



# Maricopa County

## Planning & Development Department

### Department Directive

Department Directive:  
DD-2006-02

Supercedes:  
DD-N/A

Effective: Immediately

Initiator: Gary Zuercher

Director: Joy Rich *JR*

**PURPOSE:** To define and clarify zoning entitlement for a 'Residential facility'.

**REFERENCE:** Arizona Revised Statutes; 36-581 & 36-582. Maricopa County Zoning Ordinance; Chapter 2-Definitions, 'Group Homes for the Handicapped and Adult Care'

**POLICY/PROCEDURE:**

A residence which qualifies as a Residential Facility serving six or fewer persons with autism, cerebral palsy, epilepsy or mental retardation is not required to receive a Special Use Permit or establish a Group Home as a use by right, but rather will be treated as a single-family residence.

**DEFINITIONS:**

- ARS 36-581 - "Residential facility" means a home in which persons with developmental disabilities live or which is licensed, operated, supported or supervised by the department [Note: "department" in this citation does not refer to the Maricopa County Planning and Development Department but rather refers to the Arizona Department of Economic Security or the appropriate State agency].
- ARS 36-581 - "Developmentally disability" means autism, cerebral palsy, epilepsy or mental retardation.
- MCZO – "Group Homes for the Handicapped and Adult Care" is a dwelling unit shared as their primary residence by handicapped or elderly persons, living together as a single housekeeping unit, in a long term, family-like environment in which staff persons provide on-site care, training, or support for the residents. Such homes or services provided therein shall be licensed by, certified by, approved by, registered with, funded by or through, or under contract with the State. Group homes shall not include homes for the developmentally disabled, defined as persons afflicted with autism, cerebral palsy, epilepsy or mental retardation, as regulated by Arizona Revised Statutes, §36-582.\*23 [Note: The definition for Group Homes does not include homes for persons with autism, cerebral palsy, epilepsy or mental retardation because group homes for that statutorily protected class of citizens is treated as a single-family residence.]

**ARIZONA STATE LAW PROVIDING QUALIFYING CRITERIA:**

ARS 36-582A – Unrelated persons living together notwithstanding, a residential facility which serves six or fewer persons shall be considered a residential use of property for the purposes of all local zoning ordinances if such facility provides care on a twenty-four hour per day basis. The residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of the property. The limitation of six or fewer persons does not include the operator of a residential facility, members of the operator's family or persons employed as staff, except that the total number of all persons living at the residential facility shall not exceed eight.

ARS 36-382B – For the purpose of all local ordinances, a residential facility which serves six or fewer persons shall not be included with the definition of any term which implies that the residential facility differs in any way from a single family residence.

ARS 36-382E – A local ordinance which distinguishes, tends to distinguish, or has the effect of distinguishing residential facilities which serve six or fewer persons from a single family dwelling shall be void and of no effect as applied to such facilities.

ARS 36-382F – No conditional use permit, zoning variance, or other zoning clearance shall be required of a residential facility which serves six or fewer persons which is not required of a single family residence in the same zone.

ARS-36-582K – The provisions of this article shall apply only to residential facilities licensed, operated, supported or supervised by the department and the establishment of a particular facility shall not create any zoning rights with respect to any subsequent use of the property involved.