



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Meeting Notice and Agenda Planning Commission

*Chair Pamela Georgelos
Commissioner Robert Brown
Commissioner Charles Covington
Commissioner Craig Curtis
Commissioner Timothy Dickman
Commissioner William Nassikas
Commissioner James Rose*

Tuesday, November 18, 2025

6:00 PM

Council Chambers

1. CALL TO ORDER / ROLL CALL

Notice is hereby given that members of the Planning Commission will attend either in person or by electronic conference system, pursuant to A.R.S. §38-431(4).

2. EXECUTIVE SESSION

The Planning Commission may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03.A.3.

3. APPROVAL OR AMENDMENT OF MINUTES

A. [25-255](#) Approval of November 4, 2025 Planning Commission Minutes.

Staff Contact: Cherise Fullbright, 480-348-3539

Attachments: [2025-11-04 PC Draft Minutes](#)

4. PRESENTATIONS

5. STUDY SESSION ITEMS

The Study Session is open to the public for viewing, and the following items are scheduled for discussion among the Planning Commission, Staff, and invited presenters. Votes will not be made on any of these items but may be made when the item is scheduled for final action later in the meeting or at a future meeting. Public comment will not be invited at this time.

A. [25-246](#) Citizen Review Session and Discussion on Proposed amendments to Article XVII, Assisted Living Home, of the Zoning Ordinance

Staff Contact: Chad Weaver, 480-348-3522

- Attachments:**
- [A. Staff Report](#)
 - [B. Background Material](#)
 - [C. Noticing](#)
 - [D. Ordinance 2025-04 \(Draft\)](#)
 - [E. Presentation](#)

6. PUBLIC HEARINGS - LEGISLATIVE ACTIONS

Items for Public Hearings are Legislative Actions scheduled for action by the Planning Commission. Staff will present the item, the Planning Commission will have an opportunity to discuss and ask questions of staff and/or the applicant, the public hearing will open for public comment, after receiving public comment the public hearing is closed, the Planning Commission may have further discussion, and lastly, the Planning Commission will take action on the item by making a motion.

7. ACTION ITEMS

Items for Action are scheduled for action by the Planning Commission. Staff will present the item, the Planning Commission will have an opportunity to discuss and ask questions of staff and/or the applicant, and lastly, the Planning Commission will make a motion on the item. Public comment is not required.

8. STAFF REPORTS

9. PUBLIC BODY REPORTS

10. FUTURE AGENDA ITEMS

11. ADJOURNMENT

AGENDA IS SUBJECT TO CHANGE

**Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Planning Commission are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived. The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 480-483-1811 (TDD) to request accommodation to participate in the Planning Commission meeting.*



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Report

File #: 25-255

AGENDA TITLE:
Approval of November 4, 2025 Planning Commission Minutes.

STAFF CONTACT:



Minutes – Draft

Planning Commission

- Chair Pamela Georgelos*
- Commissioner Robert Brown*
- Commissioner Charles Covington*
- Commissioner Craig Curtis*
- Commissioner Timothy Dickman*
- Commissioner William Nassikas*
- Commissioner James Rose*

Tuesday, November 4, 2025

6:00 PM

Council Chambers

1. CALL TO ORDER / ROLL CALL

Chair Georgelos called the meeting to order at 6:01 PM.

Present – Chair Pamela Georgelos
 Commissioner Robert Brown
 Commissioner Craig Curtis
 Commissioner Timothy Dickman
 Commissioner William Nassikas
 Commissioner Jim Rose

Absent – Commissioner Charles Covington

STAFF MEMBERS PRESENT

Town Attorney Andrew McGuire
 Community Development Director Chad Weaver
 Planning Manager Paul Michaud
 Lead Management Specialist Cherise Fullbright
 Vice Mayor Ellen Andeen

2. EXECUTIVE SESSION

3. APPROVAL OR AMENDMENT OF MINUTES

A. 25-248 Approval of October 21, 2025 Planning Commission Minutes.

A motion was made by Commissioner Dickman, seconded by Commissioner Nassikas, to approve the October 21st, 2025 meeting minutes as presented. The motion carried with the following vote:

Aye: Chair Georgelos, Commissioner Brown, Commissioner Curtis, Commissioner Dickman, Commissioner Nassikas, Commissioner Rose

Absent Commissioner Covington

4. PRESENTATIONS

5. STUDY SESSION ITEMS

A. 25-245 Proposed amendments for Administrative Review on Certain Plat Applications

Mr. Michaud presented the item on behalf of Mr. Weaver. He started by discussing the background and details of House Bill 2447, then explained the processes and staff's approach when addressing the amendments contained in the draft ordinance. He provided a summary of the proposed amendments, noting there was a "track change" document included in the packet.

Chair Georgelos asked and Mr. Michaud confirmed that if a lot split received a recommendation of approval from the Commission, the lot split would end with the Commission. It was noted that approval as drafted did not need to be unanimous, but a simple majority vote.

Commissioner Dickman wondered what would happen if a lot split was denied and was informed that the lot split would go directly to Council. He questioned if that was necessary and suggested that the applicant be required to request an appeal of the denial versus automatically going to Council for review.

Mr. McGuire sought clarification on the suggestion.

Discussion ensued regarding the automatic appeal to Council upon denial, previous lot split requests, and what determines unorthodox lot shapes and deviations.

Commissioner Dickman questioned if staff found ways to simplify or streamline processes for applicants.

Mr. Michaud explained that the Town did not get a lot of requests compared to other communities but shared that he does not receive a lot of push back from applicants.

Mr. McGuire reminded the Commission that when the mandatory timeframes were passed down by legislature last year, staff's internal clocks were already on a shorter timeframe. He reiterated that these applications do not come in often, but when they are filed it's a more focused process.

Chair Georgelos suggested an executive session.

A motion was made by Commissioner Nassikas, seconded by Commissioner Curtis, to enter into executive session at 6:28 PM. The motion carried with the following vote:

Aye: Chair Georgelos, Commissioner Brown, Commissioner Curtis, Commissioner Dickman, Commissioner Nassikas, Commissioner Rose

Absent Commissioner Covington

Discussion only. No action taken.

A motion was made by Commissioner Nassikas, seconded by Commissioner Curtis, to come out of executive session at 6:47 PM. The motion carried with the following vote:

Aye: Chair Georgelos, Commissioner Brown, Commissioner Curtis, Commissioner Dickman, Commissioner Nassikas, Commissioner Rose

Absent Commissioner Covington

Mr. Michaud went through the amendments one by one.

The Commission and staff discussed the “nearly 90 degrees” language.

Commissioner Dickman expressed his desire for clearer rules and a defined process for exceptions.

Mr. Weaver welcomed feedback and guidance from the Commission regarding the amendments.

Mr. McGuire shared a suggestion from Mr. Michaud for a 7-day review period when lot splits aren't exactly 90 degrees at the front.

Presentation and Discussion. No Reportable Action.

6. PUBLIC HEARINGS – LEGISLATIVE ACTIONS

7. ACTION ITEMS

8. STAFF REPORTS

9. PUBLIC BODY REPORTS

10. FUTURE AGENDA ITEMS

Mr. Michaud stated that the text amendment item heard this evening would go before Council on November 13th for Study Session and on December 11th for Public Hearing. He advised that the next Commission meeting scheduled for November 18th would include a Citizen Review Work Session and Work Session for Zoning Code amendments to the Assisted Living Home requirements. Further, there will not be a meeting on December 16th.

11. ADJOURNMENT

A motion was made by Commissioner Dickman, seconded by Commissioner Curtis, to adjourn the meeting at 7:03 PM. The motion carried with the following vote:

Aye: Chair Georgelos, Commissioner Brown, Commissioner Curtis, Commissioner Dickman, Commissioner Nassikas, Commissioner Rose

Absent Commissioner Covington

Paradise Valley Planning Commission

By: _____
Cherise Fullbright, Secretary



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Report

File #: 25-246

AGENDA TITLE:

Citizen Review Session and Discussion on Proposed amendments to Article XVII, Assisted Living Home, of the Zoning Ordinance

STAFF CONTACT:

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

ZONING ORDINANCE

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

ZONING ORDINANCE

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,

RESOLUTION NUMBER 2017-15

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, MODIFYING THE AN APPLICATION PROCESS FOR REASONABLE ACCOMMODATION REQUESTS BY OR FOR PERSONS WITH DISABILITIES, APPROVING CHANGES TO THE REASONABLE ACCOMMODATION PROCESS GUIDE AND FORMS; AND DECLARING AN EMERGENCY

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THAT:

WHEREAS, pursuant to federal law, a request for a reasonable accommodation may be made by any person with a disability, their representative, or a developer or provider for housing for individuals with a disability in order to provide disabled individuals with an equal opportunity to use and enjoy a dwelling; and

WHEREAS, pursuant to Resolution No. 1252, the Town of Paradise Valley (“Town”) has adopted standards and procedures for granting a reasonable accommodation to its zoning and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling, where such an accommodation does not cause an undue financial or administrative burden or does not result in a fundamental alteration in the nature of the Town’s zoning program, as those terms are defined in fair housing laws and interpretive case law; and

WHEREAS, Resolution No. 1252 adopted a reasonable accommodation guide (“Guide”) and forms to be completed by applicants for a reasonable accommodation (“Forms”), set a reasonable fee for any application for a reasonable accommodation, as

well as appointing a hearing officer to hear and consider applications for reasonable accommodations; and

WHEREAS, amendments to the Guide and the Forms adopted by Resolution No. 1252 are now necessary in order to provide for greater notice to neighboring properties and clarity on spacing requirements and property ownership requirements for reasonable accommodation requests; and

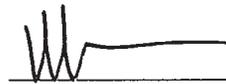
WHEREAS, by adoption of this Resolution, the Town desires to amend the Guide and Forms (both attached hereto as Exhibit A and incorporated herein by this reference), and authorize the Town Manager to make the changes to the Guide and the Forms immediately upon adoption of this Resolution;

NOW, THEREFORE, BE IT RESOLVED that the Town Council:

1. Adopts the changes to the Guide as set forth in Exhibit A hereto;
2. Adopts the changes to the Form as set forth in Exhibit A hereto;
3. Authorizes the Town Manager issue the new Guide and Forms to any applicant for any and all requests for reasonable accommodations.

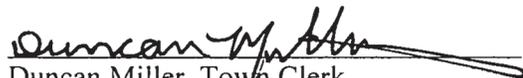
WHEREAS the immediate operation of the provisions of this Resolution are necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist and this Resolution shall be in full force and effect from and after its passage by the Town Council.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona this 22nd day of June, 2017.



Michael Collins, Mayor

ATTEST:


Duncan Miller, Town Clerk

APPROVED AS TO FORM

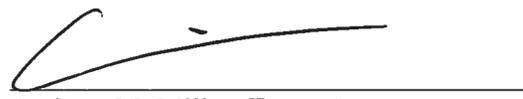

Andrew M. Miller, Town Attorney

EXHIBIT A

TOWN OF PARADISE VALLEY REASONABLE ACCOMMODATION GUIDE

Pursuant to federal law and Town Resolution No. 1252 (as amended by Resolution 2017-15), a request for a reasonable accommodation may be made by any person with a disability, their representative, or a developer or provider for housing for individuals with a disability in order to provide disabled individuals with an equal opportunity to use and enjoy a dwelling. The term “reasonable accommodation” is used here as the term is used in the Federal Fair Housing Amendments Act (“FHAA”), the Americans with Disabilities Act (“ADA”), and case law implementing and interpreting those statutes (“Fair Housing Law”).

Whether an accommodation can be granted is determined by the Town’s Accommodation Hearing Officer (who is appointed by the Town Manager) on a case-by-case basis. To request a reasonable accommodation, complete the Town’s Request for a Reasonable Accommodation Form and return it with the filing fee of \$500.00 to: Town of Paradise Valley, Attn: Accommodation Hearing Officer, 6401 E. Lincoln Drive, Paradise Valley, Arizona 85253. If you have any questions about the Request for Reasonable Accommodation Form or the requirements or procedures applicable to reasonable accommodation requests, please call Community Development Director at (480) 348-3522.

You may be required to provide additional information for the Accommodation Hearing Officer to properly evaluate your accommodation request. If needed, the Accommodation Hearing Officer may ask that medical and other health information be submitted; however, the name or extent of the disability will not be required. Unless the Accommodation Hearing Officer has previously requested additional information, the accommodation request shall be deemed complete ten days after it is received.

To ensure applicants have an actual, vested interest in the property where a reasonable accommodation is requested the applicant shall submit a current title report with all Schedule B exceptions shown, and either proof of property ownership or written notarized authorization from the property owner.

After receipt of a complete application, the Accommodation Hearing Officer may seek comments from Town staff or adjacent landowners before issuing a decision, depending on the type of accommodation requested. By way of example, if the accommodation request concerns the zoning of the subject property, comments may be sought from the Town’s Planning Division or landowners within 1,000 feet of the property; if the accommodation request concerns a building code provision, comments may be sought from the Town’s Building Department. If the Accommodation Hearing Officer seeks comments, they will be due no less than five days before the decision deadline; copies of any comments received will be provided to the applicant. Regardless of whether the Hearing Officer seeks comments, all Town property owners within one thousand (1,000) feet of the property will receive notice of the requested accommodation within five (5) days of the filing of the application and a copy of the Hearing Officer decision within five (5) days of the Accommodation Hearing Officer’s decision. Depending on the type of accommodation requested and comments received, if any, the Accommodation Hearing Officer may issue a decision, seek additional information from you, or conduct a public hearing after providing at least seven-day advance notice to you and those providing comments, unless the Accommodation Hearing Officer determines a shorter notice period is necessary or reasonable.

Within 30 days after receipt of a complete application, the Accommodation Hearing Officer shall issue a written decision granting the request, conditionally granting the request, offering an alternative accommodation, or denying the request with the reason for the denial stated. If the Accommodation Hearing Officer requests additional information from you during this 30-day period, the time for making

a decision shall be tolled until the additional information is received. The Accommodation Hearing Officer's decision will be considered final. The accommodation request and accompanying information will be kept with a record of the decision, will be a matter of public record, and will be made available to the public upon request.

REASONABLE ACCOMMODATION REQUIREMENTS

The following requirements must be met for the Town's Accommodation Hearing Officer to grant a reasonable accommodation. Please provide evidence to satisfy the requirements below on your Request for a Reasonable Accommodation Form.

1. The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under Fair Housing Law.
2. The requested accommodation is reasonable and necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.
3. The requested accommodation will not impose an undue financial or administrative burden on the Town as "undue financial or administrative burden" is defined in Fair Housing Law.
4. The requested accommodation will not result in a fundamental alteration in the nature of the Town's land use and zoning scheme, as "fundamental alteration" is defined in Fair Housing Law.
5. The requested accommodation complies with all other applicable Town Code provisions, zoning regulations, and development standards.
6. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.
7. The applicant owns the property for which a reasonable accommodation is requested, or has notarized written consent from the property owner to apply for the requested accommodation.
8. The requested accommodation site is not located on a lot within one thousand three hundred twenty (1,320) feet, measured by a straight line in any direction, from any lot line of another group home or any assisted living home located within the Town of Paradise Valley or any other jurisdiction.

REQUEST NO. _____

**TOWN OF PARADISE VALLEY
REQUEST FOR A REASONABLE ACCOMMODATION FORM**

SUBMITTAL DATE: _____

To aid the Town's Accommodation Hearing Officer in determining whether the necessary requirements can be met for approving or conditionally approving this request, please answer the following questions and attach additional pages if necessary. Return this completed form with the filing fee of \$500.00 to: Town of Paradise Valley, Attn: Accommodation Hearing Officer, 6401 E. Lincoln Drive, Paradise Valley, Arizona 85253. If you have any questions about this form or the requirements or procedures applicable to reasonable accommodation requests, please call Community Development Director at (480) 348-3522.

Applicant Information:

Name: _____

INDIVIDUAL CORPORATION LLC OTHER (check one)

Address: _____

Phone: _____ Fax: _____ E-mail: _____

Facility Information:

Name of Facility: _____

Address: _____

Assessor Parcel Number: _____

Are You the Owner of this Property? YES NO

Will smoking be allowed at this facility? YES NO

How many residents or employees will have vehicles parked on the premises? _____

1. Is this application being submitted by a person with a disability, that person's representative, or a developer or provider of housing for persons with a disability?

2. Does the applicant, or person with a disability on whose behalf the application is being made, have physical or mental impairments that substantially limit one or more of such person's major life activities? If so, please state the impairment and provide documentation of such impairment.

3. From which specific Town ordinance, rule, policy, procedure, practice, or service is an accommodation being requested?

4. Please describe the requested accommodation and explain why the specific accommodation requested is necessary to provide an equal opportunity to use and enjoy the dwelling. Please provide documentation to support your explanation.

5. Please describe alternative reasonable accommodations that may provide an equivalent level of benefit, if any, and explain how the alternatives are necessary to provide an equal opportunity to use and enjoy the dwelling. Please provide documentation to support your explanation.

6. Please explain why the requested accommodations will affirmatively enhance the quality of life of the person with a disability. Please provide documentation to support your explanation.

7. Please explain how the person with a disability will be denied an equal opportunity to use and enjoy the housing type of their choice absent the accommodations. Please provide documentation to support your explanation.

8. Please explain why the requested accommodations will not impose an undue financial or administrative burden on the Town.

9. Please explain the potential impact of the requested accommodations on the surrounding neighborhood and why the requested accommodations will not result in a fundamental alteration in the nature of the Town's land use and zoning scheme.

10. Please add any other information that may be helpful for the Town's Accommodation Hearing Officer to determine whether the requirements for approving the accommodations have been met.

11. If the applicant is a developer or provider of housing for individuals with a disability, please list any licenses or certifications required by applicable federal, state, county, and local laws and regulations and provide documentation of any such licenses or certifications.

12. If the applicant is a developer or provider of housing for persons with a disability, please describe whether or how it screens residents to determine whether their residency would constitute a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

41-1491. Definitions

In this article, unless the context otherwise requires:

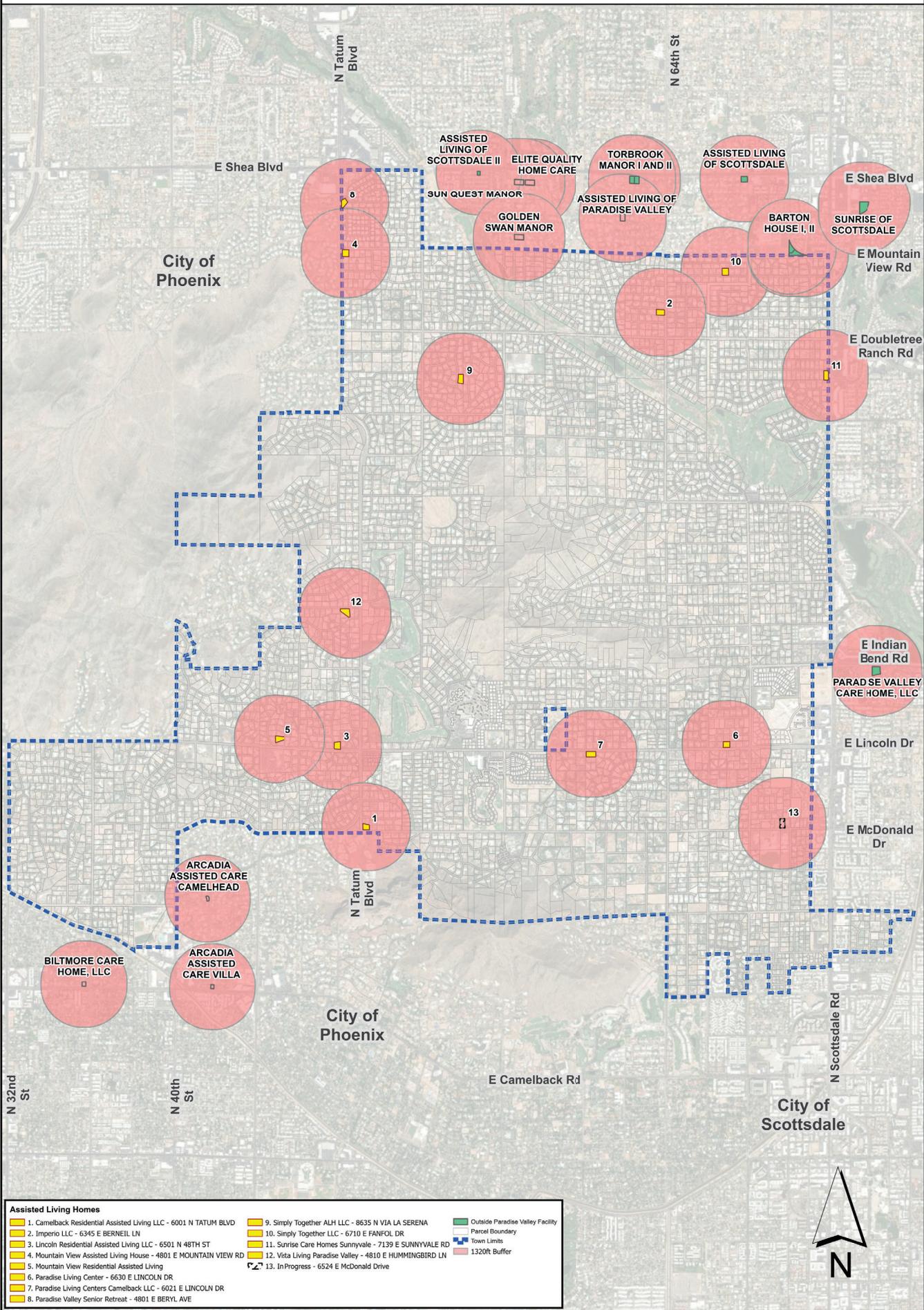
1. "Aggrieved person" includes any person who either:
 - (a) Claims to have been injured by a discriminatory housing practice.
 - (b) Believes that the person will be injured by a discriminatory housing practice that is about to occur.
2. "Assistance animal" means a trained or untrained animal that works, 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.

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.



Town of Paradise Valley, AZ Assisted Living Homes





[Insert Date]

[Insert staff name/title]
6401 E Lincoln Drive
Paradise Valley, AZ 85253
480-348-3531
[Insert email]

[Insert owner/applicant name]
[Insert address]

RE: Proposed Assisted Living Home
Address: [Insert site address]
APN: [Insert parcel number]
Zoning: [Insert zoning district]

Dear [Insert owner/applicant name]:

An assisted living home is permitted in the [Insert zoning] zoning district subject to compliance with Article II, Definitions, and Article XVII, Assisted Living Home, in the Town's Zoning Ordinance. Review of available records appear to show the proposed assisted living home at the above location is more than 1,320 feet from the lot line of any other assisted living home within the Town of Paradise Valley or any adjoining zip codes pursuant to Article XVII, Assisted Living Home. As of the date of this letter, the nearest assisted living facility is [Insert nearest assisted living facility] at [Insert address] at approximately [Insert distance] feet away. The proposed assisted living home is limited to a maximum of ten residents pursuant to Article XVII, Assisted Living Home (plus a maximum of two staff pursuant to Town policy).

This letter is not the Town's approval of an assisted living home at the above site location. Approval and operation of the assisted living home is dependent upon obtaining the necessary documentation from the State of Arizona, completion of the building permit process for any improvements, related inspections, and the issuance of a Town of Paradise Valley business license. You can contact the Town Clerk, Duncan Miller, or his designee for information on Town business licenses at 480-348-3610. You will also want to verify any additional rules subject to the property from any homeowner association regulations. If there is a homeowner association, provide this contact information to the Town.

All required improvements which include, and may not be limited to, the installation of fire sprinklers and emergency access shall be met along with all applicable inspections. You can contact the Town Fire Marshal/Building Official, Chuck Ransom at 480-348-3631 regarding any questions you have regarding these life safety requirements.

Sincerely,

[Insert staff name/title]

C: Chad Weaver, Community Development Director
Paul Michaud, Planning Manager
Chuck Ransom, Fire Marshal/Building Official
Duncan Miller, Town Clerk

Attached: Article XVII, Assisted Living Home

NOTICE OF PUBLIC HEARING TOWN OF PARADISE VALLEY

Notice is hereby given that the Town of Paradise Valley Planning Commission will hold two meetings regarding 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 law. The proposed modification will change the occupancy from not exceeding 10 residents (not including staff) to not exceeding 6 residents (not including staff). With operators and staff included, occupancy cannot exceed 8 persons. Parking is proposed to change from all parking by staff associated with such home shall be on site, to all parking associated with such home, staff or otherwise, shall be on site.

1. A **Citizen Review Session** at **6:00 p.m. on Tuesday, November 18, 2025**, at Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253 in accordance with Article 2-5, Section 2-5-2.G of the Town Code to gather information and provide opportunity for comment regarding the proposed amendments to Article XVII, Assisted Living Home, of the Town of Paradise Valley Zoning Ordinance.
2. A **Public Hearing** at **6:00 p.m. on Tuesday, December 2, 2025**, at Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253 in accordance with Section 2-5-2 of the Town Code and pursuant to A.R.S. § 9-462.04 to receive public comment and make a recommendation to the Town Council on the proposed amendments to Article XVII, Assisted Living Home, of the Town of Paradise Valley Zoning Ordinance.

If you have questions about this application, please contact the Community Development Department, 6401 E. Lincoln Drive, Paradise Valley, Arizona, 480-348-3692.

The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 483-1811 (TDD) to request accommodation.

All agendas are subject to change. You can view the agenda, find application material, and provide your input via eComment approximately 4-6 days prior to the meeting date at <https://paradisevalleyaz.legistar.com/Calendar.aspx>. You may also contact the staff liaison, Chad Weaver, at cweaver@paradisevalleyaz.gov or at 480-348-3522 at any time before the scheduled meeting date.

AFFIDAVIT OF PUBLICATION

Megan McMahon
Duncan Miller
Town Of Paradise Valley
6401 E Lincoln DR
Paradise Valley AZ 85253-4328

STATE OF WISCONSIN, COUNTY OF BROWN

The Arizona Business Gazette Republic Edition, a newspaper published in the city of Phoenix and general circulation in the counties of Pima, Maricopa, Coconino and Pinal, State of Arizona, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

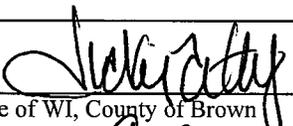
PNI AZ Business Gazette Rep Ed 11/01/2025

and that the fees charged are legal.

Sworn to and subscribed before on 11/01/2025



Legal Clerk



Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$130.18
Tax Amount: \$0.00
Payment Cost: \$130.18
Order No: 11772048 # of Copies:
Customer No: 1387287 1
PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

VICKY FELTY
Notary Public
State of Wisconsin

**NOTICE OF PUBLIC HEARING
TOWN OF PARADISE VALLEY**

Notice is hereby given that the Town of Paradise Valley Planning Commission will hold two meetings regarding 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. The proposed change will change the occupancy from not exceeding 10 residents (not including staff) to not exceeding 6 residents (and including operators and staff not to exceed 8 persons). Parking is proposed to change from all parking by staff associated with such home shall be on site, to all parking associated with such home shall be on site.

1. A **Citizen Review Session** at **6:00 p.m. on Tuesday, November 18, 2025**, at Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253 in accordance with Article 2-5, Section 2-5-2.G of the Town Code to gather information and provide opportunity for comment regarding the proposed amendments to Article XVII, Assisted Living Home, of the Town of Paradise Valley Zoning Ordinance.
2. A **Public Hearing** at **6:00 p.m. on Tuesday, December 2, 2025**, at Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253 in accordance with Section 2-5-2 of the Town Code and pursuant to A.R.S. § 9-462.04 to receive public comment and make a recommendation to the Town Council on the proposed amendments to Article XVII, Assisted Living Home, of the Town of Paradise Valley Zoning Ordinance.

If you have questions about this application, please contact the Community Development Department, 6401 E. Lincoln Drive, Paradise Valley, Arizona, 480-348-3692.

The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 483-1811 (TDD) to request accommodation.

All agendas are subject to change. You can view the agenda, find application material, and provide your input via eComment approximately 4-6 days prior to the meeting date at <https://paradisevalleyaz.legistar.com/Calendar.aspx>. You may also contact the staff liaison, Chad Weaver, at cweaver@paradisevalleyaz.gov or at 480-348-3522 at any time before the scheduled meeting date.

AFFIDAVIT OF MAILING NOTIFICATION

STATE OF ARIZONA)

) ss:

County of MARICOPA)

I, Cherise Fullbright, hereby certify that a Notice of Hearing regarding the proposed amendments to Article XVII, Assisted Living Home, of the Zoning Ordinance has been mailed to the 12 assisted living homes located within the Town of Paradise Valley. Such notification has been mailed on the following date: October 21, 2025.

Cherise Fullbright
Signature

The foregoing instrument was acknowledged by me this 30th day of October, 2025, by Cherise Fullbright.
Name



Kristi M Hillebert

NOTARY PUBLIC

My commission expires:

September 25, 2026

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 defines an “Assisted Living Home” as an assisted living facility that provides resident rooms to 10 or fewer residents, and A.R.S. § 36-403 authorizes municipalities to adopt building and zoning regulations for “health care institutions” (the definition of which includes Assisted Living Home) 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 and Town provisions relating to single family uses; and

WHEREAS, on December 2, 2025, the Town of Paradise Valley Planning Commission (the “Planning Commission”) held a public hearing, as prescribed by law, to consider Ordinance Number 2025-04, and recommended _____; and

WHEREAS, on _____, 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 _____, 2025.

Mark Stanton, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew McGuire, Town Attorney

TOWN OF PARADISE VALLEY

Assisted Living Home Text Amendment Citizen Review Work Session



Planning Commission
November 18, 2025

TODAY'S GOAL & AGENDA

2

- **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**



11/18/2025



BACKGROUND

- 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

4

- 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



11/18/2025

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

9

- 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



11/18/2025

DRAFT ORDINANCE 2025-04

- 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.



COMMENTS

- 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

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



