

TOWN *Of* **PARADISE VALLEY**



STAFF REPORT

TO: Chair & Planning Commission Members

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

DATE: December 2, 2025

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 Planning Commission forward to the Town Council a recommendation for approval of Ordinance 2025-04 amending Article XVII, Assisted Living Home, of the Town of Paradise Valley Zoning Ordinance. The Planning Commission has options to make a recommendation for approval (with or without modifications), denial, or continuance.

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. 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 11th study session, directed moving forward with consideration of amendments to the Assisted Living Homes regulations, including a modification to align the number of residents in an Assisted Living Facility 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; those comments are summarized below.

PLANNING COMMISSION DISCUSSION/CITIZEN REVIEW SESSION/COMMENTS

The Planning Commission held a Citizen Review Session/Work Session on November 18th regarding amendments to Article XVII, Assisted Living Home, of the Town of Paradise Valley Zoning Ordinance. There were 11 people who spoke (with several others in attendance who did not speak). 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 and/or video of the meeting (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).

To facilitate the General Plan and to ensure that assisted living facilities 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, 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 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.

NEXT STEPS

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 – Comments
- D. Ordinance 2025-04 (Draft)
- E. Presentation