

Sec. 1.806. - Disability Accommodation.

- A. A disability accommodation from a development standard or separation requirement shall not be authorized unless the Board ~~shall find~~, upon sufficient evidence, all of the following:
1. The requested accommodation is requested by or on the behalf of one (1) or more individuals with a disability protected under federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.);
 2. The requested accommodation is **reasonably** necessary to afford an individual with a disability equal opportunity to use and enjoy a dwelling;
 - ~~3. The standard or requirement unduly restricts the opportunity for a person with a disability from finding adequate housing within the City of Scottsdale;~~
 4. **3.** The requested accommodation does not fundamentally alter the nature and purpose of the Zoning Ordinance of the City of Scottsdale;
 5. **4.** The requested accommodation will not impose an undue financial or administrative burden on the City, as "undue financial or administrative burden" is defined in federal and Arizona fair housing laws (42 U.S.C. § 3600 et seq. and A.R.S. § 41-1491 et seq.) and interpretive case law;
- ~~B. The profitability or financial hardship of the owner/service provider of a facility shall not be considered in determining whether to grant a disability accommodation.~~
- ~~C. The requested accommodation must comply with all applicable building and fire codes.~~
- ~~D.~~ **B.** The requested accommodation must not, under the specific facts of the application, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

(Ord. No. 4326, § 1(Res. No. 10963, § 1(Exh. A)), 12-5-17)

Sec. 1.920. - Request for Disability Accommodation.

- A. An applicant may request a disability accommodation from a development standard or separation requirement if the standard or requirement unduly restricts the opportunity for a person with a disability from finding adequate housing within the City of Scottsdale, **or unduly restricts the applicant or a person with a disability from utilizing their existing property.** The ~~z~~**Z**oning ~~a~~**A**dministrator may administratively approve **a Minor Disability Accommodation of** up to a ten percent (10%) modification of a development standard or separation requirement upon finding that such a modification will further the policies contained in the Arizona and federal fair housing laws and the Americans with Disabilities Act. All other requests for disability accommodation shall be submitted to the Board of Adjustment as a request for disability accommodation.

- B. An applicant requesting a Minor Disability Accommodation to this Zoning Ordinance shall file an application with the Zoning Administrator, on a form provided by the Zoning Administrator. The form shall require a site plan of the property, highlighting the specific portion of the property affected by the request, and the reason(s) for the request.
- C. Within ten (10) days after the Zoning Administrator receives a complete application, the property owner shall send notice, by first class mail, of the application to the property owners within three hundred (300) feet of any property line of the property on which the Minor Disability Accommodation is being requested.
- D. Public comment made on the proposed Minor Disability Accommodation shall address the Disability Accommodation Criteria set forth in Sec. 1.806 and be directed to the Zoning Administrator within thirty (30) days after the mailing date of the notice.
- E. In reviewing an application for a Minor Disability Accommodation, the Zoning Administrator shall determine whether the application meets the Disability Accommodation Criteria set forth in Sec. 1.806.
- F. The Zoning Administrator shall issue a written decision on the specific Minor Disability Accommodation requested no sooner than thirty (30) days and not later than forty-five (45) days after notice, referred to in C. above, is mailed.
- G. Any aggrieved person may appeal the Zoning Administrator's decision to the Board of Adjustment as set forth in the Zoning Ordinance.
- H. An application for a Minor Disability Accommodation is unrelated to, and does not impact, a property owner's ability to apply for a variance.

(Ord. No. 4326, § 1(Res. No. 10963, § 1(Exh. A)), 12-5-17)

Sec. 3.100 – General (Definitions)

Care home shall mean ~~a dwelling~~ **any licensed home pursuant to Title 36 of the Arizona Revised Statutes**, shared as a primary residence by **more than six (6) but** no more than ten (10) ~~adults~~ **persons with a disability** that is licensed as a health care institution under Arizona law, and in which on-site supervisory or other care services are provided to the disabled residents. For purposes of this definition, a person must live in the dwelling a minimum of thirty (30) consecutive days for this dwelling to be considered a primary residence. A care home is a principal, not an accessory, use.

Sec. 5.012 – Use Regulations (Single-family Residential R1-190)

Use Limitations:

(2) Care home is subject to the following criteria:

- a. *Floor area ratio*: Is limited to thirty-five hundredths (0.35) of the net lot area.

- b. *Capacity:* The maximum number of residents, including up to ten (10) disabled persons, the manager/supervisor, property owner, and residential staff at the home ~~is~~ **shall not exceed** twelve (12) **persons** per residential lot.
- c. *Location:* A care home shall not be located within twelve hundred (1200) feet, measured from lot line to lot line, of another care home.
- d. *Compatibility:* The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.
- e. *Criteria:* Care homes must be licensed by the State of Arizona and must provide proof of such licensing by the State of Arizona ~~as a health care institution~~ to the Director of Planning prior to the commencement of operations. All care homes must pass an initial and annual fire inspection administered by the Scottsdale Fire Department. Proof of such inspection and of correction of any noted deficiencies must be available at the care home at all times.
- f. *Accommodation:* A disabled person may request a disability accommodation from the above criteria or a development standard pursuant to Section 1.806. of this Zoning Ordinance.

Sec. 5.102 – Use Regulations (Single-family Residential R1-43)

Use Limitations:

(2) Care home is subject to the following criteria:

- g. *Floor area ratio:* Is limited to thirty-five hundredths (0.35) of the net lot area.
- h. *Capacity:* The maximum number of residents, including up to ten (10) disabled persons, the manager/supervisor, property owner, and residential staff at the home ~~is~~ **shall not exceed** twelve (12) **persons** per residential lot.
- i. *Location:* A care home shall not be located within twelve hundred (1200) feet, measured from lot line to lot line, of another care home.
- j. *Compatibility:* The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.
- k. *Criteria:* Care homes must be licensed by the State of Arizona and must provide proof of such licensing by the State of Arizona ~~as a health care institution~~ to the Director of Planning prior to the commencement of operations. All care homes must pass an initial and annual fire inspection administered by the Scottsdale Fire Department. Proof of such inspection and of correction of any noted deficiencies must be available at the care home at all times.
- l. *Accommodation:* A disabled person may request a disability accommodation from the above criteria or a development standard pursuant to Section 1.806. of this Zoning Ordinance.