

# **TOWN** *Of* **PARADISE VALLEY**



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## **STAFF REPORT**

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**TO:** Mayor Stanton & Town Council Members

**FROM:** Andrew Ching, Town Manager  
Chad Weaver, Community Development Director  
Paul Michaud, Planning Manager

**DATE:** January 22, 2026

**DEPARTMENT:** Community Development – Planning Division  
Paul Michaud, 480-348-3574

**AGENDA TITLE:** Discussion and Possible Action on Proposed amendments to Article XVII, Assisted Living Home, of the Zoning Ordinance

### **RECOMMENDATION**

It is recommended that the Town Council approve Ordinance 2025-04 amending Article XVII, Assisted Living Home, of the Town of Paradise Valley Zoning Ordinance.

### **REQUEST**

Proposed amendments to Article XVII, Assisted Living Home, of the Town of Paradise Valley Zoning Ordinance, related to the occupancy and parking for Assisted Living Homes (Attachment E). The proposed modifications to “assisted living homes” do not include changes to the existing regulations for homes for the developmentally disabled, or to sober living or other similar facilities that would fall under the Town’s reasonable accommodation process adopted in 2017 via Resolution 2017-15 (Attachment B).

### **PROCESS**

The Town Council, at its September 11<sup>th</sup> study session, directed moving forward with consideration of amendments to the Assisted Living Home regulations, including a modification to align the number of residents in an Assisted Living Home more closely with the occupancy limitations on single family homes and to address parking requirements.

A.R.S. § 9-462.03 requires that the Town adopt a citizen review process for all rezoning matters. The Town’s adopted provisions are found in Section 2-5-2 of the Town Code. For a Zoning Ordinance text amendment originated by the Town Council, Section 2-5-2(G) requires that the Citizen Review Session be held at a work-study session of the Planning Commission; the Planning Commission held the work-study session November 18, 2025.

After the Citizen Review Session, the Planning Commission may take all issues and concerns raised by property owners and other citizens potentially affected by the

proposed text amendments at such session into account when it considers its recommendation to the Town Council on the proposed text amendment and shall, prior to the Town Council's public hearing on the proposed text amendment, report to the Town Council the issues and concerns raised during the citizen review input and discussion session; the Planning Commission recommendation and comments from their meetings are summarized below.

### **TOWN COUNCIL DISCUSSION**

The Town Council discussed Ordinance 2025-04 at its January 8<sup>th</sup> study session. Some of the items noted were that the proposed amendment supports the Town's General Plan (particularly the low-density single-family lifestyle and limited commercial development), the amendment aligns more with the Town's definition of family, the amendment allows for the existing lawful assisted living homes to remain at 10 residents under the Town's nonconforming use regulations, a request that the operators be good neighbors to fit into the neighborhood which helps reduce complaints, that assisted living homes are commercial uses that are required by state statute with no requirement to increase financial profitability, that the 1,320-foot radius is unchanged and allows for a good amount of assisted living homes, and there is no change to the approval procedures or reasonable accommodation process.

### **PLANNING COMMISSION RECOMMENDATION CITIZEN REVIEW SESSION/COMMENTS**

The Planning Commission recommended approval of Ordinance 2025-04 by a vote of 4 to 3 (Commissioners Nassikas, Dickman, and Curtis being nay votes) at the December 2<sup>nd</sup> public hearing. The Commissioners with nay votes made an earlier motion to continue the text amendment for additional information.

During the December 2<sup>nd</sup> public hearing, it was clarified that should passage of the text amendment occur, all 13 existing lawful Assisted Living Homes can continue to operate under the Nonconforming Uses provision (specifically Section 2302 of Article XXIII, Nonconformance). There was also clarification regarding the area of state legislation that applies to Assisted Living Homes which is described below under 'Background' of this report.

13 people spoke at the December 2<sup>nd</sup> public hearing portion of the meeting. Comments related to keeping the regulations the same included that Assisted Living Homes are single-family homes/not a threat to the single-family lifestyle, many Assisted Living Homes replace older/unkept properties, Assisted Living Homes provide a service to residents or family of residents that need this care close to nearby family members, concern that the occupancy change will negatively impact cost, reference to the legality of the text amendment (including the applicability of parking standards and distance requirements with occupancy 6 or less persons), to include the reference on the lawful nonconforming status in the whereas or ordinance, statements that the older population within the Town creates demand, and personal accounts on positive experiences regarding property value and parking.

Those supporting the text amendment referenced the business nature of an Assisted Living Home that does not align with the vision/values of the Town's General Plan (this includes site conditions like large number of trash bins, enclosure of garages), that the

opening of an Assisted Living Home is not a choice for existing residents which may have impacted their decision in purchasing their property or may impact their property values and/or enjoyment of their property, that the occupancy at 6 aligns more with the Town's definition of family (5 or fewer unrelated people) that requiring all parking on site is not unlike the requirement for home occupation and the large lot sizes allow for the accommodation of this parking, statement that increased traffic is possible more than a traditional single family home as each resident may have separate health care providers and family members that visit the property, and that the text amendment retains the ability for Assisted Living Homes (via the nonconforming use provisions as outlined in Article XXIII, Nonconformance, of the Zoning Ordinance (specifically Section 2302), reasonable accommodation, and the ability to open a new Assisted Living Home with up to 6 residents).

The Planning Commission held a Citizen Review Session/Work Session on November 18<sup>th</sup> regarding amendments to Article XVII, Assisted Living Home, of the Town of Paradise Valley Zoning Ordinance. There were 11 people who spoke. Speakers included Town residents, family members of people in these homes, owners of Assisted Living Homes in Paradise Valley, and other Assisted Living Home representatives. Comments included wanting to understand reasons for making these amendments, stories from family members on the benefits these homes, statements that the percentage of older age groups in the Town creates demand for these homes, concerns that reducing the occupancy will negatively impact cost to the resident and/or the staffing and financial feasibility of these homes, clarification on the status of existing homes to operate under existing regulations (existing lawful Assisted Living Homes will be allowed to continue with up to 10 residents, subject to Article XXIII of the Zoning Ordinance, if the text amendment is adopted), anecdotal accounts regarding that noise and parking are not impactful (particularly compared to other uses like an Airbnb, Short Term Rental or resort or construction activity), statements that smaller group homes provide various benefits compared to larger occupancy facilities (items mentioned included more tailored social activities, ease in managing safety, illness, and other factors), and concerns that the amendment will effectively cap the number of these homes. For more information refer to the minutes (Attachment D) and/or video of the Planning Commission meetings (available on the Town website). Also, you can find comments received on this item under Noticing – Comments (Attachment C).

The Planning Commission also asked for more information regarding parking and noise at these group homes. The Police Department records over the last four years show no noise complaints and only two parking violations (which are likely unrelated to the actual group homes). Refer to Background Material (Attachment B) for this data.

## **BACKGROUND**

The Town's Vision & Values from its incorporation in 1961 and expressed in the current General Plan is to preserve the natural desert and provide a semi-rural, residential community with limited commercial development and limited government. The Town Council's direction to amend the Assisted Living Home provisions aligns with the single-family focus of the General Plan. Approximately 75% of the land within the Town limits is for single-family residential homes (almost exclusively on one or more acres). Dedicated open space areas represent slightly more than 10% of the land within the Town limits. Non-residential uses which are governed by the Town's Special Use Permit zoning (limited to resorts, places of worship, private schools, medical plazas,

and government use) make up slightly more than 6% of the Town's land within the Town limits (with the remainder being streets and undeveloped residential properties). More specifically, the 2022 General Plan included a March 2021 survey (Attachment B) that indicated the most important character was maintaining low density with minimum one-acre lot requirements and the least important was supporting senior living developments (with assisted living homes rating very important/somewhat important to address). The nature of the written comments in this survey related to short-term rentals, care homes, home occupations, and similar uses being viewed as businesses and higher density properties.

To facilitate the General Plan and to ensure that Assisted Living Homes are regulated more consistently with single-family uses in the Town, the current Town Zoning Ordinance provisions require amendment. The proposed amendments are permitted by A.R.S. § 36-403, which authorizes municipalities to adopt building and zoning regulations for "health care institutions" that are equal to or more restrictive than regulations of the State's department of health services (A.R.S. § 36-401(A)(10) defines an "assisted living home" as an "assisted living facility" that provides resident rooms to 10 or fewer residents; A.R.S. § 36-401(A)(9) defines "assisted living facility" to include, among other things, a "residential care institution"; and A.R.S. § 36-401(A)(45) defines a "residential care institution" to include, among other things, a "health care institution").

Article XVII (Attachment B) is the current text of the Zoning Ordinance provisions that are the focus of the proposed text amendment. There is no change to the definition of "assisted living home" in Article II. The Town first adopted the assisted living provisions of the Zoning Ordinance 2005. At present, there are 12 Assisted Living Homes within the Town limits and one under construction (Attachment B).

In conjunction with the State Department of Health Services application process, the owner/applicant must comply with the Town's process. The Town's typical processing is summarized below:

- Owner/applicant contacts the Town's Community Development Department. The owner/applicant is told to make sure the proposed group home is a use that the Arizona Department of Health Services will provide a license, the use complies to Article XVII, Assisted Living Homes, all residents must be disabled as defined in Arizona Revised Statutes §41-1491, and to check homeowner association rules. Encourage submittal of a pre-application to maintain a list of these homes and to notify others of a possible upcoming Assisted Living Home(s). This is typically the time an owner/applicant will check the 1,320-foot radius and may request a zoning letter which will be updated to match the approved amendments (Attachment B).
- Owner/applicant submits building permit(s) and/or other plans. The owner/applicant may submit preliminary plans to the Town's Building Division for a locational plan check only. Plans are reviewed in scope but not in detail for building code and land use compliance. If the home needs renovations or is a new construction, the owner/applicant must also submit to the Town full building permit plans and studies relevant to the specific property and structure just as any other resident or builder would be required to do. The home must meet all the state and local fire codes for this use. On fire, the owner/applicant provides

a site plan and detailed floor plan showing all bedrooms, bathrooms, all means of egress from the bedrooms, and evacuation plan. This floor plan will be reviewed by the Town Fire Marshal/Building Manager. An assisted living home changes the building code classification of the home from R-3 to R-4 requiring compliance with the Americans with Disabilities Act, fire sprinklers (PV amendments require this in all cases), and related items. Prior to any Certificate of Occupancy, the owner/applicant must provide a copy of the State of Arizona License for an Assisted Living Home.

- Once the State Department of Health Services has issued a valid license and prior to commencing operation the owner/applicant must obtain a business license from the Town. Such home shall be licensed or certified by the State of Arizona and shall continue to retain a valid license for as long as the home is in operation. If 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.

### **TEXT AMENDMENT CHANGES**

There are three proposed amendments. The first change addresses occupancy, which will be reduced from 10 residents, not including staff, to 6 residents, not including operator and staff, and members of the operator's family, with a maximum not to exceed 8 people. The second change modifies the parking associated with the home to require that it is all on site (not only the staff). The third change is to correct the title of Planning Department Director to Community Development Director.

### **NOTICING**

The required noticing for a text amendment to the Town's Zoning Ordinance includes posting of the agenda and newspaper notice (Attachment C). Both were completed. Notice in the newspaper was provided in advance of the November 18<sup>th</sup> Citizen Review Session and the December 2<sup>nd</sup> Planning Commission public hearing. Notice of the Town Council public hearing has also been completed. The owners of the 12 existing Assisted Living Homes and the one home under construction were also provided notice of the Citizen Review Session and Planning Commission/Town Council public hearings.

### **ATTACHMENT(S)**

- A. Staff Report
- B. Background Material
- C. Noticing – Comments
- D. Planning Commission Minutes
- E. Ordinance 2025-04 (Draft)
- F. Presentation