



TOWN OF
QUEEN CREEK
 ARIZONA

TO: PLANNING & ZONING COMMISSION

THROUGH: BRETT BURNINGHAM, DEVELOPMENT SERVICES DIRECTOR

FROM: ERIK SWANSON, PLANNING ADMINISTRATOR, SARAH CLARK, SENIOR PLANNER/PROJECT MANAGER

RE: PUBLIC HEARING AND POSSIBLE ACTION ON P24-0137 ACCESSORY DWELLING UNIT TEXT AMENDMENT, A STAFF-INITIATED ZONING ORDINANCE TEXT AMENDMENT IN RESPONSE TO NEW STATE LEGISLATION.

DATE: October 9, 2024

Suggested Action:

Move to recommend approval of P24-0137 Accessory Dwelling Unit Text Amendment.

Discussion:

This is a staff-initiated text amendment to the Zoning Ordinance in response to HB2720 that was approved in May of this year. The bill requires municipalities with populations greater than 75,000 persons to adopt regulations that allow accessory dwelling units (ADUs) where a single-family dwelling is allowed. Per the legislation, a municipality shall allow:

- At least 1 attached and 1 detached ADU as a permitted use
- At least 1 additional detached ADU on lots >1 acre if at least one of the ADUs on the lot is a restricted affordable ADU (offered for rent to households earning less than 80% Area Median Income)
- An ADU that is 75% of the habitable square footage of the home or 1,000sf (whichever is less)

Per the legislation, a municipality may not:

- Prohibit the ADU from being advertised as a long term rental
- Require relationship requirements for the ADU occupant
- Require additional parking
- Require the ADU to match the color, design, or material of the primary residence
- Require side and rear yard setbacks to be greater than 5 feet
- Require height, lot size, or lot coverage requirements that are different for the ADU than the home

The legislation provides for an exemption to the new ADU regulations for properties within a public airport's 60 DNL noise exposure area or higher area (Airport Overflight Area 1 and 2). Nearly the entirety of the Town is outside of the PMGA 60 DNL and therefore is not exempt and the state's ADU regulations apply.

The proposed text amendments are summarized below (in italics).

Section 1.14 Definitions is amended to delete and add the following definitions:

ACCESSORY APARTMENT. A supplementary, secondary dwelling unit that may be constructed as an addition to the principal structure or as an accessory to the principal

~~structure.~~

ACCESSORY DWELLING UNIT. *An attached or detached self-contained living unit that is on the same lot or parcel as a single-family dwelling of greater square footage than the accessory dwelling unit, that includes its own sleeping and sanitation facilities and that shall include its own kitchen. A detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons, and which includes provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary single-family dwelling is situated.* An “accessory dwelling unit” includes a “granny flat” or “guest house” as defined in this Ordinance.

RESTRICTED AFFORDABLE DWELLING UNIT. *Means a dwelling unit that, either through a deed restriction or a development agreement with the municipality, shall be rented to households earning up to 80% of the area median income.*

Table 4.6-1 Permitted Uses:

Table 4.6-1 Permitted Uses is amended to add an Accessory Use Allowance to the HDR/MDR zoning districts for Accessory Dwelling Units with the asterisk that indicates that the use listed is subject to standards, which in this case, only permit ADUs on single-family zoned lots, which MDR may allow. ADUs are not permitted in multi-family developments.

Use Category	Specific Use Type	A1 R1-190	R1-54	R1-18	R1-9 R1-8	HDR MDR	AT	RC	DC	MU	C-1	C-2	C-3	EMP-A	EMP-B	PRC	PQP
Dwelling Units	*Accessory Dwelling Units	A	A	A	A	A*	P	--	--	--	--	--	--	--	--	--	--

Section 6.1 Accessory Buildings and Uses is amended as follows:

A. General Standards.

1. Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal building has been substantially commenced or the primary use established. Accessory buildings shall not be used for dwelling purposes, except as provided in subsection B of this Section.
2. Accessory buildings shall not exceed the height regulations of the zoning district within any part of the buildable lot area, and shall not exceed fifteen feet (15') in height in any required yard.
3. Detached accessory buildings shall not be located in the required front yard setback. Detached accessory buildings may be built in the required rear yard setback area, but such accessory buildings shall not occupy more than thirty percent (30%) of said area and shall not be closer than five feet (5') from the rear lot line.
4. Except as permitted per Section 6.2, Animal Regulations, detached accessory buildings shall meet the side yard setback of the corresponding zoning district.
5. Accessory buildings on through lots shall not be closer to either street than a distance equal to the required front yard of such lot.

6. Accessory buildings that are not a *n accessory dwelling unit guesthouse* as defined by the Queen Creek Zoning Ordinance shall be allowed to install an electrical meter. Any accessory building that is later converted to an *accessory dwelling unit guesthouse* shall be required to remove the meter and connect to the electrical service of the main residence and meet all of the terms and conditions stated in Section 6.1.*DB.*, Accessory Dwelling Units.

7. Accessory buildings used in conjunction with a home occupation shall be subject to the requirements of Section 6.4 Home-Based Occupations.

8. Covered structures, such as stables, for the purpose of sheltering animals are considered detached accessory buildings and shall conform to standards set forth in Section 6.2.

B. Detached accessory buildings in Rural Zoning Districts A-1, AT, R1-190, R1-154, R1-108, R1-54, R1-43:

1. Detached accessory buildings (*dwelling units*, garages, sheds, barns, workshops, ramadas, pergolas, etc.) are not required to match the design of the primary residence. The color(s) of detached accessory buildings should be consistent with the primary residence.

2. Shade structures for animals may be designed with alternative materials and colors.
*Home Owner's Associations may have additional requirements.

C. Detached accessory buildings in Suburban Zoning Districts R1-35, R1-18, R1-15, R1-12, and Urban Zoning Districts R1-9, R1-8, R1-7, R1-6, R1-5, R-4, R-3, and R-2 .

1. Detached accessory buildings (*dwelling units*, garages, sheds, workshops, ramadas, pergolas, etc.) shall be of the same architectural design, including building materials, roof type, and color as the primary residence.

2. Barns and other shade structures for animals (applicable in R1-35 only) shall be of the same architectural design, including building materials, roof type, and color as the primary residence.

3. Hoopouses are not required to be of the same architectural design, including building materials, roof type, and color of the primary residence. Hoopouses shall be 7-foot or less in height.

D . ~~Detached~~ Accessory Dwelling Units (*ADUs*). ~~Detached~~—*a* Accessory dwelling units, where permitted pursuant to Section 4.6 of this Ordinance, shall not be established except in accordance with the following criteria in addition to the criteria set forth in Section 6.1.A hereto:

1. *General Requirements.*

a. *ADUs are permitted on single-family residential lots only.*

b. *An ADU may contain either a partial kitchen or full kitchen, but no more than one (1) kitchen per ADU is allowed.*

c. *An ADU shall have a separate and independent entrance from the primary residence.*

d. *An ADU shall comply with all applicable building code requirements for residential dwellings.*

e. *Mobile homes, recreational vehicles (RV) and trailers shall not be used as an ADU.*

f. *An ADU shall be provided with water, sewer, and electric utilities.*

g. *An ADU shall be served by the same water, sewer and electric utility providers*

and meters as the primary residence.

h. An ADU shall comply with all lot coverage requirements of the underlying zoning district.

i. Familial, marital, employment or other preexisting relationships between the owner or occupant of a single family dwelling and an ADU on the same lot or parcel is not required.

j. A minimum side and rear setback of five (5) feet shall be provided for all side and rear setbacks.

k. Front setbacks shall comply with the primary residence setback requirements for the underlying zoning district.

l. The height of an attached or detached ADU shall comply with the primary residence height requirements for the underlying zoning district.

m. Only one (1) attached ADU and one (1) detached ADU are permitted per lot or parcel that is zoned for single-family use.

n. Only one (1) additional detached ADU is permitted on a lot or parcel that is one (1) acre and at least one (1) of the ADUs is used as a restricted-affordable dwelling unit, which is defined as a dwelling unit that either, through a private deed restriction, is rented to households earning up to eighty percent (80%) of the area median income.

o. The ADU shall not exceed 75% of the primary residence's interior habitable area, or 1,000 square feet, whichever is less.

p. No additional parking spaces are required for an ADU.

q. The design of an ADU is not required to match the exterior design, colors, finishing materials, or roof pitch of the single-family dwelling on the same lot or parcel.

2. Restricted-Affordable Accessory Dwelling Unit.

a. The owner of a proposed restricted-affordable dwelling unit that is subject to this Chapter must execute and deliver an original recorded copy of a deed restriction on the Town standard form prior to issuance of a building permit for the construction of the proposed restricted-affordable dwelling unit on the lot or parcel.

b. The deed restriction shall be recorded by the owner of the lot burdened thereby in the property records of the County Recorder's Office and remain a covenant and restriction running with the property.

c. In the event the income status of the occupant of the restricted-affordable dwelling unit is altered so as to no longer meet the qualifications of this Section, said occupant shall be permitted to reside in the unit under the same terms and conditions of the unit lease, except that no extension of the lease term shall be granted.

~~1. Detached accessory dwelling units shall comply with the minimum yard and intensity of use regulations as set forth in Section 4.7 of this Ordinance;~~

~~2. Total square footage of a detached accessory dwelling unit, including attached garages and covered patios, shall not exceed fifty percent (50%) of the under roof square footage of the primary structure;~~

~~3. Only one (1) accessory dwelling unit shall be permitted per lot; and,~~

~~4. Required parking for the detached accessory dwelling unit shall be located on the property of the principal structure in accordance with the standards established in Section 5.6 of this Ordinance.~~

Attachment(s):

1. [HB2720 accessory dwelling units; requirements.pdf](#)

2. [Redlines - ADUs.pdf](#)