

TOWN OF PARADISE VALLEY

Assisted Living Home Text Amendment Study Session

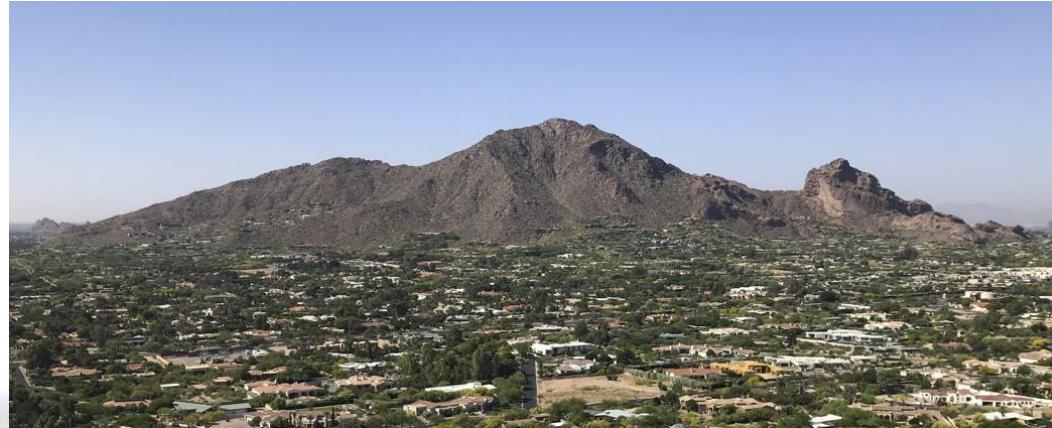


Town Council
January 8, 2026

TODAY'S GOAL & AGENDA

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- **Discussion on 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 the General Plan**



BACKGROUND

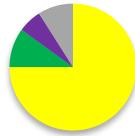
- Council directed moving forward with the amendment process on Assisted Living Homes which is part of a broader code update effort
- Assisted Living Homes do not include sober living or other similar facilities that would fall under the Town's reasonable accommodation process (which is not changing)
- Existing lawful Assisted Living Homes will be allowed to continue with up to 10 residents (subject to non-conforming use provisions) should the text amendment be adopted



BACKGROUND

- The Town's General Plan focuses on the low-density single-family character and limited commercial development (focused on resorts, places of worship, schools, medical plazas, and government use)

Land Use



■ Single Family (75%)	■ Open Space (10%)
■ Special Use Permit (6%)	■ Other (e.g., streets) (9%)

2022 General Plan ratified by 81% of resident voters

2021 General Plan Survey listed most important land use/character was maintaining low density

VISION STATEMENT

The Town of Paradise Valley is a premier, low density, residential community in Arizona with a national identity reflecting excellence in development and design and protection of the natural Sonoran Desert environment.

Centrally located, this desert oasis, containing mountains, cacti and wildlife in the midst of the fifth largest city in the country, offers convenient access to local and regional amenities while preserving a sense of privacy, quiet, dark/night skies and public safety that represents an unparalleled quality of life.

The incorporation of the Town in 1961 was hard fought, and came about with a conscious decision to preserve the natural desert and provide a semi-rural, residential community with limited commercial development and limited government.

As we look to the future, we build upon our past by capturing the independent spirit that founded this community while taking prudent, reasonable and responsible actions to improve the quality of life for Town residents.

Recognizing a proper balance between the powers of local government and individual property rights, our future will be defined by the continuation of our characteristic low-density, residential housing while understanding and appreciating the role of local government in providing quality public safety and other limited services, preserving natural open space and mountain views and ensuring neighborhood-compatible land use decisions throughout the Town.

The aesthetic beauty of our community open spaces, coupled with the natural beauty of the desert, welcomes residents, their guests and resort visitors alike, letting everyone know they are in a special place.

Our world-class resorts, places of worship, schools and other limited non-residential community-oriented development will continue to evolve and change with the times, but will always respect the quality of life of Town residents.



BACKGROUND

- Municipalities are often required to allow for various uses and accommodations by federal and/or state legislation, and how these apply or will fit within their own unique character while still meeting the legislation
- Varying types of living options for people requiring assistance exist (most do not apply based on the Town's limited zoning district types)
- The 6-person occupancy aligns closer to the Town's definition of "family" that includes a group of not more than 5 people
- When modifications may be warranted, the requestor may use the Town's reasonable accommodation process



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

- **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) Community Threat**
- **(H) Parking**

TEXT AMENDMENT PROCESS

- Resident input opportunity via Citizen Review Session (Nov 18th)
- Commission recommendation to the Council at a public hearing (Dec 2nd)
- Council review and action at a public hearing (Jan 22nd)
- No specific deadline for the Town to make amendments



■ 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.



PLANNING COMMISSION

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- Planning Commission recommended approval (4 to 3) at December 2nd hearing
- Held required Citizen review Session on November 18th



COMMENT SUMMARY

- Several persons providing comments for and against the amendment
- Refer to Noticing – Comments Attachment for more information

Support Amendment	Not Support Amendment
<ul style="list-style-type: none">▪ Business nature that does not align with the vision/values of the Town's General Plan▪ Impact and lack of choice for existing residents when Assisted Living Home opens in a neighborhood▪ 6 resident occupancy aligns with the Town's definition of family of 5 or fewer unrelated people▪ Increased traffic due to visitors/health care providers▪ Amendment retains the ability for Assisted Living Homes (via nonconforming use provisions, reasonable accommodation, and up to 6 residents)	<ul style="list-style-type: none">▪ Not a threat to single-family lifestyle▪ Replace older/unkept properties▪ Benefits on proximity to nearby family members/older population creates demand▪ Smaller 10-person provides benefits to resident related to activities and other factors▪ Cost concerns▪ Amendment could effectively cap the number



NEXT STEPS/QUESTIONS

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- **January 22nd** Council Public Hearing (tentative)



