

TOWN OF PARADISE VALLEY

Assisted Living Home Text Amendment Citizen Review Work Session



Planning Commission
November 18, 2025

TODAY'S GOAL & AGENDA

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- Discuss 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 to align with current State of Arizona legislation



BACKGROUND

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- Council directed moving forward amendments on Assisted Living Home after the study session held on September 11, 2025
- Varying types of living options for people requiring assistance exist (most do not apply based on the Town's limited zoning district types)
- Federal and state regulations require all municipalities allow certain group homes that must be treated like any other single-family home
- Arizona statutes that apply are A.R.S. §36-582 and A.R.S. §41-1491
- Town Zoning Ordinance sections that apply are Article II and Article XVII adopted in 2005



TEXT AMENDMENT PROCESS

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- Robust review/approval process since amendment is to Zoning Ordinance
- Resident input opportunity via Citizen Review Session and public hearings
- Commission recommendation to the Council at a public hearing
- Council review and action at a public hearing
- No specific deadline for the Town to make amendments



36-582. Residential facilities; zoning; notice; appeal

A. Unrelated persons living together notwithstanding, a residential facility which serves six or fewer persons shall be considered a residential use of property for the purposes of all local zoning ordinances if such facility provides care on a twenty-four hour per day basis. The residents and operators of such a facility shall be considered a family for the purposes of any law or zoning ordinance which relates to the residential use of property. The limitation of six or fewer persons does not include 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.

B. For the purpose of all local ordinances, a residential facility which serves six or fewer persons shall not be included within the definition of any term which implies that the residential facility differs in any way from a single family residence.

C. The provisions of this section shall not be construed to forbid any city, county or other local public entity from placing restrictions on building heights, setback, lot dimensions and placements of signs of a residential facility which serves six or fewer persons as long as such restrictions are identical to those applied to other single family residences.

D. The provisions of this section shall not be construed to forbid the application to a residential facility of any local ordinance which deals with health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity provided that such ordinance does not distinguish residential facilities which serve six or fewer persons from other single family dwellings and provided further that such ordinance does not distinguish residents of such residential facilities from persons who reside in other single family dwellings.

E. A local ordinance which distinguishes, tends to distinguish, or has the effect of distinguishing residential facilities which serve six or fewer persons from single family dwellings shall be void and of no effect as applied to such facilities.

F. No conditional use permit, zoning variance, or other zoning clearance shall be required of a residential facility which serves six or fewer persons which is not required of a single family residence in the same zone.

G. For the purposes of any contract, deed, or covenant for the transfer of real property executed subsequent to the effective date of this section, a residential facility which serves six or fewer persons shall be considered a residential use of property and a use of property by a single family, notwithstanding any disclaimers to the contrary.

H. No residential facility shall be established within a twelve hundred foot radius of an existing residential facility in a residential area.

I. Prior to the establishment of a residential facility in a residential area, the department shall give at least sixty days written notice to the local government unit affected. The government unit shall have the right to contest the establishment of a residential facility in a residential area by written objection filed with the department within thirty days after receiving notice and may request an administrative hearing pursuant to title 41, chapter 14, article 3.

J. Other residential facilities which serve seven or more persons shall be a permitted use in any zone in which residential buildings of similar size, containing rooms or apartments which are provided on a continuing basis for compensation, are a permitted use. Nothing in this section shall be construed to prohibit any city or county from requiring a conditional use permit in order to maintain a residential facility serving seven or more persons, provided that no conditions shall be imposed on such a facility which are more restrictive than those imposed on other similar dwellings in the same zones.

K. The provisions of this article shall apply only to residential facilities licensed, operated, supported or supervised by the department and the establishment of a particular facility shall not create any zoning rights with respect to any subsequent use of the property involved.

L. This article shall apply only as to those government units which have adopted zoning ordinances which place more restrictions on the establishment of residential facilities than those pertaining to facilities authorized under this article, except that the local government unit to which this article does not otherwise apply may require the same notice and hearing procedures applicable to other zoning matters notwithstanding the provisions of subsection I of this section.

A.R.S. §36-582 ⁵

- (A) Occupancy limit 6 residents (with staff/operator 8 total)
- (B – G) Must treat same as other single-family (e.g., safety, setbacks, etc.)
- (H) Separation requirement
- (I, K, L) Dept of Health requirements/notice
- (J) Facilities 7 or more (not applicable)

41-1491. Definitions

In this article, unless the context otherwise requires:

1. "Aggrieved person" includes any person who either:
 - (a) Claims to have been injured by a discriminatory housing practice.
 - (b) Believes that the person will be injured by a discriminatory housing practice that is about to occur.
2. "Assistance animal" means a trained or untrained animal that works, provides assistance, performs tasks or provides therapeutic or emotional support for the benefit of a person with a disability.
3. "Complainant" means a person, including the attorney general, who files a complaint under section 41-1491.22.
4. "Conciliation" means the attempted resolution of issues raised by a complaint or by the investigation of the complaint through informal negotiations involving the aggrieved person, the respondent and the attorney general.
5. "Conciliation agreement" means a written agreement setting forth the resolution of the issues in conciliation.
6. "Disability" means a mental or physical impairment that substantially limits at least one major life activity, a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of or addiction to any drug or illegal or federally controlled substance. Disability shall be defined and construed as the term is defined and construed by the Americans with disabilities act of 1990 (P.L. 101-336) and the ADA amendments act of 2008 (P.L. 110-325; 122 Stat. 3553).
7. "Discriminatory housing practice" means an act prohibited by sections 41-1491.14 through 41-1491.21.
8. "Dwelling" means either:
 - (a) Any building, structure or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families.
 - (b) Any vacant land that is offered for sale or lease for the construction or location of a building, structure or part of a building or structure described by subdivision (a) of this paragraph.
9. "Family" includes a single individual.
10. "Person" means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, receivers, fiduciaries, banks, credit unions and financial institutions.
11. "Respondent" means either:
 - (a) The person accused of a violation of this article in a complaint of a discriminatory housing practice.
 - (b) Any person identified as an additional or substitute respondent under section 41-1491.25 or an agent of an additional or substitute respondent.
12. "Service animal":
 - (a) Means any dog or miniature horse that is individually trained or in training to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.
 - (b) Does not include other species of animals, whether wild or domestic, trained or untrained.
13. "To rent" includes to lease, to sublease, to let or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

A.R.S. §41-1491 6

- Disability limits one major life activity
- Disability excludes drug use

Article II. **DEFINITIONS** 84 112 164 170 179 196 200 207 376 432 477 534 548 564 566 567 617 633 2016-13 2021-01

Section 201.

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, the singular; the word "building" shall include the word "structure;" the word "lot" shall include the word "plot;" and the word "shall" is mandatory.

Accessory Building / Structure⁵⁶⁴: A subordinate building, the use of which is incidental to that of the dominant use of the main building, or premises, including residential staff quarters; provided, however, that neither a building nor an enclosure for horses is an accessory building.

Alley: A public thoroughfare which affords only a secondary means of access to abutting property.

Anomaly:⁵⁴⁸ A natural occurring, localized surface deviation from the natural land contour. Anomalies may include outcroppings, ridges, craters, or washes. When an anomaly affects the Open Space Criteria measurement for a building or structure, the Town Manager or designee shall eliminate the anomaly from the calculation and interpolate a simulated natural grade between the contour on each side of the anomaly for use when measuring the height of the building or structure.

Apartment House: See "Dwelling, Multiple."

Area of Jurisdiction:²⁰⁷ The boundaries of Paradise Valley.

Assisted Living Home:⁵⁶⁷ A dwelling shared as a primary residence by persons who are disabled, as defined in Arizona Revised Statutes §41-1491, who do not meet the definition of "family" as set forth in this section, who live together as a single housekeeping unit in an environment in which staff persons provide supervisory care, personal care and/or custodial care for the residents. This definition shall not apply to a home for the developmentally disabled as regulated by Arizona Revised Statutes §36-582.

Basement:¹⁶⁴ A story having more than one-half (1/2) its height below natural grade.

Building: Any structure for the shelter, support or enclosure of persons, animals, or property; and when separated by dividing walls without openings, each portion of such building, so separated, shall be deemed a separate building.

Camper:⁵⁶⁴ A camper is a unit designed for travel, recreational, and vacation uses, which may be placed upon or attached to a vehicle.

Cluster Plan (CP) District:^{564 2016-13} A development approach that may be used in the R-43 or R-35 Cluster Plan zoning district that retains the same house per acre ratio as the R-43 or R-35,

- Town Zoning Ordinance, Definitions
- Requires home to be for disabled

Article XVII. ASSISTED LIVING HOME ^{564 567}

Section 1701. Assisted Living Home, 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 exceed ten (10), not including staff.
- 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 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. **All parking by staff associated with such home shall be on site.**

FOOTNOTE:

564 Ordinance #564 – 11/03/2005(Interpretation, Purpose and Conflict, was repealed by Ordinance Number 564, and moved to Article I, Section 103)

567 Ordinance #567 – 11/17/2005

- Town Zoning Ordinance, Assisted Living Home
- (A) Separation requirement
- (B) Occupancy limits
- (C) Licenses required
- (D) Town review process
- (E) Applicable codes
- (F) Compatibility with surrounding area
- (G) Parking requirements

TYPICAL APPLICATION PROCESS

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- Owner/applicant contacts the Town's Community Development Department
 - Emphasize compliance with federal, state, town, and homeowner rules
 - Encourage submittal of a pre-application (to maintain list)
 - Typical distance requirement checked
 - May include a zoning letter from Town covering rules
- Owner/applicant submit building permit(s) and/or plans
 - Preliminary locational plan check
 - Renovations/new home building permit like any other single-family home
 - Evacuation plan review / fire sprinkler requirement by fire marshal
- State health department issue required permit(s)
- Owner/applicant completes Town business license process



DRAFT ORDINANCE 2025-04

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- General approach align requirements with current State of Arizona legislation
- Summary of changes
 - Reduce occupancy from 10 residents (not including staff) to 6 residents and including operators and staff to not exceed 8 people
 - Modify the parking associated with the home to be all on-site (not only the staff)
 - Correct the title of Planning Department Director to Community Development Director

Article XVII. ASSISTED LIVING HOME

Section 1701. Assisted Living Homes. Where permitted in residential zones, Assisted Living Homes are 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. Parking. All parking ~~by staff~~ associated with such home Assisted Living Homes shall be on site.

11/18/2025



- Call from the owner of the Assisted Living Home located at 4810 E

Hummingbird on the following points:

- Get the upcoming meeting dates (provided)
- Understand if existing homes can remain in operation with 10 residents (which Council discussed/acknowledged some allowance)
- Concern that a limit of 6 residents will make operating an Assisted Living Home economically unfeasible (reiterated that the 6 limit follows statute)
- Understand the deadline for when the new Assisted Living Home regulations would take effect (typically 30 days after ordinance adoption)
- What action would be needed to secure compliance to the existing regulations before the new regulations go into effect (an active business license or building permit for an Assisted Living Home).



NEXT STEPS/QUESTIONS

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- **December 2nd** Commission Public Hearing
- **January 8th** Council Study Session (tentative)
- **January 22nd** Council Public Hearing (tentative)



