

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(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”; A.R.S. § 36-401(A)(45) defines a “residential care institution” to include, among other things, a “health care institution”; and A.R.S. § 36-403 authorizes municipalities to adopt building and zoning regulations for “health care institutions” 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 provisions and the Town General Plan’s focus on single family uses; and

WHEREAS, on November 18, 2025, the Town of Paradise Valley Planning Commission (the “Planning Commission”) held the Citizen Review Session as required by Section 2-5-2(G) of the Town Code; and

WHEREAS, on December 2, 2025, the Planning Commission held a public hearing, as prescribed by law, to consider Ordinance Number 2025-04, and recommended approval; and

WHEREAS, on January 22, 2026, the Town Council held a public hearing to hear and take action on Ordinance Number 2025-04, as recommended by the Planning Commission; and

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:

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. 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 **double underline** and deletions are shown in ~~strikeout~~):

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.

Section 3. If any provision of this ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provisions, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this ordinance.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Paradise Valley, Arizona, this _____ day of _____, 2026.

Mark Stanton, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew McGuire, Town Attorney