## **ORDINANCE NUMBER 2025-04**

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING THE ZONING ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARTICLE XVII, ASSISTED LIVING HOME, RELATING TO THE OCCUPANCY FOR ASSISTED LIVING HOMES; AND PROVIDING FOR SEVERABILITY.

**WHEREAS**, Article XVII of the Town of Paradise Valley Zoning Ordinance (the "Zoning Ordinance") provides for regulation of "Assisted Living Homes" within the corporate limits of the Town of Paradise Valley (the "Town"); and

WHEREAS, A.R.S. § 36-401 defines an "Assisted Living Home" as an assisted living facility that provides resident rooms to 10 or fewer residents, and A.R.S. § 36-403 authorizes municipalities to adopt building and zoning regulations for "health care institutions" (the definition of which includes Assisted Living Home) that are equal to or more restrictive than regulations of the department; and

**WHEREAS**, the Mayor and Town Council of the Town (the "Town Council") has determined that it is in the best interests of the Town to amend the Zoning Ordinance to reduce the number of residents in Assisted Living Homes to more closely align with both State of Arizona and Town provisions relating to single family uses; and

| (the "Planning Commission") held a public hearing, as prescribed by law, to consider  |   |
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| Number 2025-04, and recommended; and  |   |
| WHEREAS, on, the Town Council held a public hear and take action on Ordinance Number 2025-04, as recommended by the Commission; and | _ |
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**WHEREAS**, the Town Council has determined that the Citizen Review Meeting held by the Planning Commission on November 18, 2025, was in accordance with Section 2-5-2(G) of the Paradise Valley Town Code; and

**WHEREAS**, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

**WHEREAS**, the Town Council has determined that this ordinance is not a "zoning ordinance text amendment of general applicability," as described in A.R.S. § 9-462.01(J), and therefore the Town Council is not required to prepare or consider a housing impact statement regarding the impact of the zoning ordinance text amendment that includes the information required by A.R.S. § 9-462.01(J)(1) - (3).

## NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, AS FOLLOWS:

- <u>Section 1</u>. The recitals above are incorporated as if fully set forth herein.
- <u>Section 2</u>. The Zoning Ordinance, Article XVII (Assisted Living Home), Section 1701 (Assisted Living Home, subject to the following provisions:), is hereby amended as follows (new text is shown in bold <u>double underline</u> and deletions are shown in <u>strikeout</u>):

## **Article XVII. ASSISTED LIVING HOME**

Section 1701. <u>Assisted Living Homes.</u> Where permitted in residential zones, Assisted <u>Living Homes are</u> subject to the following provisions:

- A. Distribution of Uses. No assisted living home shall be located on a lot within one thousand three hundred and twenty (1,320) feet, measured by a straight line in any direction, from the lot line of another assisted living home located within the Town of Paradise Valley or any other adjacent jurisdiction.
- B. Occupancy. The number of residents at such home shall be limited by applicable state laws, including any minimum square footage requirement per person, but in no event shall the number of residents persons exceed six (6) ten (10), not including staff 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 (8) persons.
- C. Licensure. Such home shall be licensed or certified by the State of Arizona, and satisfactory evidence thereof shall be on file with the Town. In the event that the State of Arizona revokes or terminates the license or certification to operate such a home, the person operating the home shall immediately cease operations and inform the Town of such revocation or termination.
- D. Administrative Review. Such home shall be reviewed and approved by the Planning Department Community Development Director, or designee, for building code and land use compliance prior to the use commencing.
- E. Code compliance. Such home shall comply with all applicable Town codes, including building codes, fire safety regulations, zoning and subdivision codes.
- F. Compatibility. Such 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.
- G. Threat to Community. Such home shall not house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

| H. <u>Parking.</u> All parking by staff associated shall be on site.  | ciated with such home Assisted Living Homes   |
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| Section 3. If any provision of this or competent jurisdiction to be unenforceable, suc separate, distinct, and independent of all other p validity of the remaining portions of this ordinance. | provisions, and such holding shall not affect the   |
| Section 4. The Mayor, the Town Ma are hereby authorized and directed to take all ste of this ordinance.   | anager, the Town Clerk, and the Town Attorney eps necessary to carry out the purpose and intent |
| PASSED AND ADOPTED by the May Valley, Arizona, this day of  | yor and Town Council of the Town of Paradise, 2025.   |
| ATTEST:   | Mark Stanton, Mayor   |
| Duncan Miller, Town Clerk   |   |

APPROVED AS TO FORM:

Andrew McGuire, Town Attorney