

TOWN *Of* **PARADISE VALLEY**



STAFF REPORT

TO: Chair & Planning Commission Members

FROM: Chad Weaver, Community Development Director
Paul Michaud, Planning Manager

DATE: November 18, 2025

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

AGENDA TITLE: Citizen Review Session and Discussion on Proposed amendments to Article XVII, Assisted Living Home, of the 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 to align with current State of Arizona legislation.

PROCESS

The assisted living home (group home) was one of several potential code amendments the Town Council discussed at the study session on September 11, 2025. Based on this discussion, the Town Council directed Town staff to move forward amendments to Article XVII, Assisted Living Home, of the Town of Paradise Valley Zoning Ordinance, to align with current State of Arizona legislation. Based on this direction, Town staff drafted Ordinance 2025-04 (Attachment D).

Section 2-5-2 of the Town Code requires that there be a Citizen Review Session by the Planning Commission and A.R.S. § 9-462.04 to receive public comment and make a recommendation to the Town Council at a public hearing since the amendment is to the Town's Zoning Ordinance. After the Planning Commission recommendation, the Town Council will review and hold a public hearing on Ordinance 2025-04.

BACKGROUND

There are several different types of facilities, care homes, and group homes for people requiring assistance (generally referred to as group homes for the purpose of this report). These range from a nursing home or continuing care retirement facility typically in a multiple-family or commercial zoning district to a residential home that by federal and/or state regulations must be treated as a single-family home in any residential zoning district. The Town being a mostly residential community only allows for specific non-residential use by Special Use Permit zoning (e.g., resort, private school, medical plaza). This means that the group home for people requiring assistance that the Town must allow for are typically assisted living homes and developmentally disabled group homes that meet the federal and/or state established

thresholds (maximum occupancy being one threshold). The Town also must provide for a reasonable accommodation process for any person with a disability, their representative, or a developer or provider for housing for individuals with a disability to provide disabled individuals with an equal opportunity to use and enjoy a dwelling. The Town adopted a reasonable accommodation process in 2017 via Resolution 2017-15 (Attachment B). The proposed text amendments make no changes to this reasonable accommodation process.

In accordance with the federal Fair Housing Act and the Americans with Disabilities Act, the Town allows for assisted living homes for disabled persons in single-family residential neighborhoods. Arizona State Statute covers these homes under residential facilities in A.R.S. §36-582, which is where the occupancy limit changed from 10 to 6 residents. A.R.S. §41-1491 also applies as this section defines the term disability. Within the Town's Zoning Ordinance, Assisted Living Home is addressed under Article II and Article XVII. Article II includes the definition for Assisted Living Home below:

Assisted Living Home: 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.

Article XVII (Attachment B) lists the criteria which is the focus of the proposed text amendment. There is no change to the definition in Article II. The Town first adopted the Town regulations via Ordinances 564 and 567 in 2005 in response to the then legislation. With the relatively recent changes to the group home legislation now reflected in A.R.S. §36-582 allows for the Town to modify its regulations.

Since all municipalities must comply with federal and state regulations, there is limited discretion in regulating group homes. This discretion includes some ability to distribute them. The Town presently uses a distribution of 1,320 feet (1/4 mile) between homes. Other discretion includes the application process and enforcing local ordinances regarding sprinklers and parking. Homeowner associations may have their own additional regulations but are also subject to the same federal laws. 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. Regarding fire code, 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, 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

The general approach for the proposed text amendment is to align the Assisted Living Home requirements with current State of Arizona legislation. There are three proposed amendments. One, the occupancy will reduce from 10 residents not including staff to 6 residents and including operators and staff will not exceed 8 people. The other amendment modifies the parking associated with the home to be all on-site (not only the staff). The last amendment is to correct the title of Planning Department Director to Community Development Director. Text amendments typically do not apply to existing uses already in operation but do apply to new uses.

NOTICING – COMMENTS

The required noticing for a text amendment to the Town's Zoning Ordinance includes the posting of the agenda and newspaper notice. Both were completed. Notice in the newspaper was provided in advance of the November 18th Citizen Review Session and the December 2nd Planning Commission public hearing (Attachment E). Notice of the Town Council public hearing will be done in advance of that hearing. 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 public hearing. Staff received a call from the owner of the Assisted Living Home located at 4810 E Hummingbird Lane. He had questions on the upcoming meeting dates, impact to existing Assisted Living Homes if these homes can remain in operation with 10 residents (which text amendments when adopted allows for existing uses to remain and preliminary discussion by Council at their September 11th study session acknowledged an allowance for the existing operation), concern that a limit of 6

residents make operating an Assisted Living Home economically unfeasible, deadline for when the new Assisted Living Home regulations would take effect (which is 30 days after the adoption of an ordinance), and what action would be needed to secure compliance to the existing regulations before the new regulations go into effect (which would be an active business license or building permit for an Assisted Living Home).

NEXT STEPS

The Planning Commission public hearing is scheduled for December 2nd. The next steps after Planning Commission recommendation are for a Town Council study session tentatively set for January 8th and a Town Council public hearing on January 22nd.

ATTACHMENT(S)

- A. Staff Report
- B. Background Material
- C. Noticing
- D. Ordinance 2025-04 (Draft)
- E. Presentation