ZONING INTERPRETATION RECORD

Subject of Interpretation:
Requirements for Health Residential Facility in the RS District

Zoning Ordinance Section Number:
11-87

Title of Section:
Definitions (Handicapped Person)

Cause for Interpretation:
The applicant requested the requirements for a single residence home to be used as a behavioral health residential facility housing 5 minors in foster care within the RS (Single Residential) district

Interpretation:
This location is located in the RS-9 zoning district (Single Residence, Minimum Lot Size is 9,000-sqft). Based on the Mesa Zoning Ordinance, the number of unrelated residents that may occupy a single dwelling in the RS-9 zoning district is limited to no more than 5. If there are more than 5 unrelated residents, the land use is classified as a boarding house, and is required to be located in a multiple residence (RM) zoning district.

There is an exception to the maximum 5-unrelated person rule if the house is intended to be occupied by individuals that are considered handicapped, based on a definition from the federal Americans with Disabilities Act. That federal definition of ‘handicapped’ is repeated in the Mesa Zoning Ordinance, Chapter 87:

**Handicapped Person:** An individual who has a physical or mental impairment, which:

1) Substantially limits 1 or more of such person’s major life activities;
2) Has a record of having such an impairment; or
3) Is regarded as having such impairment.

However, “handicapped” shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 United States Code 802]).

Should the residents of the intended dwelling comply with the definition of handicapped (listed above), then an exception to the maximum 5-person rule allows a land use called a **group home for the handicapped**, which may be occupied by between 6 to 10 unrelated residents. Group homes for the handicapped are required under the Mesa Zoning Ordinance to be separated from the location of the next closest group home for the handicapped by a distance of 1200-feet.

If the residents do not meet the definition of handicapped, the exception that allows group homes for the
handicapped to be placed in a single residence zoning district (like the RS-9 district) is not available, and the number of unrelated occupants of the dwelling then remains limited to a maximum of 5. The applicant stated that they are not requesting approval of a group home for the handicapped and in this case, they may use the home for a maximum of 5 unrelated residents.