Planned Area Development (PAD). Application procedures for a Use Permit to operate a group home shall be the same as the application procedures, standards, and requirements for Adult Care Home Use Permits, as set forth in subsection 305(3) except for the requirements set forth in subsections 305(3)(d)(7) and 305(3)(d)(8). Such application may be approved or denied by City Council, based upon the findings set forth in subsection 305(1)(c).

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 24th day of May 2001.

ATTEST:

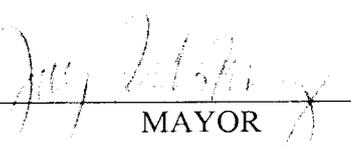

CITY CLERK


MAYOR

PASSED AND ADOPTED by the City Council this 14th day of June 2001.

ATTEST:


CITY CLERK


MAYOR