



# Maricopa County

## Planning & Development Department

### Department Directive

Department  
Directive:  
DD-2017-03

Supersedes:  
DD-2015-05,  
DD-2014-02 &  
DD-2006-02

Effective: 8/14/17

Initiator: Darren Gerard - *DG*  
Director: Carol Johnson - *CJ*

**PURPOSE:** To ensure consistent treatment of zoning entitlement and construction permitting for group homes / group care facilities.

**REFERENCE:** Arizona Revised Statutes, § 36-582A  
Maricopa County Zoning Ordinance (MCZO), Articles 501.2.4, 601.2.3, 702.2.5, 804.2.22, 1301.1.8; Maricopa County Local Additions and Addenda

#### **POLICY/PROCEDURE:**

The following types of group homes / group care facilities are permitted in unincorporated Maricopa County: [Refer to the Maricopa County Zoning Ordinance.]

- A **Residential Facility** serving six or fewer persons with the development disabilities of autism, cerebral palsy, epilepsy or cognitive disability (antiquated ordinance language reads “mental retardation”) is considered the same as a Single-Family Residence per ARS § 36-582A. Such facility shall be permitted as a primary use in the Rural and Single-Family Residential zoning districts.
- A **Group Home** serves ten or fewer minors/children, disabled (antiquated ordinance language reads “handicapped”) or elderly persons living together as a single housekeeping unit in a long term (at least one year), family-like environment in which staff persons provide on-site care for the residents. Such facility shall be permitted as a primary use in the Rural (MCZO, Art. 501.2.4), Single-Family Residential (MCZO, Art. 601.2.3) and Multi-Family Residential (MCZO, Art. 702.2.5) zoning districts with administrative approval of a Group Home Permit, a Land Use (LU) application. The patient residents must be non-adjudicated (meaning not actively on parole or probation and ordered by a Court to reside at an address).

Elderly shall be considered to refer to patient residents of at least 55 years of age. Handicapped is defined in the MCZO, Chapter 2. For further clarification of “handicapped” the Department will refer to the meaning of “disabled” as set forth in the federal Fair Housing Act which speaks to a person being disabled if s/he has a physical or mental impairment that substantially limits one or more major life activities. To be substantially limited, the impairment must prevent or severely restrict the person from activities that are centrally important to most people’s lives, and it must be long term (at least one year).

- A **Group Care Facility** serves any other class of voluntary or court adjudicated residents, or more than ten minors/children, disabled (antiquated ordinance language reads “handicapped”) or elderly residents (MCZO, Art. 1301.1.8). These may be permitted in any zoning district with legislative approval of a Special Use Permit (SUP).

These facilities are also permitted in the C-2 & C-3 commercial zoning districts where hospitals are permitted with administrative approval of a Plan of Development.

Separate from the above types of zoning entitlement for group homes / group care facilities there is a required occupancy load for building construction: [Refer to the Maricopa County Local Additions and Addenda.]

- **R3** occupancy for 5 or fewer persons including patients, caretakers, residents, etc.
- **R4** occupancy for 6 – 10 persons including patients, caretakers, residents, etc.
- **Institution** occupancy is for 11 or more persons including patients, caretakers, residents, etc.

It is important to note that zoning entitlement may be approved for a facility to have a certain number of patient residents which is consistent with State licensing, but the building occupancy load will be for a greater number of persons based upon caregivers and other persons who may be residing/occupying the building.

Any building to be permitted as a group home / group care facility with more than eleven (11) bedrooms must meet Institution occupancy requirements. Additional off-street parking may be required.

Any group home / group care facility for ten or fewer patient residents and with ten or fewer bedrooms shall only be required to provide two (2) off-street parking spaces, the same as for a single-family residence.